

As Reported by the Committee of Conference

128th General Assembly

Regular Session

2009-2010

Am. Sub. H. B. No. 1

Representative Sykes

**Cosponsors: Representatives Chandler, Brown, Bolon, Book,
Celeste, DeBose, DeGeeter, Domenick, Dyer, Hagan, Harris,
Harwood, Heard, Koziura, Letson, Luckie, Mallory, Pryor, Stewart,
Szollosi, Ujvagi, Weddington, Williams, B., Williams, S., Winburn,
Yates, Yuko**

Senators Carey, Goodman, Harris, Niehaus

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to amend Section 317.10 of Am. Sub. H.B. 2 of	338

the 128th General Assembly; to amend Sections	339
120.01 and 120.02 of Am. Sub. H.B. 119 of the	340
127th General Assembly; to amend Sections	341
103.80.80, 103.80.90, 301.10.50, and 301.30.30	342
of H.B. 496 of the 127th General Assembly; to	343
amend Sections 301.20.20 and 301.60.50 of H.B.	344
496 of the 127th General Assembly, as	345
subsequently amended; to amend Section 11 of Am.	346
Sub. H.B. 554 of the 127th General Assembly; to	347
amend Sections 233.30.20, 233.30.50, 233.40.30,	348
235.10, and 701.20 of H.B. 562 of the 127th	349
General Assembly; to amend Sections 227.10 and	350
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Assembly, as subsequently amended; to amend	352
Sections 217.11 and 231.20.30 of Am. Sub. H.B.	353
562 of the 127th General Assembly, as	354
subsequently amended; to amend Section 831.06 of	355
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Section 6 of H.B. 364 of the 124th General	359
Assembly and to amend Section 6 of H.B. 364 of the	360
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section 3314.027 of the Revised Code; to amend	362
Section 153 of Am. Sub. H.B. 117 of the 121st	363
General Assembly, as subsequently amended; to	364
repeal Section 3 of Am. Sub. H.B. 203 of the	365
126th General Assembly; to repeal Section 325.05	366
of Am. Sub. H.B. 2 of the 128th General	367
Assembly; to further amend sections 711.001,	368
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6111.44 of the Revised Code effective January 1,	370

2010; to amend the version of section 2949.111	371
of the Revised Code that is scheduled to take	372
effect January 1, 2010, to continue the	373
provisions of this act on and after that	374
effective date; to amend the version of section	375
5739.033 of the Revised Code that is scheduled	376
to take effect January 1, 2010, to continue the	377
provisions of this act on and after that	378
effective date; to repeal sections 5112.40,	379
5112.41, 5112.42, 5112.43, 5112.44, 5112.45,	380
5112.46, 5112.47, and 5112.48 of the Revised Code,	381
effective October 1, 2011; to repeal the version	382
of sections 1753.53 and 3923.38 of the Revised	383
Code that were scheduled to take effect January 1,	384
2010; to make operating appropriations for the	385
biennium beginning July 1, 2009, and ending June	386
30, 2011, and to provide authorization and	387
conditions for the operation of state programs.	388

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

Section 101.01. That sections 7.12, 9.06, 9.24, 9.314,	389
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5111.261, 5111.65, 5111.651, 5111.68, 5111.681, 5111.685,	550
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5727.84, 5728.12, 5729.03, 5729.98, 5733.01, 5733.04,	563
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5751.08, 5751.09, 5751.20, 5751.21, 5751.22, 5751.23, 5911.10,	569
5913.051, 5913.09, 6103.01, 6103.02, 6109.21, 6111.04,	570
6111.044, 6111.44, 6117.01, 6117.02, 6119.011, and 6301.03 be	571
amended; sections 173.43 (173.422), 1517.14 (1547.81), 1517.16	572
(1547.82), 1517.17 (1547.83), 1517.18 (1547.84), 3313.174	573
(3313.82), 3319.233 (3333.049), 5101.5110 (5101.5111),	574

5111.019 (5111.0120), and 5111.688 (5111.689) be amended for	575
the purpose of adopting new section numbers as indicated in	576
parentheses; new sections 173.43, 3301.0712, 3319.222,	577
5101.5110, 5111.688, and 5112.371 and sections 5.2265, 9.317,	578
103.24, 107.19, 111.26, 111.27, 121.375, 122.042, 122.12,	579
122.121, 122.85, 124.393, 124.821, 124.822, 124.86, 125.181,	580
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717.25, 901.041, 901.91, 927.54, 943.031, 1321.521, 1321.522,	586
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1321.552, 1321.591, 1321.592, 1321.593, 1321.594, 1322.022,	588
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3306.57, 3306.58, 3310.15, 3311.0510, 3313.6015, 3313.719,	599
3313.821, 3313.822, 3313.83, 3313.86, 3314.028, 3314.088, 3314.44,	600
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3702.593, 3702.594, 3705.031, 3709.092, 3715.041, 3721.511,	605
3721.512, 3721.513, 3722.022, 3734.282, 3770.21, 3793.21,	606
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4781.21, 4781.22, 4781.23, 4781.24, 4781.25, 4781.99, 610
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5112.48, 5119.613, 5119.621, 5123.193, 5123.197, 5155.38, 616
5505.152, 5525.26, 5537.051, 5705.219, 5705.2110, 5705.2111, 617
5725.33, 5729.16, 5733.58, 5733.59, 5739.051, 5747.66, 618
5751.014, 5911.11, 5919.20, 5919.36, and 6119.091 of the Revised 619
Code be enacted; and Section 6 of H.B. 364 of the 124th General 620
Assembly be amended and Section 6 of H.B. 364 of the 124th General 621
Assembly be amended to codify as section 3314.027 of the Revised 622
Code to read as follows: 623

Sec. 5.2265. The month of August is designated as "Ohio 624
Military Family Month." 625

Sec. 7.12. Whenever any legal publication is required by law 626
to be made in a newspaper published in a municipal corporation, 627
county, or other political subdivision, the newspaper shall also 628
be a newspaper of general circulation in the municipal 629
corporation, county, or other political subdivision, without 630
further restriction or limitation upon a selection of the 631
newspaper to be used. If no newspaper is published in such 632
municipal corporation, county, or other political subdivision, 633
such legal publication shall be made in any newspaper of general 634
circulation therein. If there are less than two newspapers 635
published in any municipal corporation, county, or other political 636
subdivision in the manner defined by this section, then any legal 637
publication required by law to be made in a newspaper published in 638
a municipal corporation, county, or other political subdivision 639
may be made in any newspaper regularly issued at stated intervals 640
from a known office of publication located within the municipal 641
corporation, county, or other political subdivision. As used in 642

this section, a known office of publication is a public office 643
where the business of the newspaper is transacted during the usual 644
business hours, and such office shall be shown by the publication 645
itself. 646

In addition to all other requirements, a newspaper or 647
newspaper of general circulation, except those publications 648
performing the functions described in section 2701.09 of the 649
Revised Code for a period of one year immediately preceding any 650
such publication required to be made, shall be a publication 651
bearing a title or name, regularly issued as frequently as once a 652
week ~~for a definite price or consideration paid for by not less~~ 653
~~than fifty per cent of those to whom distribution is made, having~~ 654
~~a second class mailing privilege,~~ being not less than four pages, 655
published continuously during the immediately preceding one-year 656
period, and circulated generally in the political subdivision in 657
which it is published. Such publication must be of a type to which 658
the general public resorts for passing events of a political, 659
religious, commercial, and social nature, current happenings, 660
announcements, miscellaneous reading matter, advertisements, and 661
other notices, that has at least twenty-five per cent editorial, 662
nonadvertising content, exclusive of inserts, measured relative to 663
total publication space, and an audited circulation to at least 664
fifty per cent of the households in the newspaper's retail trade 665
zone as defined by the audit. 666

Any notice required to be published in a newspaper of general 667
circulation may appear on an insert placed in such a newspaper. A 668
responsible party who is required to publish such a notice shall 669
consider various advertising media to determine which media might 670
reach the intended public most broadly. The responsible party need 671
publish the notice in only one qualified medium to meet the 672
requirements of law. 673

Sec. 9.06. (A)(1) The department of rehabilitation and 674

correction ~~shall~~may contract for the private operation and 675
management pursuant to this section of the initial intensive 676
program prison established pursuant to section 5120.033 of the 677
Revised Code, if one or more intensive program prisons are 678
established under that section, and may contract for the private 679
operation and management of any other facility under this section. 680
Counties and municipal corporations to the extent authorized in 681
sections 307.93, 341.35, 753.03, and 753.15 of the Revised Code, 682
may contract for the private operation and management of a 683
facility under this section. A contract entered into under this 684
section shall be for an initial term of not more than two years, 685
with an option to renew for additional periods of two years. 686

(2) The department of rehabilitation and correction, by rule, 687
shall adopt minimum criteria and specifications that a person or 688
entity, other than a person or entity that satisfies the criteria 689
set forth in division (A)(3)(a) of this section and subject to 690
division (I) of this section, must satisfy in order to apply to 691
operate and manage as a contractor pursuant to this section the 692
initial intensive program prison established pursuant to section 693
5120.033 of the Revised Code, if one or more intensive program 694
prisons are established under that section. 695

(3) Subject to division (I) of this section, any person or 696
entity that applies to operate and manage a facility as a 697
contractor pursuant to this section shall satisfy one or more of 698
the following criteria: 699

(a) The person or entity is accredited by the American 700
correctional association and, at the time of the application, 701
operates and manages one or more facilities accredited by the 702
American correctional association. 703

(b) The person or entity satisfies all of the minimum 704
criteria and specifications adopted by the department of 705
rehabilitation and correction pursuant to division (A)(2) of this 706

section, provided that this alternative shall be available only in 707
relation to the initial intensive program prison established 708
pursuant to section 5120.033 of the Revised Code, if one or more 709
intensive program prisons are established under that section. 710

(4) Subject to division (I) of this section, before a public 711
entity may enter into a contract under this section, the 712
contractor shall convincingly demonstrate to the public entity 713
that it can operate the facility with the inmate capacity required 714
by the public entity and provide the services required in this 715
section and realize at least a five per cent savings over the 716
projected cost to the public entity of providing these same 717
services to operate the facility that is the subject of the 718
contract. No out-of-state prisoners may be housed in any facility 719
that is the subject of a contract entered into under this section. 720

(B) Subject to division (I) of this section, any contract 721
entered into under this section shall include all of the 722
following: 723

(1) A requirement that the contractor retain the contractor's 724
accreditation from the American correctional association 725
throughout the contract term or, if the contractor applied 726
pursuant to division (A)(3)(b) of this section, continue complying 727
with the applicable criteria and specifications adopted by the 728
department of rehabilitation and correction pursuant to division 729
(A)(2) of this section; 730

(2) A requirement that all of the following conditions be 731
met: 732

(a) The contractor begins the process of accrediting the 733
facility with the American correctional association no later than 734
sixty days after the facility receives its first inmate. 735

(b) The contractor receives accreditation of the facility 736

within twelve months after the date the contractor applies to the American correctional association for accreditation.

(c) Once the accreditation is received, the contractor maintains it for the duration of the contract term.

(d) If the contractor does not comply with divisions (B)(2)(a) to (c) of this section, the contractor is in violation of the contract, and the public entity may revoke the contract at its discretion.

(3) A requirement that the contractor comply with all rules promulgated by the department of rehabilitation and correction that apply to the operation and management of correctional facilities, including the minimum standards for jails in Ohio and policies regarding the use of force and the use of deadly force, although the public entity may require more stringent standards, and comply with any applicable laws, rules, or regulations of the federal, state, and local governments, including, but not limited to, sanitation, food service, safety, and health regulations. The contractor shall be required to send copies of reports of inspections completed by the appropriate authorities regarding compliance with rules and regulations to the director of rehabilitation and correction or the director's designee and, if contracting with a local public entity, to the governing authority of that entity.

(4) A requirement that the contractor report for investigation all crimes in connection with the facility to the public entity, to all local law enforcement agencies with jurisdiction over the place at which the facility is located, and, for a crime committed at a state correctional institution, to the state highway patrol;

(5) A requirement that the contractor immediately report all escapes from the facility, and the apprehension of all escapees,

by telephone and in writing to all local law enforcement agencies 768
with jurisdiction over the place at which the facility is located, 769
to the prosecuting attorney of the county in which the facility is 770
located, to the state highway patrol, to a daily newspaper having 771
general circulation in the county in which the facility is 772
located, and, if the facility is a state correctional institution, 773
to the department of rehabilitation and correction. The written 774
notice may be by either facsimile transmission or mail. A failure 775
to comply with this requirement regarding an escape is a violation 776
of section 2921.22 of the Revised Code. 777

(6) A requirement that, if the facility is a state 778
correctional institution, the contractor provide a written report 779
within specified time limits to the director of rehabilitation and 780
correction or the director's designee of all unusual incidents at 781
the facility as defined in rules promulgated by the department of 782
rehabilitation and correction or, if the facility is a local 783
correctional institution, that the contractor provide a written 784
report of all unusual incidents at the facility to the governing 785
authority of the local public entity; 786

(7) A requirement that the contractor maintain proper control 787
of inmates' personal funds pursuant to rules promulgated by the 788
department of rehabilitation and correction, for state 789
correctional institutions, or pursuant to the minimum standards 790
for jails along with any additional standards established by the 791
local public entity, for local correctional institutions, and that 792
records pertaining to these funds be made available to 793
representatives of the public entity for review or audit; 794

(8) A requirement that the contractor prepare and distribute 795
to the director of rehabilitation and correction or, if 796
contracting with a local public entity, to the governing authority 797
of the local entity, annual budget income and expenditure 798
statements and funding source financial reports; 799

(9) A requirement that the public entity appoint and supervise a full-time contract monitor, that the contractor provide suitable office space for the contract monitor at the facility, and that the contractor allow the contract monitor unrestricted access to all parts of the facility and all records of the facility except the contractor's financial records;	800 801 802 803 804 805
(10) A requirement that if the facility is a state correctional institution, designated department of rehabilitation and correction staff members be allowed access to the facility in accordance with rules promulgated by the department;	806 807 808 809
(11) A requirement that the contractor provide internal and perimeter security as agreed upon in the contract;	810 811
(12) If the facility is a state correctional institution, a requirement that the contractor impose discipline on inmates housed in a state correctional institution, only in accordance with rules promulgated by the department of rehabilitation and correction;	812 813 814 815 816
(13) A requirement that the facility be staffed at all times with a staffing pattern approved by the public entity and adequate both to ensure supervision of inmates and maintenance of security within the facility, and to provide for programs, transportation, security, and other operational needs. In determining security needs, the contractor shall be required to consider, among other things, the proximity of the facility to neighborhoods and schools.	817 818 819 820 821 822 823 824
(14) If the contract is with a local public entity, a requirement that the contractor provide services and programs, consistent with the minimum standards for jails promulgated by the department of rehabilitation and correction under section 5120.10 of the Revised Code;	825 826 827 828 829

(15) A clear statement that no immunity from liability granted to the state, and no immunity from liability granted to political subdivisions under Chapter 2744. of the Revised Code, shall extend to the contractor or any of the contractor's employees;	830 831 832 833 834
(16) A statement that all documents and records relevant to the facility shall be maintained in the same manner required for, and subject to the same laws, rules, and regulations as apply to, the records of the public entity;	835 836 837 838
(17) Authorization for the public entity to impose a fine on the contractor from a schedule of fines included in the contract for the contractor's failure to perform its contractual duties, or to cancel the contract, as the public entity considers appropriate. If a fine is imposed, the public entity may reduce the payment owed to the contractor pursuant to any invoice in the amount of the imposed fine.	839 840 841 842 843 844 845
(18) A statement that all services provided or goods produced at the facility shall be subject to the same regulations, and the same distribution limitations, as apply to goods and services produced at other correctional institutions;	846 847 848 849
(19) Authorization for the department to establish one or more prison industries at a facility operated and managed by a contractor for the department;	850 851 852
(20) A requirement that, if the facility is an intensive program prison established pursuant to section 5120.033 of the Revised Code, the facility shall comply with all criteria for intensive program prisons of that type that are set forth in that section;	853 854 855 856 857
(21) If the institution is a state correctional institution, a requirement that the contractor provide clothing for all inmates	858 859

housed in the facility that is conspicuous in its color, style, or 860
color and style, that conspicuously identifies its wearer as an 861
inmate, and that is readily distinguishable from clothing of a 862
nature that normally is worn outside the facility by non-inmates, 863
that the contractor require all inmates housed in the facility to 864
wear the clothing so provided, and that the contractor not permit 865
any inmate, while inside or on the premises of the facility or 866
while being transported to or from the facility, to wear any 867
clothing of a nature that does not conspicuously identify its 868
wearer as an inmate and that normally is worn outside the facility 869
by non-inmates. 870

(C) No contract entered into under this section may require, 871
authorize, or imply a delegation of the authority or 872
responsibility of the public entity to a contractor for any of the 873
following: 874

(1) Developing or implementing procedures for calculating 875
inmate release and parole eligibility dates and recommending the 876
granting or denying of parole, although the contractor may submit 877
written reports that have been prepared in the ordinary course of 878
business; 879

(2) Developing or implementing procedures for calculating and 880
awarding earned credits, approving the type of work inmates may 881
perform and the wage or earned credits, if any, that may be 882
awarded to inmates engaging in that work, and granting, denying, 883
or revoking earned credits; 884

(3) For inmates serving a term imposed for a felony offense 885
committed prior to July 1, 1996, or for a misdemeanor offense, 886
developing or implementing procedures for calculating and awarding 887
good time, approving the good time, if any, that may be awarded to 888
inmates engaging in work, and granting, denying, or revoking good 889
time; 890

(4) For inmates serving a term imposed for a felony offense 891
committed on or after July 1, 1996, extending an inmate's term 892
pursuant to the provisions of law governing bad time; 893

(5) Classifying an inmate or placing an inmate in a more or a 894
less restrictive custody than the custody ordered by the public 895
entity; 896

(6) Approving inmates for work release; 897

(7) Contracting for local or long distance telephone services 898
for inmates or receiving commissions from those services at a 899
facility that is owned by or operated under a contract with the 900
department. 901

(D) A contractor that has been approved to operate a facility 902
under this section, and a person or entity that enters into a 903
contract for specialized services, as described in division (I) of 904
this section, relative to an intensive program prison established 905
pursuant to section 5120.033 of the Revised Code to be operated by 906
a contractor that has been approved to operate the prison under 907
this section, shall provide an adequate policy of insurance 908
specifically including, but not limited to, insurance for civil 909
rights claims as determined by a risk management or actuarial firm 910
with demonstrated experience in public liability for state 911
governments. The insurance policy shall provide that the state, 912
including all state agencies, and all political subdivisions of 913
the state with jurisdiction over the facility or in which a 914
facility is located are named as insured, and that the state and 915
its political subdivisions shall be sent any notice of 916
cancellation. The contractor may not self-insure. 917

A contractor that has been approved to operate a facility 918
under this section, and a person or entity that enters into a 919
contract for specialized services, as described in division (I) of 920
this section, relative to an intensive program prison established 921

pursuant to section 5120.033 of the Revised Code to be operated by 922
a contractor that has been approved to operate the prison under 923
this section, shall indemnify and hold harmless the state, its 924
officers, agents, and employees, and any local government entity 925
in the state having jurisdiction over the facility or ownership of 926
the facility, shall reimburse the state for its costs in defending 927
the state or any of its officers, agents, or employees, and shall 928
reimburse any local government entity of that nature for its costs 929
in defending the local government entity, from all of the 930
following: 931

(1) Any claims or losses for services rendered by the 932
contractor, person, or entity performing or supplying services in 933
connection with the performance of the contract; 934

(2) Any failure of the contractor, person, or entity or its 935
officers or employees to adhere to the laws, rules, regulations, 936
or terms agreed to in the contract; 937

(3) Any constitutional, federal, state, or civil rights claim 938
brought against the state related to the facility operated and 939
managed by the contractor; 940

(4) Any claims, losses, demands, or causes of action arising 941
out of the contractor's, person's, or entity's activities in this 942
state; 943

(5) Any attorney's fees or court costs arising from any 944
habeas corpus actions or other inmate suits that may arise from 945
any event that occurred at the facility or was a result of such an 946
event, or arise over the conditions, management, or operation of 947
the facility, which fees and costs shall include, but not be 948
limited to, attorney's fees for the state's representation and for 949
any court-appointed representation of any inmate, and the costs of 950
any special judge who may be appointed to hear those actions or 951
suits. 952

(E) Private correctional officers of a contractor operating 953
and managing a facility pursuant to a contract entered into under 954
this section may carry and use firearms in the course of their 955
employment only after being certified as satisfactorily completing 956
an approved training program as described in division (A) of 957
section 109.78 of the Revised Code. 958

(F) Upon notification by the contractor of an escape from, or 959
of a disturbance at, the facility that is the subject of a 960
contract entered into under this section, the department of 961
rehabilitation and correction and state and local law enforcement 962
agencies shall use all reasonable means to recapture escapees or 963
quell any disturbance. Any cost incurred by the state or its 964
political subdivisions relating to the apprehension of an escapee 965
or the quelling of a disturbance at the facility shall be 966
chargeable to and borne by the contractor. The contractor shall 967
also reimburse the state or its political subdivisions for all 968
reasonable costs incurred relating to the temporary detention of 969
the escapee following recapture. 970

(G) Any offense that would be a crime if committed at a state 971
correctional institution or jail, workhouse, prison, or other 972
correctional facility shall be a crime if committed by or with 973
regard to inmates at facilities operated pursuant to a contract 974
entered into under this section. 975

(H) A contractor operating and managing a facility pursuant 976
to a contract entered into under this section shall pay any inmate 977
workers at the facility at the rate approved by the public entity. 978
Inmates working at the facility shall not be considered employees 979
of the contractor. 980

(I) In contracting for the private operation and management 981
pursuant to division (A) of this section of ~~the initial~~any 982
intensive program prison established pursuant to section 5120.033 983

of the Revised Code ~~or of any other intensive program prison~~ 984
~~established pursuant to that section,~~ the department of 985
rehabilitation and correction may enter into a contract with a 986
contractor for the general operation and management of the prison 987
and may enter into one or more separate contracts with other 988
persons or entities for the provision of specialized services for 989
persons confined in the prison, including, but not limited to, 990
security or training services or medical, counseling, educational, 991
or similar treatment programs. If, pursuant to this division, the 992
department enters into a contract with a contractor for the 993
general operation and management of the prison and also enters 994
into one or more specialized service contracts with other persons 995
or entities, all of the following apply: 996

(1) The contract for the general operation and management 997
shall comply with all requirements and criteria set forth in this 998
section, and all provisions of this section apply in relation to 999
the prison operated and managed pursuant to the contract. 1000

(2) Divisions (A)(2), (B), and (C) of this section do not 1001
apply in relation to any specialized services contract, except to 1002
the extent that the provisions of those divisions clearly are 1003
relevant to the specialized services to be provided under the 1004
specialized services contract. Division (D) of this section 1005
applies in relation to each specialized services contract. 1006

(J) As used in this section: 1007

(1) "Public entity" means the department of rehabilitation 1008
and correction, or a county or municipal corporation or a 1009
combination of counties and municipal corporations, that has 1010
jurisdiction over a facility that is the subject of a contract 1011
entered into under this section. 1012

(2) "Local public entity" means a county or municipal 1013
corporation, or a combination of counties and municipal 1014

corporations, that has jurisdiction over a jail, workhouse, or 1015
other correctional facility used only for misdemeanants that is 1016
the subject of a contract entered into under this section. 1017

(3) "Governing authority of a local public entity" means, for 1018
a county, the board of county commissioners; for a municipal 1019
corporation, the legislative authority; for a combination of 1020
counties and municipal ~~corporation~~corporations, all the boards of 1021
county commissioners and municipal legislative authorities that 1022
joined to create the facility. 1023

(4) "Contractor" means a person or entity that enters into a 1024
contract under this section to operate and manage a jail, 1025
workhouse, or other correctional facility. 1026

(5) "Facility" means the specific county, multicounty, 1027
municipal, municipal-county, or multicounty-municipal jail, 1028
workhouse, prison, or other type of correctional institution or 1029
facility used only for misdemeanants, or a state correctional 1030
institution, that is the subject of a contract entered into under 1031
this section. 1032

(6) "Person or entity" in the case of a contract for the 1033
private operation and management of a state correctional 1034
institution, includes an employee organization, as defined in 1035
section 4117.01 of the Revised Code, that represents employees at 1036
state correctional institutions. 1037

Sec. 9.24. (A) Except as may be allowed under division (F) 1038
of this section, no state agency and no political subdivision 1039
shall award a contract as described in division (G)(1) of this 1040
section for goods, services, or construction, paid for in whole 1041
or in part with state funds, to a person against whom a finding 1042
for recovery has been issued by the auditor of state on and after 1043
January 1, 2001, if the finding for recovery is unresolved. 1044

A contract is considered to be awarded when it is entered
into or executed, irrespective of whether the parties to the
contract have exchanged any money.

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(B) For purposes of this section, a finding for recovery is
unresolved unless one of the following criteria applies:

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(1) The money identified in the finding for recovery is paid
in full to the state agency or political subdivision to whom the
money was owed;

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(2) The debtor has entered into a repayment plan that is
approved by the attorney general and the state agency or political
subdivision to whom the money identified in the finding for
recovery is owed. A repayment plan may include a provision
permitting a state agency or political subdivision to withhold
payment to a debtor for goods, services, or construction provided
to or for the state agency or political subdivision pursuant to a
contract that is entered into with the debtor after the date the
finding for recovery was issued.

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(3) The attorney general waives a repayment plan described in
division (B)(2) of this section for good cause;

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(4) The debtor and state agency or political subdivision to
whom the money identified in the finding for recovery is owed have
agreed to a payment plan established through an enforceable
settlement agreement.

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(5) The state agency or political subdivision desiring to
enter into a contract with a debtor certifies, and the attorney
general concurs, that all of the following are true:

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(a) Essential services the state agency or political
subdivision is seeking to obtain from the debtor cannot be
provided by any other person besides the debtor;

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(b) Awarding a contract to the debtor for the essential
services described in division (B)(5)(a) of this section is in the
best interest of the state;

(c) Good faith efforts have been made to collect the money
identified in the finding of recovery.

(6) The debtor has commenced an action to contest the finding
for recovery and a final determination on the action has not yet
been reached.

(C) The attorney general shall submit an initial report to
the auditor of state, not later than December 1, 2003, indicating
the status of collection for all findings for recovery issued by
the auditor of state for calendar years 2001, 2002, and 2003.
Beginning on January 1, 2004, the attorney general shall submit to
the auditor of state, on the first day of every January, April,
July, and October, a list of all findings for recovery that have
been resolved in accordance with division (B) of this section
during the calendar quarter preceding the submission of the list
and a description of the means of resolution. The attorney general
shall notify the auditor of state when a judgment is issued
against an entity described in division (F)(1) of this section.

(D) The auditor of state shall maintain a database,
accessible to the public, listing persons against whom an
unresolved finding for recovery has been issued, and the amount of
the money identified in the unresolved finding for recovery. The
auditor of state shall have this database operational on or before
January 1, 2004. The initial database shall contain the
information required under this division for calendar years 2001,
2002, and 2003.

Beginning January 15, 2004, the auditor of state shall update
the database by the fifteenth day of every January, April, July,

and October to reflect resolved findings for recovery that are
reported to the auditor of state by the attorney general on the
first day of the same month pursuant to division (C) of this
section.

(E) Before awarding a contract as described in division
(G)(1) of this section for goods, services, or construction, paid
for in whole or in part with state funds, a state agency or
political subdivision shall verify that the person to whom the
state agency or political subdivision plans to award the contract
has no unresolved finding for recovery issued against the person.
A state agency or political subdivision shall verify that the
person does not appear in the database described in division (D)
of this section or shall obtain other proof that the person has no
unresolved finding for recovery issued against the person.

(F) The prohibition of division (A) of this section and the
requirement of division (E) of this section do not apply with
respect to the companies, payments, or agreements described in
divisions (F)(1) and (2) of this section, or in the circumstance
described in division (F)(3) of this section.

(1) A bonding company or a company authorized to transact the
business of insurance in this state, a self-insurance pool, joint
self-insurance pool, risk management program, or joint risk
management program, unless a court has entered a final judgment
against the company and the company has not yet satisfied the
final judgment.

(2) To medicaid provider agreements under Chapter 5111. of
the Revised Code, ~~payments or provider agreements under~~
~~disability assistance medical assistance established under Chapter~~
~~5115. of the Revised Code~~, or payments or provider agreements
under the children's buy-in program established under sections
5101.5211 to 5101.5216 of the Revised Code.

(3) When federal law dictates that a specified entity provide the goods, services, or construction for which a contract is being awarded, regardless of whether that entity would otherwise be prohibited from entering into the contract pursuant to this section.	1135 1136 1137 1138 1139
(G)(1) This section applies only to contracts for goods, services, or construction that satisfy the criteria in either division (G)(1)(a) or (b) of this section. This section may apply to contracts for goods, services, or construction that satisfy the criteria in division (G)(1)(c) of this section, provided that the contracts also satisfy the criteria in either division (G)(1)(a) or (b) of this section.	1140 1141 1142 1143 1144 1145 1146
(a) The cost for the goods, services, or construction provided under the contract is estimated to exceed twenty-five thousand dollars.	1147 1148 1149
(b) The aggregate cost for the goods, services, or construction provided under multiple contracts entered into by the particular state agency and a single person or the particular political subdivision and a single person within the fiscal year preceding the fiscal year within which a contract is being entered into by that same state agency and the same single person or the same political subdivision and the same single person, exceeded fifty thousand dollars.	1150 1151 1152 1153 1154 1155 1156 1157
(c) The contract is a renewal of a contract previously entered into and renewed pursuant to that preceding contract.	1158 1159
(2) This section does not apply to employment contracts.	1160
(H) As used in this section:	1161
(1) "State agency" has the same meaning as in section 9.66 of the Revised Code.	1162 1163

(2) "Political subdivision" means a political subdivision as defined in section 9.82 of the Revised Code that has received more than fifty thousand dollars of state money in the current fiscal year or the preceding fiscal year.

(3) "Finding for recovery" means a determination issued by the auditor of state, contained in a report the auditor of state gives to the attorney general pursuant to section 117.28 of the Revised Code, that public money has been illegally expended, public money has been collected but not been accounted for, public money is due but has not been collected, or public property has been converted or misappropriated.

(4) "Debtor" means a person against whom a finding for recovery has been issued.

(5) "Person" means the person named in the finding for recovery.

(6) "State money" does not include funds the state receives from another source and passes through to a political subdivision.

Sec. 9.314. (A) As used in this section:

(1) "Contracting authority" has the same meaning as in section 307.92 of the Revised Code.

(2) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in geographic areas smaller than that of the state and also includes a contracting authority.

(3) "Reverse auction" means a purchasing process in which

offerors submit proposals in competing to sell services or 1191
supplies in an open environment via the internet. 1192

(4) "Services" means the furnishing of labor, time, or effort 1193
by a person, not involving the delivery of a specific end product 1194
other than a report which, if provided, is merely incidental to 1195
the required performance. "Services" does not include services 1196
furnished pursuant to employment agreements or collective 1197
bargaining agreements. 1198

(5) "Supplies" means all property, including, but not limited 1199
to, equipment, materials, other tangible assets, and insurance, 1200
but excluding real property or interests in real property. 1201

(B)(1) Whenever any political subdivision determines that the 1202
use of a reverse auction is advantageous to the political 1203
subdivision, the political subdivision, in accordance with this 1204
section and rules the political subdivision shall adopt, may 1205
purchase services or supplies by reverse auction. 1206

(2) A political subdivision shall not purchase supplies or 1207
services by reverse auction if the contract concerns the design, 1208
construction, alteration, repair, reconstruction, or demolition of 1209
a building, highway, road, street, alley, drainage system, water 1210
system, waterworks, ditch, sewer, sewage disposal plant, or any 1211
other structure or works of any kind. 1212

(C) A political subdivision shall solicit proposals through a 1213
request for proposals. The request for proposals shall state the 1214
relative importance of price and other evaluation factors. The 1215
political subdivision shall give notice of the request for 1216
proposals in accordance with the rules it adopts. 1217

(D) As provided in the request for proposals and in the rules 1218
a political subdivision adopts, and to ensure full understanding 1219
of and responsiveness to solicitation requirements, the political 1220

subdivision may conduct discussions with responsible offerors who
submit proposals determined to be reasonably susceptible of being
selected for award. The political subdivision shall accord
offerors fair and equal treatment with respect to any opportunity
for discussion regarding any clarification, correction, or
revision of their proposals.

(E) A political subdivision may award a contract to the
offeror whose proposal the political subdivision determines to be
the most advantageous to the political subdivision, taking into
consideration factors such as price and the evaluation criteria
set forth in the request for proposals. The contract file shall
contain the basis on which the award is made.

(F) The rules that a political subdivision adopts under this
section may require the provision of a performance bond, or
another similar form of financial security, in the amount and in
the form specified in the rules.

(G) If a political subdivision is required by law to purchase
services or supplies by competitive sealed bidding or competitive
sealed proposals, a purchase made by reverse auction satisfies
that requirement.

Sec. 9.317. As used in this section, "reverse auction" has
the meaning defined in section 9.314 of the Revised Code, and
"state agency" has the meaning defined in section 9.23 of the
Revised Code.

A state agency shall not purchase supplies or services by
reverse auction if the contract concerns the design, construction,
alteration, repair, reconstruction, or demolition of a building,
highway, road, street, alley, drainage system, water system,
waterworks, ditch, sewer, sewage disposal plant, or any other
structure or works of any kind.

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

In the first regular session of each general assembly, the speaker of the house of representatives shall appoint the chairperson of the committee from among the house members of the committee, and the president of the senate shall appoint the vice-chairperson of the committee from among the senate members of the committee. In the second regular session of each general assembly, the president of the senate shall appoint the chairperson of the committee from among the senate members of the committee, and the speaker of the house of representatives shall appoint the vice-chairperson of the committee from among the house members of the committee. The chairperson, vice-chairperson, and members of the committee shall serve until their respective successors are appointed or until they are no longer members of the general assembly.

The committee shall meet at the call of the chairperson or

upon the written request of seven members of the committee.	1284
(B) The joint legislative ethics committee:	1285
(1) Shall recommend a code of ethics that is consistent with	1286
law to govern all members and employees of each house of the	1287
general assembly and all candidates for the office of member of	1288
each house;	1289
(2) May receive and hear any complaint that alleges a breach	1290
of any privilege of either house, or misconduct of any member,	1291
employee, or candidate, or any violation of the appropriate code	1292
of ethics;	1293
(3) May obtain information with respect to any complaint	1294
filed pursuant to this section and to that end may enforce the	1295
attendance and testimony of witnesses, and the production of books	1296
and papers;	1297
(4) May recommend whatever sanction is appropriate with	1298
respect to a particular member, employee, or candidate as will	1299
best maintain in the minds of the public a good opinion of the	1300
conduct and character of members and employees of the general	1301
assembly;	1302
(5) May recommend legislation to the general assembly	1303
relating to the conduct and ethics of members and employees of and	1304
candidates for the general assembly;	1305
(6) Shall employ an executive director for the committee and	1306
may employ other staff as the committee determines necessary to	1307
assist it in exercising its powers and duties. The executive	1308
director and staff of the committee shall be known as the office	1309
of legislative inspector general. At least one member of the staff	1310
of the committee shall be an attorney at law licensed to practice	1311
law in this state. The appointment and removal of the executive	1312

director shall require the approval of at least eight members of the committee.	1313 1314
(7) May employ a special counsel to assist the committee in exercising its powers and duties. The appointment and removal of a special counsel shall require the approval of at least eight members of the committee.	1315 1316 1317 1318
(8) Shall act as an advisory body to the general assembly and to individual members, candidates, and employees on questions relating to ethics, possible conflicts of interest, and financial disclosure;	1319 1320 1321 1322
(9) Shall provide for the proper forms on which a statement required pursuant to section 102.02 or 102.021 of the Revised Code shall be filed and instructions as to the filing of the statement;	1323 1324 1325
(10) Exercise the powers and duties prescribed under sections 101.70 to 101.79, sections 101.90 to 101.98, Chapter 102., and sections 121.60 to 121.69 of the Revised Code;	1326 1327 1328
(11) Adopt, in accordance with section 111.15 of the Revised Code, any rules that are necessary to implement and clarify Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code.	1329 1330 1331
(C) There is hereby created in the state treasury the joint legislative ethics committee fund. All money collected from registration fees and late filing fees prescribed under sections 101.72, 101.92, and 121.62 of the Revised Code shall be deposited into the state treasury to the credit of the fund. Money credited to the fund and any interest and earnings from the fund shall be used solely for the operation of the joint legislative ethics committee and the office of legislative inspector general and for the purchase of data storage and computerization facilities for the statements filed with the committee under sections 101.73, 101.74, 101.93, 101.94, 121.63, and 121.64 of the Revised Code.	1332 1333 1334 1335 1336 1337 1338 1339 1340 1341 1342

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

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

(F)(1) Any file obtained by or in the possession of the former house ethics committee or former senate ethics committee shall become the property of the joint legislative ethics committee. Any such file is confidential if either of the following applies:

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

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

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

(G) There is hereby created in the state treasury the joint legislative ethics committee investigative fund. Investment earnings of the fund shall be credited to the fund. Money in the fund shall be used solely for the operations of the committee in conducting investigations.

Sec. 101.72. (A) Each legislative agent and employer, within ten days following an engagement of a legislative agent, shall file with the joint legislative ethics committee an initial registration statement showing all of the following:

(1) The name, business address, and occupation of the legislative agent;

(2) The name and business address of the employer and the real party in interest on whose behalf the legislative agent is actively advocating, if it is different from the employer. For the purposes of division (A) of this section, where a trade association or other charitable or fraternal organization that is exempt from federal income taxation under subsection 501(c) of the federal Internal Revenue Code is the employer, the statement need not list the names and addresses of each member of the association or organization, so long as the association or organization itself is listed.

(3) A brief description of the type of legislation to which the engagement relates.

(B) In addition to the initial registration statement required by division (A) of this section, each legislative agent and employer shall file with the joint committee, not later than the last day of January, May, and September of each year, an

updated registration statement that confirms the continuing
existence of each engagement described in an initial registration
statement and that lists the specific bills or resolutions on
which the agent actively advocated under that engagement during
the period covered by the updated statement, and with it any
statement of expenditures required to be filed by section 101.73
of the Revised Code and any details of financial transactions
required to be filed by section 101.74 of the Revised Code.

(C) If a legislative agent is engaged by more than one
employer, the agent shall file a separate initial and updated
registration statement for each engagement. If an employer engages
more than one legislative agent, the employer need file only one
updated registration statement under division (B) of this section,
which shall contain the information required by division (B) of
this section regarding all of the legislative agents engaged by
the employer.

(D)(1) A change in any information required by division
(A)(1), (2), or (B) of this section shall be reflected in the next
updated registration statement filed under division (B) of this
section.

(2) Within thirty days after the termination of an
engagement, the legislative agent who was employed under the
engagement shall send written notification of the termination to
the joint committee.

(E) ~~Except as otherwise provided in this division, a~~
registration fee of twenty-five dollars shall be charged for
filing an initial registration statement. The state agency of an
officer or employee who actively advocates in a fiduciary capacity
as a representative of that state agency shall pay the
registration fee required under this division. All money
collected from registration fees under this division and late
filing fees under division (G) of this section shall be deposited

into the state treasury to the credit of the joint legislative 1435
ethics committee fund created under section 101.34 of the Revised 1436
Code. 1437

An officer or employee of a state agency who actively 1438
advocates in a fiduciary capacity as a representative of that 1439
state agency need not ~~pay the registration fee prescribed by this~~ 1440
~~division or~~ file expenditure statements under section 101.73 of 1441
the Revised Code. As used in this division, "state agency" does 1442
not include a state institution of higher education as defined in 1443
section 3345.011 of the Revised Code. 1444

(F) Upon registration pursuant to division (A) of this 1445
section, the legislative agent shall be issued a card by the joint 1446
committee showing that the legislative agent is registered. The 1447
registration card and the legislative agent's registration shall 1448
be valid from the date of their issuance until the next 1449
thirty-first day of December of an even-numbered year. 1450

(G) The executive director of the joint committee shall be 1451
responsible for reviewing each registration statement filed with 1452
the joint committee under this section and for determining whether 1453
the statement contains all of the information required by this 1454
section. If the joint committee determines that the registration 1455
statement does not contain all of the required information or that 1456
a legislative agent or employer has failed to file a registration 1457
statement, the joint committee shall send written notification by 1458
certified mail to the person who filed the registration statement 1459
regarding the deficiency in the statement or to the person who 1460
failed to file the registration statement regarding the failure. 1461
Any person so notified by the joint committee shall, not later 1462
than fifteen days after receiving the notice, file a registration 1463
statement or an amended registration statement that does contain 1464
all of the information required by this section. If any person who 1465
receives a notice under this division fails to file a registration 1466

statement or such an amended registration statement within this 1467
fifteen-day period, the joint committee shall assess a late filing 1468
fee equal to twelve dollars and fifty cents per day, up to a 1469
maximum of one hundred dollars, upon that person. The joint 1470
committee may waive the late filing fee for good cause shown. 1471

(H) On or before the fifteenth day of March of each year, the 1472
joint committee shall, in the manner and form that it determines, 1473
publish a report containing statistical information on the 1474
registration statements filed with it under this section during 1475
the preceding year. 1476

Sec. 102.02. (A) Except as otherwise provided in division 1477
(H) of this section, all of the following shall file with the 1478
appropriate ethics commission the disclosure statement described 1479
in this division on a form prescribed by the appropriate 1480
commission: every person who is elected to or is a candidate for a 1481
state, county, or city office and every person who is appointed to 1482
fill a vacancy for an unexpired term in such an elective office; 1483
all members of the state board of education; the director, 1484
assistant directors, deputy directors, division chiefs, or persons 1485
of equivalent rank of any administrative department of the state; 1486
the president or other chief administrative officer of every state 1487
institution of higher education as defined in section 3345.011 of 1488
the Revised Code; the executive director and the members of the 1489
capitol square review and advisory board appointed or employed 1490
pursuant to section 105.41 of the Revised Code; the chief 1491
executive officer and the members of the board of each state 1492
retirement system; each employee of a state retirement board who 1493
is a state retirement system investment officer licensed pursuant 1494
to section 1707.163 of the Revised Code; the members of the Ohio 1495
retirement study council appointed pursuant to division (C) of 1496
section 171.01 of the Revised Code; employees of the Ohio 1497
retirement study council, other than employees who perform purely 1498
administrative or clerical functions; the administrator of 1499

workers' compensation and each member of the bureau of workers' compensation board of directors; the bureau of workers' compensation director of investments; the chief investment officer of the bureau of workers' compensation; the director appointed by the workers' compensation council; all members of the board of commissioners on grievances and discipline of the supreme court and the ethics commission created under section 102.05 of the Revised Code; every business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center; every person who is elected to or is a candidate for the office of member of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing board of an educational service center that has a total student count of twelve thousand or more as most recently determined by the department of education pursuant to section 3317.03 of the Revised Code; every person who is appointed to the board of education of a municipal school district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district that is established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use, and that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code; members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation; and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section.

The disclosure statement shall include all of the following:

(1) The name of the person filing the statement and each

member of the person's immediate family and all names under which 1533
the person or members of the person's immediate family do 1534
business; 1535

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 1536
and except as otherwise provided in section 102.022 of the Revised 1537
Code, identification of every source of income, other than income 1538
from a legislative agent identified in division (A)(2)(b) of this 1539
section, received during the preceding calendar year, in the 1540
person's own name or by any other person for the person's use or 1541
benefit, by the person filing the statement, and a brief 1542
description of the nature of the services for which the income was 1543
received. If the person filing the statement is a member of the 1544
general assembly, the statement shall identify the amount of every 1545
source of income received in accordance with the following ranges 1546
of amounts: zero or more, but less than one thousand dollars; one 1547
thousand dollars or more, but less than ten thousand dollars; ten 1548
thousand dollars or more, but less than twenty-five thousand 1549
dollars; twenty-five thousand dollars or more, but less than fifty 1550
thousand dollars; fifty thousand dollars or more, but less than 1551
one hundred thousand dollars; and one hundred thousand dollars or 1552
more. Division (A)(2)(a) of this section shall not be construed to 1553
require a person filing the statement who derives income from a 1554
business or profession to disclose the individual items of income 1555
that constitute the gross income of that business or profession, 1556
except for those individual items of income that are attributable 1557
to the person's or, if the income is shared with the person, the 1558
partner's, solicitation of services or goods or performance, 1559
arrangement, or facilitation of services or provision of goods on 1560
behalf of the business or profession of clients, including 1561
corporate clients, who are legislative agents. A person who files 1562
the statement under this section shall disclose the identity of 1563
and the amount of income received from a person who the public 1564
official or employee knows or has reason to know is doing or 1565
seeking to do business of any kind with the public official's or 1566

employee's agency. 1567

(b) If the person filing the statement is a member of the 1568
general assembly, the statement shall identify every source of 1569
income and the amount of that income that was received from a 1570
legislative agent during the preceding calendar year, in the 1571
person's own name or by any other person for the person's use or 1572
benefit, by the person filing the statement, and a brief 1573
description of the nature of the services for which the income was 1574
received. Division (A)(2)(b) of this section requires the 1575
disclosure of clients of attorneys or persons licensed under 1576
section 4732.12 of the Revised Code, or patients of persons 1577
certified under section 4731.14 of the Revised Code, if those 1578
clients or patients are legislative agents. Division (A)(2)(b) of 1579
this section requires a person filing the statement who derives 1580
income from a business or profession to disclose those individual 1581
items of income that constitute the gross income of that business 1582
or profession that are received from legislative agents. 1583

(c) Except as otherwise provided in division (A)(2)(c) of 1584
this section, division (A)(2)(a) of this section applies to 1585
attorneys, physicians, and other persons who engage in the 1586
practice of a profession and who, pursuant to a section of the 1587
Revised Code, the common law of this state, a code of ethics 1588
applicable to the profession, or otherwise, generally are required 1589
not to reveal, disclose, or use confidences of clients, patients, 1590
or other recipients of professional services except under 1591
specified circumstances or generally are required to maintain 1592
those types of confidences as privileged communications except 1593
under specified circumstances. Division (A)(2)(a) of this section 1594
does not require an attorney, physician, or other professional 1595
subject to a confidentiality requirement as described in division 1596
(A)(2)(c) of this section to disclose the name, other identity, or 1597
address of a client, patient, or other recipient of professional 1598
services if the disclosure would threaten the client, patient, or 1599

other recipient of professional services, would reveal details of
the subject matter for which legal, medical, or professional
advice or other services were sought, or would reveal an otherwise
privileged communication involving the client, patient, or other
recipient of professional services. Division (A)(2)(a) of this
section does not require an attorney, physician, or other
professional subject to a confidentiality requirement as described
in division (A)(2)(c) of this section to disclose in the brief
description of the nature of services required by division
(A)(2)(a) of this section any information pertaining to specific
professional services rendered for a client, patient, or other
recipient of professional services that would reveal details of
the subject matter for which legal, medical, or professional
advice was sought or would reveal an otherwise privileged
communication involving the client, patient, or other recipient of
professional services.

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

(4) All fee simple and leasehold interests to which the

person filing the statement holds legal title to or a beneficial
interest in real property located within the state, excluding the
person's residence and property used primarily for personal
recreation;

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

(6) The names of all persons residing or transacting business
in the state, other than a depository excluded under division
(A)(3) of this section, who owe more than one thousand dollars to
the person filing the statement, either in the person's own name
or to any person for the person's use or benefit. Division (A)(6)
of this section shall not be construed to require the disclosure
of clients of attorneys or persons licensed under section 4732.12
or 4732.15 of the Revised Code, or patients of persons certified
under section 4731.14 of the Revised Code, nor the disclosure of
debts owed to the person resulting from the ordinary conduct of a
business or profession.

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

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

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

meeting or convention of a national or state organization to which 1698
any state agency, including, but not limited to, any legislative 1699
agency or state institution of higher education as defined in 1700
section 3345.011 of the Revised Code, pays membership dues, or any 1701
political subdivision or any office or agency of a political 1702
subdivision pays membership dues, that are incurred in connection 1703
with the person's official duties and that exceed one hundred 1704
dollars aggregated per calendar year; 1705

(10) If the disclosure statement is filed by a public 1706
official or employee described in division (B)(2) of section 1707
101.73 of the Revised Code or division (B)(2) of section 121.63 of 1708
the Revised Code who receives a statement from a legislative 1709
agent, executive agency lobbyist, or employer that contains the 1710
information described in division (F)(2) of section 101.73 of the 1711
Revised Code or division (G)(2) of section 121.63 of the Revised 1712
Code, all of the nondisputed information contained in the 1713
statement delivered to that public official or employee by the 1714
legislative agent, executive agency lobbyist, or employer under 1715
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 1716
the Revised Code. 1717

A person may file a statement required by this section in 1718
person or by mail. A person who is a candidate for elective office 1719
shall file the statement no later than the thirtieth day before 1720
the primary, special, or general election at which the candidacy 1721
is to be voted on, whichever election occurs soonest, except that 1722
a person who is a write-in candidate shall file the statement no 1723
later than the twentieth day before the earliest election at which 1724
the person's candidacy is to be voted on. A person who holds 1725
elective office shall file the statement on or before the 1726
fifteenth day of April of each year unless the person is a 1727
candidate for office. A person who is appointed to fill a vacancy 1728
for an unexpired term in an elective office shall file the 1729
statement within fifteen days after the person qualifies for 1730

office. Other persons shall file an annual statement on or before 1731
the fifteenth day of April or, if appointed or employed after that 1732
date, within ninety days after appointment or employment. No 1733
person shall be required to file with the appropriate ethics 1734
commission more than one statement or pay more than one filing fee 1735
for any one calendar year. 1736

The appropriate ethics commission, for good cause, may extend 1737
for a reasonable time the deadline for filing a statement under 1738
this section. 1739

A statement filed under this section is subject to public 1740
inspection at locations designated by the appropriate ethics 1741
commission except as otherwise provided in this section. 1742

(B) The Ohio ethics commission, the joint legislative ethics 1743
committee, and the board of commissioners on grievances and 1744
discipline of the supreme court, using the rule-making procedures 1745
of Chapter 119. of the Revised Code, may require any class of 1746
public officials or employees under its jurisdiction and not 1747
specifically excluded by this section whose positions involve a 1748
substantial and material exercise of administrative discretion in 1749
the formulation of public policy, expenditure of public funds, 1750
enforcement of laws and rules of the state or a county or city, or 1751
the execution of other public trusts, to file an annual statement 1752
on or before the fifteenth day of April under division (A) of this 1753
section. The appropriate ethics commission shall send the public 1754
officials or employees written notice of the requirement by the 1755
fifteenth day of February of each year the filing is required 1756
unless the public official or employee is appointed after that 1757
date, in which case the notice shall be sent within thirty days 1758
after appointment, and the filing shall be made not later than 1759
ninety days after appointment. 1760

Except for disclosure statements filed by members of the 1761
board of trustees and the executive director of the southern Ohio 1762

agricultural and community development foundation, disclosure	1763
statements filed under this division with the Ohio ethics	1764
commission by members of boards, commissions, or bureaus of the	1765
state for which no compensation is received other than reasonable	1766
and necessary expenses shall be kept confidential. Disclosure	1767
statements filed with the Ohio ethics commission under division	1768
(A) of this section by business managers, treasurers, and	1769
superintendents of city, local, exempted village, joint	1770
vocational, or cooperative education school districts or	1771
educational service centers shall be kept confidential, except	1772
that any person conducting an audit of any such school district or	1773
educational service center pursuant to section 115.56 or Chapter	1774
117. of the Revised Code may examine the disclosure statement of	1775
any business manager, treasurer, or superintendent of that school	1776
district or educational service center. The Ohio ethics commission	1777
shall examine each disclosure statement required to be kept	1778
confidential to determine whether a potential conflict of interest	1779
exists for the person who filed the disclosure statement. A	1780
potential conflict of interest exists if the private interests of	1781
the person, as indicated by the person's disclosure statement,	1782
might interfere with the public interests the person is required	1783
to serve in the exercise of the person's authority and duties in	1784
the person's office or position of employment. If the commission	1785
determines that a potential conflict of interest exists, it shall	1786
notify the person who filed the disclosure statement and shall	1787
make the portions of the disclosure statement that indicate a	1788
potential conflict of interest subject to public inspection in the	1789
same manner as is provided for other disclosure statements. Any	1790
portion of the disclosure statement that the commission determines	1791
does not indicate a potential conflict of interest shall be kept	1792
confidential by the commission and shall not be made subject to	1793
public inspection, except as is necessary for the enforcement of	1794
Chapters 102. and 2921. of the Revised Code and except as	1795
otherwise provided in this division.	1796

(C) No person shall knowingly fail to file, on or before the	1797
applicable filing deadline established under this section, a	1798
statement that is required by this section.	1799

(D) No person shall knowingly file a false statement that is	1800
required to be filed under this section.	1801

(E)(1) Except as provided in divisions (E)(2) and (3) of this	1802
section, the statement required by division (A) or (B) of this	1803
section shall be accompanied by a filing fee of forty dollars.	1804

(2) The statement required by division (A) of this section	1805
shall be accompanied by the following filing fee to be paid by the	1806
person who is elected or appointed to, or is a candidate for, any	1807
of the following offices:	1808

For state office, except member of the		1809
state board of education	\$65	1810
For office of member of general assembly	\$40	1811
For county office	\$40	1812
For city office	\$25	1813
For office of member of the state board		1814
of education	\$25	1815
For office of member of a city, local,		1816
exempted village, or cooperative		1817
education board of		1818
education or educational service		1819
center governing board	\$20	1820
For position of business manager,		1821
treasurer, or superintendent of a		1822
city, local, exempted village, joint		1823
vocational, or cooperative education		1824
school district or		1825
educational service center	\$20	1826

(3) No judge of a court of record or candidate for judge of a	1827

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

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

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

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

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(2) The Ohio ethics commission shall deposit all receipts,
including, but not limited to, fees it receives under divisions
(E) and (F) of this section and all moneys it receives from
settlements under division (G) of section 102.06 of the Revised
Code, into the Ohio ethics commission fund, which is hereby
created in the state treasury. All moneys credited to the fund
shall be used solely for expenses related to the operation and
statutory functions of the commission.

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

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

Sec. 103.24. There is hereby created in the state treasury
the legislative agency telephone usage fund. Money collected from
the house of representatives, senate, and joint legislative ethics
committee shall be credited to the fund, along with money
collected from any other legislative agency that the legislative
service commission determines should account for calls made from
the agency's telephones through the fund. The fund shall be used
to pay the telephone carriers for all such telephone calls.

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

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

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

(3) Five members appointed by the governor, with the advice
and consent of the senate, not more than three of whom shall be
members of the same political party, one of whom shall be the

chief of staff of the governor's office, one of whom shall 1889
represent the Ohio arts council, one of whom shall represent the 1890
Ohio historical society, one of whom shall represent the Ohio 1891
building authority, and one of whom shall represent the public at 1892
large; 1893

(4) One member, who shall be a former president of the 1894
senate, appointed by the current president of the senate. If the 1895
current president of the senate, in the current president's 1896
discretion, decides for any reason not to make the appointment or 1897
if no person is eligible or available to serve, the seat shall 1898
remain vacant. 1899

(5) One member, who shall be a former speaker of the house of 1900
representatives, appointed by the current speaker of the house of 1901
representatives. If the current speaker of the house of 1902
representatives, in the current speaker's discretion, decides for 1903
any reason not to make the appointment or if no person is eligible 1904
or available to serve, the seat shall remain vacant. 1905

(6) The clerk of the senate and the clerk of the house of 1906
representatives. 1907

(B) Terms of office of each appointed member of the board 1908
shall be for three years, except that members of the general 1909
assembly appointed to the board shall be members of the board only 1910
so long as they are members of the general assembly and the chief 1911
of staff of the governor's office shall be a member of the board 1912
only so long as the appointing governor remains in office. Each 1913
member shall hold office from the date of the member's appointment 1914
until the end of the term for which the member was appointed. In 1915
case of a vacancy occurring on the board, the president of the 1916
senate, the speaker of the house of representatives, or the 1917
governor, as the case may be, shall in the same manner prescribed 1918
for the regular appointment to the commission, fill the vacancy 1919
by appointing a member. Any member appointed to fill a vacancy 1920

occurring prior to the expiration of the term for which the
member's predecessor was appointed shall hold office for the
remainder of the term. Any appointed member shall continue in
office subsequent to the expiration date of the member's term
until the member's successor takes office, or until a period of
sixty days has elapsed, whichever occurs first.

(C) The board shall hold meetings in a manner and at times
prescribed by the rules adopted by the board. A majority of the
board constitutes a quorum, and no action shall be taken by the
board unless approved by at least six members or by at least seven
members if a person is appointed under division (A)(4) or (5) of
this section. At its first meeting, the board shall adopt rules
for the conduct of its business and the election of its officers,
and shall organize by selecting a chairperson and other officers
as it considers necessary. Board members shall serve without
compensation but shall be reimbursed for actual and necessary
expenses incurred in the performance of their duties.

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

(1) Employ or hire on a consulting basis professional,
technical, and clerical employees as are necessary for the
performance of its duties; All employees of the board are in the
unclassified civil service and serve at the pleasure of the board.
For the purposes of sections 718.04 and 4117.01 of the Revised
Code, employees of the board shall be considered employees of the
general assembly.

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

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

(4) Sponsor, conduct, and support such social events as the

board may authorize and consider appropriate for the employees of 1951
the board, employees and members of the general assembly, 1952
employees of persons under contract with the board or otherwise 1953
engaged to perform services on the premises of capitol square, or 1954
other persons as the board may consider appropriate. Subject to 1955
the requirements of Chapter 4303. of the Revised Code, the board 1956
may provide beer, wine, and intoxicating liquor, with or without 1957
charge, for those events and may use funds only from the sale of 1958
goods and services fund to purchase the beer, wine, and 1959
intoxicating liquor the board provides; 1960

(5) Purchase a warehouse in which to store items of the 1961
capitol collection trust and, whenever necessary, equipment or 1962
other property of the board. 1963

(E) The board shall do all of the following: 1964

(1) Have sole authority to coordinate and approve any 1965
improvements, additions, and renovations that are made to the 1966
capitol square. The improvements shall include, but not be limited 1967
to, the placement of monuments and sculpture on the capitol 1968
grounds. 1969

(2) Subject to section 3353.07 of the Revised Code, operate 1970
the capitol square, and have sole authority to regulate all uses 1971
of the capitol square. The uses shall include, but not be limited 1972
to, the casual and recreational use of the capitol square. 1973

(3) Employ, fix the compensation of, and prescribe the duties 1974
of the executive director of the board and other employees the 1975
board considers necessary for the performance of its powers and 1976
duties; 1977

(4) Establish and maintain the capitol collection trust. The 1978
capitol collection trust shall consist of furniture, antiques, and 1979
other items of personal property that the board shall store in 1980

suitable facilities until they are ready to be displayed in the
capitol square.

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

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

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

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(F)(1) The board shall lease capital facilities improved or
financed by the Ohio building authority pursuant to Chapter 152.
of the Revised Code for the use of the board, and may enter into
any other agreements with the authority ancillary to improvement,
financing, or leasing of those capital facilities, including, but
not limited to, any agreement required by the applicable bond
proceedings authorized by Chapter 152. of the Revised Code. Any
lease of capital facilities authorized by this section shall be
governed by division (D) of section 152.24 of the Revised Code.

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(2) Fees, receipts, and revenues received by the board from
the state underground parking garage constitute available receipts
as defined in section 152.09 of the Revised Code, and may be
pledged to the payment of bond service charges on obligations
issued by the Ohio building authority pursuant to Chapter 152. of
the Revised Code to improve, finance, or purchase capital
facilities useful to the board. The authority may, with the
consent of the board, provide in the bond proceedings for a pledge

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of all or a portion of those fees, receipts, and revenues as the
authority determines. The authority may provide in the bond
proceedings or by separate agreement with the board for the
transfer of those fees, receipts, and revenues to the appropriate
bond service fund or bond service reserve fund as required to pay
the bond service charges when due, and any such provision for the
transfer of those fees, receipts, and revenues shall be
controlling notwithstanding any other provision of law pertaining
to those fees, receipts, and revenues.

(3) All moneys received by the treasurer of state on account
of the board and required by the applicable bond proceedings or by
separate agreement with the board to be deposited, transferred, or
credited to the bond service fund or bond service reserve fund
established by the bond proceedings shall be transferred by the
treasurer of state to such fund, whether or not it is in the
custody of the treasurer of state, without necessity for further
appropriation, upon receipt of notice from the Ohio building
authority as prescribed in the bond proceedings.

(G) All fees, receipts, and revenues received by the board
from the state underground parking garage shall be deposited into
the state treasury to the credit of the underground parking garage
operating fund, which is hereby created, to be used for the
purposes specified in division (F) of this section and for the
operation and maintenance of the garage. All investment earnings
of the fund shall be credited to the fund.

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

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

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

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

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

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

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

(L) Section 125.18 of the Revised Code does not apply to the
board.

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

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

Sec. 107.19. The governor shall have no power to issue any
executive order that has previously been issued and that the
federal trade commission, office of policy planning, bureau of
economics, and bureau of competition has opined is
anti-competitive and is in violation of anti-trust laws. Any such
executive order shall be considered invalid and unenforceable.

Sec. 107.21. (A) As used in this section, "Appalachian
region" means the following counties in this state ~~which~~that have
been designated as part of Appalachia by the federal Appalachian
regional commission and ~~which~~that have been geographically
isolated and economically depressed: Adams, Ashtabula, Athens,
Belmont, Brown, Carroll, Clermont, Columbiana, Coshocton, Gallia,
Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson,
Lawrence, Mahoning, Meigs, Monroe, Morgan, Muskingum, Noble,
Perry, Pike, Ross, Scioto, Trumbull, Tuscarawas, Vinton, and
Washington.

(B) There is hereby created in the department of development	2106
the governor's office of Appalachian Ohio. The governor shall	2107
designate the director of the governor's office of Appalachian	2108
Ohio. The director shall report directly to the office of the	2109
governor. On January 1, 1987, the governor shall designate the	2110
director to represent this state on the federal Appalachian	2111
regional commission. The director may appoint such employees as	2112
are necessary to exercise the powers and duties of this office.	2113
The director shall maintain local development districts as	2114
established within the Appalachian region for the purpose of	2115
regional planning for the distribution of funds from the	2116
Appalachian regional commission within the Appalachian region.	2117
(C) The governor's office of Appalachian Ohio shall represent	2118
the interests of the Appalachian region in the government of this	2119
state. The duties of the director of the office shall include, but	2120
are not limited to, the following:	2121
(1) To identify residents of the Appalachian region qualified	2122
to serve on state boards, commissions, and bodies and in state	2123
offices, and to bring these persons to the attention of the	2124
governor;	2125
(2) To represent the interests of the Appalachian region in	2126
the general assembly and before state boards, commissions, bodies,	2127
and agencies;	2128
(3) To assist in forming a consensus on public issues and	2129
policies among institutions and organizations that serve the	2130
Appalachian region;	2131
(4) To act as an ~~ombudsman~~ <u>ombudsperson</u> to assist in	2132
resolving differences between state or federal agencies and the	2133
officials of political subdivisions or private, nonprofit	2134
organizations located within the Appalachian region;	2135

(5) To assist planning commissions, agencies, and
organizations within the Appalachian region in distributing
planning information and documents to the appropriate state and
federal agencies and to assist in focusing attention on any
findings and recommendations of these commissions, agencies, and
organizations;

(6) To issue reports on the Appalachian region ~~which~~ that
describe progress achieved and the needs that still exist in the
region;

(7) To assist the governor's office in resolving the problems
of residents of the Appalachian region that come to the governor's
attention.

(D) The amount of money from appropriated state funds
allocated each year to pay administrative costs of a local
development district existing on the effective date of this
amendment shall not be decreased due to the creation and funding
of additional local development districts. The amount of money
allocated to each district shall be increased each year by the
average percentage of increase in the consumer price index for the
prior year.

As used in this division, "consumer price index" means the
consumer price index for all urban consumers (United States city
average, all items), prepared by the United States department of
labor, bureau of labor statistics.

Sec. 107.40. (A) There is hereby created the governor's
residence advisory commission. The commission shall provide for
the preservation, restoration, acquisition, and conservation of
all decorations, objects of art, chandeliers, china, silver,
statues, paintings, furnishings, accouterments, and other
aesthetic materials that have been acquired, donated, loaned, or

otherwise obtained by the state for the governor's residence and 2166
that have been approved by the commission. In addition, the 2167
commission shall provide for the maintenance of plants that have 2168
been acquired, donated, loaned, or otherwise obtained by the state 2169
for the governor's residence and that have been approved by the 2170
commission. 2171

(B) The commission shall be responsible for the care, 2172
provision, repair, and placement of furnishings and other objects 2173
and accessories of the grounds and public areas of the first story 2174
of the governor's residence and for the care and placement of 2175
plants on the grounds. The commission shall not exercise its 2176
responsibility under this division by using prison labor. In 2177
exercising ~~this~~its responsibility under this division, the 2178
commission shall preserve and seek to further establish all of the 2179
following: 2180

(1) The authentic ambiance and decor of the historic era 2181
during which the governor's residence was constructed; 2182

(2) The grounds as a representation of Ohio's natural 2183
ecosystems; 2184

(3) The heritage garden for all of the following purposes: 2185

(a) To preserve, sustain, and encourage the use of native 2186
flora throughout the state; 2187

(b) To replicate the state's physiographic regions, plant 2188
communities, and natural landscapes; 2189

(c) To serve as an educational garden that demonstrates the 2190
artistic, industrial, political, horticultural, and geologic 2191
history of the state through the use of plants; 2192

(d) To serve as a reservoir of rare species of plants from 2193

the physiographic regions of the state. 2194

These duties shall not affect the obligation of the 2195
department of administrative services to provide for and adopt 2196
policies and procedures regarding the use, general maintenance, 2197
and operating expenses of the governor's residence. The department 2198
shall not use prison labor in providing for the general 2199
maintenance of the governor's residence. 2200

(C) The commission shall consist of eleven members. One 2201
member shall be the director of administrative services or the 2202
director's designee, who shall serve during the director's term of 2203
office and shall serve as chairperson. One member shall be the 2204
director of the Ohio historical society or the director's 2205
designee, who shall serve during the director's term of office and 2206
shall serve as vice-chairperson. One member shall represent the 2207
Columbus landmarks foundation. One member shall represent the 2208
Bexley historical society. One member shall be the mayor of the 2209
city of Bexley, who shall serve during the mayor's term of office. 2210
One member shall be the chief executive officer of the Franklin 2211
park conservatory joint recreation district, who shall serve 2212
during the term of employment as chief executive officer. The 2213
remaining five members shall be appointed by the governor with the 2214
advice and consent of the senate. The five members appointed by 2215
the governor shall be persons with knowledge of Ohio history, 2216
architecture, decorative arts, or historic preservation, and one 2217
of those members shall have knowledge of landscape architecture, 2218
garden design, horticulture, and plants native to this state. 2219

(D) Of the initial appointees, the representative of the 2220
Columbus landmarks foundation shall serve for a term expiring 2221
December 31, 1996, and the representative of the Bexley historical 2222
society shall serve for a term expiring December 31, 1997. Of the 2223
five members appointed by the governor, three shall serve for 2224
terms ending December 31, 1998, and two shall serve for terms 2225

ending December 31, 1999. Thereafter, each term shall be for four 2226
years, commencing on the first day of January and ending on the 2227
last day of December. The member having knowledge of landscape 2228
architecture, garden design, horticulture, and plants native to 2229
this state initially shall be appointed upon the first vacancy on 2230
the commission occurring on or after June 30, 2006. 2231

Each member shall hold office from the date of the member's 2232
appointment until the end of the term for which the member was 2233
appointed. Any member appointed to fill a vacancy occurring prior 2234
to the end of the term for which the member's predecessor was 2235
appointed shall hold office for the remainder of the term. Any 2236
member shall continue in office subsequent to the expiration of 2237
the term until the member's successor takes office. 2238

(E) Six members of the commission constitute a quorum, and 2239
the affirmative vote of six members is required for approval of 2240
any action by the commission. 2241

(F) After each initial member of the commission has been 2242
appointed, the commission shall meet and select one member as 2243
secretary and another as treasurer. Organizational meetings of the 2244
commission shall be held at the time and place designated by call 2245
of the chairperson. Meetings of the commission may be held 2246
anywhere in the state and shall be in compliance with Chapters 2247
121. and 149. of the Revised Code. The commission may adopt, 2248
pursuant to section 111.15 of the Revised Code, rules necessary to 2249
carry out the purposes of this section. 2250

(G) Members of the commission shall serve without 2251
remuneration, but shall be compensated for actual and necessary 2252
expenses incurred in the performance of their official duties. 2253

(H) All expenses incurred in carrying out this section are 2254
payable solely from money accrued under this section or 2255
appropriated for these purposes by the general assembly, and the 2256

commission shall incur no liability or obligation beyond such money. 2257
2258

(I) Except as otherwise provided in this division, the 2259
commission may accept any payment for the use of the governor's 2260
residence or may accept any donation, gift, bequest, or devise for 2261
the governor's residence or as an endowment for the maintenance 2262
and care of the garden on the grounds of the governor's residence 2263
in furtherance of its duties. The commission shall not accept any 2264
donation, gift, bequest, or devise from a person, individual, or 2265
member of an individual's immediate family if the person or 2266
individual is receiving payments under a contract with the state 2267
or a state agency for the purchase of supplies, services, or 2268
equipment or for the construction, reconstruction, improvement, 2269
enlargement, alteration, repair, painting, or decoration of a 2270
public improvement, except for payments received under an 2271
employment contract or a collective bargaining agreement. Any 2272
revenue received by the commission shall be deposited into the 2273
governor's residence fund, which is hereby established in the 2274
state treasury, for use by the commission in accordance with the 2275
performance of its duties. All investment earnings of the fund 2276
shall be credited to the fund. Title to all property acquired by 2277
the commission shall be taken in the name of the state and shall 2278
be held for the use and benefit of the commission. 2279

(J) Nothing in this section limits the ability of a person or 2280
other entity to purchase decorations, objects of art, chandeliers, 2281
china, silver, statues, paintings, furnishings, accouterments, 2282
plants, or other aesthetic materials for placement in the 2283
governor's residence or on the grounds of the governor's residence 2284
or donation to the commission. No such object or plant, however, 2285
shall be placed on the grounds or public areas of the first story 2286
of the governor's residence without the consent of the commission. 2287

(K) The heritage garden established under this section shall 2288

be officially known as "the heritage garden at the Ohio governor's residence." 2289
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(L) As used in this section, "heritage garden" means the botanical garden of native plants established at the governor's residence. 2291
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Sec. 109.57. (A)(1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, of all children under eighteen years of age who have been adjudicated delinquent children for committing within this state an act that would be a felony or an offense of violence if committed by an adult or who have been convicted of or pleaded guilty to committing within this state a felony or an offense of violence, and of all well-known and habitual criminals. The person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and the person in charge of any state institution having custody of a person suspected of having committed a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or having custody of a child under eighteen years of age with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall furnish such 2294
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material to the superintendent of the bureau. Fingerprints, 2322
photographs, or other descriptive information of a child who is 2323
under eighteen years of age, has not been arrested or otherwise 2324
taken into custody for committing an act that would be a felony 2325
or an offense of violence who is not in any other category of 2326
child specified in this division, if committed by an adult, has 2327
not been adjudicated a delinquent child for committing an act 2328
that would be a felony or an offense of violence if committed by 2329
an adult, has not been convicted of or pleaded guilty to 2330
committing a felony or an offense of violence, and is not a child 2331
with respect to whom there is probable cause to believe that the 2332
child may have committed an act that would be a felony or an 2333
offense of violence if committed by an adult shall not be 2334
procured by the superintendent or furnished by any person in 2335
charge of any county, multicounty, municipal, municipal-county, 2336
or multicounty-municipal jail or workhouse, community-based 2337
correctional facility, halfway house, alternative residential 2338
facility, or state correctional institution, except as authorized 2339
in section 2151.313 of the Revised Code. 2340

(2) Every clerk of a court of record in this state, other 2341
than the supreme court or a court of appeals, shall send to the 2342
superintendent of the bureau a weekly report containing a summary 2343
of each case involving a felony, involving any crime constituting 2344
a misdemeanor on the first offense and a felony on subsequent 2345
offenses, involving a misdemeanor described in division (A)(1)(a), 2346
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 2347
or involving an adjudication in a case in which a child under 2348
eighteen years of age was alleged to be a delinquent child for 2349
committing an act that would be a felony or an offense of 2350
violence if committed by an adult. The clerk of the court of 2351
common pleas shall include in the report and summary the clerk 2352
sends under this division all information described in divisions 2353
(A)(2)(a) to (f) of this section regarding a case before the 2354
court of appeals that is served by that clerk. The summary shall 2355

be written on the standard forms furnished by the superintendent 2356
pursuant to division (B) of this section and shall include the 2357
following information: 2358

(a) The incident tracking number contained on the standard 2359
forms furnished by the superintendent pursuant to division (B) of 2360
this section; 2361

(b) The style and number of the case; 2362

(c) The date of arrest, offense, summons, or arraignment; 2363

(d) The date that the person was convicted of or pleaded 2364
guilty to the offense, adjudicated a delinquent child for 2365
committing the act that would be a felony or an offense of 2366
violence if committed by an adult, found not guilty of the 2367
offense, or found not to be a delinquent child for committing an 2368
act that would be a felony or an offense of violence if committed 2369
by an adult, the date of an entry dismissing the charge, an entry 2370
declaring a mistrial of the offense in which the person is 2371
discharged, an entry finding that the person or child is not 2372
competent to stand trial, or an entry of a nolle prosequi, or the 2373
date of any other determination that constitutes final resolution 2374
of the case; 2375

(e) A statement of the original charge with the section of 2376
the Revised Code that was alleged to be violated; 2377

(f) If the person or child was convicted, pleaded guilty, or 2378
was adjudicated a delinquent child, the sentence or terms of 2379
probation imposed or any other disposition of the offender or the 2380
delinquent child. 2381

If the offense involved the disarming of a law enforcement 2382
officer or an attempt to disarm a law enforcement officer, the 2383
clerk shall clearly state that fact in the summary, and the 2384

superintendent shall ensure that a clear statement of that fact is 2385
placed in the bureau's records. 2386

(3) The superintendent shall cooperate with and assist 2387
sheriffs, chiefs of police, and other law enforcement officers in 2388
the establishment of a complete system of criminal identification 2389
and in obtaining fingerprints and other means of identification of 2390
all persons arrested on a charge of a felony, any crime 2391
constituting a misdemeanor on the first offense and a felony on 2392
subsequent offenses, or a misdemeanor described in division 2393
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 2394
Revised Code and of all children under eighteen years of age 2395
arrested or otherwise taken into custody for committing an act 2396
that would be a felony or an offense of violence if committed by 2397
an adult. The superintendent also shall file for record the 2398
fingerprint impressions of all persons confined in a county, 2399
multicounty, municipal, municipal-county, or multicounty-municipal 2400
jail or workhouse, community-based correctional facility, halfway 2401
house, alternative residential facility, or state correctional 2402
institution for the violation of state laws and of all children 2403
under eighteen years of age who are confined in a county, 2404
multicounty, municipal, municipal-county, or multicounty-municipal 2405
jail or workhouse, community-based correctional facility, halfway 2406
house, alternative residential facility, or state correctional 2407
institution or in any facility for delinquent children for 2408
committing an act that would be a felony or an offense of violence 2409
if committed by an adult, and any other information that the 2410
superintendent may receive from law enforcement officials of the 2411
state and its political subdivisions. 2412

(4) The superintendent shall carry out Chapter 2950. of the 2413
Revised Code with respect to the registration of persons who are 2414
convicted of or plead guilty to a sexually oriented offense or a 2415
child-victim oriented offense and with respect to all other duties 2416
imposed on the bureau under that chapter. 2417

(5) The bureau shall perform centralized recordkeeping 2418
functions for criminal history records and services in this state 2419
for purposes of the national crime prevention and privacy compact 2420
set forth in section 109.571 of the Revised Code and is the 2421
criminal history record repository as defined in that section for 2422
purposes of that compact. The superintendent or the 2423
superintendent's designee is the compact officer for purposes of 2424
that compact and shall carry out the responsibilities of the 2425
compact officer specified in that compact. 2426

(B) The superintendent shall prepare and furnish to every 2427
county, multicounty, municipal, municipal-county, or 2428
multicounty-municipal jail or workhouse, community-based 2429
correctional facility, halfway house, alternative residential 2430
facility, or state correctional institution and to every clerk of 2431
a court in this state specified in division (A)(2) of this section 2432
standard forms for reporting the information required under 2433
division (A) of this section. The standard forms that the 2434
superintendent prepares pursuant to this division may be in a 2435
tangible format, in an electronic format, or in both tangible 2436
formats and electronic formats. 2437

(C)(1) The superintendent may operate a center for 2438
electronic, automated, or other data processing for the storage 2439
and retrieval of information, data, and statistics pertaining to 2440
criminals and to children under eighteen years of age who are 2441
adjudicated delinquent children for committing an act that would 2442
be a felony or an offense of violence if committed by an adult, 2443
criminal activity, crime prevention, law enforcement, and criminal 2444
justice, and may establish and operate a statewide communications 2445
network to gather and disseminate information, data, and 2446
statistics for the use of law enforcement agencies and for other 2447
uses specified in this division. The superintendent may gather, 2448
store, retrieve, and disseminate information, data, and statistics 2449

that pertain to children who are under eighteen years of age and 2450
that are gathered pursuant to sections 109.57 to 109.61 of the 2451
Revised Code together with information, data, and statistics that 2452
pertain to adults and that are gathered pursuant to those 2453
sections. 2454

(2) The superintendent or the superintendent's designee shall 2455
gather information of the nature described in division (C)(1) of 2456
this section that pertains to the offense and delinquency history 2457
of a person who has been convicted of, pleaded guilty to, or been 2458
adjudicated a delinquent child for committing a sexually oriented 2459
offense or a child-victim oriented offense for inclusion in the 2460
state registry of sex offenders and child-victim offenders 2461
maintained pursuant to division (A)(1) of section 2950.13 of the 2462
Revised Code and in the internet database operated pursuant to 2463
division (A)(13) of that section and for possible inclusion in the 2464
internet database operated pursuant to division (A)(11) of that 2465
section. 2466

(3) In addition to any other authorized use of information, 2467
data, and statistics of the nature described in division (C)(1) 2468
of this section, the superintendent or the superintendent's 2469
designee may provide and exchange the information, data, and 2470
statistics pursuant to the national crime prevention and privacy 2471
compact as described in division (A)(5) of this section. 2472

(D) The information and materials furnished to the 2473
superintendent pursuant to division (A) of this section and 2474
information and materials furnished to any board or person under 2475
division (F) or (G) of this section are not public records under 2476
section 149.43 of the Revised Code. The superintendent or the 2477
superintendent's designee shall gather and retain information so 2478
furnished under division (A) of this section that pertains to the 2479
offense and delinquency history of a person who has been convicted 2480
of, pleaded guilty to, or been adjudicated a delinquent child for 2481

committing a sexually oriented offense or a child-victim oriented
offense for the purposes described in division (C)(2) of this
section.

(E) The attorney general shall adopt rules, in accordance
with Chapter 119. of the Revised Code, setting forth the procedure
by which a person may receive or release information gathered by
the superintendent pursuant to division (A) of this section. A
reasonable fee may be charged for this service. If a temporary
employment service submits a request for a determination of
whether a person the service plans to refer to an employment
position has been convicted of or pleaded guilty to an offense
listed in division (A)(1), (3), (4), (5), or (6) of section
109.572 of the Revised Code, the request shall be treated as a
single request and only one fee shall be charged.

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

(2)(a) In addition to or in conjunction with any request that
is required to be made under section 109.572, 2151.86, 3301.32, or
3301.541, 3319.39, 3319.391, 3327.10, 3701.881, 5104.012,
5104.013, 5123.081, 5126.28, 5126.281, or 5153.111 of the
Revised Code or that is made under section 3314.41, 3319.392,
or 3326.25 of the Revised Code, the board of education of any
school district; the director of mental retardation and
developmental disabilities; any county board of mental
retardation and developmental disabilities; any entity under
contract with a county board of mental retardation and
developmental disabilities; the chief administrator of any
chartered nonpublic school; the chief administrator of any home
health agency; the chief administrator of or person operating any

child day-care center, type A family day-care home, or type B	2514
family day-care home licensed or certified under Chapter 5104. of	2515
the Revised Code; the administrator of any type C family day-care	2516
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st	2517
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st	2518
general assembly; the chief administrator of any head start	2519
agency; the executive director of a public children services	2520
agency; a private company described in section 3314.41, 3319.392,	2521
or 3326.25 of the Revised Code; or an employer described in	2522
division (J)(2) of section 3327.10 of the Revised Code may	2523
request that the superintendent of the bureau investigate and	2524
determine, with respect to any individual who has applied for	2525
employment in any position after October 2, 1989, or any	2526
individual wishing to apply for employment with a board of	2527
education may request, with regard to the individual, whether the	2528
bureau has any information gathered under division (A) of this	2529
section that pertains to that individual. On receipt of the	2530
request, the superintendent shall determine whether that	2531
information exists and, upon request of the person, board, or	2532
entity requesting information, also shall request from the	2533
federal bureau of investigation any criminal records it has	2534
pertaining to that individual. The superintendent or the	2535
superintendent's designee also may request criminal history	2536
records from other states or the federal government pursuant to	2537
the national crime prevention and privacy compact set forth in	2538
section 109.571 of the Revised Code. Within thirty days of the	2539
date that the superintendent receives a request, the	2540
superintendent shall send to the board, entity, or person a	2541
report of any information that the superintendent determines	2542
exists, including information contained in records that have been	2543
sealed under section 2953.32 of the Revised Code, and, within	2544
thirty days of its receipt, shall send the board, entity, or	2545
person a report of any information received from the federal	2546
bureau of investigation, other than information the dissemination	2547
of which is prohibited by federal law.	2548

(b) When a board of education is required to receive 2549
information under this section as a prerequisite to employment 2550
of an individual pursuant to section 3319.39 of the Revised 2551
Code, it may accept a certified copy of records that were issued 2552
by the bureau of criminal identification and investigation and 2553
that are presented by an individual applying for employment with 2554
the district in lieu of requesting that information itself. In 2555
such a case, the board shall accept the certified copy issued 2556
by the bureau in order to make a photocopy of it for that 2557
individual's employment application documents and shall return 2558
the certified copy to the individual. In a case of that nature, 2559
a district only shall accept a certified copy of records of 2560
that nature within one year after the date of their issuance by 2561
the bureau. 2562

(c) Notwithstanding division (F)(2)(a) of this section, in 2563
the case of a request under section 3319.39, 3319.391, or 3327.10 2564
of the Revised Code only for criminal records maintained by the 2565
federal bureau of investigation, the superintendent shall not 2566
determine whether any information gathered under division (A) of 2567
this section exists on the person for whom the request is made. 2568

(3) The state board of education may request, with respect to 2569
any individual who has applied for employment after October 2, 2570
1989, in any position with the state board or the department of 2571
education, any information that a school district board of 2572
education is authorized to request under division (F)(2) of this 2573
section, and the superintendent of the bureau shall proceed as if 2574
the request has been received from a school district board of 2575
education under division (F)(2) of this section. 2576

(4) When the superintendent of the bureau receives a request 2577
for information under section 3319.291 of the Revised Code, the 2578
superintendent shall proceed as if the request has been received 2579
from a school district board of education ~~under division~~ and shall 2580

comply with divisions (F)(2)(a) and (c) of this section. 2581

(5) When a recipient of a classroom reading improvement 2582
grant paid under section 3301.86 of the Revised Code requests, 2583
with respect to any individual who applies to participate in 2584
providing any program or service funded in whole or in part by 2585
the grant, the information that a school district board of 2586
education is authorized to request under division (F)(2)(a) of 2587
this section, the superintendent of the bureau shall proceed as 2588
if the request has been received from a school district board of 2589
education under division (F)(2)(a) of this section. 2590

(G) In addition to or in conjunction with any request that is 2591
required to be made under section 3701.881, 3712.09, 3721.121, or 2592
3722.151 of the Revised Code with respect to an individual who has 2593
applied for employment in a position that involves providing 2594
direct care to an older adult, the chief administrator of a home 2595
health agency, hospice care program, home licensed under Chapter 2596
3721. of the Revised Code, adult day-care program operated 2597
pursuant to rules adopted under section 3721.04 of the Revised 2598
Code, or adult care facility may request that the superintendent 2599
of the bureau investigate and determine, with respect to any 2600
individual who has applied after January 27, 1997, for employment 2601
in a position that does not involve providing direct care to an 2602
older adult, whether the bureau has any information gathered 2603
under division (A) of this section that pertains to that 2604
individual. 2605

In addition to or in conjunction with any request that is 2606
required to be made under section 173.27 of the Revised Code with 2607
respect to an individual who has applied for employment in a 2608
position that involves providing ombudsperson services to 2609
residents of long-term care facilities or recipients of 2610
community-based long-term care services, the state long-term care 2611
ombudsperson, ombudsperson's designee, or director of health may 2612

request that the superintendent investigate and determine, with 2613
respect to any individual who has applied for employment in a 2614
position that does not involve providing such ombudsperson 2615
services, whether the bureau has any information gathered under 2616
division (A) of this section that pertains to that applicant. 2617

In addition to or in conjunction with any request that is 2618
required to be made under section 173.394 of the Revised Code with 2619
respect to an individual who has applied for employment in a 2620
position that involves providing direct care to an individual, the 2621
chief administrator of a community-based long-term care agency may 2622
request that the superintendent investigate and determine, with 2623
respect to any individual who has applied for employment in a 2624
position that does not involve providing direct care, whether the 2625
bureau has any information gathered under division (A) of this 2626
section that pertains to that applicant. 2627

On receipt of a request under this division, the 2628
superintendent shall determine whether that information exists 2629
and, on request of the individual requesting information, shall 2630
also request from the federal bureau of investigation any criminal 2631
records it has pertaining to the applicant. The superintendent or 2632
the superintendent's designee also may request criminal history 2633
records from other states or the federal government pursuant to 2634
the national crime prevention and privacy compact set forth in 2635
section 109.571 of the Revised Code. Within thirty days of the 2636
date a request is received, the superintendent shall send to the 2637
requester a report of any information determined to exist, 2638
including information contained in records that have been sealed 2639
under section 2953.32 of the Revised Code, and, within thirty days 2640
of its receipt, shall send the requester a report of any 2641
information received from the federal bureau of investigation, 2642
other than information the dissemination of which is prohibited by 2643
federal law. 2644

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

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

(J) As used in this section, "sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

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

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

2905.04 of the Revised Code as it existed prior to July 1, 1996, 2677
had the violation been committed prior to that date, or a 2678
violation of section 2925.11 of the Revised Code that is not a 2679
minor drug possession offense; 2680

(b) A violation of an existing or former law of this state, 2681
any other state, or the United States that is substantially 2682
equivalent to any of the offenses listed in division (A)(1)(a) of 2683
this section. 2684

(2) On receipt of a request pursuant to section 5123.081 of 2685
the Revised Code with respect to an applicant for employment in 2686
any position with the department of mental retardation and 2687
developmental disabilities, pursuant to section 5126.28 of the 2688
Revised Code with respect to an applicant for employment in any 2689
position with a county board of mental retardation and 2690
developmental disabilities, or pursuant to section 5126.281 of the 2691
Revised Code with respect to an applicant for employment in a 2692
direct services position with an entity contracting with a county 2693
board for employment, a completed form prescribed pursuant to 2694
division (C)(1) of this section, and a set of fingerprint 2695
impressions obtained in the manner described in division (C)(2) of 2696
this section, the superintendent of the bureau of criminal 2697
identification and investigation shall conduct a criminal records 2698
check. The superintendent shall conduct the criminal records check 2699
in the manner described in division (B) of this section to 2700
determine whether any information exists that indicates that the 2701
person who is the subject of the request has been convicted of or 2702
pleaded guilty to any of the following: 2703

(a) A violation of section 2903.01, 2903.02, 2903.03, 2704
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2705
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2706
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2707
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2708

2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2709
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2710
2925.03, or 3716.11 of the Revised Code; 2711

(b) An existing or former municipal ordinance or law of this 2712
state, any other state, or the United States that is substantially 2713
equivalent to any of the offenses listed in division (A)(2)(a) of 2714
this section. 2715

(3) On receipt of a request pursuant to section 173.27, 2716
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 2717
completed form prescribed pursuant to division (C)(1) of this 2718
section, and a set of fingerprint impressions obtained in the 2719
manner described in division (C)(2) of this section, the 2720
superintendent of the bureau of criminal identification and 2721
investigation shall conduct a criminal records check with respect 2722
to any person who has applied for employment in a position for 2723
which a criminal records check is required by those sections. The 2724
superintendent shall conduct the criminal records check in the 2725
manner described in division (B) of this section to determine 2726
whether any information exists that indicates that the person who 2727
is the subject of the request previously has been convicted of or 2728
pleaded guilty to any of the following: 2729

(a) A violation of section 2903.01, 2903.02, 2903.03, 2730
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2731
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2732
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2733
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2734
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2735
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2736
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2737
2925.22, 2925.23, or 3716.11 of the Revised Code; 2738

(b) An existing or former law of this state, any other state, 2739
or the United States that is substantially equivalent to any of 2740

the offenses listed in division (A)(3)(a) of this section. 2741

(4) On receipt of a request pursuant to section 3701.881 of 2742
the Revised Code with respect to an applicant for employment with 2743
a home health agency as a person responsible for the care, 2744
custody, or control of a child, a completed form prescribed 2745
pursuant to division (C)(1) of this section, and a set of 2746
fingerprint impressions obtained in the manner described in 2747
division (C)(2) of this section, the superintendent of the bureau 2748
of criminal identification and investigation shall conduct a 2749
criminal records check. The superintendent shall conduct the 2750
criminal records check in the manner described in division (B) of 2751
this section to determine whether any information exists that 2752
indicates that the person who is the subject of the request 2753
previously has been convicted of or pleaded guilty to any of the 2754
following: 2755

(a) A violation of section 2903.01, 2903.02, 2903.03, 2756
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2757
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2758
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2759
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2760
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2761
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2762
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 2763
violation of section 2925.11 of the Revised Code that is not a 2764
minor drug possession offense; 2765

(b) An existing or former law of this state, any other state, 2766
or the United States that is substantially equivalent to any of 2767
the offenses listed in division (A)(4)(a) of this section. 2768

(5) On receipt of a request pursuant to section 5111.032, 2769
5111.033, or 5111.034 of the Revised Code, a completed form 2770
prescribed pursuant to division (C)(1) of this section, and a set 2771
of fingerprint impressions obtained in the manner described in 2772

division (C)(2) of this section, the superintendent of the bureau
of criminal identification and investigation shall conduct a
criminal records check. The superintendent shall conduct the
criminal records check in the manner described in division (B) of
this section to determine whether any information exists that
indicates that the person who is the subject of the request
previously has been convicted of, has pleaded guilty to, or has
been found eligible for intervention in lieu of conviction for
any of the following, regardless of the date of the conviction,
the date of entry of the guilty plea, or the date the person was
found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03,
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16,
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05,
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06,
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24,
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01,
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04,
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41,
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47,
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11,
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02,
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03,
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22,
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious
sexual penetration in violation of former section 2907.12 of the
Revised Code, a violation of section 2905.04 of the Revised Code
as it existed prior to July 1, 1996, a violation of section
2919.23 of the Revised Code that would have been a violation of
section 2905.04 of the Revised Code as it existed prior to July
1, 1996, had the violation been committed prior to that date;

(b) ~~An~~ A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(5)(a) of this section.

(6) On receipt of a request pursuant to section 3701.881 of the Revised Code with respect to an applicant for employment with a home health agency in a position that involves providing direct care to an older adult, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

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

(7) When conducting a criminal records check upon a request pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, in addition to the determination made under

division (A)(1) of this section, the superintendent shall 2838
determine whether any information exists that indicates that the 2839
person who is the subject of the request previously has been 2840
convicted of or pleaded guilty to any offense specified in section 2841
3319.31 of the Revised Code. 2842

(8) On receipt of a request pursuant to section 2151.86 of 2843
the Revised Code, a completed form prescribed pursuant to 2844
division (C)(1) of this section, and a set of fingerprint 2845
impressions obtained in the manner described in division (C)(2) 2846
of this section, the superintendent of the bureau of criminal 2847
identification and investigation shall conduct a criminal records 2848
check in the manner described in division (B) of this section to 2849
determine whether any information exists that indicates that the 2850
person who is the subject of the request previously has been 2851
convicted of or pleaded guilty to any of the following: 2852

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2853
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2854
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2855
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2856
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2857
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2858
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2859
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2860
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 2861
of the Revised Code, a violation of section 2905.04 of the 2862
Revised Code as it existed prior to July 1, 1996, a violation of 2863
section 2919.23 of the Revised Code that would have been a 2864
violation of section 2905.04 of the Revised Code as it existed 2865
prior to July 1, 1996, had the violation been committed prior to 2866
that date, a violation of section 2925.11 of the Revised Code 2867
that is not a minor drug possession offense, two or more OVI or 2868
OVUAC violations committed within the three years immediately 2869
preceding the submission of the application or petition that is 2870

the basis of the request, or felonious sexual penetration in	2871
violation of former section 2907.12 of the Revised Code;	2872
 (b) A violation of an existing or former law of this state,	2873
any other state, or the United States that is substantially	2874
equivalent to any of the offenses listed in division (A)(8)(a) of	2875
this section.	2876
 (9) Upon receipt of a request pursuant to section 5104.012	2877
or 5104.013 of the Revised Code, a completed form prescribed	2878
pursuant to division (C)(1) of this section, and a set of	2879
fingerprint impressions obtained in the manner described in	2880
division (C)(2) of this section, the superintendent of the bureau	2881
of criminal identification and investigation shall conduct a	2882
criminal records check in the manner described in division (B) of	2883
this section to determine whether any information exists that	2884
indicates that the person who is the subject of the request has	2885
been convicted of or pleaded guilty to any of the following:	2886
 (a) A violation of section 2903.01, 2903.02, 2903.03,	2887
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22,	2888
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04,	2889
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22,	2890
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323,	2891
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04,	2892
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32,	2893
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,	2894
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12,	2895
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12,	2896
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or	2897
3716.11 of the Revised Code, felonious sexual penetration in	2898
violation of former section 2907.12 of the Revised Code, a	2899
violation of section 2905.04 of the Revised Code as it existed	2900
prior to July 1, 1996, a violation of section 2919.23 of the	2901
Revised Code that would have been a violation of section 2905.04	2902

of the Revised Code as it existed prior to July 1, 1996, had the
violation been committed prior to that date, a violation of
section 2925.11 of the Revised Code that is not a minor drug
possession offense, a violation of section 2923.02 or 2923.03 of
the Revised Code that relates to a crime specified in this
division, or a second violation of section 4511.19 of the
Revised Code within five years of the date of application for
licensure or certification.

(b) A violation of an existing or former law of this state,
any other state, or the United States that is substantially
equivalent to any of the offenses or violations described in
division (A)(9)(a) of this section.

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

(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22,
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03,
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code,
felonious sexual penetration in violation of former section
2907.12 of the Revised Code, a violation of section 2905.04 of the

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

(b) A violation of an existing or former law of this state,
any other state, or the United States that is substantially
equivalent to any of the offenses listed in division (A)(10)(a) of
this section.

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

(12) On receipt of a request pursuant to section 1321.37,
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised
Code, a completed form prescribed pursuant to division (C)(1) of
this section, and a set of fingerprint impressions obtained in

the manner described in division (C)(2) of this section, the
superintendent of the bureau of criminal identification and
investigation shall conduct a criminal records check with
respect to any person who has applied for a license, permit, or
certification from the department of commerce or a division in
the department. The superintendent shall conduct the criminal
records check in the manner described in division (B) of this
section to determine whether any information exists that
indicates that the person who is the subject of the request
previously has been convicted of or pleaded guilty to any of the
following: a violation of section 2913.02, 2913.11, 2913.31,
2913.51, or 2925.03 of the Revised Code; any other criminal
offense involving theft, receiving stolen property,
embezzlement, forgery, fraud, passing bad checks, money
laundering, or drug trafficking, or any criminal offense
involving money or securities, as set forth in Chapters 2909.,
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised
Code; or any existing or former law of this state, any other
state, or the United States that is substantially equivalent to
those offenses.

(13) On receipt of a request for a criminal records check
from the treasurer of state under section 113.041 of the Revised
Code or from an individual under section 4701.08, 4715.101,
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14,
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281,
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10,
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051,
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied
by a completed form prescribed under division (C)(1) of this
section and a set of fingerprint impressions obtained in the
manner described in division (C)(2) of this section, the
superintendent of the bureau of criminal identification and
investigation shall conduct a criminal records check in the
manner described in division (B) of this section to determine

whether any information exists that indicates that the person who 3001
is the subject of the request has been convicted of or pleaded 3002
guilty to any criminal offense in this state or any other state. 3003
The superintendent shall send the results of a check requested 3004
under section 113.041 of the Revised Code to the treasurer of 3005
state and shall send the results of a check requested under any of 3006
the other listed sections to the licensing board specified by the 3007
individual in the request. 3008

(14) On receipt of a request pursuant to section 1121.23, 3009
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 3010
Code, a completed form prescribed pursuant to division (C)(1) of 3011
this section, and a set of fingerprint impressions obtained in the 3012
manner described in division (C)(2) of this section, the 3013
superintendent of the bureau of criminal identification and 3014
investigation shall conduct a criminal records check in the manner 3015
described in division (B) of this section to determine whether any 3016
information exists that indicates that the person who is the 3017
subject of the request previously has been convicted of or pleaded 3018
guilty to any criminal offense under any existing or former law of 3019
this state, any other state, or the United States. 3020

(15) Not later than thirty days after the date the 3021
superintendent receives a request of a type described in division 3022
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), 3023
(12), or (14) of this section, the completed form, and the 3024
fingerprint impressions, the superintendent shall send the 3025
person, board, or entity that made the request any information, 3026
other than information the dissemination of which is prohibited 3027
by federal law, the superintendent determines exists with respect 3028
to the person who is the subject of the request that indicates 3029
that the person previously has been convicted of or pleaded 3030
guilty to any offense listed or described in division (A)(1), 3031
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or 3032
(14) of this section, as appropriate. The superintendent shall 3033

send the person, board, or entity that made the request a copy of
the list of offenses specified in division (A)(1), (2), (3), (4),
(5), (6), (7), (8), (9), (10), (11), (12), or (14) of this
section, as appropriate. If the request was made under section
3701.881 of the Revised Code with regard to an applicant who may
be both responsible for the care, custody, or control of a child
and involved in providing direct care to an older adult, the
superintendent shall provide a list of the offenses specified in
divisions (A)(4) and (6) of this section.

Not later than thirty days after the superintendent receives
a request for a criminal records check pursuant to section 113.041
of the Revised Code, the completed form, and the fingerprint
impressions, the superintendent shall send the treasurer of state
any information, other than information the dissemination of which
is prohibited by federal law, the superintendent determines exist
with respect to the person who is the subject of the request that
indicates that the person previously has been convicted of or
pleaded guilty to any criminal offense in this state or any other
state.

(B) The superintendent shall conduct any criminal records
check requested under section 113.041, 121.08, 173.27, 173.394,
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03,
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39,
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101,
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14,
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281,
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10,
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032,
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091,
5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5123.081,
5126.28, 5126.281, or 5153.111 of the Revised Code as follows:

(1) The superintendent shall review or cause to be reviewed

any relevant information gathered and compiled by the bureau under 3066
division (A) of section 109.57 of the Revised Code that relates to 3067
the person who is the subject of the request, including, if the 3068
criminal records check was requested under section 113.041, 3069
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 3070
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 3071
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3072
3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 3073
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 3074
5126.281, or 5153.111 of the Revised Code, any relevant 3075
information contained in records that have been sealed under 3076
section 2953.32 of the Revised Code; 3077

(2) If the request received by the superintendent asks for 3078
information from the federal bureau of investigation, the 3079
superintendent shall request from the federal bureau of 3080
investigation any information it has with respect to the person 3081
who is the subject of the request, including fingerprint-based 3082
checks of national crime information databases as described in 42 3083
U.S.C. 671 if the request is made pursuant to section 2151.86, 3084
5104.012, or 5104.013 of the Revised Code or if any other Revised 3085
Code section requires fingerprint-based checks of that nature, and 3086
shall review or cause to be reviewed any information the 3087
superintendent receives from that bureau. If a request under 3088
section 3319.39 of the Revised Code asks only for information from 3089
the federal bureau of investigation, the superintendent shall not 3090
conduct the review prescribed by division (B)(1) of this section. 3091

(3) The superintendent or the superintendent's designee may 3092
request criminal history records from other states or the federal 3093
government pursuant to the national crime prevention and privacy 3094
compact set forth in section 109.571 of the Revised Code. 3095

(C)(1) The superintendent shall prescribe a form to obtain 3096
the information necessary to conduct a criminal records check from 3097

any person for whom a criminal records check is requested under	3098
section 113.041 of the Revised Code or required by section	3099
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141,	3100
<u>1321.53, 1321.531</u> , 1322.03, 1322.031, 1733.47, 1761.26, 2151.86,	3101
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121,	3102
3722.151, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501,	3103
4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15,	3104
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091,	3105
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70,	3106
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031,	3107
4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 5111.032,	3108
5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of	3109
the Revised Code. The form that the superintendent prescribes	3110
pursuant to this division may be in a tangible format, in an	3111
electronic format, or in both tangible and electronic formats.	3112

(2) The superintendent shall prescribe standard impression	3113
sheets to obtain the fingerprint impressions of any person for	3114
whom a criminal records check is requested under section 113.041	3115
of the Revised Code or required by section 121.08, 173.27,	3116
173.394, 1121.23, 1155.03, 1163.05, 1315.141, <u>1321.53, 1321.531</u> ,	3117
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541,	3118
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08,	3119
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101,	3120
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222,	3121
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061,	3122
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061,	3123
4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05,	3124
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034,	3125
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code.	3126
Any person for whom a records check is requested under or	3127
required by any of those sections shall obtain the fingerprint	3128
impressions at a county sheriff's office, municipal police	3129
department, or any other entity with the ability to make	3130
fingerprint impressions on the standard impression sheets	3131

prescribed by the superintendent. The office, department, or
entity may charge the person a reasonable fee for making the
impressions. The standard impression sheets the superintendent
prescribes pursuant to this division may be in a tangible
format, in an electronic format, or in both tangible and
electronic formats.

(3) Subject to division (D) of this section, the
superintendent shall prescribe and charge a reasonable fee for
providing a criminal records check requested under section
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05,
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26,
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09,
3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 4725.121,
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081,
4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531,
4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06,
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051,
4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013,
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or
5153.111 of the Revised Code. The person making a criminal
records request under any of those sections shall pay the fee
prescribed pursuant to this division. A person making a
request under section 3701.881 of the Revised Code for a
criminal records check for an applicant who may be both
responsible for the care, custody, or control of a child and
involved in providing direct care to an older adult shall pay
one fee for the request. In the case of a request under
section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26,
or 5111.032 of the Revised Code, the fee shall be paid in the
manner specified in that section.

(4) The superintendent of the bureau of criminal
identification and investigation may prescribe methods of
forwarding fingerprint impressions and information necessary to

conduct a criminal records check, which methods shall include, but 3165
not be limited to, an electronic method. 3166

(D) A determination whether any information exists that 3167
indicates that a person previously has been convicted of or 3168
pleaded guilty to any offense listed or described in division 3169
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 3170
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or 3171
(b), (A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), or (A)(14) of 3172
this section, or that indicates that a person previously has 3173
been convicted of or pleaded guilty to any criminal offense in 3174
this state or any other state regarding a criminal records check 3175
of a type described in division (A)(13) of this section, and 3176
that is made by the superintendent with respect to information 3177
considered in a criminal records check in accordance with this 3178
section is valid for the person who is the subject of the 3179
criminal records check for a period of one year from the date 3180
upon which the superintendent makes the determination. During the 3181
period in which the determination in regard to a person is valid, 3182
if another request under this section is made for a criminal 3183
records check for that person, the superintendent shall provide 3184
the information that is the basis for the superintendent's 3185
initial determination at a lower fee than the fee prescribed for 3186
the initial criminal records check. 3187

(E) As used in this section: 3188

(1) "Criminal records check" means any criminal records check 3189
conducted by the superintendent of the bureau of criminal 3190
identification and investigation in accordance with division (B) 3191
of this section. 3192

(2) "Minor drug possession offense" has the same meaning as 3193
in section 2925.01 of the Revised Code. 3194

(3) "Older adult" means a person age sixty or older. 3195

(4) "OVI or OVUAC violation" means a violation of section 3196
4511.19 of the Revised Code or a violation of an existing or 3197
former law of this state, any other state, or the United States 3198
that is substantially equivalent to section 4511.19 of the Revised 3199
Code. 3200

Sec. 109.73. (A) The Ohio peace officer training commission 3201
shall recommend rules to the attorney general with respect to all 3202
of the following: 3203

(1) The approval, or revocation of approval, of peace officer 3204
training schools administered by the state, counties, municipal 3205
corporations, public school districts, technical college 3206
districts, and the department of natural resources; 3207

(2) Minimum courses of study, attendance requirements, and 3208
equipment and facilities to be required at approved state, county, 3209
municipal, and department of natural resources peace officer 3210
training schools; 3211

(3) Minimum qualifications for instructors at approved state, 3212
county, municipal, and department of natural resources peace 3213
officer training schools; 3214

(4) The requirements of minimum basic training that peace 3215
officers appointed to probationary terms shall complete before 3216
being eligible for permanent appointment, which requirements shall 3217
include ~~a minimum of fifteen hours of~~ training in the handling of 3218
the offense of domestic violence, other types of domestic 3219
violence-related offenses and incidents, and protection orders and 3220
consent agreements issued or approved under section 2919.26 or 3221
3113.31 of the Revised Code; ~~a minimum of six hours of~~ crisis 3222
intervention training; and ~~a specified amount of~~ training in the 3223
handling of missing children and child abuse and neglect cases; 3224
and the time within which such basic training shall be completed 3225

following appointment to a probationary term; 3226

(5) The requirements of minimum basic training that peace 3227
officers not appointed for probationary terms but appointed on 3228
other than a permanent basis shall complete in order to be 3229
eligible for continued employment or permanent appointment, which 3230
requirements shall include ~~a minimum of fifteen hours of~~ training 3231
in the handling of the offense of domestic violence, other types 3232
of domestic violence-related offenses and incidents, and 3233
protection orders and consent agreements issued or approved under 3234
section 2919.26 or 3113.31 of the Revised Code, ~~a minimum of six~~ 3235
~~hours of~~ crisis intervention training, and ~~a specified amount of~~ 3236
training in the handling of missing children and child abuse and 3237
neglect cases, and the time within which such basic training shall 3238
be completed following appointment on other than a permanent 3239
basis; 3240

(6) Categories or classifications of advanced in-service 3241
training programs for peace officers, including programs in the 3242
handling of the offense of domestic violence, other types of 3243
domestic violence-related offenses and incidents, and protection 3244
orders and consent agreements issued or approved under section 3245
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 3246
and in the handling of missing children and child abuse and 3247
neglect cases, and minimum courses of study and attendance 3248
requirements with respect to such categories or classifications; 3249

(7) Permitting persons, who are employed as members of a 3250
campus police department appointed under section 1713.50 of the 3251
Revised Code; who are employed as police officers by a qualified 3252
nonprofit corporation police department pursuant to section 3253
1702.80 of the Revised Code; who are appointed and commissioned as 3254
bank, savings and loan association, savings bank, credit union, or 3255
association of banks, savings and loan associations, savings 3256
banks, or credit unions police officers, as railroad police 3257

officers, or as hospital police officers pursuant to sections 3258
4973.17 to 4973.22 of the Revised Code; or who are appointed and 3259
commissioned as amusement park police officers pursuant to section 3260
4973.17 of the Revised Code, to attend approved peace officer 3261
training schools, including the Ohio peace officer training 3262
academy, and to receive certificates of satisfactory completion of 3263
basic training programs, if the private college or university that 3264
established the campus police department; qualified nonprofit 3265
corporation police department; bank, savings and loan association, 3266
savings bank, credit union, or association of banks, savings and 3267
loan associations, savings banks, or credit unions; railroad 3268
company; hospital; or amusement park sponsoring the police 3269
officers pays the entire cost of the training and certification 3270
and if trainee vacancies are available; 3271

(8) Permitting undercover drug agents to attend approved 3272
peace officer training schools, other than the Ohio peace officer 3273
training academy, and to receive certificates of satisfactory 3274
completion of basic training programs, if, for each undercover 3275
drug agent, the county, township, or municipal corporation that 3276
employs that undercover drug agent pays the entire cost of the 3277
training and certification; 3278

(9)(a) The requirements for basic training programs for 3279
bailiffs and deputy bailiffs of courts of record of this state and 3280
for criminal investigators employed by the state public defender 3281
that those persons shall complete before they may carry a firearm 3282
while on duty; 3283

(b) The requirements for any training received by a bailiff 3284
or deputy bailiff of a court of record of this state or by a 3285
criminal investigator employed by the state public defender prior 3286
to June 6, 1986, that is to be considered equivalent to the 3287
training described in division (A)(9)(a) of this section. 3288

(10) Establishing minimum qualifications and requirements for 3289

certification for dogs utilized by law enforcement agencies;	3290
(11) Establishing minimum requirements for certification of	3291
persons who are employed as correction officers in a full-service	3292
jail, five-day facility, or eight-hour holding facility or who	3293
provide correction services in such a jail or facility;	3294
(12) Establishing requirements for the training of agents of	3295
a county humane society under section 1717.06 of the Revised Code,	3296
including, without limitation, a requirement that the agents	3297
receive instruction on traditional animal husbandry methods and	3298
training techniques, including customary owner-performed	3299
practices.	3300
(B) The commission shall appoint an executive director, with	3301
the approval of the attorney general, who shall hold office during	3302
the pleasure of the commission. The executive director shall	3303
perform such duties assigned by the commission. The executive	3304
director shall receive a salary fixed pursuant to Chapter 124. of	3305
the Revised Code and reimbursement for expenses within the amounts	3306
available by appropriation. The executive director may appoint	3307
officers, employees, agents, and consultants as the executive	3308
director considers necessary, prescribe their duties, and provide	3309
for reimbursement of their expenses within the amounts available	3310
for reimbursement by appropriation and with the approval of the	3311
commission.	3312
(C) The commission may do all of the following:	3313
(1) Recommend studies, surveys, and reports to be made by the	3314
executive director regarding the carrying out of the objectives	3315
and purposes of sections 109.71 to 109.77 of the Revised Code;	3316
(2) Visit and inspect any peace officer training school that	3317
has been approved by the executive director or for which	3318
application for approval has been made;	3319

(3) Make recommendations, from time to time, to the executive director, the attorney general, and the general assembly regarding the carrying out of the purposes of sections 109.71 to 109.77 of the Revised Code;	3320 3321 3322 3323
(4) Report to the attorney general from time to time, and to the governor and the general assembly at least annually, concerning the activities of the commission;	3324 3325 3326
(5) Establish fees for the services the commission offers under sections 109.71 to 109.79 of the Revised Code, including, but not limited to, fees for training, certification, and testing;	3327 3328 3329
(6) Perform such other acts as are necessary or appropriate to carry out the powers and duties of the commission as set forth in sections 109.71 to 109.77 of the Revised Code.	3330 3331 3332
(D) In establishing the requirements, under division (A)(12) of this section, the commission may consider any portions of the curriculum for instruction on the topic of animal husbandry practices, if any, of the Ohio state university college of veterinary medicine. No person or entity that fails to provide instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices, shall qualify to train a humane agent for appointment under section 1717.06 of the Revised Code.	3333 3334 3335 3336 3337 3338 3339 3340 3341
Sec. 109.731. (A) The Ohio peace officer training commission shall prescribe, and shall make available to sheriffs, all of the following:	3342 3343 3344
(1) An application form that is to be used under section 2923.125 of the Revised Code by a person who applies for a license to carry a concealed handgun ~~or~~ <u>and an application form that is to be used under section 2923.125 of the Revised Code by a person who</u>	3345 3346 3347 3348

<u>applies</u> for the renewal of a license of that nature ~~and that~~	3349
~~conforms~~ , <u>both of which shall conform</u> substantially to the ~~form~~	3350
<u>forms</u> prescribed in section 2923.1210 of the Revised Code;	3351
(2) A form for the license to carry a concealed handgun that	3352
is to be issued by sheriffs to persons who qualify for a license	3353
to carry a concealed handgun under section 2923.125 of the Revised	3354
Code and that conforms to the following requirements:	3355
(a) It has space for the licensee's full name, residence	3356
address, and date of birth and for a color photograph of the	3357
licensee.	3358
(b) It has space for the date of issuance of the license, its	3359
expiration date, its county of issuance, the name of the sheriff	3360
who issues the license, and the unique combination of letters and	3361
numbers that identify the county of issuance and the license given	3362
to the licensee by the sheriff in accordance with division (A)(4)	3363
of this section.	3364
(c) It has space for the signature of the licensee and the	3365
signature or a facsimile signature of the sheriff who issues the	3366
license.	3367
(d) It does not require the licensee to include serial	3368
numbers of handguns, other identification related to handguns, or	3369
similar data that is not pertinent or relevant to obtaining the	3370
license and that could be used as a de facto means of registration	3371
of handguns owned by the licensee.	3372
(3) A series of three-letter county codes that identify each	3373
county in this state;	3374
(4) A procedure by which a sheriff shall give each license,	3375
replacement license, or renewal license to carry a concealed	3376
handgun and each temporary emergency license or replacement	3377

temporary emergency license to carry a concealed handgun the 3378
sheriff issues under section 2923.125 or 2923.1213 of the Revised 3379
Code a unique combination of letters and numbers that identifies 3380
the county in which the license or temporary emergency license was 3381
issued and that uses the county code and a unique number for each 3382
license and each temporary emergency license the sheriff of that 3383
county issues; 3384

(5) A form for the temporary emergency license to carry a 3385
concealed handgun that is to be issued by sheriffs to persons who 3386
qualify for a temporary emergency license under section 2923.1213 3387
of the Revised Code, which form shall conform to all the 3388
requirements set forth in divisions (A)(2)(a) to (d) of this 3389
section and shall additionally conspicuously specify that the 3390
license is a temporary emergency license and the date of its 3391
issuance. 3392

(B)(1) The Ohio peace officer training commission, in 3393
consultation with the attorney general, shall prepare a pamphlet 3394
that does all of the following, in everyday language: 3395

(a) Explains the firearms laws of this state; 3396

(b) Instructs the reader in dispute resolution and explains 3397
the laws of this state related to that matter; 3398

(c) Provides information to the reader regarding all aspects 3399
of the use of deadly force with a firearm, including, but not 3400
limited to, the steps that should be taken before contemplating 3401
the use of, or using, deadly force with a firearm, possible 3402
alternatives to using deadly force with a firearm, and the law 3403
governing the use of deadly force with a firearm. 3404

(2) The attorney general shall consult with and assist the 3405
commission in the preparation of the pamphlet described in 3406
division (B)(1) of this section and, as necessary, shall recommend 3407

to the commission changes in the pamphlet to reflect changes in 3408
the law that are relevant to it. The ~~commission~~attorney general 3409
shall ~~make copies of~~publish the pamphlet available to any 3410
person, public entity, or private entity that operates or teaches 3411
a training course, class, or program described in division 3412
(B)(3)(a), (b), (c), and (d) of section 2923.125 of the Revised 3413
Code and requests copies for distribution to persons who take the 3414
course, class, or program, and to sheriffs for distribution to 3415
applicants under section 2923.125 of the Revised Code for a 3416
license to carry a concealed handgun and applicants under that 3417
section for the renewal of a license to carry a concealed 3418
handgun on the web site of the attorney general and shall provide 3419
the address of the web site to any person who requests the 3420
pamphlet. 3421

(C)(1) The Ohio peace officer training commission, in 3422
consultation with the attorney general, shall prescribe a fee to 3423
be paid by an applicant under section 2923.125 of the Revised 3424
Code for a license to carry a concealed handgun or for the 3425
renewal of a license to carry a concealed handgun as follows: 3426

(a) For an applicant who has been a resident of this state 3427
for five or more years, an amount that does not exceed the lesser 3428
of the actual cost of issuing the license, including, but not 3429
limited to, the cost of conducting a criminal records check, or 3430
whichever of the following is applicable: 3431

(i) For an application made on or after the effective date of 3432
this amendment, fifty-five dollars; 3433

(ii) For an application made prior to the effective date of 3434
this amendment, forty-five dollars; 3435

(b) For an applicant who has been a resident of this state 3436
for less than five years, an amount that shall consist of the 3437
actual cost of having a criminal background check performed by the 3438

federal bureau of investigation, if one is so performed, plus the	3439
lesser of the actual cost of issuing the license, including, but	3440
not limited to, the cost of conducting a criminal records check,	3441
or whichever of the following is applicable:	3442
(i) ~~For an application made on or after the effective date of~~	3443
this amendment, fifty five dollars;	3444
(ii) ~~For an application made prior to the effective date of~~	3445
this amendment, forty five dollars.	3446
(2) ~~The commission, in consultation with the attorney~~	3447
general, shall specify the portion of the fee prescribed under	3448
division (C)(1) of this section that will be used to pay each	3449
particular cost of the issuance of the license. The sheriff shall	3450
deposit all fees paid by an applicant under section 2923.125 of	3451
the Revised Code into the sheriff's concealed handgun license	3452
issuance expense fund established pursuant to section 311.42 of	3453
the Revised Code.	3454
(D) The Ohio peace officer training commission shall maintain	3455
statistics with respect to the issuance, renewal, suspension,	3456
revocation, and denial of licenses to carry a concealed handgun	3457
and the suspension of processing of applications for those	3458
licenses, and with respect to the issuance, suspension,	3459
revocation, and denial of temporary emergency licenses to carry a	3460
concealed handgun, as reported by the sheriffs pursuant to	3461
division (C) of section 2923.129 of the Revised Code. Not later	3462
than the first day of March in each year, the commission shall	3463
submit a statistical report to the governor, the president of the	3464
senate, and the speaker of the house of representatives indicating	3465
the number of licenses to carry a concealed handgun that were	3466
issued, renewed, suspended, revoked, and denied in the previous	3467
calendar year, the number of applications for those licenses for	3468
which processing was suspended in accordance with division (D)(3)	3469
of section 2923.125 of the Revised Code in the previous calendar	3470

year, and the number of temporary emergency licenses to carry a
concealed handgun that were issued, suspended, revoked, or denied
in the previous calendar year. Nothing in the statistics or the
statistical report shall identify, or enable the identification
of, any individual who was issued or denied a license, for whom a
license was renewed, whose license was suspended or revoked, or
for whom application processing was suspended. The statistics and
the statistical report are public records for the purpose of
section 149.43 of the Revised Code.

~~(E)~~(D) As used in this section, "handgun" has the same
meaning as in section 2923.11 of the Revised Code.

Sec. 109.742. The attorney general shall adopt, in
accordance with Chapter 119. or pursuant to section 109.74 of the
Revised Code, rules governing the training of peace officers in
crisis intervention. The rules shall specify ~~six or more hours of~~
~~that~~the amount of training necessary for the satisfactory
completion of basic training programs at approved peace officer
training schools, other than the Ohio peace officer training
academy.

Sec. 109.744. The attorney general shall adopt, in
accordance with Chapter 119. of the Revised Code or pursuant to
section 109.74 of the Revised Code, rules governing the training
of peace officers in the handling of the offense of domestic
violence, other types of domestic violence-related offenses and
incidents, and protection orders and consent agreements issued or
approved under section 2919.26 or 3113.31 of the Revised Code. The
provisions of the rules shall include, but shall not be limited
to, all of the following:

(A) A ~~specification that fifteen or more hours specified~~
amount of that training that is required necessary for the
satisfactory completion of basic training programs at approved
peace officer training schools, other than the Ohio peace officer

training academy;	3503
(B) A requirement that the training include, but not be limited to, training in all of the following:	3504 3505
(1) All recent amendments to domestic violence-related laws;	3506
(2) Notifying a victim of domestic violence of ~~his~~ <u>the</u> <u>victim's</u> rights;	3507 3508
(3) Processing protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code.	3509 3510 3511
Sec. 109.751. (A) The executive director of the Ohio peace officer training commission shall neither approve nor issue a certificate of approval to a peace officer training school pursuant to section 109.75 of the Revised Code unless the school agrees to permit, in accordance with rules adopted by the attorney general pursuant to division (C) of this section, undercover drug agents to attend its basic training programs. The executive director shall revoke approval, and the certificate of approval of, a peace officer training school that does not permit, in accordance with rules adopted by the attorney general pursuant to division (C) of this section, undercover drug agents to attend its basic training programs.	3512 3513 3514 3515 3516 3517 3518 3519 3520 3521 3522 3523
This division does not apply to peace officer training schools for employees of conservancy districts who are designated pursuant to section 6101.75 of the Revised Code or for a natural resources law enforcement staff officer, park officers, forest officers, preserve officers, wildlife officers, or state watercraft officers of the department of natural resources.	3524 3525 3526 3527 3528 3529
(B)(1) A peace officer training school is not required to permit an undercover drug agent, a bailiff or deputy bailiff of a	3530 3531

court of record of this state, or a criminal investigator employed 3532
by the state public defender to attend its basic training programs 3533
if either of the following applies: 3534

(a) In the case of the Ohio peace officer training academy, 3535
the employer county, township, municipal corporation, court, or 3536
state public defender or the particular undercover drug agent, 3537
bailiff, deputy bailiff, or criminal investigator has not paid the 3538
tuition costs of training in accordance with section 109.79 of the 3539
Revised Code; 3540

(b) In the case of other peace officer training schools, the 3541
~~employer~~employing county, township, municipal corporation, court, 3542
or state public defender fails to pay the entire cost of the 3543
training and certification. 3544

(2) A training school shall not permit a bailiff or deputy 3545
bailiff of a court of record of this state or a criminal 3546
investigator employed by the state public defender to attend its 3547
basic training programs unless the employing court of the bailiff 3548
or deputy bailiff or the state public defender, whichever is 3549
applicable, has authorized the bailiff, deputy bailiff, or 3550
investigator to attend the school. 3551

(C) The attorney general shall adopt, in accordance with 3552
Chapter 119. or pursuant to section 109.74 of the Revised Code, 3553
rules governing the attendance of undercover drug agents at 3554
approved peace officer training schools, other than the Ohio peace 3555
officer training academy, and the certification of the agents upon 3556
their satisfactory completion of basic training programs. 3557

Sec. 109.761. (A)(1) Each agency or entity that appoints or 3558
employs one or more peace officers shall report to the Ohio peace 3559
officer training commission all of the following that occur on or 3560
after February 20, 2002: 3561

(a) The appointment or employment of any person to serve the agency or entity as a peace officer in any full-time, part-time, reserve, auxiliary, or other capacity;	3562 3563 3564
(b) The termination, resignation, felony conviction, ~~or~~ death, <u>or guilty plea as specified in division (F) of section 109.77 of the Revised Code</u> of any person who has been appointed to or employed by the agency or entity as a peace officer in any full-time, part-time, reserve, auxiliary, or other capacity and is serving the agency or entity in any of those peace officer capacities.	3565 3566 3567 3568 3569 3570 3571
(2) An agency or entity shall make each report required by this division not later than ten days after the occurrence of the event being reported. The agency or entity shall make the report in the manner and format prescribed by the executive director of the Ohio peace officer training commission.	3572 3573 3574 3575 3576
(B) Each agency or entity that appoints or employs one or more peace officers or state highway patrol troopers shall annually provide to the Ohio peace officer training commission a roster of all persons who have been appointed to or employed by the agency or entity as peace officers or troopers in any full-time, part-time, reserve, auxiliary, or other capacity and are serving, or during the year covered by the report have served, the agency or entity in any of those peace officer or trooper capacities. The agency or entity shall provide the roster in the manner and format, and by the date, prescribed by the executive director of the Ohio peace officer training commission.	3577 3578 3579 3580 3581 3582 3583 3584 3585 3586 3587
(C) The Ohio peace officer training commission shall prescribe the manner and format of making reports under division (A) of this section and providing annual rosters under division (B) of this section and shall prescribe the date by which the annual rosters must be provided.	3588 3589 3590 3591 3592

Sec. 109.77. (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.	3593 3594
(B)(1) Notwithstanding any general, special, or local law or charter to the contrary, and except as otherwise provided in this section, no person shall receive an original appointment on a permanent basis as any of the following unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program:	3595 3596 3597 3598 3599 3600 3601 3602 3603
(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;	3604 3605 3606
(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;	3607 3608 3609
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	3610 3611
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	3612 3613
(e) A state university law enforcement officer;	3614
(f) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of mental retardation and developmental disabilities pursuant to section 5123.13 of the Revised Code;	3615 3616 3617 3618
(g) An enforcement agent of the department of public safety whom the director of public safety designates under section	3619 3620

5502.14 of the Revised Code;	3621
(h) A special police officer employed by a port authority	3622
under section 4582.04 or 4582.28 of the Revised Code;	3623
(i) A special police officer employed by a municipal	3624
corporation at a municipal airport, or other municipal air	3625
navigation facility, that has scheduled operations, as defined in	3626
section 119.3 of Title 14 of the Code of Federal Regulations, 14	3627
C.F.R. 119.3, as amended, and that is required to be under a	3628
security program and is governed by aviation security rules of the	3629
transportation security administration of the United States	3630
department of transportation as provided in Parts 1542. and 1544.	3631
of Title 49 of the Code of Federal Regulations, as amended.	3632
(2) Every person who is appointed on a temporary basis or for	3633
a probationary term or on other than a permanent basis as any of	3634
the following shall forfeit the appointed position unless the	3635
person previously has completed satisfactorily or, within the time	3636
prescribed by rules adopted by the attorney general pursuant to	3637
section 109.74 of the Revised Code, satisfactorily completes a	3638
state, county, municipal, or department of natural resources peace	3639
officer basic training program for temporary or probationary	3640
officers and is awarded a certificate by the director attesting to	3641
the satisfactory completion of the program:	3642
(a) A peace officer of any county, township, municipal	3643
corporation, regional transit authority, or metropolitan housing	3644
authority;	3645
(b) A natural resources law enforcement staff officer, park	3646
officer, forest officer, preserve officer, wildlife officer, or	3647
state watercraft officer of the department of natural resources;	3648
(c) An employee of a park district under section 511.232 or	3649
1545.13 of the Revised Code;	3650

(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	3651 3652
(e) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of mental retardation and developmental disabilities pursuant to section 5123.13 of the Revised Code;	3653 3654 3655 3656
(f) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	3657 3658 3659
(g) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	3660 3661
(h) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.	3662 3663 3664 3665 3666 3667 3668 3669 3670
(3) For purposes of division (B) of this section, a state, county, municipal, or department of natural resources peace officer basic training program, regardless of whether the program is to be completed by peace officers appointed on a permanent or temporary, probationary, or other nonpermanent basis, shall include ~~at least fifteen hours of~~ training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code and ~~at least six hours of~~ crisis	3671 3672 3673 3674 3675 3676 3677 3678 3679 3680

intervention training. The requirement to complete ~~fifteen hours~~ 3681
of training in the handling of the offense of domestic violence, 3682
other types of domestic violence-related offenses and incidents, 3683
and protection orders and consent agreements issued or approved 3684
under section 2919.26 or 3113.31 of the Revised Code does not 3685
apply to any person serving as a peace officer on March 27, 1979, 3686
and the requirement to complete ~~six hours of~~ training in crisis 3687
intervention does not apply to any person serving as a peace 3688
officer on April 4, 1985. Any person who is serving as a peace 3689
officer on April 4, 1985, who terminates that employment after 3690
that date, and who subsequently is hired as a peace officer by the 3691
same or another law enforcement agency shall complete ~~the six~~ 3692
~~hours of~~ training in crisis intervention within the timeas 3693
prescribed by rules adopted by the attorney general pursuant to 3694
section 109.742 of the Revised Code. No peace officer shall have 3695
employment as a peace officer terminated and then be reinstated 3696
with intent to circumvent this section. 3697

(4) Division (B) of this section does not apply to any person 3698
serving on a permanent basis on March 28, 1985, as a park officer, 3699
forest officer, preserve officer, wildlife officer, or state 3700
watercraft officer of the department of natural resources or as an 3701
employee of a park district under section 511.232 or 1545.13 of 3702
the Revised Code, to any person serving on a permanent basis on 3703
March 6, 1986, as an employee of a conservancy district designated 3704
pursuant to section 6101.75 of the Revised Code, to any person 3705
serving on a permanent basis on January 10, 1991, as a preserve 3706
officer of the department of natural resources, to any person 3707
employed on a permanent basis on July 2, 1992, as a special police 3708
officer by the department of mental health pursuant to section 3709
5119.14 of the Revised Code or by the department of mental 3710
retardation and developmental disabilities pursuant to section 3711
5123.13 of the Revised Code, to any person serving on a permanent 3712
basis on May 17, 2000, as a special police officer employed by a 3713
port authority under section 4582.04 or 4582.28 of the Revised 3714

Code, to any person serving on a permanent basis on ~~the effective~~ 3715
~~date of this amendment~~ March 19, 2003, as a special police officer 3716
employed by a municipal corporation at a municipal airport or 3717
other municipal air navigation facility described in division 3718
(A)(19) of section 109.71 of the Revised Code, to any person 3719
serving on a permanent basis on June 19, 1978, as a state 3720
university law enforcement officer pursuant to section 3345.04 of 3721
the Revised Code and who, immediately prior to June 19, 1978, was 3722
serving as a special police officer designated under authority of 3723
that section, or to any person serving on a permanent basis on 3724
September 20, 1984, as a liquor control investigator, known after 3725
June 30, 1999, as an enforcement agent of the department of public 3726
safety, engaged in the enforcement of Chapters 4301. and 4303. of 3727
the Revised Code. 3728

(5) Division (B) of this section does not apply to any person 3729
who is appointed as a regional transit authority police officer 3730
pursuant to division (Y) of section 306.35 of the Revised Code if, 3731
on or before July 1, 1996, the person has completed satisfactorily 3732
an approved state, county, municipal, or department of natural 3733
resources peace officer basic training program and has been 3734
awarded a certificate by the executive director of the Ohio peace 3735
officer training commission attesting to the person's satisfactory 3736
completion of such an approved program and if, on July 1, 1996, 3737
the person is performing peace officer functions for a regional 3738
transit authority. 3739

(C) No person, after September 20, 1984, shall receive an 3740
original appointment on a permanent basis as a veterans' home 3741
police officer designated under section 5907.02 of the Revised 3742
Code unless the person previously has been awarded a certificate 3743
by the executive director of the Ohio peace officer training 3744
commission attesting to the person's satisfactory completion of an 3745
approved police officer basic training program. Every person who 3746
is appointed on a temporary basis or for a probationary term or on 3747

other than a permanent basis as a veterans' home police officer 3748
designated under section 5907.02 of the Revised Code shall forfeit 3749
that position unless the person previously has completed 3750
satisfactorily or, within one year from the time of appointment, 3751
satisfactorily completes an approved police officer basic training 3752
program. 3753

(D) No bailiff or deputy bailiff of a court of record of this 3754
state and no criminal investigator who is employed by the state 3755
public defender shall carry a firearm, as defined in section 3756
2923.11 of the Revised Code, while on duty unless the bailiff, 3757
deputy bailiff, or criminal investigator has done or received one 3758
of the following: 3759

(1) Has been awarded a certificate by the executive director 3760
of the Ohio peace officer training commission, which certificate 3761
attests to satisfactory completion of an approved state, county, 3762
or municipal basic training program for bailiffs and deputy 3763
bailiffs of courts of record and for criminal investigators 3764
employed by the state public defender that has been recommended by 3765
the Ohio peace officer training commission; 3766

(2) Has successfully completed a firearms training program 3767
approved by the Ohio peace officer training commission prior to 3768
employment as a bailiff, deputy bailiff, or criminal investigator; 3769

(3) Prior to June 6, 1986, was authorized to carry a firearm 3770
by the court that employed the bailiff or deputy bailiff or, in 3771
the case of a criminal investigator, by the state public defender 3772
and has received training in the use of firearms that the Ohio 3773
peace officer training commission determines is equivalent to the 3774
training that otherwise is required by division (D) of this 3775
section. 3776

(E)(1) Before a person seeking a certificate completes an 3777
approved peace officer basic training program, the executive 3778

director of the Ohio peace officer training commission shall 3779
request the person to disclose, and the person shall disclose, any 3780
previous criminal conviction of or plea of guilty of that person 3781
to a felony. 3782

(2) Before a person seeking a certificate completes an 3783
approved peace officer basic training program, the executive 3784
director shall request a criminal history records check on the 3785
person. The executive director shall submit the person's 3786
fingerprints to the bureau of criminal identification and 3787
investigation, which shall submit the fingerprints to the federal 3788
bureau of investigation for a national criminal history records 3789
check. 3790

Upon receipt of the executive director's request, the bureau 3791
of criminal identification and investigation and the federal 3792
bureau of investigation shall conduct a criminal history records 3793
check on the person and, upon completion of the check, shall 3794
provide a copy of the criminal history records check to the 3795
executive director. The executive director shall not award any 3796
certificate prescribed in this section unless the executive 3797
director has received a copy of the criminal history records check 3798
on the person to whom the certificate is to be awarded. 3799

(3) The executive director of the commission shall not award 3800
a certificate prescribed in this section to a person who has been 3801
convicted of or has pleaded guilty to a felony or who fails to 3802
disclose any previous criminal conviction of or plea of guilty to 3803
a felony as required under division (E)(1) of this section. 3804

(4) The executive director of the commission shall revoke the 3805
certificate awarded to a person as prescribed in this section, and 3806
that person shall forfeit all of the benefits derived from being 3807
certified as a peace officer under this section, if the person, 3808
before completion of an approved peace officer basic training 3809
program, failed to disclose any previous criminal conviction of or 3810

plea of guilty to a felony as required under division (E)(1) of
this section.

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

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

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

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

(G)(1) If a person is awarded a certificate under this 3843
section and the certificate is revoked pursuant to division (E)(4) 3844
or (F) of this section, the person shall not be eligible to 3845
receive, at any time, a certificate attesting to the person's 3846
satisfactory completion of a peace officer basic training program. 3847

(2) The revocation or suspension of a certificate under 3848
division (E)(4) or (F) of this section shall be in accordance with 3849
Chapter 119. of the Revised Code. 3850

(H)(1) A person who was employed as a peace officer of a 3851
county, township, or municipal corporation of the state on January 3852
1, 1966, and who has completed at least sixteen years of full-time 3853
active service as such a peace officer, or equivalent service as 3854
determined by the executive director of the Ohio peace officer 3855
training commission, may receive an original appointment on a 3856
permanent basis and serve as a peace officer of a county, 3857
township, or municipal corporation, or as a state university law 3858
enforcement officer, without complying with the requirements of 3859
division (B) of this section. 3860

(2) Any person who held an appointment as a state highway 3861
trooper on January 1, 1966, may receive an original appointment on 3862
a permanent basis and serve as a peace officer of a county, 3863
township, or municipal corporation, or as a state university law 3864
enforcement officer, without complying with the requirements of 3865
division (B) of this section. 3866

(I) No person who is appointed as a peace officer of a 3867
county, township, or municipal corporation on or after April 9, 3868
1985, shall serve as a peace officer of that county, township, or 3869
municipal corporation unless the person has received training in 3870
the handling of missing children and child abuse and neglect cases 3871
from an approved state, county, township, or municipal police 3872
officer basic training program or receives the training within the 3873

time prescribed by rules adopted by the attorney general pursuant 3874
to section 109.741 of the Revised Code. 3875

(J) No part of any approved state, county, or municipal basic 3876
training program for bailiffs and deputy bailiffs of courts of 3877
record and no part of any approved state, county, or municipal 3878
basic training program for criminal investigators employed by the 3879
state public defender shall be used as credit toward the 3880
completion by a peace officer of any part of the approved state, 3881
county, or municipal peace officer basic training program that the 3882
peace officer is required by this section to complete 3883
satisfactorily. 3884

(K) This section does not apply to any member of the police 3885
department of a municipal corporation in an adjoining state 3886
serving in this state under a contract pursuant to section 737.04 3887
of the Revised Code. 3888

Sec. 109.802. (A) There is hereby created in the state 3889
treasury the law enforcement assistance fund. The ~~fund~~attorney 3890
general shall ~~be used~~use the fund to pay reimbursements for 3891
continuing professional training programs for peace officers and 3892
troopers as provided in this section and section 109.803 of the 3893
Revised Code, ~~the~~ compensation of any employees of the attorney 3894
general required to administer those sections, and any other 3895
administrative costs incurred by the attorney general to 3896
administer those sections. 3897

(B) The attorney general shall adopt rules in accordance with 3898
Chapter 119. of the Revised Code establishing application 3899
procedures, standards, and guidelines, and prescribing an 3900
application form, for the reimbursement of public appointing 3901
authorities for the cost of continuing professional training 3902
programs for their peace officers and troopers. The rules shall 3903
include, but are not limited to, all of the following: 3904

(1) A requirement that applications for reimbursement be submitted on a calendar-year basis;	3905 3906
(2) The documentation required to substantiate any costs for which the applicant seeks reimbursement;	3907 3908
(3) Procedures for submitting applications for reimbursement for the cost of continuing professional training programs completed by a peace officer or trooper for whom the executive director of the Ohio peace officer training commission granted pursuant to division (A)(2) of section 109.803 of the Revised Code an extension of the time for compliance with the continuing professional training requirement specified in division (A) of that section and who complied with the requirement prior to the date on which the extension ends;	3909 3910 3911 3912 3913 3914 3915 3916 3917
(4) Any other requirements necessary for the proper administration of the reimbursement program.	3918 3919
(C) The Ohio peace officer training commission shall administer a program for reimbursing public appointing authorities for the costs of continuing professional training programs that are successfully completed by the appointing authority's peace officers or troopers. The commission shall administer the reimbursement program in accordance with rules adopted by the attorney general pursuant to division (B) of this section.	3920 3921 3922 3923 3924 3925 3926
(D) Each public appointing authority may apply each calendar year to the peace officer training commission for reimbursement for the costs of continuing professional training programs that are successfully completed by the appointing authority's peace officers or troopers. Each application shall be made in accordance with, on an application form prescribed in, and be supported by the documentation required by, the rules adopted by the attorney general pursuant to division (B) of this section.	3927 3928 3929 3930 3931 3932 3933 3934

(E)(1) The Ohio peace officer training commission, in accordance with rules of the attorney general adopted under division (B) of this section, shall review each application for reimbursement made under division (D) of this section to determine if the applicant is entitled to reimbursement for the training programs for which the applicant seeks reimbursement. Except as provided in division (E)(2) of this section, a public appointing authority that complies with division (B) of section 109.761 of the Revised Code and applies under division (D) of this section for reimbursement is entitled to reimbursement ~~only if all for~~ each of the appointing authority's peace officers or troopers ~~comply who timely complies~~ with the continuing professional training requirement specified in division (A)(1) of section 109.803 of the Revised Code by completing the minimum number of hours of training directed by the Ohio peace officer training commission under that division and with the other requirements described in that division.

~~(2) If a public appointing authority applies under division (D) of this section for reimbursement, if one or more of its peace officers or troopers have not complied with the continuing professional training requirement specified in division (A)(1) of section 109.803 of the Revised Code by completing the minimum number of hours of training directed by the Ohio peace officer training commission under that division, and if the executive director of the commission granted pursuant to division (A)(2) of section 109.803 of the Revised Code an extension of the time within which each of those peace officers or troopers who have not complied with the continuing professional training requirement must comply with that requirement, notwithstanding division (E)(1) of this section, both of the following apply:~~

~~(a) If each peace officer or trooper of the public appointing authority for whom the executive director of the commission did not grant an extension pursuant to division (A)(2) of section~~

~~109.803 of the Revised Code has complied with the continuing professional training requirement and with the other requirements described in division (A)(1) of section 109.803 of the Revised Code, the public appointing authority is entitled to reimbursement for the training programs completed by all of its peace officers or troopers who have so complied with the continuing professional training requirement and the other specified requirements.~~

(b) If a peace officer or trooper of the public appointing authority for whom the executive director of the commission granted an extension pursuant to division (A)(2) of section 109.803 of the Revised Code complies prior to the date on which the extension ends with the continuing professional training requirement, and if the peace officer or trooper also has complied with the other requirements described in division (A)(1) of section 109.803 of the Revised Code, the public appointing authority is entitled to reimbursement for the training programs completed by that peace officer or trooper. An application for reimbursement of the type described in this division shall be made in accordance with rules adopted by the attorney general pursuant to division (B) of section 109.802 of the Revised Code.

(3) If a public appointing authority that applies under division (D) of this section for reimbursement is entitled to reimbursement under division (E)(1) or (2) of this section for each peace officer and trooper who successfully completes a training program, the commission shall approve reimbursing the appointing authority for the cost of that program. The actual amount of reimbursement for each authorized training program shall be determined by rules adopted by the attorney general under division (B) of this section.

If the public appointing authority is entitled to reimbursement under division (E)(2)(a) of this section, payment of the reimbursement shall not be withheld during the period of the

extension granted to the other peace officers or troopers of the 4000
authority pursuant to division (A)(2) of section 109.803 of the 4001
Revised Code, pending their compliance with the requirement. If 4002
the public appointing authority is entitled to reimbursement under 4003
division (E)(2)(a) of this section and if one or more of its peace 4004
officers or troopers who were granted an extension pursuant to 4005
division (A)(2) of section 109.803 of the Revised Code fails to 4006
complete prior to the date on which the extension ends the 4007
required minimum number of hours of continuing professional 4008
training set by the commission under division (A)(1) of section 4009
109.803 of the Revised Code, the failure does not affect the 4010
reimbursement made to the public appointing authority, and the 4011
public appointing authority is not required to return the 4012
reimbursement or any portion of it. 4013

(F) Each public appointing authority that receives funds 4014
under this section shall keep those funds separate from any other 4015
funds of the appointing authority and shall use those funds only 4016
for paying the cost of continuing professional training programs. 4017

(G) As used in this section and section 109.803 of the 4018
Revised Code: 4019

(1) "Peace officer" has the same meaning as in section 109.71 4020
of the Revised Code. 4021

(2) "Trooper" means an individual appointed as a state 4022
highway patrol trooper under section 5503.01 of the Revised Code. 4023

(3) "Appointing authority" means any agency or entity that 4024
appoints a peace officer or trooper. 4025

Sec. 109.803. (A)(1) Subject to division (A)(2) of this 4026
section, every appointing authority shall require each of its 4027
appointed peace officers and troopers to complete up to 4028
twenty-four hours of continuing professional training each 4029

calendar year, as directed by the Ohio peace officer training
commission. The number of hours directed by the commission, up to
twenty-four hours, is intended to be a minimum requirement, and
appointing authorities are encouraged to exceed the number of
hours the commission directs as the minimum. The commission shall
set the required minimum number of hours based upon available
funding for reimbursement as described in this division. If no
funding for the reimbursement is available, no continuing
professional training will be required.

(2) An appointing authority may submit a written request to
the peace officer training commission that requests for a calendar
year because of emergency circumstances an extension of the time
within which one or more of its appointed peace officers or
troopers must complete the required minimum number of hours of
continuing professional training set by the commission, as
described in division (A)(1) of this section. A request made under
this division shall set forth the name of each of the appointing
authority's peace officers or troopers for whom an extension is
requested, identify the emergency circumstances related to that
peace officer or trooper, include documentation of those emergency
circumstances, and set forth the date on which the request is
submitted to the commission. A request shall be made under this
division not later than the fifteenth day of December in the
calendar year for which the extension is requested.

Upon receipt of a written request made under this division,
the executive director of the commission shall review the request
and the submitted documentation. If the executive director of the
commission is satisfied that emergency circumstances exist for any
peace officer or trooper for whom a request was made under this
division, the executive director may approve the request for that
peace officer or trooper and grant an extension of the time within
which that peace officer or trooper must complete the required
minimum number of hours of continuing professional training set by

the commission. An extension granted under this division may be
for any period of time the executive director believes to be
appropriate, and the executive director shall specify in the
notice granting the extension the date on which the extension
ends. Not later than thirty days after the date on which a request
is submitted to the commission, for each peace officer and trooper
for whom an extension is requested, the executive director either
shall approve the request and grant an extension or deny the
request and deny an extension and shall send to the appointing
authority that submitted the request written notice of the
executive director's decision.

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

~~(3)(a) If a public appointing authority complies with the
training requirement specified in division (A)(1) of this section
by requiring each of its appointed peace officers and troopers to
complete the number of hours of training the commission directs as
the minimum and with division (B) of section 109.761 of the
Revised Code and if the appointed peace officers and troopers of
the public appointing authority comply with section 109.801 of the
Revised Code to the extent that they are subject to that section
and comply with all other training mandated by the general
assembly or the attorney general, the attorney general shall
reimburse the public appointing authority for the successful
training costs of each of its appointed peace officers and
troopers as provided in section 109.802 of the Revised Code.~~

~~(b) If the executive director of the Ohio peace officer~~

~~training commission grants pursuant to division (A)(2) of this section an extension of the time within which one or more appointed peace officers or troopers of a public appointing authority must complete the required minimum number of hours of continuing professional training set by the commission, and if the criteria set forth in division (A)(3)(a) of this section are satisfied regarding each appointed peace officer or trooper of the public appointing authority for whom such an extension was not granted, the attorney general shall reimburse the public appointing authority for the successful training costs of each of its appointed peace officers and troopers for whom such an extension was not granted, as provided in section 109.802 of the Revised Code.~~

~~If an appointed peace officer or trooper of a public appointing authority for whom the executive director granted such an extension completes prior to the date on which the extension ends the number of hours of training the commission directs as the minimum, if the officer or trooper also has complied with section 109.801 of the Revised Code to the extent that the officer or trooper is subject to that section and has complied with all other training mandated by the general assembly or the attorney general, and if the public appointing authority has complied with division (B) of section 109.761 of the Revised Code, the attorney general shall reimburse the public appointing authority for the successful training costs of that peace officer or trooper as provided in section 109.802 of the Revised Code.~~

~~(B)(1) Subject to division (B)(2) of this section, no appointed peace officer or trooper of an appointing authority who fails to complete in any calendar year the required hours of continuing professional training the Ohio peace officer training commission directs pursuant to division (A) of this section as the minimum number of hours or who fails to comply with section 109.801 of the Revised Code or any other required training shall~~

carry a firearm during the course of official duties or perform 4128
the functions of a peace officer or trooper until evidence of the 4129
peace officer's or trooper's compliance with those requirements is 4130
filed with the executive director of the Ohio peace officer 4131
training commission. 4132

(2) If the executive director of the Ohio peace officer 4133
training commission grants pursuant to division (A)(2) of this 4134
section an extension of the time within which an appointed peace 4135
officer or trooper of an appointing authority must complete the 4136
required minimum number of hours of continuing professional 4137
training set by the commission, during the period of the extension 4138
division (B)(1) of this section does not apply to a peace officer 4139
or trooper for whom such an extension was granted, provided that 4140
peace officer or trooper has complied with section 109.801 of the 4141
Revised Code to the extent that the officer or trooper is subject 4142
to that section and has complied with all other required training. 4143
If a peace officer or trooper of an appointing authority for whom 4144
such an extension was granted fails to complete prior to the date 4145
on which the extension ends the required minimum number of hours 4146
of continuing professional training set by the commission, 4147
division (B)(1) of this section applies to that officer or trooper 4148
after the date on which the extension ends. 4149

(C)(B) With the advice of the Ohio peace officer training 4150
commission, the attorney general shall adopt in accordance with 4151
Chapter 119. of the Revised Code rules setting forth minimum 4152
standards for continuing professional training for peace officers 4153
and troopers and governing the administration of continuing 4154
professional training programs for peace officers and troopers. 4155
The attorney general shall transmit a certified copy of any rule 4156
adopted under this section to the secretary of state. 4157

Sec. 111.26. (A) It is hereby declared to be a public 4158
purpose and function of the state to facilitate the conduct of 4159

elections by assisting boards of elections in acquiring state capital facilities consisting of voting machines, marking devices, and automatic tabulating equipment certified for use in this state under section 3506.05 of the Revised Code. Those voting machines, marking devices, and automatic tabulating equipment are designated as capital facilities under sections 152.09 to 152.33 of the Revised Code. The Ohio building authority is authorized to issue revenue obligations under sections 152.09 to 152.33 of the Revised Code to pay all or part of the cost of those state capital facilities as are designated by law.

Boards of elections, due to their responsibilities related to the proper conduct of elections under state law, are designated as state agencies having jurisdiction over those state capital facilities financed in part pursuant to this section and Chapter 152. of the Revised Code. It is hereby determined and declared that voting machines, marking devices, and automatic tabulating equipment financed in part under this section are for the purpose of housing agencies of state government, their functions and equipment.

(B) A county shall contribute to the cost of capital facilities authorized under this section as provided below.

(C) Any lease of capital facilities authorized by this section, the rentals of which are payable in whole or in part from appropriations made by the general assembly, is governed by division (D) of section 152.24 of the Revised Code. Such rentals constitute available receipts as defined in section 152.09 of the Revised Code and may be pledged for the payment of bond service charges as provided in section 152.10 of the Revised Code.

(D) The county voting machine revolving lease/loan fund is hereby created in the state treasury. The fund shall consist of the net proceeds of obligations issued under sections 152.09 to 152.33 of the Revised Code to finance a portion of those state

capital facilities described in division (A) of this section, as 4192
needed to ensure sufficient moneys to support appropriations from 4193
the fund. Lease payments from counties made for those capital 4194
facilities financed in part from the fund and interest earnings 4195
on the balance in the fund shall be credited to the fund. The 4196
fund shall also receive any other authorized transfers of cash. 4197
Moneys in the fund shall be used for the purpose of acquiring a 4198
portion of additional capital facilities described in division 4199
(A) of this section at the request of the applicable board of 4200
elections. 4201

Participation in the fund by a board of county commissioners 4202
shall be voluntary. 4203

The secretary of state shall administer the county voting 4204
machine revolving lease/loan fund in accordance with this section 4205
and shall enter into any lease or other agreement with the 4206
department of administrative services, the Ohio building 4207
authority, or any board of elections necessary or appropriate to 4208
accomplish the purposes of this section. 4209

(E) Acquisitions made under this section shall provide not 4210
more than fifty per cent of the estimated total cost of a board of 4211
county commissioners' purchase of voting machines, marking 4212
devices, and automatic tabulating equipment. 4213

The secretary of state shall adopt rules for the 4214
implementation of the acquisition and revolving lease/loan program 4215
established under this section, which rules shall require that 4216
the secretary of state approve any acquisition of voting 4217
machines, marking devices, and automatic tabulating equipment 4218
using money made available under this section. An acquisition for 4219
any one board of county commissioners shall not exceed five 4220
million dollars and shall be made only for equipment purchased on 4221
or after March 31, 2008. Any costs incurred on or after January 4222
1, 2008, may be considered as the county cost percentage for the 4223

purpose of an acquisition made under this section. 4224

Counties shall lease from the secretary of state the capital 4225
facilities financed in part from the county voting machine 4226
revolving lease/loan fund and may enter into any agreements 4227
required under the applicable bond proceedings. All voting 4228
machines, marking devices, and automatic tabulating equipment 4229
purchased through this fund shall remain the property of the 4230
state until all payments under the applicable county lease have 4231
been made at which time ownership shall transfer to the county. 4232
Costs associated with the maintenance, repair, and operation of 4233
the voting machines, marking devices, and automatic tabulating 4234
equipment purchased under this section shall be the 4235
responsibility of the participating boards of elections and 4236
boards of county commissioners. 4237

Such lease may obligate the counties, as using state agencies 4238
under Chapter 152. of the Revised Code, to operate the capital 4239
facilities for such period of time as may be specified by law and 4240
to pay such rent as the secretary of state determines to be 4241
appropriate. Notwithstanding any other provision of the Revised 4242
Code to the contrary, any county may enter into such a lease, and 4243
any such lease is legally sufficient to obligate the county for 4244
the term stated in the lease. Any such lease constitutes an 4245
agreement described in division (E) of section 152.24 of the 4246
Revised Code. 4247

(F) As used in this section: 4248

(1) "Automatic tabulating equipment," "marking device," and 4249
"voting machine" have the same meanings as in section 3506.01 of 4250
the Revised Code. 4251

(2) "Equipment" has the same meaning as in section 3506.05 4252
of the Revised Code. 4253

Sec. 111.27. There is hereby established in the state 4254
treasury the board of elections reimbursement and education fund. 4255
The fund shall be used by the secretary of state to reimburse 4256
boards of elections for various purposes, including reimbursements 4257
made under sections 3513.301, 3513.312, 3515.071, and 3521.03 of 4258
the Revised Code, and to provide training and educational programs 4259
for members and employees of boards of elections. The fund shall 4260
receive transfers of cash pursuant to controlling board action and 4261
also shall receive revenues from fees, gifts, grants, donations, 4262
and other similar receipts. 4263

Sec. 117.13. (A) The costs of audits of state agencies shall 4264
be recovered by the auditor of state in the following manner: 4265

(1) The costs of all audits of state agencies shall be paid 4266
to the auditor of state on statements rendered by the auditor of 4267
state. Money so received by the auditor of state shall be paid 4268
into the state treasury to the credit of the public audit expense 4269
fund--intrastate, which is hereby created, and shall be used to 4270
pay costs related to such audits. The costs of all annual and 4271
special audits of a state agency shall be charged to the state 4272
agency being audited. The costs of all biennial audits of a state 4273
agency shall be paid from money appropriated to the department of 4274
administrative services for that purpose. The costs of any 4275
assistant auditor, employee, or expert employed pursuant to 4276
section 117.09 of the Revised Code called upon to testify in any 4277
legal proceedings in regard to any audit, or called upon to review 4278
or discuss any matter related to any audit, may be charged to the 4279
state agency to which the audit relates. 4280

(2) The auditor of state shall establish by rule rates to be 4281
charged to state agencies or to the department of administrative 4282
services for recovering the costs of audits of state agencies. 4283

(B) As used in this division, "government auditing standards" 4284
means the government auditing standards published by the 4285

comptroller general of the United States general accounting 4286
office. 4287

(1) Except as provided in divisions (B)(2) and (3) of this 4288
section, any costs of an audit of a private institution, 4289
association, board, or corporation receiving public money for its 4290
use shall be charged to the public office providing the public 4291
money in the same manner as costs of an audit of the public 4292
office. 4293

(2) If an audit of a private child placing agency or private 4294
noncustodial agency receiving public money from a public children 4295
services agency for providing child welfare or child protection 4296
services sets forth that money has been illegally expended, 4297
converted, misappropriated, or is unaccounted for, the costs of 4298
the audit shall be charged to the agency being audited in the same 4299
manner as costs of an audit of a public office, unless the 4300
findings are inconsequential, as defined by government auditing 4301
standards. 4302

(3) If such an audit does not set forth that money has been 4303
illegally expended, converted, misappropriated, or is unaccounted 4304
for or sets forth findings that are inconsequential, as defined by 4305
government auditing standards, the costs of the audit shall be 4306
charged as follows: 4307

(a) One-third of the costs to the agency being audited; 4308

(b) One-third of the costs to the public children services 4309
agency that provided the public money to the agency being audited; 4310

(c) One-third of the costs to the department of job and 4311
family services. 4312

(C) The costs of audits of local public offices shall be 4313
recovered by the auditor of state in the following manner: 4314

(1) The total amount of compensation paid assistant auditors of state, their expenses, the cost of employees assigned to assist the assistant auditors of state, the cost of experts employed pursuant to section 117.09 of the Revised Code, and the cost of typing, reviewing, and copying reports shall be borne by the public office to which such assistant auditors of state are so assigned, except that annual vacation and sick leave of assistant auditors of state, employees, and typists shall be financed from the general revenue fund. The necessary traveling and hotel expenses of the deputy inspectors and supervisors of public offices shall be paid from the state treasury. Assistant auditors of state shall be compensated by the taxing district or other public office audited for activities undertaken pursuant to division (B) of section 117.18 and section 117.24 of the Revised Code. The costs of any assistant auditor, employee, or expert employed pursuant to section 117.09 of the Revised Code called upon to testify in any legal proceedings in regard to any audit, or called upon to review or discuss any matter related to any audit, may be charged to the public office to which the audit relates.

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

compensation, expense, cost of experts and employees, reviewing, 4348
copying, and typing of reports. 4349

(3) At the conclusion of each audit, or analysis and report 4350
made pursuant to section 117.24 of the Revised Code, the auditor 4351
of state shall furnish the fiscal officer of the local public 4352
office audited a statement showing the total cost of the audit, or 4353
of the audit and the analysis and report, and the percentage of 4354
the total cost chargeable to each fund audited. The fiscal officer 4355
may distribute such total cost to each fund audited in accordance 4356
with its percentage of the total cost. 4357

(4) The auditor of state shall provide each local public 4358
office a statement or certification of the amount due from the 4359
public office for services performed by the auditor of state under 4360
this or any other section of the Revised Code, as well as the date 4361
upon which payment is due to the auditor of state. Any local 4362
public office that does not pay the amount due to the auditor of 4363
state by that date may be assessed by the auditor of state for 4364
interest from the date upon which the payment is due at the rate 4365
per annum prescribed by section 5703.47 of the Revised Code. All 4366
interest charges assessed by the auditor of state may be collected 4367
in the same manner as audit costs pursuant to division (D) of this 4368
section. 4369

(D) If the auditor of state fails to receive payment for any 4370
amount due, including, but not limited to, fines, fees, and costs, 4371
from a public office for services performed under this or any 4372
other section of the Revised Code, the auditor of state may seek 4373
payment through the office of budget and management. (Amounts due 4374
include any amount due to an independent public accountant with 4375
whom the auditor has contracted to perform services, all costs and 4376
fees associated with participation in the uniform accounting 4377
network, and all costs associated with the auditor's provision of 4378
local government services.) Upon certification by the auditor of 4379

state to the director of budget and management of any such amount 4380
due, the director shall withhold from the public office any amount 4381
available, up to and including the amount certified as due, from 4382
any funds under the director's control that belong to or are 4383
lawfully payable or due to the public office. The director shall 4384
promptly pay the amount withheld to the auditor of state. If the 4385
director determines that no funds due and payable to the public 4386
office are available or that insufficient amounts of such funds 4387
are available to cover the amount due, the director shall withhold 4388
and pay to the auditor of state the amounts available and, in the 4389
case of a local public office, certify the remaining amount to the 4390
county auditor of the county in which the local public office is 4391
located. The county auditor shall withhold from the local public 4392
office any amount available, up to and including the amount 4393
certified as due, from any funds under the county auditor's 4394
control and belonging to or lawfully payable or due to the local 4395
public office. The county auditor shall promptly pay any such 4396
amount withheld to the auditor of state. 4397

(E)(1) The auditor of state shall certify to the director of 4398
budget and management the amounts due or necessary for state 4399
agency audit costs and the director shall transfer the certified 4400
amounts from the general revenue fund to the public audit expense 4401
fund - intrastate if either of the following apply: 4402

(a) A state agency that has ceased operation has not paid 4403
audit costs pursuant to this section. 4404

(b) In the judgment of the auditor of state, the money 4405
appropriated for the cost of biennial audits of state agencies is 4406
not sufficient to conduct an appropriate audit program. 4407

(2) If a local public office ceases operation and has not 4408
paid audit costs pursuant to this section, one of the following 4409
shall occur: 4410

(a) In the case of costs due for an audit performed by the auditor or state, the auditor of state shall certify to the director the amounts due for these costs, and the director shall transfer the certified amounts from the general revenue fund to the public audit expense fund-local government.

(b) In the case of costs due for an audit performed by an independent auditor, the independent auditor shall notify the auditor of state of the amounts due for these costs. The auditor of state shall certify the amounts to the director, and the director shall transfer the certified amounts from the general revenue fund to the credit of the public audit expense fund-independent auditors, which is hereby created in the state treasury for the purpose of reimbursing independent auditors for unpaid audit costs pursuant to this section.

Sec. 118.05. (A) Pursuant to the powers of the general assembly and for the purposes of this chapter, upon the occurrence of a fiscal emergency in any municipal corporation, county, or township, as determined pursuant to section 118.04 of the Revised Code, there is established, with respect to that municipal corporation, county, or township, a body both corporate and politic constituting an agency and instrumentality of the state and performing essential governmental functions of the state to be known as the "financial planning and supervision commission for (name of municipal corporation, county, or township)," which, in that name, may exercise all authority vested in such a commission by this chapter. A separate commission is established with respect to each municipal corporation, county, or township as to which there is a fiscal emergency as determined under this chapter.

(B) A commission shall consist of the following ~~seven~~ voting members:

(1) Four ex officio members: the treasurer of state; the

director of budget and management; in the case of a municipal 4443
corporation, the mayor of the municipal corporation and the 4444
presiding officer of the legislative authority of the municipal 4445
corporation; in the case of a county, the president of the board 4446
of county commissioners and the county auditor; and in the case of 4447
a township, a member of the board of township trustees and the 4448
county auditor. 4449

The treasurer of state may designate a deputy treasurer or 4450
director within the office of the treasurer of state or any other 4451
appropriate person who is not an employee of the treasurer of 4452
state's office; the director of budget and management may 4453
designate an individual within the office of budget and management 4454
or any other appropriate person who is not an employee of the 4455
office of budget and management; the mayor may designate a 4456
responsible official within the mayor's office or the fiscal 4457
officer of the municipal corporation; the presiding officer of the 4458
legislative authority of the municipal corporation may designate 4459
any other member of the legislative authority; the board of county 4460
commissioners may designate any other member of the board or the 4461
fiscal officer of the county; and the board of township trustees 4462
may designate any other member of the board or the fiscal officer 4463
of the township to attend the meetings of the commission when the 4464
ex officio member is absent or unable for any reason to attend. A 4465
designee, when present, shall be counted in determining whether a 4466
quorum is present at any meeting of the commission and may vote 4467
and participate in all proceedings and actions of the commission. 4468
The designations shall be in writing, executed by the ex officio 4469
member or entity making the designation, and filed with the 4470
secretary of the commission. The designations may be changed from 4471
time to time in like manner, but due regard shall be given to the 4472
need for continuity. 4473

(2) ~~Three~~ If a municipal corporation, county, or township 4474
has a population of at least one thousand, three members nominated 4475

and appointed as follows: 4476

The mayor and presiding officer of the legislative authority 4477
of the municipal corporation, the board of county commissioners, 4478
or the board of township trustees shall, within ten days after the 4479
determination of the fiscal emergency by the auditor of state 4480
under section 118.04 of the Revised Code, submit in writing to the 4481
governor the nomination of five persons agreed to by them and 4482
meeting the qualifications set forth in this division. If the 4483
governor is not satisfied that at least three of the nominees are 4484
well qualified, the governor shall notify the mayor and presiding 4485
officer, or the board of county commissioners, or the board of 4486
township trustees to submit in writing, within five days, 4487
additional nominees agreed upon by them, not exceeding three. The 4488
governor shall appoint three members from all the agreed-upon 4489
nominees so submitted or a lesser number that the governor 4490
considers well qualified within thirty days after receipt of the 4491
nominations, and shall fill any remaining positions on the 4492
commission by appointment of any other persons meeting the 4493
qualifications set forth in this division. All appointments by 4494
the governor shall be made with the advice and consent of the 4495
senate. Each of the three appointed members shall serve during the 4496
life of the commission, subject to removal by the governor for 4497
misfeasance, nonfeasance, or malfeasance in office. In the event 4498
of the death, resignation, incapacity, removal, or ineligibility 4499
to serve of an appointed member, the governor, pursuant to the 4500
process for original appointment, shall appoint a successor. 4501

(3) If a municipal corporation, county, or township has a 4502
population of less than one thousand, one member nominated and 4503
appointed as follows: 4504

The mayor and presiding officer of the legislative authority 4505
of the municipal corporation, the board of county commissioners, 4506
or the board of township trustees shall, within ten days after the 4507

determination of the fiscal emergency by the auditor of state 4508
under section 118.04 of the Revised Code, submit in writing to the 4509
governor the nomination of three persons agreed to by them and 4510
meeting the qualifications set forth in this division. If the 4511
governor is not satisfied that at least one of the nominees is 4512
well qualified, the governor shall notify the mayor and presiding 4513
officer, or the board of county commissioners, or the board of 4514
township trustees to submit in writing, within five days, 4515
additional nominees agreed upon by them, not exceeding three. The 4516
governor shall appoint one member from all the agreed-upon 4517
nominees so submitted or shall fill the position on the commission 4518
by appointment of any other person meeting the qualifications set 4519
forth in this division. All appointments by the governor shall be 4520
made with the advice and consent of the senate. The appointed 4521
member shall serve during the life of the commission, subject to 4522
removal by the governor for misfeasance, nonfeasance, or 4523
malfeasance in office. In the event of the death, resignation, 4524
incapacity, removal, or ineligibility to serve of the appointed 4525
member, the governor, pursuant to the process for original 4526
appointment, shall appoint a successor. 4527

Each of the three appointed ~~members~~member shall be an 4528
individual: 4529

(a) Who has knowledge and experience in financial matters, 4530
financial management, or business organization or operations; 4531
~~including at least five years of experience in the private sector~~ 4532
~~in the management of business or financial enterprise or in~~ 4533
~~management consulting, public accounting, or other professional~~ 4534
~~activity;~~ 4535

(b) Whose residency, office, or principal place of 4536
professional or business activity is situated within the municipal 4537
corporation, county, or township; 4538

(c) Who ~~has not, at any time during the five years preceding~~ 4539

~~the date of appointment, held any elected public office. An~~ 4540
~~appointed member of the commission~~ shall not become a candidate 4541
for elected public office while serving as a member of the 4542
commission. 4543

(C) Immediately after appointment of the initial ~~three~~ 4544
appointed member or members of the commission, the governor shall 4545
call the first meeting of the commission and shall cause written 4546
notice of the time, date, and place of the first meeting to be 4547
given to each member of the commission at least forty-eight hours 4548
in advance of the meeting. 4549

(D) The director of budget and management shall serve as 4550
chairperson of the commission. The commission shall elect one of 4551
its members to serve as vice-chairperson and may appoint a 4552
secretary and any other officers, who need not be members of the 4553
commission, it considers necessary. 4554

(E) The commission may adopt and alter bylaws and rules, 4555
which shall not be subject to section 111.15 or Chapter 119. of 4556
the Revised Code, for the conduct of its affairs and for the 4557
manner, subject to this chapter, in which its powers and functions 4558
shall be exercised and embodied. 4559

(F) ~~Five~~Four members of ~~the~~a commission established 4560
pursuant to divisions (B)(1) and (2) of this section constitute a 4561
quorum of the commission. The affirmative vote of ~~five~~a majority 4562
of the members of ~~the~~such a commission is necessary for any 4563
action taken by vote of the commission. Three members of a 4564
commission established pursuant to divisions (B)(1) and (3) of 4565
this section constitute a quorum of the commission. The 4566
affirmative vote of a majority of the members of such a 4567
commission is necessary for any action taken by vote of the 4568
commission. No vacancy in the membership of the commission 4569
shall impair the rights of a quorum by such vote to exercise all 4570
the rights and perform all the duties of the commission. Members 4571

of the commission, and their designees, are not disqualified 4572
from voting by reason of the functions of the other office they 4573
hold and are not disqualified from exercising the functions of 4574
the other office with respect to the municipal corporation, 4575
county, or township, its officers, or the commission. 4576

(G) The auditor of state shall serve as the "financial 4577
supervisor" to the commission unless the auditor of state elects 4578
to contract for that service. As used in this chapter, "financial 4579
supervisor" means the auditor of state. 4580

(H) At the request of the commission, the auditor of state 4581
shall designate employees of the auditor of state's office to 4582
assist the commission and the financial supervisor and to 4583
coordinate the work of the auditor of state's office and the 4584
financial supervisor. Upon the determination of a fiscal emergency 4585
in any municipal corporation, county, or township, the municipal 4586
corporation, county, or township shall provide the commission with 4587
such reasonable office space in the principal building housing 4588
city, county, or township government, where feasible, as it 4589
determines is necessary to carry out its duties under this 4590
chapter. 4591

(I) The financial supervisor, the members of the commission, 4592
the auditor of state, and any person authorized to act on behalf 4593
of or assist them shall not be personally liable or subject to any 4594
suit, judgment, or claim for damages resulting from the exercise 4595
of or failure to exercise the powers, duties, and functions 4596
granted to them in regard to their functioning under this chapter, 4597
but the commission, the financial supervisor, the auditor of 4598
state, and those other persons shall be subject to mandamus 4599
proceedings to compel performance of their duties under this 4600
chapter and with respect to any debt obligations issued pursuant 4601
or subject to this chapter. 4602

(J) At the request of the commission, the administrative head 4603

of any state agency shall temporarily assign personnel skilled in
accounting and budgeting procedures to assist the commission or
the financial supervisor in its duties as financial supervisor.

(K) The appointed members of the commission are not subject
to section 102.02 of the Revised Code. Each appointed member of
the commission shall file with the commission a signed written
statement setting forth the general nature of sales of goods,
property, or services or of loans to the municipal corporation,
county, or township with respect to which that commission is
established, in which the appointed member has a pecuniary
interest or in which any member of the appointed member's
immediate family, as defined in section 102.01 of the Revised
Code, or any corporation, partnership, or enterprise of which the
appointed member is an officer, director, or partner, or of which
the appointed member or a member of the appointed member's
immediate family, as so defined, owns more than a five per cent
interest, has a pecuniary interest, and of which sale, loan, or
interest such member has knowledge. The statement shall be
supplemented from time to time to reflect changes in the general
nature of any such sales or loans.

Sec. 120.08. There is hereby created in the state treasury
the indigent defense support fund, consisting of money paid into
the fund pursuant to ~~section~~sections 4507.45, 4509.101, 4510.22,
and 4511.19 of the Revised Code and pursuant to ~~section~~sections
2937.22, 2949.091, and 2949.094 of the Revised Code out of the
additional court costs imposed under ~~that section~~those sections.
The state public defender shall use at least ninety per cent of
the money in the fund for the purpose of reimbursing county
governments for expenses incurred pursuant to sections 120.18,
120.28, and 120.33 of the Revised Code. Disbursements from the
fund to county governments shall be made ~~in each state fiscal~~
at least once per year and shall be allocated proportionately
so that each county receives an equal percentage of its total

cost for operating its county public defender system, its joint 4637
county public defender system, ~~or~~ its county appointed counsel 4638
system, or its system operated under division (C)(7) of section 4639
120.04 of the Revised Code and division (B) of section 120.33 of 4640
the Revised Code. The state public defender may use not more than 4641
ten per cent of the money in the fund for the purposes of 4642
appointing assistant state public defenders or for providing 4643
other personnel, equipment, and facilities necessary for the 4644
operation of the state public defender office. 4645

Sec. 121.04. Offices are created within the several 4646
departments as follows: 4647

In the department of commerce: 4648

Commissioner of securities; 4649
Superintendent of real estate and professional licensing; 4650
Superintendent of financial institutions; 4651
State fire marshal; 4652
Superintendent of labor ~~and worker safety~~; 4653
Superintendent of liquor control; 4654
~~Superintendent of industrial compliance~~; 4655
Superintendent of unclaimed funds. 4656

In the department of administrative services: 4657

State architect and engineer; 4658
Equal employment opportunity coordinator. 4659

In the department of agriculture: 4660

Chiefs of divisions as follows: 4661

Administration; 4662
Animal industry; 4663
Dairy; 4664

Food safety;	4665
Plant industry;	4666
Markets;	4667
Meat inspection;	4668
Consumer analytical laboratory;	4669
Amusement ride safety;	4670
Enforcement;	4671
Weights and measures.	4672
 In the department of natural resources:	 4673
 Chiefs of divisions as follows:	 4674
~~Water;~~	4675
Mineral resources management;	4676
Forestry;	4677
Natural areas and preserves;	4678
Wildlife;	4679
Geological survey;	4680
Parks and recreation;	4681
Watercraft;	4682
Recycling and litter prevention;	4683
Soil and water ~~conservation~~ <u>resources</u> ;	4684
~~Real estate and land management;~~	4685
Engineering.	4686
 In the department of insurance:	 4687
Deputy superintendent of insurance;	4688
Assistant superintendent of insurance, technical;	4689
Assistant superintendent of insurance, administrative;	4690
Assistant superintendent of insurance, research.	4691
 Sec. 121.07. (A) Except as otherwise provided in this	 4692
division, the officers mentioned in sections 121.04 and 121.05 of	4693
the Revised Code and the offices and divisions they administer	4694

shall be under the direction, supervision, and control of the 4695
directors of their respective departments, and shall perform such 4696
duties as the directors prescribe. In performing or exercising any 4697
of the examination or regulatory functions, powers, or duties 4698
vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 4699
to 1315.18 of the Revised Code in the superintendent of financial 4700
institutions, the superintendent of financial institutions and the 4701
division of financial institutions are independent of and are not 4702
subject to the control of the department or the director of 4703
commerce. In the absence of the superintendent of financial 4704
institutions, a deputy superintendent, or in the absence of both 4705
the superintendent and an available deputy superintendent, the 4706
director of commerce, may, for a limited period of time, perform 4707
or exercise any of those functions, powers, or duties if written 4708
authorization is given by the superintendent of financial 4709
institutions. 4710

(B) With the approval of the governor, the director of each 4711
department shall establish divisions within the department, and 4712
distribute the work of the department among such divisions. Each 4713
officer created by section 121.04 of the Revised Code shall be the 4714
head of such a division. 4715

With the approval of the governor, the director of each 4716
department may consolidate any two or more of the offices created 4717
in the department by section 121.04 of the Revised Code, or reduce 4718
the number of or create new divisions therein. 4719

The director of each department may prescribe rules for the 4720
government of the department, the conduct of its employees, the 4721
performance of its business, and the custody, use, and 4722
preservation of the records, papers, books, documents, and 4723
property pertaining thereto. 4724

Sec. 121.08. (A) There is hereby created in the department 4725
of commerce the position of deputy director of administration. 4726

This officer shall be appointed by the director of commerce, serve
under the director's direction, supervision, and control, perform
the duties the director prescribes, and hold office during the
director's pleasure. The director of commerce may designate an
assistant director of commerce to serve as the deputy director of
administration. The deputy director of administration shall
perform the duties prescribed by the director of commerce in
supervising the activities of the division of administration of
the department of commerce.

(B) Except as provided in section 121.07 of the Revised Code,
the department of commerce shall have all powers and perform all
duties vested in the deputy director of administration, the state
fire marshal, the superintendent of financial institutions, the
superintendent of real estate and professional licensing, the
superintendent of liquor control, ~~the superintendent of~~
~~industrial compliance~~, the superintendent of labor and worker
~~safety~~, the superintendent of unclaimed funds, and the
commissioner of securities, and shall have all powers and perform
all duties vested by law in all officers, deputies, and employees
of those offices. Except as provided in section 121.07 of the
Revised Code, wherever powers are conferred or duties imposed upon
any of those officers, the powers and duties shall be construed as
vested in the department of commerce.

(C)(1) There is hereby created in the department of commerce
a division of financial institutions, which shall have all powers
and perform all duties vested by law in the superintendent of
financial institutions. Wherever powers are conferred or duties
imposed upon the superintendent of financial institutions, those
powers and duties shall be construed as vested in the division of
financial institutions. The division of financial institutions
shall be administered by the superintendent of financial
institutions.

(2) All provisions of law governing the superintendent of financial institutions shall apply to and govern the superintendent of financial institutions provided for in this section; all authority vested by law in the superintendent of financial institutions with respect to the management of the division of financial institutions shall be construed as vested in the superintendent of financial institutions created by this section with respect to the division of financial institutions provided for in this section; and all rights, privileges, and emoluments conferred by law upon the superintendent of financial institutions shall be construed as conferred upon the superintendent of financial institutions as head of the division of financial institutions. The director of commerce shall not transfer from the division of financial institutions any of the functions specified in division (C)(2) of this section.

(D) There is hereby created in the department of commerce a division of liquor control, which shall have all powers and perform all duties vested by law in the superintendent of liquor control. Wherever powers are conferred or duties are imposed upon the superintendent of liquor control, those powers and duties shall be construed as vested in the division of liquor control. The division of liquor control shall be administered by the superintendent of liquor control.

(E) The director of commerce shall not be interested, directly or indirectly, in any firm or corporation which is a dealer in securities as defined in sections 1707.01 and 1707.14 of the Revised Code, or in any firm or corporation licensed under sections 1321.01 to 1321.19 of the Revised Code.

(F) The director of commerce shall not have any official connection with a savings and loan association, a savings bank, a bank, a bank holding company, a savings and loan association holding company, a consumer finance company, or a credit union

that is under the supervision of the division of financial 4791
institutions, or a subsidiary of any of the preceding entities, or 4792
be interested in the business thereof. 4793

(G) There is hereby created in the state treasury the 4794
division of administration fund. The fund shall receive 4795
assessments on the operating funds of the department of commerce 4796
in accordance with procedures prescribed by the director of 4797
commerce and approved by the director of budget and management. 4798
All operating expenses of the division of administration shall be 4799
paid from the division of administration fund. 4800

(H) There is hereby created in the department of commerce a 4801
division of real estate and professional licensing, which shall be 4802
under the control and supervision of the director of commerce. The 4803
division of real estate and professional licensing shall be 4804
administered by the superintendent of real estate and professional 4805
licensing. The superintendent of real estate and professional 4806
licensing shall exercise the powers and perform the functions and 4807
duties delegated to the superintendent under Chapters 4735., 4808
4763., and 4767. of the Revised Code. 4809

(I) There is hereby created in the department of commerce a 4810
division of labor ~~and worker safety~~, which shall have all powers 4811
and perform all duties vested by law in the superintendent of 4812
labor ~~and worker safety~~. Wherever powers are conferred or duties 4813
imposed upon the superintendent of labor ~~and worker safety~~, those 4814
powers and duties shall be construed as vested in the division of 4815
labor ~~and worker safety~~. The division of labor ~~and worker safety~~ 4816
shall be under the control and supervision of the director of 4817
commerce and be administered by the superintendent of labor ~~and~~ 4818
~~worker safety~~. ~~The superintendent of labor and worker safety shall~~ 4819
~~exercise the powers and perform the duties delegated to the~~ 4820
~~superintendent by the director under Chapters 4109., 4111., and~~ 4821
~~4115. of the Revised Code.~~ 4822

(J) There is hereby created in the department of commerce a division of unclaimed funds, which shall have all powers and perform all duties delegated to or vested by law in the superintendent of unclaimed funds. Wherever powers are conferred or duties imposed upon the superintendent of unclaimed funds, those powers and duties shall be construed as vested in the division of unclaimed funds. The division of unclaimed funds shall be under the control and supervision of the director of commerce and shall be administered by the superintendent of unclaimed funds. The superintendent of unclaimed funds shall exercise the powers and perform the functions and duties delegated to the superintendent by the director of commerce under section 121.07 and Chapter 169. of the Revised Code, and as may otherwise be provided by law.

(K) The department of commerce or a division of the department created by the Revised Code that is acting with authorization on the department's behalf may request from the bureau of criminal identification and investigation pursuant to section 109.572 of the Revised Code, or coordinate with appropriate federal, state, and local government agencies to accomplish, criminal records checks for the persons whose identities are required to be disclosed by an applicant for the issuance or transfer of a permit, license, certificate of registration, or certification issued or transferred by the department or division. At or before the time of making a request for a criminal records check, the department or division may require any person whose identity is required to be disclosed by an applicant for the issuance or transfer of such a license, permit, certificate of registration, or certification to submit to the department or division valid fingerprint impressions in a format and by any media or means acceptable to the bureau of criminal identification and investigation and, when applicable, the federal bureau of investigation. The department or division may cause the bureau of criminal identification and investigation

to conduct a criminal records check through the federal bureau of
investigation only if the person for whom the criminal records
check would be conducted resides or works outside of this state or
has resided or worked outside of this state during the preceding
five years, or if a criminal records check conducted by the bureau
of criminal identification and investigation within this state
indicates that the person may have a criminal record outside of
this state.

In the case of a criminal records check under section 109.572
of the Revised Code, the department or division shall forward to
the bureau of criminal identification and investigation the
requisite form, fingerprint impressions, and fee described in
division (C) of that section. When requested by the department or
division in accordance with this section, the bureau of criminal
identification and investigation shall request from the federal
bureau of investigation any information it has with respect to the
person who is the subject of the requested criminal records check
and shall forward the requisite fingerprint impressions and
information to the federal bureau of investigation for that
criminal records check. After conducting a criminal records check
or receiving the results of a criminal records check from the
federal bureau of investigation, the bureau of criminal
identification and investigation shall provide the results to the
department or division.

The department or division may require any person about whom
a criminal records check is requested to pay to the department or
division the amount necessary to cover the fee charged to the
department or division by the bureau of criminal identification
and investigation under division (C)(3) of section 109.572 of the
Revised Code, including, when applicable, any fee for a criminal
records check conducted by the federal bureau of investigation.

Sec. 121.083. The superintendent of ~~the division of~~

~~industrial compliance~~ labor in the department of commerce shall <u>do</u>	4889
<u>all of the following:</u>	4890
(A) Administer and enforce the general laws of this state	4891
pertaining to buildings, pressure piping, boilers, bedding,	4892
upholstered furniture, and stuffed toys, steam engineering,	4893
elevators, plumbing, licensed occupations regulated by the	4894
department, and travel agents, as they apply to plans review,	4895
inspection, code enforcement, testing, licensing, registration,	4896
and certification.	4897
(B) <u>Exercise the powers and perform the duties delegated to</u>	4898
<u>the superintendent by the director of commerce under Chapters</u>	4899
<u>4109., 4111., and 4115. of the Revised Code.</u>	4900
(C) Collect and collate statistics as are necessary.	4901
~~(C)~~ (D) Examine and license persons who desire to act as steam	4902
engineers, to operate steam boilers, and to act as inspectors of	4903
steam boilers, provide for the scope, conduct, and time of such	4904
examinations, provide for, regulate, and enforce the renewal and	4905
revocation of such licenses, inspect and examine steam boilers and	4906
make, publish, and enforce rules and orders for the construction,	4907
installation, inspection, and operation of steam boilers, and do,	4908
require, and enforce all things necessary to make such	4909
examination, inspection, and requirement efficient.	4910
~~(D)~~ (E) Rent and furnish offices as needed in cities in this	4911
state for the conduct of its affairs.	4912
~~(E)~~ (F) Oversee a chief of construction and compliance, a	4913
chief of operations and maintenance, a chief of licensing and	4914
certification, <u>a chief of worker protection</u> , and other designees	4915
appointed by the director ~~of commerce~~ to perform the duties	4916
described in this section.	4917

~~(F)~~(G) Enforce the rules the board of building standards 4918
adopts pursuant to division (A)(2) of section 4104.43 of the 4919
Revised Code under the circumstances described in division (D) of 4920
that section. 4921

~~(G)~~(H) Accept submissions, establish a fee for submissions, 4922
and review submissions of certified welding and brazing procedure 4923
specifications, procedure qualification records, and performance 4924
qualification records for building services piping as required by 4925
section 4104.44 of the Revised Code. 4926

Sec. 121.084. (A) All moneys collected under sections 4927
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 4928
4169.03, 4171.04, and 5104.051 of the Revised Code, and any other 4929
moneys collected by the division of ~~industrial compliance~~labor 4930
shall be paid into the state treasury to the credit of the 4931
~~industrial compliance~~labor operating fund, which is hereby 4932
created. The department of commerce shall use the moneys in the 4933
fund for paying the operating expenses of the division and the 4934
administrative assessment described in division (B) of this 4935
section. 4936

(B) The director of commerce, with the approval of the 4937
director of budget and management, shall prescribe procedures for 4938
assessing the ~~industrial compliance~~labor operating fund a 4939
proportionate share of the administrative costs of the department 4940
of commerce. The assessment shall be made in accordance with those 4941
procedures and be paid from the ~~industrial compliance~~labor 4942
operating fund to the division of administration fund created in 4943
section 121.08 of the Revised Code. 4944

Sec. 121.31. There is hereby created the commission on 4945
Hispanic-Latino affairs consisting of eleven voting members 4946
appointed by the governor with the advice and consent of the 4947
senate and ~~two~~four ex officio, nonvoting members who are members 4948
of the general assembly. The speaker of the house of 4949

representatives shall recommend to the governor two persons for
appointment to the commission, the president of the senate shall
recommend to the governor two such persons, and the minority
leaders of the house and senate shall each recommend to the
governor one such person. The governor shall make initial
appointments to the commission. Of the initial appointments made
to the commission, three shall be for a term ending October 7,
1978, four shall be for a term ending October 7, 1979, and four
shall be for a term ending October 7, 1980. ~~One~~Two ex officio
~~member~~members of the commission shall be ~~a member~~members of
the house of representatives appointed by the speaker of the
house of representatives and ~~one~~two ex officio ~~member~~members of
the commission shall be ~~a member~~members of the senate appointed
by the president of the senate. ~~When making their initial~~
~~appointments, the speaker shall appoint a member of the house of~~
~~representatives who is affiliated with the minority political~~
~~party in the house of representatives and the president shall~~
~~appoint a member of the senate who is affiliated with the~~
~~majority political party in the senate; in making subsequent~~
~~appointments the speaker and the president each shall alternate~~
~~the political party affiliation of the members they appoint to~~
~~the commission. The speaker and president shall make their~~
~~initial appointments so that the initial ex officio members begin~~
~~their terms October 7, 2008~~The speaker shall appoint one member
of the house of representatives from among the representatives
who are affiliated with the political party having a majority in
the house of representatives and one member of the house of
representatives from among the representatives who are affiliated
with the political party having a minority in the house of
representatives. The president shall appoint one member of the
senate from among the senators who are affiliated with the
political party having a majority in the senate and one member of
the senate from among the senators who are affiliated with the
political party having a minority in the senate.

After the initial appointments by the governor, terms of
office shall be for three years, except that members of the
general assembly appointed to the commission shall be members of
the commission only so long as they are members of the general
assembly. Each term shall end on the same day of the same month
of the year as did the term which it succeeds. Each member shall
hold office from the date of appointment until the end of the
term for which the member was appointed. Vacancies shall be
filled in the same manner as the original appointment. Any member
appointed to fill a vacancy occurring prior to the expiration of
the term for which the member's predecessor was appointed shall
hold office for the remainder of such term. Any member shall
continue in office subsequent to the expiration date of the
member's term until the member's successor takes office, or until
a period of sixty days has elapsed, whichever occurs first. At the
first organizational meeting of the commission, the original
eleven members shall draw lots to determine the length of the term
each member shall serve.

All voting members of the commission shall speak Spanish,
shall be of Spanish-speaking origin, and shall be American
citizens or lawful, permanent, resident aliens. Voting members
shall be from urban, suburban, and rural geographical areas
representative of Spanish-speaking people with a numerical and
geographical balance of the Spanish-speaking population
throughout the state.

The commission shall meet not less than six times per
calendar year. The commission shall elect a chairperson,
vice-chairperson, and other officers from its voting members as it
considers advisable. Six voting members constitute a quorum. The
commission shall adopt rules governing its procedures. No action
of the commission is valid without the concurrence of six members.

Each voting member shall be compensated for work as a member

for each day that the member is actually engaged in the 5016
performance of work as a member. No voting member shall be 5017
compensated for more than one day each month. In addition, each 5018
voting member shall be reimbursed for all actual and necessary 5019
expenses incurred in the performance of official business. 5020

Sec. 121.37. (A)(1) There is hereby created the Ohio family 5021
and children first cabinet council. The council shall be composed 5022
of the superintendent of public instruction and the directors of 5023
youth services, job and family services, mental health, health, 5024
alcohol and drug addiction services, mental retardation and 5025
developmental disabilities, aging, rehabilitation and correction, 5026
and budget and management. The chairperson of the council shall be 5027
the governor or the governor's designee and shall establish 5028
procedures for the council's internal control and management. 5029

The purpose of the cabinet council is to help families 5030
seeking government services. This section shall not be interpreted 5031
or applied to usurp the role of parents, but solely to streamline 5032
and coordinate existing government services for families seeking 5033
assistance for their children. 5034

(2) In seeking to fulfill its purpose, the council may do any 5035
of the following: 5036

(a) Advise and make recommendations to the governor and 5037
general assembly regarding the provision of services to children; 5038

(b) Advise and assess local governments on the coordination 5039
of service delivery to children; 5040

(c) Hold meetings at such times and places as may be 5041
prescribed by the council's procedures and maintain records of the 5042
meetings, except that records identifying individual children are 5043
confidential and shall be disclosed only as provided by law; 5044

(d) Develop programs and projects, including pilot projects,	5045
to encourage coordinated efforts at the state and local level to	5046
improve the state's social service delivery system;	5047
(e) Enter into contracts with and administer grants to county	5048
family and children first councils, as well as other county or	5049
multicounty organizations to plan and coordinate service delivery	5050
between state agencies and local service providers for families	5051
and children;	5052
(f) Enter into contracts with and apply for grants from	5053
federal agencies or private organizations;	5054
(g) Enter into interagency agreements to encourage	5055
coordinated efforts at the state and local level to improve the	5056
state's social service delivery system. The agreements may include	5057
provisions regarding the receipt, transfer, and expenditure of	5058
funds;	5059
(h) Identify public and private funding sources for services	5060
provided to alleged or adjudicated unruly children and children	5061
who are at risk of being alleged or adjudicated unruly children,	5062
including regulations governing access to and use of the services;	5063
(i) Collect information provided by local communities	5064
regarding successful programs for prevention, intervention, and	5065
treatment of unruly behavior, including evaluations of the	5066
programs;	5067
(j) Identify and disseminate publications regarding alleged	5068
or adjudicated unruly children and children who are at risk of	5069
being alleged or adjudicated unruly children and regarding	5070
programs serving those types of children;	5071
(k) Maintain an inventory of strategic planning facilitators	5072
for use by government or nonprofit entities that serve alleged or	5073

adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.	5074 5075
(3) The cabinet council shall provide for the following:	5076
(a) Reviews of service and treatment plans for children for which such reviews are requested;	5077 5078
(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;	5079 5080 5081
(c) Monitoring and supervision of a statewide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of health for early intervention services under the "Individuals with Disabilities Education Act of 2004," 20 U.S.C.A. 1400, as amended.	5082 5083 5084 5085 5086 5087 5088
(4) The cabinet council shall develop and implement the following:	5089 5090
(a) An interagency process to select the indicators that will be used to measure progress toward increasing child well-being in the state and to update the indicators on an annual basis. The indicators shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood.	5091 5092 5093 5094 5095 5096 5097
(b) An interagency system to offer guidance and monitor progress toward increasing child well-being in the state and in each county;	5098 5099 5100
(c) An annual plan that identifies state-level agency efforts	5101

taken to ensure progress towards increasing child well-being in the state. 5102
5103

On an annual basis, the cabinet council shall submit to the 5104
governor and the general assembly a report on the status of 5105
efforts to increase child well-being in the state. This report 5106
shall be made available to any other person on request. 5107

(B)(1) Each board of county commissioners shall establish a 5108
county family and children first council. The board may invite any 5109
local public or private agency or group that funds, advocates, or 5110
provides services to children and families to have a 5111
representative become a permanent or temporary member of its 5112
county council. Each county council must include the following 5113
individuals: 5114

(a) At least three individuals who are not employed by an 5115
agency represented on the council and whose families are or have 5116
received services from an agency represented on the council or 5117
another county's council. Where possible, the number of members 5118
representing families shall be equal to twenty per cent of the 5119
council's membership. 5120

(b) The director of the board of alcohol, drug addiction, and 5121
mental health services that serves the county, or, in the case of 5122
a county that has a board of alcohol and drug addiction services 5123
and a community mental health board, the directors of both boards. 5124
If a board of alcohol, drug addiction, and mental health services 5125
covers more than one county, the director may designate a person 5126
to participate on the county's council. 5127

(c) The health commissioner, or the commissioner's designee, 5128
of the board of health of each city and general health district in 5129
the county. If the county has two or more health districts, the 5130
health commissioner membership may be limited to the commissioners 5131
of the two districts with the largest populations. 5132

(d) The director of the county department of job and family services;	5133 5134
(e) The executive director of the public children services agency;	5135 5136
(f) The superintendent of the county board of mental retardation and developmental disabilities;	5137 5138
(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its determination at least biennially;	5139 5140 5141 5142 5143
(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;	5144 5145 5146
(i) A representative of the municipal corporation with the largest population in the county;	5147 5148
(j) The president of the board of county commissioners or an individual designated by the board;	5149 5150
(k) A representative of the regional office of the department of youth services;	5151 5152
(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;	5153 5154
(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";	5155 5156 5157 5158

(n) A representative of a local nonprofit entity that funds, 5159
advocates, or provides services to children and families. 5160

Notwithstanding any other provision of law, the public 5161
members of a county council are not prohibited from serving on the 5162
council and making decisions regarding the duties of the council, 5163
including those involving the funding of joint projects and those 5164
outlined in the county's service coordination mechanism 5165
implemented pursuant to division (C) of this section. 5166

The cabinet council shall establish a state appeals process 5167
to resolve disputes among the members of a county council 5168
concerning whether reasonable responsibilities as members are 5169
being shared. The appeals process may be accessed only by a 5170
majority vote of the council members who are required to serve on 5171
the council. Upon appeal, the cabinet council may order that state 5172
funds for services to children and families be redirected to a 5173
county's board of county commissioners. 5174

The county's juvenile court judge senior in service or 5175
another judge of the juvenile court designated by the 5176
administrative judge or, where there is no administrative judge, 5177
by the judge senior in service shall serve as the judicial advisor 5178
to the county family and children first council. The judge may 5179
advise the county council on the court's utilization of resources, 5180
services, or programs provided by the entities represented by the 5181
members of the county council and how those resources, services, 5182
or programs assist the court in its administration of justice. 5183
Service of a judge as a judicial advisor pursuant to this section 5184
is a judicial function. 5185

(2) The purpose of the county council is to streamline and 5186
coordinate existing government services for families seeking 5187
services for their children. In seeking to fulfill its purpose, a 5188
county council shall provide for the following: 5189

(a) Referrals to the cabinet council of those children for whom the county council cannot provide adequate services;	5190 5191
(b) Development and implementation of a process that annually evaluates and prioritizes services, fills service gaps where possible, and invents new approaches to achieve better results for families and children;	5192 5193 5194 5195
(c) Participation in the development of a countywide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of health for early intervention services under the "Individuals with Disabilities Education Act of 2004";	5196 5197 5198 5199 5200 5201 5202
(d) Maintenance of an accountability system to monitor the county council's progress in achieving results for families and children;	5203 5204 5205
(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system.	5206 5207 5208
(3) A county council shall develop and implement the following:	5209 5210
(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county;	5211 5212 5213
(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth	5214 5215 5216 5217 5218

successfully transitioning into adulthood and take into account 5219
the indicators established by the cabinet council under division 5220
(A)(4)(a) of this section. 5221

(c) An annual plan that identifies the county's interagency 5222
efforts to increase child well-being in the county. 5223

On an annual basis, the county council shall submit a report 5224
on the status of efforts by the county to increase child 5225
well-being in the county to the county's board of county 5226
commissioners and the cabinet council. This report shall be made 5227
available to any other person on request. 5228

(4)(a) Except as provided in division (B)(4)(b) of this 5229
section, a county council shall comply with the policies, 5230
procedures, and activities prescribed by the rules or interagency 5231
agreements of a state department participating on the cabinet 5232
council whenever the county council performs a function subject to 5233
those rules or agreements. 5234

(b) On application of a county council, the cabinet council 5235
may grant an exemption from any rules or interagency agreements of 5236
a state department participating on the council if an exemption is 5237
necessary for the council to implement an alternative program or 5238
approach for service delivery to families and children. The 5239
application shall describe the proposed program or approach and 5240
specify the rules or interagency agreements from which an 5241
exemption is necessary. The cabinet council shall approve or 5242
disapprove the application in accordance with standards and 5243
procedures it shall adopt. If an application is approved, the 5244
exemption is effective only while the program or approach is being 5245
implemented, including a reasonable period during which the 5246
program or approach is being evaluated for effectiveness. 5247

(5)(a) Each county council shall designate an administrative 5248
agent for the council from among the following public entities: 5249

the board of alcohol, drug addiction, and mental health services, 5250
including a board of alcohol and drug addiction or a community 5251
mental health board if the county is served by separate boards; 5252
the board of county commissioners; any board of health of the 5253
county's city and general health districts; the county department 5254
of job and family services; the county agency responsible for the 5255
administration of children services pursuant to section 5153.15 of 5256
the Revised Code; the county board of mental retardation and 5257
developmental disabilities; any of the county's boards of 5258
education or governing boards of educational service centers; or 5259
the county's juvenile court. Any of the foregoing public entities, 5260
other than the board of county commissioners, may decline to serve 5261
as the council's administrative agent. 5262

A county council's administrative agent shall serve as the 5263
council's appointing authority for any employees of the council. 5264
The council shall file an annual budget with its administrative 5265
agent, with copies filed with the county auditor and with the 5266
board of county commissioners, unless the board is serving as the 5267
council's administrative agent. The council's administrative agent 5268
shall ensure that all expenditures are handled in accordance with 5269
policies, procedures, and activities prescribed by state 5270
departments in rules or interagency agreements that are applicable 5271
to the council's functions. 5272

The administrative agent of a county council shall send 5273
notice of a member's absence if a member listed in division (B)(1) 5274
of this section has been absent from either three consecutive 5275
meetings of the county council or a county council subcommittee, 5276
or from one-quarter of such meetings in a calendar year, whichever 5277
is less. The notice shall be sent to the board of county 5278
commissioners that establishes the county council and, for the 5279
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 5280
section, to the governing board overseeing the respective entity; 5281
for the member listed in division (B)(1)(f) of this section, to 5282

the county board of mental retardation and developmental 5283
disabilities that employs the superintendent; for a member listed 5284
in division (B)(1)(g) or (h) of this section, to the school board 5285
that employs the superintendent; for the member listed in division 5286
(B)(1)(i) of this section, to the mayor of the municipal 5287
corporation; for the member listed in division (B)(1)(k) of this 5288
section, to the director of youth services; and for the member 5289
listed in division (B)(1)(n), to that member's board of trustees. 5290

The administrative agent for a county council may do any of 5291
the following on behalf of the council: 5292

(i) Enter into agreements or administer contracts with public 5293
or private entities to fulfill specific council business. Such 5294
agreements and contracts are exempt from the competitive bidding 5295
requirements of section 307.86 of the Revised Code if they have 5296
been approved by the county council and they are for the purchase 5297
of family and child welfare or child protection services or other 5298
social or job and family services for families and children. The 5299
approval of the county council is not required to exempt 5300
agreements or contracts entered into under section 5139.34, 5301
5139.41, or 5139.43 of the Revised Code from the competitive 5302
bidding requirements of section 307.86 of the Revised Code. 5303

(ii) As determined by the council, provide financial 5304
stipends, reimbursements, or both, to family representatives for 5305
expenses related to council activity; 5306

(iii) Receive by gift, grant, devise, or bequest any moneys, 5307
lands, or other property for the purposes for which the council is 5308
established. The agent shall hold, apply, and dispose of the 5309
moneys, lands, or other property according to the terms of the 5310
gift, grant, devise, or bequest. Any interest or earnings shall be 5311
treated in the same manner and are subject to the same terms as 5312
the gift, grant, devise, or bequest from which it accrues. 5313

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

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

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

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

members of the regional council. 5346

(7) A board of county commissioners may approve a resolution 5347
by a majority vote of the board's members that requires the county 5348
council to submit a statement to the board each time the council 5349
proposes to enter into an agreement, adopt a plan, or make a 5350
decision, other than a decision pursuant to section 121.38 of the 5351
Revised Code, that requires the expenditure of funds for two or 5352
more families. The statement shall describe the proposed 5353
agreement, plan, or decision. 5354

Not later than fifteen days after the board receives the 5355
statement, it shall, by resolution approved by a majority of its 5356
members, approve or disapprove the agreement, plan, or decision. 5357
Failure of the board to pass a resolution during that time period 5358
shall be considered approval of the agreement, plan, or decision. 5359

An agreement, plan, or decision for which a statement is 5360
required to be submitted to the board shall be implemented only if 5361
it is approved by the board. 5362

(C) Each county shall develop a county service coordination 5363
mechanism. The county service coordination mechanism shall serve 5364
as the guiding document for coordination of services in the 5365
county. For children who also receive services under the help me 5366
grow program, the service coordination mechanism shall be 5367
consistent with rules adopted by the department of health under 5368
section 3701.61 of the Revised Code. All family service 5369
coordination plans shall be developed in accordance with the 5370
county service coordination mechanism. The mechanism shall be 5371
developed and approved with the participation of the county 5372
entities representing child welfare; mental retardation and 5373
developmental disabilities; alcohol, drug addiction, and mental 5374
health services; health; juvenile judges; education; the county 5375
family and children first council; and the county early 5376
intervention collaborative established pursuant to the federal 5377

early intervention program operated under the "Individuals with Disabilities Education Act of 2004." The county shall establish an implementation schedule for the mechanism. The cabinet council may monitor the implementation and administration of each county's service coordination mechanism.

Each mechanism shall include all of the following:

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

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

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

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

(5) A procedure for monitoring the progress and tracking the

outcomes of each service coordination plan requested in the county	5408
including monitoring and tracking children in out-of-home	5409
placements to assure continued progress, appropriateness of	5410
placement, and continuity of care after discharge from placement	5411
with appropriate arrangements for housing, treatment, and	5412
education.	5413
 (6) A procedure for protecting the confidentiality of all	5414
personal family information disclosed during service coordination	5415
meetings or contained in the comprehensive family service	5416
coordination plan.	5417
 (7) A procedure for assessing the needs and strengths of any	5418
child or family that has been referred to the council for service	5419
coordination, including a child whose parent or custodian is	5420
voluntarily seeking services, and for ensuring that parents and	5421
custodians are afforded the opportunity to participate;	5422
 (8) A procedure for development of a family service	5423
coordination plan described in division (D) of this section;	5424
 (9) A local dispute resolution process to serve as the	5425
process that must be used first to resolve disputes among the	5426
agencies represented on the county council concerning the	5427
provision of services to children, including children who are	5428
abused, neglected, dependent, unruly, alleged unruly, or	5429
delinquent children and under the jurisdiction of the juvenile	5430
court and children whose parents or custodians are voluntarily	5431
seeking services. The local dispute resolution process shall	5432
comply with sections 121.38, 121.381, and 121.382 of the Revised	5433
Code. The local dispute resolution process shall be used to	5434
resolve disputes between a child's parents or custodians and the	5435
county council regarding service coordination. The county council	5436
shall inform the parents or custodians of their right to use the	5437
dispute resolution process. Parents or custodians shall use	5438
existing local agency grievance procedures to address disputes not	5439

involving service coordination. The dispute resolution process is 5440
in addition to and does not replace other rights or procedures 5441
that parents or custodians may have under other sections of the 5442
Revised Code. 5443

The cabinet council shall adopt rules in accordance with 5444
Chapter 119. of the Revised Code establishing an administrative 5445
review process to address problems that arise concerning the 5446
operation of a local dispute resolution process. 5447

Nothing in division (C)(4) of this section shall be 5448
interpreted as overriding or affecting decisions of a juvenile 5449
court regarding an out-of-home placement, long-term placement, or 5450
emergency out-of-home placement. 5451

(D) Each county shall develop a family service coordination 5452
plan that does all of the following: 5453

(1) Designates service responsibilities among the various 5454
state and local agencies that provide services to children and 5455
their families, including children who are abused, neglected, 5456
dependent, unruly, or delinquent children and under the 5457
jurisdiction of the juvenile court and children whose parents or 5458
custodians are voluntarily seeking services; 5459

(2) Designates an individual, approved by the family, to 5460
track the progress of the family service coordination plan, 5461
schedule reviews as necessary, and facilitate the family service 5462
coordination plan meeting process; 5463

(3) Ensures that assistance and services to be provided are 5464
responsive to the strengths and needs of the family, as well as 5465
the family's culture, race, and ethnic group, by allowing the 5466
family to offer information and suggestions and participate in 5467
decisions. Identified assistance and services shall be provided in 5468
the least restrictive environment possible. 5469

(4) Includes a process for dealing with a child who is alleged to be an unruly child. The process shall include methods to divert the child from the juvenile court system;	5470 5471 5472
(5) Includes timelines for completion of goals specified in the plan with regular reviews scheduled to monitor progress toward those goals;	5473 5474 5475
(6) Includes a plan for dealing with short-term crisis situations and safety concerns.	5476 5477
(E)(1) The process provided for under division (D)(4) of this section may include, but is not limited to, the following:	5478 5479
(a) Designation of the person or agency to conduct the assessment of the child and the child's family as described in division (C)(7) of this section and designation of the instrument or instruments to be used to conduct the assessment;	5480 5481 5482 5483
(b) An emphasis on the personal responsibilities of the child and the parental responsibilities of the parents, guardian, or custodian of the child;	5484 5485 5486
(c) Involvement of local law enforcement agencies and officials.	5487 5488
(2) The method to divert a child from the juvenile court system that must be included in the service coordination process may include, but is not limited to, the following:	5489 5490 5491
(a) The preparation of a complaint under section 2151.27 of the Revised Code alleging that the child is an unruly child and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage the child and the parents, guardian, or custodian to comply with other methods to	5492 5493 5494 5495 5496

divert the child from the juvenile court system;	5497
(b) Conducting a meeting with the child, the parents,	5498
guardian, or custodian, and other interested parties to determine	5499
the appropriate methods to divert the child from the juvenile	5500
court system;	5501
(c) A method to provide to the child and the child's family a	5502
short-term respite from a short-term crisis situation involving a	5503
confrontation between the child and the parents, guardian, or	5504
custodian;	5505
(d) A program to provide a mentor to the child or the	5506
parents, guardian, or custodian;	5507
(e) A program to provide parenting education to the parents,	5508
guardian, or custodian;	5509
(f) An alternative school program for children who are truant	5510
from school, repeatedly disruptive in school, or suspended or	5511
expelled from school;	5512
(g) Other appropriate measures, including, but not limited	5513
to, any alternative methods to divert a child from the juvenile	5514
court system that are identified by the Ohio family and children	5515
first cabinet council.	5516
(F) Each county may review and revise the service	5517
coordination process described in division (D) of this section	5518
based on the availability of funds under Title IV-A of the "Social	5519
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended,	5520
or to the extent resources are available from any other federal,	5521
state, or local funds.	5522
<u>Sec. 121.375. (A) As used in this section:</u>	5523

<u>"At-risk individual" means an individual at great risk of not</u>	5524
<u>being able to access available health and social services due to</u>	5525
<u>barriers such as poverty, inadequate transportation, culture, and</u>	5526
<u>priorities of basic survival.</u>	5527
<u>"Care coordination agency" means a person or government</u>	5528
<u>entity that assists at-risk individuals access available health</u>	5529
<u>and social services the at-risk individuals need.</u>	5530
<u>(B) A care coordination agency may provide the following</u>	5531
<u>information to the Ohio family and children first cabinet</u>	5532
<u>council:</u>	5533
<u>(1) The types of individuals the agency identifies as being</u>	5534
<u>at-risk individuals;</u>	5535
<u>(2) The total per-individual cost to the agency for care</u>	5536
<u>coordination services provided to at-risk individuals;</u>	5537
<u>(3) The administrative cost per individual for care</u>	5538
<u>coordination services provided to at-risk individuals;</u>	5539
<u>(4) The specific work products the agency purchased to</u>	5540
<u>provide care coordination services to at-risk individuals;</u>	5541
<u>(5) The strategies the agency uses to help at-risk</u>	5542
<u>individuals access available health and social services;</u>	5543
<u>(6) The agency's success in helping at-risk individuals</u>	5544
<u>access available health and social services;</u>	5545
<u>(7) The mechanisms the agency uses to identify and eliminate</u>	5546
<u>duplicate care coordination services.</u>	5547
<u>(C) The Ohio family and children first cabinet council may</u>	5548
<u>do either or both of the following;</u>	5549

(1) Give incentives to encourage care coordination agencies 5550
to provide information to the council under this section; 5551

(2) Use the information provided to it under this section to 5552
help improve care coordination for at-risk individuals throughout 5553
the state. 5554

Sec. 121.40. (A) There is hereby created the Ohio community 5555
service council consisting of twenty-one voting members including 5556
the superintendent of public instruction or the superintendent's 5557
designee, the chancellor of the Ohio board of regents or the 5558
chancellor's designee, the director of youth services or the 5559
director's designee, the director of aging or the director's 5560
designee, the chairperson of the committee of the house of 5561
representatives dealing with education or the chairperson's 5562
designee, the chairperson of the committee of the senate dealing 5563
with education or the chairperson's designee, and fifteen members 5564
who shall be appointed by the governor with the advice and 5565
consent of the senate and who shall serve terms of office of three 5566
years. The appointees shall include educators, including teachers 5567
and administrators; representatives of youth organizations; 5568
students and parents; representatives of organizations engaged in 5569
volunteer program development and management throughout the state, 5570
including youth and conservation programs; and representatives of 5571
business, government, nonprofit organizations, social service 5572
agencies, veterans organizations, religious organizations, or 5573
philanthropies that support or encourage volunteerism within the 5574
state. The director of the governor's office of faith-based and 5575
community initiatives shall serve as a nonvoting ex officio member 5576
of the council. Members of the council shall receive no 5577
compensation, but shall be reimbursed for actual and necessary 5578
expenses incurred in the performance of their official duties. 5579

(B) The council shall appoint an executive director for the 5580
council, who shall be in the unclassified civil service. The 5581

governor shall be informed of the appointment of an executive 5582
director before such an appointment is made. executive director 5583
shall supervise the council's activities and report to the council 5584
on the progress of those activities. The executive director shall 5585
do all things necessary for the efficient and effective 5586
implementation of the duties of the council. 5587

The responsibilities assigned to the executive director do 5588
not relieve the members of the council from final responsibility 5589
for the proper performance of the requirements of this section. 5590

(C) The council or its designee shall do all of the 5591
following: 5592

(1) Employ, promote, supervise, and remove all employees as 5593
needed in connection with the performance of its duties under this 5594
section and may assign duties to those employees as necessary to 5595
achieve the most efficient performance of its functions, and to 5596
that end may establish, change, or abolish positions, and assign 5597
and reassign duties and responsibilities of any employee of the 5598
council. Personnel employed by the council who are subject to 5599
Chapter 4117. of the Revised Code shall retain all of their rights 5600
and benefits conferred pursuant to that chapter. Nothing in this 5601
chapter shall be construed as eliminating or interfering with 5602
Chapter 4117. of the Revised Code or the rights and benefits 5603
conferred under that chapter to public employees or to any 5604
bargaining unit. 5605

(2) Maintain its office in Columbus, and may hold sessions at 5606
any place within the state; 5607

(3) Acquire facilities, equipment, and supplies necessary to 5608
house the council, its employees, and files and records under its 5609
control, and to discharge any duty imposed upon it by law. The 5610
expense of these acquisitions shall be audited and paid for in the 5611
same manner as other state expenses. For that purpose, the council 5612

shall prepare and submit to the office of budget and management a	5613
budget for each biennium according to sections 101.532 and 107.03	5614
of the Revised Code. The budget submitted shall cover the costs of	5615
the council and its staff in the discharge of any duty imposed	5616
upon the council by law. The council shall not delegate any	5617
authority to obligate funds.	5618
 (4) Pay its own payroll and other operating expenses from	5619
line items designated by the general assembly;	5620
 (5) Retain its fiduciary responsibility as appointing	5621
authority. Any transaction instructions shall be certified by the	5622
appointing authority or its designee.	5623
 (6) Establish the overall policy and management of the	5624
council in accordance with this chapter;	5625
 (7) Assist in coordinating and preparing the state	5626
application for funds under sections 101 to 184 of the "National	5627
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42	5628
U.S.C.A. 12411 to 12544, as amended, assist in administering and	5629
overseeing the "National and Community Service Trust Act of 1993,"	5630
P.L. 103-82, 107 Stat. 785, and the americorps program in this	5631
state, and assist in developing objectives for a comprehensive	5632
strategy to encourage and expand community service programs	5633
throughout the state;	5634
 (8) Assist the state board of education, school districts,	5635
the chancellor of the board of regents, and institutions of higher	5636
education in coordinating community service education programs	5637
through cooperative efforts between institutions and organizations	5638
in the public and private sectors;	5639
 (9) Assist the departments of natural resources, youth	5640
services, aging, and job and family services in coordinating	5641
community service programs through cooperative efforts between	5642

institutions and organizations in the public and private sectors; 5643

(10) Suggest individuals and organizations that are available 5644
to assist school districts, institutions of higher education, and 5645
the departments of natural resources, youth services, aging, and 5646
job and family services in the establishment of community service 5647
programs and assist in investigating sources of funding for 5648
implementing these programs; 5649

(11) Assist in evaluating the state's efforts in providing 5650
community service programs using standards and methods that are 5651
consistent with any statewide objectives for these programs and 5652
provide information to the state board of education, school 5653
districts, the chancellor of the board of regents, institutions of 5654
higher education, and the departments of natural resources, youth 5655
services, aging, and job and family services to guide them in 5656
making decisions about these programs; 5657

(12) Assist the state board of education in complying with 5658
section 3301.70 of the Revised Code and the chancellor of the 5659
board of regents in complying with division (B)(2) of section 5660
3333.043 of the Revised Code; 5661

(13) Advise, assist, consult with, and cooperate with, by 5662
contract or otherwise, agencies and political subdivisions of this 5663
state in establishing a statewide system for volunteers pursuant 5664
to section 121.404 of the Revised Code. 5665

(D) ~~The department of aging council shall in writing enter~~ 5666
~~into an agreement with another state agency to serve as the~~ 5667
~~council's fiscal agent. Beginning on July 1, 1997, whenever~~ 5668
~~reference is made in any law, contract, or document to the~~ 5669
~~functions of the department of youth services as fiscal agent to~~ 5670
~~the council, the reference shall be deemed to refer to the~~ 5671
~~department of aging. The department of aging shall have no~~ 5672
~~responsibility for or obligation to the council prior to July 1,~~ 5673

~~1997. Any validation, cure, right, privilege, remedy, obligation, or liability shall be retained by the council.~~

~~As used in this section, "fiscal agent" means technical support and includes the following technical support services: Before entering into such an agreement, the council shall inform the governor of the terms of the agreement and of the state agency designated to serve as the council's fiscal agent. The fiscal agent shall be responsible for all the council's fiscal matters and financial transactions, as specified in the agreement. Services to be provided by the fiscal agent include, but are not limited to, the following:~~

~~(1) Preparing and processing payroll and other personnel documents that the council executes as the appointing authority; The department of aging shall not approve any payroll or other personnel related documents.~~

~~(2) Maintaining ledgers of accounts and reports of account balances, and monitoring budgets and allotment plans in consultation with the council; and The department shall not approve any biennial budget, grant, expenditure, audit, or fiscal related document.~~

~~(3) Performing other routine support services that the director of aging or the director's designee and the council or its designee consider~~ fiscal agent considers appropriate to achieve efficiency.

~~(E)(1) The council or its designee, in conjunction and consultation with the fiscal agent,~~ has the following authority and responsibility relative to fiscal matters:

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

(b) Sole authority to expend funds from their accounts for 5703
programs and any other necessary expenses the council may incur 5704
and its subgrantees may incur; and 5705

(c) Responsibility to cooperate with and inform the 5706
~~department of aging as~~ fiscal agent ~~to ensure that the department~~ 5707
~~is fully apprised~~ of all financial transactions. 5708

(2) The council shall follow all state procurement, fiscal, 5709
human resources, statutory, and administrative rule requirements. 5710

(3) The ~~department of aging~~ fiscal agent shall determine fees 5711
to be charged to the council, which shall be in proportion to the 5712
services performed for the council. 5713

(4) The council shall pay fees owed to the ~~department of~~ 5714
~~aging~~ fiscal agent from a general revenue fund of the council or 5715
from any other fund from which the operating expenses of the 5716
council are paid. Any amounts set aside for a fiscal year for the 5717
payment of these fees shall be used only for the services 5718
performed for the council by the ~~department of aging~~ fiscal agent 5719
in that fiscal year. 5720

(F) The council may accept and administer grants from any 5721
source, public or private, to carry out any of the council's 5722
functions this section establishes. 5723

Sec. 121.401. (A) As used in this section and section 5724
121.402 of the Revised Code, "organization or entity" and 5725
"unsupervised access to a child" have the same meanings as in 5726
section 109.574 of the Revised Code. 5727

(B) The ~~governor's~~ Ohio community service council shall adopt 5728
a set of "recommended best practices" for organizations or 5729
entities to follow when one or more volunteers of the organization 5730
or entity have unsupervised access to one or more children or 5731

otherwise interact with one or more children. The "recommended
best practices" shall focus on, but shall not be limited to, the
issue of the safety of the children and, in addition, the
screening and supervision of volunteers. The "recommended best
practices" shall include as a recommended best practice that the
organization or entity subject to a criminal records check
performed by the bureau of criminal identification and
investigation pursuant to section 109.57, section 109.572, or
rules adopted under division (E) of section 109.57 of the Revised
Code, all of the following:

(1) All persons who apply to serve as a volunteer in a
position in which the person will have unsupervised access to a
child on a regular basis.

(2) All volunteers who are in a position in which the person
will have unsupervised access to a child on a regular basis and
who the organization or entity has not previously subjected to a
criminal records check performed by the bureau of criminal
identification and investigation.

(C) The set of "recommended best practices" required to be
adopted by this section are in addition to the educational program
required to be adopted under section 121.402 of the Revised Code.

Sec. 121.402. (A) The ~~governor's~~Ohio community service
council shall establish and maintain an educational program that
does all of the following:

(1) Makes available to parents and guardians of children
notice about the provisions of sections 109.574 to 109.577,
section 121.401, and section 121.402 of the Revised Code and
information about how to keep children safe when they are under
the care, custody, or control of a person other than the parent or
guardian;

(2) Makes available to organizations and entities information 5762
regarding the best methods of screening and supervising 5763
volunteers, how to obtain a criminal records check of a volunteer, 5764
confidentiality issues relating to reports of criminal records 5765
checks, and record keeping regarding the reports; 5766

(3) Makes available to volunteers information regarding the 5767
possibility of being subjected to a criminal records check and 5768
displaying appropriate behavior to minors; 5769

(4) Makes available to children advice on personal safety and 5770
information on what action to take if someone takes inappropriate 5771
action towards a child. 5772

(B) The program shall begin making the materials described in 5773
this section available not later than ~~one year after the effective~~ 5774
~~date of this section~~ March 22, 2002. 5775

Sec. 122.011. (A) The department of development shall 5776
develop and promote plans and programs designed to assure that 5777
state resources are efficiently used, economic growth is properly 5778
balanced, community growth is developed in an orderly manner, and 5779
local governments are coordinated with each other and the state, 5780
and for such purposes may do all of the following: 5781

(1) Serve as a clearinghouse for information, data, and other 5782
materials that may be helpful or necessary to persons or local 5783
governments, as provided in section 122.07 of the Revised Code; 5784

(2) Prepare and activate plans for the retention, 5785
development, expansion, and use of the resources and commerce of 5786
the state, as provided in section 122.04 of the Revised Code; 5787

(3) Assist and cooperate with federal, state, and local 5788
governments and agencies of federal, state, and local governments 5789
in the coordination of programs to carry out the functions and 5790

duties of the department;	5791
(4) Encourage and foster research and development activities,	5792
conduct studies related to the solution of community problems, and	5793
develop recommendations for administrative or legislative actions,	5794
as provided in section 122.03 of the Revised Code;	5795
(5) Serve as the economic and community development planning	5796
agency, which shall prepare and recommend plans and programs for	5797
the orderly growth and development of this state and which shall	5798
provide planning assistance, as provided in section 122.06 of the	5799
Revised Code;	5800
(6) Cooperate with and provide technical assistance to state	5801
departments, political subdivisions, regional and local planning	5802
commissions, tourist associations, councils of government,	5803
community development groups, community action agencies, and other	5804
appropriate organizations for carrying out the functions and	5805
duties of the department or for the solution of community	5806
problems;	5807
(7) Coordinate the activities of state agencies that have an	5808
impact on carrying out the functions and duties of the department;	5809
(8) Encourage and assist the efforts of and cooperate with	5810
local governments to develop mutual and cooperative solutions to	5811
their common problems that relate to carrying out the purposes of	5812
this section;	5813
(9) Study existing structure, operations, and financing of	5814
regional or local government and those state activities that	5815
involve significant relations with regional or local governmental	5816
units, recommend to the governor and to the general assembly such	5817
changes in these provisions and activities as will improve the	5818
operations of regional or local government, and conduct other	5819
studies of legal provisions that affect problems related to	5820

carrying out the purposes of this section;	5821
(10) Create and operate a division of community development	5822
to develop and administer programs and activities that are	5823
authorized by federal statute or the Revised Code;	5824
(11) Until October 15, 2007, establish fees and charges, in	5825
consultation with the director of agriculture, for purchasing	5826
loans from financial institutions and providing loan guarantees	5827
under the family farm loan program created under sections 901.80	5828
to 901.83 of the Revised Code;	5829
(12) Provide loan servicing for the loans purchased and loan	5830
guarantees provided under section 901.80 of the Revised Code as	5831
that section existed prior to October 15, 2007;	5832
(13) Until October 15, 2007, and upon approval by the	5833
controlling board under division (A)(3) of section 901.82 of the	5834
Revised Code of the release of money to be used for purchasing a	5835
loan or providing a loan guarantee, request the release of that	5836
money in accordance with division (B) of section 166.03 of the	5837
Revised Code for use for the purposes of the fund created by	5838
section 166.031 of the Revised Code.	5839
(14) <u>Allocate that portion of the national recovery zone</u>	5840
<u>economic development bond limitation and that portion of the</u>	5841
<u>national recovery zone facility bond limitation that has been</u>	5842
<u>allocated to the state under section 1400U-1 of the Internal</u>	5843
<u>Revenue Code, 26 U.S.C. 1400U-1. If any county or municipal</u>	5844
<u>corporation waives any portion of an allocation it receives under</u>	5845
<u>division (A)(14) of this section, the department may reallocate</u>	5846
<u>that amount. Any allocation or reallocation shall be made in</u>	5847
<u>accordance with this section and section 1400U-1 of the Internal</u>	5848
<u>Revenue Code.</u>	5849
(B) The director of development may request the attorney	5850

general to, and the attorney general, in accordance with section 5851
109.02 of the Revised Code, shall bring a civil action in any 5852
court of competent jurisdiction. The director may be sued in the 5853
director's official capacity, in connection with this chapter, in 5854
accordance with Chapter 2743. of the Revised Code. 5855

Sec. 122.042. The director of development may found an 5856
employment opportunity program that encourages employers to employ 5857
individuals who are members of significantly disadvantaged groups. 5858
If the director intends to found such an employment opportunity 5859
program, the director shall adopt, and thereafter may amend or 5860
rescind, rules under Chapter 119. of the Revised Code to found, 5861
and to operate, maintain, and improve, the program. In the rules, 5862
the director shall: 5863

(A) Construct, and, as changing circumstances indicate, 5864
re-construct, procedures according to which significantly 5865
disadvantaged groups are identified as such, an individual is 5866
identified as being a member of a significantly disadvantaged 5867
group, and an employer is identified as being a potential employer 5868
of an individual who is a member of a significantly disadvantaged 5869
group; 5870

(B) Describe, and, as experience indicates, re-describe, the 5871
kinds of evidence that shall be considered to identify 5872
significantly disadvantaged groups, the kinds of evidence an 5873
individual shall offer to prove that the individual is a member of 5874
a significantly disadvantaged group, and the kinds of evidence an 5875
employer shall offer to prove that the employer is a potential 5876
employer of an individual who is a member of a significantly 5877
disadvantaged group; 5878

(C) Specify, and, as experience indicates, re-specify, 5879
strategies and tactics for connecting individuals who are members 5880
of significantly disadvantaged groups with potential employers of 5881
members of significantly disadvantaged groups; and 5882

(D) Construct, describe, specify, define, and prescribe any other thing that is necessary and proper for the founding, and for the successful and efficient operation, maintenance, and improvement, of the employment opportunity program.

In founding, and in operating, maintaining, and improving, the employment opportunity program under the rules, the director shall proceed so that the resulting program functions as a coherent, efficient system for improving employment opportunities for significantly disadvantaged groups. Examples of significantly disadvantaged groups include individuals who have not graduated from high school, individuals who have been convicted of a crime, individuals who are disabled, and individuals who are chronically unemployed (usually for more than eighteen months).

Sec. 122.05. (A) The director of development may, to carry out the purposes of division (E) of section 122.04 of the Revised Code:

(1) Establish offices in foreign countries as the director considers appropriate and enter into leases of real property, buildings, and office space that are appropriate for these offices;

(2) Appoint personnel, who shall be in the unclassified civil services, necessary to operate such offices and fix their compensation. The director may enter into contracts with foreign nationals to staff the foreign offices established under this section.

(3) The director may establish United States dollar and foreign currency accounts for the payment of expenses related to the operation and maintenance of the offices established under this section. The director shall establish procedures acceptable to the director of budget and management for the conversion,

transfer, and control of United States dollars and foreign
currency.

(4) Provide export promotion assistance to Ohio businesses
and organize or support missions to foreign countries to promote
export of Ohio products and services and to encourage foreign
direct investment in Ohio. The director may charge fees to
businesses receiving export assistance and to participants in
foreign missions sufficient to recover the direct costs of those
activities. The director shall adopt, as an internal management
rule under section 111.15 of the Revised Code, a procedure for
setting the fees and a schedule of fees for services commonly
provided by the department. The procedure shall require the
director to annually review the established fees.

(5) Do all things necessary and appropriate for the operation
of the state's foreign offices.

(B) All contracts entered into under division (A)(2) of this
section and any payments of expenses under division (A)(3) of this
section related to the operation and maintenance of foreign
offices established under this section may be paid in the
appropriate foreign currency and are exempt from sections 127.16
and 5147.07 and Chapters 124., 125., and 153. of the Revised Code.

Sec. 122.051. There is hereby created in the state treasury
the international trade cooperative projects fund. The fund shall
consist of ~~moneys~~ all of the following:

(A) Moneys received from private and nonprofit organizations
involved in cooperative agreements related to import/export and
direct foreign investment activities ~~and cash~~;

(B) Cash transfers from other state agencies or any state or
local government to encourage, promote, and assist trade and
commerce between this state and foreign nations, pursuant to

section 122.05 and division (E) of section 122.04 of the Revised Code; and

(C) Fees charged to businesses receiving export assistance and to participants in foreign missions to recover direct costs of those activities under division (A)(4) of section 122.05 of the Revised Code.

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

(1) "Alternative fuel" means blended biodiesel ~~or~~, blended gasoline, or compressed air used in air-compression driven engines.

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

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

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

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

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

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

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

(b) The difference in cost between blended biodiesel and diesel fuel containing two per cent or less biodiesel at the time that the blended biodiesel is purchased. 5970
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(B) For the purpose of improving the air quality in this state, the director of development shall establish an alternative fuel transportation grant program under which the director may make grants to businesses, nonprofit organizations, public school systems, or local governments for the purchase and installation of alternative fuel refueling or distribution facilities and terminals, for the purchase and use of alternative fuel, and to pay the costs of educational and promotional materials and activities intended for prospective alternative fuel consumers, fuel marketers, and others in order to increase the availability and use of alternative fuel. 5973
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(C) The director, in consultation with the director of agriculture, shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of the alternative fuel transportation grant program. The rules shall establish at least all of the following: 5984
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(1) An application form and procedures governing the application process for a grant under the program; 5989
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(2) A procedure for prioritizing the award of grants under the program. The procedures shall give preference to all of the following: 5991
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(a) Publicly accessible refueling facilities; 5994

(b) Entities seeking grants that have secured funding from other sources, including, but not limited to, private or federal grants; 5995
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(c) Entities that have presented compelling evidence of demand in the market in which the facilities or terminals will be located;	5998 5999 6000
(d) Entities that have committed to utilizing purchased or installed facilities or terminals for the greatest number of years;	6001 6002 6003
(e) Entities that will be purchasing or installing facilities or terminals for both blended biodiesel and blended gasoline.	6004 6005
(3) A requirement that the maximum grant for the purchase and installation of an alternative fuel refueling or distribution facility or terminal be eighty per cent of the cost of the facility or terminal, except that at least twenty per cent of the total net cost of the facility or terminal shall be incurred by the grant recipient and not compensated for by any other source;	6006 6007 6008 6009 6010 6011
(4) A requirement that the maximum grant for the purchase of alternative fuel be eighty per cent of the incremental cost of the fuel;	6012 6013 6014
(5) Any other criteria, procedures, or guidelines that the director determines are necessary to administer the program.	6015 6016
(D) An applicant for a grant under this section that sells motor vehicle fuel at retail shall agree that if the applicant receives a grant, the applicant will report to the director the gallon amounts of blended gasoline and blended biodiesel the applicant sells at retail in this state for a period of three years after the grant is awarded.	6017 6018 6019 6020 6021 6022
The director shall enter into a written confidentiality agreement with the applicant regarding the gallon amounts sold as described in this division, and upon execution of the agreement this information is not a public record.	6023 6024 6025 6026

(E) There is hereby created in the state treasury the
alternative fuel transportation grant fund. The fund shall consist
of money transferred to the fund under division (C) of section
125.836 of the Revised Code, money that is appropriated to it by
the general assembly, and money as may be specified by the general
assembly from the advanced energy fund created by section 4928.61
of the Revised Code. Money in the fund shall be used to make
grants under the alternative fuel transportation grant program and
by the director in the administration of that program.

Sec. 122.12. As used in this section and in section 122.121
of the Revised Code:

(A) "Endorsing county" means a county that contains a site
selected by a site selection organization for one or more games.

(B) "Endorsing municipality" means a municipal corporation
that contains a site selected by a site selection organization for
one or more games.

(C) "Game support contract" means a joinder undertaking,
joinder agreement, or similar contract executed by an endorsing
municipality or endorsing county and a site selection
organization.

(D) "Game" means a national football league "super bowl," a
national collegiate athletic association championship game, the
national basketball association all-star game, the national
hockey league all-star game, the major league baseball all-star
game, a national collegiate athletic association bowl
championship series game, a world cup soccer game, the nation
senior games, or the olympic games.

(E) "Joinder agreement" means an agreement entered into by an
endorsing municipality or endorsing county, or more than one

endorsing municipality or county acting collectively and a site 6056
selection organization setting out representations and assurances 6057
by each endorsing municipality or endorsing county in connection 6058
with the selection of a site in this state for the location of a 6059
game. 6060

(F) "Joinder undertaking" means an agreement entered into by 6061
an endorsing municipality or endorsing county, or more than one 6062
endorsing municipality or county acting collectively and a site 6063
selection organization that each endorsing municipality or 6064
endorsing county will execute a joinder agreement in the event 6065
that the site selection organization selects a site in this state 6066
for a game. 6067

(G) "Local organizing committee" means a nonprofit 6068
corporation or its successor in interest that: 6069

(1) Has been authorized by an endorsing municipality, 6070
endorsing county, or more than one endorsing municipality or 6071
county acting collectively to pursue an application and bid on the 6072
applicant's behalf to a site selection organization for selection 6073
as the site of one or more games; or 6074

(2) With the authorization of an endorsing municipality, 6075
endorsing county, or more than one endorsing municipality or 6076
county acting collectively, has executed an agreement with a site 6077
selection organization regarding a bid to host one or more games. 6078

(H) "Site selection organization" means the national football 6079
league, the national collegiate athletic association, the national 6080
basketball association, the national hockey league, major league 6081
baseball, the federation internationale de football association, 6082
the international world games association, the United States 6083
olympic committee, the national senior games association, or the 6084
national governing body of a sport that is recognized as such by 6085
the United States olympic committee. 6086

Sec. 122.121. (A) If an endorsing municipality or endorsing county enters into a joinder undertaking with a site selection organization, the endorsing municipality or endorsing county may apply to the director of development, on a form and in the manner prescribed by the director, for a grant based on the projected incremental increase in the receipts from the tax imposed under section 5739.02 of the Revised Code within the market area designated under division (C) of this section, for the two-week period that ends at the end of the day after the date on which a game will be held, that is directly attributable, as determined by the director, to the preparation for and presentation of the game. The director shall determine the projected incremental increase in the tax imposed under section 5739.02 of the Revised Code from information certified to the director by the endorsing municipality or the endorsing county including, but not limited to, historical attendance and ticket sales for the game, income statements showing revenue and expenditures for the game in prior years, attendance capacity at the proposed venues, event budget at the proposed venues, and projected lodging room nights based on historical attendance, attendance capacity at the proposed venues, and duration of the game and related activities. The endorsing municipality or endorsing county is eligible to receive a grant under this section only if the projected incremental increase in receipts from the tax imposed under section 5739.02 of the Revised Code, as determined by the director, exceeds two hundred fifty thousand dollars. The amount of the grant shall be determined by the director but shall not exceed five hundred thousand dollars. The director shall not issue grants with a total value of more than one million dollars in any fiscal year, and shall not issue any grant before July 1, 2011.

(B) If the director of development approves an application for an endorsing municipality or endorsing county and that endorsing municipality or endorsing county enters into a joinder

agreement with a site selection organization, the endorsing 6120
municipality or endorsing county shall file a copy of the joinder 6121
agreement with the director of development, who immediately shall 6122
notify the director of budget and management of the filing. 6123
Within thirty days after receiving the notice, the director of 6124
budget and management shall establish a schedule to disburse from 6125
the general revenue fund to such endorsing municipality or 6126
endorsing county payments that total the amount certified by the 6127
director of development under division (A) of this section, but 6128
in no event shall the total amount disbursed exceed five hundred 6129
thousand dollars, and no disbursement shall be made before July 1, 6130
2011. The payments shall be used exclusively by the endorsing 6131
municipality or endorsing county to fulfill a portion of its 6132
obligations to a site selection organization under game support 6133
contracts, which obligations may include the payment of costs 6134
relating to the preparations necessary for the conduct of the 6135
game, including acquiring, renovating, or constructing 6136
facilities; to pay the costs of conducting the game; and to 6137
assist the local organizing committee, endorsing municipality, 6138
or endorsing county in providing assurances required by a site 6139
selection organization sponsoring one or more games. 6140

(C) For the purposes of division (A) of this section, the 6141
director of development, in consultation with the tax 6142
commissioner, shall designate as a market area for a game each 6143
area in which they determine there is a reasonable likelihood of 6144
measurable economic impact directly attributable to the 6145
preparation for and presentation of the game and related events, 6146
including areas likely to provide venues, accommodations, and 6147
services in connection with the game based on the information and 6148
the copy of the joinder undertaking provided to the director 6149
under divisions (A) and (B) of this section. The director and 6150
commissioner shall determine the geographic boundaries of each 6151
market area. An endorsing municipality or endorsing county that 6152
has been selected as the site for a game must be included in a 6153

market area for the game. 6154

(D) A local organizing committee, endorsing municipality, or 6155
endorsing county shall provide information required by the 6156
director of development and tax commissioner to enable the 6157
director and commissioner to fulfill their duties under this 6158
section, including annual audited statements of any financial 6159
records required by a site selection organization and data 6160
obtained by the local organizing committee, endorsing 6161
municipality, or endorsing county relating to attendance at a game 6162
and to the economic impact of the game. A local organizing 6163
committee, an endorsing municipality, or an endorsing county shall 6164
provide an annual audited financial statement if so required by 6165
the director and commissioner, not later than the end of the 6166
fourth month after the date the period covered by the financial 6167
statement ends. 6168

(E) Within sixty days after the game, the endorsing 6169
municipality or the endorsing county shall report to the director 6170
of development about the economic impact of the game. The report 6171
shall be in the form and substance required by the director, 6172
including, but not limited to, a final income statement for the 6173
event showing total revenue and expenditures and revenue and 6174
expenditures in the market area for the game, and ticket sales for 6175
the game and any related activities for which admission was 6176
charged. The director of development shall determine, based on the 6177
reported information and the exercise of reasonable judgment, the 6178
incremental increase in receipts from the tax imposed under 6179
section 5739.02 of the Revised Code directly attributable to the 6180
game. If the actual incremental increase in such receipts is less 6181
than the projected incremental increase in receipts, the director 6182
may require the endorsing municipality or the endorsing county to 6183
refund to the state all or a portion of the grant. 6184

(F) No disbursement may be made under this section if the 6185

director of development determines that it would be used for the 6186
purpose of soliciting the relocation of a professional sports 6187
franchise located in this state. 6188

(G) This section may not be construed as creating or 6189
requiring a state guarantee of obligations imposed on an endorsing 6190
municipality or endorsing county under a game support contract or 6191
any other agreement relating to hosting one or more games in this 6192
state. 6193

Sec. 122.151. (A) An investor who proposes to make an 6194
investment of money in an Ohio entity may apply to an Edison 6195
center for a tax credit under this section. The Edison center 6196
shall prescribe the form of the application and any information 6197
that the investor must submit with the application. The investor 6198
shall include with the application a fee of two hundred dollars. 6199
The center, within three weeks after receiving the application, 6200
shall review it, determine whether the investor should be 6201
recommended for the tax credit, and send written notice of its 6202
initial determination to the industrial technology and enterprise 6203
advisory council and to the investor. If the center determines the 6204
investor should not be recommended for the tax credit, it shall 6205
include in the notice the reasons for the determination. Subject 6206
to divisions (C) and (D) of this section, an investor is eligible 6207
for a tax credit if all of the following requirements are met: 6208

(1) The investor's investment of money is in an Ohio entity 6209
engaged in a qualified trade or business. 6210

(2) The Ohio entity had less than two million five hundred 6211
thousand dollars of gross revenue during its most recently 6212
completed fiscal year or had a net book value of less than two 6213
million five hundred thousand dollars at the end of that fiscal 6214
year. 6215

(3) The investment takes the form of the purchase of common 6216

or preferred stock, a membership interest, a partnership interest, 6217
or any other ownership interest. 6218

(4) The amount of the investment for which the credit is 6219
being claimed does not exceed three hundred thousand dollars in 6220
the case of an investment in an EDGE business enterprise or in an 6221
Ohio entity located in a distressed area, or two hundred fifty 6222
thousand dollars in the case of an investment in any other Ohio 6223
entity. 6224

(5) The money invested is entirely at risk of loss, where 6225
repayment depends upon the success of the business operations of 6226
the Ohio entity. 6227

(6) No repayment of principal invested will be made for at 6228
least three years from the date the investment is made. 6229

(7) The annual combined amount of any dividend and interest 6230
payments to be made to the investor will not exceed ten per cent 6231
of the amount of the investment for at least three years from the 6232
date the investment is made. 6233

(8) The investor is not an employee with proprietary 6234
decision-making authority of the Ohio entity in which the 6235
investment of money is proposed, or related to such an individual. 6236
The Ohio entity is not an individual related to the investor. For 6237
purposes of this division, the industrial technology and 6238
enterprise advisory council shall define "an employee with 6239
proprietary decision-making authority." 6240

(9) The investor is not an insider. 6241

For the purposes of determining the net book value of an Ohio 6242
entity under division (A)(1) or (2) of this section, if the entity 6243
is a member of an affiliated group, the combined net book values 6244
of all of the members of that affiliated group shall be used. 6245

Nothing in division (A)(6) or (7) of this section limits or
disallows the distribution to an investor in a pass-through entity
of a portion of the entity's profits equal to the investor's
federal, state, and local income tax obligations attributable to
the investor's allocable share of the entity's profits. Nothing in
division (A)(6) or (7) of this section limits or disallows the
sale by an investor of part or all of the investor's interests in
an Ohio entity by way of a public offering of shares in the Ohio
entity.

(B) A group of two but not more than twenty investors, each
of whom proposes to make an investment of money in the same Ohio
entity, may submit an application for tax credits under division
(A) of this section. The group shall include with the application
a fee of eight hundred dollars. The application shall identify
each investor in the group and the amount of money each investor
proposes to invest in the Ohio entity, and shall name a contact
person for the group. The Edison center, within three weeks after
receiving the application, shall review it, determine whether each
investor of the group should be recommended for a tax credit under
the conditions set forth in division (A) of this section, and send
written notice of its determination to the industrial technology
and enterprise advisory council and to the contact person. The
center shall not recommend that a group of investors receive a tax
credit unless each investor is eligible under those conditions.
The center may disqualify from a group any investor who is not
eligible under the conditions and recommend that the remaining
group of investors receive the tax credit. If the center
determines the group should not be recommended for the tax credit,
it shall include in the notice the reasons for the determination.

(C) The industrial technology and enterprise advisory council
shall establish from among its members a three-person committee.
Within four weeks after the council receives a notice of

recommendation from an Edison center, the committee shall review 6278
the recommendation and issue a final determination of whether the 6279
investor or group is eligible for a tax credit under the 6280
conditions set forth in division (A) of this section. The 6281
committee may require the investor or group to submit additional 6282
information to support the application. The vote of at least two 6283
members of the committee is necessary for the issuance of a final 6284
determination or any other action of the committee. Upon making 6285
the final determination, the committee shall send written notice 6286
of approval or disapproval of the tax credit to the investor or 6287
group contact person, the director of development, and the Edison 6288
center. If the committee disapproves the tax credit, it shall 6289
include in the notice the reasons for the disapproval. 6290

(D)(1) The industrial technology and enterprise advisory 6291
council committee shall not approve more than one million five 6292
hundred thousand dollars of investments in any one Ohio entity. 6293
However, if a proposed investment of money in an Ohio entity has 6294
been approved but the investor does not actually make the 6295
investment, the committee may reassign the amount of that 6296
investment to another investor, as long as the total amount 6297
invested in the entity under this section does not exceed one 6298
million five hundred thousand dollars. 6299

If the one-million-five-hundred-thousand-dollar limit for an 6300
Ohio entity has not yet been reached and an application proposes 6301
an investment of money that would exceed the limit for that 6302
entity, the committee shall send written notice to the investor, 6303
or for a group, the contact person, that the investment cannot be 6304
approved as requested. Upon receipt of the notice, the investor 6305
or group may amend the application to propose an investment of 6306
money that does not exceed the limit. 6307

(2) Not more than ~~thirty~~forty-five million dollars of tax 6308
credits shall be issued under sections 122.15 to 122.154 of the 6309

Revised Code. 6310

(E) If an investor makes an approved investment of less than 6311
two hundred fifty thousand dollars in any Ohio entity other than 6312
an EDGE business enterprise or in an Ohio entity located in a 6313
distressed area, the investor may apply for approval of another 6314
investment of money in that entity, as long as the total amount 6315
invested in that entity by the investor under this section does 6316
not exceed two hundred fifty thousand dollars. If an investor 6317
makes an approved investment of less than three hundred thousand 6318
dollars in an EDGE business enterprise or in an Ohio entity 6319
located in a distressed area, the investor may apply for approval 6320
of another investment of money in that entity, as long as the 6321
total amount invested in that entity by the investor under this 6322
section does not exceed three hundred thousand dollars. An 6323
investor who receives approval of an investment of money as part 6324
of a group may subsequently apply on an individual basis for 6325
approval of an additional investment of money in the Ohio entity. 6326

(F) The industrial technology and enterprise advisory council 6327
committee shall approve or disapprove tax credit applications 6328
under this section in the order in which they are received by the 6329
council. 6330

(G) The director of development may disapprove any 6331
application recommended by an Edison center and approved by the 6332
industrial technology and enterprise advisory council committee, 6333
or may disapprove a credit for which a tax credit certificate has 6334
been issued under section 122.152 of the Revised Code, if the 6335
director determines that the entity in which the applicant 6336
proposes to invest or has invested is not an Ohio entity eligible 6337
to receive investments that qualify for the credit. If the 6338
director disapproves an application, the director shall certify 6339
the action to the investor, the Edison center that recommended the 6340
application, the industrial technology and enterprise advisory 6341

council, and the tax commissioner, together with a written explanation of the reasons for the disapproval. If the director disapproves a tax credit after a tax credit certificate is issued, the investor shall not claim the credit for the taxable year that includes the day the director disapproves the credit, or for any subsequent taxable year.

The director of development, in accordance with section 111.15 of the Revised Code and with the advice of the industrial technology and enterprise advisory council, may adopt, amend, and rescind rules necessary to implement sections 122.15 to 122.154 of the Revised Code.

(H) An Edison center shall use application fees received under this section only for the costs of administering sections 122.15 to 122.154 of the Revised Code.

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

~~(1) "Full-time employee" means an individual who is employed for consideration for at least an average of thirty-five hours a week, who renders any other standard of service generally accepted by custom or specified by contract as full-time employment, or who is employed for consideration for such time or renders such service but is on family or medical leave under the federal Family and Medical Leave Act of 1993, Pub. L. No. 103-3, 107 Stat. 6, as amended, or on active duty reserve or Ohio national guard service.~~

~~(2) "New employee" means one of the following:~~

~~(a) A full-time employee first employed by a taxpayer in the project that is the subject of the agreement after the taxpayer enters into a tax credit agreement with the tax credit authority under this section;~~

(b) A full-time employee first employed by a taxpayer in the project that is the subject of the tax credit after the tax credit authority approves a project for a tax credit under this section in a public meeting, as long as the taxpayer enters into the tax credit agreement prepared by the department of development after such meeting within sixty days after receiving the agreement from the department. If the taxpayer fails to enter into the agreement within sixty days, "new employee" has the same meaning as under division (A)(2)(a) of this section. A full-time employee may be considered a "new employee" of a taxpayer, despite previously having been employed by a related member of the taxpayer, if all of the following apply:

(i) The related member is a party to the tax credit agreement at the time the employee is first employed with the taxpayer;

(ii) The related member will remain subject to the tax imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied under Chapter 5751. of the Revised Code for the remainder of the term of the tax credit, and the tax credit is taken against liability for that same tax through the remainder of the term of the tax credit; and

(iii) The employee was considered a new employee of the related member prior to employment with the taxpayer.

Under division (A)(2)(a) or (b) of this section, if the tax credit authority determines it appropriate, "new employee" also may include an employee re-hired or called back from lay-off to work in a new facility or on a new product or service established or produced by the taxpayer after entering into the agreement under this section or after the tax credit authority approves the tax credit in a public meeting. Except as otherwise provided in this paragraph, "new employee" does not include any employee of the taxpayer who was previously employed in this state by a related member of the taxpayer and whose employment was shifted to

the taxpayer after the taxpayer entered into the tax credit 6403
agreement or after the tax credit authority approved the credit in 6404
a public meeting, or any employee of the taxpayer for which the 6405
taxpayer has been granted a certificate under division (B) of 6406
section 5709.66 of the Revised Code. However, if the taxpayer is 6407
engaged in the enrichment and commercialization of uranium or 6408
uranium products or is engaged in research and development 6409
activities related thereto and if the tax credit authority 6410
determines it appropriate, "new employee" may include an employee 6411
of the taxpayer who was previously employed in this state by a 6412
related member of the taxpayer and whose employment was shifted to 6413
the taxpayer after the taxpayer entered into the tax credit 6414
agreement or after the tax credit authority approved the credit in 6415
a public meeting. "New employee" does not include an employee of 6416
the taxpayer who is employed in an employment position that was 6417
relocated to a project from other operations of the taxpayer in 6418
this state or from operations of a related member of the taxpayer 6419
in this state. In addition, "new employee" does not include a 6420
child, grandchild, parent, or spouse, other than a spouse who is 6421
legally separated from the individual, of any individual who is an 6422
employee of the taxpayer and who has a direct or indirect 6423
ownership interest of at least five per cent in the profits, 6424
capital, or value of the taxpayer. Such ownership interest shall 6425
be determined in accordance with section 1563 of the Internal 6426
Revenue Code and regulations prescribed thereunder. 6427

(3) "New income" Income tax revenue" means the total amount 6428
withheld under section 5747.06 of the Revised Code by the 6429
taxpayer during the taxable year, or during the calendar year 6430
that includes the tax period, from the compensation of new 6431
employees for the tax levied under Chapter 5747. of the Revised 6432
Code. 6433

(4) "Related member" has the same meaning as under division 6434
(A)(6) of section 5733.042 of the Revised Code without regard to 6435

division (B) of that section each employee employed in the project 6436
to the extent the employee's withholdings are not used to 6437
determine the credit under section 122.171 of the Revised Code. 6438
"Income tax revenue" excludes amounts withheld before the day the 6439
taxpayer becomes eligible for the credit. 6440

(2) "Baseline income tax revenue" means income tax revenue 6441
except that the applicable withholding period is the twelve months 6442
immediately preceding the date the tax credit authority approves 6443
the taxpayer's application multiplied by the sum of one plus an 6444
annual pay increase factor to be determined by the tax credit 6445
authority. If the taxpayer becomes eligible for the credit after 6446
the first day of the taxpayer's taxable year or after the first 6447
day of the calendar year that includes the tax period, the 6448
taxpayer's baseline income tax revenue for the first such 6449
taxable or calendar year of credit eligibility shall be reduced in 6450
proportion to the number of days during the taxable or calendar 6451
year for which the taxpayer was not eligible for the credit. For 6452
subsequent taxable or calendar years, "baseline income tax 6453
revenue" equals the unreduced baseline income tax revenue for the 6454
preceding taxable or calendar year multiplied by the sum of one 6455
plus the pay increase factor. 6456

(3) "Excess income tax revenue" means income tax revenue 6457
minus baseline income tax revenue. 6458

(B) The tax credit authority may make grants under this 6459
section to foster job creation in this state. Such a grant shall 6460
take the form of a refundable credit allowed against the tax 6461
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 6462
under Chapter 5751. of the Revised Code. The credit shall be 6463
claimed for the taxable years or tax periods specified in the 6464
taxpayer's agreement with the tax credit authority under division 6465
(D) of this section. With respect to taxes imposed under section 6466
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 6467

credit shall be claimed in the order required under section 6468
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 6469
the credit available for a taxable year or for a calendar year 6470
that includes a tax period equals the ~~new~~excess income tax 6471
revenue for that year multiplied by the percentage specified in 6472
the agreement with the tax credit authority. Any credit granted 6473
under this section against the tax imposed by section 5733.06 or 6474
5747.02 of the Revised Code, to the extent not fully utilized 6475
against such tax for taxable years ending prior to 2008, shall 6476
automatically be converted without any action taken by the tax 6477
credit authority to a credit against the tax levied under Chapter 6478
5751. of the Revised Code for tax periods beginning on or after 6479
July 1, 2008, provided that the person to whom the credit was 6480
granted is subject to such tax. The converted credit shall apply 6481
to those calendar years in which the remaining taxable years 6482
specified in the agreement end. 6483

(C) A taxpayer or potential taxpayer who proposes a project 6484
to create new jobs in this state may apply to the tax credit 6485
authority to enter into an agreement for a tax credit under this 6486
section. The director of development shall prescribe the form of 6487
the application. After receipt of an application, the authority 6488
may enter into an agreement with the taxpayer for a credit under 6489
this section if it determines all of the following: 6490

(1) The taxpayer's project will ~~create new jobs in this state~~ 6491
increase payroll and income tax revenue; 6492

(2) The taxpayer's project is economically sound and will 6493
benefit the people of this state by increasing opportunities for 6494
employment and strengthening the economy of this state; 6495

(3) Receiving the tax credit is a major factor in the 6496
taxpayer's decision to go forward with the project. 6497

(D) An agreement under this section shall include all of the 6498

following:	6499
(1) A detailed description of the project that is the subject of the agreement;	6500 6501
(2) The term of the tax credit, which shall not exceed fifteen years, and the first taxable year, or first calendar year that includes a tax period, for which the credit may be claimed;	6502 6503 6504
(3) A requirement that the taxpayer shall maintain operations at the project location for at least ~~twice the number of years as the term of the tax credit~~ <u>the greater of seven years or the term of the credit plus three years</u> ;	6505 6506 6507 6508
(4) The percentage, as determined by the tax credit authority, of ~~new excess~~ income tax revenue that will be allowed as the amount of the credit for each taxable year or for each calendar year that includes a tax period;	6509 6510 6511 6512
(5) ~~A specific method for determining how many new employees are employed during a taxable year or during a calendar year that includes a tax period~~ <u>The pay increase factor to be applied to the taxpayer's baseline income tax revenue</u> ;	6513 6514 6515 6516
(6) A requirement that the taxpayer annually shall report to the director of development ~~the number of new employees, the new income tax revenue withheld in connection with the new employees, and any employment, tax withholding, investment, and~~ other information the director needs to perform the director's duties under this section;	6517 6518 6519 6520 6521 6522
(7) A requirement that the director of development annually ~~shall verify the amounts~~ <u>review the information</u> reported under division (D)(6) of this section, ~~and after doing so shall issue a certificate to the taxpayer stating that the amounts have been verified~~ <u>and verify compliance with the agreement; if the taxpayer</u>	6523 6524 6525 6526 6527

is in compliance, a requirement that the director issue a 6528
certificate to the taxpayer stating that the information has been 6529
verified and identifying the amount of the credit that may be 6530
claimed for the taxable or calendar year; 6531

~~(8)(a) A provision requiring that the taxpayer, except as~~ 6532
~~otherwise provided in division (D)(8)(b) of this section, shall~~ 6533
~~not relocate employment positions from elsewhere in this state to~~ 6534
~~the project site that is the subject of the agreement for the~~ 6535
~~lesser of five years from the date the agreement is entered into~~ 6536
~~or the number of years the taxpayer is entitled to claim the tax~~ 6537
~~credit.~~ 6538

~~(b) The taxpayer may relocate employment positions from~~ 6539
~~elsewhere in this state to the project site that is the subject of~~ 6540
~~the agreement if the director of development determines both of~~ 6541
~~the following:~~ 6542

~~(i) That the site from which the employment positions would~~ 6543
~~be relocated is inadequate to meet market and industry conditions,~~ 6544
~~expansion plans, consolidation plans, or other business~~ 6545
~~considerations affecting the taxpayer;~~ 6546

~~(ii) That~~ 6547
A provision providing that the taxpayer may not 6548
relocate a substantial number of employment positions from 6549
elsewhere in this state to the project location unless the 6550
director of development determines that the legislative authority 6551
of the county, township, or municipal corporation from which the 6552
employment positions would be relocated has been notified by the 6553
taxpayer of the relocation.

For purposes of this section, the movement of an employment 6554
position from one political subdivision to another political 6555
subdivision shall be considered a relocation of an employment 6556
position, ~~but the transfer of an individual employee from one~~ 6557
~~political subdivision to another political subdivision shall not~~ 6558

~~be considered a relocation of an employment position as long as~~ 6559
~~the individual's employment position in the first political~~ 6560
~~subdivision is refilled~~unless the employment position in the 6561
first political subdivision is replaced. 6562

(E) If a taxpayer fails to meet or comply with any condition 6563
or requirement set forth in a tax credit agreement, the tax credit 6564
authority may amend the agreement to reduce the percentage or term 6565
of the tax credit. The reduction of the percentage or term shall 6566
~~take effect (1) in the taxable year immediately following the~~ 6567
~~taxable year in which the authority amends the agreement or the~~ 6568
~~director of development notifies the taxpayer in writing of such~~ 6569
~~failure, or (2) in the first tax period beginning in the calendar~~ 6570
~~year immediately following the calendar year in which the~~ 6571
~~authority amends the agreement or the director notifies the~~ 6572
~~taxpayer in writing of such failure. If the taxpayer fails to~~ 6573
~~annually report any of the information required by division (D)(6)~~ 6574
~~of this section within the time required by the director, the~~ 6575
~~reduction of the percentage or term may take effect in the current~~ 6576
~~taxable year. If the taxpayer relocates employment positions in~~ 6577
~~violation of the provision required under division (D)(8)(a) of~~ 6578
~~this section, the taxpayer shall not claim the tax credit under~~ 6579
~~section 5733.0610 of the Revised Code for any tax years following~~ 6580
~~the calendar year in which the relocation occurs, or shall not~~ 6581
~~claim the tax credit under section 5725.32, 5729.032, or 5747.058~~ 6582
~~of the Revised Code for the taxable year in which the relocation~~ 6583
~~occurs and any subsequent taxable years, and shall not claim the~~ 6584
~~tax credit under division (A) of section 5751.50 of the Revised~~ 6585
~~Code for any tax period in the calendar year in which the~~ 6586
~~relocation occurs and any subsequent tax periods~~may take effect 6587
in the current taxable or calendar year. 6588

(F) Projects that consist solely of point-of-final-purchase 6589
retail facilities are not eligible for a tax credit under this 6590
section. If a project consists of both point-of-final-purchase 6591

retail facilities and nonretail facilities, only the portion of 6592
the project consisting of the nonretail facilities is eligible for 6593
a tax credit and only the ~~new~~excess income tax revenue from ~~new~~ 6594
~~employees~~ of the nonretail facilities shall be considered when 6595
computing the amount of the tax credit. If a warehouse facility is 6596
part of a point-of-final-purchase retail facility and supplies 6597
only that facility, the warehouse facility is not eligible for a 6598
tax credit. Catalog distribution centers are not considered 6599
point-of-final-purchase retail facilities for the purposes of this 6600
division, and are eligible for tax credits under this section. 6601

(G) Financial statements and other information submitted to 6602
the department of development or the tax credit authority by an 6603
applicant or recipient of a tax credit under this section, and any 6604
information taken for any purpose from such statements or 6605
information, are not public records subject to section 149.43 of 6606
the Revised Code. However, the chairperson of the authority may 6607
make use of the statements and other information for purposes of 6608
issuing public reports or in connection with court proceedings 6609
concerning tax credit agreements under this section. Upon the 6610
request of the tax commissioner or, if the applicant or recipient 6611
is an insurance company, upon the request of the superintendent of 6612
insurance, the chairperson of the authority shall provide to the 6613
commissioner or superintendent any statement or information 6614
submitted by an applicant or recipient of a tax credit in 6615
connection with the credit. The commissioner or superintendent 6616
shall preserve the confidentiality of the statement or 6617
information. 6618

(H) A taxpayer claiming a credit under this section shall 6619
submit to the tax commissioner or, if the taxpayer is an insurance 6620
company, to the superintendent of insurance, a copy of the 6621
director of development's certificate of verification under 6622
division (D)(7) of this section with the taxpayer's tax report or 6623
return for the taxable year or for the calendar year that includes 6624

the tax period. Failure to submit a copy of the certificate with 6625
the report or return does not invalidate a claim for a credit if 6626
the taxpayer submits a copy of the certificate to the commissioner 6627
or superintendent within sixty days after the commissioner or 6628
superintendent requests it. 6629

(I) The director of development, after consultation with the 6630
tax commissioner and the superintendent of insurance and in 6631
accordance with Chapter 119. of the Revised Code, shall adopt 6632
rules necessary to implement this section. The rules may provide 6633
for recipients of tax credits under this section to be charged 6634
fees to cover administrative costs of the tax credit program. The 6635
fees collected shall be credited to the tax incentive programs 6636
operating fund created in section 122.174 of the Revised Code. At 6637
the time the director gives public notice under division (A) of 6638
section 119.03 of the Revised Code of the adoption of the rules, 6639
the director shall submit copies of the proposed rules to the 6640
chairpersons of the standing committees on economic development in 6641
the senate and the house of representatives. 6642

(J) For the purposes of this section, a taxpayer may include 6643
a partnership, a corporation that has made an election under 6644
subchapter S of chapter one of subtitle A of the Internal Revenue 6645
Code, or any other business entity through which income flows as a 6646
distributive share to its owners. A partnership, S-corporation, or 6647
other such business entity may elect to pass the credit received 6648
under this section through to the persons to whom the income or 6649
profit of the partnership, S-corporation, or other entity is 6650
distributed. The election shall be made on the annual report 6651
required under division (D)(6) of this section. The election 6652
applies to and is irrevocable for the credit for which the report 6653
is submitted. If the election is made, the credit shall be 6654
apportioned among those persons in the same proportions as those 6655
in which the income or profit is distributed. 6656

(K) If the director of development determines that a taxpayer who has received a credit under this section is not complying with the requirement under division (D)(3) of this section, the director shall notify the tax credit authority of the noncompliance. After receiving such a notice, and after giving the taxpayer an opportunity to explain the noncompliance, the tax credit authority may require the taxpayer to refund to this state a portion of the credit in accordance with the following:

(1) If the taxpayer maintained operations at the project location for ~~at least one and one-half times the number of years of the term of the tax credit, an amount not exceeding twenty-five per cent of the sum of any previously allowed credits under this section;~~

~~(2) If the taxpayer maintained operations at the project location for at least the number of years of the term of the tax credit, an amount not exceeding fifty per cent of the sum of any previously allowed credits under this section;~~

~~(3) If the taxpayer maintained operations at the project location for less than the number of years of the term of the tax credit, an amount not exceeding one hundred per cent of the sum of any previously allowed credits under this section~~a period less than or equal to the term of the credit, an amount not exceeding one hundred per cent of the sum of any credits allowed and received under this section;

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

In determining the portion of the tax credit to be refunded to this state, the tax credit authority shall consider the effect

of market conditions on the taxpayer's project and whether the 6688
taxpayer continues to maintain other operations in this state. 6689
After making the determination, the authority shall certify the 6690
amount to be refunded to the tax commissioner or superintendent of 6691
insurance, as appropriate. If the amount is certified to the 6692
commissioner, the commissioner shall make an assessment for that 6693
amount against the taxpayer under Chapter 5733., 5747., or 5751. 6694
of the Revised Code. If the amount is certified to the 6695
superintendent, the superintendent shall make an assessment for 6696
that amount against the taxpayer under Chapter 5725. or 5729. of 6697
the Revised Code. The time limitations on assessments under those 6698
chapters do not apply to an assessment under this division, but 6699
the commissioner or superintendent, as appropriate, shall make the 6700
assessment within one year after the date the authority certifies 6701
to the commissioner or superintendent the amount to be refunded. 6702

(L) On or before the ~~thirty-first~~first day of ~~March~~August 6703
each year, the director of development shall submit a report to 6704
the governor, the president of the senate, and the speaker of the 6705
house of representatives on the tax credit program under this 6706
section. The report shall include information on the number of 6707
agreements that were entered into under this section during the 6708
preceding calendar year, a description of the project that is the 6709
subject of each such agreement, and an update on the status of 6710
projects under agreements entered into before the preceding 6711
calendar year. 6712

(M) There is hereby created the tax credit authority, which 6713
consists of the director of development and four other members 6714
appointed as follows: the governor, the president of the senate, 6715
and the speaker of the house of representatives each shall appoint 6716
one member who shall be a specialist in economic development; the 6717
governor also shall appoint a member who is a specialist in 6718
taxation. Of the initial appointees, the members appointed by the 6719
governor shall serve a term of two years; the members appointed by 6720

the president of the senate and the speaker of the house of
representatives shall serve a term of four years. Thereafter,
terms of office shall be for four years. Initial appointments to
the authority shall be made within thirty days after January 13,
1993. Each member shall serve on the authority until the end of
the term for which the member was appointed. Vacancies shall be
filled in the same manner provided for original appointments. Any
member appointed to fill a vacancy occurring prior to the
expiration of the term for which the member's predecessor was
appointed shall hold office for the remainder of that term.
Members may be reappointed to the authority. Members of the
authority shall receive their necessary and actual expenses while
engaged in the business of the authority. The director of
development shall serve as chairperson of the authority, and the
members annually shall elect a vice-chairperson from among
themselves. Three members of the authority constitute a quorum to
transact and vote on the business of the authority. The majority
vote of the membership of the authority is necessary to approve
any such business, including the election of the vice-chairperson.

The director of development may appoint a professional
employee of the department of development to serve as the
director's substitute at a meeting of the authority. The director
shall make the appointment in writing. In the absence of the
director from a meeting of the authority, the appointed substitute
shall serve as chairperson. In the absence of both the director
and the director's substitute from a meeting, the vice-chairperson
shall serve as chairperson.

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

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

(1) "Capital investment project" means a plan of investment at a project site for the acquisition, construction, renovation, or repair of buildings, machinery, or equipment, or for capitalized costs of basic research and new product development determined in accordance with generally accepted accounting principles, but does not include any of the following:	6753 6754 6755 6756 6757 6758
(a) Payments made for the acquisition of personal property through operating leases;	6759 6760
(b) Project costs paid before January 1, 2002;	6761
(c) Payments made to a related member as defined in section 5733.042 of the Revised Code or to ~~an elected~~ <u>a consolidated elected</u> taxpayer or a combined taxpayer as defined in section 5751.01 of the Revised Code.	6762 6763 6764 6765
(2) "Eligible business" means a ~~business~~ <u>taxpayer and its related members</u> with Ohio operations satisfying all of the following:	6766 6767 6768
(a) ~~Employed an average of at least one thousand employees in full-time employment positions at a project site during each of the twelve months preceding the application for a tax credit under this section; and~~	6769 6770 6771 6772
(b) ~~On or after January 1, 2002, has made or has caused to be made payments for the capital investment project, including payments made by an unrelated third party entity as a result of a lease of not less than twenty years in term, of either of the following:~~	6773 6774 6775 6776 6777
(i) ~~At least two hundred~~ <u>The taxpayer employs at least five hundred full-time equivalent employees at the time the tax credit authority grants the tax credit under this section;</u>	6778 6779 6780

(b) The taxpayer makes or causes to be made payments for the 6781
capital investment project of either of the following: 6782

(i) If the taxpayer is engaged at the project site primarily 6783
as a manufacturer, at least fifty million dollars in the aggregate 6784
at the project site during a period of three consecutive calendar 6785
years, including the calendar year that includes a day of the 6786
taxpayer's taxable year or tax period with respect to which the 6787
credit is granted; 6788

(ii) If the average wage of all full-time employment 6789
positions at the project site is greater than four hundred per 6790
cent of the federal minimum wage, at least one hundred taxpayer is 6791
engaged at the project site primarily in significant corporate 6792
administrative functions, as defined by the director of 6793
development by rule, at least twenty million dollars in the 6794
aggregate at the project site during a period of three 6795
consecutive calendar years including the calendar year that 6796
includes a day of the taxpayer's taxable year or tax period with 6797
respect to which the credit is granted. 6798

(c) Is engaged at the project site primarily as a 6799
manufacturer or is providing significant corporate administrative 6800
functions. If the investment under division (A)(2)(b) of this 6801
section was made by a third party entity as a result of a lease of 6802
not less than twenty years in term, the project must include 6803
headquarters operations that are part of a mixed use development 6804
that includes at least two of the following: office, hotel, 6805
research and development, or retail facilities. 6806

(d) Has 6807
The taxpayer had a capital investment project 6808
reviewed and approved by the tax credit authority as provided in 6809
divisions (C), (D), and (E) of this section.

(3) "Full-time employment position" means a position of 6810
employment for consideration for at least an average of 6811

~~thirty-five hours a week that has been filled for at least one~~ 6812
~~hundred eighty days immediately preceding the filing of an~~ 6813
~~application under this section and for at least one hundred eighty~~ 6814
~~days during each taxable year or each calendar year that includes~~ 6815
~~a tax period with respect to which the credit is granted, or is~~ 6816
~~employed in such position for consideration for such time, but is~~ 6817
~~on active duty reserve or Ohio national guard service~~ 6818
employees" means the quotient obtained by dividing the total 6819
number of hours for which employees were compensated for 6820
employment in the project by two thousand eighty. "Full-time 6821
equivalent employees" shall exclude hours that are counted for a 6822
credit under section 122.17 of the Revised Code. 6823

(4) "Income tax revenue" means the total amount withheld 6824
under section 5747.06 of the Revised Code by the taxpayer during 6825
the taxable year, or during the calendar year that includes the 6826
tax period, from the compensation of all employees employed in the 6827
project whose hours of compensation are included in calculating 6828
the number of full-time equivalent employees. 6829

~~(4)(5)~~ "Manufacturer" has the same meaning as in section 6830
5739.011 of the Revised Code. 6831

~~(5)(6)~~ "Project site" means an integrated complex of 6832
facilities in this state, as specified by the tax credit authority 6833
under this section, within a fifteen-mile radius where a taxpayer 6834
is primarily operating as an eligible business. 6835

~~(6) "Applicable corporation" means a corporation satisfying~~ 6836
~~all of the following:~~ 6837

~~(a)(i) For the entire taxable year immediately preceding the~~ 6838
~~tax year, the corporation develops software applications primarily~~ 6839
~~to provide telecommunication billing and information services~~ 6840
~~through outsourcing or licensing to domestic or international~~ 6841
~~customers.~~ 6842

~~(ii) Sales and licensing of software generated at least six
hundred million dollars in revenue during the taxable year
immediately preceding the tax year the corporation is first
entitled to claim the credit provided under division (B) of this
section.~~

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~~(b) For the entire taxable year immediately preceding the tax
year, the corporation or one or more of its related members
provides customer or employee care and technical support for
clients through one or more contact centers within this state, and
the corporation and its related members together have a daily
average, based on a three hundred sixty five day year, of at least
five hundred thousand successful customer contacts through one or
more of their contact centers, wherever located.~~

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~~(c) The corporation is eligible for the credit under division
(B) of this section for the tax year.~~

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

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~~(8) "Successful customer contact" means a contact with an end
user via telephone, including interactive voice recognition or
similar means, where the contact culminates in a conversation or
connection other than a busy signal or equipment busy.~~

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~~(9) "Telecommunications" means all forms of
telecommunications service as defined in section 5739.01 of the
Revised Code, and includes services in wireless, wireline, cable,
broadband, internet protocol, and satellite.~~

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~~(10)(a) "Applicable difference" means the difference between
the tax for the tax year under Chapter 5733. of the Revised Code~~

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applying the law in effect for that tax year, and the tax for that
tax year if section 5733.042 of the Revised Code applied as that
section existed on the effective date of its amendment by Am. Sub.
H.B. 215 of the 122nd general assembly, September 29, 1997,
subject to division (A)(10)(b) of this section.

(b) If the tax rate set forth in division (B) of section
5733.06 of the Revised Code for the tax year is less than eight
and one-half per cent, the tax calculated under division
(A)(10)(a) of this section shall be computed by substituting a tax
rate of eight and one-half per cent for the rate set forth in
division (B) of section 5733.06 of the Revised Code for the tax
year.

(c) If the resulting difference is negative, the applicable
tax difference for the tax year shall be zero "Taxable year"
includes, in the case of a domestic or foreign insurance company,
the calendar year ending on the thirty-first day of December
preceding the day the superintendent of insurance is required to
certify to the treasurer of state under section 5725.20 or 5729.05
of the Revised Code the amount of taxes due from insurance
companies.

(B) The tax credit authority created under section 122.17 of
the Revised Code may grant tax credits under this section for the
purpose of fostering job retention in this state. Upon application
by an eligible business and upon consideration of the
recommendation of the director of budget and management, tax
commissioner, the superintendent of insurance in the case of an
insurance company, and director of development under division (C)
of this section, the tax credit authority may grant to an eligible
business a nonrefundable credit against the tax imposed by section
5725.18, 5729.03, 5733.06, or 5747.02 of the Revised Code for a
period up to fifteen taxable years and against the tax levied by
Chapter 5751. of the Revised Code for a period of up to fifteen

calendar years ~~provided, however, that if the project site is~~ 6904
~~leased, the term of the tax credit cannot exceed the lesser of~~ 6905
~~fifteen years or one half the term of the lease, including any~~ 6906
~~permitted renewal periods. The credit shall be in an amount not~~ 6907
~~exceeding seventy-five per cent of the Ohio income tax withheld~~ 6908
~~from the employees of the eligible business occupying full-time~~ 6909
~~employment positions at the project site during the calendar year~~ 6910
~~that includes the last day of such business' taxable year or tax~~ 6911
~~period with respect to which the credit is granted. The amount of~~ 6912
~~the credit shall not be based on the Ohio income tax withheld~~ 6913
~~from full-time employees for a calendar year prior to the~~ 6914
~~calendar year in which the minimum investment requirement~~ 6915
~~referred to in division (A)(2)(b) of this section is completed.~~ 6916
The credit amount for a taxable year or a calendar year that 6917
includes the tax period for which a credit may be claimed equals 6918
the income tax revenue for that year multiplied by the percentage 6919
specified in the agreement with the tax credit authority. The 6920
percentage may not exceed seventy-five per cent. The credit shall 6921
be claimed in the order required under section 5725.98, 5729.98, 6922
5733.98, or 5747.98 of the Revised Code. In determining the 6923
percentage and term of the credit, the tax credit authority shall 6924
consider both the number of full-time equivalent employees and the 6925
value of the capital investment project. The credit amount may not 6926
be based on the income tax revenue for a calendar year before the 6927
calendar year in which the tax credit authority specifies the tax 6928
credit is to begin, and the credit shall be claimed only for the 6929
taxable years or tax periods specified in the eligible business' 6930
agreement with the tax credit authority ~~under division (E) of this~~ 6931
~~section, but in.~~ In no event shall the credit be claimed for a 6932
taxable year or tax period terminating before the date specified 6933
in the agreement. Any credit granted under this section against 6934
the tax imposed by section 5733.06 or 5747.02 of the Revised 6935
Code, to the extent not fully utilized against such tax for 6936
taxable years ending prior to 2008, shall automatically be 6937
converted without any action taken by the tax credit authority to 6938

a credit against the tax levied under Chapter 5751. of the
Revised Code for tax periods beginning on or after July 1, 2008,
provided that the person to whom the credit was granted is
subject to such tax. The converted credit shall apply to those
calendar years in which the remaining taxable years specified in
the agreement end.

~~The credit computed under this division is in addition to any
credit allowed under division (M) of this section, which the tax
credit authority may also include in the agreement.~~

Any unused portion of a tax credit may be carried forward for
not more than three additional years after the year for which the
credit is granted.

(C) A taxpayer that proposes a capital investment project to
retain jobs in this state may apply to the tax credit authority to
enter into an agreement for a tax credit under this section. The
director of development shall prescribe the form of the
application. After receipt of an application, the authority shall
forward copies of the application to the director of budget and
management, the tax commissioner, the superintendent of insurance
in the case of an insurance company, and the director of
development, each of whom shall review the application to
determine the economic impact the proposed project would have on
the state and the affected political subdivisions and shall submit
a summary of their determinations and recommendations to the
authority.

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

(1) The taxpayer's capital investment project will result in

the retention of ~~full-time~~ employment positions in this state. 6970

(2) The taxpayer is economically sound and has the ability to 6971
complete the proposed capital investment project. 6972

(3) The taxpayer intends to and has the ability to maintain 6973
operations at the project site for at least the greater of (a) 6974
the term of the credit plus three years, or (b) seven years. 6975

(4) Receiving the credit is a major factor in the taxpayer's 6976
decision to begin, continue with, or complete the project. 6977

~~(5) The political subdivisions in which the project is 6978
located have agreed to provide substantial financial support to 6979
the project. 6980~~

(E) An agreement under this section shall include all of the 6981
following: 6982

(1) A detailed description of the project that is the subject 6983
of the agreement, including the amount of the investment, the 6984
period over which the investment has been or is being made, ~~and~~ 6985
the number of full-time ~~employment positions~~equivalent employees 6986
at the project site: 6987

~~(2) The method of calculating the number of full-time 6988
employment positions as specified in division (A)(3) of this 6989
section. 6990~~

~~(3) The term and percentage of the tax credit, and the first 6991
year for which the credit may be claimed. 6992~~

~~(4), and the anticipated income tax revenue to be generated. 6993~~

(2) The term of the credit, the percentage of the tax credit, 6994
the maximum annual value of tax credits that may be allowed each 6995
year, and the first year for which the credit may be claimed. 6996

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

~~(5)~~(4) A requirement that the taxpayer retain a specified number of ~~full-time employment positions~~full-time equivalent employees at the project site and within this state for the term of the credit, including a requirement that the taxpayer continue to employ at least ~~one thousand employees in full-time employment positions at the project site during the entire term of any agreement, subject to division (E)(7) of this section.~~

~~(6)~~five hundred full-time equivalent employees during the entire term of the agreement.

(5) A requirement that the taxpayer annually report to the director of development ~~the number of full-time employment positions subject to the credit, the amount of tax withheld from employees in those positions, the amount of the payments made for the employment, tax withholding, capital investment project, and any other information the director needs to perform the director's duties under this section.~~

~~(7)~~(6) A requirement that the director of development annually review the annual reports of the taxpayer to verify the information reported under division (E)~~(6)~~(5) of this section and compliance with the agreement. Upon verification, the director shall issue a certificate to the taxpayer stating that the information has been verified and identifying the amount of the credit for the taxable year or calendar year that includes the tax period. ~~Unless otherwise specified by the tax credit authority in a resolution and included as part of the agreement, the director shall not issue a certificate for any year in which the total number of filled full-time employment positions for each day of the calendar year divided by three hundred sixty five is less~~

than ninety per cent of the full-time employment positions 7028
specified in division (E)(5) of this section. In determining the 7029
number of full-time employment positionequivalent employees, no 7030
position shall be counted that is filled by an employee who is 7031
included in the calculation of a tax credit under section 122.17 7032
of the Revised Code. 7033

~~(8)(a) A provision requiring that the taxpayer, except as 7034
otherwise provided in division (E)(8)(b) of this section, shall 7035
not relocate employment positions from elsewhere in this state to 7036
the project site that is the subject of the agreement for the 7037
lesser of five years from the date the agreement is entered into 7038
or the number of years the taxpayer is entitled to claim the 7039
credit. 7040~~

~~(b) The taxpayer may relocate employment positions from 7041
elsewhere in this state to the project site that is the subject of 7042
the agreement if the director of development determines both of 7043
the following: 7044~~

~~(i) That the site from which the employment positions would 7045
be relocated is inadequate to meet market and industry 7046
conditions, expansion plans, consolidation plans, or other 7047
business considerations affecting the taxpayer; 7048~~

~~(ii) That~~(7) A provision providing that the taxpayer may not 7049
relocate a substantial number of employment positions from 7050
elsewhere in this state to the project site unless the director 7051
of development determines that the taxpayer notified the 7052
legislative authority of the county, township, or municipal 7053
corporation from which the employment positions would be 7054
relocated has been notified of the relocation. 7055

For purposes of this section, the movement of an employment 7056
position from one political subdivision to another political 7057
subdivision shall be considered a relocation of an employment 7058

position unless the movement is confined to the project site. The
transfer of an ~~individual employee~~employment position from one
political subdivision to another political subdivision shall not
be considered a relocation of an employment position ~~as long as~~
~~the individual's employment position in the first political~~
~~subdivision is refilled.~~

~~(9)if the employment position in the first political~~
~~subdivision is replaced by another employment position.~~

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

(F) If a taxpayer fails to meet or comply with any condition
or requirement set forth in a tax credit agreement, the tax credit
authority may amend the agreement to reduce the percentage or term
of the credit. The reduction of the percentage or term ~~shall take~~
~~effect (1) in the taxable year immediately following the taxable~~
~~year in which the authority amends the agreement or the director~~
~~of development notifies the taxpayer in writing of such failure,~~
~~or (2) in the first tax period beginning in the calendar year~~
~~immediately following the calendar year in which the authority~~
~~amends the agreement or the director notifies the taxpayer in~~
~~writing of such failure. If the taxpayer fails to annually report~~
~~any of the information required by division (E)(6) of this section~~
~~within the time required by the director, the reduction of the~~
~~percentage or term may take effect in the current taxable year. If~~
~~the taxpayer relocates employment positions in violation of the~~
~~provision required under division (E)(8)(a) of this section, the~~
~~taxpayer shall not claim the tax credit under section 5733.0610~~
~~of the Revised Code for any tax years following the calendar~~
~~year in which the relocation occurs, shall not claim the tax~~
~~credit under section 5747.058 of the Revised Code for the~~
~~taxable year in which the relocation occurs and any subsequent~~

~~taxable years, and shall not claim the tax credit under~~ 7091
~~division (A) of section 5751.50 of the Revised Code for the tax~~ 7092
~~period in which the relocation occurs and any subsequent tax~~ 7093
~~periods may take effect in the current taxable or calendar year.~~ 7094

(G) Financial statements and other information submitted to 7095
the department of development or the tax credit authority by an 7096
applicant for or recipient of a tax credit under this section, and 7097
any information taken for any purpose from such statements or 7098
information, are not public records subject to section 149.43 of 7099
the Revised Code. However, the chairperson of the authority may 7100
make use of the statements and other information for purposes of 7101
issuing public reports or in connection with court proceedings 7102
concerning tax credit agreements under this section. Upon the 7103
request of the tax commissioner, or the superintendent of 7104
insurance in the case of an insurance company, the chairperson of 7105
the authority shall provide to the commissioner or superintendent 7106
any statement or other information submitted by an applicant for 7107
or recipient of a tax credit in connection with the credit. The 7108
commissioner or superintendent shall preserve the confidentiality 7109
of the statement or other information. 7110

(H) A taxpayer claiming a tax credit under this section shall 7111
submit to the tax commissioner or, in the case of an insurance 7112
company, to the superintendent of insurance, a copy of the 7113
director of development's certificate of verification under 7114
division (E)(7)(6) of this section with the taxpayer's tax report 7115
or return for the taxable year or for the calendar year that 7116
includes the tax period. Failure to submit a copy of the 7117
certificate with the report or return does not invalidate a claim 7118
for a credit if the taxpayer submits a copy of the certificate to 7119
the commissioner or superintendent within sixty days after the 7120
commissioner or superintendent requests it. 7121

(I) For the purposes of this section, a taxpayer may include 7122

a partnership, a corporation that has made an election under 7123
subchapter S of chapter one of subtitle A of the Internal Revenue 7124
Code, or any other business entity through which income flows as a 7125
distributive share to its owners. A partnership, S-corporation, or 7126
other such business entity may elect to pass the credit received 7127
under this section through to the persons to whom the income or 7128
profit of the partnership, S-corporation, or other entity is 7129
distributed. The election shall be made on the annual report 7130
required under division (E)(6)(5) of this section. The election 7131
applies to and is irrevocable for the credit for which the report 7132
is submitted. If the election is made, the credit shall be 7133
apportioned among those persons in the same proportions as those 7134
in which the income or profit is distributed. 7135

(J) If the director of development determines that a taxpayer 7136
that received a tax credit under this section is not complying 7137
with the requirement under division (E)(4)(3) of this section, the 7138
director shall notify the tax credit authority of the 7139
noncompliance. After receiving such a notice, and after giving the 7140
taxpayer an opportunity to explain the noncompliance, the 7141
authority may terminate the agreement and require the taxpayer to 7142
refund to the state all or a portion of the credit claimed in 7143
previous years, as follows: 7144

(1) If the taxpayer maintained operations at the project site 7145
for less than or equal to the term of the credit, ~~the amount~~ 7146
~~required to be refunded shall not exceed the amount~~ an amount not 7147
to exceed one hundred per cent of the sum of any tax credits 7148
~~previously~~ allowed and received under this section. 7149

(2) If the taxpayer maintained operations at the project site 7150
longer than the term of the credit, but less than the greater of 7151
(a) the term of the credit plus three years, or (b) seven years, 7152
the amount required to be refunded shall not exceed ~~fifty~~ 7153
seventy-five per cent of the sum of any tax credits ~~previously~~ 7154

allowed and received under this section. 7155

In determining the portion of the credit to be refunded to 7156
this state, the authority shall consider the effect of market 7157
conditions on the taxpayer's project and whether the taxpayer 7158
continues to maintain other operations in this state. After making 7159
the determination, the authority shall certify the amount to be 7160
refunded to the tax commissioner. ~~The~~ or the superintendent of 7161
insurance. If the taxpayer is not an insurance company, the 7162
commissioner shall make an assessment for that amount against the 7163
taxpayer under Chapter 5733., 5747., or 5751. of the Revised 7164
Code. If the taxpayer is an insurance company, the superintendent 7165
of insurance shall make an assessment under section 5725.222 or 7166
5729.102 of the Revised Code. The time limitations on assessments 7167
under those chapters and sections do not apply to an assessment 7168
under this division, but the commissioner or superintendent shall 7169
make the assessment within one year after the date the authority 7170
certifies to the commissioner or superintendent the amount to be 7171
refunded. 7172

~~If the director of development determines that a taxpayer~~ 7173
~~that received a tax credit under this section has reduced the~~ 7174
~~number of employees agreed to under division (E)(5) of this~~ 7175
~~section by more than ten per cent, the director shall notify the~~ 7176
~~tax credit authority of the noncompliance. After receiving such~~ 7177
~~notice, and after providing the taxpayer an opportunity to explain~~ 7178
~~the noncompliance, the authority may amend the agreement to reduce~~ 7179
~~the percentage or term of the tax credit. The reduction in the~~ 7180
~~percentage or term shall take effect in the taxable year, or in~~ 7181
~~the calendar year that includes the tax period, in which the~~ 7182
~~authority amends the agreement.~~ 7183

(K) The director of development, after consultation with the 7184
tax commissioner and the superintendent of insurance and in 7185
accordance with Chapter 119. of the Revised Code, shall adopt 7186

rules necessary to implement this section. The rules may provide
for recipients of tax credits under this section to be charged
fees to cover administrative costs of the tax credit program. The
fees collected shall be credited to the tax incentive programs
operating fund created in section 122.174 of the Revised Code. At
the time the director gives public notice under division (A) of
section 119.03 of the Revised Code of the adoption of the rules,
the director shall submit copies of the proposed rules to the
chairpersons of the standing committees on economic development
in the senate and the house of representatives.

(L) On or before the ~~thirty-first~~first day of ~~March~~August
of each year, the director of development shall submit a report to
the governor, the president of the senate, and the speaker of the
house of representatives on the tax credit program under this
section. The report shall include information on the number of
agreements that were entered into under this section during the
preceding calendar year, a description of the project that is the
subject of each such agreement, and an update on the status of
projects under agreements entered into before the preceding
calendar year.

~~(M)(1) A nonrefundable credit shall be allowed to an
applicable corporation and its related members in an amount equal
to the applicable difference. The credit is in addition to the
credit granted to the corporation or related members under
division (B) of this section. The credit is subject to divisions
(B) to (E) and division (J) of this section.~~

~~(2) A person qualifying as an applicable corporation under
this section for a tax year does not necessarily qualify as an
applicable corporation for any other tax year. No person is
entitled to the credit allowed under division (M) of this section
for the tax year immediately following the taxable year during
which the person fails to meet the requirements in divisions~~

~~(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled~~ 7219
~~to the credit allowed under division (M) of this section for any~~ 7220
~~tax year for which the person is not eligible for the credit~~ 7221
~~provided under division (B) of this section. The aggregate amount~~ 7222
~~of tax credits issued under this section during any calendar year~~ 7223
~~for capital investment projects reviewed and approved by the tax~~ 7224
~~credit authority may not exceed the following amounts:~~ 7225

(1) For 2010, thirteen million dollars; 7226

(2) For 2011 through 2023, the amount of the limit for the 7227
preceding calendar year plus thirteen million dollars; 7228

(3) For 2024 and each year thereafter, one hundred 7229
ninety-five million dollars. 7230

The foregoing annual limitations do not apply to credits for 7231
capital investment projects approved by the tax credit authority 7232
before July 1, 2009. 7233

Sec. 122.40. (A) There is hereby created the development 7234
financing advisory council to assist in carrying out the programs 7235
created pursuant to sections 122.39 to 122.62 and Chapter 166. of 7236
the Revised Code. 7237

(B) The council shall consist of ~~seven~~eight members 7238
appointed by the governor, with the advice and consent of the 7239
senate, who are selected for their knowledge of and experience in 7240
economic development financing, one member of the senate appointed 7241
by the president of the senate, one member of the house of 7242
representatives appointed by the speaker of the house of 7243
representatives, and the director of development or the director's 7244
designee. With respect to the council: 7245

(1) No more than four members of the council appointed by the 7246
governor shall be members of the same political party. 7247

(2) Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed.

(3) The terms of office for the ~~seven~~eight members appointed by the governor shall be for five years commencing on the first day of January and ending on the thirty-first day of December. The ~~seven~~ members appointed by the governor who are serving terms of office of seven years on December 30, 2004, shall continue to serve those terms, but their successors in office, including the filling of a vacancy occurring prior to the expiration of those terms, shall be appointed for terms of five years in accordance with this division.

(4) Any member of the council is eligible for reappointment.

(5) As a term of a member of the council appointed by the governor expires, the governor shall appoint a successor with the advice and consent of the senate.

(6) Except as otherwise provided in division (B)(3) of this section, any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the predecessor's term.

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

(8) Before entering upon duties as a member of the council, each member shall take an oath provided by Section 7 of Article XV, Ohio Constitution.

(9) The governor may, at any time, remove any nonlegislative member pursuant to section 3.04 of the Revised Code. 7276
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(10) Members of the council, notwithstanding section 101.26 of the Revised Code with respect to members who are members of the general assembly, shall receive their necessary and actual expenses while engaged in the business of the council and shall be paid at the per diem rate of step 1, pay range 31, of section 124.15 of the Revised Code. 7278
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(11) Six members of the council constitute a quorum and the affirmative vote of six members is necessary for any action taken by the council. 7284
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(12) In the event of the absence of a member appointed by the president of the senate or by the speaker of the house of representatives, the following persons may serve in the member's absence: the president of the senate or the speaker of the house, as the case may be, or a member of the senate or of the house of representatives, of the same political party as the development financing advisory council member, designated by the president of the senate or the speaker of the house. 7287
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Sec. 122.603. (A)(1) Upon approval by the director of development and after entering into a participation agreement with the department of development, a participating financial institution making a capital access loan shall establish a program reserve account. The account shall be an interest-bearing account and shall contain only moneys deposited into it under the program and the interest payable on the moneys in the account. 7295
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(2) All interest payable on the moneys in the program reserve account shall be added to the moneys and held as an additional loss reserve. The director may require that a portion or all of the accrued interest so held in the account be released to the department. If the director causes a release of accrued interest, 7302
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the director shall deposit the released amount into the capital
access loan program fund created in section 122.601 of the Revised
Code. The director shall not require the release of that accrued
interest more than twice in a fiscal year.

(B) When a participating financial institution makes a
capital access loan, it shall require the eligible business to pay
to the participating financial institution a fee in an amount that
is not less than one and one-half per cent, and not more than
three per cent, of the principal amount of the loan. The
participating financial institution shall deposit the fee into its
program reserve account, and it also shall deposit into the
account an amount of its own funds equal to the amount of the fee.
The participating financial institution may recover from the
eligible business all or part of the amount that the participating
financial institution is required to deposit into the account
under this division in any manner agreed to by the participating
financial institution and the eligible business.

(C) For each capital access loan made by a participating
financial institution, the participating financial institution
shall certify to the director, within a period specified by the
director, that the participating financial institution has made
the loan. The certification shall include the amount of the loan,
the amount of the fee received from the eligible business, the
amount of its own funds that the participating financial
institution deposited into its program reserve account to reflect
that fee, and any other information specified by the director. The
certification also shall indicate if the eligible business
receiving the capital access loan is a minority business
enterprise as defined in section 122.71 of the Revised Code.

(D)(1)(a) Upon receipt of each of the first three
certifications from a participating financial institution made
under division (C) of this section and subject to section 122.602

of the Revised Code, the director shall disburse to the 7339
participating financial institution from the capital access loan 7340
program fund an amount equal to fifty per cent of the principal 7341
amount of the particular capital access loan for deposit into the 7342
participating financial institution's program reserve account. 7343
Thereafter, upon receipt of a certification from that 7344
participating financial institution made under division (C) of 7345
this section and subject to section 122.602 of the Revised Code, 7346
the director shall disburse to the participating financial 7347
institution from the capital access loan program fund an amount 7348
equal to ten per cent of the principal amount of the particular 7349
capital access loan for deposit into the participating financial 7350
institution's program reserve account. ~~The~~ 7351

(b) Notwithstanding division (D)(1)(a) of this section, and 7352
subject to section 122.602 of the Revised Code, upon receipt of 7353
any certification from a participating financial institution made 7354
under division (C) of this section with respect to a capital 7355
access loan made to an eligible business that is a minority 7356
business enterprise, the director shall disburse to the 7357
participating financial institution from the capital access loan 7358
program fund an amount equal to eighty per cent of the principal 7359
amount of the particular capital access loan for deposit into the 7360
participating financial institution's program reserve account. 7361

(2) The disbursement of moneys from the fund to a 7362
participating financial institution does not require approval from 7363
the controlling board. 7364

(E) If the amount in a program reserve account exceeds an 7365
amount equal to thirty-three per cent of a participating financial 7366
institution's outstanding capital access loans, the department may 7367
cause the withdrawal of the excess amount and the deposit of the 7368
withdrawn amount into the capital access loan program fund. 7369

(F)(1) The department may cause the withdrawal of the total 7370

amount in a participating financial institution's program reserve	7371
account if any of the following applies:	7372
(a) The financial institution is no longer eligible to	7373
participate in the program.	7374
(b) The participation agreement expires without renewal by	7375
the department or the financial institution.	7376
(c) The financial institution has no outstanding capital	7377
access loans.	7378
(d) The financial institution has not made a capital access	7379
loan within the preceding twenty-four months.	7380
(2) If the department causes a withdrawal under division	7381
(F)(1) of this section, the department shall deposit the withdrawn	7382
amount into the capital access loan program fund.	7383
Sec. 122.71. As used in sections 122.71 to 122.83 of the	7384
Revised Code:	7385
(A) "Financial institution" means any banking corporation,	7386
trust company, insurance company, savings and loan association,	7387
building and loan association, or corporation, partnership,	7388
federal lending agency, foundation, or other institution engaged	7389
in lending or investing funds for industrial or business purposes.	7390
(B) "Project" means any real or personal property connected	7391
with or being a part of an industrial, distribution, commercial,	7392
or research facility to be acquired, constructed, reconstructed,	7393
enlarged, improved, furnished, or equipped, or any combination	7394
thereof, with the aid provided under sections 122.71 to 122.83 of	7395
the Revised Code, for industrial, commercial, distribution, and	7396
research development of the state.	7397

(C) "Mortgage" means the lien imposed on a project by a	7398
mortgage on real property, or by financing statements on personal	7399
property, or a combination of a mortgage and financing statements	7400
when a project consists of both real and personal property.	7401
(D) "Mortgagor" means the principal user of a project or the	7402
person, corporation, partnership, or association unconditionally	7403
guaranteeing performance by the principal user of its obligations	7404
under the mortgage.	7405
(E)(1) "Minority business enterprise" means an individual who	7406
is a United States citizen and owns and controls a business, or a	7407
partnership, corporation, or joint venture of any kind that is	7408
owned and controlled by United States citizens, which citizen or	7409
citizens are residents of this state and are members of one of the	7410
following economically disadvantaged groups: Blacks or African	7411
Americans, American Indians, Hispanics or Latinos, and Asians.	7412
(2) "Owned and controlled" means that at least fifty-one per	7413
cent of the business, including corporate stock if a corporation,	7414
is owned by persons who belong to one or more of the groups set	7415
forth in division (E)(1) of this section, and that those owners	7416
have control over the management and day-to-day operations of the	7417
business and an interest in the capital, assets, and profits and	7418
losses of the business proportionate to their percentage of	7419
ownership. In order to qualify as a minority business enterprise,	7420
a business shall have been owned and controlled by those persons	7421
at least one year prior to being awarded a contract pursuant to	7422
this section.	7423
(F) "Community improvement corporation" means a corporation	7424
organized under Chapter 1724. of the Revised Code.	7425
(G) "Ohio development corporation" means a corporation	7426
organized under Chapter 1726. of the Revised Code.	7427

(H) "Minority contractors business assistance organization" 7428
means an entity engaged in the provision of management and 7429
technical business assistance to minority business enterprise 7430
entrepreneurs. 7431

(I) "Minority business supplier development council" means a 7432
nonprofit organization established as an affiliate of the national 7433
minority supplier development council. 7434

(J) "Regional economic development entity" means an entity 7435
that is under contract with the director of development to 7436
administer a loan program under this chapter in a particular area 7437
of the state. 7438

(K) "Community development corporation" means a corporation 7439
organized under Chapter 1702. of the Revised Code that consists of 7440
residents of the community and business and civic leaders and that 7441
has as a principal purpose one or more of the following: the 7442
revitalization and development of a low- to moderate-income 7443
neighborhood or community; the creation of jobs for low- to 7444
moderate-income residents; the development of commercial 7445
facilities and services; providing training, technical assistance, 7446
and financial assistance to small businesses; and planning, 7447
developing, or managing low-income housing or other community 7448
development activities. 7449

Sec. 122.751. The minority development financing advisory 7450
board or a regional economic development entity shall only 7451
consider an application for a loan from any applicant after a 7452
determination that the applicant is a community development 7453
corporation, or after a certification by the equal employment 7454
opportunity coordinator of the department of administrative 7455
services under division (B)(1) of section 123.151 of the Revised 7456
Code that the applicant is a minority business enterprise, or 7457
after a certification by the minority business supplier 7458
development council that the applicant is a minority business, and 7459

that the applicant satisfies all criteria regarding eligibility 7460
for assistance pursuant to section 122.76 of the Revised Code. 7461

Sec. 122.76. (A) The director of development, with 7462
controlling board approval, may lend funds to minority business 7463
enterprises and to community improvement corporations, Ohio 7464
development corporations, minority contractors business assistance 7465
organizations, and minority business supplier development councils 7466
for the purpose of loaning funds to minority business enterprises 7467
and for the purpose of procuring or improving real or personal 7468
property, or both, for the establishment, location, or expansion 7469
of industrial, distribution, commercial, or research facilities in 7470
the state, and to community development corporations that 7471
predominantly benefit minority business enterprises or are located 7472
in a census tract that has a population that is sixty per cent or 7473
more minority if the director determines, in the director's sole 7474
discretion, that all of the following apply: 7475

(1) The project is economically sound and will benefit the 7476
people of the state by increasing opportunities for employment, by 7477
strengthening the economy of the state, or expanding minority 7478
business enterprises. 7479

(2) The proposed minority business enterprise borrower is 7480
unable to finance the proposed project through ordinary financial 7481
channels at comparable terms. 7482

(3) The value of the project is or, upon completion, will be 7483
at least equal to the total amount of the money expended in the 7484
procurement or improvement of the project, and one or more 7485
financial institutions or other governmental entities have loaned 7486
not less than thirty per cent of that amount. 7487

(4) The amount to be loaned by the director will not exceed 7488
sixty per cent of the total amount expended in the procurement or 7489
improvement of the project. 7490

(5) The amount to be loaned by the director will be 7491
adequately secured by a first or second mortgage upon the project 7492
or by mortgages, leases, liens, assignments, or pledges on or of 7493
other property or contracts as the director requires, and such 7494
mortgage will not be subordinate to any other liens or mortgages 7495
except the liens securing loans or investments made by financial 7496
institutions referred to in division (A)(3) of this section, and 7497
the liens securing loans previously made by any financial 7498
institution in connection with the procurement or expansion of all 7499
or part of a project. 7500

(B) Any proposed minority business enterprise borrower 7501
submitting an application for assistance under this section shall 7502
not have defaulted on a previous loan from the director, and no 7503
full or limited partner, major shareholder, or holder of an equity 7504
interest of the proposed minority business enterprise borrower 7505
shall have defaulted on a loan from the director. 7506

(C) The proposed minority business enterprise borrower shall 7507
demonstrate to the satisfaction of the director that it is able to 7508
successfully compete in the private sector if it obtains the 7509
necessary financial, technical, or managerial support and that 7510
support is available through the director, the minority business 7511
development office of the department of development, or other 7512
identified and acceptable sources. In determining whether a 7513
minority business enterprise borrower will be able to successfully 7514
compete, the director may give consideration to such factors as 7515
the successful completion of or participation in courses of study, 7516
recognized by the board of regents as providing financial, 7517
technical, or managerial skills related to the operation of the 7518
business, by the economically disadvantaged individual, owner, or 7519
partner, and the prior success of the individual, owner, or 7520
partner in personal, career, or business activities, as well as to 7521
other factors identified by the director. 7522

(D) The director shall not lend funds for the purpose of
procuring or improving motor vehicles or accounts receivable.

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

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

(2) "Certificate owner" means a motion picture company to
which a tax credit certificate is issued.

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

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

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

(5) "Motion picture" means entertainment content created in
whole or in part within this state for distribution or exhibition
to the general public, including, but not limited to,
feature-length films; documentaries; long-form, specials,

miniseries, series, and interstitial television programming; 7552
interactive web sites; sound recordings; videos; music videos; 7553
interactive television; interactive games; videogames; 7554
commercials; any format of digital media; and any trailer, pilot, 7555
video teaser, or demo created primarily to stimulate the sale, 7556
marketing, promotion, or exploitation of future investment in 7557
either a product or a motion picture by any means and media in any 7558
digital media format, film, or videotape, provided the motion 7559
picture qualifies as a motion picture. "Motion picture" does not 7560
include any television program created primarily as news, 7561
weather, or financial market reports, a production featuring 7562
current events or sporting events, an awards show or other gala 7563
event, a production whose sole purpose is fundraising, a long-form 7564
production that primarily markets a product or service or in-house 7565
corporate advertising or other similar productions, a production 7566
for purposes of political advocacy, or any production for which 7567
records are required to be maintained under 18 U.S.C. 2257 with 7568
respect to sexually explicit content. 7569

(B) For the purpose of encouraging and developing a strong 7570
film industry in this state, the director of development may 7571
certify a motion picture produced by a motion picture company as 7572
a tax credit-eligible production. In the case of a television 7573
series, the director may certify the production of each episode 7574
of the series as a separate tax credit-eligible production. A 7575
motion picture company shall apply for certification of a motion 7576
picture as a tax credit-eligible production on a form and in the 7577
manner prescribed by the director. Each application shall 7578
include the following information: 7579

(1) The name and telephone number of the motion picture 7580
production company; 7581

(2) The name and telephone number of the company's contact 7582
person; 7583

<u>(3) A list of the first preproduction date through the last production date in Ohio;</u>	7584 7585
<u>(4) The Ohio production office address and telephone number;</u>	7586
<u>(5) The total production budget of the motion picture;</u>	7587
<u>(6) The total budgeted eligible production expenditures and the percentage that amount is of the total production budget of the motion picture;</u>	7588 7589 7590
<u>(7) The total percentage of the motion picture being shot in Ohio;</u>	7591 7592
<u>(8) The level of employment of cast and crew who reside in Ohio;</u>	7593 7594
<u>(9) A synopsis of the script;</u>	7595
<u>(10) The shooting script;</u>	7596
<u>(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;</u>	7597 7598
<u>(12) Documentation of financial ability to undertake and complete the motion picture;</u>	7599 7600
<u>(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;</u>	7601 7602
<u>(14) Any other information considered necessary by the director.</u>	7603 7604
<u>Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the director's request, the motion picture company shall present to the director of development sufficient evidence of reviewable</u>	7605 7606 7607 7608

progress. If the motion picture company fails to present 7609
sufficient evidence, the director of development may rescind the 7610
certification. Upon rescission, the director shall notify the 7611
applicant that the certification has been rescinded. Nothing in 7612
this section prohibits an applicant whose tax credit-eligible 7613
production certification has been rescinded from submitting a 7614
subsequent application for certification. 7615

(C)(1) A motion picture company whose motion picture has been 7616
certified as a tax credit-eligible production may apply to the 7617
director of development on or after July 1, 2009, for a refundable 7618
credit against the tax imposed by section 5733.06 or 5747.02 of 7619
the Revised Code. The director in consultation with the tax 7620
commissioner shall prescribe the form and manner of the 7621
application and the information or documentation required to be 7622
submitted with the application. 7623

The credit is determined as follows: 7624

(a) If the total budgeted eligible production expenditures 7625
stated in the application submitted under division (B) of this 7626
section or the actual eligible production expenditures as finally 7627
determined under division (D) of this section, whichever is least, 7628
is less than or equal to three hundred thousand dollars, no 7629
credit is allowed; 7630

(b) If the total budgeted eligible production expenditures 7631
stated in the application submitted under division (B) of this 7632
section or the actual eligible production expenditures as finally 7633
determined under division (D) of this section, whichever is least, 7634
is greater than three hundred thousand dollars, the credit equals 7635
the sum of the following, subject to the limitation in division 7636
(C)(4) of this section: 7637

(i) Twenty-five per cent of the least of such budgeted or 7638
actual eligible expenditure amounts excluding budgeted or actual 7639

eligible expenditures for resident cast and crew wages; 7640

(ii) Thirty-five per cent of budgeted or actual eligible 7641
expenditures for resident cast and crew wages. 7642

(2) Except as provided in division (C)(4) of this section, if 7643
the director of development approves a motion picture company's 7644
application for a credit, the director shall issue a tax credit 7645
certificate to the company. The director in consultation with the 7646
tax commissioner shall prescribe the form and manner of issuing 7647
certificates. The director shall assign a unique identifying 7648
number to each tax credit certificate and shall record the 7649
certificate in a register devised and maintained by the director 7650
for that purpose. The certificate shall state the amount of the 7651
eligible production expenditures on which the credit is based and 7652
the amount of the credit. Upon the issuance of a certificate, the 7653
director shall certify to the tax commissioner the name of the 7654
applicant, the amount of eligible production expenditures shown on 7655
the certificate, and any other information required by the rules 7656
adopted to administer this section. 7657

(3) The amount of eligible production expenditures for which 7658
a tax credit may be claimed is subject to inspection and 7659
examination by the tax commissioner or employees of the 7660
commissioner under section 5703.19 of the Revised Code and any 7661
other applicable law. Once the eligible production expenditures 7662
are finally determined under section 5703.19 of the Revised Code 7663
and division (D) of this section, the credit amount is not subject 7664
to adjustment unless the director determines an error was 7665
committed in the computation of the credit amount. 7666

(4) No tax credit certificate may be issued before the 7667
completion of the tax credit-eligible production. For the fiscal 7668
biennium beginning July 1, 2009, and ending June 30, 2011, not 7669
more than thirty million dollars of tax credit may be allowed, of 7670
which not more than ten million dollars of tax credit may be 7671

allowed in the first year of the biennium. In succeeding fiscal 7672
biennia, not more than twenty million dollars of tax credit may 7673
be allowed per fiscal biennium, and not more than ten million 7674
dollars may be allowed in the first year of the biennium. At any 7675
time, not more than five million dollars of tax credit may be 7676
allowed per tax credit-eligible production. 7677

(D) A motion picture company whose motion picture has been 7678
certified as a tax credit-eligible production shall engage, at the 7679
company's expense, an independent certified public accountant to 7680
examine the company's production expenditures to identify the 7681
expenditures that qualify as eligible production expenditures. The 7682
certified public accountant shall issue a report to the company 7683
and to the director of development certifying the company's 7684
eligible production expenditures and any other information 7685
required by the director. Upon receiving and examining the report, 7686
the director may disallow any expenditure the director determines 7687
is not an eligible production expenditure. If the director 7688
disallows an expenditure, the director shall issue a written 7689
notice to the motion picture production company stating that the 7690
expenditure is disallowed and the reason for the disallowance. 7691
Upon examination of the report and disallowance of any 7692
expenditures, the director shall determine finally the lesser of 7693
the total budgeted eligible production expenditures stated in the 7694
application submitted under division (B) of this section or the 7695
actual eligible production expenditures for the purpose of 7696
computing the amount of the credit. 7697

(E) No credit shall be allowed under section 5733.59 or 7698
5747.66 of the Revised Code unless the director has reviewed the 7699
report and made the determination prescribed by division (D) of 7700
this section. 7701

(F) This state reserves the right to refuse the use of this 7702
state's name in the credits of any tax credit-eligible motion 7703

picture production. 7704

(G)(1) The director of development in consultation with the 7705
tax commissioner shall adopt rules for the administration of this 7706
section, including rules setting forth and governing the criteria 7707
for determining whether a motion picture production is a tax 7708
credit-eligible production; activities that constitute the 7709
production of a motion picture; reporting sufficient evidence of 7710
reviewable progress; expenditures that qualify as eligible 7711
production expenditures; a competitive process for approving 7712
credits; and consideration of geographic distribution of credits. 7713
The rules shall be adopted under Chapter 119. of the Revised Code. 7714

(2) The director may require a reasonable application fee to 7715
cover administrative costs of the tax credit program. The fees 7716
collected shall be credited to the motion picture tax credit 7717
program operating fund, which is hereby created in the state 7718
treasury. The motion picture tax credit program operating fund 7719
shall consist of all grants, gifts, fees, and contributions made 7720
to the director of development for marketing and promotion of the 7721
motion picture industry within this state. The director of 7722
development shall use money in the fund to pay expenses related to 7723
the administration of the Ohio film office and the credit 7724
authorized by this section and sections 5733.59 and 5747.66 of the 7725
Revised Code. 7726

Sec. 122.89. (A) The director of development may execute 7727
bonds as surety for minority businesses as principals, on 7728
contracts with the state, any political subdivision or 7729
instrumentality thereof, or any person as the obligee. The 7730
director as surety may exercise all the rights and powers of a 7731
company authorized by the department of insurance to execute bonds 7732
as surety but shall not be subject to any requirements of a surety 7733
company under Title XXXIX of the Revised Code nor to any rules of 7734
the department of insurance. 7735

(B) The director, with the advice of the minority development financing advisory board, shall adopt rules under Chapter 119. of the Revised Code establishing procedures for application for surety bonds by minority businesses and for review and approval of applications. The board shall review each application in accordance with the rules and, based on the bond worthiness of each applicant, shall refer all qualified applicants to the director. Based on the recommendation of the board, the director shall determine whether or not the applicant shall receive bonding.

~~(C) The rules of the board shall provide that the minority business, in order to make an application for a bond to the director, shall submit documentation, as the director requires, to demonstrate either that a minority business shall have been denied a bond by two surety companies or that the minority business has applied to two surety companies for a bond and, at the expiration of sixty days after making the application, has neither received nor been denied a bond.~~

~~(D)~~ The rules of the board shall require the minority business to pay a premium in advance for the bond to be established by the director, with the advice of the board after the director receives advice from the superintendent of insurance regarding the standard market rates for premiums for similar bonds. All premiums paid by minority businesses shall be paid into the minority business bonding program administrative and loss reserve fund.

~~(E)~~(D) The rules of the board shall provide for a retainage of money paid to the minority business or EDGE business enterprise of fifteen per cent for a contract valued at more than fifty thousand dollars and for a retainage of twelve per cent for a contract valued at fifty thousand dollars or less.

(E) The penal sum amounts of all outstanding bonds issued by

the director shall not exceed the amount of moneys in the minority
business bonding fund and available to the fund under division (B)
of section 169.05 of the Revised Code.

(F) The superintendent of insurance shall provide such
technical and professional assistance as is considered necessary
by the director, including providing advice regarding the standard
market rates for bond premiums as described under division ~~(D)~~(C)
of this section.

(G) Notwithstanding any provision of the Revised Code to the
contrary, a minority business or EDGE business enterprise may bid
or enter into a contract with the state or with any
instrumentality of the state without being required to provide a
bond as follows:

(1) For the first contract that a minority business or EDGE
business enterprise enters into with the state or with any
particular instrumentality of the state, the minority business
or EDGE business enterprise may bid or enter into a contract
valued at twenty-five thousand dollars or less without being
required to provide a bond, but only if the minority business or
EDGE business enterprise is participating in a qualified
contractor assistance program or has successfully completed a
qualified contractor assistance program after the effective date
of this amendment:

(2) After the state or any particular instrumentality of the
state has accepted the first contract as completed and all
subcontractors and suppliers on the contract have been paid, the
minority business or EDGE business enterprise may bid or enter
into a second contract with the state or with that particular
instrumentality of the state valued at fifty thousand dollars or
less without being required to provide a bond, but only if the
minority business or EDGE business enterprise is participating in
a qualified contractor assistance program or has successfully

completed a qualified contractor assistance program after the 7800
effective date of this amendment; 7801

(3) After the state or any particular instrumentality of the 7802
state has accepted the second contract as completed and all 7803
subcontractors and suppliers on the contract have been paid, the 7804
minority business or EDGE business enterprise may bid or enter 7805
into a third contract with the state or with that particular 7806
instrumentality of the state valued at one hundred thousand 7807
dollars or less without being required to provide a bond, but 7808
only if the minority business or EDGE business enterprise has 7809
successfully completed a qualified contractor assistance program 7810
after the effective date of this amendment; 7811

(4) After the state or any particular instrumentality of the 7812
state has accepted the third contract as completed and all 7813
subcontractors and suppliers on the contract have been paid, the 7814
minority business or EDGE business enterprise may bid or enter 7815
into a fourth contract with the state or with that particular 7816
instrumentality of the state valued at three hundred thousand 7817
dollars or less without being required to provide a bond, but 7818
only if the minority business or EDGE business enterprise has 7819
successfully completed a qualified contractor assistance program 7820
after the effective date of this amendment; 7821

(5) After the state or any instrumentality of the state has 7822
accepted the fourth contract as completed and all subcontractors 7823
and suppliers on the contract have been paid, upon a showing that 7824
with respect to a contract valued at four hundred thousand 7825
dollars or less with the state or with any particular 7826
instrumentality of the state, that the minority business or EDGE 7827
business enterprise either has been denied a bond by two surety 7828
companies or that the minority business or EDGE business 7829
enterprise has applied to two surety companies for a bond and, at 7830
the expiration of sixty days after making the application, has 7831

neither received nor been denied a bond, the minority business or 7832
EDGE business enterprise may repeat its participation in the 7833
unbonded state contractor program. Under no circumstances shall a 7834
minority business or EDGE business enterprise be permitted to 7835
participate in the unbonded state contractor program more than 7836
twice. 7837

(H) Notwithstanding any provision of the Revised Code to the 7838
contrary, a minority business or EDGE business enterprise may bid 7839
or enter into a contract with any political subdivision of the 7840
state or with any instrumentality of a political subdivision 7841
without being required to provide a bond as follows: 7842

(1) For the first contract that the minority business or EDGE 7843
business enterprise enters into with any particular political 7844
subdivision of the state or with any particular instrumentality 7845
of a political subdivision, the minority business or EDGE 7846
business enterprise may bid or enter into a contract valued at 7847
twenty-five thousand dollars or less without being required to 7848
provide a bond, but only if the minority business or EDGE business 7849
enterprise is participating in a qualified contractor assistance 7850
program or has successfully completed a qualified contractor 7851
assistance program after the effective date of this amendment; 7852

(2) After any political subdivision of the state or any 7853
instrumentality of a political subdivision has accepted the first 7854
contract as completed and all subcontractors and suppliers on the 7855
contract have been paid, the minority business or EDGE business 7856
enterprise may bid or enter into a second contract with that 7857
particular political subdivision of the state or with that 7858
particular instrumentality of a political subdivision valued at 7859
fifty thousand dollars or less without being required to provide 7860
a bond, but only if the minority business or EDGE business 7861
enterprise is participating in a qualified contractor assistance 7862
program or has successfully completed a qualified contractor 7863

assistance program after the effective date of this amendment; 7864

(3) After any political subdivision of the state or any 7865
instrumentality of a political subdivision has accepted the second 7866
contract as completed and all subcontractors and suppliers on the 7867
contract have been paid, the minority business or EDGE business 7868
enterprise may bid or enter into a third contract with that 7869
particular political subdivision of the state or with that 7870
particular instrumentality of a political subdivision valued at 7871
one hundred thousand dollars or less without being required to 7872
provide a bond, but only if the minority business or EDGE 7873
business enterprise has successfully completed a qualified 7874
contractor assistance program after the effective date of this 7875
amendment; 7876

(4) After any political subdivision of the state or any 7877
instrumentality of a political subdivision has accepted the third 7878
contract as completed and all subcontractors and suppliers on the 7879
contract have been paid, the minority business or EDGE business 7880
enterprise may bid or enter into a fourth contract with that 7881
particular political subdivision of the state or with that 7882
particular instrumentality of a political subdivision valued at 7883
two hundred thousand dollars or less without being required to 7884
provide a bond, but only if the minority business or EDGE 7885
business enterprise has successfully completed a qualified 7886
contractor assistance program after the effective date of this 7887
amendment; 7888

(5) After any political subdivision of the state or any 7889
instrumentality of a political subdivision has accepted the fourth 7890
contract as completed and all subcontractors and suppliers on the 7891
contract have been paid, upon a showing that with respect to a 7892
contract valued at three hundred thousand dollars or less with any 7893
political subdivision of the state or any instrumentality of a 7894
political subdivision, that the minority business or EDGE business 7895

enterprise either has been denied a bond by two surety companies 7896
or that the minority business or EDGE business enterprise has 7897
applied to two surety companies for a bond and, at the expiration 7898
of sixty days after making the application, has neither received 7899
nor been denied a bond, the minority business or EDGE business 7900
enterprise may repeat its participation in the unbonded political 7901
subdivision contractor program. Under no circumstances shall a 7902
minority business or EDGE business enterprise be permitted to 7903
participate in the unbonded political subdivision contractor 7904
program more than twice. 7905

(I) Notwithstanding any provision of the Revised Code to the 7906
contrary, if a minority business or EDGE business enterprise has 7907
entered into two or more contracts with the state or with any 7908
instrumentality of the state, the minority business or EDGE 7909
business enterprise may bid or enter into a contract with a 7910
political subdivision of the state or with any instrumentality of 7911
a political subdivision valued at the level at which the minority 7912
business or EDGE business enterprise would qualify if entering 7913
into an additional contract with the state. 7914

(J) The director of development shall coordinate and oversee 7915
the unbonded state contractor program described in division (G) of 7916
this section, the unbonded political subdivision contractor 7917
program described in division (H) of this section, and the 7918
approval of a qualified contractor assistance program. The 7919
director shall prepare an annual report and submit it to the 7920
governor and the general assembly on or before the first day of 7921
February that includes the following: information on the 7922
director's activities for the preceding calendar year regarding 7923
the unbonded state contractor program, the unbonded political 7924
subdivision contractor program, and the qualified contractor 7925
assistance program; a summary and description of the operations 7926
and activities of these programs; an assessment of the 7927
achievements of these programs; and a recommendation as to whether 7928

these programs need to continue. 7929

(K) As used in this section: 7930

(1) "EDGE business enterprise" means an EDGE business 7931
enterprise certified under section 123.152 of the Revised Code. 7932

(2) "Qualified contractor assistance program" means an 7933
educational program or technical assistance program for business 7934
development that is designed to assist a minority business or EDGE 7935
business enterprise in becoming eligible for bonding and has been 7936
approved by the director of development for use as required under 7937
this section. 7938

(3) "Successfully completed a qualified contractor assistance 7939
program" means the minority business or EDGE business enterprise 7940
completed such a program on or after the effective date of this 7941
amendment. 7942

(4) "Unbonded state contractor program" means the program 7943
described in division (G) of this section. 7944

(5) "Unbonded political subdivision contractor program" means 7945
the program described in division (H) of this section. 7946

Sec. 123.01. (A) The department of administrative services, 7947
in addition to those powers enumerated in Chapters 124. and 125. 7948
of the Revised Code and provided elsewhere by law, shall exercise 7949
the following powers: 7950

(1) To prepare, or contract to be prepared, by licensed 7951
engineers or architects, surveys, general and detailed plans, 7952
specifications, bills of materials, and estimates of cost for any 7953
projects, improvements, or public buildings to be constructed by 7954
state agencies that may be authorized by legislative 7955
appropriations or any other funds made available therefor, 7956

provided that the construction of the projects, improvements, or
public buildings is a statutory duty of the department. This
section does not require the independent employment of an
architect or engineer as provided by section 153.01 of the Revised
Code in the cases to which that section applies nor affect or
alter the existing powers of the director of transportation.

(2) To have general supervision over the construction of any
projects, improvements, or public buildings constructed for a
state agency and over the inspection of materials previous to
their incorporation into those projects, improvements, or
buildings;

(3) To make contracts for and supervise the construction of
any projects and improvements or the construction and repair of
buildings under the control of a state agency, except contracts
for the repair of buildings under the management and control of
the departments of public safety, job and family services, mental
health, mental retardation and developmental disabilities,
rehabilitation and correction, and youth services, the bureau of
workers' compensation, the rehabilitation services commission, and
boards of trustees of educational and benevolent institutions and
except contracts for the construction of projects that do not
require the issuance of a building permit or the issuance of a
certificate of occupancy and that are necessary to remediate
conditions at a hazardous waste facility, solid waste facility, or
other location at which the director of environmental protection
has reason to believe there is a substantial threat to public
health or safety or the environment. These contracts shall be made
and entered into by the directors of public safety, job and family
services, mental health, mental retardation and developmental
disabilities, rehabilitation and correction, and youth services,
the administrator of workers' compensation, the rehabilitation
services commission, the boards of trustees of such institutions,
and the director of environmental protection, respectively. All

such contracts may be in whole or in part on unit price basis of	7990
maximum estimated cost, with payment computed and made upon actual	7991
quantities or units.	7992
(4) To prepare and suggest comprehensive plans for the	7993
development of grounds and buildings under the control of a state	7994
agency;	7995
(5) To acquire, by purchase, gift, devise, lease, or grant,	7996
all real estate required by a state agency, in the exercise of	7997
which power the department may exercise the power of eminent	7998
domain, in the manner provided by sections 163.01 to 163.22 of the	7999
Revised Code;	8000
(6) To make and provide all plans, specifications, and models	8001
for the construction and perfection of all systems of sewerage,	8002
drainage, and plumbing for the state in connection with buildings	8003
and grounds under the control of a state agency;	8004
(7) To erect, supervise, and maintain all public monuments	8005
and memorials erected by the state, except where the supervision	8006
and maintenance is otherwise provided by law;	8007
(8) To procure, by lease, storage accommodations for a state	8008
agency;	8009
(9) To lease or grant easements or licenses for unproductive	8010
and unused lands or other property under the control of a state	8011
agency. Such leases, easements, or licenses shall be granted for a	8012
period not to exceed fifteen years and shall be executed for the	8013
state by the director of administrative services and the governor	8014
and shall be approved as to form by the attorney general, provided	8015
that leases, easements, or licenses may be granted to any county,	8016
township, municipal corporation, port authority, water or sewer	8017
district, school district, library district, health district, park	8018
district, soil and water conservation district, conservancy	8019

district, or other political subdivision or taxing district, or 8020
any agency of the United States government, for the exclusive use 8021
of that agency, political subdivision, or taxing district, without 8022
any right of sublease or assignment, for a period not to exceed 8023
fifteen years, and provided that the director shall grant leases, 8024
easements, or licenses of university land for periods not to 8025
exceed twenty-five years for purposes approved by the respective 8026
university's board of trustees wherein the uses are compatible 8027
with the uses and needs of the university and may grant leases of 8028
university land for periods not to exceed forty years for purposes 8029
approved by the respective university's board of trustees pursuant 8030
to section 123.77 of the Revised Code. 8031

(10) To lease ~~office space in buildings~~ for the use of a 8032
state agency; 8033

(11) To have general supervision and care of the storerooms, 8034
offices, and buildings leased for the use of a state agency; 8035

(12) To exercise general custodial care of all real property 8036
of the state; 8037

(13) To assign and group together state offices in any city 8038
in the state and to establish, in cooperation with the state 8039
agencies involved, rules governing space requirements for office 8040
or storage use; 8041

(14) To lease for a period not to exceed forty years, 8042
pursuant to a contract providing for the construction thereof 8043
under a lease-purchase plan, buildings, structures, and other 8044
improvements for any public purpose, and, in conjunction 8045
therewith, to grant leases, easements, or licenses for lands under 8046
the control of a state agency for a period not to exceed forty 8047
years. The lease-purchase plan shall provide that at the end of 8048
the lease period, the buildings, structures, and related 8049
improvements, together with the land on which they are situated, 8050

shall become the property of the state without cost. 8051

(a) Whenever any building, structure, or other improvement is 8052
to be so leased by a state agency, the department shall retain 8053
either basic plans, specifications, bills of materials, and 8054
estimates of cost with sufficient detail to afford bidders all 8055
needed information or, alternatively, all of the following plans, 8056
details, bills of materials, and specifications: 8057

(i) Full and accurate plans suitable for the use of mechanics 8058
and other builders in the improvement; 8059

(ii) Details to scale and full sized, so drawn and 8060
represented as to be easily understood; 8061

(iii) Accurate bills showing the exact quantity of different 8062
kinds of material necessary to the construction; 8063

(iv) Definite and complete specifications of the work to be 8064
performed, together with such directions as will enable a 8065
competent mechanic or other builder to carry them out and afford 8066
bidders all needed information; 8067

(v) A full and accurate estimate of each item of expense and 8068
of the aggregate cost thereof. 8069

(b) The department shall give public notice, in such 8070
newspaper, in such form, and with such phraseology as the director 8071
of administrative services prescribes, published once each week 8072
for four consecutive weeks, of the time when and place where bids 8073
will be received for entering into an agreement to lease to a 8074
state agency a building, structure, or other improvement. The last 8075
publication shall be at least eight days preceding the day for 8076
opening the bids. The bids shall contain the terms upon which the 8077
builder would propose to lease the building, structure, or other 8078
improvement to the state agency. The form of the bid approved by 8079

the department shall be used, and a bid is invalid and shall not
be considered unless that form is used without change, alteration,
or addition. Before submitting bids pursuant to this section, any
builder shall comply with Chapter 153. of the Revised Code.

(c) On the day and at the place named for receiving bids for
entering into lease agreements with a state agency, the director
of administrative services shall open the bids and shall publicly
proceed immediately to tabulate the bids upon duplicate sheets. No
lease agreement shall be entered into until the bureau of workers'
compensation has certified that the person to be awarded the lease
agreement has complied with Chapter 4123. of the Revised Code,
until, if the builder submitting the lowest and best bid is a
foreign corporation, the secretary of state has certified that the
corporation is authorized to do business in this state, until, if
the builder submitting the lowest and best bid is a person
nonresident of this state, the person has filed with the secretary
of state a power of attorney designating the secretary of state as
its agent for the purpose of accepting service of summons in any
action brought under Chapter 4123. of the Revised Code, and until
the agreement is submitted to the attorney general and the
attorney general's approval is certified thereon. Within thirty
days after the day on which the bids are received, the department
shall investigate the bids received and shall determine that the
bureau and the secretary of state have made the certifications
required by this section of the builder who has submitted the
lowest and best bid. Within ten days of the completion of the
investigation of the bids, the department shall award the lease
agreement to the builder who has submitted the lowest and best bid
and who has been certified by the bureau and secretary of state as
required by this section. If bidding for the lease agreement has
been conducted upon the basis of basic plans, specifications,
bills of materials, and estimates of costs, upon the award to the
builder the department, or the builder with the approval of the
department, shall appoint an architect or engineer licensed in

this state to prepare such further detailed plans, specifications, 8114
and bills of materials as are required to construct the building, 8115
structure, or improvement. The department shall adopt such rules 8116
as are necessary to give effect to this section. The department 8117
may reject any bid. Where there is reason to believe there is 8118
collusion or combination among bidders, the bids of those 8119
concerned therein shall be rejected. 8120

(15) To acquire by purchase, gift, devise, or grant and to 8121
transfer, lease, or otherwise dispose of all real property 8122
required to assist in the development of a conversion facility as 8123
defined in section 5709.30 of the Revised Code as that section 8124
existed before its repeal by Amended Substitute House Bill 95 of 8125
the 125th general assembly; 8126

(16) To lease for a period not to exceed forty years, 8127
notwithstanding any other division of this section, the 8128
state-owned property located at 408-450 East Town Street, 8129
Columbus, Ohio, formerly the state school for the deaf, to a 8130
developer in accordance with this section. "Developer," as used in 8131
this section, has the same meaning as in section 123.77 of the 8132
Revised Code. 8133

Such a lease shall be for the purpose of development of the 8134
land for use by senior citizens by constructing, altering, 8135
renovating, repairing, expanding, and improving the site as it 8136
existed on June 25, 1982. A developer desiring to lease the land 8137
shall prepare for submission to the department a plan for 8138
development. Plans shall include provisions for roads, sewers, 8139
water lines, waste disposal, water supply, and similar matters to 8140
meet the requirements of state and local laws. The plans shall 8141
also include provision for protection of the property by insurance 8142
or otherwise, and plans for financing the development, and shall 8143
set forth details of the developer's financial responsibility. 8144

The department may employ, as employees or consultants, 8145

persons needed to assist in reviewing the development plans. Those 8146
persons may include attorneys, financial experts, engineers, and 8147
other necessary experts. The department shall review the 8148
development plans and may enter into a lease if it finds all of 8149
the following: 8150

(a) The best interests of the state will be promoted by 8151
entering into a lease with the developer; 8152

(b) The development plans are satisfactory; 8153

(c) The developer has established the developer's financial 8154
responsibility and satisfactory plans for financing the 8155
development. 8156

The lease shall contain a provision that construction or 8157
renovation of the buildings, roads, structures, and other 8158
necessary facilities shall begin within one year after the date of 8159
the lease and shall proceed according to a schedule agreed to 8160
between the department and the developer or the lease will be 8161
terminated. The lease shall contain such conditions and 8162
stipulations as the director considers necessary to preserve the 8163
best interest of the state. Moneys received by the state pursuant 8164
to this lease shall be paid into the general revenue fund. The 8165
lease shall provide that at the end of the lease period the 8166
buildings, structures, and related improvements shall become the 8167
property of the state without cost. 8168

(17) To lease to any person any tract of land owned by the 8169
state and under the control of the department, or any part of such 8170
a tract, for the purpose of drilling for or the pooling of oil or 8171
gas. Such a lease shall be granted for a period not exceeding 8172
forty years, with the full power to contract for, determine the 8173
conditions governing, and specify the amount the state shall 8174
receive for the purposes specified in the lease, and shall be 8175
prepared as in other cases. 8176

(18) To manage the use of space owned and controlled by the department, including space in property under the jurisdiction of the Ohio building authority, by doing all of the following:	8177
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(a) Biennially implementing, by state agency location, a census of agency employees assigned space;	8180
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(b) Periodically in the discretion of the director of administrative services:	8182
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(i) Requiring each state agency to categorize the use of space allotted to the agency between office space, common areas, storage space, and other uses, and to report its findings to the department;	8184
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(ii) Creating and updating a master space utilization plan for all space allotted to state agencies. The plan shall incorporate space utilization metrics.	8188
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(iii) Conducting a cost-benefit analysis to determine the effectiveness of state-owned buildings;	8191
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(iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus.	8193
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(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility.	8195
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(B) This section and section 125.02 of the Revised Code shall not interfere with any of the following:	8199
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(1) The power of the adjutant general to purchase military supplies, or with the custody of the adjutant general of property leased, purchased, or constructed by the state and used for	8201
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military purposes, or with the functions of the adjutant general 8204
as director of state armories; 8205

(2) The power of the director of transportation in acquiring 8206
rights-of-way for the state highway system, or the leasing of 8207
lands for division or resident district offices, or the leasing of 8208
lands or buildings required in the maintenance operations of the 8209
department of transportation, or the purchase of real property for 8210
garage sites or division or resident district offices, or in 8211
preparing plans and specifications for and constructing such 8212
buildings as the director may require in the administration of the 8213
department; 8214

(3) The power of the director of public safety and the 8215
registrar of motor vehicles to purchase or lease real property and 8216
buildings to be used solely as locations to which a deputy 8217
registrar is assigned pursuant to division (B) of section 4507.011 8218
of the Revised Code and from which the deputy registrar is to 8219
conduct the deputy registrar's business, the power of the director 8220
of public safety to purchase or lease real property and buildings 8221
to be used as locations for division or district offices as 8222
required in the maintenance of operations of the department of 8223
public safety, and the power of the superintendent of the state 8224
highway patrol in the purchase or leasing of real property and 8225
buildings needed by the patrol, to negotiate the sale of real 8226
property owned by the patrol, to rent or lease real property owned 8227
or leased by the patrol, and to make or cause to be made repairs 8228
to all property owned or under the control of the patrol; 8229

(4) The power of the division of liquor control in the 8230
leasing or purchasing of retail outlets and warehouse facilities 8231
for the use of the division; 8232

(5) The power of the director of development to enter into 8233
leases of real property, buildings, and office space to be used 8234
solely as locations for the state's foreign offices to carry out 8235

the purposes of section 122.05 of the Revised Code; 8236

(6) The power of the director of environmental protection to 8237
enter into environmental covenants, to grant and accept easements, 8238
or to sell property pursuant to division (G) of section 3745.01 of 8239
the Revised Code. 8240

(C) Purchases for, and the custody and repair of, buildings 8241
under the management and control of the capitol square review and 8242
advisory board, the rehabilitation services commission, the bureau 8243
of workers' compensation, or the departments of public safety, job 8244
and family services, mental health, mental retardation and 8245
developmental disabilities, and rehabilitation and correction, and 8246
buildings of educational and benevolent institutions under the 8247
management and control of boards of trustees, are not subject to 8248
the control and jurisdiction of the department of administrative 8249
services. 8250

(D) Any instrument by which real property is acquired 8251
pursuant to this section shall identify the agency of the state 8252
that has the use and benefit of the real property as specified in 8253
section 5301.012 of the Revised Code. 8254

Sec. 124.03. (A) The state personnel board of review shall 8255
exercise the following powers and perform the following duties: 8256

(1) Hear appeals, as provided by law, of employees in the 8257
classified state service from final decisions of appointing 8258
authorities or the director of administrative services relative to 8259
reduction in pay or position, job abolishments, layoff, 8260
suspension, discharge, assignment or reassignment to a new or 8261
different position classification, or refusal of the director, or 8262
anybody authorized to perform the director's functions, to 8263
reassign an employee to another classification or to reclassify 8264
the employee's position with or without a job audit under division 8265
(D) of section 124.14 of the Revised Code. As used in this 8266

division, "discharge" includes disability separations. 8267

The state personnel board of review may affirm, disaffirm, or 8268
modify the decisions of the appointing authorities or the 8269
director, as the case may be, and its decision is final. The 8270
~~board's~~ decisions of the state personnel board of review shall be 8271
consistent with the applicable classification specifications. 8272

The state personnel board of review shall not be deprived of 8273
jurisdiction to hear any appeal due to the failure of an 8274
appointing authority to file its decision with the board. Any 8275
final decision of an appointing authority or of the director not 8276
filed in the manner provided in this chapter shall be disaffirmed. 8277

The state personnel board of review may place an exempt 8278
employee, as defined in section 124.152 of the Revised Code, into 8279
a bargaining unit classification, if the state personnel board of 8280
review determines that the bargaining unit classification is the 8281
proper classification for that employee. Notwithstanding Chapter 8282
4117. of the Revised Code or instruments and contracts negotiated 8283
under it, such placements are at the ~~board's~~ discretion of the 8284
state personnel board of review. 8285

The mere failure of an employee's appointing authority to 8286
file a statement with the department of administrative services 8287
indicating that the employee is in the unclassified civil service, 8288
or the mere late filing of such a statement, does not prevent the 8289
state personnel board of review from determining that the employee 8290
is in the unclassified civil service. In determining whether an 8291
employee is in the unclassified civil service, the state personnel 8292
board of review shall consider the inherent nature of the duties 8293
of the employee's classification during the two-year period 8294
immediately preceding the appointing authority's appealable action 8295
relating to the employee. 8296

In any hearing before the state personnel board of review, 8297

including any hearing at which a record is taken that may be the
basis of an appeal to a court, an employee may be represented by a
person permitted to practice before the state personnel board of
review who is not an attorney at law as long as the person does
not receive any compensation from the employee for the
representation.

(2) Hear appeals, as provided by law, of appointing
authorities from final decisions of the director relative to the
classification or reclassification of any position in the
classified state service under the jurisdiction of that
appointing authority. The state personnel board of review may
affirm, disaffirm, or modify the decisions of the director, and
its decision is final. The ~~board's~~ decisions of the state
personnel board of review shall be consistent with the applicable
classification specifications.

(3) Exercise the authority provided by section 124.40 of the
Revised Code, for appointment, removal, and supervision of
municipal and civil service township civil service commissions;

(4) ~~Appoint a secretary, referees, examiners, and whatever
other~~ Utilize employees are necessary provided by the state
employment relations board in the exercise of ~~its~~ the powers and
performance of ~~its~~ the duties and functions. ~~The~~ of the state
personnel board shall determine appropriate education and
experience requirements for its secretary, referees, examiners,
and other employees and shall prescribe their duties. A referee or
examiner does not need to have been admitted to the practice of
law of review under this chapter;

(5) Maintain a journal that shall be open to public
inspection, in which it shall keep a record of all of its
proceedings and of the vote of each of its members upon every
action taken by it;

(6) Adopt rules in accordance with Chapter 119. of the
Revised Code relating to the procedure of the state personnel
board of review in administering the laws it has the authority or
duty to administer and for the purpose of invoking the
jurisdiction of the state personnel board of review in hearing
appeals of appointing authorities and employees in matters set
forth in divisions (A)(1) and (2) of this section;

(7) Subpoena and require the attendance and testimony of
witnesses and the production of books, papers, public records, and
other documentary evidence pertinent to any matter it has
authority to investigate, inquire into, or hear in the same manner
and to the same extent as provided by division (G) of section
124.09 of the Revised Code. All witness fees shall be paid in the
manner set forth in that division.

(B) The state personnel board of review shall exist as a
separate entity within the administrative structure of the state
employment relations board.

(C) The state personnel board of review shall be funded by
general revenue fund appropriations. All moneys received by the
state personnel board of review for copies of documents, rule
books, and transcriptions shall be paid into the state treasury to
the credit of the ~~transcript and other documents~~ training,
publications, and grants fund, ~~which is hereby created to defray~~
~~the cost of producing an administrative record in section~~
4117.24 of the Revised Code.

Sec. 124.04. In addition to those powers enumerated in
Chapters 123. and 125. of the Revised Code and as provided
elsewhere by law, the powers, duties, and functions of the
department of administrative services not specifically vested in
and assigned to, or to be performed by, the state personnel board
of review are hereby vested in and assigned to, and shall be
performed by, the director of administrative services. These

powers, duties, and functions shall include, but shall not be	8361
limited to, the following powers, duties, and functions:	8362
(A) To prepare, conduct, and grade all competitive	8363
examinations for positions in the classified state service;	8364
(B) To prepare, conduct, and grade all noncompetitive	8365
examinations for positions in the classified state service;	8366
(C) To prepare eligible lists containing the names of persons	8367
qualified for appointment to positions in the classified state	8368
service;	8369
(D) To prepare or amend, in accordance with section 124.14 of	8370
the Revised Code, specifications descriptive of duties,	8371
responsibilities, requirements, and desirable qualifications of	8372
the various classifications of positions in the state service;	8373
(E) To allocate and reallocate, upon the motion of the	8374
director or upon request of an appointing authority and in	8375
accordance with section 124.14 of the Revised Code, any position,	8376
office, or employment in the state service to the appropriate	8377
classification on the basis of the duties, responsibilities,	8378
requirements, and qualifications of that position, office, or	8379
employment;	8380
(F) To develop and conduct personnel recruitment services for	8381
positions in the state service;	8382
(G) To conduct research on specifications, classifications,	8383
and salaries of positions in the state service;	8384
(H) To develop and conduct personnel training programs,	8385
including supervisory training programs and best practices plans,	8386
and to develop merit hiring processes, in cooperation with	8387
appointing authorities;	8388

(I) To include periodically in communications sent to state employees both of the following:	8389 8390
(1) Information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;	8391 8392 8393
(2) Information about the liver or kidney donor and bone marrow donor leave granted under section 124.139 of the Revised Code.	8394 8395 8396
(J) To enter into agreements with universities and colleges for in-service training of officers and employees in the civil service and to assist appointing authorities in recruiting qualified applicants;	8397 8398 8399 8400
(K) To appoint examiners, inspectors, clerks, and other assistants necessary in the exercise of the powers and performance of the duties and functions which the director is by law authorized and required to exercise and perform, and to prescribe the duties of all of those employees;	8401 8402 8403 8404 8405
(L) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the classified civil service of the state and assignment or reassignment of employees in the classified civil service of the state to specific position classifications;	8406 8407 8408 8409 8410 8411 8412
(M) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any other state agency of this state as the director considers necessary;	8413 8414 8415 8416

(N) To delegate any of the powers, functions, or duties
granted or assigned to the director under this chapter to any
political subdivision with the concurrence of the legislative
authority of the political subdivision.

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(O) To administer a state equal employment opportunity
program.

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Sec. 124.07. (A) The director of administrative services
shall appoint examiners, inspectors, clerks, and other assistants
as necessary to carry out sections 124.01 to 124.64 of the Revised
Code. The director may designate persons in or out of the service
of the state to serve as examiners or assistants under the
director's direction. An examiner or assistant shall receive the
compensation for each day actually and necessarily spent in the
discharge of duties as an examiner or assistant that the director
determines; provided that, if the examiner or assistant is in the
service of the state or any political subdivision of the state, it
shall be a part of the examiner's or assistant's official duties
to render those services in connection with an examination without
extra compensation.

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(B) Each state agency shall pay the cost of the services and
facilities furnished to it by the department of administrative
services that are necessary to provide and maintain payroll
services as prescribed in section 125.21 of the Revised Code and
state merit standards as prescribed in sections 124.01 to 124.64
of the Revised Code for the agency. If a state-supported college
or university or a municipal corporation chooses to use the
services and facilities furnished by the department that are
necessary to provide and maintain the services and standards so
prescribed, the state-supported college or university or municipal
corporation shall pay the cost of the services and facilities that
the department furnishes to it. The charges against a state
agency, a state-supported college or university, or a municipal

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corporation shall be computed on a reasonable cost basis in 8449
accordance with procedures prescribed by the director of budget 8450
and management. Any moneys the department receives from a state 8451
agency, a state-supported college or university, or a municipal 8452
corporation under this division that are in excess of the amount 8453
necessary to pay the cost of furnishing the department's services 8454
and facilities during any fiscal year shall be either refunded to 8455
or credited for the ensuing fiscal year to the state agency, the 8456
state-supported college or university, or the municipal 8457
corporation. 8458

(C) The director of administrative services may enter into an 8459
agreement with any county, municipal corporation, or other 8460
political subdivision to furnish services and facilities of the 8461
department in the administration of a merit program or other 8462
functions related to human resources that include, but are not 8463
limited to, providing competitive examinations for positions in 8464
the classified service. The agreement shall provide that the 8465
department shall be reimbursed for the reasonable costs of those 8466
services and facilities as determined by the director. 8467

(D) All moneys received by the department as reimbursement 8468
for ~~payroll~~, a merit program, or other human resources services 8469
performed and facilities furnished under this section, such as 8470
competitive examinations administered, shall be paid into the 8471
state treasury to the credit of the human resources services fund, 8472
which is hereby created. 8473

(E) In counties of the state in which are located cities 8474
having municipal civil service commissions, the director of 8475
administrative services may designate the municipal civil service 8476
commission of the largest city within the county as the director's 8477
agent for the purpose of carrying out the provisions of sections 8478
124.01 to 124.64 of the Revised Code, within the county, that the 8479
director designates. Each municipal civil service commission 8480

designated as an agent of the director shall render to the 8481
director, at the end of each month, an itemized statement of the 8482
cost incurred by the commission for work done as the agent of the 8483
director, and the director, after approving that statement, shall 8484
pay the total amount of it to the treasurer of the municipal 8485
corporation in the same manner as other expenses of the department 8486
of administrative services. 8487

(F) The director of administrative services and the 8488
examiners, inspectors, clerks, and assistants referred to in this 8489
section shall receive, in addition to their salaries, 8490
reimbursement for necessary traveling and other expenses incurred 8491
in the actual discharge of their official duties. The director may 8492
also incur the necessary expenses for stationery, printing, and 8493
other supplies incident to the business of the department. 8494

Sec. 124.11. The civil service of the state and the several 8495
counties, cities, civil service townships, city health districts, 8496
general health districts, and city school districts of the state 8497
shall be divided into the unclassified service and the classified 8498
service. 8499

(A) The unclassified service shall comprise the following 8500
positions, which shall not be included in the classified service, 8501
and which shall be exempt from all examinations required by this 8502
chapter: 8503

(1) All officers elected by popular vote or persons appointed 8504
to fill vacancies in those offices; 8505

(2) All election officers as defined in section 3501.01 of 8506
the Revised Code; 8507

(3)(a) The members of all boards and commissions, and heads 8508
of principal departments, boards, and commissions appointed by the 8509
governor or by and with the governor's consent; 8510

(b) The heads of all departments appointed by a board of county commissioners;	8511 8512
(c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district;	8513 8514 8515 8516
Except as otherwise provided in division (A)(17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service.	8517 8518 8519 8520
(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors;	8521 8522 8523
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties;	8524 8525 8526
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	8527 8528 8529
(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system, colleges, and universities;	8530 8531 8532 8533 8534 8535 8536
(b) The library staff of any library in the state supported wholly or in part at public expense.	8537 8538

(8) Four clerical and administrative support employees for 8539
each of the elective state officers, four clerical and 8540
administrative support employees for each board of county 8541
commissioners and one such employee for each county commissioner, 8542
and four clerical and administrative support employees for other 8543
elective officers and each of the principal appointive executive 8544
officers, boards, or commissions, except for civil service 8545
commissions, that are authorized to appoint such clerical and 8546
administrative support employees; 8547

(9) The deputies and assistants of state agencies authorized 8548
to act for and on behalf of the agency, or holding a fiduciary or 8549
administrative relation to that agency and those persons employed 8550
by and directly responsible to elected county officials or a 8551
county administrator and holding a fiduciary or administrative 8552
relationship to such elected county officials or county 8553
administrator, and the employees of such county officials whose 8554
fitness would be impracticable to determine by competitive 8555
examination, provided that division (A)(9) of this section shall 8556
not affect those persons in county employment in the classified 8557
service as of September 19, 1961. Nothing in division (A)(9) of 8558
this section applies to any position in a county department of job 8559
and family services created pursuant to Chapter 329. of the 8560
Revised Code. 8561

(10) Bailiffs, constables, official stenographers, and 8562
commissioners of courts of record, deputies of clerks of the 8563
courts of common pleas who supervise or who handle public moneys 8564
or secured documents, and such officers and employees of courts of 8565
record and such deputies of clerks of the courts of common pleas 8566
as the director of administrative services finds it impracticable 8567
to determine their fitness by competitive examination; 8568

(11) Assistants to the attorney general, special counsel 8569
appointed or employed by the attorney general, assistants to 8570

county prosecuting attorneys, and assistants to city directors of law; 8571
8572

(12) Such teachers and employees in the agricultural 8573
experiment stations; such students in normal schools, colleges, 8574
and universities of the state who are employed by the state or a 8575
political subdivision of the state in student or intern 8576
classifications; and such unskilled labor positions as the 8577
director of administrative services or any municipal civil service 8578
commission may find it impracticable to include in the competitive 8579
classified service; provided such exemptions shall be by order of 8580
the commission or the director, duly entered on the record of the 8581
commission or the director with the reasons for each such 8582
exemption; 8583

(13) Any physician or dentist who is a full-time employee of 8584
the department of mental health, the department of mental 8585
retardation and developmental disabilities, or an institution 8586
under the jurisdiction of either department; and physicians who 8587
are in residency programs at the institutions; 8588

(14) Up to twenty positions at each institution under the 8589
jurisdiction of the department of mental health or the department 8590
of mental retardation and developmental disabilities that the 8591
department director determines to be primarily administrative or 8592
managerial; and up to fifteen positions in any division of either 8593
department, excluding administrative assistants to the director 8594
and division chiefs, which are within the immediate staff of a 8595
division chief and which the director determines to be primarily 8596
and distinctively administrative and managerial; 8597

(15) Noncitizens of the United States employed by the state, 8598
or its counties or cities, as physicians or nurses who are duly 8599
licensed to practice their respective professions under the laws 8600
of this state, or medical assistants, in mental or chronic disease 8601
hospitals, or institutions; 8602

(16) Employees of the governor's office;	8603
(17) Fire chiefs and chiefs of police in civil service	8604
townships appointed by boards of township trustees under section	8605
505.38 or 505.49 of the Revised Code;	8606
(18) Executive directors, deputy directors, and program	8607
directors employed by boards of alcohol, drug addiction, and	8608
mental health services under Chapter 340. of the Revised Code, and	8609
secretaries of the executive directors, deputy directors, and	8610
program directors;	8611
(19) Superintendents, and management employees as defined in	8612
section 5126.20 of the Revised Code, of county boards of mental	8613
retardation and developmental disabilities;	8614
(20) Physicians, nurses, and other employees of a county	8615
hospital who are appointed pursuant to sections 339.03 and 339.06	8616
of the Revised Code;	8617
(21) The executive director of the state medical board, who	8618
is appointed pursuant to division (B) of section 4731.05 of the	8619
Revised Code;	8620
(22) County directors of job and family services as provided	8621
in section 329.02 of the Revised Code and administrators appointed	8622
under section 329.021 of the Revised Code;	8623
(23) A director of economic development who is hired pursuant	8624
to division (A) of section 307.07 of the Revised Code;	8625
(24) Chiefs of construction and compliance, of operations and	8626
maintenance, <u>of worker protection</u> , and of licensing and	8627
certification in the division of ~~industrial compliance~~ <u>labor</u> in	8628
the department of commerce;	8629

(25) The executive director of a county transit system	8630
appointed under division (A) of section 306.04 of the Revised	8631
Code;	8632
(26) Up to five positions at each of the administrative	8633
departments listed in section 121.02 of the Revised Code and at	8634
the department of taxation, department of the adjutant general,	8635
department of education, Ohio board of regents, bureau of workers'	8636
compensation, industrial commission, state lottery commission, and	8637
public utilities commission of Ohio that the head of that	8638
administrative department or of that other state agency determines	8639
to be involved in policy development and implementation. The head	8640
of the administrative department or other state agency shall set	8641
the compensation for employees in these positions at a rate that	8642
is not less than the minimum compensation specified in pay range	8643
41 but not more than the maximum compensation specified in pay	8644
range 44 of salary schedule E-2 in section 124.152 of the Revised	8645
Code. The authority to establish positions in the unclassified	8646
service under division (A)(26) of this section is in addition to	8647
and does not limit any other authority that an administrative	8648
department or state agency has under the Revised Code to establish	8649
positions, appoint employees, or set compensation.	8650
(27) Employees of the department of agriculture employed	8651
under section 901.09 of the Revised Code;	8652
(28) For cities, counties, civil service townships, city	8653
health districts, general health districts, and city school	8654
districts, the deputies and assistants of elective or principal	8655
executive officers authorized to act for and in the place of their	8656
principals or holding a fiduciary relation to their principals;	8657
(29) Employees who receive intermittent or temporary	8658
appointments under division (B) of section 124.30 of the Revised	8659
Code;	8660

(30) Employees appointed to administrative staff positions	8661
for which an appointing authority is given specific statutory	8662
authority to set compensation;	8663
(31) Employees appointed to highway patrol cadet or highway	8664
patrol cadet candidate classifications;	8665
(32) Employees placed in the unclassified service by another	8666
section of the Revised Code.	8667
(B) The classified service shall comprise all persons in the	8668
employ of the state and the several counties, cities, city health	8669
districts, general health districts, and city school districts of	8670
the state, not specifically included in the unclassified service.	8671
Upon the creation by the board of trustees of a civil service	8672
township civil service commission, the classified service shall	8673
also comprise, except as otherwise provided in division (A)(17) or	8674
(C) of this section, all persons in the employ of a civil service	8675
township police or fire department having ten or more full-time	8676
paid employees. The classified service consists of two classes,	8677
which shall be designated as the competitive class and the	8678
unskilled labor class.	8679
(1) The competitive class shall include all positions and	8680
employments in the state and the counties, cities, city health	8681
districts, general health districts, and city school districts of	8682
the state, and, upon the creation by the board of trustees of a	8683
civil service township of a township civil service commission, all	8684
positions in a civil service township police or fire department	8685
having ten or more full-time paid employees, for which it is	8686
practicable to determine the merit and fitness of applicants by	8687
competitive examinations. Appointments shall be made to, or	8688
employment shall be given in, all positions in the competitive	8689
class that are not filled by promotion, reinstatement, transfer,	8690
or reduction, as provided in this chapter, and the rules of the	8691
director of administrative services, by appointment from those	8692

certified to the appointing officer in accordance with this chapter. 8693
8694

(2) The unskilled labor class shall include ordinary 8695
unskilled laborers. Vacancies in the labor class for positions in 8696
service of the state shall be filled by appointment from lists of 8697
applicants registered by the director. Vacancies in the labor 8698
class for all other positions shall be filled by appointment from 8699
lists of applicants registered by a commission. The director or 8700
the commission, as applicable, by rule, shall require an applicant 8701
for registration in the labor class to furnish evidence or take 8702
tests as the director or commission considers proper with respect 8703
to age, residence, physical condition, ability to labor, honesty, 8704
sobriety, industry, capacity, and experience in the work or 8705
employment for which application is made. Laborers who fulfill the 8706
requirements shall be placed on the eligible list for the kind of 8707
labor or employment sought, and preference shall be given in 8708
employment in accordance with the rating received from that 8709
evidence or in those tests. Upon the request of an appointing 8710
officer, stating the kind of labor needed, the pay and probable 8711
length of employment, and the number to be employed, the director 8712
or commission, as applicable, shall certify from the highest on 8713
the list double the number to be employed; from this number, the 8714
appointing officer shall appoint the number actually needed for 8715
the particular work. If more than one applicant receives the same 8716
rating, priority in time of application shall determine the order 8717
in which their names shall be certified for appointment. 8718

(C) A municipal or civil service township civil service 8719
commission may place volunteer firefighters who are paid on a 8720
fee-for-service basis in either the classified or the unclassified 8721
civil service. 8722

(D) This division does not apply to persons in the 8723
unclassified service who have the right to resume positions in the 8724

classified service under sections 4121.121, 5119.071, 5120.38, 8725
5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the Revised 8726
Code. 8727

An appointing authority whose employees are paid directly by 8728
warrant of the director of budget and management may appoint a 8729
person who holds a certified position in the classified service 8730
within the appointing authority's agency to a position in the 8731
unclassified service within that agency. A person appointed 8732
pursuant to this division to a position in the unclassified 8733
service shall retain the right to resume the position and status 8734
held by the person in the classified service immediately prior to 8735
the person's appointment to the position in the unclassified 8736
service, regardless of the number of positions the person held in 8737
the unclassified service. An employee's right to resume a position 8738
in the classified service may only be exercised when an appointing 8739
authority demotes the employee to a pay range lower than the 8740
employee's current pay range or revokes the employee's appointment 8741
to the unclassified service. An employee forfeits the right to 8742
resume a position in the classified service when the employee is 8743
removed from the position in the unclassified service due to 8744
incompetence, inefficiency, dishonesty, drunkenness, immoral 8745
conduct, insubordination, discourteous treatment of the public, 8746
neglect of duty, violation of this chapter or the rules of the 8747
director of administrative services, any other failure of good 8748
behavior, any other acts of misfeasance, malfeasance, or 8749
nonfeasance in office, or conviction of a felony. An employee also 8750
forfeits the right to resume a position in the classified service 8751
upon transfer to a different agency. 8752

Reinstatement to a position in the classified service shall 8753
be to a position substantially equal to that position in the 8754
classified service held previously, as certified by the director 8755
of administrative services. If the position the person previously 8756
held in the classified service has been placed in the unclassified 8757

service or is otherwise unavailable, the person shall be appointed 8758
to a position in the classified service within the appointing 8759
authority's agency that the director of administrative services 8760
certifies is comparable in compensation to the position the person 8761
previously held in the classified service. Service in the position 8762
in the unclassified service shall be counted as service in the 8763
position in the classified service held by the person immediately 8764
prior to the person's appointment to the position in the 8765
unclassified service. When a person is reinstated to a position in 8766
the classified service as provided in this division, the person is 8767
entitled to all rights, status, and benefits accruing to the 8768
position in the classified service during the person's time of 8769
service in the position in the unclassified service. 8770

Sec. 124.134. (A) Each full-time permanent state employee 8771
paid in accordance with section 124.152 of the Revised Code and 8772
those employees listed in divisions (B)(2) and (4) of section 8773
124.14 of the Revised Code, ~~after service of one year, shall have~~ 8774
~~earned and will be due upon the attainment of the first year of~~ 8775
~~employment, and annually thereafter, eighty hours of vacation~~ 8776
~~leave with full pay. One year of service shall be computed on the~~ 8777
~~basis of twenty six biweekly pay periods. A full time permanent~~ 8778
~~state employee with five or more years of service shall have~~ 8779
~~earned and is entitled to one hundred twenty hours of vacation~~ 8780
~~leave with full pay. A full time permanent state employee with ten~~ 8781
~~or more years of service shall have earned and is entitled to one~~ 8782
~~hundred sixty hours of vacation leave with full pay. A full time~~ 8783
~~permanent state employee with fifteen or more years of service~~ 8784
~~shall have earned and is entitled to one hundred eighty hours of~~ 8785
~~vacation leave with full pay. A full time permanent state employee~~ 8786
~~with twenty or more years of service shall have earned and is~~ 8787
~~entitled to two hundred hours of vacation leave with full pay. A~~ 8788
~~full time permanent state employee with twenty five or more years~~ 8789
~~of service shall have earned and is entitled to two hundred forty~~ 8790
~~hours of vacation leave with full pay. Such vacation leave shall~~ 8791

accrue to the employee at the rate of three and one-tenth hours 8792
 each biweekly period for those entitled to eighty hours per year; 8793
 four and six-tenths hours each biweekly period for those entitled 8794
 to one hundred twenty hours per year; six and two-tenths hours 8795
 each biweekly period for those entitled to one hundred sixty hours 8796
 per year; six and nine-tenths hours each biweekly period for those 8797
 entitled to one hundred eighty hours per year; seven and 8798
 seven-tenths hours each biweekly period for those entitled to two 8799
 hundred hours per year; and nine and two-tenths hours each 8800
 biweekly period for those entitled to two hundred forty hours per 8801
 year shall be credited with vacation leave with full pay according 8802
 to length of service and accruing at a corresponding rate per 8803
 biweekly pay period, as follows: 8804

<u>Length of Service</u>	<u>Accrual Rate Per Pay Period</u>	8805
<u>Less than 4 years</u>	<u>3.1 hours</u>	8806
<u>4 but less than 9 years</u>	<u>4.6 hours</u>	8807
<u>9 but less than 14 years</u>	<u>6.2 hours</u>	8808
<u>14 but less than 19 years</u>	<u>6.9 hours</u>	8809
<u>19 but less than 24 years</u>	<u>7.7 hours</u>	8810
<u>24 years or more</u>	<u>9.2 hours</u>	8811
<u>Fifty-two weeks equal one year of service.</u>		8812

The amount of an employee's service shall be determined in 8813
 accordance with the standard specified in section 9.44 of the 8814
 Revised Code. Credit for prior service, including an increased 8815
 vacation accrual rate and longevity supplement, shall take effect 8816
 during the first pay period that begins immediately following the 8817
 date the director of administrative services approves granting 8818
 credit for that prior service. No employee, other than an employee 8819
 who submits proof of prior service within ninety days after the 8820
 date of the employee's hiring, shall receive any amount of 8821
 vacation leave for the period prior to the date of the director's 8822
 approval of the grant of credit for prior service. 8823

Part-time permanent employees who are paid in accordance with section 124.152 of the Revised Code and full-time permanent employees subject to this section who are in active pay status for less than eighty hours in a pay period shall earn vacation leave on a prorated basis. The ratio between the hours worked and the vacation hours earned by these classes of employees shall be the same as the ratio between the hours worked and the vacation hours earned by a full-time permanent employee with the same amount of service as provided for in this section.

Vacation leave is not available for use until it appears on the employee's earning statement and the compensation described in the earning statement is available to the employee. An employee may begin using accrued vacation leave upon completion of the employee's initial probation period. A probationary period that follows a separation from service that is less than thirty-one days is not considered an initial probation period for purposes of this section.

(B) Employees granted leave under this section shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of the accrual for three years. Any excess leave shall be eliminated from the employees' leave balance. ~~If an~~

(C) Except as provided in division (D) of this section, beginning in fiscal year 2012, an employee may be paid for up to eighty hours of vacation leave each fiscal year if the employee requested and was denied the use of vacation leave during that fiscal year. No employee shall receive payment for more than eighty hours of denied vacation leave in a single fiscal year. An employee is only eligible to receive payment for vacation leave when the employee's vacation leave credit is at, or will reach in the immediately following pay period, the maximum of the accrual for three years and the employee has been denied the use of

~~vacation leave during the immediately preceding twelve months,~~ 8856
~~the employee, at the employee's request, shall be paid in a pay~~ 8857
~~period for the vacation leave the employee was denied, up to the~~ 8858
~~maximum amount the employee would be entitled to be paid for in~~ 8859
~~any pay period. An employee is not entitled to receive payment for~~ 8860
~~vacation leave denied in any pay period in which the employee's~~ 8861
~~vacation leave credit is not at, or will not reach in the~~ 8862
~~immediately following pay period, the maximum of accrual for three~~ 8863
~~years. Any vacation leave for which an employee receives payment~~ 8864
~~shall be deducted from the employee's vacation leave balance.~~ 8865
~~Payment shall not be made for any leave accrued in the same~~ 8866
~~calendar year in which the payment is made.~~ 8867
No employee is 8868
eligible to receive payment for denied vacation leave in either 8868
fiscal year 2010 or fiscal year 2011. 8869

(D) The supreme court, general assembly, secretary of state, 8870
auditor of state, treasurer of state, and attorney general may 8871
establish by policy an alternate payment structure for employees 8872
whose vacation leave credit is at, or will reach in the 8873
immediately following pay period, the maximum of accrual for three 8874
years and the employee has been denied the use of vacation leave. 8875
An employee is not entitled to receive payment for vacation leave 8876
denied in any pay period in which the employee's vacation leave 8877
credit is not at, or will not reach in the immediately following 8878
pay period, the maximum of accrual for three years. Any vacation 8879
leave for which the employee receives payment shall be deducted 8880
from the employee's vacation leave balance. 8881

~~(C)~~(E) Upon separation from state service, an employee 8882
granted leave under this section is entitled to compensation at 8883
the employee's current rate of pay for all unused vacation leave 8884
accrued under this section or section 124.13 of the Revised Code 8885
to the employee's credit. In case of transfer of an employee from 8886
one state agency to another, the employee shall retain the accrued 8887
and unused vacation leave. In case of the death of an employee, 8888

the unused vacation leave shall be paid in accordance with section 8889
2113.04 of the Revised Code, or to the employee's estate. An 8890
employee serving in a temporary work level who is eligible to 8891
receive compensation under this division shall be compensated at 8892
the base rate of pay of the employee's normal classification. 8893

Sec. 124.14. (A)(1) The director of administrative services 8894
shall establish, and may modify or rescind, by rule, a job 8895
classification plan for all positions, offices, and employments 8896
the salaries of which are paid in whole or in part by the state. 8897
The director shall group jobs within a classification so that the 8898
positions are similar enough in duties and responsibilities to be 8899
described by the same title, to have the same pay assigned with 8900
equity, and to have the same qualifications for selection applied. 8901
The director shall, by rule, assign a classification title to each 8902
classification within the classification plan. However, the 8903
director shall consider in establishing classifications, including 8904
classifications with parenthetical titles, and assigning pay 8905
ranges such factors as duties performed only on one shift, special 8906
skills in short supply in the labor market, recruitment problems, 8907
separation rates, comparative salary rates, the amount of training 8908
required, and other conditions affecting employment. The director 8909
shall describe the duties and responsibilities of the class, 8910
establish the qualifications for being employed in each position 8911
in the class, and file with the secretary of state a copy of 8912
specifications for all of the classifications. The director shall 8913
file new, additional, or revised specifications with the secretary 8914
of state before they are used. 8915

The director shall, by rule, assign each classification, 8916
either on a statewide basis or in particular counties or state 8917
institutions, to a pay range established under section 124.15 or 8918
section 124.152 of the Revised Code. The director may assign a 8919
classification to a pay range on a temporary basis for a period of 8920
six months. The director may establish, by rule adopted under 8921

Chapter 119. of the Revised Code, experimental classification 8922
plans for some or all employees paid directly by warrant of the 8923
director of budget and management. The rule shall include 8924
specifications for each classification within the plan and shall 8925
specifically address compensation ranges, and methods for 8926
advancing within the ranges, for the classifications, which may be 8927
assigned to pay ranges other than the pay ranges established under 8928
section 124.15 or 124.152 of the Revised Code. 8929

(2) The director of administrative services may reassign to a 8930
proper classification those positions that have been assigned to 8931
an improper classification. If the compensation of an employee in 8932
such a reassigned position exceeds the maximum rate of pay for the 8933
employee's new classification, the employee shall be placed in pay 8934
step X and shall not receive an increase in compensation until the 8935
maximum rate of pay for that classification exceeds the employee's 8936
compensation. 8937

(3) The director may reassign an exempt employee, as defined 8938
in section 124.152 of the Revised Code, to a bargaining unit 8939
classification if the director determines that the bargaining unit 8940
classification is the proper classification for that employee. 8941
Notwithstanding Chapter 4117. of the Revised Code or instruments 8942
and contracts negotiated under it, these placements are at the 8943
director's discretion. 8944

(4) The director shall, by rule, assign related 8945
classifications, which form a career progression, to a 8946
classification series. The director shall, by rule, assign each 8947
classification in the classification plan a five-digit number, the 8948
first four digits of which shall denote the classification series 8949
to which the classification is assigned. When a career progression 8950
encompasses more than ten classifications, the director shall, by 8951
rule, identify the additional classifications belonging to a 8952
classification series. The additional classifications shall be 8953

part of the classification series, notwithstanding the fact that
the first four digits of the number assigned to the additional
classifications do not correspond to the first four digits of the
numbers assigned to other classifications in the classification
series.

(5) The director, ~~in accordance with rules adopted under
Chapter 119 of the Revised Code, shall establish, and may
establish,~~ modify, or rescind, a classification plan for county
agencies that elect not to use the services and facilities of a
county personnel department. The director shall establish any such
classification plan by means of rules adopted under Chapter 119
of the Revised Code. The rules shall include a methodology for the
establishment of titles unique to county agencies, the use of
state classification titles and classification specifications for
common positions, the criteria for a county to meet in
establishing its own classification plan, and the establishment of
what constitutes a classification series for county agencies. The
director may assess a county agency that chooses to use the
classification plan a usage fee the director determines. All usage
fees the department of administrative services receives shall be
paid into the state treasury to the credit of the human resources
fund created in section 124.07 of the Revised Code.

(B) Division (A) of this section and sections 124.15 and
124.152 of the Revised Code do not apply to the following persons,
positions, offices, and employments:

(1) Elected officials;

(2) Legislative employees, employees of the legislative
service commission, employees in the office of the governor,
employees who are in the unclassified civil service and exempt
from collective bargaining coverage in the office of the secretary
of state, auditor of state, treasurer of state, and attorney
general, and employees of the supreme court;

(3) Employees of a county children services board that establishes compensation rates under section 5153.12 of the Revised Code;	8986 8987 8988
(4) Any position for which the authority to determine compensation is given by law to another individual or entity;	8989 8990
(5) Employees of the bureau of workers' compensation whose compensation the administrator of workers' compensation establishes under division (B) of section 4121.121 of the Revised Code.	8991 8992 8993 8994
(C) The director may employ a consulting agency to aid and assist the director in carrying out this section.	8995 8996
(D)(1) When the director proposes to modify a classification or the assignment of classes to appropriate pay ranges, the director shall send written notice of the proposed rule to the appointing authorities of the affected employees thirty days before a hearing on the proposed rule. The appointing authorities shall notify the affected employees regarding the proposed rule. The director also shall send those appointing authorities notice of any final rule that is adopted within ten days after adoption.	8997 8998 8999 9000 9001 9002 9003 9004
(2) When the director proposes to reclassify any employee so that the employee is adversely affected, the director shall give to the employee affected and to the employee's appointing authority a written notice setting forth the proposed new classification, pay range, and salary. Upon the request of any classified employee who is not serving in a probationary period, the director shall perform a job audit to review the classification of the employee's position to determine whether the position is properly classified. The director shall give to the employee affected and to the employee's appointing authority a written notice of the director's determination whether or not to	9005 9006 9007 9008 9009 9010 9011 9012 9013 9014 9015

reclassify the position or to reassign the employee to another 9016
classification. An employee or appointing authority desiring a 9017
hearing shall file a written request for the hearing with the 9018
state personnel board of review within thirty days after receiving 9019
the notice. The board shall set the matter for a hearing and 9020
notify the employee and appointing authority of the time and place 9021
of the hearing. The employee, the appointing authority, or any 9022
authorized representative of the employee who wishes to submit 9023
facts for the consideration of the board shall be afforded 9024
reasonable opportunity to do so. After the hearing, the board 9025
shall consider anew the reclassification and may order the 9026
reclassification of the employee and require the director to 9027
assign the employee to such appropriate classification as the 9028
facts and evidence warrant. As provided in division (A)(1) of 9029
section 124.03 of the Revised Code, the board may determine the 9030
most appropriate classification for the position of any employee 9031
coming before the board, with or without a job audit. The board 9032
shall disallow any reclassification or reassignment classification 9033
of any employee when it finds that changes have been made in the 9034
duties and responsibilities of any particular employee for 9035
political, religious, or other unjust reasons. 9036

(E)(1) Employees of each county department of job and family 9037
services shall be paid a salary or wage established by the board 9038
of county commissioners. The provisions of section 124.18 of the 9039
Revised Code concerning the standard work week apply to employees 9040
of county departments of job and family services. A board of 9041
county commissioners may do either of the following: 9042

(a) Notwithstanding any other section of the Revised Code, 9043
supplement the sick leave, vacation leave, personal leave, and 9044
other benefits of any employee of the county department of job and 9045
family services of that county, if the employee is eligible for 9046
the supplement under a written policy providing for the 9047
supplement; 9048

(b) Notwithstanding any other section of the Revised Code, 9049
establish alternative schedules of sick leave, vacation leave, 9050
personal leave, or other benefits for employees not inconsistent 9051
with the provisions of a collective bargaining agreement covering 9052
the affected employees. 9053

(2) Division (E)(1) of this section does not apply to 9054
employees for whom the state employment relations board 9055
establishes appropriate bargaining units pursuant to section 9056
4117.06 of the Revised Code, except in either of the following 9057
situations: 9058

(a) The employees for whom the state employment relations 9059
board establishes appropriate bargaining units elect no 9060
representative in a board-conducted representation election. 9061

(b) After the state employment relations board establishes 9062
appropriate bargaining units for such employees, all employee 9063
organizations withdraw from a representation election. 9064

(F)(1) Notwithstanding any contrary provision of sections 9065
124.01 to 124.64 of the Revised Code, the board of trustees of 9066
each state university or college, as defined in section 3345.12 of 9067
the Revised Code, shall carry out all matters of governance 9068
involving the officers and employees of the university or college, 9069
including, but not limited to, the powers, duties, and functions 9070
of the department of administrative services and the director of 9071
administrative services specified in this chapter. Officers and 9072
employees of a state university or college shall have the right of 9073
appeal to the state personnel board of review as provided in this 9074
chapter. 9075

(2) Each board of trustees shall adopt rules under section 9076
111.15 of the Revised Code to carry out the matters of governance 9077
described in division (F)(1) of this section. Until the board of 9078

trustees adopts those rules, a state university or college shall 9079
continue to operate pursuant to the applicable rules adopted by 9080
the director of administrative services under this chapter. 9081

(G)(1) Each board of county commissioners may, by a 9082
resolution adopted by a majority of its members, establish a 9083
county personnel department to exercise the powers, duties, and 9084
functions specified in division (G) of this section. As used in 9085
division (G) of this section, "county personnel department" means 9086
a county personnel department established by a board of county 9087
commissioners under division (G)(1) of this section. 9088

(2)(a) Each board of county commissioners, by a resolution 9089
adopted by a majority of its members, may designate the county 9090
personnel department of the county to exercise the powers, duties, 9091
and functions of the department of administrative services and the 9092
~~director of administrative services~~ specified in sections 124.01 9093
to 124.64 and Chapter 325. of the Revised Code with regard to 9094
employees in the service of the county, except for the powers and 9095
duties of the state personnel board of review, which powers and 9096
duties shall not be construed as having been modified or 9097
diminished in any manner by division (G)(2) of this section, with 9098
respect to the employees for whom the board of county 9099
commissioners is the appointing authority or co-appointing 9100
authority. ~~The board of county commissioners shall deliver a~~ 9101
~~certified copy of the resolution to the director of administrative~~ 9102
~~services not later than ten working days after the resolution is~~ 9103
~~adopted, and the director shall inform the board in a writing sent~~ 9104
~~by certified mail of the date of receipt of the copy of the~~ 9105
~~resolution.~~ 9106

(b) ~~Upon the director's receipt of the copy of the~~ 9107
~~resolution, the powers, duties, and functions referred to in~~ 9108
~~division (G)(2)(a) of this section that may be exercised shall be~~ 9109
~~vested in and assigned to the county personnel department with~~ 9110

respect to the employees for whom the board of county
commissioners is the appointing authority or co-appointing
authority. 9111
9112
9113

(e) Nothing in division (G)(2) of this section shall be 9114
construed to limit the right of any employee who possesses the 9115
right of appeal to the state personnel board of review to continue 9116
to possess that right of appeal. 9117

~~(d)~~(c) Any board of county commissioners that has established 9118
a county personnel department may contract with the department of 9119
administrative services, another political subdivision, or an 9120
appropriate public or private entity to provide competitive 9121
testing services or other appropriate services. 9122

(3) After the county personnel department of a county has 9123
~~assumed the powers, duties, and functions of the department of~~ 9124
~~administrative services and the director of administrative~~ 9125
~~services been established~~ as described in division (G)(2) of this 9126
section, any elected official, board, agency, or other appointing 9127
authority of that county, upon written notification to the 9128
~~director county personnel department,~~ may elect to use the 9129
services and facilities of the county personnel department. Upon 9130
~~the acceptance by the director of that written notification~~ 9131
~~receipt of the notification by the county personnel department,~~ 9132
the county personnel department shall exercise the powers, duties, 9133
and functions ~~of the department of administrative services and the~~ 9134
~~director~~ as described in division (G)(2) of this section with 9135
respect to the employees of that elected official, board, agency, 9136
or other appointing authority. ~~The director shall inform the~~ 9137
~~elected official, board, agency, or other appointing authority in~~ 9138
~~a writing sent by certified mail of the date of acceptance of that~~ 9139
~~written notification. Except for those employees under the~~ 9140
~~jurisdiction of the county personnel department, the director~~ 9141
~~shall continue to exercise these powers, duties, and functions~~ 9142

with respect to employees of the county. 9143

(4) ~~When at least two years have passed since the creation of~~ 9144
~~a county personnel department, a~~ Each board of county 9145
commissioners, by a resolution adopted by a majority of its 9146
members, may disband the county personnel department ~~and return to~~ 9147
~~the department of administrative services for the administration~~ 9148
~~of sections 124.01 to 124.64 and Chapter 325. of the Revised Code.~~ 9149
~~The board shall deliver a certified copy of the resolution to the~~ 9150
~~director of administrative services not later than ten working~~ 9151
~~days after the resolution is adopted, and the director shall~~ 9152
~~inform the board in a writing sent by certified mail of the date~~ 9153
~~of receipt of the copy of the resolution. Upon the director's~~ 9154
~~receipt of the copy of the resolution, all powers, duties, and~~ 9155
~~functions previously vested in and assigned to the county~~ 9156
~~personnel department shall return to the director.~~ 9157

(5) ~~When at least two years have passed since electing to use~~ 9158
~~the services and facilities of a county personnel department, an~~ 9159
Any elected official, board, agency, or appointing authority of a 9160
county may ~~return to the department of administrative services for~~ 9161
~~the administration of sections 124.01 to 124.64 and Chapter 325.~~ 9162
~~of the Revised Code. The elected official, board, agency, or~~ 9163
~~appointing authority shall send the director of administrative~~ 9164
~~services a certified copy of the resolution that states its~~ 9165
~~decision to return to the department of administrative services'~~ 9166
~~jurisdiction, and the director shall inform the elected official,~~ 9167
~~board, agency, or appointing authority in a writing sent by~~ 9168
~~certified mail of the date of receipt of the copy of the~~ 9169
~~resolution. Upon the director's receipt of the copy of the~~ 9170
~~resolution, all powers, duties, and functions previously vested in~~ 9171
~~and assigned to the county personnel department with respect to~~ 9172
~~the employees of that elected official, board, agency, or~~ 9173
~~appointing authority shall return to the director~~ end its 9174
involvement with a county personnel department upon actual receipt 9175

by the department of a certified copy of the notification that 9176
contains the decision to no longer participate. 9177

(6) The director of administrative services may, by rule 9178
adopted in accordance with Chapter 119. of the Revised Code, ~~shall~~ 9179
prescribe criteria and procedures for ~~granting to each county~~ 9180
~~personnel department the powers, duties, and functions of the~~ 9181
~~department of administrative services and the director as~~ 9182
~~described in division (G)(2) of this section with respect to the~~ 9183
~~employees of an elected official, board, agency, or other~~ 9184
~~appointing authority or co-appointing authority. The rules shall~~ 9185
~~cover the following criteria and procedures:~~ 9186

~~(a) The notification to the department of administrative~~ 9187
~~services that an elected official, board, agency, or other~~ 9188
~~appointing authority of a county has elected to use the services~~ 9189
~~and facilities of the county personnel department;~~the following: 9190

~~(b)~~(a) A requirement that each county personnel department, 9191
in carrying out its duties, adhere to merit system principles with 9192
regard to employees of county departments of job and family 9193
services, child support enforcement agencies, and public child 9194
welfare agencies so that there is no threatened loss of federal 9195
funding for these agencies, and a requirement that the county be 9196
financially liable to the state for any loss of federal funds due 9197
to the action or inaction of the county personnel department. The 9198
costs associated with audits conducted to monitor compliance with 9199
division (G)(6)~~(b)~~(a) of this section shall be ~~borne equally by~~ 9200
reimbursed to the department of administrative services ~~and the~~ 9201
~~county~~as determined by the director. All money the department 9202
receives for these audits shall be paid into the state treasury to 9203
the credit of the human resources fund created in section 124.07 9204
of the Revised Code. 9205

~~(c) The termination of services and facilities rendered by~~ 9206
~~the department of administrative services, to include rate~~ 9207

adjustments, time periods for termination, and other related matters; 9208
9209

(d)(b) Authorization for the director of administrative 9210
services to conduct periodic audits and reviews of county 9211
personnel departments to guarantee the uniform application of this 9212
~~granting of the director's~~ powers, duties, and functions exercised 9213
pursuant to division (G)(2)(a) of this section. The costs of the 9214
audits and reviews shall be ~~borne equally by~~ reimbursed to the 9215
department of administrative services and as determined by the 9216
director by the county for which the services are performed. All 9217
money the department receives shall be paid into the state 9218
treasury to the credit of the human resources fund created in 9219
section 124.07 of the Revised Code. 9220

~~(e) The dissemination of audit findings under division 9221
(G)(6)(d) of this section, any appeals process relating to adverse 9222
findings by the department, and the methods whereby the county 9223
personnel program will revert to the authority of the director of 9224
administrative services due to misuse or nonuniform application of 9225
the authority granted to the county under division (G)(2) or (3) 9226
of this section.~~ 9227

(H) The director of administrative services shall establish 9228
the rate and method of compensation for all employees who are paid 9229
directly by warrant of the director of budget and management and 9230
who are serving in positions that the director of administrative 9231
services has determined impracticable to include in the state job 9232
classification plan. This division does not apply to elected 9233
officials, legislative employees, employees of the legislative 9234
service commission, employees who are in the unclassified civil 9235
service and exempt from collective bargaining coverage in the 9236
office of the secretary of state, auditor of state, treasurer of 9237
state, and attorney general, employees of the courts, employees of 9238
the bureau of workers' compensation whose compensation the 9239

administrator of workers' compensation establishes under division 9240
(B) of section 4121.121 of the Revised Code, or employees of an 9241
appointing authority authorized by law to fix the compensation of 9242
those employees. 9243

(I) The director shall set the rate of compensation for all 9244
intermittent, seasonal, temporary, emergency, and casual employees 9245
in the service of the state who are not considered public 9246
employees under section 4117.01 of the Revised Code. Those 9247
employees are not entitled to receive employee benefits. This rate 9248
of compensation shall be equitable in terms of the rate of 9249
employees serving in the same or similar classifications. This 9250
division does not apply to elected officials, legislative 9251
employees, employees of the legislative service commission, 9252
employees who are in the unclassified civil service and exempt 9253
from collective bargaining coverage in the office of the secretary 9254
of state, auditor of state, treasurer of state, and attorney 9255
general, employees of the courts, employees of the bureau of 9256
workers' compensation whose compensation the administrator 9257
establishes under division (B) of section 4121.121 of the Revised 9258
Code, or employees of an appointing authority authorized by law to 9259
fix the compensation of those employees. 9260

Sec. 124.152. (A)(1) Except as provided in divisions (A)(2) 9261
and (3) of this section, each exempt employee shall be paid a 9262
salary or wage in accordance with schedule E-1 or schedule E-2 of 9263
division (B), ~~(C), or (D)~~ of this section, ~~as applicable~~. 9264

(2) Each exempt employee who holds a position in the 9265
unclassified civil service pursuant to division (A)(26) or (30) of 9266
section 124.11 of the Revised Code may be paid a salary or wage in 9267
accordance with schedule E-1, schedule E-1 for step seven only, or 9268
schedule E-2 of division (B), or ~~(C), (D), (E), (F), or (G)~~ of 9269
this section, as applicable. 9270

(3)(a) Except as provided in division (A)(3)(b) of this 9271

section, each exempt employee who was paid a salary or wage at
step 7 in the employee's pay range on June 28, 2003, in accordance
with the applicable schedule E-1 of former section 124.152 of the
Revised Code and who continued to be so paid on June 29, 2003,
shall be paid a salary or wage in the corresponding pay range in
schedule E-1 for step seven only of division ~~(E), (F), or (G)~~(C)
of this section, ~~as applicable~~, for as long as the employee
remains in the position the employee held as of July 1, 2003.

(b) Except as provided in division (A)(3)(c) of this section,
if an exempt employee who is being paid a salary or wage in
accordance with schedule E-1 for step seven only of division ~~(E),~~
~~(F), or (G)~~(C) of this section, ~~as applicable~~, moves to another
position, the employee shall not receive a salary or wage for
that position or any other position in the future in accordance
with that schedule.

(c) If an exempt employee who is being paid a salary or wage
in accordance with schedule E-1 for step seven only of division
~~(E), (F), or (G)~~(C) of this section, ~~as applicable~~, moves to
another position assigned to pay range 12 or above, the
appointing authority may assign the employee to be paid a salary
or wage in the appropriate pay range for that position in
accordance with the ~~applicable~~ schedule E-1 for step seven only
of division (C) of this section, provided that the appointing
authority so notifies the director of administrative services in
writing at the time the employee is appointed to that position.

~~(B) Beginning on the first day of the pay period that
includes July 1, 2006, each exempt employee who must be paid in
accordance with schedule E-1 or schedule E-2 of this section shall
be paid a salary or wage in accordance with the following schedule
of rates:~~

~~Schedule E-1~~

Pay Ranges and Step Values

9303

		Step	Step	Step	Step	Step	Step	9304
	Range	1	2	3	4	5	6	9305
1	Hourly	9.40	9.82	10.24	10.68			9306
	Annually	19552	20426	21299	22214			9307
2	Hourly	11.40	11.88	12.40	12.94			9308
	Annually	23712	24710	25792	26915			9309
3	Hourly	11.94	12.48	13.03	13.60			9310
	Annually	24835	25958	27102	28288			9311
4	Hourly	12.54	13.10	13.72	14.34			9312
	Annually	26083	27248	28538	29827			9313
5	Hourly	13.15	13.75	14.34	14.97			9314
	Annually	27352	28600	29827	31138			9315
6	Hourly	13.86	14.43	15.07	15.69			9316
	Annually	28829	30014	31346	32635			9317
7	Hourly	14.72	15.27	15.88	16.44	17.08		9318
	Annually	30618	31762	33030	34195	35526		9319
8	Hourly	15.56	16.24	16.95	17.71	18.46		9320
	Annually	32365	33779	35256	36837	38397		9321
9	Hourly	16.60	17.46	18.32	19.23	20.21		9322
	Annually	34528	36317	38106	39998	42037		9323
10	Hourly	17.91	18.89	19.90	21.05	22.18		9324
	Annually	37253	39291	41392	43784	46134		9325
11	Hourly	19.50	20.64	21.84	23.06	24.38		9326
	Annually	40560	42931	45427	47965	50710		9327
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	9328
	Annually	44741	47258	49795	52562	55494	58510	9329
13	Hourly	23.71	25.01	26.39	27.80	29.36	30.96	9330
	Annually	49317	52021	54891	57824	61069	64397	9331
14	Hourly	26.08	27.55	29.03	30.62	32.35	34.15	9332
	Annually	54246	57304	60382	63690	67288	71032	9333
15	Hourly	28.64	30.25	31.96	33.72	35.59	37.55	9334

	Annually	59571	62920	66477	70138	74027	78104	9335
16	Hourly	31.58	33.33	35.17	37.14	39.19	41.43	9336
	Annually	65686	69326	73154	77251	81515	86174	9337
17	Hourly	34.80	36.72	38.78	40.92	43.20	45.61	9338
	Annually	72384	76378	80662	85114	89856	94869	9339
18	Hourly	38.35	40.47	42.75	45.10	47.60	50.26	9340
	Annually	79768	84178	88920	93808	99008	104541	9341

Schedule E-2	9342

	Range	Minimum	Maximum	9343
41	Hourly	16.23	34.77	9344
	Annually	33758	72322	9345
42	Hourly	17.89	38.41	9346
	Annually	37211	79893	9347
43	Hourly	19.70	42.30	9348
	Annually	40976	87984	9349
44	Hourly	21.73	46.21	9350
	Annually	45198	96117	9351
45	Hourly	24.01	50.44	9352
	Annually	49941	104915	9353
46	Hourly	26.43	55.13	9354
	Annually	54974	114670	9355
47	Hourly	29.14	60.16	9356
	Annually	60611	125133	9357
48	Hourly	32.14	65.65	9358
	Annually	66851	136552	9359
49	Hourly	35.44	70.89	9360
	Annually	73715	147451	9361

(C) Beginning on the first day of the pay period that	9362
includes July 1, 2007, each exempt employee who must be paid in	9363
accordance with schedule E-1 or schedule E-2 of this section shall	9364
be paid a salary or wage in accordance with the following schedule	9365

of rates: 9366

Schedule E-1 9367

Pay Ranges and Step Values 9368

		Step	Step	Step	Step	Step	Step	9369
	Range	1	2	3	4	5	6	9370
1	Hourly	9.73	10.16	10.60	11.05			9371
	Annually	20238	21133	22048	22984			9372
2	Hourly	11.80	12.30	12.83	13.39			9373
	Annually	24544	25584	26686	27851			9374
3	Hourly	12.36	12.92	13.49	14.08			9375
	Annually	25709	26874	28059	29286			9376
4	Hourly	12.98	13.56	14.20	14.84			9377
	Annually	26998	28205	29536	30867			9378
5	Hourly	13.61	14.23	14.84	15.49			9379
	Annually	28309	29598	30867	32219			9380
6	Hourly	14.35	14.94	15.60	16.24			9381
	Annually	29848	31075	32448	33779			9382
7	Hourly	15.24	15.80	16.44	17.02	17.68		9383
	Annually	31699	32864	34195	35402	36774		9384
8	Hourly	16.10	16.81	17.54	18.33	19.11		9385
	Annually	33488	34965	36483	38126	39749		9386
9	Hourly	17.18	18.07	18.96	19.90	20.92		9387
	Annually	35734	37586	39437	41392	43514		9388
10	Hourly	18.54	19.55	20.60	21.79	22.96		9389
	Annually	38563	40664	42848	45323	47757		9390
11	Hourly	20.18	21.36	22.60	23.87	25.23		9391
	Annually	41974	44429	47008	49650	52478		9392
12	Hourly	22.26	23.52	24.78	26.15	27.61	29.11	9393
	Annually	46301	48922	51542	54392	57429	60549	9394
13	Hourly	24.54	25.89	27.31	28.77	30.39	32.04	9395

	Annually	51043	53851	56805	59842	63211	66643	9396
14	Hourly	26.99	28.51	30.05	31.69	33.48	35.35	9397
	Annually	56139	59301	62504	65915	69638	73528	9398
15	Hourly	29.64	31.31	33.08	34.90	36.84	38.86	9399
	Annually	61651	65125	68806	72592	76627	80829	9400
16	Hourly	32.69	34.50	36.40	38.44	40.56	42.88	9401
	Annually	67995	71760	75712	79955	84365	89190	9402
17	Hourly	36.02	38.01	40.14	42.35	44.71	47.21	9403
	Annually	74922	79061	83491	88088	92997	98197	9404
18	Hourly	39.69	41.89	44.25	46.68	49.27	52.02	9405
	Annually	82555	87131	92040	97094	102482	108202	9406

Schedule E-2 9407

	Range	Minimum	Maximum	9408
41	Hourly	16.23	35.99	9409
	Annually	33758	74859	9410
42	Hourly	17.89	39.75	9411
	Annually	37211	82680	9412
43	Hourly	19.70	43.78	9413
	Annually	40976	91062	9414
44	Hourly	21.73	47.83	9415
	Annually	45198	99486	9416
45	Hourly	24.01	52.21	9417
	Annually	49941	108597	9418
46	Hourly	26.43	57.06	9419
	Annually	54974	118685	9420
47	Hourly	29.14	62.27	9421
	Annually	60611	129522	9422
48	Hourly	32.14	67.95	9423
	Annually	66851	141336	9424
49	Hourly	35.44	73.37	9425
	Annually	73715	152610	9426

(D) Beginning on the first day of the pay period that includes July 1, 2008, each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates:

Schedule E-1

Pay Ranges and Step Values

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	10.07	10.52	10.97	11.44			
	Annually	20946	21882	22818	23795			
2	Hourly	12.21	12.73	13.28	13.86			
	Annually	25397	26478	27622	28829			
3	Hourly	12.79	13.37	13.96	14.57			
	Annually	26603	27810	29037	30306			
4	Hourly	13.43	14.03	14.70	15.36			
	Annually	27934	29182	30576	31949			
5	Hourly	14.09	14.73	15.36	16.03			
	Annually	29307	30638	31949	33342			
6	Hourly	14.85	15.46	16.15	16.81			
	Annually	30888	32157	33592	34965			
7	Hourly	15.77	16.35	17.02	17.62	18.30		
	Annually	32802	34008	35402	36650	38064		
8	Hourly	16.66	17.40	18.15	18.97	19.78		
	Annually	34653	36192	37752	39458	41142		
9	Hourly	17.78	18.70	19.62	20.60	21.65		
	Annually	36982	38896	40810	42848	45032		
10	Hourly	19.19	20.23	21.32	22.55	23.76		
	Annually	39915	42078	44346	46904	49421		
11	Hourly	20.89	22.11	23.39	24.71	26.11		

	Annually	43451	45989	48651	51397	54309		9457
12	Hourly	23.04	24.34	25.65	27.07	28.58	30.13	9458
	Annually	47923	50627	53352	56306	59446	62670	9459
13	Hourly	25.40	26.80	28.27	29.78	31.45	33.16	9460
	Annually	52832	55744	58802	61942	65416	68973	9461
14	Hourly	27.93	29.51	31.10	32.80	34.65	36.59	9462
	Annually	58094	61381	64688	68224	72072	76107	9463
15	Hourly	30.68	32.41	34.24	36.12	38.13	40.22	9464
	Annually	63814	67413	71219	75130	79310	83658	9465
16	Hourly	33.83	35.71	37.67	39.79	41.98	44.38	9466
	Annually	70366	74277	78354	82763	87318	92310	9467
17	Hourly	37.28	39.34	41.54	43.83	46.27	48.86	9468
	Annually	77542	81827	86403	91166	96242	101629	9469
18	Hourly	41.08	43.36	45.80	48.31	50.99	53.84	9470
	Annually	85446	90189	95264	100485	106059	111987	9471
Schedule E-2								9472

	Range	Minimum	Maximum	9473
41	Hourly	16.23	37.25	9474
	Annually	33758	77480	9475
42	Hourly	17.89	41.14	9476
	Annually	37211	85571	9477
43	Hourly	19.70	45.31	9478
	Annually	40976	94245	9479
44	Hourly	21.73	49.50	9480
	Annually	45198	102960	9481
45	Hourly	24.01	54.04	9482
	Annually	49941	112403	9483
46	Hourly	26.43	59.06	9484
	Annually	54974	122845	9485
47	Hourly	29.14	64.45	9486
	Annually	60611	134056	9487
48	Hourly	32.14	70.33	9488

	Annually	66851	146286	9489
49	Hourly	35.44	75.94	9490
	Annually	73715	157955	9491

~~(E) Beginning on the first day of the pay period that~~ 9492
~~includes July 1, 2006, each exempt employee who must be paid in~~ 9493
~~accordance with schedule E-1 for step seven only shall be paid a~~ 9494
~~salary or wage in accordance with the following schedule of rates:~~ 9495

~~Schedule E-1 for Step Seven Only~~ 9496

Pay Ranges and Step Seven Values 9497

	Range		9498
12	Hourly	29.68	9499
	Annually	61734	9500
13	Hourly	32.66	9501
	Annually	67933	9502
14	Hourly	36.01	9503
	Annually	74901	9504
15	Hourly	39.61	9505
	Annually	82389	9506
16	Hourly	43.70	9507
	Annually	90896	9508
17	Hourly	48.13	9509
	Annually	100110	9510
18	Hourly	53.02	9511
	Annually	110282	9512

~~(F) Beginning on the first day of the pay period that~~ 9513
~~includes July 1, 2007, each exempt employee who must be paid in~~ 9514
~~accordance with schedule E-1 for step seven only shall be paid a~~ 9515
~~salary or wage in accordance with the following schedule of rates:~~ 9516

Schedule E-1 for Step Seven Only 9517

Pay Ranges and Step Values 9518

	Range		9519
12	Hourly	30.72	9520
	Annually	63898	9521
13	Hourly	33.80	9522
	Annually	70304	9523
14	Hourly	37.27	9524
	Annually	77522	9525
15	Hourly	41.00	9526
	Annually	85280	9527
16	Hourly	45.23	9528
	Annually	94078	9529
17	Hourly	49.81	9530
	Annually	103605	9531
18	Hourly	54.88	9532
	Annually	114150	9533

(G)(C) Beginning on the first day of the pay period that 9534
includes July 1, 2008, each exempt employee who must be paid in 9535
accordance with salary schedule E-1 for step seven only shall be 9536
paid a salary or wage in accordance with the following schedule of 9537
rates: 9538

Schedule E-1 for Step Seven Only 9539

Pay Ranges and Step Values 9540

	Range		9541
12	Hourly	31.80	9542

	Annually	66144	9543
13	Hourly	34.98	9544
	Annually	72758	9545
14	Hourly	38.57	9546
	Annually	80226	9547
15	Hourly	42.44	9548
	Annually	88275	9549
16	Hourly	46.81	9550
	Annually	97365	9551
17	Hourly	51.55	9552
	Annually	107224	9553
18	Hourly	56.80	9554
	Annually	118144	9555

(H)(D) As used in this section, "exempt employee" means a permanent full-time or permanent part-time employee paid directly by warrant of the director of budget and management whose position is included in the job classification plan established under division (A) of section 124.14 of the Revised Code but who is not considered a public employee for the purposes of Chapter 4117. of the Revised Code. As used in this section, "exempt employee" also includes a permanent full-time or permanent part-time employee of the secretary of state, auditor of state, treasurer of state, or attorney general who has not been placed in an appropriate bargaining unit by the state employment relations board.

Sec. 124.181. (A) Except as provided in ~~division~~divisions (M) and (P) of this section, any employee paid in accordance with schedule B of section 124.15 or schedule E-1 or schedule E-1 for step seven only of section 124.152 of the Revised Code is eligible for the pay supplements provided in this section upon application by the appointing authority substantiating the employee's qualifications for the supplement and with the approval of the director of administrative services except as provided in division (E) of this section.

(B)(1) Except as provided in section 124.183 of the Revised Code, in computing any of the pay supplements provided in this section for an employee paid in accordance with schedule B of section 124.15 of the Revised Code, the classification salary base shall be the minimum hourly rate of the pay range, provided in that section, in which the employee is assigned at the time of computation.

(2) Except as provided in section 124.183 of the Revised Code, in computing any of the pay supplements provided in this section for an employee paid in accordance with schedule E-1 of section 124.152 of the Revised Code, the classification salary base shall be the minimum hourly rate of the pay range, provided in that section, in which the employee is assigned at the time of computation.

(3) Except as provided in section 124.183 of the Revised Code, in computing any of the pay supplements provided in this section for an employee paid in accordance with schedule E-1 for step seven only of section 124.152 of the Revised Code, the classification salary base shall be the minimum hourly rate in the corresponding pay range, provided in schedule E-1 of that section, to which the employee is assigned at the time of the computation.

(C) The effective date of any pay supplement, except as provided in section 124.183 of the Revised Code or unless otherwise provided in this section, shall be determined by the director.

(D) The director shall, by rule, establish standards regarding the administration of this section.

(E)(1) Except as otherwise provided in this division, beginning on the first day of the pay period within which the employee completes five years of total service with the state

government or any of its political subdivisions, each employee in 9606
positions paid in accordance with schedule B of section 124.15 of 9607
the Revised Code or in accordance with schedule E-1 or schedule 9608
E-1 for step seven only of section 124.152 of the Revised Code 9609
shall receive an automatic salary adjustment equivalent to two and 9610
one-half per cent of the classification salary base, to the 9611
nearest whole cent. Each employee shall receive thereafter an 9612
annual adjustment equivalent to one-half of one per cent of the 9613
employee's classification salary base, to the nearest whole cent, 9614
for each additional year of qualified employment until a maximum 9615
of ten per cent of the employee's classification salary base is 9616
reached. The granting of longevity adjustments shall not be 9617
affected by promotion, demotion, or other changes in 9618
classification held by the employee, nor by any change in pay 9619
range for the employee's class or grade. Longevity pay adjustments 9620
shall become effective at the beginning of the pay period within 9621
which the employee completes the necessary length of service, 9622
except that when an employee requests credit for prior service, 9623
the effective date of the prior service credit and of any 9624
longevity adjustment shall be the first day of the pay period 9625
following approval of the credit by the director of administrative 9626
services. No employee, other than an employee who submits proof of 9627
prior service within ninety days after the date of the employee's 9628
hiring, shall receive any longevity adjustment for the period 9629
prior to the director's approval of a prior service credit. Time 9630
spent on authorized leave of absence shall be counted for this 9631
purpose. 9632

(2) An employee who has retired in accordance with the 9633
provisions of any retirement system offered by the state and who 9634
is employed by the state or any political subdivision of the state 9635
on or after June 24, 1987, shall not have prior service with the 9636
state or any political subdivision of the state counted for the 9637
purpose of determining the amount of the salary adjustment 9638
provided under this division. 9639

(3) There shall be a moratorium on employees' receipt under this division of credit for service with the state government or any of its political subdivisions during the period from July 1, 2003, through June 30, 2005. In calculating the number of years of total service under this division, no credit shall be included for service during the moratorium. The moratorium shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before July 1, 2003.

If an employee is exempt from the moratorium, receives credit for a period of service during the moratorium, and takes a position with another entity in the state government or any of its political subdivisions, either during or after the moratorium, and if that entity's employees are or were subject to the moratorium, the employee shall continue to retain the credit. However, if the moratorium is in effect upon the taking of the new position, the employee shall cease receiving additional credit as long as the employee is in the position, until the moratorium expires.

(F) When an exceptional condition exists that creates a temporary or a permanent hazard for one or more positions in a class paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 or schedule E-1 for step seven only of section 124.152 of the Revised Code, a special hazard salary adjustment may be granted for the time the employee is subjected to the hazardous condition. All special hazard conditions shall be identified for each position and incidence from information submitted to the director on an appropriate form provided by the director and categorized into

standard conditions of: some unusual hazard not common to the 9672
class; considerable unusual hazard not common to the class; and 9673
exceptional hazard not common to the class. 9674

(1) A hazardous salary adjustment of five per cent of the 9675
employee's classification salary base may be applied in the case 9676
of some unusual hazardous condition not common to the class for 9677
those hours worked, or a fraction of those hours worked, while the 9678
employee was subject to the unusual hazard condition. 9679

(2) A hazardous salary adjustment of seven and one-half per 9680
cent of the employee's classification salary base may be applied 9681
in the case of some considerable hazardous condition not common to 9682
the class for those hours worked, or a fraction of those hours 9683
worked, while the employee was subject to the considerable hazard 9684
condition. 9685

(3) A hazardous salary adjustment of ten per cent of the 9686
employee's classification salary base may be applied in the case 9687
of some exceptional hazardous condition not common to the class 9688
for those hours worked, or a fraction of those hours worked, when 9689
the employee was subject to the exceptional hazard condition. 9690

(4) Each claim for temporary hazard pay shall be submitted as 9691
a separate payment and shall be subject to an administrative audit 9692
by the director as to the extent and duration of the employee's 9693
exposure to the hazardous condition. 9694

(G) When a full-time employee whose salary or wage is paid 9695
directly by warrant of the director of budget and management and 9696
who also is eligible for overtime under the "Fair Labor Standards 9697
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 9698
ordered by the appointing authority to report back to work after 9699
termination of the employee's regular work schedule and the 9700
employee reports, the employee shall be paid for such time. The 9701
employee shall be entitled to four hours at the employee's total 9702

rate of pay or overtime compensation for the actual hours worked, 9703
whichever is greater. This division does not apply to work that is 9704
a continuation of or immediately preceding an employee's regular 9705
work schedule. 9706

(H) When a certain position or positions paid in accordance 9707
with schedule B of section 124.15 of the Revised Code or in 9708
accordance with schedule E-1 or schedule E-1 for step seven only 9709
of section 124.152 of the Revised Code require the ability to 9710
speak or write a language other than English, a special pay 9711
supplement may be granted to attract bilingual individuals, to 9712
encourage present employees to become proficient in other 9713
languages, or to retain qualified bilingual employees. The 9714
bilingual pay supplement provided in this division may be granted 9715
in the amount of five per cent of the employee's classification 9716
salary base for each required foreign language and shall remain in 9717
effect as long as the bilingual requirement exists. 9718

(I) The director of administrative services may establish a 9719
shift differential for employees. The differential shall be paid 9720
to employees in positions working in other than the regular or 9721
first shift. In those divisions or agencies where only one shift 9722
prevails, no shift differential shall be paid regardless of the 9723
hours of the day that are worked. The director and the appointing 9724
authority shall designate which positions shall be covered by this 9725
division. 9726

(J) Whenever an employee is assigned to work in a higher 9727
level position for a continuous period of more than two weeks but 9728
no more than two years because of a vacancy, the employee's pay 9729
may be established at a rate that is approximately four per cent 9730
above the employee's current base rate for the period the employee 9731
occupies the position, provided that this temporary occupancy is 9732
approved by the director. Employees paid under this division shall 9733
continue to receive any of the pay supplements due them under 9734

other divisions of this section based on the step one base rate 9735
for their normal classification. 9736

(K) If a certain position, or positions, within a class paid 9737
in accordance with schedule B of section 124.15 of the Revised 9738
Code or in accordance with schedule E-1 or schedule E-1 for step 9739
seven only of section 124.152 of the Revised Code are mandated by 9740
state or federal law or regulation or other regulatory agency or 9741
other certification authority to have special technical 9742
certification, registration, or licensing to perform the functions 9743
which are under the mandate, a special professional achievement 9744
pay supplement may be granted. This special professional 9745
achievement pay supplement shall not be granted when all 9746
incumbents in all positions in a class require a license as 9747
provided in the classification description published by the 9748
department of administrative services; to licensees where no 9749
special or extensive training is required; when certification is 9750
granted upon completion of a stipulated term of in-service 9751
training; when an appointing authority has required certification; 9752
or any other condition prescribed by the director. 9753

(1) Before this supplement may be applied, evidence as to the 9754
requirement must be provided by the agency for each position 9755
involved, and certification must be received from the director as 9756
to the director's concurrence for each of the positions so 9757
affected. 9758

(2) The professional achievement pay supplement provided in 9759
this division shall be granted in an amount up to ten per cent of 9760
the employee's classification salary base and shall remain in 9761
effect as long as the mandate exists. 9762

(L) Those employees assigned to teaching supervisory, 9763
principal, assistant principal, or superintendent positions who 9764
have attained a higher educational level than a basic bachelor's 9765
degree may receive an educational pay supplement to remain in 9766

effect as long as the employee's assignment and classification remain the same.	9767 9768
(1) An educational pay supplement of two and one-half per cent of the employee's classification salary base may be applied upon the achievement of a bachelor's degree plus twenty quarter hours of postgraduate work.	9769 9770 9771 9772
(2) An educational pay supplement of an additional five per cent of the employee's classification salary base may be applied upon achievement of a master's degree.	9773 9774 9775
(3) An educational pay supplement of an additional two and one-half per cent of the employee's classification salary base may be applied upon achievement of a master's degree plus thirty quarter hours of postgraduate work.	9776 9777 9778 9779
(4) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a master teacher.	9780 9781 9782
(5) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a special education teacher.	9783 9784 9785
(6) Those employees in teaching supervisory, principal, assistant principal, or superintendent positions who are responsible for specific extracurricular activity programs shall receive overtime pay for those hours worked in excess of their normal schedule, at their straight time hourly rate up to a maximum of five per cent of their regular base salary in any calendar year.	9786 9787 9788 9789 9790 9791 9792
(M)(1) A state agency, board, or commission may establish a supplementary compensation schedule for those licensed physicians employed by the agency, board, or commission in positions	9793 9794 9795

requiring a licensed physician. The supplementary compensation 9796
schedule, together with the compensation otherwise authorized by 9797
this chapter, shall provide for the total compensation for these 9798
employees to range appropriately, but not necessarily uniformly, 9799
for each classification title requiring a licensed physician, in 9800
accordance with a schedule approved by the state controlling 9801
board. The individual salary levels recommended for each such 9802
physician employed shall be approved by the director. 9803
Notwithstanding section 124.11 of the Revised Code, such personnel 9804
are in the unclassified civil service. 9805

(2) The director of administrative services may approve 9806
supplementary compensation for the director of health, if the 9807
director is a licensed physician, in accordance with a 9808
supplementary compensation schedule approved under division (M)(1) 9809
of this section or in accordance with another supplementary 9810
compensation schedule the director of administrative services 9811
considers appropriate. The supplementary compensation shall not 9812
exceed twenty per cent of the director of health's base rate of 9813
pay. 9814

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 9815
117.42, and 131.02 of the Revised Code, the state shall not 9816
institute any civil action to recover and shall not seek 9817
reimbursement for overpayments made in violation of division (E) 9818
of this section or division (C) of section 9.44 of the Revised 9819
Code for the period starting after June 24, 1987, and ending on 9820
October 31, 1993. 9821

(O) Employees of the office of the treasurer of state who are 9822
exempt from collective bargaining coverage may be granted a merit 9823
pay supplement of up to one and one-half per cent of their step 9824
rate. The rate at which this supplement is granted shall be based 9825
on performance standards established by the treasurer of state. 9826
Any supplements granted under this division shall be administered 9827

on an annual basis. 9828

(P) Intermittent employees appointed under section 124.30 of 9829
the Revised Code are not eligible for the pay supplements 9830
provided by this section. 9831

(Q) Employees of the office of the auditor of state who are 9832
exempt from collective bargaining and who are paid in accordance 9833
with schedule E-1 or in accordance with schedule E-1 for step 7 9834
only and are paid a salary or wage in accordance with the schedule 9835
of rates in division (B) or (C) of section 124.152 of the Revised 9836
Code shall receive a reduction of two per cent in their hourly and 9837
annual pay calculation beginning with the pay period that 9838
immediately follows July 1, 2009. 9839

Sec. 124.183. (A) As used in this section, "active payroll" 9840
means ~~when an employee is actively working; on military, workers'~~ 9841
~~compensation, occupational injury, or disability leave; or on an~~ 9842
~~approved leave of absence~~conditions under which an employee is in 9843
active pay status or eligible to receive pay for an approved leave 9844
of absence including, but not limited to, occupational injury 9845
leave, disability leave, or workers' compensation. 9846

~~(B)(1) Each permanent employee paid in accordance with~~ 9847
~~schedule E-1 of section 124.152 of the Revised Code who was~~ 9848
~~appointed on or before March 6, 2003, and remains continuously on~~ 9849
~~the active payroll through November 14, 2004, shall receive a~~ 9850
~~one-time pay supplement. The supplement shall be a two per cent~~ 9851
~~lump-sum payment that is based on the annualization of the top~~ 9852
~~step of the pay range in schedule E-1 that the employee is in on~~ 9853
~~November 14, 2004.~~ 9854

~~(2) Each permanent employee paid in accordance with schedule~~ 9855
~~E-1 for step seven only of section 124.152 of the Revised Code who~~ 9856
~~was appointed on or before March 6, 2003, and remains continuously~~ 9857
~~on the active payroll through November 14, 2004, shall receive a~~ 9858

~~one-time pay supplement. The supplement shall be a two per cent lump sum payment that is based on the annualization of step 6 of the pay range in schedule E-1 of section 124.152 of the Revised Code that corresponds with the pay range in schedule E-1 for step seven only that the employee is in on November 14, 2004.~~

~~(3) Each permanent employee paid under schedule E-2 of section 124.152 of the Revised Code who was appointed on or before March 6, 2003, and remains continuously on the active payroll through November 14, 2004, shall receive a one-time pay supplement. The supplement shall be a two per cent lump sum payment that is based upon the annualization of the maximum hourly rate of the pay range in schedule E-2 that the employee is in on November 14, 2004.~~

~~(C) Each permanent employee who is exempt from collective bargaining, is not covered by division (B) of this section, was appointed on or before March 6, 2003, and remains continuously on the active payroll through November 14, 2004, shall receive a one-time pay supplement. The supplement shall be a two per cent lump sum payment that is based upon the annualization of the base rate of the employee's pay on November 14, 2004.~~

~~(D) A part-time employee who is eligible to receive a one-time pay supplement under division (B) or (C) of this section shall have the employee's one-time pay supplement pro-rated based on the number of hours worked in the twenty-six pay periods prior to November 14, 2004.~~

~~An employee who is eligible to receive a one-time pay supplement under division (B) or (C) of this section and was on a voluntary leave of absence shall have the employee's one-time pay supplement pro-rated based on the number of hours worked in the twenty-six pay periods prior to November 14, 2004.~~

~~(E) A one-time pay supplement under this section shall be~~

paid in the employee's first paycheck in December of 2004. 9890

~~(F)~~This section applies only to employees who are eligible 9891
to receive personal leave under section 124.138 or 124.386 of the 9892
Revised Code, except as otherwise provided in division (E) of 9893
this section. 9894

(C)(1) Employees who are in active payroll status on July 30, 9895
2011, shall receive a one-time pay supplement in the earnings 9896
statements they receive on August 26, 2011. Full-time employees 9897
shall receive the lesser of either a one-time pay supplement 9898
equivalent to thirty-two hours of personal leave or a one-time 9899
pay supplement equivalent to half the hours of personal leave the 9900
employee lost during the moratorium established under either 9901
division (A) of section 124.386 of the Revised Code or pursuant 9902
to a rule of the director of administrative services. Part-time 9903
employees shall receive a one-time pay supplement equivalent to 9904
sixteen hours of personal leave. 9905

(2) Employees who are not in active payroll status on July 9906
30, 2011, due to military leave or an absence taken under the 9907
federal Family and Medical Leave Act are eligible to receive the 9908
one-time pay supplement. 9909

(D) Notwithstanding any provision of law to the contrary, a 9910
one-time pay supplement under this section shall not be subject to 9911
withholding for deposit into any state retirement system. 9912
Notwithstanding any provision of law to the contrary, a one-time 9913
pay supplement under this section shall not be used for 9914
calculation purposes in determining an employee's retirement 9915
benefits in any state retirement system. 9916

~~(G)(1) This section does not apply to employees of the~~ 9917
~~general assembly, legislative agencies, or the supreme court.~~ 9918

~~(2)~~(E) This section does not apply to employees of the 9919

supreme court, the general assembly, the legislative service 9920
commission, the secretary of state, the auditor of state, the 9921
treasurer of state, or the attorney general unless the supreme 9922
court, the general assembly, the legislative service commission, 9923
the secretary of state, the auditor of state, the treasurer of 9924
state, or the attorney general decides that the office's 9925
employees should be eligible for the one-time pay supplement and 9926
so notifies participated in the moratorium under division (H) or 9927
(I) of section 124.386 of the Revised Code and notifies the 9928
director of administrative services in writing on or before July 9929
1, 2004 June 1, 2011, of the decision to participate in the 9930
one-time pay supplement. Written notice under this division shall 9931
be signed by the appointing authority for employees of the supreme 9932
court, general assembly, or legislative service commission, as the 9933
case may be. 9934

Sec. 124.22. Rules establishing educational requirements as 9935
a condition of taking a civil service examination shall only be 9936
adopted with respect to positions for which educational 9937
requirements are expressly imposed by a section of the Revised 9938
Code or federal requirements or for which the director determines 9939
that the educational requirements are job-related. An applicant 9940
for a civil service examination must be a United States citizen or 9941
have ~~legally declared the intention of becoming a United States~~ 9942
~~citizen~~ a valid permanent resident card. 9943

Sec. 124.23. (A) All applicants for positions and places in 9944
the classified service shall be subject to examination, except for 9945
applicants for positions as professional or certified service and 9946
paraprofessional employees of county boards of mental retardation 9947
and developmental disabilities, who shall be hired in the manner 9948
provided in section 124.241 of the Revised Code. 9949

(B) Any examination administered under this section shall be 9950
public and be open to all citizens of the United States and those 9951

persons who have legally declared their intentions of becoming 9952
United States citizens, ~~within certain limitations to be~~ 9953
~~determined by.~~ For examinations administered for positions in the 9954
service of the state, the director of administrative services may 9955
determine certain limitations as to citizenship, age, experience, 9956
education, health, habit, and moral character. ~~Any~~ 9957

(C) Any person who has completed service in the uniformed 9958
services, who has been honorably discharged from the uniformed 9959
services or transferred to the reserve with evidence of 9960
satisfactory service, and who is a resident of this state and any 9961
member of the national guard or a reserve component of the armed 9962
forces of the United States who has completed more than one 9963
hundred eighty days of active duty service pursuant to an 9964
executive order of the president of the United States or an act of 9965
the congress of the United States may file with the director a 9966
certificate of service or honorable discharge, and, upon this 9967
filing, the person shall receive additional credit of twenty per 9968
cent of the person's total grade given in the regular examination 9969
in which the person receives a passing grade. 9970

As used in this division, "service in the uniformed services" 9971
and "uniformed services" have the same meanings as in the 9972
"Uniformed Services Employment and Reemployment Rights Act of 9973
1994," 108 Stat. 3149, 38 U.S.C.A. 4303. 9974

~~(C)~~(D) An examination may include an evaluation of such 9975
factors as education, training, capacity, knowledge, manual 9976
dexterity, and physical or psychological fitness. An examination 9977
shall consist of one or more tests in any combination. Tests may 9978
be written, oral, physical, demonstration of skill, or an 9979
evaluation of training and experiences and shall be designed to 9980
fairly test the relative capacity of the persons examined to 9981
discharge the particular duties of the position for which 9982
appointment is sought. Tests may include structured interviews, 9983

assessment centers, work simulations, examinations of knowledge,	9984
skills, and abilities, and any other acceptable testing methods.	9985
If minimum or maximum requirements are established for any	9986
examination, they shall be specified in the examination	9987
announcement.	9988
 (~~D~~)(E) The director of administrative services shall have	9989
control of all examinations <u>administered for positions in the</u>	9990
<u>service of the state and all other examinations the director</u>	9991
<u>administers as provided in section 124.07 of the Revised Code,</u>	9992
except as otherwise provided in sections 124.01 to 124.64 of the	9993
Revised Code. ~~No~~	9994
 (F) <u>No</u> questions in any examination shall relate to	9995
political or religious opinions or affiliations. No credit for	9996
seniority, efficiency, or any other reason shall be added to an	9997
applicant's examination grade unless the applicant achieves at	9998
least the minimum passing grade on the examination without	9999
counting that extra credit.	10000
 (~~E~~)(G) Except as otherwise provided in sections 124.01 to	10001
124.64 of the Revised Code, the director of administrative	10002
services shall give reasonable notice of the time, place, and	10003
general scope of every competitive examination for appointment ~~to~~	10004
~~a position in the civil service~~ <u>that the director administers for</u>	10005
<u>positions in the service of the state.</u> The director shall send	10006
written, printed, or electronic notices of every examination to	10007
be conducted <u>for positions</u> in the ~~state~~ classified <u>civil</u> service	10008
<u>of the state</u> to each agency of the type the director of job and	10009
family services specifies and, in the case of a county in which no	10010
such agency is located, to the clerk of the court of common pleas	10011
of that county and to the clerk of each city located within that	10012
county. Those notices shall be posted in conspicuous public places	10013
in the designated agencies or the courthouse, and city hall of	10014
the cities, of the counties in which no designated agency is	10015

located for at least two weeks preceding any examination 10016
involved, and in a conspicuous place in the office of the director 10017
of administrative services for at least two weeks preceding any 10018
examination involved. In case of examinations limited by the 10019
director to a district, county, city, or department, the director 10020
shall provide by rule for adequate publicity of an examination in 10021
the district, county, city, or department within which competition 10022
is permitted. 10023

Sec. 124.27. (A) The head of a department, office, or 10024
institution, in which a position in the classified service is to 10025
be filled, shall notify the director of administrative services of 10026
the fact, and the director shall, except as otherwise provided in 10027
this section and sections 124.30 and 124.31 of the Revised Code, 10028
certify to the appointing authority the names and addresses of the 10029
ten candidates standing highest on the eligible list for the class 10030
or grade to which the position belongs, except that the director 10031
may certify less than ten names if ten names are not available. 10032
When less than ten names are certified to an appointing authority, 10033
appointment from that list shall not be mandatory. When a position 10034
in the classified service in the department of mental health or 10035
the department of mental retardation and developmental 10036
disabilities is to be filled, the director of administrative 10037
services shall make such certification to the appointing authority 10038
within seven working days of the date the eligible list is 10039
requested. 10040

(B) The appointing authority shall notify the director of a 10041
position in the classified service to be filled, and the 10042
appointing authority shall fill the vacant position by appointment 10043
of one of the ten persons certified by the director. If more than 10044
one position is to be filled, the director may certify a group of 10045
names from the eligible list, and the appointing authority shall 10046
appoint in the following manner: beginning at the top of the list, 10047
each time a selection is made, it must be from one of the first 10048

ten candidates remaining on the list who is willing to accept 10049
consideration for the position. If an eligible list becomes 10050
exhausted, and until a new list can be created, or when no 10051
eligible list for a position exists, names may be certified from 10052
eligible lists most appropriate for the group or class in which 10053
the position to be filled is classified. A person who is certified 10054
from an eligible list more than three times to the same appointing 10055
authority for the same or similar positions may be omitted from 10056
future certification to that appointing authority, provided that 10057
certification for a temporary appointment shall not be counted as 10058
one of those certifications. Every person who qualifies for 10059
veteran's preference under section 124.23 of the Revised Code, who 10060
is a resident of this state, and whose name is on the eligible 10061
list for a position shall be entitled to preference in original 10062
appointments to any such competitive position in the civil service 10063
of the state and its civil divisions over all other persons 10064
eligible for those appointments and standing on the relevant 10065
eligible list with a rating equal to that of the person qualifying 10066
for veteran's preference. Appointments to all positions in the 10067
classified service, that are not filled by promotion, transfer, or 10068
reduction, as provided in sections 124.01 to 124.64 of the Revised 10069
Code and the rules of the director prescribed under those 10070
sections, shall be made only from those persons whose names are 10071
certified to the appointing authority, and no employment, except 10072
as provided in those sections, shall be otherwise given in the 10073
classified service of this state or any political subdivision of 10074
the state. 10075

(C) All original and promotional appointments, including 10076
appointments made pursuant to section 124.30 of the Revised Code, 10077
but not intermittent appointments, shall be for a probationary 10078
period, not less than sixty days nor more than one year, to be 10079
fixed by the rules of the director, except as provided in section 10080
124.231 of the Revised Code, and except for original appointments 10081
to a police department as a police officer or to a fire department 10082

as a firefighter which shall be for a probationary period of one 10083
year. No appointment or promotion is final until the appointee 10084
has satisfactorily served the probationary period. If the service 10085
of the probationary employee is unsatisfactory, the employee may 10086
be removed or reduced at any time during the probationary period. 10087
If the appointing authority decides to remove a probationary 10088
employee in the service of the state, the appointing authority 10089
shall communicate to the director the reason for that decision. A 10090
probationary employee duly removed or reduced in position for 10091
unsatisfactory service does not have the right to appeal the 10092
removal or reduction under section 124.34 of the Revised Code. 10093

Sec. 124.321. (A) Whenever it becomes necessary for an 10094
appointing authority to reduce its work force, the appointing 10095
authority shall lay off employees or abolish their positions in 10096
accordance with sections 124.321 to 124.327 of the Revised Code 10097
~~and~~. If the affected work force is in the service of the state, 10098
the reduction shall also be in compliance with the rules of the 10099
director of administrative services. 10100

(B)(1) Employees may be laid off as a result of a lack of 10101
funds within an appointing authority. For appointing authorities 10102
that employ persons whose salary or wage is paid by warrant of the 10103
director of budget and management, the director of budget and 10104
management shall be responsible for determining, consistent with 10105
the rules adopted under division (B)(3) of this section, whether a 10106
lack of funds exists. For appointing authorities that employ 10107
persons whose salary or wage is paid other than by warrant of the 10108
director of budget and management, the appointing authority itself 10109
shall determine whether a lack of funds exists ~~and shall file a~~ 10110
~~statement of rationale and supporting documentation with the~~ 10111
~~director of administrative services prior to sending the layoff~~ 10112
~~notice.~~ 10113

(2) As used in this division, a "lack of funds" means an 10114

appointing authority has a current or projected deficiency of 10115
funding to maintain current, or to sustain projected, levels of 10116
staffing and operations. This section does not require any 10117
transfer of money between funds in order to offset a deficiency or 10118
projected deficiency of funding for programs funded by the 10119
federal government, special revenue accounts, or proprietary 10120
accounts. Whenever a program receives funding through a grant or 10121
similar mechanism, a lack of funds shall be presumed for the 10122
positions assigned to and the employees who work under the grant 10123
or similar mechanism if, for any reason, the funding is reduced or 10124
withdrawn. 10125

(3) The director of budget and management shall adopt rules, 10126
under Chapter 119. of the Revised Code, for agencies whose 10127
employees are paid by warrant of the director of budget and 10128
management, for determining whether a lack of funds exists. 10129

(C)(1) Employees may be laid off as a result of lack of work 10130
within an appointing authority. For appointing authorities whose 10131
employees are paid by warrant of the director of budget and 10132
management, the director of administrative services shall 10133
determine, consistent with the rules adopted under division (F) of 10134
this section, whether a lack of work exists. All other appointing 10135
authorities shall themselves determine whether a lack of work 10136
exists ~~and shall file a statement of rationale and supporting~~ 10137
~~documentation with the director of administrative services prior~~ 10138
~~to sending the layoff notice.~~ 10139

(2) As used in this division, a "lack of work" means an 10140
appointing authority has a current or projected decrease in 10141
workload that requires a reduction of current or projected 10142
staffing levels in its organization or structure. The 10143
determination of a lack of work shall indicate the current or 10144
projected decrease in workload and whether the current or 10145
projected staffing levels of the appointing authority will be 10146

excessive. 10147

(D)(1) Employees may be laid off as a result of abolishment 10148
of positions. As used in this division, "abolishment" means the 10149
deletion of a position or positions from the organization or 10150
structure of an appointing authority. 10151

For purposes of this division, an appointing authority may 10152
abolish positions for any one or any combination of the following 10153
reasons: as a result of a reorganization for the efficient 10154
operation of the appointing authority, for reasons of economy, or 10155
for lack of work. 10156

(2)(a) Reasons of economy permitting an appointing authority 10157
to abolish a position and to lay off the holder of that position 10158
under this division shall be determined at the time the appointing 10159
authority proposes to abolish the position. The reasons of economy 10160
shall be based on the appointing authority's estimated amount of 10161
savings with respect to salary, benefits, and other matters 10162
associated with the abolishment of the position, except that the 10163
reasons of economy associated with the position's abolishment 10164
instead may be based on the appointing authority's estimated 10165
amount of savings with respect to salary and benefits only, if: 10166

(i) Either the appointing authority's operating appropriation 10167
has been reduced by an executive or legislative action, or the 10168
appointing authority has a current or projected deficiency in 10169
funding to maintain current or projected levels of staffing and 10170
operations; and 10171

(ii) In the case of a position in the service of the state, 10172
it files a notice of the position's abolishment with the director 10173
of administrative services within one year of the occurrence of 10174
the applicable circumstance described in division (D)(2)(a)(i) of 10175
this section. 10176

(b) The following principles apply when a circumstance described in division (D)(2)(a)(i) of this section would serve to authorize an appointing authority to abolish a position and to lay off the holder of the position under this division based on the appointing authority's estimated amount of savings with respect to salary and benefits only:	10177 10178 10179 10180 10181 10182
(i) The position's abolishment shall be done in good faith and not as a subterfuge for discipline.	10183 10184
(ii) If a circumstance affects a specific program only, the appointing authority only may abolish a position within that program.	10185 10186 10187
(iii) If a circumstance does not affect a specific program only, the appointing authority may identify a position that it considers appropriate for abolishment based on the reasons of economy.	10188 10189 10190 10191
(3) Each appointing authority shall determine itself whether any position should be abolished. An appointing authority abolishing any position in the service of the state shall file a statement of rationale and supporting documentation with the director of administrative services prior to sending the notice of abolishment.	10192 10193 10194 10195 10196 10197
If an abolishment results in a reduction of the work force, the appointing authority shall follow the procedures for laying off employees, subject to the following modifications:	10198 10199 10200
(a) The employee whose position has been abolished shall have the right to fill an available vacancy within the employee's classification.	10201 10202 10203
(b) If the employee whose position has been abolished has more retention points than any other employee serving in the same	10204 10205

classification, the employee with the fewest retention points 10206
shall be displaced. 10207

(c) If the employee whose position has been abolished has the 10208
fewest retention points in the classification, the employee shall 10209
have the right to fill an available vacancy in a lower 10210
classification in the classification series. 10211

(d) If the employee whose position has been abolished has the 10212
fewest retention points in the classification, the employee shall 10213
displace the employee with the fewest retention points in the next 10214
or successively lower classification in the classification series. 10215

(E) Notwithstanding any contrary provision of the 10216
displacement procedure described in section 124.324 of the Revised 10217
Code for employees to displace other employees during a layoff, 10218
the director of administrative services or a county appointing 10219
authority may establish a paper lay-off process under which 10220
employees who are to be laid off or displaced may be required, 10221
before the date of their paper layoff, to preselect their options 10222
for displacing other employees. 10223

(F) The director of administrative services shall adopt rules 10224
under Chapter 119. of the Revised Code for the determination of 10225
lack of work within an appointing authority, for the abolishment 10226
of positions by an appointing authority, and for the 10227
implementation of this section as it relates to positions in the 10228
service of the state. 10229

Sec. 124.324. (A) A laid-off employee has the right to 10230
displace the employee with the fewest retention points in the 10231
following order: 10232

(1) Within the classification from which the employee was 10233
laid off; 10234

(2) Within the classification series from which the employee
was laid off; 10235
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(3) Within the classification the employee held immediately 10237
prior to holding the classification from which the employee was 10238
laid off, except that the employee may not displace employees in 10239
a classification if the employee does not meet the minimum 10240
qualifications of the classification or if the employee last held 10241
the classification more than three years prior to the date on 10242
which the employee was laid off. 10243

If, after exercising displacement rights, an employee is 10244
subject to further layoff action, the employee's displacement 10245
rights shall be in accordance with the classification from which 10246
the employee was first laid off. 10247

The director of administrative services shall verify the 10248
calculation of the retention points of all employees in the 10249
service of the state in an affected classification in accordance 10250
with section 124.325 of the Revised Code. 10251

(B) Following the order of layoff, an employee laid off in 10252
the classified civil service shall displace another employee 10253
within the same appointing authority or independent institution 10254
and layoff jurisdiction in the following manner: 10255

(1) Each laid-off employee possessing more retention points 10256
shall displace the employee with the fewest retention points in 10257
the next lower classification or successively lower classification 10258
in the same classification series. 10259

(2) Any employee displaced by an employee possessing more 10260
retention points shall displace the employee with the fewest 10261
retention points in the next lower classification or successively 10262
lower classification in the same classification series. This 10263
process shall continue, if necessary, until the employee with the 10264

fewest retention points in the lowest classification of the 10265
classification series of the same appointing authority or 10266
independent institution has been reached and, if necessary, laid 10267
off. 10268

(C) Employees shall notify the appointing authority of their 10269
intention to exercise their displacement rights, within five days 10270
after receiving notice of layoff. This division does not apply if 10271
the director of administrative services has established a paper 10272
lay-off process pursuant to division (E) of section 124.321 of the 10273
Revised Code that includes a different notification requirement 10274
for employees exercising their displacement rights under that 10275
process. 10276

(D) No employee shall displace an employee for whose position 10277
or classification there are certain position-specific minimum 10278
qualifications, as established by the appointing authority and 10279
reviewed for validity by the department of administrative 10280
services, or as established by bona fide occupational 10281
qualification, unless the employee desiring to displace another 10282
employee possesses the requisite position-specific minimum 10283
qualifications for the position or classification. 10284

(E) If an employee exercising displacement rights must 10285
displace an employee in another county within the same layoff 10286
district, the displacement shall not be construed to be a 10287
transfer. 10288

(F) The director of administrative services shall adopt rules 10289
under Chapter 119. of the Revised Code for the implementation of 10290
this section as it relates to positions in the service of the 10291
state. 10292

Sec. 124.325. (A) Retention points to reflect the length of 10293
continuous service and efficiency in service for all employees 10294
affected by a layoff shall be verified by the director of 10295

administrative services for positions in the service of the state. 10296

(B) An employee's length of continuous service will be 10297
carried from one layoff jurisdiction to another so long as no 10298
break in service occurs between transfers or appointments. 10299

(C) If two or more employees have an identical number of 10300
retention points, employees having the shortest period of 10301
continuous service shall be laid off first. 10302

(D)(1) As used in this division, "affected employee" means a 10303
city employee who becomes a county employee, or a county employee 10304
who becomes a city employee, as the result of any of the 10305
following: 10306

(a) The merger of a city and a county office; 10307

(b) The merger of city and county functions or duties; 10308

(c) The transfer of functions or duties between a city and 10309
county. 10310

(2) For purposes of this section, the new employer of any 10311
affected employee shall treat the employee's prior service with a 10312
former employer as if it had been served with the new employer. 10313

(E) The director of administrative services shall adopt rules 10314
in accordance with Chapter 119. of the Revised Code to establish a 10315
system for the assignment of retention points for each employee in 10316
the service of the state in a classification affected by a layoff 10317
and for determining, in those instances where employees in the 10318
service of the state have identical retention points, which 10319
employee shall be laid off first. 10320

Sec. 124.34. (A) The tenure of every officer or employee in 10321
the classified service of the state and the counties, civil 10322

service townships, cities, city health districts, general health 10323
districts, and city school districts of the state, holding a 10324
position under this chapter, shall be during good behavior and 10325
efficient service. No officer or employee shall be reduced in pay 10326
or position, fined, suspended, or removed, or have the officer's 10327
or employee's longevity reduced or eliminated, except as provided 10328
in section 124.32 of the Revised Code, and for incompetency, 10329
inefficiency, dishonesty, drunkenness, immoral conduct, 10330
insubordination, discourteous treatment of the public, neglect of 10331
duty, violation of any policy or work rule of the officer's or 10332
employee's appointing authority, violation of this chapter or the 10333
rules of the director of administrative services or the 10334
commission, any other failure of good behavior, any other acts of 10335
misfeasance, malfeasance, or nonfeasance in office, or conviction 10336
of a felony. The denial of a one-time pay supplement or a bonus to 10337
an officer or employee is not a reduction in pay for purposes of 10338
this section. 10339

This section does not apply to any modifications or 10340
reductions in pay authorized by division (Q) of section 124.181 or 10341
section 124.392 or 124.393 of the Revised Code. 10342

An appointing authority may require an employee who is 10343
suspended to report to work to serve the suspension. An employee 10344
serving a suspension in this manner shall continue to be 10345
compensated at the employee's regular rate of pay for hours 10346
worked. The disciplinary action shall be recorded in the 10347
employee's personnel file in the same manner as other disciplinary 10348
actions and has the same effect as a suspension without pay for 10349
the purpose of recording disciplinary actions. 10350

A finding by the appropriate ethics commission, based upon a 10351
preponderance of the evidence, that the facts alleged in a 10352
complaint under section 102.06 of the Revised Code constitute a 10353
violation of Chapter 102., section 2921.42, or section 2921.43 of 10354

the Revised Code may constitute grounds for dismissal. Failure to
file a statement or falsely filing a statement required by section
102.02 of the Revised Code may also constitute grounds for
dismissal. The tenure of an employee in the career professional
service of the department of transportation is subject to section
5501.20 of the Revised Code.

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Conviction of a felony is a separate basis for reducing in
pay or position, suspending, or removing an officer or employee,
even if the officer or employee has already been reduced in pay or
position, suspended, or removed for the same conduct that is the
basis of the felony. An officer or employee may not appeal to the
state personnel board of review or the commission any disciplinary
action taken by an appointing authority as a result of the
officer's or employee's conviction of a felony. If an officer or
employee removed under this section is reinstated as a result of
an appeal of the removal, any conviction of a felony that occurs
during the pendency of the appeal is a basis for further
disciplinary action under this section upon the officer's or
employee's reinstatement.

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A person convicted of a felony immediately forfeits the
person's status as a classified employee in any public employment
on and after the date of the conviction for the felony. If an
officer or employee is removed under this section as a result of
being convicted of a felony or is subsequently convicted of a
felony that involves the same conduct that was the basis for the
removal, the officer or employee is barred from receiving any
compensation after the removal notwithstanding any modification or
disaffirmance of the removal, unless the conviction for the felony
is subsequently reversed or annulled.

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Any person removed for conviction of a felony is entitled to
a cash payment for any accrued but unused sick, personal, and
vacation leave as authorized by law. If subsequently reemployed in

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the public sector, the person shall qualify for and accrue these 10387
forms of leave in the manner specified by law for a newly 10388
appointed employee and shall not be credited with prior public 10389
service for the purpose of receiving these forms of leave. 10390

As used in this division, "felony" means any of the 10391
following: 10392

(1) A felony that is an offense of violence as defined in 10393
section 2901.01 of the Revised Code; 10394

(2) A felony that is a felony drug abuse offense as defined 10395
in section 2925.01 of the Revised Code; 10396

(3) A felony under the laws of this or any other state or the 10397
United States that is a crime of moral turpitude; 10398

(4) A felony involving dishonesty, fraud, or theft; 10399

(5) A felony that is a violation of section 2921.05, 2921.32, 10400
or 2921.42 of the Revised Code. 10401

(B) In case of a reduction, a suspension of more than forty 10402
~~or more~~ work hours in the case of an employee exempt from the 10403
payment of overtime compensation, a suspension of more than 10404
twenty-four ~~or more~~ work hours in the case of an employee 10405
required to be paid overtime compensation, a fine of more than 10406
forty ~~or more~~ hours' pay in the case of an employee exempt from 10407
the payment of overtime compensation, a fine of more than 10408
twenty-four ~~or more~~ hours' pay in the case of an employee 10409
required to be paid overtime compensation, or removal, except for 10410
the reduction or removal of a probationary employee, the 10411
appointing authority shall serve the employee with a copy of the 10412
order of reduction, fine, suspension, or removal, which order 10413
shall state the reasons for the action. 10414

Within ten days following the date on which the order is
served or, in the case of an employee in the career professional
service of the department of transportation, within ten days
following the filing of a removal order, the employee, except as
otherwise provided in this section, may file an appeal of the
order in writing with the state personnel board of review or the
commission. For purposes of this section, the date on which an
order is served is the date of hand delivery of the order or the
date of delivery of the order by certified United States mail,
whichever occurs first. If an appeal is filed, the board or
commission shall forthwith notify the appointing authority and
shall hear, or appoint a trial board to hear, the appeal within
thirty days from and after its filing with the board or
commission. The board, commission, or trial board may affirm,
disaffirm, or modify the judgment of the appointing authority.
However, in an appeal of a removal order based upon a violation of
a last chance agreement, the board, commission, or trial board may
only determine if the employee violated the agreement and thus
affirm or disaffirm the judgment of the appointing authority.

In cases of removal or reduction in pay for disciplinary
reasons, either the appointing authority or the officer or
employee may appeal from the decision of the state personnel board
of review or the commission, and any such appeal shall be to the
court of common pleas of the county in which the appointing
authority is located, or to the court of common pleas of Franklin
county, as provided by section 119.12 of the Revised Code.

(C) In the case of the suspension for any period of time, or
a fine, demotion, or removal, of a chief of police, a chief of a
fire department, or any member of the police or fire department of
a city or civil service township, who is in the classified civil
service, the appointing authority shall furnish the chief or
member with a copy of the order of suspension, fine, demotion, or
removal, which order shall state the reasons for the action. The

order shall be filed with the municipal or civil service township
civil service commission. Within ten days following the filing of
the order, the chief or member may file an appeal, in writing,
with the commission. If an appeal is filed, the commission shall
forthwith notify the appointing authority and shall hear, or
appoint a trial board to hear, the appeal within thirty days from
and after its filing with the commission, and it may affirm,
disaffirm, or modify the judgment of the appointing authority. An
appeal on questions of law and fact may be had from the decision
of the commission to the court of common pleas in the county in
which the city or civil service township is situated. The appeal
shall be taken within thirty days from the finding of the
commission.

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(D) A violation of division (A)(7) of section 2907.03 of the
Revised Code is grounds for termination of employment of a
nonteaching employee under this section.

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(E) As used in this section, "last chance agreement" means an
agreement signed by both an appointing authority and an officer or
employee of the appointing authority that describes the type of
behavior or circumstances that, if it occurs, will automatically
lead to removal of the officer or employee without the right of
appeal to the state personnel board of review or the appropriate
commission.

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Sec. 124.381. ~~Each~~(A)(1)(a) An employee in the service of
the state may be eligible to receive salary continuation not to
exceed four hundred eighty hours at the employee's total rate of
pay for absence as a result of injury incurred during the
performance of, or arising out of, state employment. When an
eligible employee's absence as a result of such an injury extends
beyond four hundred eighty hours, the employee immediately
becomes subject to sections 124.382 and 124.385 of the Revised
Code regarding sick leave and disability leave benefits.

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An employee is ineligible to receive salary continuation 10480
until the date of implementation is established in the rules 10481
adopted under division (C)(1) of this section. 10482

(b) Employees of the secretary of state, auditor of state, 10483
treasurer of state, attorney general, supreme court, general 10484
assembly, or legislative service commission are not subject to 10485
division (A)(1)(a) of this section unless the relevant appointing 10486
authority notifies the director of administrative services in 10487
writing of the intent to have all of the appointing authority's 10488
employees participate in salary continuation. The relevant 10489
appointing authority also may discontinue salary continuation for 10490
all of its employees by providing written notice of the 10491
discontinuation to the director. 10492

Participation in salary continuation is subject to rules 10493
adopted under division (C)(1) of this section. 10494

(2) Each employee of the department of rehabilitation and 10495
correction, the department of mental health, the department of 10496
mental retardation and developmental disabilities, the Ohio 10497
veteran's home agency department of veterans services, or the Ohio 10498
schools for the deaf and blind, and each employee of the 10499
department of youth services as established in division (A) of 10500
section 124.14 of the Revised Code who suffers bodily injury 10501
inflicted by an inmate, patient, client, youth, or student in the 10502
facilities sustains a qualifying physical condition inflicted by a 10503
ward of these agencies during the time the employee is lawfully 10504
carrying out the assigned duties of the employee's position shall 10505
be paid occupational injury leave at the employee's total rate of 10506
pay during the period the employee is disabled as a result of 10507
that injury qualifying physical condition, but in no case to 10508
exceed one hundred twenty work days nine hundred sixty hours, in 10509
lieu of workers' compensation. Pay made according to this section 10510
division shall not be charged to the employee's accumulation of 10511

sick leave credit. In any case when an employee's disability as a result of such a qualifying physical condition extends beyond nine hundred sixty hours, the employee immediately becomes subject to sections 124.382 and 124.385 of the Revised Code regarding sick leave and disability leave benefits.

(B) An employee who is receiving salary continuation or occupational injury leave under division (A)(1) or (2) of this section is not eligible for other paid leave, including holiday pay, while receiving benefits under either division. While an employee is receiving salary continuation or occupational injury leave under division (A)(1) or (2) of this section, vacation leave credit ceases to accrue to the employee under section 124.134 of the Revised Code, but sick leave credit and personal leave credit continue to accrue to the employee under sections 124.382 and 124.386 of the Revised Code.

(C)(1) The director of administrative services shall adopt rules for the administration of both the salary continuation program and the occupational injury leave program. The rules shall include, but not be limited to, provisions for determining a disability, for filing a claim for leave under this section, and for allowing or denying claims for the leave.

~~During the time an employee is receiving injury compensation as provided in this section, the employee shall be exempt from the accumulation of vacation leave credit under section 124.134 of the Revised Code but shall continue to receive sick leave credit and personal leave credit under sections 124.382 and 124.386 of the Revised Code.~~

~~In any case when an employee's disability, as covered by this section, extends beyond one hundred twenty work days, the employee shall immediately become subject to sections 124.382 and 124.385 of the Revised Code regarding sick leave and disability leave benefits.~~

(2) The director also may adopt rules for the payment of 10544
health benefits while an employee is on workers' compensation 10545
leave. 10546

(D) An appointing authority may apply to the director of 10547
administrative services to grant salary continuation under 10548
division (A)(1) of this section or occupational injury leave in 10549
accordance with under division (A)(2) of this section to law 10550
enforcement personnel employed by the agency. 10551

Sec. 124.382. (A) As used in this section and sections 10552
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 10553

(1) "Pay period" means the fourteen-day period of time during 10554
which the payroll is accumulated, as determined by the director of 10555
administrative services. 10556

(2) "Active pay status" means the conditions under which an 10557
employee is eligible to receive pay, and includes, but is not 10558
limited to, vacation leave, sick leave, personal leave, 10559
bereavement leave, and administrative leave. 10560

(3) "No pay status" means the conditions under which an 10561
employee is ineligible to receive pay and includes, but is not 10562
limited to, leave without pay, leave of absence, and disability 10563
leave. 10564

(4) "Disability leave" means the leave granted pursuant to 10565
section 124.385 of the Revised Code. 10566

(5) "Full-time permanent employee" means an employee whose 10567
regular hours of duty total eighty hours in a pay period in a 10568
state agency and whose appointment is not for a limited period of 10569
time. 10570

(6) "Base rate of pay" means the rate of pay established under schedule B or C of section 124.15 of the Revised Code or under schedule E-1, schedule E-1 for step seven only, or schedule E-2 of section 124.152 of the Revised Code, plus any supplement provided under section 124.181 of the Revised Code, plus any supplements enacted into law which are added to schedule B or C of section 124.15 of the Revised Code or to schedule E-1, schedule E-1 for step seven only, or schedule E-2 of section 124.152 of the Revised Code.

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(7) "Part-time permanent employee" means an employee whose regular hours of duty total less than eighty hours in a pay period in a state agency and whose appointment is not for a limited period of time.

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(B) Each full-time permanent and part-time permanent employee whose salary or wage is paid directly by warrant of the director of budget and management shall be credited with sick leave of three and one-tenth hours for each completed eighty hours of service, excluding overtime hours worked. Sick leave is not available for use until it appears on the employee's earning statement and the compensation described in the earning statement is available to the employee.

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(C) Any sick leave credit provided pursuant to division (B) of this section, remaining as of the last day of the pay period preceding the first paycheck the employee receives in December, shall be converted pursuant to section 124.383 of the Revised Code.

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(D) Employees may use sick leave, provided a credit balance is available, upon approval of the responsible administrative officer of the employing unit, for absence due to personal illness, pregnancy, injury, exposure to contagious disease that could be communicated to other employees, and illness, injury, or death in the employee's immediate family. When sick leave is

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used, it shall be deducted from the employee's credit on the basis 10603
of absence from previously scheduled work in such increments of an 10604
hour and at such a compensation rate as the director of 10605
administrative services determines. The appointing authority of 10606
each employing unit may require an employee to furnish a 10607
satisfactory, signed statement to justify the use of sick leave. 10608

If, after having utilized the credit provided by this 10609
section, an employee utilizes sick leave that was accumulated 10610
prior to November 15, 1981, compensation for such sick leave used 10611
shall be at a rate as the director determines. 10612

(E)(1) The previously accumulated sick leave balance of an 10613
employee who has been separated from the public service, for which 10614
separation payments pursuant to section 124.384 of the Revised 10615
Code have not been made, shall be placed to the employee's credit 10616
upon the employee's reemployment in the public service, if the 10617
reemployment takes place within ten years of the date on which the 10618
employee was last terminated from public service. 10619

(2) The previously accumulated sick leave balance of an 10620
employee who has separated from a school district shall be placed 10621
to the employee's credit upon the employee's appointment as an 10622
unclassified employee of the state department of education, if all 10623
of the following apply: 10624

(a) The employee accumulated the sick leave balance while 10625
employed by the school district. 10626

(b) The employee did not receive any separation payments for 10627
the sick leave balance. 10628

(c) The employee's employment with the department takes place 10629
within ten years after the date on which the employee separated 10630
from the school district. 10631

(F) An employee who transfers from one public agency to another shall be credited with the unused balance of the employee's accumulated sick leave.

(G) The director of administrative services shall establish procedures to uniformly administer this section. No sick leave may be granted to a state employee upon or after the employee's retirement or termination of employment.

(H) As used in this division, "active payroll" means conditions under which an employee is in active pay status or eligible to receive pay for an approved leave of absence, including, but not limited to, occupational injury leave, disability leave, or workers' compensation.

(1) Employees who are in active payroll status on June 18, 2011, shall receive a one-time credit of additional sick leave in the pay period that begins on July 1, 2011. Full-time employees shall receive the lesser of either a one-time credit of thirty-two hours of additional sick leave or a one-time credit of additional sick leave equivalent to half the hours of personal leave the employee lost during the moratorium established under either division (A) of section 124.386 of the Revised Code or pursuant to a rule of the director of administrative services. Part-time employees shall receive a one-time credit of sixteen hours of additional sick leave.

(2) Employees who are not in active payroll status due to military leave or an absence taken in accordance with the federal "Family and Medical Leave Act" are eligible to receive the one-time additional sick leave credit.

(3) The one-time additional sick leave credit does not apply to employees of the supreme court, general assembly, legislative service commission, secretary of state, auditor of state, treasurer of state, or attorney general unless the supreme court,

general assembly, legislative service commission, secretary of 10663
state, auditor of state, treasurer of state, or attorney general 10664
participated in the moratorium under division (H) or (I) of 10665
section 124.386 of the Revised Code and notifies in writing the 10666
director of administrative services on or before June 1, 2011, of 10667
the decision to participate in the one-time additional sick leave 10668
credit. Written notice under this division shall be signed by the 10669
appointing authority for employees of the supreme court, general 10670
assembly, or legislative service commission, as the case may be. 10671

Sec. 124.385. (A) An employee is eligible for disability 10672
leave benefits under this section if the employee has completed 10673
one year of continuous state service immediately prior to the date 10674
of the disability and if any of the following applies: 10675

(1) The employee is a full-time permanent employee and is 10676
eligible for sick leave credit pursuant to division (B) of section 10677
124.382 of the Revised Code. 10678

(2) The employee is a part-time permanent employee who has 10679
worked at least fifteen hundred hours within the twelve-month 10680
period immediately preceding the date of disability and is 10681
eligible for sick leave credit under division (B) of section 10682
124.382 of the Revised Code. 10683

(3) The employee is a full-time permanent or part-time 10684
permanent employee, is on disability leave or leave of absence for 10685
medical reasons, and would be eligible for sick leave credit 10686
pursuant to division (B) of section 124.382 of the Revised Code 10687
except that the employee is in no pay status due to the employee's 10688
medical condition. 10689

(B) The director of administrative services, by rule adopted 10690
in accordance with Chapter 119. of the Revised Code, shall 10691
establish a disability leave program. The rule shall include, but 10692
shall not be limited to, the following: 10693

(1) Procedures to be followed for determining disability;	10694
(2) Provisions for the allowance of disability leave due to illness or injury;	10695 10696
(3) Provisions for the continuation of service credit for employees granted disability leave, including service credit towards retirement, as provided by the applicable statute;	10697 10698 10699
(4) The establishment of a minimum level of benefit and of a waiting period before benefits begin;	10700 10701
(5) Provisions setting a maximum length of benefit and requiring that employees eligible to apply for disability retirement shall do so prior to completing the first six months of their period of disability. The director's rules shall indicate those employees required to apply for disability retirement. If an employee is approved to receive disability retirement, the employee shall receive the retirement benefit and a supplement payment that equals a percentage of the employee's base rate of pay and that, when added to the retirement benefit, equals no more than the percentage of pay received by employees after the first six months of disability. This supplemental payment shall not be considered earnable salary, compensation, or salary, and is not subject to contributions, under Chapter 145., 742., 3307., 3309., or 5505. of the Revised Code.	10702 10703 10704 10705 10706 10707 10708 10709 10710 10711 10712 10713 10714 10715
(6) Provisions that allow employees to utilize available sick leave, personal leave, <u>compensatory time</u> , or vacation leave balances to supplement the benefits payable under this section. The balances used to supplement the benefits, plus any amount contributed by the state as provided in division (D) of this section, shall be paid at the employee's base rate of pay in an amount sufficient to give employees up to one hundred per cent of pay for time on disability.	10716 10717 10718 10719 10720 10721 10722 10723

(7) Procedures for appealing denial of payment of a claim, including the following:	10724 10725
(a) A maximum of thirty days to file an appeal by the employee;	10726 10727
(b) A maximum of fifteen days for the parties to select a third-party opinion pursuant to division (F) of this section, unless an extension is agreed to by the parties;	10728 10729 10730
(c) A maximum of thirty days for the third party to render an opinion.	10731 10732
(8) Provisions for approving leave of absence for medical reasons where an employee is in no pay status because the employee has used all the employee's sick leave, personal leave, vacation leave, and compensatory time;	10733 10734 10735 10736
(9) Provisions for precluding the payment of benefits if the injury for which the benefits are sought is covered by a workers' compensation plan;	10737 10738 10739
(10) Provisions for precluding the payment of benefits in order to ensure that benefits are provided in a consistent manner.	10740 10741
(C) Except as provided in division (B)(6) of this section, time off for an employee granted disability leave is not chargeable to any other leave granted by other sections of the Revised Code.	10742 10743 10744 10745
(D) While an employee is on an approved disability leave, the ~~employer's and employee's share of health, life, and other~~ ~~insurance benefits shall be paid by the state, and the retirement~~ ~~contribution shall be paid as follows:~~	10746 10747 10748 10749
(1) <u>The employee shall be responsible for paying the</u>	10750

employee's share of retirement contributions and the employer's 10751
share shall be paid by the state. 10752

~~(2) For the first three months, the employee's share shall be~~ 10753
~~paid by the employee.~~ 10754

~~(3) After the first three months, the employee's share shall~~ 10755
~~be paid by the state.~~ 10756

(E) The approval for disability leave shall be made by the 10757
director, upon recommendation by the appointing authority. The 10758
director may delegate to any appointing authority the authority to 10759
approve disability benefits for a standard recovery period. 10760

(F) If a request for disability leave is denied based on a 10761
medical determination, the director shall obtain a medical opinion 10762
from a third party. The decision of the third party is binding. 10763

(G) The rule adopted by the director under division (B) of 10764
this section shall not deny disability leave benefits for an 10765
illness or injury to an employee who is a veteran of the United 10766
States armed forces because the employee contracted the illness or 10767
received the injury in the course of or as a result of military 10768
service and the illness or injury is or may be covered by a 10769
compensation plan administered by the United States department of 10770
veterans affairs. 10771

Sec. 124.386. (A) Each full-time permanent employee paid in 10772
accordance with section 124.152 of the Revised Code and those 10773
full-time permanent employees listed in divisions (B)(2) and (4) 10774
of section 124.14 of the Revised Code shall be credited with 10775
thirty-two hours of personal leave each year. Each part-time 10776
permanent employee paid in accordance with section 124.152 of the 10777
Revised Code and those part-time permanent employees listed in 10778
divisions (B)(2) and (4) of section 124.14 of the Revised Code 10779
shall receive a pro-rated personal leave credit as determined by 10780

rule of the director of administrative services. The credit shall 10781
be made to each eligible employee in the first pay the employee 10782
receives in December. Employees, upon giving reasonable notice to 10783
the responsible administrative officer of the appointing 10784
authority, may use personal leave for absence due to mandatory 10785
court appearances, legal or business matters, family emergencies, 10786
unusual family obligations, medical appointments, weddings, 10787
religious holidays not listed in section 124.19 of the Revised 10788
Code, or any other matter of a personal nature. Personal leave may 10789
not be used on a holiday when an employee is scheduled to work. 10790

Personal leave is not available for use until it appears on 10791
the employee's earning statement and the compensation described in 10792
the earning statement is available to the employee. 10793

There shall be a moratorium on personal leave accrual 10794
beginning with the credit employees would have received in 10795
December 2009, except as otherwise provided in divisions (H)(1) 10796
and (2) of this section. Personal leave accrual shall resume with 10797
employees receiving credit in December 2011 and there shall be no 10798
retroactive grant of credit for the period the moratorium was in 10799
effect. 10800

(B) When personal leave is used, it shall be deducted from 10801
the unused balance of the employee's personal leave on the basis 10802
of absence in such increments of an hour as the director of 10803
administrative services determines. Compensation for personal 10804
leave shall be equal to the employee's base rate of pay. 10805

(C) A newly appointed full-time permanent employee or a 10806
~~nonfull-time~~non-full-time employee who receives a full-time 10807
permanent appointment shall be credited with personal leave of 10808
thirty-two hours, less one and two-tenths hours for each pay 10809
period that has elapsed following the first paycheck the employee 10810
receives in December, until the first day of the pay period 10811
during which the appointment was effective. 10812

(D) The director of administrative services shall allow 10813
employees to elect one of the following options with respect to 10814
the unused balance of personal leave: 10815

(1) Carry forward the balance. The maximum credit that shall 10816
be available to an employee at any one time is forty hours. 10817

(2) Convert the balance to accumulated sick leave, to be used 10818
in the manner provided by section 124.382 of the Revised Code; 10819

(3) Receive a cash benefit. The cash benefit shall equal one 10820
hour of the employee's base rate of pay for every hour of unused 10821
credit that is converted. An employee serving in a temporary work 10822
level who elects to convert unused personal leave to cash shall do 10823
so at the base rate of pay of the employee's normal 10824
classification. Such cash benefit shall not be subject to 10825
contributions to any of the retirement systems, either by the 10826
employee or the employer. 10827

There shall be a moratorium on the payment for conversion of 10828
unused personal leave until December 2011, except as otherwise 10829
provided in divisions (H)(1) and (2) of this section. 10830

(E) A full-time permanent employee who separates from state 10831
service or becomes ineligible to be credited with leave under this 10832
section shall receive a reduction of personal leave credit of one 10833
and two-tenths hours for each pay period that remains beginning 10834
with the first pay period following the date of separation or the 10835
effective date of the employee's ineligibility until the pay 10836
period preceding the next base pay period. After calculation of 10837
the reduction of an employee's personal leave credit, the employee 10838
is entitled to compensation for any remaining personal leave 10839
credit at the employee's current base rate of pay. If the 10840
reduction results in a number of hours less than zero, the cash 10841
equivalent value of such number of hours shall be deducted from 10842

any compensation that remains payable to the employee, or from the
cash conversion value of any vacation or sick leave that remains
credited to the employee. An employee serving in a temporary work
level who is eligible to receive compensation under this section
shall be compensated at the base rate of pay of the employee's
normal classification.

(F) An employee who transfers from one public agency to
another public agency in which the employee is eligible for the
credit provided under this section shall be credited with the
unused balance of personal leave.

(G) The director of administrative services shall establish
procedures to uniformly administer this section. No personal
leave may be granted to a state employee upon or after retirement
or termination of employment.

(H)(1) The moratoria imposed under divisions (A) and (D)(3) of
this section shall apply to employees of the secretary of
state, auditor of state, treasurer of state, and attorney general
who are subject to this section unless the secretary of state,
auditor of state, treasurer of state, or attorney general decides
to exempt the office's employees from the moratoria and so
notifies the director of administrative services in writing on or
before November 1, 2009.

(2) The moratoria imposed under divisions (A) and (D)(3) of
this section do not apply to employees of the supreme court, the
general assembly, and the legislative service commission who are
subject to this section, unless the supreme court, general
assembly, or legislative service commission decides to include
those employees in the moratoria and so notifies the director of
administrative services in writing on or before November 1, 2009.
Written notice shall be signed by the appointing authority for
employees of the supreme court, general assembly, or legislative
service commission as the case may be.

Sec. 124.392. (A) As used in this section, ~~"exempt:~~	10875
(1) <u>"Exempt employee" has the same meaning as in section</u>	10876
<u>124.152 of the Revised Code.</u>	10877
(2) <u>"Fiscal emergency" means a fiscal emergency declared by</u>	10878
<u>the governor under section 126.05 of the Revised Code.</u>	10879
(B) The director of administrative services may establish a	10880
voluntary cost savings program for exempt employees. ~~The~~	10881
(C) <u>The director of administrative services shall establish a</u>	10882
<u>mandatory cost savings program applicable to exempt employees.</u>	10883
<u>Subject to division (C)(1) of this section, the program may</u>	10884
<u>include, but is not limited to, a loss of pay or loss of holiday</u>	10885
<u>pay as determined by the director. The program may be administered</u>	10886
<u>differently among exempt employees based on their classifications,</u>	10887
<u>appointment categories, appointing authorities, or other relevant</u>	10888
<u>distinctions.</u>	10889
(1) <u>Each full-time exempt employee shall participate in the</u>	10890
<u>program for a total of eighty hours of mandatory cost savings in</u>	10891
<u>both fiscal year 2010 and fiscal year 2011. Each part-time exempt</u>	10892
<u>employee shall participate in the program by not receiving holiday</u>	10893
<u>pay during both fiscal year 2010 and fiscal year 2011. Each</u>	10894
<u>employee of the secretary of state, auditor of state, treasurer of</u>	10895
<u>state, and attorney general shall participate in the program</u>	10896
<u>unless the secretary of state, auditor of state, treasurer of</u>	10897
<u>state, or attorney general decides to exempt the officer's</u>	10898
<u>employees from the program and so notifies the director of</u>	10899
<u>administrative services in writing on or before July 1, 2009.</u>	10900
<u>After July 1, 2009, the secretary of state, auditor of</u>	10901
<u>state, treasurer of state, or attorney general may decide to begin</u>	10902
<u>participation in the program for eighty hours or less and shall</u>	10903

notify the director of administrative services in writing. The 10904
secretary of state, auditor of state, treasurer of state, or 10905
attorney general and the director shall mutually agree upon an 10906
implementation date. 10907

(2) After June 30, 2011, the director of administrative 10908
services, in consultation with the director of budget and 10909
management, may implement mandatory cost savings days applicable 10910
to exempt employees in the event of a fiscal emergency. Each 10911
employee of the secretary of state, auditor of state, treasurer of 10912
state, and attorney general shall participate in the mandatory 10913
cost savings days unless the secretary of state, auditor of state, 10914
treasurer of state, or attorney general decides to exempt the 10915
officer's employees from the mandatory cost savings days and so 10916
notifies the director of administrative services in the manner the 10917
director of administrative services prescribes by rule adopted 10918
under this section. 10919

(D) The director shall adopt rules in accordance with Chapter 10920
119. of the Revised Code to provide for the administration of the 10921
program voluntary cost savings program and the mandatory cost 10922
savings program. 10923

(E) Cost savings days provided pursuant to this section or 10924
by a labor-management contract or agreement shall be considered 10925
remuneration for purposes of section 4141.31 of the Revised Code. 10926

(F) The cost savings fund is hereby created in the state 10927
treasury. Savings accrued through employee participation in the 10928
mandatory cost savings program and in mandatory cost savings days 10929
shall be allocated to the fund. The fund may be used to pay 10930
employees who participated in the mandatory cost savings program 10931
or in mandatory cost savings days. Any investment earnings of the 10932
fund shall be credited to the fund. 10933

Sec. 124.393. (A) As used in this section: 10934

<u>(1) "County exempt employee" means a permanent full-time or</u>	10935
<u>permanent part-time county employee who is not subject to a</u>	10936
<u>collective bargaining agreement between a public employer and an</u>	10937
<u>exclusive representative.</u>	10938
<u>(2) "Fiscal emergency" means any of the following:</u>	10939
<u>(a) A fiscal emergency declared by the governor under section</u>	10940
<u>126.05 of the Revised Code.</u>	10941
<u>(b) Lack of funds as defined in section 124.321 of the</u>	10942
<u>Revised Code.</u>	10943
<u>(c) Reasons of economy as described in section 124.321 of the</u>	10944
<u>Revised Code.</u>	10945
<u>(B)(1) A county appointing authority may establish a</u>	10946
<u>mandatory cost savings program applicable to its county exempt</u>	10947
<u>employees. Each county exempt employee shall participate in the</u>	10948
<u>program of mandatory cost savings for not more than eighty hours,</u>	10949
<u>as determined by the appointing authority, in each of state fiscal</u>	10950
<u>years 2010 and 2011. The program may include, but is not limited</u>	10951
<u>to, a loss of pay or loss of holiday pay. The program may be</u>	10952
<u>administered differently among employees based on their</u>	10953
<u>classifications, appointment categories, or other relevant</u>	10954
<u>distinctions.</u>	10955
<u>(2) After June 30, 2011, a county appointing authority may</u>	10956
<u>implement mandatory cost savings days as described in division</u>	10957
<u>(B)(1) of this section that apply to its county exempt employees</u>	10958
<u>in the event of a fiscal emergency.</u>	10959
<u>(C) A county appointing authority shall issue guidelines</u>	10960
<u>concerning how the appointing authority will implement the cost</u>	10961
<u>savings program.</u>	10962

Sec. 124.81. (A) Except as provided in division ~~(E)~~(F) of 10963
this section, the department of administrative services in 10964
consultation with the superintendent of insurance shall negotiate 10965
with and, in accordance with the competitive selection procedures 10966
of Chapter 125. of the Revised Code, contract with one or more 10967
insurance companies authorized to do business in this state, for 10968
the issuance of one of the following: 10969

(1) A policy of group life insurance covering all state 10970
employees who are paid directly by warrant of the state auditor, 10971
including elected state officials; 10972

(2) A combined policy, or coordinated policies of one or more 10973
insurance companies or health insuring corporations in combination 10974
with one or more insurance companies providing group life and 10975
health, medical, hospital, dental, or surgical insurance, or any 10976
combination thereof, covering all such employees; 10977

(3) A policy that may include, but is not limited to, 10978
hospitalization, surgical, major medical, dental, vision, and 10979
medical care, disability, hearing aids, prescription drugs, group 10980
life, life, sickness, and accident insurance, group legal 10981
services, or a combination of the above benefits for some or all 10982
of the employees paid in accordance with section 124.152 of the 10983
Revised Code and for some or all of the employees listed in 10984
divisions (B)(2) and (4) of section 124.14 of the Revised Code, 10985
and their immediate dependents. 10986

(B) The department of administrative services in consultation 10987
with the superintendent of insurance shall negotiate with and, in 10988
accordance with the competitive selection procedures of Chapter 10989
125. of the Revised Code, contract with one or more insurance 10990
companies authorized to do business in this state, for the 10991
issuance of a policy of group life insurance covering all 10992
municipal and county court judges. The amount of such coverage 10993

shall be an amount equal to the aggregate salary set forth for 10994
each municipal court judge in sections 141.04 and 1901.11 of the 10995
Revised Code, and set forth for each county court judge in 10996
sections 141.04 and 1907.16 of the Revised Code. On and after the 10997
effective date of the policy of group life insurance coverage, a 10998
municipal or county court judge is ineligible for life insurance 10999
coverage from a county or other political subdivision. 11000

(C) If a state employee uses all accumulated sick leave and 11001
then goes on an extended medical disability, the policyholder 11002
shall continue at no cost to the employee the coverage of the 11003
group life insurance for such employee for the period of such 11004
extended leave, but not beyond three years. 11005

~~(C)~~(D) If a state employee insured under a group life 11006
insurance policy as provided in division (A) of this section is 11007
laid off pursuant to section 124.32 of the Revised Code, such 11008
employee by request to the policyholder, made no later than the 11009
effective date of the layoff, may elect to continue the employee's 11010
group life insurance for the one-year period through which the 11011
employee may be considered to be on laid-off status by paying the 11012
policyholder through payroll deduction or otherwise twelve times 11013
the monthly premium computed at the existing average rate for the 11014
group life case for the amount of the employee's insurance 11015
thereunder at the time of the employee's layoff. The policyholder 11016
shall pay the premiums to the insurance company at the time of the 11017
next regular monthly premium payment for the actively insured 11018
employees and furnish the company appropriate data as to such 11019
laid-off employees. At the time an employee receives written 11020
notice of a layoff, the policyholder shall also give such employee 11021
written notice of the opportunity to continue group life insurance 11022
in accordance with this division. When such laid-off employee is 11023
reinstated for active work before the end of the one-year period, 11024
the employee shall be reclassified as insured again as an active 11025
employee under the group and appropriate refunds for the number of 11026

full months of unearned premium payment shall be made by the 11027
policyholder. 11028

~~(D)~~(E) This section does not affect the conversion rights of 11029
an insured employee when the employee's group insurance terminates 11030
under the policy. 11031

~~(E)~~(F) Notwithstanding division (A) of this section, the 11032
department may provide benefits equivalent to those that may be 11033
paid under a policy issued by an insurance company, or the 11034
department may, to comply with a collectively bargained contract, 11035
enter into an agreement with a jointly administered trust fund 11036
which receives contributions pursuant to a collective bargaining 11037
agreement entered into between this state, or any of its political 11038
subdivisions, and any collective bargaining representative of the 11039
employees of this state or any political subdivision for the 11040
purpose of providing for self-insurance of all risk in the 11041
provision of fringe benefits similar to those that may be paid 11042
pursuant to division (A) of this section, and the jointly 11043
administered trust fund may provide through the self-insurance 11044
method specific fringe benefits as authorized by the rules of the 11045
board of trustees of the jointly administered trust fund. Amounts 11046
from the fund may be used to pay direct and indirect costs that 11047
are attributable to consultants or a third-party administrator and 11048
that are necessary to administer this section. Benefits provided 11049
under this section include, but are not limited to, 11050
hospitalization, surgical care, major medical care, disability, 11051
dental care, vision care, medical care, hearing aids, prescription 11052
drugs, group life insurance, sickness and accident insurance, 11053
group legal services, or a combination of the above benefits, for 11054
the employees and their immediate dependents. 11055

~~(F)~~(G) Notwithstanding any other provision of the Revised 11056
Code, any public employer, including the state, and any of its 11057
political subdivisions, including, but not limited to, any county, 11058

county hospital, municipal corporation, township, park district, 11059
school district, state institution of higher education, public or 11060
special district, state agency, authority, commission, or board, 11061
or any other branch of public employment, and any collective 11062
bargaining representative of employees of the state or any 11063
political subdivision may agree in a collective bargaining 11064
agreement that any mutually agreed fringe benefit including, but 11065
not limited to, hospitalization, surgical care, major medical 11066
care, disability, dental care, vision care, medical care, hearing 11067
aids, prescription drugs, group life insurance, sickness and 11068
accident insurance, group legal services, or a combination 11069
thereof, for employees and their dependents be provided through a 11070
mutually agreed upon contribution to a jointly administered trust 11071
fund. Amounts from the fund may be used to pay direct and indirect 11072
costs that are attributable to consultants or a third-party 11073
administrator and that are necessary to administer this section. 11074
The amount, type, and structure of fringe benefits provided under 11075
this division is subject to the determination of the board of 11076
trustees of the jointly administered trust fund. Notwithstanding 11077
any other provision of the Revised Code, competitive bidding does 11078
not apply to the purchase of fringe benefits for employees under 11079
this division through a jointly administered trust fund. 11080

Sec. 124.821. The health care spending account fund is hereby 11081
created in the state treasury. The director of administrative 11082
services shall use money in the fund to make payments with regard 11083
to the participation of state employees in flexible spending 11084
accounts for certain nonreimbursed medical and dental expenses 11085
under section 125 of the Internal Revenue Code. All investment 11086
earnings on money in the fund shall be credited to the fund. 11087

Sec. 124.822. The dependent care spending account fund is 11088
hereby created in the state treasury. The director of 11089
administrative services shall use money in the fund to make 11090
payments with regard to the participation of state employees in 11091

flexible spending accounts for work-related dependent care 11092
expenses under section 125 of the Internal Revenue Code. All 11093
investment earnings on money in the fund shall be credited to the 11094
fund. 11095

Sec. 124.86. There is hereby created in the state treasury 11096
the employee educational development fund, to be used to pay the 11097
state administrative costs of any education program undertaken 11098
pursuant to specific collective bargaining agreements identified 11099
in uncodified law governing expenditure of the fund. The director 11100
of administrative services shall establish, and shall obtain the 11101
approval of the director of budget and management for, a charge 11102
for each such program that is sufficient only to recover those 11103
costs. All money collected from such a charge shall be deposited 11104
to the credit of the fund, and all interest earned on the fund 11105
shall accrue to the fund. The director of administrative services 11106
shall administer the fund in accordance with the respective 11107
collective bargaining agreements and may adopt rules for the 11108
purpose of this administration. 11109

Sec. 125.11. (A) Subject to division (B) of this section, 11110
contracts awarded pursuant to a reverse auction under section 11111
125.072 of the Revised Code or pursuant to competitive sealed 11112
bidding, including contracts awarded under section 125.081 of the 11113
Revised Code, shall be awarded to the lowest responsive and 11114
responsible bidder on each item in accordance with section 9.312 11115
of the Revised Code. When the contract is for meat products as 11116
defined in section 918.01 of the Revised Code or poultry products 11117
as defined in section 918.21 of the Revised Code, only those bids 11118
received from vendors offering products from establishments on the 11119
current list of meat and poultry vendors established and 11120
maintained by the director of administrative services under 11121
section 125.17 of the Revised Code shall be eligible for 11122
acceptance. The department of administrative services may accept 11123
or reject any or all bids in whole or by items, except that when 11124

the contract is for services or products available from a 11125
qualified nonprofit agency pursuant to sections 125.60 to 125.6012 11126
or 4115.31 to 4115.35 of the Revised Code, the contract shall be 11127
awarded to that agency. 11128

(B) Prior to awarding a contract under division (A) of this 11129
section, the department of administrative services or the state 11130
agency responsible for evaluating a contract for the purchase of 11131
products shall evaluate the bids received according to the 11132
criteria and procedures established pursuant to divisions (C)(1) 11133
and (2) of section 125.09 of the Revised Code for determining if a 11134
product is produced or mined in the United States and if a product 11135
is produced or mined in this state. The department or other state 11136
agency shall first remove bids that offer products that have not 11137
been or that will not be produced or mined in the United States. 11138
From among the remaining bids, the department or other state 11139
agency shall select the lowest responsive and responsible bid, in 11140
accordance with section 9.312 of the Revised Code, from among the 11141
bids that offer products that have been produced or mined in this 11142
state where sufficient competition can be generated within this 11143
state to ensure that compliance with these requirements will not 11144
result in an excessive price for the product or acquiring a 11145
disproportionately inferior product. If there are ~~two~~four or more 11146
qualified bids that offer products that have been produced or 11147
mined in this state, it shall be deemed that there is sufficient 11148
competition to prevent an excessive price for the product or the 11149
acquiring of a disproportionately inferior product. 11150

(C) Division (B) of this section applies to contracts for 11151
which competitive bidding is waived by the controlling board. 11152

(D) Division (B) of this section does not apply to the 11153
purchase by the division of liquor control of spirituous liquor. 11154

(E) The director of administrative services shall publish in 11155
the form of a model act for use by counties, townships, municipal 11156

corporations, or any other political subdivision described in 11157
division (B) of section 125.04 of the Revised Code, a system of 11158
preferences for products mined and produced in this state and in 11159
the United States and for Ohio-based contractors. The model act 11160
shall reflect substantial equivalence to the system of preferences 11161
in purchasing and public improvement contracting procedures under 11162
which the state operates pursuant to this chapter and section 11163
153.012 of the Revised Code. To the maximum extent possible, 11164
consistent with the Ohio system of preferences in purchasing and 11165
public improvement contracting procedures, the model act shall 11166
incorporate all of the requirements of the federal "Buy America 11167
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 11168
the rules adopted under that act. 11169

Before and during the development and promulgation of the 11170
model act, the director shall consult with appropriate statewide 11171
organizations representing counties, townships, and municipal 11172
corporations so as to identify the special requirements and 11173
concerns these political subdivisions have in their purchasing and 11174
public improvement contracting procedures. The director shall 11175
promulgate the model act by rule adopted pursuant to Chapter 119. 11176
of the Revised Code and shall revise the act as necessary to 11177
reflect changes in this chapter or section 153.012 of the Revised 11178
Code. 11179

The director shall make available copies of the model act, 11180
supporting information, and technical assistance to any township, 11181
county, or municipal corporation wishing to incorporate the 11182
provisions of the act into its purchasing or public improvement 11183
contracting procedure. 11184

Sec. 125.18. (A) There is hereby established the office of 11185
information technology within the department of administrative 11186
services. The office shall be under the supervision of a state 11187
chief information officer to be appointed by the director of 11188

administrative services and subject to removal at the pleasure 11189
of the director. The chief information officer is an assistant 11190
director of administrative services. 11191

(B) Under the direction of the director of administrative 11192
services, the state chief information officer shall lead, 11193
oversee, and direct state agency activities related to 11194
information technology development and use. In that regard, the 11195
state chief information officer shall do all of the following: 11196

(1) Coordinate and superintend statewide efforts to promote 11197
common use and development of technology by state agencies. The 11198
office of information technology shall establish policies and 11199
standards that govern and direct state agency participation in 11200
statewide programs and initiatives. 11201

(2) Establish policies and standards for the acquisition and 11202
use of common information technology by state agencies, including, 11203
but not limited to, hardware, software, technology services, and 11204
security, and the extension of the service life of information 11205
technology systems, with which state agencies shall comply; 11206

(3) Establish criteria and review processes to identify state 11207
agency information technology projects or purchases that require 11208
alignment or oversight. As appropriate, the department of 11209
administrative services shall provide the governor and the 11210
director of budget and management with notice and advice 11211
regarding the appropriate allocation of resources for those 11212
projects. The state chief information officer may require state 11213
agencies to provide, and may prescribe the form and manner by 11214
which they must provide, information to fulfill the state chief 11215
information officer's alignment and oversight role; 11216

(4) Establish policies and procedures for the security of 11217
personal information that is maintained and destroyed by state 11218
agencies; 11219

(5) Employ a chief information security officer who is responsible for the implementation of the policies and procedures described in division (B)(4) of this section and for coordinating the implementation of those policies and procedures in all of the state agencies;	11220 11221 11222 11223 11224
(6) Employ a chief privacy officer who is responsible for advising state agencies when establishing policies and procedures for the security of personal information and developing education and training programs regarding the state's security procedures;	11225 11226 11227 11228
<u>(7) Establish policies on the purchasing, use, and reimbursement for use of handheld computing and telecommunications devices by state agency employees;</u>	11229 11230 11231
<u>(8) Establish policies for the reduction of printing and the use of electronic records by state agencies;</u>	11232 11233
<u>(9) Establish policies for the reduction of energy consumption by state agencies.</u>	11234 11235
(C)(1) The chief information security officer shall assist each state agency with the development of an information technology security strategic plan and review that plan, and each state agency shall submit that plan to the state chief information officer. The chief information security officer may require that each state agency update its information technology security strategic plan annually as determined by the state chief information officer.	11236 11237 11238 11239 11240 11241 11242 11243
(2) Prior to the implementation of any information technology data system, a state agency shall prepare or have prepared a privacy impact statement for that system.	11244 11245 11246
(D) When a state agency requests a purchase of information	11247

technology supplies or services under Chapter 125. of the Revised 11248
Code, the state chief information officer may review and reject 11249
the requested purchase for noncompliance with information 11250
technology direction, plans, policies, standards, or 11251
project-alignment criteria. 11252

(E) The office of information technology may operate 11253
technology services for state agencies in accordance with this 11254
chapter. 11255

(F) With the approval of the director of administrative 11256
services, the office of information technology may establish 11257
cooperative agreements with federal and local government agencies 11258
and state agencies that are not under the authority of the 11259
governor for the provision of technology services and the 11260
development of technology projects. 11261

(G) As used in this section: 11262

(1) "Personal information" has the same meaning as in section 11263
149.45 of the Revised Code. 11264

(2) "State agency" means every organized body, office, or 11265
agency established by the laws of the state for the exercise of 11266
any function of state government, other than any state-supported 11267
institution of higher education, the office of the auditor of 11268
state, treasurer of state, secretary of state, or attorney 11269
general, the adjutant general's department, the bureau of workers' 11270
compensation, the industrial commission, the public employees 11271
retirement system, the Ohio police and fire pension fund, the 11272
state teachers retirement system, the school employees retirement 11273
system, the state highway patrol retirement system, the general 11274
assembly or any legislative agency, or the courts or any judicial 11275
agency. 11276

Sec. 125.181. The director of administrative services shall 11277

establish the state information technology investment board within 11278
the department of administrative services. The board shall consist 11279
of representatives from various state elective offices and state 11280
agencies, including the office of budget and management. The board 11281
shall identify and recommend to the state chief information 11282
officer opportunities for consolidation and cost-savings measures 11283
relating to information technology. Members of the board are not 11284
entitled to compensation for their services. 11285

Sec. 125.20. (A) Within one hundred eighty days after the 11286
effective date of this section, the director of administrative 11287
services shall establish an electronic site accessible through 11288
the internet to publish the following: 11289

(1) A database containing each state employee's year-to-date 11290
gross pay and pay from the most recent pay period. The database 11291
shall contain searchable fields including the name of the agency, 11292
position title, and employee name. 11293

(2) A database containing agency expenditures for goods and 11294
services that shall contain searchable fields including the name 11295
of the agency, expenditure amount, category of good or service for 11296
which an expenditure is made, and contractor or vendor name; 11297

(3) A database containing tax credits issued by the director 11298
of development to business entities that shall contain searchable 11299
fields, including the name under which the tax credit is known, 11300
the name of the entity receiving the credit, and the county in 11301
which the credit recipient's principal place of business in this 11302
state is located. 11303

(B) Daily, each executive agency shall provide to the 11304
department of administrative services information to be published 11305
in the databases under division (A) of this section. The director 11306
of administrative services may adopt rules governing the means by 11307
which information is submitted and databases are updated. 11308

Sec. 125.831. As used in sections 125.831 to 125.834 of the Revised Code:	11309 11310
(A) "Alternative fuel" means any of the following fuels used in a motor vehicle:	11311 11312
(1) E85 blend fuel;	11313
(2) Blended biodiesel;	11314
(3) Natural gas;	11315
(4) Liquefied petroleum gas;	11316
(5) Hydrogen;	11317
(6) <u>Compressed air</u> ;	11318
<u>(7)</u> Any power source, including electricity;	11319
~~(7)~~ <u>(8)</u> Any fuel not described in divisions (A)(1) to ~~(6)~~ <u>(7)</u> of this section that the United States department of energy determines, by final rule, to be substantially not petroleum, and that would yield substantial energy security and environmental benefits.	11320 11321 11322 11323 11324
(B) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats, or any combination of those reagents that meets the American society for testing and materials specification for biodiesel fuel (B100) blend stock distillate fuels and any other standards that the director of administrative services adopts by rule.	11325 11326 11327 11328 11329 11330
(C) "Blended biodiesel" means a blend of biodiesel with petroleum based diesel fuel in which the resultant product contains not less than twenty per cent biodiesel that meets the	11331 11332 11333

American society for testing and materials specification for 11334
blended diesel fuel and any other standards that the director of 11335
administrative services adopts by rule. 11336

(D) "Diesel fuel" means any liquid fuel that is capable of 11337
use in discrete form or as a blend component in the operation of 11338
engines of the diesel type. 11339

(E) "E85 blend fuel" means fuel containing eighty-five per 11340
cent or more ethanol as defined in section 5733.46 of the Revised 11341
Code or containing any other percentage of not less than seventy 11342
per cent ethanol if the United States department of energy 11343
determines, by rule, that the lower percentage is necessary to 11344
provide for the requirements of cold start, safety, or vehicle 11345
functions, and that meets the American society for testing and 11346
materials specification for E85 blend fuel and any other standards 11347
that the director of administrative services adopts by rule. 11348

(F) "Law enforcement officer" means an officer, agent, or 11349
employee of a state agency upon whom, by statute, a duty to 11350
conserve the peace or to enforce all or certain laws is imposed 11351
and the authority to arrest violators is conferred, within the 11352
limits of that statutory duty and authority, but does not include 11353
such an officer, agent, or employee if that duty and authority is 11354
location specific. 11355

(G)(1) "Motor vehicle" means any automobile, car minivan, 11356
cargo van, passenger van, sport utility vehicle, or pickup truck 11357
with a gross vehicle weight of under twelve thousand pounds. 11358

(2) "Motor vehicle" does not include, except for the purposes 11359
of division (C) of section 125.832 of the Revised Code, any 11360
vehicle described in division (G)(1) of this section that is used 11361
by a law enforcement officer and law enforcement agency or any 11362
vehicle that is so described and that is equipped with specialized 11363
equipment that is not normally found in such a vehicle and that is 11364

used to carry out a state agency's specific and specialized duties 11365
and responsibilities. 11366

(H) "Specialized equipment" does not include standard mobile 11367
radios with no capabilities other than voice communication, 11368
exterior and interior lights, or roof-mounted caution lights. 11369

(I) "State agency" means every organized body, office, board, 11370
authority, commission, or agency established by the laws of the 11371
state for the exercise of any governmental or quasi-governmental 11372
function of state government regardless of the funding source for 11373
that entity, other than any state institution of higher education, 11374
the office of the governor, lieutenant governor, auditor of state, 11375
treasurer of state, secretary of state, or attorney general, the 11376
general assembly or any legislative agency, the courts or any 11377
judicial agency, or any state retirement system or retirement 11378
program established by or referenced in the Revised Code. 11379

(J) "State institution of higher education" has the same 11380
meaning as in section 3345.011 of the Revised Code. 11381

Sec. 126.05. On or before the tenth day of each month, the 11382
director of budget and management shall furnish to the governor 11383
statements in such form as the governor requires showing the 11384
condition of the general revenue fund. The statements shall 11385
provide a summary of the status of appropriations to enable the 11386
governor to exercise and maintain effective supervision and 11387
control over the expenditures of the state. The director shall 11388
also furnish statements the governor requests showing the 11389
condition of any other fund. 11390

If the governor ascertains that the available revenue 11391
receipts and balances for the general revenue fund for the current 11392
fiscal year will in all probability be less than the 11393
appropriations for the year, ~~he~~the governor shall issue such 11394
orders to the state agencies as will prevent their expenditures 11395

and incurred obligations from exceeding such revenue receipts and
balances. 11396
11397

If the governor ascertains that the available revenue 11398
receipts and balances for any fund other than the general revenue 11399
fund for the current fiscal year will in all probability be less 11400
than the appropriations for the year, ~~he~~the governor may issue 11401
such orders to the state agencies as will prevent their 11402
expenditures and incurred obligations from exceeding such revenue 11403
receipts and balances. 11404

If the governor determines that the available revenue 11405
receipts and balances in any fund or across funds will likely be 11406
less than the appropriations for the year, the governor may 11407
declare a fiscal emergency and may issue such orders as necessary 11408
to the director of budget and management to reduce expenditures, 11409
or to the director of administrative services to implement 11410
personnel actions consistent therewith, including, but not 11411
limited to, mandatory cost savings days under section 124.392 of 11412
the Revised Code. 11413

As used in this section, "expenditures and incurred 11414
obligations" includes all moneys expended or obligated pursuant to 11415
appropriations by the general assembly that are calculated and 11416
distributed pursuant to a distribution formula in law. 11417

Sec. 126.10. No certificate of participation or any similar 11418
debt instrument may be obtained or entered into by the state 11419
without the prior approval of the general assembly. 11420

Sec. 126.21. (A) The director of budget and management shall 11421
do all of the following: 11422

(1) Keep all necessary accounting records; 11423

(2) Prescribe and maintain the accounting system of the state 11424

and establish appropriate accounting procedures and charts of accounts;	11425 11426
(3) Establish procedures for the use of written, electronic, optical, or other communications media for approving and reviewing payment vouchers;	11427 11428 11429
(4) Reconcile, in the case of any variation between the amount of any appropriation and the aggregate amount of items of the appropriation, with the advice and assistance of the state agency affected by it and the legislative service commission, totals so as to correspond in the aggregate with the total appropriation. In the case of a conflict between the item and the total of which it is a part, the item shall be considered the intended appropriation.	11430 11431 11432 11433 11434 11435 11436 11437
(5) Evaluate on an ongoing basis and, if necessary, recommend improvements to the internal controls used in state agencies;	11438 11439
(6) Authorize the establishment of petty cash accounts. The director may withdraw approval for any petty cash account and require the officer in charge to return to the state treasury any unexpended balance shown by the officer's accounts to be on hand. Any officer who is issued a warrant for petty cash shall render a detailed account of the expenditures of the petty cash and shall report when requested the balance of petty cash on hand at any time.	11440 11441 11442 11443 11444 11445 11446 11447
(7) Process orders, invoices, vouchers, claims, and payrolls and prepare financial reports and statements;	11448 11449
(8) Perform extensions, reviews, and compliance checks prior to or after approving a payment as the director considers necessary;	11450 11451 11452
(9) Issue the official comprehensive annual financial report	11453

of the state. The report shall cover all funds of the state 11454
reporting entity and shall include basic financial statements and 11455
required supplementary information prepared in accordance with 11456
generally accepted accounting principles and other information as 11457
the director provides. All state agencies, authorities, 11458
institutions, offices, retirement systems, and other component 11459
units of the state reporting entity as determined by the director 11460
shall furnish the director whatever financial statements and other 11461
information the director requests for the report, in the form, at 11462
the times, covering the periods, and with the attestation the 11463
director prescribes. The information for state institutions of 11464
higher education, as defined in section 3345.011 of the Revised 11465
Code, shall be submitted to the chancellor by the Ohio board of 11466
regents. The board shall establish a due date by which each such 11467
institution shall submit the information to the board, but no 11468
such date shall be later than one hundred twenty days after the 11469
end of the state fiscal year unless a later date is approved by 11470
the director. 11471

(B) In addition to the director's duties under division (A) 11472
of this section, the director may establish and administer one or 11473
more state payment card programs that permit or require state 11474
agencies to use a payment card to purchase equipment, materials, 11475
supplies, or services in accordance with guidelines issued by the 11476
director. The chief administrative officer of a state agency that 11477
uses a payment card for such purposes shall ensure that purchases 11478
made with the card are made in accordance with the guidelines 11479
issued by the director and do not exceed the unexpended, 11480
unencumbered, unobligated balance in the appropriation to be 11481
charged for the purchase. State agencies may participate in only 11482
those state payment card programs that the director establishes 11483
pursuant to this section. 11484

(C) In addition to the director's duties under divisions (A) 11485
and (B) of this section, the director may enter into any contract 11486

or agreement necessary for and incidental to the performance of 11487
the director's duties or the duties of the office of budget and 11488
management. 11489

(D) In consultation with the director of administrative 11490
services, the director may appoint and fix the compensation of 11491
employees of the office of budget and management whose primary 11492
duties include the consolidation of statewide financing functions 11493
and common transactional processes. 11494

Sec. 126.35. (A) The director of budget and management 11495
shall draw warrants against the treasurer of state pursuant to all 11496
requests for payment that the director has approved under section 11497
126.07 of the Revised Code. 11498

(B) ~~Unless the director of job and family services has~~ 11499
~~provided for the making of payments~~ a cash assistance payment is 11500
to be made by electronic benefit transfer, ~~if a financial~~ 11501
~~institution and account have been designated by the participant or~~ 11502
~~recipient,~~ payment by the director of budget and management to a 11503
participant in the Ohio works first program pursuant to Chapter 11504
5107. of the Revised Code ~~or~~ a recipient of disability financial 11505
assistance pursuant to Chapter 5115. of the Revised Code, or a 11506
recipient of cash assistance provided under the refugee assistance 11507
program established under section 5101.49 of the Revised Code 11508
shall be made by direct deposit to the account of the participant 11509
or recipient in the financial institution designated under section 11510
329.03 of the Revised Code. Payment by the director of budget and 11511
management to a recipient of benefits distributed through the 11512
medium of electronic benefit transfer pursuant to section 5101.33 11513
of the Revised Code shall be by electronic benefit transfer. 11514
Payment by the director of budget and management as compensation 11515
to an employee of the state who has, pursuant to section 124.151 11516
of the Revised Code, designated a financial institution and 11517
account for the direct deposit of such payments shall be made by 11518

direct deposit to the account of the employee. Payment to any 11519
other payee who has designated a financial institution and account 11520
for the direct deposit of such payment may be made by direct 11521
deposit to the account of the payee in the financial institution 11522
as provided in section 9.37 of the Revised Code. Accounts 11523
maintained by the director of budget and management or the 11524
director's agent in a financial institution for the purpose of 11525
effectuating payment by direct deposit or electronic benefit 11526
transfer shall be maintained in accordance with section 135.18 of 11527
the Revised Code. 11528

(C) All other payments from the state treasury shall be made 11529
by paper warrants or by direct deposit payable to the respective 11530
payees. The director of budget and management may mail the paper 11531
warrants to the respective payees or distribute them through other 11532
state agencies, whichever the director determines to be the better 11533
procedure. 11534

(D) If the average per transaction cost the director of 11535
budget and management incurs in making direct deposits for a state 11536
agency exceeds the average per transaction cost the director 11537
incurs in drawing paper warrants for all public offices during the 11538
same period of time, the director may certify the difference in 11539
cost and the number of direct deposits for the agency to the 11540
director of administrative services. The director of 11541
administrative services shall reimburse the director of budget and 11542
management for such additional costs and add the amount to the 11543
processing charge assessed upon the state agency. 11544

Sec. 126.50. As used in sections 126.50, 126.501, 126.502, 11545
126.503, 126.504, 126.505, 126.506, and 126.507 of the Revised 11546
Code: 11547

(A) "Critical services" means a service provided by the state 11548
the deferral or cancellation of which would cause at least one of 11549
the following: 11550

<u>(1) An immediate risk to the health, safety, or welfare of the citizens of the state;</u>	11551 11552
<u>(2) A undermining of activity aimed at creating or retaining jobs in the state;</u>	11553 11554
<u>(3) An interference with the receipt of revenue to the state or the realization of savings to the state.</u>	11555 11556
<u>"Critical services" does not mean a deferral or cancellation of a service provided by the state that would result in inconvenience, sustainable delay, or other similar compromise to the normal provision of state-provided services.</u>	11557 11558 11559 11560
<u>(B) "State agency" has the same meaning as in section 1.60 of the Revised Code, but does not include the elected state officers, the general assembly or any legislative agency, a court or any judicial agency, or a state institution of higher education.</u>	11561 11562 11563 11564 11565
<u>Sec. 126.501. By November 1, 2009, each state agency shall submit to the general assembly and the director of budget and management a spending plan that outlines a thirty per cent overall reduction in spending on supplies and services for fiscal years 2010 and 2011. Each spending plan shall address any potential savings, lack of savings, or costs that may be realized by each of the following strategies:</u>	11566 11567 11568 11569 11570 11571 11572
<u>(A) Gaining approval from the state agency's director or the director's designee for any purchase of supplies or services costing one thousand dollars or more.</u>	11573 11574 11575
<u>(B) Renegotiating, if not otherwise prohibited, contracts entered into before July 1, 2009, and especially those contracts in which a vendor is willing to reduce costs by fifteen per cent</u>	11576 11577 11578

<u>or more while maintaining substantial equivalency on other terms.</u>	11579
<u>(C) With the approval of the director of administrative</u>	11580
<u>services, allowing contracts for critical services that are up for</u>	11581
<u>renewal to expire and be rebid.</u>	11582
<u>(D) With the approval of the director of budget and</u>	11583
<u>management, cancelling all contracts entered into before July 1,</u>	11584
<u>2009, that are supported by noncapital funds.</u>	11585
<u>(E) Cooperatively purchasing supplies and services with other</u>	11586
<u>state agencies.</u>	11587
<u>(F) Using other state agencies to provide needed services.</u>	11588
<u>(G) Purchasing equipment and furniture in compliance with any</u>	11589
<u>control-on-equipment directive issued by the office of budget and</u>	11590
<u>management.</u>	11591
<u>(H) Reducing parking expenses, including expenses for</u>	11592
<u>purchased and leased spaces for state agency employees, spaces for</u>	11593
<u>fleet vehicles, and spaces and parking reimbursement for state</u>	11594
<u>agency employees on agency business. The spending plan shall</u>	11595
<u>include a review of a loss of efficiency or other benefits related</u>	11596
<u>to the reduction in parking expenses.</u>	11597
<u>By December 1, 2009, the director of budget and management</u>	11598
<u>shall issue guidance to each state agency on which spending plan</u>	11599
<u>strategies the agency is expected to implement for fiscal years</u>	11600
<u>2010 and 2011.</u>	11601
<u>Sec. 126.502. By the first day of February of each</u>	11602
<u>odd-numbered year, beginning in 2011, the director of each state</u>	11603
<u>agency shall submit to the general assembly and the director of</u>	11604
<u>budget and management a spending plan for purchasing supplies and</u>	11605
<u>services for the following two fiscal years. Each spending plan</u>	11606

shall address any potential savings, lack of savings, or costs 11607
that may be realized by each of the strategies enumerated in 11608
section 126.501 of the Revised Code. 11609

By the first day of March of each odd-numbered year, 11610
beginning in 2011, the director of budget and management shall 11611
issue guidance to each state agency on which spending plan 11612
strategies the agency is expected to implement for the following 11613
two fiscal years. 11614

Sec. 126.503. All state agencies shall control nonessential 11615
travel expenses by doing all of the following: 11616

(A) Complying with any travel directives issued by the 11617
director of budget and management; 11618

(B) Using, when possible, the online travel authorization and 11619
expense reimbursement process; 11620

(C) Conducting meetings, whenever possible and in compliance 11621
with section 121.22 of the Revised Code, using conference calls, 11622
teleconferences, webinars, or other technology tools; 11623

(D) Using fleet vehicles for official state travel whenever 11624
possible; and 11625

(E) Following restrictions set by the department of 11626
administrative services regarding mileage reimbursement pursuant 11627
to section 125.832 of the Revised Code. 11628

The director of budget and management shall not reimburse any 11629
state agency employee for unauthorized travel expenses. 11630

Sec. 126.504. (A) Each state agency shall use the 11631
interoffice mailing service provided by the department of 11632
administrative services for all mail deliveries to other state 11633

agencies located within a reasonable distance. 11634

(B) By October 1, 2009, each state agency shall direct all 11635
major printing, copying, mail preparation, and related services 11636
through the department of administrative services and shall 11637
eliminate any internal operations providing those services. 11638

Sec. 126.505. (A) Each state agency shall comply with any 11639
purchasing standardization and strategic sourcing policy 11640
directives issued by the director of administrative services. 11641

(B) Each state agency shall comply with any 11642
control-on-equipment directives issued by the director of budget 11643
and management. The director shall issue and revise as necessary 11644
control-on-equipment directives that apply to all furniture and 11645
equipment purchases. 11646

Sec. 126.506. (A) Each state agency shall participate in 11647
information technology consolidation projects implemented by the 11648
state chief information officer under section 125.18 of the 11649
Revised Code. 11650

(B) At the direction of and in the format specified by the 11651
director of administrative services, each state agency shall 11652
maintain a list of information technology assets possessed by the 11653
agency and associated costs related to those assets. 11654

Sec. 126.507. In consultation with the director of budget 11655
and management, the director of administrative services shall 11656
monitor the implementation of spending plan strategies by state 11657
agencies and shall report to the governor and the general assembly 11658
semiannually regarding the effectiveness of the implemented 11659
strategies and any unintended consequences of implemented 11660
strategies. The report to the general assembly shall be made under 11661
section 101.68 of the Revised Code. 11662

Sec. 127.16. (A) Upon the request of either a state agency
or the director of budget and management and after the controlling
board determines that an emergency or a sufficient economic reason
exists, the controlling board may approve the making of a purchase
without competitive selection as provided in division (B) of this
section.

(B) Except as otherwise provided in this section, no state
agency, using money that has been appropriated to it directly,
shall:

(1) Make any purchase from a particular supplier, that would
amount to fifty thousand dollars or more when combined with both
the amount of all disbursements to the supplier during the fiscal
year for purchases made by the agency and the amount of all
outstanding encumbrances for purchases made by the agency from the
supplier, unless the purchase is made by competitive selection or
with the approval of the controlling board;

(2) Lease real estate from a particular supplier, if the
lease would amount to seventy-five thousand dollars or more when
combined with both the amount of all disbursements to the supplier
during the fiscal year for real estate leases made by the agency
and the amount of all outstanding encumbrances for real estate
leases made by the agency from the supplier, unless the lease is
made by competitive selection or with the approval of the
controlling board.

(C) Any person who authorizes a purchase in violation of
division (B) of this section shall be liable to the state for any
state funds spent on the purchase, and the attorney general shall
collect the amount from the person.

(D) Nothing in division (B) of this section shall be
construed as:

(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code;	11693 11694 11695
(2) Applying to medicaid provider agreements under Chapter 5111. of the Revised Code ~~or payments or provider agreements under the disability medical assistance program established under Chapter 5115. of the Revised Code;~~	11696 11697 11698 11699
(3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code;	11700 11701 11702
(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair;	11703 11704 11705 11706 11707 11708 11709 11710 11711
(5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;	11712 11713 11714 11715
(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate.	11716 11717 11718 11719 11720 11721 11722 11723

(7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;	11724 11725 11726
(8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in connection with the eligibility determinations it makes for applicants of programs administered by the social security administration;	11727 11728 11729 11730 11731 11732
(9) Applying to payments by the department of job and family services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;	11733 11734 11735 11736
(10) Applying to any agency of the legislative branch of the state government;	11737 11738
(11) Applying to agreements or contracts entered into under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the Revised Code;	11739 11740 11741
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	11742 11743 11744 11745
(13) Applying to dues or fees paid for membership in an organization or association;	11746 11747
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	11748 11749
(15) Applying to purchases made in accordance with rules	11750

adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	11751 11752 11753
(16) Applying to purchases of tickets for passenger air transportation;	11754 11755
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	11756 11757 11758
(18) Applying to the judicial branch of state government;	11759
(19) Applying to purchases of liquor for resale by the division of liquor control;	11760 11761
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	11762 11763 11764
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	11765 11766 11767 11768
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	11769 11770 11771
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	11772 11773
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	11774 11775 11776 11777

(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	11778 11779 11780
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	11781 11782 11783 11784 11785
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under section 5123.18 of the Revised Code;	11786 11787 11788
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	11789 11790 11791
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	11792 11793 11794 11795 11796 11797
(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;	11798 11799 11800 11801 11802
(31) Applying to the department of job and family services' purchases of health assistance services under the children's health insurance program part I provided for under section 5101.50 of the Revised Code, the children's health insurance program part II provided for under section 5101.51 of the Revised Code, or the	11803 11804 11805 11806 11807

children's health insurance program part III provided for under	11808
section 5101.52 of the Revised Code, or the children's buy-in	11809
program provided for under sections 5101.5211 to 5101.5216 of the	11810
Revised Code;	11811
(32) Applying to payments by the attorney general from the	11812
reparations fund to hospitals and other emergency medical	11813
facilities for performing medical examinations to collect physical	11814
evidence pursuant to section 2907.28 of the Revised Code;	11815
(33) Applying to contracts with a contracting authority or	11816
administrative receiver under division (B) of section 5126.056 of	11817
the Revised Code;	11818
(34) Applying to ~~reimbursements paid to the United States~~	11819
~~department of veterans affairs for pharmaceutical and patient~~	11820
~~supply purchases made on behalf of the Ohio veterans' home agency~~	11821
<u>purchases of goods and services by the department of veterans</u>	11822
<u>services in accordance with the terms of contracts entered into by</u>	11823
<u>the United States department of veterans affairs;</u>	11824
~~(35) Applying to agreements entered into with terminal~~	11825
~~distributors of dangerous drugs under section 173.79 of the~~	11826
~~Revised Code;~~	11827
~~(36)~~ (35) Applying to payments by the superintendent of the	11828
bureau of criminal identification and investigation to the	11829
federal bureau of investigation for criminal records checks	11830
pursuant to section 109.572 of the Revised Code.	11831
(E) When determining whether a state agency has reached the	11832
cumulative purchase thresholds established in divisions (B)(1) and	11833
(2) of this section, all of the following purchases by such agency	11834
shall not be considered:	11835
(1) Purchases made through competitive selection or with	11836

controlling board approval;	11837
(2) Purchases listed in division (D) of this section;	11838
(3) For the purposes of the threshold of division (B)(1) of this section only, leases of real estate.	11839 11840
(F) As used in this section, "competitive selection,"	11841
"purchase," "supplies," and "services" have the same meanings as	11842
in section 125.01 of the Revised Code.	11843
Sec. 131.23. The various political subdivisions of this	11844
state may issue bonds, and any indebtedness created by that	11845
issuance shall not be subject to the limitations or included in	11846
the calculation of indebtedness prescribed by sections 133.05,	11847
133.06, 133.07, and 133.09 of the Revised Code, but the bonds may	11848
be issued only under the following conditions:	11849
(A) The subdivision desiring to issue the bonds shall obtain	11850
from the county auditor a certificate showing the total amount of	11851
delinquent taxes due and unpayable to the subdivision at the last	11852
semiannual tax settlement.	11853
(B) The fiscal officer of that subdivision shall prepare a	11854
statement, from the books of the subdivision, verified by the	11855
fiscal officer under oath, which shall contain the following facts	11856
of the subdivision:	11857
(1) The total bonded indebtedness;	11858
(2) The aggregate amount of notes payable or outstanding	11859
accounts of the subdivision, incurred prior to the commencement of	11860
the current fiscal year, which shall include all evidences of	11861
indebtedness issued by the subdivision except notes issued in	11862
anticipation of bond issues and the indebtedness of any	11863
nontax-supported public utility;	11864

(3) Except in the case of school districts, the aggregate	11865
current year's requirement for disability financial assistance ~~and~~	11866
~~disability medical assistance~~ provided under Chapter 5115. of the	11867
Revised Code that the subdivision is unable to finance except by	11868
the issue of bonds;	11869
(4) The indebtedness outstanding through the issuance of any	11870
bonds or notes pledged or obligated to be paid by any delinquent	11871
taxes;	11872
(5) The total of any other indebtedness;	11873
(6) The net amount of delinquent taxes unpledged to pay any	11874
bonds, notes, or certificates, including delinquent assessments on	11875
improvements on which the bonds have been paid;	11876
(7) The budget requirements for the fiscal year for bond and	11877
note retirement;	11878
(8) The estimated revenue for the fiscal year.	11879
(C) The certificate and statement provided for in divisions	11880
(A) and (B) of this section shall be forwarded to the tax	11881
commissioner together with a request for authority to issue bonds	11882
of the subdivision in an amount not to exceed seventy per cent of	11883
the net unobligated delinquent taxes and assessments due and owing	11884
to the subdivision, as set forth in division (B)(6) of this	11885
section.	11886
(D) No subdivision may issue bonds under this section in	11887
excess of a sufficient amount to pay the indebtedness of the	11888
subdivision as shown by division (B)(2) of this section and,	11889
except in the case of school districts, to provide funds for	11890
disability financial assistance ~~and disability medical assistance,~~	11891
as shown by division (B)(3) of this section.	11892

(E) The tax commissioner shall grant to the subdivision
authority requested by the subdivision as restricted by divisions
(C) and (D) of this section and shall make a record of the
certificate, statement, and grant in a record book devoted solely
to such recording and which shall be open to inspection by the
public.

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(F) The commissioner shall immediately upon issuing the
authority provided in division (E) of this section notify the
proper authority having charge of the retirement of bonds of the
subdivision by forwarding a copy of the grant of authority and of
the statement provided for in division (B) of this section.

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(G) Upon receipt of authority, the subdivision shall proceed
according to law to issue the amount of bonds authorized by the
commissioner, and authorized by the taxing authority, provided the
taxing authority of that subdivision may submit, by resolution, to
the electors of that subdivision the question of issuing the
bonds. The resolution shall make the declarations and statements
required by section 133.18 of the Revised Code. The county auditor
and taxing authority shall thereupon proceed as set forth in
divisions (C) and (D) of that section. The election on the
question of issuing the bonds shall be held under divisions (E),
(F), and (G) of that section, except that publication of the
notice of the election shall be made on two separate days prior to
the election in one or more newspapers of general circulation in
the subdivision, and, if the board of elections operates and
maintains a web site, notice of the election also shall be posted
on that web site for thirty days prior to the election. The bonds
may be exchanged at their face value with creditors of the
subdivision in liquidating the indebtedness described and
enumerated in division (B)(2) of this section or may be sold as
provided in Chapter 133. of the Revised Code, and in either event
shall be uncontestable.

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(H) The per cent of delinquent taxes and assessments 11925
collected for and to the credit of the subdivision after the 11926
exchange or sale of bonds as certified by the commissioner shall 11927
be paid to the authority having charge of the sinking fund of the 11928
subdivision, which money shall be placed in a separate fund for 11929
the purpose of retiring the bonds so issued. The proper authority 11930
of the subdivisions shall provide for the levying of a tax 11931
sufficient in amount to pay the debt charges on all such bonds 11932
issued under this section. 11933

(I) This section is for the sole purpose of assisting the 11934
various subdivisions in paying their unsecured indebtedness, and 11935
providing funds for disability financial assistance ~~and disability~~ 11936
~~medical assistance~~. The bonds issued under authority of this 11937
section shall not be used for any other purpose, and any exchange 11938
for other purposes, or the use of the money derived from the sale 11939
of the bonds by the subdivision for any other purpose, is 11940
misapplication of funds. 11941

(J) The bonds authorized by this section shall be redeemable 11942
or payable in not to exceed ten years from date of issue and shall 11943
not be subject to or considered in calculating the net 11944
indebtedness of the subdivision. The budget commission of the 11945
county in which the subdivision is located shall annually allocate 11946
such portion of the then delinquent levy due the subdivision which 11947
is unpledged for other purposes to the payment of debt charges on 11948
the bonds issued under authority of this section. 11949

(K) The issue of bonds under this section shall be governed 11950
by Chapter 133. of the Revised Code, respecting the terms used, 11951
forms, manner of sale, and redemption except as otherwise provided 11952
in this section. 11953

The board of county commissioners of any county may issue 11954
bonds authorized by this section and distribute the proceeds of 11955
the bond issues to any or all of the cities and townships of the 11956

county, according to their relative needs for disability financial 11957
assistance ~~and disability medical assistance~~ as determined by the 11958
county. 11959

All sections of the Revised Code inconsistent with or 11960
prohibiting the exercise of the authority conferred by this 11961
section are inoperative respecting bonds issued under this 11962
section. 11963

Sec. 131.33. (A) No state agency shall incur an obligation 11964
which exceeds the agency's current appropriation authority. 11965
~~Unexpended~~ Except as provided in division (D) of this section, 11966
unexpended balances of appropriations shall, at the close of the 11967
period for which the appropriations are made, revert to the funds 11968
from which the appropriations were made, except that the director 11969
of budget and management shall transfer such unexpended balances 11970
from the first fiscal year to the second fiscal year of an 11971
agency's appropriations to the extent necessary for voided 11972
warrants to be reissued pursuant to division (C) of section 11973
126.37 of the Revised Code. 11974

Except as provided in this section, appropriations made to a 11975
specific fiscal year shall be expended only to pay liabilities 11976
incurred within that fiscal year. 11977

(B) All payrolls shall be charged to the allotments of the 11978
fiscal quarters in which the applicable payroll vouchers are 11979
certified by the director of budget and management in accordance 11980
with section 126.07 of the Revised Code. As used in this ~~section~~ 11981
division, "payrolls" means any payment made in accordance with 11982
section 125.21 of the Revised Code. 11983

(C) Legal liabilities from prior fiscal years for which there 11984
is no reappropriation authority shall be discharged from the 11985
unencumbered balances of current appropriations. 11986

<u>(D)(1) Federal grant funds obligated by the department of job</u>	11987
<u>and family services for financial allocations to county family</u>	11988
<u>services agencies and local workforce investment boards may, at</u>	11989
<u>the discretion of the director of job and family services, be</u>	11990
<u>available for expenditure for the duration of the federal grant</u>	11991
<u>period of obligation and liquidation, as follows:</u>	11992
<u>(a) At the end of the state fiscal year, all unexpended</u>	11993
<u>county family services agency and local workforce investment board</u>	11994
<u>financial allocations obligated from federal grant funds may</u>	11995
<u>continue to be valid for expenditure during subsequent state</u>	11996
<u>fiscal years.</u>	11997
<u>(b) The financial allocations described in division (D)(1)(a)</u>	11998
<u>of this section shall be reconciled at the end of the federal</u>	11999
<u>grant period of availability or as required by federal law,</u>	12000
<u>regardless of the state fiscal year of the appropriation.</u>	12001
<u>(2) The director of job and family services may adopt rules</u>	12002
<u>in accordance with section 111.15 of the Revised Code, as if they</u>	12003
<u>were internal management rules, as necessary to implement division</u>	12004
<u>(D) of this section.</u>	12005
<u>(3) As used in division (D) of this section:</u>	12006
<u>(a) "County family services agency" has the same meaning as</u>	12007
<u>in section 307.981 of the Revised Code.</u>	12008
<u>(b) "Local workforce investment board" means a local</u>	12009
<u>workforce investment board established under section 117 of the</u>	12010
<u>"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2832,</u>	12011
<u>as amended.</u>	12012
<u>Sec. 131.38. (A) As used in this section, "segregated</u>	12013
<u>custodial fund" means a fund of a state agency that is established</u>	12014
<u>by law that consists of moneys, claims, bonds, notes, other</u>	12015

obligations, stocks, and other securities, receipts or other 12016
evidences of ownership, and other intangible assets that is 12017
neither required to be kept in the custody of the treasurer of 12018
state nor required to be part of the state treasury. 12019

(B) A state agency that possesses, controls, maintains, or 12020
holds a segregated custodial fund or otherwise evidences ownership 12021
of the contents of a segregated custodial fund shall provide to 12022
the director of budget and management a report related to such 12023
fund by the first day of May of each fiscal year. The report shall 12024
be in such form and contain such information as the director 12025
requires. 12026

Sec. 133.01. As used in this chapter, in sections 9.95, 12027
9.96, and 2151.655 of the Revised Code, in other sections of the 12028
Revised Code that make reference to this chapter unless the 12029
context does not permit, and in related proceedings, unless 12030
otherwise expressly provided: 12031

(A) "Acquisition" as applied to real or personal property 12032
includes, among other forms of acquisition, acquisition by 12033
exercise of a purchase option, and acquisition of interests in 12034
property, including, without limitation, easements and 12035
rights-of-way, and leasehold and other lease interests initially 12036
extending or extendable for a period of at least sixty months. 12037

(B) "Anticipatory securities" means securities, including 12038
notes, issued in anticipation of the issuance of other securities. 12039

(C) "Board of elections" means the county board of elections 12040
of the county in which the subdivision is located. If the 12041
subdivision is located in more than one county, "board of 12042
elections" means the county board of elections of the county that 12043
contains the largest portion of the population of the subdivision 12044
or that otherwise has jurisdiction in practice over and 12045
customarily handles election matters relating to the subdivision. 12046

(D) "Bond retirement fund" means the bond retirement fund provided for in section 5705.09 of the Revised Code, and also means a sinking fund or any other special fund, regardless of the name applied to it, established by or pursuant to law or the proceedings for the payment of debt charges. Provision may be made in the applicable proceedings for the establishment in a bond retirement fund of separate accounts relating to debt charges on particular securities, or on securities payable from the same or common sources, and for the application of moneys in those accounts only to specified debt charges on specified securities or categories of securities. Subject to law and any provisions in the applicable proceedings, moneys in a bond retirement fund or separate account in a bond retirement fund may be transferred to other funds and accounts.

(E) "Capitalized interest" means all or a portion of the interest payable on securities from their date to a date stated or provided for in the applicable legislation, which interest is to be paid from the proceeds of the securities.

(F) "Chapter 133. securities" means securities authorized by or issued pursuant to or in accordance with this chapter.

(G) "County auditor" means the county auditor of the county in which the subdivision is located. If the subdivision is located in more than one county, "county auditor" means the county auditor of the county that contains the highest amount of the tax valuation of the subdivision or that otherwise has jurisdiction in practice over and customarily handles property tax matters relating to the subdivision. In the case of a county that has adopted a charter, "county auditor" means the officer who generally has the duties and functions provided in the Revised Code for a county auditor.

(H) "Credit enhancement facilities" means letters of credit,

lines of credit, stand-by, contingent, or firm securities purchase 12078
agreements, insurance, or surety arrangements, guarantees, and 12079
other arrangements that provide for direct or contingent payment 12080
of debt charges, for security or additional security in the event 12081
of nonpayment or default in respect of securities, or for making 12082
payment of debt charges to and at the option and on demand of 12083
securities holders or at the option of the issuer or upon certain 12084
conditions occurring under put or similar arrangements, or for 12085
otherwise supporting the credit or liquidity of the securities, 12086
and includes credit, reimbursement, marketing, remarketing, 12087
indexing, carrying, interest rate hedge, and subrogation 12088
agreements, and other agreements and arrangements for payment and 12089
reimbursement of the person providing the credit enhancement 12090
facility and the security for that payment and reimbursement. 12091

(I) "Current operating expenses" or "current expenses" means 12092
the lawful expenditures of a subdivision, except those for 12093
permanent improvements and for payments of debt charges of the 12094
subdivision. 12095

(J) "Debt charges" means the principal, including any 12096
mandatory sinking fund deposits and mandatory redemption payments, 12097
interest, and any redemption premium, payable on securities as 12098
those payments come due and are payable. The use of "debt charges" 12099
for this purpose does not imply that any particular securities 12100
constitute debt within the meaning of the Ohio Constitution or 12101
other laws. 12102

(K) "Financing costs" means all costs and expenses relating 12103
to the authorization, including any required election, issuance, 12104
sale, delivery, authentication, deposit, custody, clearing, 12105
registration, transfer, exchange, fractionalization, replacement, 12106
payment, and servicing of securities, including, without 12107
limitation, costs and expenses for or relating to publication and 12108
printing, postage, delivery, preliminary and final official 12109

statements, offering circulars, and informational statements,	12110
travel and transportation, underwriters, placement agents,	12111
investment bankers, paying agents, registrars, authenticating	12112
agents, remarketing agents, custodians, clearing agencies or	12113
corporations, securities depositories, financial advisory	12114
services, certifications, audits, federal or state regulatory	12115
agencies, accounting and computation services, legal services and	12116
obtaining approving legal opinions and other legal opinions,	12117
credit ratings, redemption premiums, and credit enhancement	12118
facilities. Financing costs may be paid from any moneys available	12119
for the purpose, including, unless otherwise provided in the	12120
proceedings, from the proceeds of the securities to which they	12121
relate and, as to future financing costs, from the same sources	12122
from which debt charges on the securities are paid and as though	12123
debt charges.	12124

(L) "Fiscal officer" means the following, or, in the case of	12125
absence or vacancy in the office, a deputy or assistant authorized	12126
by law or charter to act in the place of the named officer, or if	12127
there is no such authorization then the deputy or assistant	12128
authorized by legislation to act in the place of the named officer	12129
for purposes of this chapter, in the case of the following	12130
subdivisions:	12131

(1) A county, the county auditor;	12132

(2) A municipal corporation, the city auditor or village	12133
clerk or clerk-treasurer, or the officer who, by virtue of a	12134
charter, has the duties and functions provided in the Revised Code	12135
for the city auditor or village clerk or clerk-treasurer;	12136

(3) A school district, the treasurer of the board of	12137
education;	12138

(4) A regional water and sewer district, the secretary of the	12139
board of trustees;	12140

(5) A joint township hospital district, the treasurer of the district;	12141 12142
(6) A joint ambulance district, the clerk of the board of trustees;	12143 12144
(7) A joint recreation district, the person designated pursuant to section 755.15 of the Revised Code;	12145 12146
(8) A detention facility district or a district organized under section 2151.65 of the Revised Code or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district;	12147 12148 12149 12150 12151
(9) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the fiscal officer of the township;	12152 12153 12154
(10) A joint fire district, the clerk of the board of trustees of that district;	12155 12156
(11) A regional or county library district, the person responsible for the financial affairs of that district;	12157 12158
(12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code;	12159 12160 12161
(13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code;	12162 12163 12164
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	12165 12166 12167

(15) A subdivision described in division (MM)(17) of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer.	12168 12169 12170
(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.	12171 12172
(N) "Fractionalized interests in public obligations" means participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations themselves, evidencing ownership of interests in public obligations or of rights to receive payments of, or on account of, principal or interest or their equivalents payable by or on behalf of an obligor pursuant to public obligations.	12173 12174 12175 12176 12177 12178 12179
(O) "Fully registered securities" means securities in certificated or uncertificated form, registered as to both principal and interest in the name of the owner.	12180 12181 12182
(P) "Fund" means to provide for the payment of debt charges and expenses related to that payment at or prior to retirement by purchase, call for redemption, payment at maturity, or otherwise.	12183 12184 12185
(Q) "General obligation" means securities to the payment of debt charges on which the full faith and credit and the general property taxing power, including taxes within the tax limitation if available to the subdivision, of the subdivision are pledged.	12186 12187 12188 12189
(R) "Interest" or "interest equivalent" means those payments or portions of payments, however denominated, that constitute or represent consideration for forbearing the collection of money, or for deferring the receipt of payment of money to a future time.	12190 12191 12192 12193
(S) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and	12194 12195

includes any laws of the United States providing for application of that code.	12196 12197
(T) "Issuer" means any public issuer and any nonprofit corporation authorized to issue securities for or on behalf of any public issuer.	12198 12199 12200
(U) "Legislation" means an ordinance or resolution passed by a majority affirmative vote of the then members of the taxing authority unless a different vote is required by charter provisions governing the passage of the particular legislation by the taxing authority.	12201 12202 12203 12204 12205
(V) "Mandatory sinking fund redemption requirements" means amounts required by proceedings to be deposited in a bond retirement fund for the purpose of paying in any year or fiscal year by mandatory redemption prior to stated maturity the principal of securities that is due and payable, except for mandatory prior redemption requirements as provided in those proceedings, in a subsequent year or fiscal year.	12206 12207 12208 12209 12210 12211 12212
(W) "Mandatory sinking fund requirements" means amounts required by proceedings to be deposited in a year or fiscal year in a bond retirement fund for the purpose of paying the principal of securities that is due and payable in a subsequent year or fiscal year.	12213 12214 12215 12216 12217
(X) "Net indebtedness" has the same meaning as in division (A) of section 133.04 of the Revised Code.	12218 12219
(Y) "Obligor," in the case of securities or fractionalized interests in public obligations issued by another person the debt charges or their equivalents on which are payable from payments made by a public issuer, means that public issuer.	12220 12221 12222 12223
(Z) "One purpose" relating to permanent improvements means	12224

any one permanent improvement or group or category of permanent	12225
improvements for the same utility, enterprise, system, or project,	12226
development or redevelopment project, or for or devoted to the	12227
same general purpose, function, or use or for which	12228
self-supporting securities, based on the same or different sources	12229
of revenues, may be issued or for which special assessments may be	12230
levied by a single ordinance or resolution. "One purpose"	12231
includes, but is not limited to, in any case any off-street	12232
parking facilities relating to another permanent improvement, and:	12233
(1) Any number of roads, highways, streets, bridges,	12234
sidewalks, and viaducts;	12235
(2) Any number of off-street parking facilities;	12236
(3) In the case of a county, any number of permanent	12237
improvements for courthouse, jail, county offices, and other	12238
county buildings, and related facilities;	12239
(4) In the case of a school district, any number of	12240
facilities and buildings for school district purposes, and related	12241
facilities.	12242
(AA) "Outstanding," referring to securities, means securities	12243
that have been issued, delivered, and paid for, except any of the	12244
following:	12245
(1) Securities canceled upon surrender, exchange, or	12246
transfer, or upon payment or redemption;	12247
(2) Securities in replacement of which or in exchange for	12248
which other securities have been issued;	12249
(3) Securities for the payment, or redemption or purchase for	12250
cancellation prior to maturity, of which sufficient moneys or	12251
investments, in accordance with the applicable legislation or	12252

other proceedings or any applicable law, by mandatory sinking fund redemption requirements, mandatory sinking fund requirements, or otherwise, have been deposited, and credited for the purpose in a bond retirement fund or with a trustee or paying or escrow agent, whether at or prior to their maturity or redemption, and, in the case of securities to be redeemed prior to their stated maturity, notice of redemption has been given or satisfactory arrangements have been made for giving notice of that redemption, or waiver of that notice by or on behalf of the affected security holders has been filed with the subdivision or its agent for the purpose.

(BB) "Paying agent" means the one or more banks, trust companies, or other financial institutions or qualified persons, including an appropriate office or officer of the subdivision, designated as a paying agent or place of payment of debt charges on the particular securities.

(CC) "Permanent improvement" or "improvement" means any property, asset, or improvement certified by the fiscal officer, which certification is conclusive, as having an estimated life or period of usefulness of five years or more, and includes, but is not limited to, real estate, buildings, and personal property and interests in real estate, buildings, and personal property, equipment, furnishings, and site improvements, and reconstruction, rehabilitation, renovation, installation, improvement, enlargement, and extension of property, assets, or improvements so certified as having an estimated life or period of usefulness of five years or more. The acquisition of all the stock ownership of a corporation is the acquisition of a permanent improvement to the extent that the value of that stock is represented by permanent improvements. A permanent improvement for parking, highway, road, and street purposes includes resurfacing, but does not include ordinary repair.

(DD) "Person" has the same meaning as in section 1.59 of the

Revised Code and also includes any federal, state, interstate, 12285
regional, or local governmental agency, any subdivision, and any 12286
combination of those persons. 12287

(EE) "Proceedings" means the legislation, certifications, 12288
notices, orders, sale proceedings, trust agreement or indenture, 12289
mortgage, lease, lease-purchase agreement, assignment, credit 12290
enhancement facility agreements, and other agreements, 12291
instruments, and documents, as amended and supplemented, and any 12292
election proceedings, authorizing, or providing for the terms and 12293
conditions applicable to, or providing for the security or sale or 12294
award of, public obligations, and includes the provisions set 12295
forth or incorporated in those public obligations and proceedings. 12296

(FF) "Public issuer" means any of the following that is 12297
authorized by law to issue securities or enter into public 12298
obligations: 12299

(1) The state, including an agency, commission, officer, 12300
institution, board, authority, or other instrumentality of the 12301
state; 12302

(2) A taxing authority, subdivision, district, or other local 12303
public or governmental entity, and any combination or consortium, 12304
or public division, district, commission, authority, department, 12305
board, officer, or institution, thereof; 12306

(3) Any other body corporate and politic, or other public 12307
entity. 12308

(GG) "Public obligations" means both of the following: 12309

(1) Securities; 12310

(2) Obligations of a public issuer to make payments under 12311
installment sale, lease, lease purchase, or similar agreements, 12312

which obligations may bear interest or interest equivalent. 12313

(HH) "Refund" means to fund and retire outstanding 12314
securities, including advance refunding with or without payment or 12315
redemption prior to maturity. 12316

(II) "Register" means the books kept and maintained by the 12317
registrar for registration, exchange, and transfer of registered 12318
securities. 12319

(JJ) "Registrar" means the person responsible for keeping the 12320
register for the particular registered securities, designated by 12321
or pursuant to the proceedings. 12322

(KK) "Securities" means bonds, notes, certificates of 12323
indebtedness, commercial paper, and other instruments in writing, 12324
including, unless the context does not admit, anticipatory 12325
securities, issued by an issuer to evidence its obligation to 12326
repay money borrowed, or to pay interest, by, or to pay at any 12327
future time other money obligations of, the issuer of the 12328
securities, but not including public obligations described in 12329
division (GG)(2) of this section. 12330

(LL) "Self-supporting securities" means securities or 12331
portions of securities issued for the purpose of paying costs of 12332
permanent improvements to the extent that receipts of the 12333
subdivision, other than the proceeds of taxes levied by that 12334
subdivision, derived from or with respect to the improvements or 12335
the operation of the improvements being financed, or the 12336
enterprise, system, project, or category of improvements of which 12337
the improvements being financed are part, are estimated by the 12338
fiscal officer to be sufficient to pay the current expenses of 12339
that operation or of those improvements or enterprise, system, 12340
project, or categories of improvements and the debt charges 12341
payable from those receipts on securities issued for the purpose. 12342
Until such time as the improvements or increases in rates and 12343

charges have been in operation or effect for a period of at least 12344
six months, the receipts therefrom, for purposes of this 12345
definition, shall be those estimated by the fiscal officer, except 12346
that those receipts may include, without limitation, payments made 12347
and to be made to the subdivision under leases or agreements in 12348
effect at the time the estimate is made. In the case of an 12349
operation, improvements, or enterprise, system, project, or 12350
category of improvements without at least a six-month history of 12351
receipts, the estimate of receipts by the fiscal officer, other 12352
than those to be derived under leases and agreements then in 12353
effect, shall be confirmed by the taxing authority. 12354

(MM) "Subdivision" means any of the following: 12355

(1) A county, including a county that has adopted a charter 12356
under Article X, Ohio Constitution; 12357

(2) A municipal corporation, including a municipal 12358
corporation that has adopted a charter under Article XVIII, Ohio 12359
Constitution; 12360

(3) A school district; 12361

(4) A regional water and sewer district organized under 12362
Chapter 6119. of the Revised Code; 12363

(5) A joint township hospital district organized under 12364
section 513.07 of the Revised Code; 12365

(6) A joint ambulance district organized under section 505.71 12366
of the Revised Code; 12367

(7) A joint recreation district organized under division (C) 12368
of section 755.14 of the Revised Code; 12369

(8) A detention facility district organized under section 12370

2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;	12371 12372 12373
(9) A township police district organized under section 505.48 of the Revised Code;	12374 12375
(10) A township;	12376
(11) A joint fire district organized under section 505.371 of the Revised Code;	12377 12378
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	12379 12380 12381
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	12382 12383
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	12384 12385
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	12386 12387
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	12388 12389
(17) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.	12390 12391 12392
(NN) "Taxing authority" means in the case of the following subdivisions:	12393 12394
(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or	12395 12396

other legislative authority of a county that has adopted a charter	12397
under Article X, Ohio Constitution, but with respect to such a	12398
library district acting solely as agent for the board of trustees	12399
of that district;	12400
(2) A municipal corporation, the legislative authority;	12401
(3) A school district, the board of education;	12402
(4) A regional water and sewer district, a joint ambulance	12403
district, a joint recreation district, a fire and ambulance	12404
district, or a joint fire district, the board of trustees of the	12405
district;	12406
(5) A joint township hospital district, the joint township	12407
hospital board;	12408
(6) A detention facility district or a district organized	12409
under section 2151.65 of the Revised Code, a combined district	12410
organized under sections 2152.41 and 2151.65 of the Revised Code,	12411
or a joint emergency medical services district, the joint board of	12412
county commissioners;	12413
(7) A township, a fire district organized under division (C)	12414
of section 505.37 of the Revised Code, or a township police	12415
district, the board of township trustees;	12416
(8) A joint solid waste management district organized under	12417
section 343.01 or 343.012 of the Revised Code, the board of	12418
directors of the district;	12419
(9) A subdivision described in division (MM)(17) of this	12420
section, the legislative or governing body or official.	12421
(OO) "Tax limitation" means the "ten-mill limitation" as	12422
defined in section 5705.02 of the Revised Code without diminution	12423

by reason of section 5705.313 of the Revised Code or otherwise, 12424
or, in the case of a municipal corporation or county with a 12425
different charter limitation on property taxes levied to pay debt 12426
charges on unvoted securities, that charter limitation. Those 12427
limitations shall be respectively referred to as the "ten-mill 12428
limitation" and the "charter tax limitation." 12429

(PP) "Tax valuation" means the aggregate of the valuations of 12430
property subject to ad valorem property taxation by the 12431
subdivision on the real property, personal property, and public 12432
utility property tax lists and duplicates most recently certified 12433
for collection, and shall be calculated without deductions of the 12434
valuations of otherwise taxable property exempt in whole or in 12435
part from taxation by reason of exemptions of certain amounts of 12436
taxable value under division (C) of section 5709.01, tax 12437
reductions under section 323.152 of the Revised Code, or similar 12438
laws now or in the future in effect. 12439

For purposes of section 133.06 of the Revised Code, "tax 12440
valuation" shall not include the valuation of tangible personal 12441
property used in business, telephone or telegraph property, 12442
interexchange telecommunications company property, or personal 12443
property owned or leased by a railroad company and used in 12444
railroad operations listed under or described in section 5711.22, 12445
division (B) or (F) of section 5727.111, or section 5727.12 of the 12446
Revised Code. 12447

(QQ) "Year" means the calendar year. 12448

(RR) "Administrative agent," "agent," "commercial paper," 12449
"floating rate interest structure," "indexing agent," "interest 12450
rate hedge," "interest rate period," "put arrangement," and 12451
"remarketing agent" have the same meanings as in section 9.98 of 12452
the Revised Code. 12453

(SS) "Sales tax supported" means obligations to the payment 12454

of debt charges on which an additional sales tax or additional 12455
sales taxes have been pledged by the taxing authority of a county 12456
pursuant to section 133.081 of the Revised Code. 12457

Sec. 133.02. (A) Securities lawfully authorized and issued 12458
by an issuer, and fractionalized interests in public obligations, 12459
subject to applicable provisions for registration or of the 12460
proceedings, are negotiable instruments and securities under 12461
Chapters 1303. and 1308. of the Revised Code, notwithstanding that 12462
the promise to pay debt charges on the particular securities or 12463
fractionalized interests may be limited to payment out of a 12464
particular fund or the proceeds from a particular source. 12465

(B) Unless a judicial action or proceeding challenging the 12466
validity of public obligations or of fractionalized interests in 12467
public obligations is commenced by personal service on the chief 12468
executive officer or legal officer or fiscal officer of the issuer 12469
and, if applicable, the obligor, prior to the initial delivery of 12470
the public obligations or the fractionalized interests in public 12471
obligations, the public obligations or the fractionalized 12472
interests in them and the proceedings relating to them are 12473
incontestable and the public obligations or the fractionalized 12474
interests in them shall be conclusively considered to be and to 12475
have been issued, secured, entered into, payable, sold, executed, 12476
and delivered, and the proceedings relating to them taken, in 12477
conformity with all legal requirements if all of the following 12478
apply: 12479

(1) They state that they are issued or entered into under or 12480
pursuant to authorizing provisions of law or of any applicable 12481
charter or the Ohio Constitution and comply on their face with 12482
those provisions. 12483

(2) They are issued or entered into for a lawful purpose, as 12484
stated in the securities or the legislation authorizing their 12485
issuance, and within any limitations prescribed by law. 12486

(3) Their purchase price, if any, has been paid in full.	12487
(4) The transcript of the proceedings contains a statement by the officer having charge of the applicable records, or by the legal officer or fiscal officer, of the issuer and, if applicable, of the obligor that all the proceedings were held in compliance with law, which statement creates a conclusive presumption that the proceedings were held in compliance with all laws, including, as applicable, section 121.22 of the Revised Code, and rules.	12488 12489 12490 12491 12492 12493 12494
(C) An individual as such, or as an officer, director, stockholder, or employee of or owner of any interest in an entity, or relatives or business associates of such individual, purchasing securities or fractionalized interests in public obligations as the original or subsequent purchaser, or providing a credit enhancement facility, or acting as a lessor, trustee, fiscal agent, financial adviser, paying agent, or registrar related thereto, shall not be deemed to be interested, either directly or indirectly, solely by reason of such purchase, provision, or relationship, in such purchase or sale or servicing or in the contract evidenced by the securities or the fractionalized interests in public obligations or the credit enhancement facility, for the purpose of any law of this state that prohibits a public officer, servant, or employee, or his relatives or business associates, from being interested in any contract of the particular issuer or obligor.	12495 12496 12497 12498 12499 12500 12501 12502 12503 12504 12505 12506 12507 12508 12509 12510
(D) As used in this division, "tax compliance payments" means any amounts determined or estimated as amounts required to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those obligations, including any amounts computed at the time to represent the portion of investment income to be rebated, or amounts in lieu of or in addition to any rebate amount and any penalty or interest to be paid, for that purpose pursuant to the	12511 12512 12513 12514 12515 12516 12517 12518

Internal Revenue Code; and "public obligations" includes any bond 12519
within the meaning of section 150(a) of the Internal Revenue Code. 12520

Notwithstanding any other law, an issuer and an obligor may 12521
agree, in specific or general terms, to do or cause or require to 12522
be done all things necessary for, and not to do or permit or 12523
authorize to be done anything that would adversely affect, the 12524
exclusion of interest on public obligations or on fractionalized 12525
interests in public obligations from gross income for federal 12526
income tax purposes under the Internal Revenue Code, or the 12527
classification or qualification of the public obligations or the 12528
interest on the public obligations or fractionalized interests in 12529
public obligations for, or their exemption from, other treatment 12530
under the Internal Revenue Code, including compliance with the 12531
provisions for tax compliance payments to the United States in 12532
accordance with the Internal Revenue Code. Those actions and 12533
covenants and compliance therewith shall be valid, incontestable, 12534
final, and conclusive to the extent that they support that 12535
exclusion from gross income or those classifications, 12536
qualifications, or exemptions. The authorization in this division 12537
is solely for the purpose of satisfying such federal conditions or 12538
requirements, and is in addition to and not a limitation upon 12539
other authorization granted by or pursuant to law or the Ohio 12540
Constitution, and does not preclude or exclude any actions or 12541
covenants by the issuer or obligor, or its officer, to satisfy the 12542
federal conditions or requirements for the purpose, including 12543
actions and covenants previously taken or made. Subject to the 12544
terms of those covenants, compliance with covenants referred to in 12545
this division by the issuer or obligor and its officers are acts 12546
specifically enjoined by law as duties resulting from their 12547
office, trust, and station for purposes of section 2731.01 of the 12548
Revised Code. The issuer or obligor, and its officers, employees, 12549
and agents responsible in the circumstances, shall do all things 12550
necessary or appropriate to comply with such covenants and shall 12551
take all actions to account for, calculate, report, make 12552

available, and make tax compliance payments pursuant to the 12553
Internal Revenue Code to the extent required to comply with such 12554
covenants. In order to protect the tax exemption of interest or 12555
other qualification, classification, or exemption for tax 12556
purposes, and to reduce tax compliance payments: 12557

(1) Moneys from the funds to which any such interest is 12558
credited, and from any fund that is generally available for the 12559
general purposes of the issuer or obligor, available for the 12560
purpose of the securities issue, or available for operating and 12561
maintenance expenses of any improvements financed or refinanced by 12562
that issue or of any system or enterprise of which those 12563
improvements are a part, shall be appropriated and are deemed 12564
appropriated for all purposes to the payment of such amounts 12565
pursuant to such covenant, and may be so appropriated in the 12566
absence of such a covenant. Subject to the provisions of the 12567
applicable proceedings and notwithstanding any statutory or 12568
administrative limitations on the use or transfer of those funds 12569
or receipts, the appropriate official of the issuer or obligor 12570
may: 12571

(a) Withdraw or transfer tax compliance payments from the 12572
fund or funds designated by the issuer or obligor for the purpose, 12573
including any bond, improvement, or special fund, and any bond 12574
retirement fund after provision for current debt charges 12575
requirements, or direct the deposit from receipts, and deposit tax 12576
compliance payments in or credit them to the fund or account 12577
established for the purpose, which establishment is hereby 12578
authorized, and disburse moneys from that fund or account for that 12579
purpose. 12580

(b) Withdraw or transfer investment income from any bond or 12581
improvement fund, from any bond retirement fund after provision 12582
for current debt charges requirements, and from any other special 12583
fund established with respect to an issue of securities, and 12584

deposit that investment income in or credit that investment income 12585
to any other fund or account. 12586

(2) An issuer or obligor may invest any proceeds or gross 12587
proceeds, as defined in the Internal Revenue Code, of public 12588
obligations or fractionalized interests in public obligations in 12589
tax-exempt bonds of any person authorized to issue tax-exempt 12590
bonds under the Internal Revenue Code, and in any regulated 12591
investment company, the investment in which is treated as an 12592
investment in tax-exempt bonds for purposes of provisions of 12593
section 148 of the Internal Revenue Code, and in any special 12594
series of obligations of the United States made available for 12595
purposes of compliance with provisions of section 148 of the 12596
Internal Revenue Code. The authority to invest proceeds under this 12597
division is in addition to and not restricted or conditioned by 12598
any other authority of an issuer to invest its moneys. 12599

Nothing in this division or in other prior or current 12600
provisions of law requires that an issuer or obligor comply with 12601
provisions of federal tax law or regulations to exclude interest 12602
on its public obligations from gross income for federal income tax 12603
purposes or otherwise to have the public obligations or interest 12604
thereon treated in any particular way under federal tax laws, 12605
except to the extent, if any, that the issuer or obligor covenants 12606
to do so, and the validity of the public obligations shall not be 12607
adversely affected by the absence of that compliance or of 12608
compliance with any covenants made pursuant to this division. 12609

This division applies to public obligations and 12610
fractionalized interests in public obligations, outstanding on or 12611
entered into prior to, or issued or entered into on or after, 12612
October 30, 1989. 12613

(E) Notwithstanding any other law, the income from the 12614
investment of proceeds of public obligations or fractionalized 12615
interests in public obligations of a public issuer, or payments 12616

received by or on behalf of a public issuer under section 6341 of 12617
the Internal Revenue Code, 26 U.S.C. 6431, may be credited to the 12618
fund or account in which those proceeds are held, to the fund or 12619
account from which debt charges on those public obligations are 12620
paid, or to the general fund or other fund or account as the 12621
public issuer authorizes, and used for the purposes of that fund 12622
or account. 12623

Sec. 133.022. (A) As used in this section: 12624

(1) "Large local educational agency" and "qualified school 12625
construction bond" have the same meaning as in section 54F of the 12626
Internal Revenue Code, 26 U.S.C. 54F. 12627

(2) "National limit" means, as applicable, the limitation on 12628
the aggregate amount of qualified school construction bonds that 12629
may be issued by the states each calendar year under section 54F 12630
of the Internal Revenue Code. 12631

(3) "State portion" means the portion of the national limit 12632
allocated to this state pursuant to section 54F of the Internal 12633
Revenue Code. 12634

(B)(1) To provide for the orderly and prompt issuance of 12635
qualified school construction bonds, the Ohio school facilities 12636
commission, in consultation with the director of budget and 12637
management, shall allocate the state portion among those issuers 12638
authorized to issue qualified school construction bonds. The Ohio 12639
school facilities commission may also accept from any large local 12640
educational agency the allocation received by that agency under 12641
section 54F(d)(2) of the Internal Revenue Code and reallocate it 12642
to any issuer or issuers authorized to issue obligations, 12643
including any large local educational agency. 12644

(2) The factors to be considered when making allocations of 12645
the state portion or reallocations of any amounts received by a 12646

<u>large local educational agency include the following:</u>	12647
<u>(a) The interests of the state with regard to education and economic development:</u>	12648
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<u>(b) The need and ability of each issuer to issue obligations.</u>	12650
<u>(3) The Ohio school facilities commission, in consultation with the director of budget and management, shall establish procedures for making allocations, including those from any carryover of the state portion, and shall adopt guidelines to carry out the purposes of this section.</u>	12651
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Sec. 133.06. (A) A school district shall not incur, without a vote of the electors, net indebtedness that exceeds an amount equal to one-tenth of one per cent of its tax valuation, except as provided in divisions (G) and (H) of this section and in division (C) of section 3313.372 of the Revised Code, or as prescribed in section 3318.052 <u>or 3318.44</u> of the Revised Code, or as provided in division (J) of this section.	12656
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(B) Except as provided in divisions (E), (F), and (I) of this section, a school district shall not incur net indebtedness that exceeds an amount equal to nine per cent of its tax valuation.	12663
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(C) A school district shall not submit to a vote of the electors the question of the issuance of securities in an amount that will make the district's net indebtedness after the issuance of the securities exceed an amount equal to four per cent of its tax valuation, unless the superintendent of public instruction, acting under policies adopted by the state board of education, and the tax commissioner, acting under written policies of the commissioner, consent to the submission. A request for the consents shall be made at least one hundred five days prior to the election at which the question is to be submitted.	12666
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The superintendent of public instruction shall certify to the district the superintendent's and the tax commissioner's decisions within thirty days after receipt of the request for consents.

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If the electors do not approve the issuance of securities at the election for which the superintendent of public instruction and tax commissioner consented to the submission of the question, the school district may submit the same question to the electors on the date that the next special election may be held under section 3501.01 of the Revised Code without submitting a new request for consent. If the school district seeks to submit the same question at any other subsequent election, the district shall first submit a new request for consent in accordance with this division.

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(D) In calculating the net indebtedness of a school district, none of the following shall be considered:

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(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code;

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(2) Securities issued under division (F) of this section, under section 133.301 of the Revised Code, and, to the extent in excess of the limitation stated in division (B) of this section, under division (E) of this section;

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(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;

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(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the Revised Code;

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(5) Debt incurred under section 3313.374 of the Revised Code;	12705
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	12706 12707 12708
(7) Debt incurred under section 3318.042 of the Revised Code.	12709
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	12710 12711
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	12712 12713 12714
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	12715 12716
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	12717 12718 12719 12720
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	12721 12722 12723
(a) A history of and a projection of the growth of the student population;	12724 12725
(b) The history of and a projection of the growth of the tax valuation;	12726 12727
(c) The projected needs;	12728
(d) The estimated cost of permanent improvements proposed to meet such projected needs.	12729 12730

(3) The superintendent of public instruction shall certify	12731
the district as an approved special needs district if the	12732
superintendent finds both of the following:	12733
(a) The district does not have available sufficient	12734
additional funds from state or federal sources to meet the	12735
projected needs.	12736
(b) The projection of the potential average growth of tax	12737
valuation during the next five years, according to the information	12738
certified to the superintendent and any other information the	12739
superintendent obtains, indicates a likelihood of potential	12740
average growth of tax valuation of the district during the next	12741
five years of an average of not less than three per cent per year.	12742
The findings and certification of the superintendent shall be	12743
conclusive.	12744
(4) An approved special needs district may incur net	12745
indebtedness by the issuance of securities in accordance with the	12746
provisions of this chapter in an amount that does not exceed an	12747
amount equal to the greater of the following:	12748
(a) Nine per cent of the sum of its tax valuation plus an	12749
amount that is the product of multiplying that tax valuation by	12750
the percentage by which the tax valuation has increased over the	12751
tax valuation on the first day of the sixtieth month preceding the	12752
month in which its board determines to submit to the electors the	12753
question of issuing the proposed securities;	12754
(b) Nine per cent of the sum of its tax valuation plus an	12755
amount that is the product of multiplying that tax valuation by	12756
the percentage, determined by the superintendent of public	12757
instruction, by which that tax valuation is projected to increase	12758
during the next ten years.	12759

(F) A school district may issue securities for emergency purposes, in a principal amount that does not exceed an amount equal to three per cent of its tax valuation, as provided in this division.	12760 12761 12762 12763
(1) A board of education, by resolution, may declare an emergency if it determines both of the following:	12764 12765
(a) School buildings or other necessary school facilities in the district have been wholly or partially destroyed, or condemned by a constituted public authority, or that such buildings or facilities are partially constructed, or so constructed or planned as to require additions and improvements to them before the buildings or facilities are usable for their intended purpose, or that corrections to permanent improvements are necessary to remove or prevent health or safety hazards.	12766 12767 12768 12769 12770 12771 12772 12773
(b) Existing fiscal and net indebtedness limitations make adequate replacement, additions, or improvements impossible.	12774 12775
(2) Upon the declaration of an emergency, the board of education may, by resolution, submit to the electors of the district pursuant to section 133.18 of the Revised Code the question of issuing securities for the purpose of paying the cost, in excess of any insurance or condemnation proceeds received by the district, of permanent improvements to respond to the emergency need.	12776 12777 12778 12779 12780 12781 12782
(3) The procedures for the election shall be as provided in section 133.18 of the Revised Code, except that:	12783 12784
(a) The form of the ballot shall describe the emergency existing, refer to this division as the authority under which the emergency is declared, and state that the amount of the proposed securities exceeds the limitations prescribed by division (B) of this section;	12785 12786 12787 12788 12789

(b) The resolution required by division (B) of section 133.18 of the Revised Code shall be certified to the county auditor and the board of elections at least seventy-five days prior to the election;	12790 12791 12792 12793
(c) The county auditor shall advise and, not later than sixty-five days before the election, confirm that advice by certification to, the board of education of the information required by division (C) of section 133.18 of the Revised Code;	12794 12795 12796 12797
(d) The board of education shall then certify its resolution and the information required by division (D) of section 133.18 of the Revised Code to the board of elections not less than sixty days prior to the election.	12798 12799 12800 12801
(4) Notwithstanding division (B) of section 133.21 of the Revised Code, the first principal payment of securities issued under this division may be set at any date not later than sixty months after the earliest possible principal payment otherwise provided for in that division.	12802 12803 12804 12805 12806
(G) The board of education may contract with an architect, professional engineer, or other person experienced in the design and implementation of energy conservation measures for an analysis and recommendations pertaining to installations, modifications of installations, or remodeling that would significantly reduce energy consumption in buildings owned by the district. The report shall include estimates of all costs of such installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, repairs, and debt service, and estimates of the amounts by which energy consumption and resultant operational and maintenance costs, as defined by the Ohio school facilities commission, would be reduced.	12807 12808 12809 12810 12811 12812 12813 12814 12815 12816 12817 12818
If the board finds after receiving the report that the amount	12819

of money the district would spend on such installations, 12820
modifications, or remodeling is not likely to exceed the amount of 12821
money it would save in energy and resultant operational and 12822
maintenance costs over the ensuing fifteen years, the board may 12823
submit to the commission a copy of its findings and a request for 12824
approval to incur indebtedness to finance the making or 12825
modification of installations or the remodeling of buildings for 12826
the purpose of significantly reducing energy consumption. 12827

If the commission determines that the board's findings are 12828
reasonable, it shall approve the board's request. Upon receipt of 12829
the commission's approval, the district may issue securities 12830
without a vote of the electors in a principal amount not to exceed 12831
nine-tenths of one per cent of its tax valuation for the purpose 12832
of making such installations, modifications, or remodeling, but 12833
the total net indebtedness of the district without a vote of the 12834
electors incurred under this and all other sections of the Revised 12835
Code, except section 3318.052 of the Revised Code, shall not 12836
exceed one per cent of the district's tax valuation. 12837

So long as any securities issued under division (G) of this 12838
section remain outstanding, the board of education shall monitor 12839
the energy consumption and resultant operational and maintenance 12840
costs of buildings in which installations or modifications have 12841
been made or remodeling has been done pursuant to division (G) of 12842
this section and shall maintain and annually update a report 12843
documenting the reductions in energy consumption and resultant 12844
operational and maintenance cost savings attributable to such 12845
installations, modifications, or remodeling. The report shall be 12846
certified by an architect or engineer independent of any person 12847
that provided goods or services to the board in connection with 12848
the energy conservation measures that are the subject of the 12849
report. The resultant operational and maintenance cost savings 12850
shall be certified by the school district treasurer. The report 12851
shall be made available to the commission upon request. 12852

(H) With the consent of the superintendent of public instruction, a school district may incur without a vote of the electors net indebtedness that exceeds the amounts stated in divisions (A) and (G) of this section for the purpose of paying costs of permanent improvements, if and to the extent that both of the following conditions are satisfied:

(1) The fiscal officer of the school district estimates that receipts of the school district from payments made under or pursuant to agreements entered into pursuant to section 725.02, 1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised Code, or distributions under division (C) of section 5709.43 of the Revised Code, or any combination thereof, are, after accounting for any appropriate coverage requirements, sufficient in time and amount, and are committed by the proceedings, to pay the debt charges on the securities issued to evidence that indebtedness and payable from those receipts, and the taxing authority of the district confirms the fiscal officer's estimate, which confirmation is approved by the superintendent of public instruction;

(2) The fiscal officer of the school district certifies, and the taxing authority of the district confirms, that the district, at the time of the certification and confirmation, reasonably expects to have sufficient revenue available for the purpose of operating such permanent improvements for their intended purpose upon acquisition or completion thereof, and the superintendent of public instruction approves the taxing authority's confirmation.

The maximum maturity of securities issued under division (H) of this section shall be the lesser of twenty years or the maximum maturity calculated under section 133.20 of the Revised Code.

(I) A school district may incur net indebtedness by the

issuance of securities in accordance with the provisions of this 12884
chapter in excess of the limit specified in division (B) or (C) of 12885
this section when necessary to raise the school district portion 12886
of the basic project cost and any additional funds necessary to 12887
participate in a project under Chapter 3318. of the Revised Code, 12888
including the cost of items designated by the Ohio school 12889
facilities commission as required locally funded initiatives and 12890
the cost for site acquisition. The school facilities commission 12891
shall notify the superintendent of public instruction whenever a 12892
school district will exceed either limit pursuant to this 12893
division. 12894

(J) A school district whose portion of the basic project cost 12895
of its classroom facilities project under sections 3318.01 to 12896
3318.20 of the Revised Code is greater than or equal to one 12897
hundred million dollars may incur without a vote of the electors 12898
net indebtedness in an amount up to two per cent of its tax 12899
valuation through the issuance of general obligation securities in 12900
order to generate all or part of the amount of its portion of the 12901
basic project cost if the controlling board has approved the 12902
school facilities commission's conditional approval of the project 12903
under section 3318.04 of the Revised Code. The school district 12904
board and the Ohio school facilities commission shall include the 12905
dedication of the proceeds of such securities in the agreement 12906
entered into under section 3318.08 of the Revised Code. No state 12907
moneys shall be released for a project to which this section 12908
applies until the proceeds of any bonds issued under this section 12909
that are dedicated for the payment of the school district portion 12910
of the project are first deposited into the school district's 12911
project construction fund. 12912

Sec. 133.18. (A) The taxing authority of a subdivision may 12913
by legislation submit to the electors of the subdivision the 12914
question of issuing any general obligation bonds, for one purpose, 12915
that the subdivision has power or authority to issue. 12916

(B) When the taxing authority of a subdivision desires or is required by law to submit the question of a bond issue to the electors, it shall pass legislation that does all of the following:	12917 12918 12919 12920
(1) Declares the necessity and purpose of the bond issue;	12921
(2) States the date of the authorized election at which the question shall be submitted to the electors;	12922 12923
(3) States the amount, approximate date, estimated <u>net average</u> rate of interest, and maximum number of years over which the principal of the bonds may be paid;	12924 12925 12926
(4) Declares the necessity of levying a tax outside the tax limitation to pay the debt charges on the bonds and any anticipatory securities.	12927 12928 12929
<u>The estimated net average interest rate shall be determined by the taxing authority based on, among other factors, then existing market conditions, and may reflect adjustments for any anticipated direct payments expected to be received by the taxing authority from the government of the United States relating to the bonds and the effect of any federal tax credits anticipated to be available to owners of all or a portion of the bonds.</u> The estimated <u>net average</u> rate of interest, and any statutory or charter limit on interest rates that may then be in effect and that is subsequently amended, shall not be a limitation on the actual interest rate or rates on the securities when issued.	12930 12931 12932 12933 12934 12935 12936 12937 12938 12939 12940
(C)(1) The taxing authority shall certify a copy of the legislation passed under division (B) of this section to the county auditor. The county auditor shall promptly calculate and advise and, not later than seventy-five days before the election, confirm that advice by certification to, the taxing authority the	12941 12942 12943 12944 12945

estimated average annual property tax levy, expressed in cents or 12946
dollars and cents for each one hundred dollars of tax valuation 12947
and in mills for each one dollar of tax valuation, that the county 12948
auditor estimates to be required throughout the stated maturity of 12949
the bonds to pay the debt charges on the bonds. In calculating the 12950
estimated average annual property tax levy for this purpose, the 12951
county auditor shall assume that the bonds are issued in one 12952
series bearing interest and maturing in substantially equal 12953
principal amounts in each year over the maximum number of years 12954
over which the principal of the bonds may be paid as stated in 12955
that legislation, and that the amount of the tax valuation of the 12956
subdivision for the current year remains the same throughout the 12957
maturity of the bonds, except as otherwise provided in division 12958
(C)(2) of this section. If the tax valuation for the current year 12959
is not determined, the county auditor shall base the calculation 12960
on the estimated amount of the tax valuation submitted by the 12961
county auditor to the county budget commission. If the subdivision 12962
is located in more than one county, the county auditor shall 12963
obtain the assistance of the county auditors of the other 12964
counties, and those county auditors shall provide assistance, in 12965
establishing the tax valuation of the subdivision for purposes of 12966
certifying the estimated average annual property tax levy. 12967

(2) When considering the tangible personal property component 12968
of the tax valuation of the subdivision, the county auditor shall 12969
take into account the assessment percentages prescribed in section 12970
5711.22 of the Revised Code. The tax commissioner may issue rules, 12971
orders, or instructions directing how the assessment percentages 12972
must be utilized. 12973

(D) After receiving the county auditor's advice under 12974
division (C) of this section, the taxing authority by legislation 12975
may determine to proceed with submitting the question of the issue 12976
of securities, and shall, not later than the seventy-fifth day 12977
before the day of the election, file the following with the board 12978

of elections:	12979
(1) Copies of the legislation provided for in divisions (B)	12980
and (D) of this section;	12981
(2) The amount of the estimated average annual property tax	12982
levy, expressed in cents or dollars and cents for each one hundred	12983
dollars of tax valuation and in mills for each one dollar of tax	12984
valuation, as estimated and certified to the taxing authority by	12985
the county auditor.	12986
(E)(1) The board of elections shall prepare the ballots and	12987
make other necessary arrangements for the submission of the	12988
question to the electors of the subdivision. If the subdivision is	12989
located in more than one county, the board shall inform the boards	12990
of elections of the other counties of the filings with it, and	12991
those other boards shall if appropriate make the other necessary	12992
arrangements for the election in their counties. The election	12993
shall be conducted, canvassed, and certified in the manner	12994
provided in Title XXXV of the Revised Code.	12995
(2) The election shall be held at the regular places for	12996
voting in the subdivision. If the electors of only a part of a	12997
precinct are qualified to vote at the election the board of	12998
elections may assign the electors in that part to an adjoining	12999
precinct, including an adjoining precinct in another county if the	13000
board of elections of the other county consents to and approves	13001
the assignment. Each elector so assigned shall be notified of that	13002
fact prior to the election by notice mailed by the board of	13003
elections, in such manner as it determines, prior to the election.	13004
(3) The board of elections shall publish a notice of the	13005
election, in one or more newspapers of general circulation in the	13006
subdivision, at least once no later than ten days prior to the	13007
election. The notice shall state all of the following:	13008

(a) The principal amount of the proposed bond issue;	13009
(b) The stated purpose for which the bonds are to be issued;	13010
(c) The maximum number of years over which the principal of the bonds may be paid;	13011 13012
(d) The estimated additional average annual property tax levy, expressed in cents or dollars and cents for each one hundred dollars of tax valuation and in mills for each one dollar of tax valuation, to be levied outside the tax limitation, as estimated and certified to the taxing authority by the county auditor;	13013 13014 13015 13016 13017
(e) The first calendar year in which the tax is expected to be due.	13018 13019
(F)(1) The form of the ballot to be used at the election shall be substantially either of the following, as applicable:	13020 13021
(a) "Shall bonds be issued by the (name of subdivision) for the purpose of (purpose of the bond issue) in the principal amount of (principal amount of the bond issue), to be repaid annually over a maximum period of (the maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the (as applicable, "ten-mill" or "...charter tax") limitation, estimated by the county auditor to average over the repayment period of the bond issue (number of mills) mills for each one dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each one hundred dollars of tax valuation, commencing in (first year the tax will be levied), first due in calendar year (first calendar year in which the tax shall be due), to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?	13022 13023 13024 13025 13026 13027 13028 13029 13030 13031 13032 13033 13034 13035 13036 13037 13038

	13039
For the bond issue	13040
Against the bond issue "	13041
	13042
(b) In the case of an election held pursuant to legislation	13043
adopted under section 3375.43 or 3375.431 of the Revised Code:	13044
"Shall bonds be issued for (name of library) for	13045
the purpose of (purpose of the bond issue), in the	13046
principal amount of (amount of the bond issue) by	13047
..... (the name of the subdivision that is to issue the bonds	13048
and levy the tax) as the issuer of the bonds, to be repaid	13049
annually over a maximum period of (the maximum number	13050
of years over which the principal of the bonds may be paid) years,	13051
and an annual levy of property taxes be made outside the ten-mill	13052
limitation, estimated by the county auditor to average over the	13053
repayment period of the bond issue (number of mills)	13054
mills for each one dollar of tax valuation, which amounts to	13055
..... (rate expressed in cents or dollars and cents, such as	13056
"36 cents" or "\$1.41") for each one hundred dollars of tax	13057
valuation, commencing in (first year the tax will be	13058
levied), first due in calendar year (first calendar	13059
year in which the tax shall be due), to pay the annual debt	13060
charges on the bonds, and to pay debt charges on any notes issued	13061
in anticipation of those bonds?	13062
	13063
For the bond issue	13064
Against the bond issue "	13065
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(2) The purpose for which the bonds are to be issued shall be printed in the space indicated, in boldface type.

(G) The board of elections shall promptly certify the results of the election to the tax commissioner, the county auditor of each county in which any part of the subdivision is located, and the fiscal officer of the subdivision. The election, including the proceedings for and result of the election, is incontestable other than in a contest filed under section 3515.09 of the Revised Code in which the plaintiff prevails.

(H) If a majority of the electors voting upon the question vote for it, the taxing authority of the subdivision may proceed under sections 133.21 to 133.33 of the Revised Code with the issuance of the securities and with the levy and collection of a property tax outside the tax limitation during the period the securities are outstanding sufficient in amount to pay the debt charges on the securities, including debt charges on any anticipatory securities required to be paid from that tax. If legislation passed under section 133.22 or 133.23 of the Revised Code authorizing those securities is filed with the county auditor on or before the last day of November, the amount of the voted property tax levy required to pay debt charges or estimated debt charges on the securities payable in the following year shall if requested by the taxing authority be included in the taxes levied for collection in the following year under section 319.30 of the Revised Code.

(I)(1) If, before any securities authorized at an election under this section are issued, the net indebtedness of the subdivision exceeds that applicable to that subdivision or those securities, then and so long as that is the case none of the securities may be issued.

(2) No securities authorized at an election under this

section may be initially issued after the first day of the sixth 13098
January following the election, but this period of limitation 13099
shall not run for any time during which any part of the permanent 13100
improvement for which the securities have been authorized, or the 13101
issuing or validity of any part of the securities issued or to be 13102
issued, or the related proceedings, is involved or questioned 13103
before a court or a commission or other tribunal, administrative 13104
agency, or board. 13105

(3) Securities representing a portion of the amount 13106
authorized at an election that are issued within the applicable 13107
limitation on net indebtedness are valid and in no manner affected 13108
by the fact that the balance of the securities authorized cannot 13109
be issued by reason of the net indebtedness limitation or lapse of 13110
time. 13111

(4) Nothing in this division (I) shall be interpreted or 13112
applied to prevent the issuance of securities in an amount to fund 13113
or refund anticipatory securities lawfully issued. 13114

(5) The limitations of divisions (I)(1) and (2) of this 13115
section do not apply to any securities authorized at an election 13116
under this section if at least ten per cent of the principal 13117
amount of the securities, including anticipatory securities, 13118
authorized has theretofore been issued, or if the securities are 13119
to be issued for the purpose of participating in any federally or 13120
state-assisted program. 13121

(6) The certificate of the fiscal officer of the subdivision 13122
is conclusive proof of the facts referred to in this division. 13123

Sec. 133.20. (A) This section applies to bonds that are 13124
general obligation Chapter 133. securities. If the bonds are 13125
payable as to principal by provision for annual installments, the 13126
period of limitations on their last maturity, referred to as their 13127
maximum maturity, shall be measured from a date twelve months 13128

prior to the first date on which provision for payment of 13129
principal is made. If the bonds are payable as to principal by 13130
provision for semiannual installments, the period of limitations 13131
on their last maturity shall be measured from a date six months 13132
prior to the first date on which provision for payment of 13133
principal is made. 13134

(B) Bonds issued for the following permanent improvements or 13135
for permanent improvements for the following purposes shall have 13136
maximum maturities not exceeding the number of years stated: 13137

(1) Fifty years: 13138

(a) The clearance and preparation of real property for 13139
redevelopment as an urban redevelopment project; 13140

(b) Acquiring, constructing, widening, relocating, enlarging, 13141
extending, and improving a publicly owned railroad or line of 13142
railway or a light or heavy rail rapid transit system, including 13143
related bridges, overpasses, underpasses, and tunnels, but not 13144
including rolling stock or equipment; 13145

(c) Pursuant to section 307.675 of the Revised Code, 13146
constructing or repairing a bridge using long life expectancy 13147
material for the bridge deck, and purchasing, installing, and 13148
maintaining any performance equipment to monitor the physical 13149
condition of a bridge so constructed or repaired. Additionally, 13150
the average maturity of the bonds shall not exceed the expected 13151
useful life of the bridge deck as determined by the county 13152
engineer under that section. 13153

(2) Forty years: 13154

(a) General waterworks or water system permanent 13155
improvements, including buildings, water mains, or other 13156
structures and facilities in connection therewith; 13157

(b) Sewers or sewage treatment or disposal works or facilities, including fireproof buildings or other structures in connection therewith;	13158 13159 13160
(c) Storm water drainage, surface water, and flood prevention facilities.	13161 13162
(3) Thirty-five years:	13163
(a) An arena, a convention center, or a combination of an arena and convention center under section 307.695 of the Revised Code;	13164 13165 13166
(b) Sports facilities.	13167
(4) Thirty years:	13168
(a) Municipal recreation, excluding recreational equipment;	13169
(b) Urban redevelopment projects;	13170
(c) Acquisition of real property, <u>except as provided in division (F) of this section</u> ;	13171 13172
(d) Street or alley lighting purposes or relocating overhead wires, cables, and appurtenant equipment underground.	13173 13174
(5) Twenty years: constructing, reconstructing, widening, opening, improving, grading, draining, paving, extending, or changing the line of roads, highways, expressways, freeways, streets, sidewalks, alleys, or curbs and gutters, and related bridges, viaducts, overpasses, underpasses, grade crossing eliminations, service and access highways, and tunnels.	13175 13176 13177 13178 13179 13180
(6) Fifteen years:	13181

(a) Resurfacing roads, highways, streets, or alleys;	13182
(b) Alarm, telegraph, or other communications systems for	13183
police or fire departments or other emergency services;	13184
(c) Passenger buses used for mass transportation;	13185
(d) Energy conservation measures as authorized by section	13186
133.06 of the Revised Code.	13187
(7) Ten years:	13188
(a) Water meters;	13189
(b) Fire department apparatus and equipment;	13190
(c) Road rollers and other road construction and servicing	13191
vehicles;	13192
(d) Furniture, equipment, and furnishings;	13193
(e) Landscape planting and other site improvements;	13194
(f) Playground, athletic, and recreational equipment and	13195
apparatus;	13196
(g) Energy conservation measures as authorized by section	13197
505.264 of the Revised Code.	13198
(8) Five years: New motor vehicles other than those described	13199
in any other division of this section and those for which	13200
provision is made in other provisions of the Revised Code.	13201
(C) Bonds issued for any permanent improvements not within	13202
the categories set forth in division (B) of this section shall	13203
have maximum maturities of from five to thirty years as the fiscal	13204
officer estimates is the estimated life or period of usefulness of	13205

those permanent improvements. Bonds issued under section 133.51 of the Revised Code for purposes other than permanent improvements shall have the maturities, not to exceed forty years, that the taxing authority shall specify. Bonds issued for energy conservation measures under section 307.041 of the Revised Code shall have maximum maturities not exceeding the lesser of the average life of the energy conservation measures as detailed in the energy conservation report prepared under that section or thirty years.

(D) Securities issued under section 505.265 of the Revised Code shall mature not later than December 31, 2035.

(E) A securities issue for one purpose may include permanent improvements within two or more categories under divisions (B) and (C) of this section. The maximum maturity of such a bond issue shall not exceed the average number of years of life or period of usefulness of the permanent improvements as measured by the weighted average of the amounts expended or proposed to be expended for the categories of permanent improvements.

(F) Securities issued by a school district to acquire or construct real property shall have a maximum maturity longer than thirty years, but not longer than forty years, if the school district's fiscal officer estimates the real property's useful life to be longer than thirty years, and certifies that estimate to the board of education.

Sec. 133.21. (A) Except as provided in divisions (B) and (C) of this section, the principal amount of securities issued by any subdivision shall be payable in semiannual or annual installments, as serial securities or by mandatory sinking fund or mandatory sinking fund redemption requirements, in:

(1) Substantially equal principal installments; or

(2) In such principal installments that the total principal	13236
and interest payments on those securities in any fiscal year in	13237
which principal is payable is:	13238
(a) Not more than three times the amount of those payments in	13239
any other fiscal year; or	13240
(b) Substantially equal; or	13241
(c) In the case of self-supporting securities, those payments	13242
on the securities and on other securities, except anticipatory	13243
securities, issued for the self-supporting purpose, substantially	13244
equal.	13245
(B) Except for refunding securities issued pursuant to	13246
section 133.34 of the Revised Code, and except for securities	13247
issued to fund or refund anticipatory securities to the extent	13248
required to comply with division (C)(2) or (3) of section 133.22	13249
of the Revised Code, the first principal payment of securities	13250
issued with semiannual payments shall not be later than the first	13251
day of the second February following the fifteenth day of July	13252
next following the passage of the legislation that authorized the	13253
issue of the securities and of securities issued with annual	13254
payments shall not be later than the first day of the third August	13255
next following the fifteenth day of July next following such	13256
passage.	13257
(C) Divisions (A) and (B) of this section do not apply to any	13258
of the following:	13259
(1) Anticipatory securities;	13260
(2) Securities that are not general obligation securities;	13261
(3) General obligation securities issued for the purpose of	13262
the acquisition of real property and the clearance and preparation	13263

thereof for redevelopment as an urban development project, which
may mature or be payable in annual or semiannual installments and
in such amounts as may be determined by the taxing authority of
the municipal corporation issuing the securities, and which may
have a first principal payment date set at any date not later than
sixty months from the date the securities are issued.

(D) For purposes of this section, payments of principal, in
the case of principal payable in accordance with mandatory sinking
fund or mandatory sinking fund redemption requirements, means the
sinking fund deposits on account of principal; and, in the case of
securities issued in multiple installments or series for the same
purpose, the principal payment requirement of division (A) of this
section may be met either with respect to each installment or
series of the securities or with respect to all installments or
series on a consolidated basis.

Sec. 133.34. (A) Upon the determination of the taxing
authority that such ~~issuance~~ funding or refunding will be in the
subdivision's best interest, the subdivision may:

(1) Issue general obligation securities to fund or refund any
outstanding revenue or mortgage revenue, sales tax supported, or
other special obligation securities previously issued by it for
permanent improvements pursuant to authorization by law or the
Ohio Constitution. Any general obligation bonds issued pursuant to
this division (A)(1) shall be payable as to principal at such
times and in such installments as determined by the taxing
authority consistent with section 133.21 of the Revised Code, but
their last maturity shall not be later than thirty years from the
date of issuance of the original securities issued for the
original purpose.

(2) Issue revenue or mortgage revenue securities, if
authorized by other law or the Ohio Constitution to issue such
securities for the original purpose, to fund or refund any

outstanding general obligation or ~~sales~~ sales tax supported 13296
securities previously issued by it pursuant to authorization by 13297
law. The taxing authority shall establish the maturity date or 13298
dates, the interest payable, and other terms of such securities as 13299
it considers necessary or appropriate for their issuance. 13300

(3) Issue general obligation securities to fund or refund 13301
outstanding general obligation bonds issued in one or more issues 13302
for any purpose or purposes. General obligation securities issued 13303
pursuant to this division (A)(3) shall be payable as to principal 13304
at such times and in such installments as determined by the taxing 13305
authority. Section 133.21 of the Revised Code is not applicable to 13306
these refunding securities, but the last maturity of these 13307
refunding securities shall not be later than the year of last 13308
maturity permitted by law for the general obligation bonds 13309
refunded. Tax levies for debt charges on the refunding general 13310
obligation securities shall be considered to have the same status 13311
with respect to the provisions of the applicable tax limitation as 13312
the levies for debt charges on, and the refunding general 13313
obligation securities shall be considered to have the same status 13314
with respect to net indebtedness limitations as, the general 13315
obligation bonds that are refunded. 13316

(4) Issue sales tax supported securities to fund or refund 13317
any outstanding revenue or mortgage revenue or general obligation 13318
or other special obligation securities previously issued by it for 13319
permanent improvements pursuant to authorization by law or the 13320
Ohio Constitution. Any sales tax supported bonds issued pursuant 13321
to this division (A)(4) shall be payable as to principal at such 13322
times and in such installments as determined by the taxing 13323
authority consistent with division (E) of section 133.081 of the 13324
Revised Code, but their last maturity shall be consistent with 13325
division (B) of section 133.081 of the Revised Code. 13326

(5) Apply moneys from other sources to fund any outstanding 13327

securities or public obligations issued by the taxing authority 13328
pursuant to authorization by law or the Ohio Constitution, 13329
including the funding of any mandatory sinking fund redemption 13330
requirements. 13331

(B) Securities issued pursuant to this section shall be 13332
considered to be issued for the same purpose or purposes as the 13333
securities that they are issued to fund or refund, and their 13334
proceeds shall be used as determined by the taxing authority 13335
consistent with their purpose. That use may include the payment of 13336
the outstanding principal amount of, any redemption premium on, 13337
and any interest to redemption or maturity on, the securities 13338
being funded or refunded, and any expenses relating to the funding 13339
or refunding or the issuance of the refunding bonds, including 13340
financing costs, all as determined by the taxing authority. 13341
Proceeds of securities issued pursuant to this section may also be 13342
used to provide additional money for the purpose or purposes for 13343
which the securities being funded or refunded, or which they 13344
funded or refunded, were issued, but section 133.21 of the Revised 13345
Code is applicable to any such portion of general obligation 13346
securities. 13347

(C) Securities may be issued and other moneys may be applied 13348
pursuant to this section to fund or refund all or any portion of 13349
the outstanding securities, and whether or not the securities to 13350
be funded or refunded were issued subject to call or redemption 13351
prior to maturity or are the original securities or are themselves 13352
refunding securities. 13353

(D) Moneys derived from the proceeds of securities issued 13354
pursuant to this section to fund or refund general obligation 13355
bonds, or moneys from other sources, and required for the purpose 13356
shall, under an escrow agreement or otherwise, to the extent 13357
required by the legislation be placed in an escrow fund, which may 13358
be in the bond retirement fund in the case of the funded or 13359

refunded bonds being payable within ninety days of issuance of the 13360
refunding securities, and other moneys applied pursuant to this 13361
section to fund general obligation bonds shall, under an escrow 13362
agreement or otherwise, to the extent required by the legislation, 13363
be placed in an escrow fund that may be in the sinking fund or 13364
bond retirement fund, and in either case are pledged for the 13365
purpose of funding or refunding the refunded general obligation 13366
bonds and shall be used, together with any other available funds 13367
as provided in this section, for that purpose. Pending that use, 13368
the moneys in escrow shall be invested in direct obligations of or 13369
obligations guaranteed as to payment by the United States that 13370
mature or are subject to redemption by and at the option of the 13371
holder not later than the date or dates when the moneys, together 13372
with interest or other investment income accrued on those moneys, 13373
will be required for that use. Any moneys in the escrow fund 13374
derived from the issuance of revenue or mortgage revenue or sales 13375
tax supported securities that will not be needed to pay debt 13376
charges on the funded or refunded general obligation bonds may be 13377
used for and pledged to the payment of debt charges on the 13378
refunding securities and on any securities issued on a parity with 13379
the refunding securities. Any moneys in the escrow fund derived 13380
from the proceeds of refunding general obligation securities and 13381
that will not be needed to pay debt charges on the refunded 13382
general obligation bonds shall be transferred to the bond 13383
retirement fund. When the subdivision has placed in escrow moneys, 13384
derived from proceeds of refunding obligations or otherwise, or 13385
those direct or guaranteed obligations of the United States, or a 13386
combination of both, determined by an independent public 13387
accounting firm to be sufficient, with the interest or other 13388
investment income accruing on those direct or guaranteed 13389
obligations, for the payment of debt charges on the funded or 13390
refunded general obligation bonds, the funded or refunded general 13391
obligation bonds shall no longer be considered to be outstanding, 13392
shall not be considered for purposes of determining any 13393
limitation, direct or indirect, on the indebtedness or net 13394

indebtedness of the subdivision, and the levy of taxes or other 13395
charges for the payment of debt charges on the funded or refunded 13396
general obligation bonds under this chapter, Chapter 5705., or 13397
other provisions of the Revised Code, shall not be required. For 13398
purposes of this division, "direct obligations of or obligations 13399
guaranteed as to payment by the United States" includes rights to 13400
receive payment or portions of payments of the principal of or 13401
interest or other investment income on: 13402

(1) Those obligations; and 13403

(2) Other obligations fully secured as to payment by those 13404
obligations and the interest or other investment income on those 13405
obligations. 13406

(E) The authority granted by this section is in addition to 13407
and not a limitation on any other authorizations granted by or 13408
pursuant to law or the Ohio Constitution for the same or similar 13409
purposes, and does not limit or restrict the authority of 13410
municipal corporations to issue, under authority of Article XVIII, 13411
Ohio Constitution, revenue or mortgage revenue securities to fund 13412
or refund either general obligation securities or other revenue or 13413
mortgage revenue securities. 13414

Sec. 135.03. Any national bank, any bank doing business 13415
under authority granted by the superintendent of financial 13416
institutions, or any bank doing business under authority granted 13417
by the regulatory authority of another state of the United States, 13418
located in this state ~~and any bank as defined by section 1101.01~~ 13419
~~of the Revised Code, subject to inspection by the superintendent~~ 13420
~~of financial institutions,~~ is eligible to become a public 13421
depository, subject to sections 135.01 to 135.21 of the Revised 13422
Code. No bank shall receive or have on deposit at any one time 13423
public moneys, including public moneys as defined in section 13424
135.31 of the Revised Code, in an aggregate amount in excess of 13425
thirty per cent of its total assets, as shown in its latest 13426

report to the ~~superintendent of financial institutions or~~ 13427
comptroller of the currency, the superintendent of financial 13428
institutions, the federal deposit insurance corporation, or the 13429
board of governors of the federal reserve system. 13430

Any ~~domestic association as defined in section 1151.01 of the~~ 13431
~~Revised Code, or any savings bank as defined in section 1161.01 of~~ 13432
~~the Revised Code,~~ federal savings association, any savings and 13433
loan association or savings bank doing business under authority 13434
granted by the superintendent of financial institutions, or any 13435
savings and loan association or savings bank doing business under 13436
authority granted by the regulatory authority of another state of 13437
the United States, located in this state, and authorized to accept 13438
deposits is eligible to become a public depository, subject to 13439
sections 135.01 to 135.21 of the Revised Code. No ~~domestic~~ 13440
~~savings association, savings and loan association,~~ or savings bank 13441
shall receive or have on deposit at any one time public moneys, 13442
including public moneys as defined in section 135.31 of the 13443
Revised Code, in an aggregate amount in excess of thirty per cent 13444
of its total assets, as shown in its latest report to the 13445
~~superintendent of financial institutions or federal home loan bank~~ 13446
~~board~~ office of thrift supervision, the superintendent of 13447
financial institutions, the federal deposit insurance corporation, 13448
or the board of governors of the federal reserve system. 13449

Sec. 135.06. Each eligible institution desiring to be a 13450
public depository of the inactive deposits of the public moneys of 13451
the state or of the inactive deposits of the public moneys of the 13452
subdivision shall, not more than thirty days prior to the date 13453
fixed by section 135.12 of the Revised Code for the designation of 13454
such public depositories, make application therefor in writing to 13455
the proper governing board. Such application shall specify the 13456
maximum amount of such public moneys which the applicant desires 13457
to receive and have on deposit as an inactive deposit at any one 13458
time during the period covered by the designation, provided that; 13459

~~where such applicant is a bank, it shall not apply for more than~~ 13460
~~thirty per cent of its total assets as revealed by its latest~~ 13461
~~report to the superintendent of banks or financial institutions,~~ 13462
~~the comptroller of the currency, and provided that where such~~ 13463
~~applicant is a building and loan association, it shall not apply~~ 13464
~~for more than thirty per cent of its total assets as revealed by~~ 13465
~~its latest report to the superintendent of building and loan~~ 13466
~~associations or the federal home loan bank board~~ 13467
~~the office of~~ 13468
~~thrift supervision, the federal deposit insurance corporation, or~~ 13469
~~the board of governors of the federal reserve system, and the~~ 13470
~~rate of interest which the applicant, whether it be a bank or a~~ 13471
~~building and loan association, will pay thereon, subject to the~~ 13472
limitations of sections 135.01 to 135.21 of the Revised Code. 13473
Each application shall be accompanied by a financial statement of 13474
the applicant, under oath of its cashier, treasurer, or other 13475
officer, in such detail as to show the capital funds of the 13476
applicant, as of the date of its latest report to the 13477
superintendent of banks, ~~superintendent of building and loan~~ 13478
~~associations, federal home loan bank board, or of financial~~ 13479
~~institutions, the comptroller of the currency, the office of~~ 13480
~~thrift supervision, the federal deposit insurance corporation, or~~ 13481
~~the board of governors of the federal reserve system, and adjusted~~ 13482
to show any changes therein made prior to the date of the 13483
application. Such application may be combined with an application 13484
for designation as a public depository of active deposits, interim 13485
deposits, or both.

Sec. 135.08. Each eligible institution desiring to be a 13486
public depository of interim deposits of the public moneys of the 13487
state or of the interim deposits of the public moneys of the 13488
subdivision shall, not more than thirty days prior to the date 13489
fixed by section 135.12 of the Revised Code for the designation of 13490
public depositories, make application therefor in writing to the 13491
proper governing board. Such application shall specify the maximum 13492
amount of such public moneys which the applicant desires to 13493

receive and have on deposit as interim deposits at any one time 13494
 during the period covered by the designation, provided that, ~~where~~ 13495
~~such applicant is a bank,~~ it shall not apply for more than thirty 13496
 per cent of its total assets as revealed by its latest report to 13497
 the superintendent of ~~banks or~~ financial institutions, the 13498
 comptroller of the currency, and ~~provided that where such~~ 13499
~~applicant is a building and loan association,~~ it shall not apply 13500
~~for more than thirty per cent of its total assets as revealed by~~ 13501
~~its latest report to the superintendent of building and loan~~ 13502
~~associations or the federal home loan bank board~~ the office of 13503
thrift supervision, the federal deposit insurance corporation, or 13504
the board of governors of the federal reserve system, and the rate 13505
 of interest which the applicant, ~~whether it be a bank or a~~ 13506
~~building and loan association,~~ will pay thereon, subject to the 13507
 limitations of sections 135.01 to 135.21 of the Revised Code. 13508

Each application shall be accompanied by a financial 13509
 statement of the applicant, under oath of its cashier, treasurer, 13510
 or other officer, in such detail as to show the capital funds of 13511
 the applicant, as of the date of its latest report to the 13512
 superintendent of ~~banks, superintendent of building and loan~~ 13513
~~associations, federal home loan bank board, or~~ financial 13514
institutions, the comptroller of the currency, the office of 13515
thrift supervision, the federal deposit insurance corporation, or 13516
the board of governors of the federal reserve system, and adjusted 13517
 to show any changes therein made prior to the date of the 13518
 application. Such application may be combined with an application 13519
 for designation as a public depository of inactive deposits, 13520
 active deposits, or both. 13521

Sec. 135.32. (A) Any national bank, any bank doing business 13522
under authority granted by the superintendent of financial 13523
institutions, or any bank doing business under authority granted 13524
by the regulatory authority of another state of the United States, 13525
 located in this state ~~and any bank as defined in section 1101.01~~ 13526

~~of the Revised Code, subject to inspection by the superintendent~~ 13527
~~of financial institutions, is eligible to become a public~~ 13528
depository, subject to sections 135.31 to 135.40 of the Revised 13529
Code. No bank shall receive or have on deposit at any one time 13530
public moneys, including public moneys as defined in section 13531
135.01 of the Revised Code, in an aggregate amount in excess of 13532
thirty per cent of its total assets, as shown in its latest 13533
report to the ~~superintendent of financial institutions or~~ 13534
~~comptroller of the currency, the superintendent of financial~~ 13535
institutions, the federal deposit insurance corporation, or the 13536
board of governors of the federal reserve system. 13537

(B) Any ~~domestic association as defined in section 1151.01 of~~ 13538
~~the Revised Code, or any savings bank as defined in section~~ 13539
~~1161.01 of the Revised Code, federal savings association, any~~ 13540
savings and loan association or savings bank doing business under 13541
authority granted by the superintendent of financial institutions, 13542
or any savings and loan association or savings bank doing business 13543
under authority granted by the regulatory authority of another 13544
state of the United States, located in this state, and authorized 13545
to accept deposits is eligible to become a public depository, 13546
subject to sections 135.31 to 135.40 of the Revised Code. No 13547
~~domestic~~savings association, savings and loan association, or 13548
savings bank shall receive or have on deposit at any one time 13549
public moneys, including public moneys as defined in section 13550
135.01 of the Revised Code, in an aggregate amount in excess of 13551
thirty per cent of its total assets, as shown in its latest 13552
report to ~~the superintendent of financial institutions or federal~~ 13553
~~home loan bank board~~the office of thrift supervision, the 13554
superintendent of financial institutions, the federal deposit 13555
insurance corporation, or the board of governors of the federal 13556
reserve system. 13557

Sec. 141.04. (A) The annual salaries of the chief justice of 13558
the supreme court and of the justices and judges named in this 13559

section payable from the state treasury are as follows, rounded to the nearest fifty dollars:	13560 13561
(1) For the chief justice of the supreme court, the following amounts effective in the following years:	13562 13563
(a) Beginning January 1, 2000, one hundred twenty-four thousand nine hundred dollars;	13564 13565
(b) Beginning January 1, 2001, one hundred twenty-eight thousand six hundred fifty dollars;	13566 13567
(c) After 2001, the amount determined under division (E)(1) of this section.	13568 13569
(2) For the justices of the supreme court, the following amounts effective in the following years:	13570 13571
(a) Beginning January 1, 2000, one hundred seventeen thousand two hundred fifty dollars;	13572 13573
(b) Beginning January 1, 2001, one hundred twenty thousand seven hundred fifty dollars;	13574 13575
(c) After 2001, the amount determined under division (E)(1) of this section.	13576 13577
(3) For the judges of the courts of appeals, the following amounts effective in the following years:	13578 13579
(a) Beginning January 1, 2000, one hundred nine thousand two hundred fifty dollars;	13580 13581
(b) Beginning January 1, 2001, one hundred twelve thousand five hundred fifty dollars;	13582 13583
(c) After 2001, the amount determined under division (E)(1)	13584

of this section.	13585
(4) For the judges of the courts of common pleas, the	13586
following amounts effective in the following years:	13587
(a) Beginning January 1, 2000, one hundred thousand five	13588
hundred dollars, reduced by an amount equal to the annual	13589
compensation paid to that judge from the county treasury pursuant	13590
to section 141.05 of the Revised Code;	13591
(b) Beginning January 1, 2001, one hundred three thousand	13592
five hundred dollars, reduced by an amount equal to the annual	13593
compensation paid to that judge from the county treasury pursuant	13594
to section 141.05 of the Revised Code;	13595
(c) After 2001, the aggregate annual salary amount determined	13596
under division (E)(2) of this section reduced by an amount equal	13597
to the annual compensation paid to that judge from the county	13598
treasury pursuant to section 141.05 of the Revised Code.	13599
(5) For the full-time judges of a municipal court or the	13600
part-time judges of a municipal court of a territory having a	13601
population of more than fifty thousand, the following amounts	13602
effective in the following years, which amounts shall be in	13603
addition to all amounts received pursuant to divisions (B)(1)(a)	13604
and (2) of section 1901.11 of the Revised Code from municipal	13605
corporations and counties:	13606
(a) Beginning January 1, 2000, thirty-two thousand six	13607
hundred fifty dollars;	13608
(b) Beginning January 1, 2001, thirty-five thousand five	13609
hundred dollars;	13610
(c) After 2001, the amount determined under division (E)(3)	13611
of this section.	13612

(6) For judges of a municipal court designated as part-time judges by section 1901.08 of the Revised Code, other than part-time judges to whom division (A)(5) of this section applies, and for judges of a county court, the following amounts effective in the following years, which amounts shall be in addition to any amounts received pursuant to division (A) of section 1901.11 of the Revised Code from municipal corporations and counties or pursuant to division (A) of section 1907.16 of the Revised Code from counties:

(a) Beginning January 1, 2000, eighteen thousand eight hundred dollars;

(b) Beginning January 1, 2001, twenty thousand four hundred fifty dollars;

(c) After 2001, the amount determined under division (E)(4) of this section.

(B) Except as provided in section 1901.121 of the Revised Code, except as otherwise provided in this division, and except for the compensation to which the judges described in division (A)(5) of this section are entitled pursuant to divisions (B)(1)(a) and (2) of section 1901.11 of the Revised Code, the annual salary of the chief justice of the supreme court and of each justice or judge listed in division (A) of this section shall be paid in equal monthly installments from the state treasury. If the chief justice of the supreme court or any justice or judge listed in division (A)(2), (3), or (4) of this section delivers a written request to be paid biweekly to the administrative director of the supreme court prior to the first day of January of any year, the annual salary of the chief justice or the justice or judge that is listed in division (A)(2), (3), or (4) of this section shall be paid, during the year immediately following the year in which the request is delivered to the administrative

director of the supreme court, biweekly from the state treasury. 13644

(C) Upon the death of the chief justice or a justice of the 13645
supreme court during that person's term of office, an amount shall 13646
be paid in accordance with section 2113.04 of the Revised Code, or 13647
to that person's estate. The amount shall equal the amount of the 13648
salary that the chief justice or justice would have received 13649
during the remainder of the unexpired term or an amount equal to 13650
the salary of office for two years, whichever is less. 13651

(D) Neither the chief justice of the supreme court nor any 13652
justice or judge of the supreme court, the court of appeals, the 13653
court of common pleas, or the probate court shall hold any other 13654
office of trust or profit under the authority of this state or the 13655
United States. 13656

(E)(1) Each ~~calendar~~ year from 2002 through 2008, the annual 13657
salaries of the chief justice of the supreme court and of the 13658
justices and judges named in divisions (A)(2) and (3) of this 13659
section shall be increased by an amount equal to the adjustment 13660
percentage for that year multiplied by the compensation paid the 13661
preceding year pursuant to division (A)(1), (2), or (3) of this 13662
section. 13663

(2) Each ~~calendar~~ year from 2002 through 2008, the aggregate 13664
annual salary payable under division (A)(4) of this section to the 13665
judges named in that division shall be increased by an amount 13666
equal to the adjustment percentage for that year multiplied by the 13667
aggregate compensation paid the preceding year pursuant to 13668
division (A)(4) of this section and section 141.05 of the Revised 13669
Code. 13670

(3) Each ~~calendar~~ year from 2002 through 2008, the salary 13671
payable from the state treasury under division (A)(5) of this 13672
section to the judges named in that division shall be increased by 13673
an amount equal to the adjustment percentage for that year 13674

multiplied by the aggregate compensation paid the preceding year 13675
pursuant to division (A)(5) of this section and division (B)(1)(a) 13676
of section 1901.11 of the Revised Code. 13677

(4) Each ~~calendar~~ year from 2002 through 2008, the salary 13678
payable from the state treasury under division (A)(6) of this 13679
section to the judges named in that division shall be increased by 13680
an amount equal to the adjustment percentage for that year 13681
multiplied by the aggregate compensation paid the preceding year 13682
pursuant to division (A)(6) of this section and division (A) of 13683
section 1901.11 of the Revised Code from municipal corporations 13684
and counties or division (A) of section 1907.16 of the Revised 13685
Code from counties. 13686

(F) In addition to the salaries payable pursuant to this 13687
section, the chief justice of the supreme court and the justices 13688
of the supreme court shall be entitled to a vehicle allowance of 13689
five hundred dollars per month, payable from the state treasury. 13690
The allowance shall be increased on the first day of January of 13691
each odd numbered year by an amount equal to the percentage 13692
increase, if any, in the consumer price index for the immediately 13693
preceding twenty-four month period for which information is 13694
available. 13695

(G) As used in this section: 13696

(1) The "adjustment percentage" for a year is the lesser of 13697
the following: 13698

(a) Three per cent; 13699

(b) The percentage increase, if any, in the consumer price 13700
index over the twelve-month period that ends on the thirtieth day 13701
of September of the immediately preceding year, rounded to the 13702
nearest one-tenth of one per cent. 13703

(2) "Consumer price index" has the same meaning as in section 13704
101.27 of the Revised Code. 13705

(3) "Salary" does not include any portion of the cost, 13706
premium, or charge for health, medical, hospital, dental, or 13707
surgical benefits, or any combination of those benefits, covering 13708
the chief justice of the supreme court or a justice or judge named 13709
in this section and paid on the chief justice's or the justice's 13710
or judge's behalf by a governmental entity. 13711

Sec. 145.012. (A) "Public employee," as defined in division 13712
(A) of section 145.01 of the Revised Code, does not include any 13713
person: 13714

(1) Who is employed by a private, temporary-help service and 13715
performs services under the direction of a public employer or is 13716
employed on a contractual basis as an independent contractor under 13717
a personal service contract with a public employer; 13718

(2) Who is an emergency employee serving on a temporary basis 13719
in case of fire, snow, earthquake, flood, or other similar 13720
emergency; 13721

(3) Who is employed in a program established pursuant to the 13722
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 13723
1501; 13724

(4) Who is an appointed member of either the motor vehicle 13725
salvage dealers board or the motor vehicle dealer's board whose 13726
rate and method of payment are determined pursuant to division (J) 13727
of section 124.15 of the Revised Code; 13728

(5) Who is employed as an election worker and paid less than 13729
five hundred dollars per calendar year for that service; 13730

(6) Who is employed as a firefighter in a position requiring 13731

satisfactory completion of a firefighter training course approved	13732
under former section 3303.07 or section 4765.55 of the Revised	13733
Code or conducted under section 3737.33 of the Revised Code except	13734
for the following:	13735
(a) Any firefighter who has elected under section 145.013 of	13736
the Revised Code to remain a contributing member of the public	13737
employees retirement system;	13738
(b) Any firefighter who was eligible to transfer from the	13739
public employees retirement system to the Ohio police and fire	13740
pension fund under section 742.51 or 742.515 of the Revised Code	13741
and did not elect to transfer;	13742
(c) Any firefighter who has elected under section 742.516 of	13743
the Revised Code to transfer from the Ohio police and fire pension	13744
fund to the public employees retirement system.	13745
(7) Who is a member of the board of health of a city or	13746
general health district, which pursuant to sections 3709.051 and	13747
3709.07 of the Revised Code includes a combined health district,	13748
and whose compensation for attendance at meetings of the board is	13749
set forth in division (B) of section 3709.02 or division (B) of	13750
section 3709.05 of the Revised Code, as appropriate;	13751
(8) Who participates in an alternative retirement plan	13752
established under Chapter 3305. of the Revised Code;	13753
(9) Who is a member of the board of directors of a sanitary	13754
district established under Chapter 6115. of the Revised Code;	13755
<u>(10) Who is a member of the unemployment compensation</u>	13756
<u>advisory council.</u>	13757
(B) No inmate of a correctional institution operated by the	13758
department of rehabilitation and correction, no patient in a	13759

hospital for the mentally ill or criminally insane operated by the 13760
department of mental health, no resident in an institution for the 13761
mentally retarded operated by the department of mental retardation 13762
and developmental disabilities, no resident admitted as a patient 13763
of a veterans' home operated under Chapter 5907. of the Revised 13764
Code, and no resident of a county home shall be considered as a 13765
public employee for the purpose of establishing membership or 13766
calculating service credit or benefits under this chapter. 13767
Nothing in this division shall be construed to affect any service 13768
credit attained by any person who was a public employee before 13769
becoming an inmate, patient, or resident at any institution listed 13770
in this division, or the payment of any benefit for which such a 13771
person or such a person's beneficiaries otherwise would be 13772
eligible. 13773

Sec. 145.298. (A) As used in this section: 13774

(1) "State employing unit" means an employing unit described 13775
in division (A)(2) of section 145.297 of the Revised Code, except 13776
that it does not mean an employing unit with fifty or fewer 13777
employees. 13778

(2) "State institution" means a state correctional facility, 13779
a state institution for the mentally ill, or a state institution 13780
for the care, treatment, and training of the mentally retarded. 13781

(B) ~~In~~ (1) Prior to the effective date of this amendment, in 13782
the event of a proposal to close a state institution or lay off, 13783
within a six-month period, a number of persons employed at an 13784
institution that equals or exceeds the lesser of fifty or ten per 13785
cent of the persons employed at the institution, the employing 13786
unit responsible for the institution's operation shall establish 13787
a retirement incentive plan for persons employed at the 13788
institution. 13789

(2) On and after the effective date of this amendment, in the 13790

event of a proposal to close a state institution or lay off, 13791
within a six-month period, a number of persons employed at an 13792
institution that equals or exceeds the lesser of three hundred 13793
fifty or forty per cent of the persons employed at the 13794
institution, the employing unit responsible for the institution's 13795
operation shall establish a retirement incentive plan for persons 13796
employed at the institution. 13797

(C) ~~In~~ (1) Prior to the effective date of this amendment, in 13798
the event of a proposal, other than a proposal the proposals 13799
described in division (B) of this section, to lay off, within a 13800
six-month period, a number of employees of a state employing unit 13801
that equals or exceeds the lesser of fifty or ten per cent of the 13802
employing unit's employees, the employing unit shall establish a 13803
retirement incentive plan for employees of the employing unit. 13804

(2) On and after the effective date of this amendment, in the 13805
event of a proposal, other than the proposals described in 13806
division (B) of this section, to lay off, within a six-month 13807
period, a number of employees of a state employing unit that 13808
equals or exceeds the lesser of three hundred fifty or forty per 13809
cent of the employing unit's employees, the employing unit shall 13810
establish a retirement incentive plan for employees of the 13811
employing unit. 13812

(D)(1) A retirement incentive plan established under this 13813
section shall be consistent with the requirements of section 13814
145.297 of the Revised Code, except as provided in division (D)(2) 13815
of this section and except that the plan shall go into effect at 13816
the time the layoffs or proposed closings are announced and shall 13817
remain in effect until the date of the layoffs or closings. 13818

(2) A retirement incentive plan established under this 13819
section due to the proposed closing of a state institution by the 13820
department of mental health prior to July 1, 1997, shall be 13821
consistent with the requirements of section 145.297 of the Revised 13822

Code, except as follows:	13823
(a) The employing unit shall purchase at least three years of	13824
service credit for each participating employee, except that it	13825
shall not purchase more service credit than the amount allowed by	13826
division (D) of section 145.297 of the Revised Code;	13827
(b) The plan shall go into effect at the time the proposed	13828
closing is announced and shall remain in effect at least until the	13829
date of the closing.	13830
(3) If the employing unit already has a retirement incentive	13831
plan in effect, the plan shall remain in effect at least until the	13832
date of the layoffs or closings. The employing unit may revise the	13833
existing plan to provide greater benefits, but if it revises the	13834
plan, it shall give written notice of the changes to all employees	13835
who have elected to participate in the original plan, and it shall	13836
provide the greater benefits to all employees who participate in	13837
the plan, whether their elections to participate were made before	13838
or after the date of the revision.	13839
Sec. 148.02. The Ohio public employees deferred compensation	13840
board shall be comprised of a member of the house of	13841
representatives and a member of the senate, who shall not be of	13842
the same political party, each to be appointed to serve at the	13843
pleasure of the member's respective leadership, and the members of	13844
the public employees retirement board as constituted by section	13845
145.04 of the Revised Code, who are hereby created as a separate	13846
legal entity for the purpose of administering a deferred	13847
compensation system for all eligible employees. The public	13848
employees retirement board may utilize its employees and property	13849
in the administration of the system on behalf of the Ohio public	13850
employees deferred compensation board, in consideration of a	13851
reasonable service charge to be applied in a nondiscriminatory	13852
manner to all amounts of compensation deferred under this system.	13853

The Ohio public employees deferred compensation board may
exercise the same powers granted by section 145.09 of the Revised
Code necessary to its functions. The attorney general shall be the
legal adviser of the board. The Ohio public employees deferred
compensation receiving account shall be in the custody of the
treasurer of state, but shall not be part of the state treasury.

Sec. 148.04. (A) The Ohio public employees deferred
compensation board shall initiate, plan, expedite, and, subject to
an appropriate assurance of the approval of the internal revenue
service, promulgate and offer to all eligible employees, and
thereafter administer on behalf of all participating employees and
continuing members, and alter as required, a program for deferral
of compensation, including a reasonable number of options to the
employee for the investment of deferred funds, ~~including life
insurance, annuities, variable annuities, pooled investment funds
managed by the board, or other forms of investment approved by the
board,~~ always in such form as will assure the desired tax
treatment of such funds. The members of the board are the trustees
of any deferred funds and shall discharge their duties with
respect to the funds solely in the interest of and for the
exclusive benefit of participating employees, continuing members,
and their beneficiaries. With respect to such deferred funds,
section 148.09 of the Revised Code shall apply to claims against
participating employees or continuing members and their employers.

(B) The Ohio public employees deferred compensation program
shall provide informational materials and acknowledgment forms to
employers required to comply with division (C) of this section.

(C)(1) Whenever an individual becomes employed in a position
paid by warrant of the director of budget and management, the
individual's employer shall do both of the following at the time
the employee completes the employee's initial employment
paperwork:

<u>(a) Provide to the employee materials provided by the Ohio</u>	13886
<u>public employees deferred compensation program under division (B)</u>	13887
<u>of this section regarding the benefits of long-term savings</u>	13888
<u>through deferred compensation;</u>	13889
<u>(b) Secure, in writing or by electronic means, the employee's</u>	13890
<u>acknowledgment form regarding the employee's desire to participate</u>	13891
<u>or not participate in a deferred compensation program offered by</u>	13892
<u>the board.</u>	13893
<u>An election regarding participation under this section shall</u>	13894
<u>be made in such manner and form as is prescribed by the Ohio</u>	13895
<u>public employees deferred compensation program and shall be filed</u>	13896
<u>with the program.</u>	13897
<u>The employer shall forward each acknowledgment form completed</u>	13898
<u>under this division to the deferred compensation program not</u>	13899
<u>later than forty-five days after the date on which the employee's</u>	13900
<u>employment begins.</u>	13901
<u>(2) Every employer of an eligible employee shall contract</u>	13902
<u>with the employee upon the employee's application for</u>	13903
<u>participation in a deferred compensation program offered by the</u>	13904
<u>board. Every retirement system serving an eligible employee shall</u>	13905
<u>serve as collection agent for compensation deferred by any of its</u>	13906
<u>members and account for and deliver such sums to the board.</u>	13907
<u>(C)(D) The board shall, subject to any applicable contract</u>	13908
<u>provisions, undertake to obtain as favorable conditions of tax</u>	13909
<u>treatment as possible, both in the initial programs and any</u>	13910
<u>permitted alterations of them or additions to them, as to such</u>	13911
<u>matters as terms of distribution, designation of beneficiaries,</u>	13912
<u>withdrawal upon disability, financial hardship, or termination of</u>	13913
<u>public employment, and other optional provisions.</u>	13914
<u>(D)(E) In no event shall the total of the amount of deferred</u>	13915

compensation to be set aside under a deferred compensation program 13916
and the employee's nondeferred income for any year exceed the 13917
total annual salary or compensation under the existing salary 13918
schedule or classification plan applicable to the employee in that 13919
year. 13920

Such a deferred compensation program shall be in addition to 13921
any retirement or any other benefit program provided by law for 13922
employees of this state. The board shall adopt rules pursuant to 13923
Chapter 119. of the Revised Code to provide any necessary 13924
standards or conditions for the administration of its programs, 13925
including any limits on the portion of a participating employee's 13926
compensation that may be deferred in order to avoid adverse 13927
treatment of the program by the internal revenue service or the 13928
occurrence of deferral, withholding, or other deductions in excess 13929
of the compensation available for any pay period. 13930

Any income deferred under such a plan shall continue to be 13931
included as regular compensation for the purpose of computing the 13932
contributions to and benefits from the retirement system of such 13933
employee. Any sum so deferred shall not be included in the 13934
computation of any federal and state income taxes withheld on 13935
behalf of any such employee. 13936

~~(E)~~(F) This section does not limit the authority of any 13937
municipal corporation, county, township, park district, 13938
conservancy district, sanitary district, health district, public 13939
library, county law library, public institution of higher 13940
education, or school district to provide separate authorized plans 13941
or programs for deferring compensation of their officers and 13942
employees in addition to the program for the deferral of 13943
compensation offered by the board. Any municipal corporation, 13944
township, public institution of higher education, or school 13945
district that offers such plans or programs shall include a 13946
reasonable number of options to its officers or employees for the 13947

investment of the deferred funds, including annuities, variable 13948
annuities, regulated investment trusts, or other forms of 13949
investment approved by the municipal corporation, township, public 13950
institution of higher education, or school district, that will 13951
assure the desired tax treatment of the funds. 13952

Sec. 148.05. (A)(1) As used in this division, "personal 13953
history record" means information maintained by the Ohio public 13954
employees deferred compensation board on an individual who is a 13955
participating employee or continuing member that includes the 13956
address, telephone number, social security number, record of 13957
contributions, records of benefits, correspondence with the Ohio 13958
public employees deferred compensation program, or other 13959
information the board determines to be confidential. 13960

(2) The records of the board shall be open to public 13961
inspection, except that the following shall be excluded, except 13962
with the written authorization of the individual concerned: 13963

(a) Information pertaining to an individual's participant 13964
account; 13965

(b) The individual's personal history record. 13966

(B)(1) All medical reports, records, and recommendations of a 13967
participating employee or a continuing member that are in the 13968
possession of the board are privileged. 13969

(2) All tax information of a participating employee, 13970
continuing member, or former participant or member that is in the 13971
possession of the board shall be confidential to the extent the 13972
information is confidential under Title LVII or any other 13973
provision of the Revised Code. 13974

(C) Notwithstanding the exceptions to public inspection in 13975
division (A)(2) of this section, the board may furnish the 13976

following information: 13977

(1) If a participating employee, continuing member, or former participant or member is subject to an order issued under section 2907.15 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record or participant account. 13978
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(2) Pursuant to a court or administrative order issued pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under that section. 13986
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(3) Pursuant to an administrative subpoena issued by a state agency, the board shall furnish the information required by the subpoena. 13990
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(4) The board shall comply with orders issued under section 3105.87 of the Revised Code. 13993
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(D) A statement that contains information obtained from the program's records that is signed by the executive director or the director's designee and to which the board's official seal is affixed, or copies of the program's records to which the signature and seal are attached, shall be received as true copies of the board's records in any court or before any officer of this state. 13995
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Sec. 149.43. (A) As used in this section: 14002

(1) "Public record" means records kept by any public office, 14003
including, but not limited to, state, county, city, village, 14004
township, and school district units, and records pertaining to the 14005

delivery of educational services by an alternative school in this	14006
state kept by the nonprofit or for-profit entity operating the	14007
alternative school pursuant to section 3313.533 of the Revised	14008
Code. "Public record" does not mean any of the following:	14009
(a) Medical records;	14010
(b) Records pertaining to probation and parole proceedings or	14011
to proceedings related to the imposition of community control	14012
sanctions and post-release control sanctions;	14013
(c) Records pertaining to actions under section 2151.85 and	14014
division (C) of section 2919.121 of the Revised Code and to	14015
appeals of actions arising under those sections;	14016
(d) Records pertaining to adoption proceedings, including the	14017
contents of an adoption file maintained by the department of	14018
health under section 3705.12 of the Revised Code;	14019
(e) Information in a record contained in the putative father	14020
registry established by section 3107.062 of the Revised Code,	14021
regardless of whether the information is held by the department of	14022
job and family services or, pursuant to section 3111.69 of the	14023
Revised Code, the office of child support in the department or a	14024
child support enforcement agency;	14025
(f) Records listed in division (A) of section 3107.42 of the	14026
Revised Code or specified in division (A) of section 3107.52 of	14027
the Revised Code;	14028
(g) Trial preparation records;	14029
(h) Confidential law enforcement investigatory records;	14030
(i) Records containing information that is confidential under	14031
section 2710.03 or 4112.05 of the Revised Code;	14032

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	14033 14034
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	14035 14036 14037 14038
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	14039 14040 14041 14042
(m) Intellectual property records;	14043
(n) Donor profile records;	14044
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	14045 14046
(p) Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, ~~or~~ EMT , <u>or investigator of the bureau of criminal identification and investigation</u> residential and familial information;	14047 14048 14049 14050 14051
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	14052 14053 14054 14055 14056
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	14057 14058
(s) Records provided to, statements made by review board	14059

members during meetings of, and all work products of a child	14060
fatality review board acting under sections 307.621 to 307.629 of	14061
the Revised Code, <u>and child fatality review data submitted by the</u>	14062
<u>child fatality review board to the department of health or a</u>	14063
<u>national child death review database</u> , other than the report	14064
prepared pursuant to <u>division (A) of</u> section 307.626 of the	14065
Revised Code;	14066
 (t) Records provided to and statements made by the executive	14067
director of a public children services agency or a prosecuting	14068
attorney acting pursuant to section 5153.171 of the Revised Code	14069
other than the information released under that section;	14070
 (u) Test materials, examinations, or evaluation tools used in	14071
an examination for licensure as a nursing home administrator that	14072
the board of examiners of nursing home administrators administers	14073
under section 4751.04 of the Revised Code or contracts under that	14074
section with a private or government entity to administer;	14075
 (v) Records the release of which is prohibited by state or	14076
federal law;	14077
 (w) Proprietary information of or relating to any person that	14078
is submitted to or compiled by the Ohio venture capital authority	14079
created under section 150.01 of the Revised Code;	14080
 (x) Information reported and evaluations conducted pursuant	14081
to section 3701.072 of the Revised Code;	14082
 (y) Financial statements and data any person submits for any	14083
purpose to the Ohio housing finance agency or the controlling	14084
board in connection with applying for, receiving, or accounting	14085
for financial assistance from the agency, and information that	14086
identifies any individual who benefits directly or indirectly from	14087
financial assistance from the agency;	14088

(z) Records listed in section 5101.29 of the Revised Code.	14089
(aa) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section.	14090 14091 14092
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	14093 14094 14095 14096 14097
(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;	14098 14099 14100 14101
(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;	14102 14103 14104 14105
(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;	14106 14107
(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.	14108 14109 14110
(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.	14111 14112 14113 14114 14115
(4) "Trial preparation record" means any record that contains	14116

information that is specifically compiled in reasonable 14117
anticipation of, or in defense of, a civil or criminal action or 14118
proceeding, including the independent thought processes and 14119
personal trial preparation of an attorney. 14120

(5) "Intellectual property record" means a record, other than 14121
a financial or administrative record, that is produced or 14122
collected by or for faculty or staff of a state institution of 14123
higher learning in the conduct of or as a result of study or 14124
research on an educational, commercial, scientific, artistic, 14125
technical, or scholarly issue, regardless of whether the study or 14126
research was sponsored by the institution alone or in conjunction 14127
with a governmental body or private concern, and that has not been 14128
publicly released, published, or patented. 14129

(6) "Donor profile record" means all records about donors or 14130
potential donors to a public institution of higher education 14131
except the names and reported addresses of the actual donors and 14132
the date, amount, and conditions of the actual donation. 14133

(7) "Peace officer, parole officer, prosecuting attorney, 14134
assistant prosecuting attorney, correctional employee, youth 14135
services employee, firefighter, ~~or~~ EMT, or investigator of the 14136
bureau of criminal identification and investigation residential 14137
and familial information" means any information that discloses any 14138
of the following about a peace officer, parole officer, 14139
prosecuting attorney, assistant prosecuting attorney, 14140
correctional employee, youth services employee, firefighter, ~~or~~ 14141
EMT, or investigator of the bureau of criminal identification and 14142
investigation: 14143

(a) The address of the actual personal residence of a peace 14144
officer, parole officer, assistant prosecuting attorney, 14145
correctional employee, youth services employee, firefighter, ~~or~~ 14146
EMT, or an investigator of the bureau of criminal identification 14147
and investigation, except for the state or political subdivision 14148

in which the peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, ~~or~~ EMT, <u>or investigator of the bureau of criminal identification and investigation</u> resides;	14149
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(b) Information compiled from referral to or participation in an employee assistance program;	14153
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(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, ~~or~~ EMT, <u>or investigator of the bureau of criminal identification and investigation</u> ;	14155
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(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, ~~or~~ EMT, <u>or investigator of the bureau of criminal identification and investigation</u> by the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, ~~or~~ EMT's, <u>or investigator of the bureau of criminal identification and investigation's</u> employer;	14163
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(e) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, ~~or~~ EMT's, <u>or investigator of the bureau of criminal identification and investigation's</u> employer from the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's,	14173
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firefighter's, ~~or~~ EMT's, or investigator of the bureau of 14181
criminal identification and investigation's compensation unless 14182
the amount of the deduction is required by state or federal law; 14183

(f) The name, the residential address, the name of the 14184
employer, the address of the employer, the social security number, 14185
the residential telephone number, any bank account, debit card, 14186
charge card, or credit card number, or the emergency telephone 14187
number of the spouse, a former spouse, or any child of a peace 14188
officer, parole officer, prosecuting attorney, assistant 14189
prosecuting attorney, correctional employee, youth services 14190
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 14191
criminal identification and investigation; 14192

(g) A photograph of a peace officer who holds a position or 14193
has an assignment that may include undercover or plain clothes 14194
positions or assignments as determined by the peace officer's 14195
appointing authority. 14196

As used in divisions (A)(7) and (B)(9) of this section, 14197
"peace officer" has the same meaning as in section 109.71 of the 14198
Revised Code and also includes the superintendent and troopers of 14199
the state highway patrol; it does not include the sheriff of a 14200
county or a supervisory employee who, in the absence of the 14201
sheriff, is authorized to stand in for, exercise the authority of, 14202
and perform the duties of the sheriff. 14203

As used in divisions (A)(7) and (B)(5) of this section, 14204
"correctional employee" means any employee of the department of 14205
rehabilitation and correction who in the course of performing the 14206
employee's job duties has or has had contact with inmates and 14207
persons under supervision. 14208

As used in divisions (A)(7) and (B)(5) of this section, 14209
"youth services employee" means any employee of the department of 14210
youth services who in the course of performing the employee's job 14211

duties has or has had contact with children committed to the	14212
custody of the department of youth services.	14213
As used in divisions (A)(7) and (B)(9) of this section,	14214
"firefighter" means any regular, paid or volunteer, member of a	14215
lawfully constituted fire department of a municipal corporation,	14216
township, fire district, or village.	14217
As used in divisions (A)(7) and (B)(9) of this section, "EMT"	14218
means EMTs-basic, EMTs-I, and paramedics that provide emergency	14219
medical services for a public emergency medical service	14220
organization. "Emergency medical service organization,"	14221
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in	14222
section 4765.01 of the Revised Code.	14223
<u>As used in divisions (A)(7) and (B)(9) of this section,</u>	14224
<u>"investigator of the bureau of criminal identification and</u>	14225
<u>investigation" has the meaning defined in section 2903.11 of the</u>	14226
<u>Revised Code.</u>	14227
(8) "Information pertaining to the recreational activities of	14228
a person under the age of eighteen" means information that is kept	14229
in the ordinary course of business by a public office, that	14230
pertains to the recreational activities of a person under the age	14231
of eighteen years, and that discloses any of the following:	14232
(a) The address or telephone number of a person under the age	14233
of eighteen or the address or telephone number of that person's	14234
parent, guardian, custodian, or emergency contact person;	14235
(b) The social security number, birth date, or photographic	14236
image of a person under the age of eighteen;	14237
(c) Any medical record, history, or information pertaining to	14238
a person under the age of eighteen;	14239

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.	14240 14241 14242 14243 14244 14245
(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	14246 14247
(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	14248 14249
(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	14250 14251 14252 14253
(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code.	14254 14255
(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the	14256 14257 14258 14259 14260 14261 14262 14263 14264 14265 14266 14267 14268 14269 14270

redaction plainly visible. A redaction shall be deemed a denial of
a request to inspect or copy the redacted information, except if
federal or state law authorizes or requires a public office to
make the redaction.

(2) To facilitate broader access to public records, a public
office or the person responsible for public records shall organize
and maintain public records in a manner that they can be made
available for inspection or copying in accordance with division
(B) of this section. A public office also shall have available a
copy of its current records retention schedule at a location
readily available to the public. If a requester makes an ambiguous
or overly broad request or has difficulty in making a request for
copies or inspection of public records under this section such
that the public office or the person responsible for the requested
public record cannot reasonably identify what public records are
being requested, the public office or the person responsible for
the requested public record may deny the request but shall provide
the requester with an opportunity to revise the request by
informing the requester of the manner in which records are
maintained by the public office and accessed in the ordinary
course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole,
the public office or the person responsible for the requested
public record shall provide the requester with an explanation,
including legal authority, setting forth why the request was
denied. If the initial request was provided in writing, the
explanation also shall be provided to the requester in writing.
The explanation shall not preclude the public office or the person
responsible for the requested public record from relying upon
additional reasons or legal authority in defending an action
commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or

federal law or in accordance with division (B) of this section, no
public office or person responsible for public records may limit
or condition the availability of public records by requiring
disclosure of the requester's identity or the intended use of the
requested public record. Any requirement that the requester
disclose the requestor's identity or the intended use of the
requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records
may ask a requester to make the request in writing, may ask for
the requester's identity, and may inquire about the intended use
of the information requested, but may do so only after disclosing
to the requester that a written request is not mandatory and that
the requester may decline to reveal the requester's identity or
the intended use and when a written request or disclosure of the
identity or intended use would benefit the requester by enhancing
the ability of the public office or person responsible for public
records to identify, locate, or deliver the public records sought
by the requester.

(6) If any person chooses to obtain a copy of a public record
in accordance with division (B) of this section, the public office
or person responsible for the public record may require that
person to pay in advance the cost involved in providing the copy
of the public record in accordance with the choice made by the
person seeking the copy under this division. The public office or
the person responsible for the public record shall permit that
person to choose to have the public record duplicated upon paper,
upon the same medium upon which the public office or person
responsible for the public record keeps it, or upon any other
medium upon which the public office or person responsible for the
public record determines that it reasonably can be duplicated as
an integral part of the normal operations of the public office or
person responsible for the public record. When the person seeking
the copy makes a choice under this division, the public office or

person responsible for the public record shall provide a copy of 14336
it in accordance with the choice made by the person seeking the 14337
copy. Nothing in this section requires a public office or person 14338
responsible for the public record to allow the person seeking a 14339
copy of the public record to make the copies of the public record. 14340

(7) Upon a request made in accordance with division (B) of 14341
this section and subject to division (B)(6) of this section, a 14342
public office or person responsible for public records shall 14343
transmit a copy of a public record to any person by United States 14344
mail or by any other means of delivery or transmission within a 14345
reasonable period of time after receiving the request for the 14346
copy. The public office or person responsible for the public 14347
record may require the person making the request to pay in advance 14348
the cost of postage if the copy is transmitted by United States 14349
mail or the cost of delivery if the copy is transmitted other than 14350
by United States mail, and to pay in advance the costs incurred 14351
for other supplies used in the mailing, delivery, or transmission. 14352

Any public office may adopt a policy and procedures that it 14353
will follow in transmitting, within a reasonable period of time 14354
after receiving a request, copies of public records by United 14355
States mail or by any other means of delivery or transmission 14356
pursuant to this division. A public office that adopts a policy 14357
and procedures under this division shall comply with them in 14358
performing its duties under this division. 14359

In any policy and procedures adopted under this division, a 14360
public office may limit the number of records requested by a 14361
person that the office will transmit by United States mail to ten 14362
per month, unless the person certifies to the office in writing 14363
that the person does not intend to use or forward the requested 14364
records, or the information contained in them, for commercial 14365
purposes. For purposes of this division, "commercial" shall be 14366
narrowly construed and does not include reporting or gathering 14367

news, reporting or gathering information to assist citizen 14368
oversight or understanding of the operation or activities of 14369
government, or nonprofit educational research. 14370

(8) A public office or person responsible for public records 14371
is not required to permit a person who is incarcerated pursuant to 14372
a criminal conviction or a juvenile adjudication to inspect or to 14373
obtain a copy of any public record concerning a criminal 14374
investigation or prosecution or concerning what would be a 14375
criminal investigation or prosecution if the subject of the 14376
investigation or prosecution were an adult, unless the request to 14377
inspect or to obtain a copy of the record is for the purpose of 14378
acquiring information that is subject to release as a public 14379
record under this section and the judge who imposed the sentence 14380
or made the adjudication with respect to the person, or the 14381
judge's successor in office, finds that the information sought in 14382
the public record is necessary to support what appears to be a 14383
justiciable claim of the person. 14384

(9) Upon written request made and signed by a journalist on 14385
or after December 16, 1999, a public office, or person responsible 14386
for public records, having custody of the records of the agency 14387
employing a specified peace officer, parole officer, prosecuting 14388
attorney, assistant prosecuting attorney, correctional employee, 14389
youth services employee, firefighter, ~~or~~ EMT, or investigator of 14390
the bureau of criminal identification and investigation shall 14391
disclose to the journalist the address of the actual personal 14392
residence of the peace officer, parole officer, prosecuting 14393
attorney, assistant prosecuting attorney, correctional employee, 14394
youth services employee, firefighter, ~~or~~ EMT, or investigator of 14395
the bureau of criminal identification and investigation and, if 14396
the peace officer's, parole officer's, prosecuting attorney's, 14397
assistant prosecuting attorney's, correctional employee's, youth 14398
services employee's, firefighter's, ~~or~~ EMT's, or investigator of 14399
the bureau of criminal identification and investigation's spouse, 14400

former spouse, or child is employed by a public office, the name 14401
and address of the employer of the peace officer's, parole 14402
officer's, prosecuting attorney's, assistant prosecuting 14403
attorney's, correctional employee's, youth services employee's, 14404
firefighter's, ~~or~~ EMT's, or investigator of the bureau of 14405
criminal identification and investigation's spouse, former 14406
spouse, or child. The request shall include the journalist's name 14407
and title and the name and address of the journalist's employer 14408
and shall state that disclosure of the information sought would be 14409
in the public interest. 14410

As used in this division, "journalist" means a person engaged 14411
in, connected with, or employed by any news medium, including a 14412
newspaper, magazine, press association, news agency, or wire 14413
service, a radio or television station, or a similar medium, for 14414
the purpose of gathering, processing, transmitting, compiling, 14415
editing, or disseminating information for the general public. 14416

(C)(1) If a person allegedly is aggrieved by the failure of a 14417
public office or the person responsible for public records to 14418
promptly prepare a public record and to make it available to the 14419
person for inspection in accordance with division (B) of this 14420
section or by any other failure of a public office or the person 14421
responsible for public records to comply with an obligation in 14422
accordance with division (B) of this section, the person allegedly 14423
aggrieved may commence a mandamus action to obtain a judgment that 14424
orders the public office or the person responsible for the public 14425
record to comply with division (B) of this section, that awards 14426
court costs and reasonable attorney's fees to the person that 14427
instituted the mandamus action, and, if applicable, that includes 14428
an order fixing statutory damages under division (C)(1) of this 14429
section. The mandamus action may be commenced in the court of 14430
common pleas of the county in which division (B) of this section 14431
allegedly was not complied with, in the supreme court pursuant to 14432
its original jurisdiction under Section 2 of Article IV, Ohio 14433

Constitution, or in the court of appeals for the appellate 14434
district in which division (B) of this section allegedly was not 14435
complied with pursuant to its original jurisdiction under Section 14436
3 of Article IV, Ohio Constitution. 14437

If a requestor transmits a written request by hand delivery 14438
or certified mail to inspect or receive copies of any public 14439
record in a manner that fairly describes the public record or 14440
class of public records to the public office or person responsible 14441
for the requested public records, except as otherwise provided in 14442
this section, the requestor shall be entitled to recover the 14443
amount of statutory damages set forth in this division if a court 14444
determines that the public office or the person responsible for 14445
public records failed to comply with an obligation in accordance 14446
with division (B) of this section. 14447

The amount of statutory damages shall be fixed at one hundred 14448
dollars for each business day during which the public office or 14449
person responsible for the requested public records failed to 14450
comply with an obligation in accordance with division (B) of this 14451
section, beginning with the day on which the requester files a 14452
mandamus action to recover statutory damages, up to a maximum of 14453
one thousand dollars. The award of statutory damages shall not be 14454
construed as a penalty, but as compensation for injury arising 14455
from lost use of the requested information. The existence of this 14456
injury shall be conclusively presumed. The award of statutory 14457
damages shall be in addition to all other remedies authorized by 14458
this section. 14459

The court may reduce an award of statutory damages or not 14460
award statutory damages if the court determines both of the 14461
following: 14462

(a) That, based on the ordinary application of statutory law 14463
and case law as it existed at the time of the conduct or 14464
threatened conduct of the public office or person responsible for 14465

the requested public records that allegedly constitutes a failure 14466
to comply with an obligation in accordance with division (B) of 14467
this section and that was the basis of the mandamus action, a 14468
well-informed public office or person responsible for the 14469
requested public records reasonably would believe that the conduct 14470
or threatened conduct of the public office or person responsible 14471
for the requested public records did not constitute a failure to 14472
comply with an obligation in accordance with division (B) of this 14473
section; 14474

(b) That a well-informed public office or person responsible 14475
for the requested public records reasonably would believe that the 14476
conduct or threatened conduct of the public office or person 14477
responsible for the requested public records would serve the 14478
public policy that underlies the authority that is asserted as 14479
permitting that conduct or threatened conduct. 14480

(2)(a) If the court issues a writ of mandamus that orders the 14481
public office or the person responsible for the public record to 14482
comply with division (B) of this section and determines that the 14483
circumstances described in division (C)(1) of this section exist, 14484
the court shall determine and award to the relator all court 14485
costs. 14486

(b) If the court renders a judgment that orders the public 14487
office or the person responsible for the public record to comply 14488
with division (B) of this section, the court may award reasonable 14489
attorney's fees subject to reduction as described in division 14490
(C)(2)(c) of this section. The court shall award reasonable 14491
attorney's fees, subject to reduction as described in division 14492
(C)(2)(c) of this section when either of the following applies: 14493

(i) The public office or the person responsible for the 14494
public records failed to respond affirmatively or negatively to 14495
the public records request in accordance with the time allowed 14496
under division (B) of this section. 14497

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(c) Court costs and reasonable attorney's fees awarded under this section shall be construed as remedial and not punitive. Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. The court may reduce an award of attorney's fees to the relator or not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records as described in division (C)(2)(c)(i) of this section would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.

(E)(1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section 109.43 of the Revised Code. In addition, all public offices shall adopt a public records policy in compliance with this section for responding to public records requests. In adopting a public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the attorney general under section 109.43 of the Revised Code. Except as otherwise provided in this section, the policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours.

(2) The public office shall distribute the public records policy adopted by the public office under division (E)(1) of this section to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office

that has established a manual or handbook of its general policies 14562
and procedures for all employees of the public office shall 14563
include the public records policy of the public office in the 14564
manual or handbook. 14565

(F)(1) The bureau of motor vehicles may adopt rules pursuant 14566
to Chapter 119. of the Revised Code to reasonably limit the number 14567
of bulk commercial special extraction requests made by a person 14568
for the same records or for updated records during a calendar 14569
year. The rules may include provisions for charges to be made for 14570
bulk commercial special extraction requests for the actual cost of 14571
the bureau, plus special extraction costs, plus ten per cent. The 14572
bureau may charge for expenses for redacting information, the 14573
release of which is prohibited by law. 14574

(2) As used in division (F)(1) of this section: 14575

(a) "Actual cost" means the cost of depleted supplies, 14576
records storage media costs, actual mailing and alternative 14577
delivery costs, or other transmitting costs, and any direct 14578
equipment operating and maintenance costs, including actual costs 14579
paid to private contractors for copying services. 14580

(b) "Bulk commercial special extraction request" means a 14581
request for copies of a record for information in a format other 14582
than the format already available, or information that cannot be 14583
extracted without examination of all items in a records series, 14584
class of records, or data base by a person who intends to use or 14585
forward the copies for surveys, marketing, solicitation, or resale 14586
for commercial purposes. "Bulk commercial special extraction 14587
request" does not include a request by a person who gives 14588
assurance to the bureau that the person making the request does 14589
not intend to use or forward the requested copies for surveys, 14590
marketing, solicitation, or resale for commercial purposes. 14591

(c) "Commercial" means profit-seeking production, buying, or 14592

selling of any good, service, or other product. 14593

(d) "Special extraction costs" means the cost of the time 14594
spent by the lowest paid employee competent to perform the task, 14595
the actual amount paid to outside private contractors employed by 14596
the bureau, or the actual cost incurred to create computer 14597
programs to make the special extraction. "Special extraction 14598
costs" include any charges paid to a public agency for computer or 14599
records services. 14600

(3) For purposes of divisions (F)(1) and (2) of this section, 14601
"surveys, marketing, solicitation, or resale for commercial 14602
purposes" shall be narrowly construed and does not include 14603
reporting or gathering news, reporting or gathering information to 14604
assist citizen oversight or understanding of the operation or 14605
activities of government, or nonprofit educational research. 14606

Sec. 149.45. (A) As used in this section: 14607

(1) "Personal information" means any of the following: 14608

(a) An individual's social security number; 14609

(b) An individual's federal tax identification number; 14610

(c) An individual's driver's license number or state 14611
identification number; 14612

(d) An individual's checking account number, savings account 14613
number, or credit card number. 14614

(2) "Public record" and "peace officer, parole officer, 14615
prosecuting attorney, assistant prosecuting attorney, 14616
correctional employee, youth services employee, firefighter, ~~or~~ 14617
EMT, or investigator of the bureau of criminal identification and 14618
investigation residential and familial information" have the same 14619

meanings as in section 149.43 of the Revised Code. 14620

(3) "Truncate" means to redact all but the last four digits 14621
of an individual's social security number. 14622

(B)(1) No public office or person responsible for a public 14623
office's public records shall make available to the general public 14624
on the internet any document that contains an individual's social 14625
security number without otherwise redacting, encrypting, or 14626
truncating the social security number. 14627

(2) A public office or person responsible for a public 14628
office's public records that prior to the effective date of this 14629
section made available to the general public on the internet any 14630
document that contains an individual's social security number 14631
shall redact, encrypt, or truncate the social security number 14632
from that document. 14633

(3) Divisions (B)(1) and (2) of this section do not apply to 14634
documents that are only accessible through the internet with a 14635
password. 14636

(C)(1) An individual may request that a public office or a 14637
person responsible for a public office's public records redact 14638
personal information of that individual from any record made 14639
available to the general public on the internet. An individual who 14640
makes a request for redaction pursuant to this division shall 14641
make the request in writing on a form developed by the attorney 14642
general and shall specify the personal information to be 14643
redacted and provide any information that identifies the 14644
location of that personal information within a document that 14645
contains that personal information. 14646

(2) Upon receiving a request for a redaction pursuant to 14647
division (C)(1) of this section, a public office or a person 14648
responsible for a public office's public records shall act within 14649

five business days in accordance with the request to redact the 14650
personal information of the individual from any record made 14651
available to the general public on the internet, if practicable. 14652
If a redaction is not practicable, the public office or person 14653
responsible for the public office's public records shall verbally 14654
or in writing within five business days after receiving the 14655
written request explain to the individual why the redaction is 14656
impracticable. 14657

(3) The attorney general shall develop a form to be used by 14658
an individual to request a redaction pursuant to division (C)(1) 14659
of this section. The form shall include a place to provide any 14660
information that identifies the location of the personal 14661
information to be redacted. 14662

(D)(1) A peace officer, parole officer, prosecuting 14663
attorney, assistant prosecuting attorney, correctional employee, 14664
youth services employee, firefighter, ~~or EMT~~, or investigator of 14665
the bureau of criminal identification and investigation may 14666
request that a public office other than a county auditor or a 14667
person responsible for the public records of a public office 14668
other than a county auditor redact the address of the person 14669
making the request from any record made available to the general 14670
public on the internet that includes peace officer, parole 14671
officer, prosecuting attorney, assistant prosecuting attorney, 14672
correctional employee, youth services employee, firefighter, 14673
~~or EMT~~, or investigator of the bureau of criminal identification 14674
and investigation residential and familial information of the 14675
person making the request. A person who makes a request for a 14676
redaction pursuant to this division shall make the request in 14677
writing and on a form developed by the attorney general. 14678

(2) Upon receiving a written request for a redaction pursuant 14679
to division (D)(1) of this section, a public office other than a 14680
county auditor or a person responsible for the public records of a 14681

public office other than a county auditor shall act within five 14682
business days in accordance with the request to redact the 14683
address of the peace officer, parole officer, prosecuting 14684
attorney, assistant prosecuting attorney, correctional employee, 14685
youth services employee, firefighter, ~~or~~ EMT, or investigator of 14686
the bureau of criminal identification and investigation making the 14687
request from any record made available to the general public on 14688
the internet that includes peace officer, parole officer, 14689
prosecuting attorney, assistant prosecuting attorney, 14690
correctional employee, youth services employee, firefighter, ~~or~~ 14691
EMT, or investigator of the bureau of criminal identification and 14692
investigation residential and familial information of the person 14693
making the request, if practicable. If a redaction is not 14694
practicable, the public office or person responsible for the 14695
public office's public records shall verbally or in writing 14696
within five business days after receiving the written request 14697
explain to the peace officer, parole officer, prosecuting 14698
attorney, assistant prosecuting attorney, correctional employee, 14699
youth services employee, firefighter, ~~or~~ EMT, or investigator of 14700
the bureau of criminal identification and investigation why the 14701
redaction is impracticable. 14702

(3) Except as provided in this section and section 319.28 of 14703
the Revised Code, a public office other than an employer of a 14704
peace officer, parole officer, prosecuting attorney, assistant 14705
prosecuting attorney, correctional employee, youth services 14706
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 14707
criminal identification and investigation or a person responsible 14708
for the public records of the employer is not required to redact 14709
the residential and familial information of the peace officer, 14710
parole officer, prosecuting attorney, assistant prosecuting 14711
attorney, correctional employee, youth services employee, 14712
firefighter, ~~or~~ EMT, or investigator of the bureau of criminal 14713
identification and investigation from other records maintained by 14714
the public office. 14715

(4) The attorney general shall develop a form to be used by a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, ~~or~~ EMT, or investigator of the bureau of criminal identification and investigation to request a redaction pursuant to division (D)(1) of this section. The form shall include a place to provide any information that identifies the location of the address of a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, ~~or~~ EMT, or investigator of the bureau of criminal identification and investigation to be redacted.

(E)(1) If a public office or a person responsible for a public office's public records becomes aware that an electronic record of that public office that is made available to the general public on the internet contains an individual's social security number that was mistakenly not redacted, encrypted, or truncated as required by division (B)(1) or (2) of this section, the public office or person responsible for the public office's public records shall redact, encrypt, or truncate the individual's social security number within a reasonable period of time.

(2) A public office or a person responsible for a public office's public records is not liable in damages in a civil action for any harm an individual allegedly sustains as a result of the inclusion of that individual's personal information on any record made available to the general public on the internet or any harm a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, ~~or~~ EMT, or investigator of the bureau of criminal identification and investigation sustains as a result of the inclusion of the address of the peace officer, parole

officer, prosecuting attorney, assistant prosecuting attorney, 14748
correctional employee, youth services employee, firefighter, ~~or~~ 14749
EMT, or investigator of the bureau of criminal identification and 14750
investigation on any record made available to the general public 14751
on the internet in violation of this section unless the public 14752
office or person responsible for the public office's public 14753
records acted with malicious purpose, in bad faith, or in a 14754
wanton or reckless manner or division (A)(6)(a) or (c) of 14755
section 2744.03 of the Revised Code applies. 14756

Sec. 150.01. (A) As used in this chapter: 14757

(1) "Authority" means the Ohio venture capital authority 14758
created under section 150.02 of the Revised Code. 14759

(2) "Issuer" means a port authority organized and existing 14760
under applicable provisions of Chapter 4582, of the Revised Code 14761
that, pursuant to an agreement entered into under division (E) of 14762
section 150.02 of the Revised Code, issues or issued obligations 14763
to fund one or more loans to the program fund. 14764

(3) "Lender" means any person that lends money to the program 14765
fund as provided in this chapter and includes any issuer and any 14766
trustee. 14767

~~(3)~~(4) "Loss" means a loss incurred with respect to a 14768
lender's loan to the program fund. Such a loss is incurred only if 14769
and to the extent a program administrator fails to satisfy its 14770
obligations to the lender to make timely payments of principal or 14771
interest as provided in the loan agreement between the lender and 14772
the program administrator. "Loss" does not include either of the 14773
following: 14774

(a) Any loss incurred by the program fund, including a loss 14775
attributable to any investment made by a program administrator; 14776

(b) Any loss of the capital required to be provided by a program administrator, or income accruing to that capital, under the agreement entered into under division (B) of section 150.05 of the Revised Code.

~~(4)~~(5) "Ohio-based business enterprise" means a person that is engaged in business, that employs at least one individual on a full-time or part-time basis at a place of business in this state, including a person engaged in business if that person is a self-employed individual, and that is in the seed or early stage of business development requiring initial or early stage funding or is an established business enterprise developing new methods or technologies.

~~(5)~~(6) "Ohio-based venture capital fund" means a venture capital fund having its principal office in this state, where the majority of the fund's staff are employed and where at least one investment professional is employed who has at least five years of experience in venture capital investment.

(7) "Program fund" means the fund created under section 150.03 of the Revised Code.

(8) "Research and development purposes" has the same meaning as used in Section 2p of Article VIII, Ohio Constitution, and includes the development of sites and facilities in this state for and in support of those research and development purposes.

(9) "Trustee" means a trust company or a bank with corporate trust powers, in either case having a place of business in this state, being a taxpayer under Chapter 5707., 5725., 5727., 5729., 5733., or 5747 of the Revised Code at the time it may claim and receive a tax credit under division (E) of section 150.07 of the Revised Code, and acting in its capacity as a trustee pursuant to a trust agreement under which an issuer issues obligations to fund loans to the program fund.

(B) The general assembly declares that its purpose in
enacting Chapter 150. of the Revised Code is to increase the
amount of private investment capital available in this state for
Ohio-based business enterprises in the seed or early stages of
business development and requiring initial or early stage funding,
as well as established Ohio-based business enterprises developing
new methods or technologies, including the promotion of research
and development purposes, thereby increasing employment, creating
additional wealth, and otherwise benefiting the economic welfare
of the people of this state. Accordingly, it is the intention of
the general assembly that the program fund make investments in
support of Ohio-based business enterprises in accordance with the
investment policy authorized and required under section 150.03 of
the Revised Code, and that the Ohio venture capital authority
focus its investment policy principally on venture capital funds
investing in such Ohio-based business enterprises. The general
assembly finds and determines that this chapter and the
investment policy, and actions taken under and consistent
therewith, will promote and implement the public purposes of
Section 2p of Article VIII, Ohio Constitution.

Sec. 150.02. (A) There is hereby created the Ohio venture
capital authority, which shall exercise the powers and perform the
duties prescribed by this chapter. The exercise by the authority
of its powers and duties is hereby declared to be an essential
state governmental function. The authority is subject to all laws
generally applicable to state agencies and public officials,
including, but not limited to, Chapter 119. and sections 121.22
and 149.43 of the Revised Code, to the extent those laws do not
conflict with this chapter.

(B) The authority shall consist of ~~nine members. Seven of~~
~~the three~~ members shall be appointed by the governor, ~~with the~~
~~advice and consent of the senate, from among the general public~~one

of whom the governor shall select from a list of three nominees 14840
provided by the president of the senate, and one of whom the 14841
governor shall select from a list of three nominees provided by 14842
the speaker of the house of representatives. If the governor 14843
rejects all the nominees provided in either list, the governor 14844
shall request that the president of the senate or speaker of the 14845
house, as the case may be, provide another list of three 14846
nominees, and the president or speaker, as the case may be, shall 14847
provide another list of three nominees. All nominated and 14848
appointed members shall have experience in the field of banking, 14849
investments, commercial law, or industry relevant to the purpose 14850
of the Ohio venture capital program as stated in section 150.01 14851
of the Revised Code. The director of development and tax 14852
commissioner or their designees shall ~~be ex-officio, nonvoting~~ 14853
~~members~~ serve as advisors to the authority but shall not be members 14854
and shall not vote on any matter before the authority. 14855

Initial ~~gubernatorial~~ appointees to the authority shall serve 14856
staggered terms, with one term expiring on January 31, 2004, two 14857
terms expiring on January 31, 2005, two terms expiring on January 14858
31, 2006, and two terms expiring on January 31, 2007. The terms of 14859
all members serving on the authority on January 31, 2010, expire 14860
on that date, and the three appointees appointed pursuant to the 14861
amendment of this section by H.B. 1 of the 128th general assembly 14862
shall begin their terms February 1, 2010, with one term expiring 14863
January 31, 2012, one term expiring January 31, 2013, and one term 14864
expiring January 31, 2014. Thereafter, terms of office for all 14865
appointees shall be for four years, with each term ending on the 14866
same day of the same month as did the term that it succeeds. A 14867
vacancy on the authority shall be filled in the same manner as the 14868
original appointment, except that a person appointed to fill a 14869
vacancy shall be appointed to the remainder of the unexpired term. 14870
Any appointed member of the authority is eligible for 14871
reappointment. 14872

A member of the authority may be removed by the member's
appointing authority for misfeasance, malfeasance, willful neglect
of duty, or other cause, after notice and a public hearing, unless
the notice and hearing are waived in writing by the member.

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(C) Members of the authority shall serve without
compensation, but shall receive their reasonable and necessary
expenses incurred in the conduct of authority business. The
governor shall designate a member of the authority to serve as
chairperson. A majority of the ~~voting~~ members of the authority
constitutes a quorum, and the affirmative vote of a majority of
the ~~voting~~ members present is necessary for any action taken by
the authority. A vacancy in the ~~voting~~ membership of the authority
does not impair the right of a quorum to exercise all rights and
perform all duties of the authority.

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(D) The department of development shall provide the authority
with office space and such technical assistance as the authority
requires.

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(E) The authority and an issuer may cooperate in promoting
the public purposes of the Ohio venture capital program as stated
in section 150.01 of the Revised Code and may enter into such
agreements as the authority and the issuer deem appropriate, with
a view to cooperative action and safeguarding of the respective
interests of the parties thereto. Such agreements may provide for
the rights, duties, and responsibilities of the parties and any
limitations thereon, the terms on which any tax credits that may
be issued to a trustee for the benefit of the issuer pursuant to
division (E) of section 150.07 of the Revised Code are to be
issued and claimed, and such other terms as may be mutually
satisfactory to the parties including, but not limited to,
requirements for reporting, and a plan, prepared by a program
administrator and acceptable to the authority and the issuer,
designed to evidence and ensure compliance with division (D) of

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section 150.03 of the Revised Code and Section 2p of Article 14905
VIII, Ohio Constitution. 14906

Sec. 150.03. Within ninety days after ~~the effective date of~~ 14907
~~this section~~ April 9, 2003, the authority shall establish, and 14908
subsequently may modify as it considers necessary, a written 14909
investment policy governing the investment of money from the 14910
program fund, which is hereby created. The program fund shall 14911
consist of the proceeds of loans acquired by a program 14912
administrator. The authority is subject to Chapter 119. of the 14913
Revised Code with respect to the establishment or modification of 14914
the policy. The policy shall meet all the following requirements: 14915

(A) It is consistent with the purpose of the program stated 14916
in section 150.01 of the Revised Code. 14917

(B) Subject to divisions (C), (D), and (E) of this section, 14918
it permits the investment of money from the program fund in 14919
private, for-profit venture capital funds, including funds of 14920
funds, that invest in enterprises in the seed or early stage of 14921
business development or established business enterprises 14922
developing new methods or technologies, and that demonstrate 14923
potential to generate high levels of successful investment 14924
performance. 14925

(C) It specifies that a program administrator or fund 14926
manager employed by the program administrator shall invest not 14927
less than seventy-five per cent of program fund money under its 14928
investment authority in Ohio-based venture capital funds. 14929

(D) It specifies ~~that~~ both of the following: 14930

(1) That not less than an amount equal to fifty per cent of 14931
program fund money invested in any venture capital fund be 14932
invested by the venture capital fund in Ohio-based business 14933
enterprises; 14934

(2) That, commencing with the first program fund commitment 14935
to each venture capital fund, the aggregate amount funded into 14936
Ohio-based business enterprises by all venture capital funds to 14937
which the program fund has committed be not less than the 14938
aggregate amount of all program fund money funded into those 14939
venture capital funds. 14940

(E) It specifies that a program administrator or fund manager 14941
employed by the program administrator shall not invest money from 14942
the program fund in a venture capital fund to the extent that the 14943
total amount of program fund money invested in the venture capital 14944
fund, when combined with any program fund money invested in a 14945
venture capital fund under the same management as that venture 14946
capital fund, exceeds the lesser of the following: 14947

(1) Ten million dollars; 14948

(2)(a) In the case of an Ohio-based venture capital fund, 14949
fifty per cent of the total amount of capital committed to the 14950
fund from all sources, after accounting for capital committed 14951
from the program fund; 14952

(b) In the case of any other venture capital fund, twenty per 14953
cent of the total amount of capital committed to the fund from 14954
all sources, after accounting for capital committed from the 14955
program fund. 14956

(F) It specifies that a program administrator or fund manager 14957
employed by the program administrator shall not commit capital 14958
from the program fund to a venture capital fund until the venture 14959
capital fund receives commitment of at least the same amount from 14960
other investors in the fund. 14961

(G) It specifies the general conditions a private, for-profit 14962
investment fund must meet to be selected as a program 14963

administrator under section 150.05 of the Revised Code, including, 14964
as a significant selection standard, direct experience managing 14965
external or nonproprietary capital in private equity fund of funds 14966
formats. 14967

(H) It specifies the criteria the authority must consider 14968
when making a determination under division (B)(1) of section 14969
150.04 of the Revised Code. 14970

(I) It includes investment standards and general limitations 14971
on allowable investments that the authority considers reasonable 14972
and necessary to achieve the purposes of this chapter as stated in 14973
division (B) of section 150.01 of the Revised Code, minimize the 14974
need for the authority to grant tax credits under section 150.07 14975
of the Revised Code, ensure compliance of the program 14976
administrators with all applicable laws of this state and the 14977
United States, and ensure the safety and soundness of investments 14978
of money from the program fund. 14979

(J) It prohibits the investment of money from the program 14980
fund directly in persons other than venture capital funds, except 14981
for temporary investment in investment grade debt securities or 14982
temporary deposit in interest-bearing accounts or funds pending 14983
permanent investment in venture capital funds. 14984

Sec. 150.04. (A) The investment policy established or 14985
modified under section 150.03 of the Revised Code shall specify 14986
the terms and conditions under which the authority may grant tax 14987
credits under section 150.07 of the Revised Code, subject to that 14988
section and division (B) of this section, to provide security 14989
against lenders' losses. 14990

(B) Nothing in this chapter authorizes the providing of 14991
security against losses on any bases other than the following: 14992

(1) The application first of moneys of the Ohio venture 14993

capital fund, created under section 150.08 of the Revised Code, 14994
that the authority, under the criteria in its investment policy, 14995
determines may be expended without adversely affecting the ability 14996
of the authority to continue fulfilling the purpose of this 14997
chapter as stated in section 150.01 of the Revised Code; and then 14998

(2) The granting of tax credits pursuant to section 150.07 of 14999
the Revised Code, but only to the extent moneys under division 15000
(B)(1) of this section are insufficient to satisfy lenders' 15001
losses and restore money used to pay losses from reserves 15002
established and maintained by a trustee on behalf of an issuer to 15003
the extent consistent with an agreement between the authority and 15004
the issuer entered into under division (E) of section 150.02 of 15005
the Revised Code. Tax credits shall not be used initially to 15006
establish such a reserve or to fund a reserve with respect to any 15007
lender's loan as to which no loss has occurred. This division 15008
does not prohibit establishment of a reserve from the proceeds of 15009
any loan or any obligations issued under section 4582.71 of the 15010
Revised Code or from other sources available to the program fund. 15011

Sec. 150.05. (A) The authority shall select, as program 15012
administrators, not more than two private, for-profit investment 15013
funds to acquire loans for the program fund and to invest money in 15014
the program fund as prescribed in the investment policy 15015
established or modified by the authority in accordance with 15016
sections 150.03 and 150.04 of the Revised Code. The authority 15017
shall give equal consideration, in selecting these program 15018
administrators, to minority owned and controlled investment funds, 15019
to funds owned and controlled by women, to ventures involving 15020
minority owned and controlled funds, and to ventures involving 15021
funds owned and controlled by women that otherwise meet the 15022
policies and criteria established by the authority. To be eligible 15023
for selection, an investment fund must be incorporated or 15024
organized under Chapter 1701., 1705., 1775., 1776., 1782., or 15025
1783. of the Revised Code, must have an established business 15026

presence in this state, and must be capitalized in accordance 15027
with any state and federal laws applicable to the issuance or 15028
sale of securities. 15029

The authority shall select program administrators only after 15030
soliciting and evaluating requests for proposals as prescribed in 15031
this section. The authority shall publish a notice of a request 15032
for proposals in newspapers of general circulation in this state 15033
once each week for two consecutive weeks before a date specified 15034
by the authority as the date on which it will begin accepting 15035
proposals. The notices shall contain a general description of the 15036
subject of the proposed agreement and the location where the 15037
request for proposals may be obtained. The request for proposals 15038
shall include all the following: 15039

(1) Instructions and information to respondents concerning 15040
the submission of proposals, including the name and address of the 15041
office where proposals are to be submitted; 15042

(2) Instructions regarding the manner in which respondents 15043
may communicate with the authority, including the names, titles, 15044
and telephone numbers of the individuals to whom such 15045
communications shall be directed; 15046

(3) Description of the performance criteria that will be used 15047
to evaluate whether a respondent selected by the authority is 15048
satisfying the authority's investment policy; 15049

(4) Description of the factors and criteria to be considered 15050
in evaluating respondents' proposals, the relative importance of 15051
each factor or criterion, and description of the authority's 15052
evaluation procedure; 15053

(5) Description of any documents that may be incorporated by 15054
reference into the request for proposals, provided that the 15055
request specifies where such documents may be obtained and such 15056

documents are readily available to all interested parties. 15057

After the date specified for receiving proposals, the 15058
authority shall evaluate submitted proposals. The authority may 15059
discuss a respondent's proposal with that respondent to clarify or 15060
revise a proposal or the terms of the agreement. 15061

The authority shall choose for review proposals from at least 15062
three respondents the authority considers qualified to operate the 15063
program in the best interests of the investment policy adopted by 15064
the authority. If three or fewer proposals are submitted, the 15065
authority shall review each proposal. The authority may cancel a 15066
request for proposals at any time before entering into an 15067
agreement with a respondent. The authority shall provide 15068
respondents fair and equal opportunity for such discussions. The 15069
authority may terminate discussions with any respondent upon 15070
written notice to the respondent. 15071

(B) After reviewing the chosen proposals, the authority may 15072
select not more than two such respondents and enter into a written 15073
agreement with each of the selected respondents, provided that at 15074
no time shall there be agreements with more than two persons. 15075

The agreement shall do all of the following: 15076

(1) Specify that borrowing and investing by the program 15077
administrator will be budgeted to guarantee that no tax credits 15078
will be granted during the first four years of the Ohio venture 15079
capital program, and will be structured to ensure that payments of 15080
principal, interest, or interest equivalent due in any fiscal 15081
year, when added to such payments due from any other program 15082
administrator, does not exceed twenty million dollars; 15083

(2) Require investment by the program administrator or the 15084
fund manager employed by the program administrator to be in 15085
compliance with the investment policy established or modified in 15086

accordance with sections 150.03 and 150.04 of the Revised Code 15087
that is in effect at the time the investment is made, and prohibit 15088
the program administrator or fund manager from engaging in any 15089
investment activities other than activities to carry out that 15090
policy; 15091

(3) Require periodic financial reporting by the program 15092
administrator to the authority, which reporting shall include an 15093
annual audit by an independent auditor and such other financial 15094
reporting as is specified in the agreement or otherwise required 15095
by the authority for the purpose of ensuring that the program 15096
administrator is carrying out the investment policy; 15097

(4) Specify any like standards or general limitations in 15098
addition to or in furtherance of investment standards or 15099
limitations that apply pursuant to division (H) of section 150.03 15100
of the Revised Code; 15101

(5) Require the program administrator to apply program fund 15102
revenue first to the payment of principal borrowed by the program 15103
administrator for investment under the program, then to interest 15104
related to that principal, and then to amounts necessary to cover 15105
the program administrator's pro rata share required under division 15106
(B)(9) of this section; and require the program administrator to 15107
pay the authority not less than ninety per cent of the amount by 15108
which program fund revenue attributable to investments under the 15109
program administrator's investment authority exceeds amounts so 15110
applied; 15111

(6) Specify the procedures by which the program administrator 15112
shall certify immediately to the authority the necessity for the 15113
authority to issue tax credit certificates pursuant to contracts 15114
entered into under section 150.07 of the Revised Code; 15115

(7) Specify any general limitations regarding the employment 15116
of a fund manager by the program administrator, in addition to an 15117

express limitation that the fund manager be a person with 15118
demonstrated, substantial, successful experience in the design and 15119
management of seed and venture capital investment programs and in 15120
capital formation. The fund manager may be, but need not be, an 15121
equity owner or affiliate of the program administrator. 15122

(8) Specify the terms and conditions under which the 15123
authority or the program administrator may terminate the 15124
agreement, including in the circumstance that the program 15125
administrator or fund manager violates the investment policy; 15126

(9) Require the program administrator or fund manager 15127
employed by the program administrator to provide capital in the 15128
form of a loan equal to one per cent of the amount of outstanding 15129
loans by lenders to the program fund. The loan from the program 15130
administrator or fund manager shall be on the same terms and 15131
conditions as loans from other lenders, except that the loan from 15132
the program administrator or fund manager shall not be secured by 15133
the Ohio venture capital fund or tax credits available to other 15134
lenders under division (B) of section 150.04 of the Revised Code. 15135
Such capital shall be placed at the same risk as the proceeds from 15136
such loans. The program administrator shall receive a pro rata 15137
share of the net income, including net loss, from the investment 15138
of money from the program fund, but is not entitled to the 15139
security against losses provided under section 150.04 of the 15140
Revised Code. 15141

Sec. 150.051. (A) As used in this section: 15142

(1) "Minority business enterprise" has the meaning defined in 15143
section 122.71 of the Revised Code. 15144

(2) "Women's business enterprise" means a business, or a 15145
partnership, corporation, limited liability company, or joint 15146
venture of any kind, that is owned and controlled by women who are 15147
United States citizens and residents of this state. 15148

(B) The Ohio venture capital authority shall submit annually 15149
to the governor and to the general assembly (under section 101.68 15150
of the Revised Code) a report containing the following 15151
information: 15152

(1) The name of each program administrator that is a minority 15153
business enterprise or a women's business enterprise with which 15154
the authority contracts: 15155

(2) The amount of assets managed by program administrators 15156
that are minority business enterprises or women's business 15157
enterprises, expressed as a percentage of assets managed by 15158
program administrators with which the authority has contracted. 15159

(3) Efforts by the authority to increase utilization of 15160
program administrators that are minority business enterprises or 15161
women's business enterprises. 15162

Sec. 150.07. (A) For the purpose stated in section 150.01 of 15163
the Revised Code, the authority may authorize a lender to claim 15164
one of the refundable tax credits allowed under section 5707.031, 15165
5725.19, 5727.241, 5729.08, 5733.49, or 5747.80 of the Revised 15166
Code. The credits shall be authorized by a written contract with 15167
the lender. The contract shall specify the terms under which the 15168
lender may claim the credit, including the amount of loss, if any, 15169
the lender must incur before the lender may claim the credit; 15170
specify that the credit shall not exceed the amount of the loss; 15171
and specify that the lender may claim the credit only for a loss 15172
certified by a program administrator to the authority under the 15173
procedures prescribed under division (B)(6) of section 150.05 of 15174
the Revised Code. The program administrator shall provide to the 15175
authority an estimate of the amount of tax credits, if any, that 15176
are likely, in the administrator's reasonable judgment, to be 15177
claimed by a lender during the current and next succeeding state 15178
fiscal years. The estimate shall be provided at the same time 15179

each year that the administrator is required to report the annual 15180
audit to the authority under section 150.05 of the Revised Code. 15181

(B) Tax credits may be authorized at any time after the 15182
authority establishes the investment policy under section 150.03 15183
of the Revised Code, but a tax credit so authorized may not be 15184
claimed ~~until the beginning of the fifth year after the authority~~ 15185
~~establishes the investment policy. A~~ before July 1, 2007, or after 15186
June 30, 2026, except, with respect to loans made from the 15187
proceeds of obligations issued under section 4582.71 of the 15188
Revised Code, a tax credit may not be claimed before July 1, 15189
2012, or after June 30, 2026 ~~2036~~. 15190

(C)(1) Upon receiving certification of a lender's loss from a 15191
program administrator pursuant to the procedures in the investment 15192
policy, the authority shall issue a tax credit certificate to the 15193
lender, except as otherwise provided in division (D) of this 15194
section. 15195

(2) If the lender is a pass-through entity, as defined in 15196
section 5733.04 of the Revised Code, then each equity investor in 15197
the lender pass-through entity shall be entitled to claim one of 15198
the tax credits allowed under division (A) of this section for 15199
that equity investor's taxable year in which or with which ends 15200
the taxable year of the lender pass-through entity in an amount 15201
based on the equity investor's distributive or proportionate share 15202
of the credit amount set forth in the certificate issued by the 15203
authority. If all equity investors of the lender pass-through 15204
entity are not eligible to claim a credit against the same tax set 15205
forth in division (A) of this section, then each equity investor 15206
may elect to claim a credit against the tax to which the equity 15207
investor is subject to in an amount based on the equity investor's 15208
distributive or proportionate share of the credit amount set forth 15209
in the certificate issued by the authority. 15210

(3) The certificate shall state the amount of the credit and 15211

the calendar year under section 5707.031, 5725.19, 5727.241, or 15212
5729.08, the tax year under section 5733.49, or the taxable year 15213
under section 5747.80 of the Revised Code for which the credit may 15214
be claimed. The authority, in conjunction with the tax 15215
commissioner, shall develop a system for issuing tax credit 15216
certificates for the purpose of verifying that any credit claimed 15217
is a credit issued under this section and is properly taken in the 15218
year specified in the certificate and in compliance with division 15219
(B) of this section. 15220

(D) The authority shall not, in any fiscal year, issue tax 15221
credit certificates under this section in a total amount exceeding 15222
twenty million dollars. The authority shall not issue tax credit 15223
certificates under this section in a total amount exceeding three 15224
hundred eighty million dollars. 15225

(E) Notwithstanding any other section of this chapter or any 15226
provision of Chapter 5707., 5725., 5727., 5729., 5733., or 5747. 15227
of the Revised Code, if provided by the terms of an agreement 15228
entered into by the issuer and the authority under division (E) 15229
of section 150.02 of the Revised Code, and subject to the 15230
limitations of divisions (B) and (D) of this section, a trustee 15231
shall have the right, for the benefit of the issuer, to receive 15232
and claim the credits authorized under division (A) of this 15233
section solely for the purpose provided for in section 150.04 of 15234
the Revised Code, and the trustee shall be entitled to file a tax 15235
return, an amended tax return, or an estimated tax return at such 15236
times as are permitted or required under the applicable provisions 15237
of Chapter 5707., 5725., 5727., 5729., 5733., or 5747. of the 15238
Revised Code for the purpose of claiming credits issued to the 15239
trustee. The trustee shall receive the proceeds of such a tax 15240
credit for the benefit of the issuer, and shall apply the proceeds 15241
solely to satisfy a loss or restore a reserve as provided in 15242
section 150.04 of the Revised Code. Nothing in this section shall 15243
require a trustee to file a tax return under any chapter for any 15244

purpose other than claiming such credits if the trustee is not 15245
otherwise required to make such a filing. 15246

The general assembly may from time to time modify or repeal 15247
any of the taxes against which the credits authorized under 15248
division (A) of this section may be claimed, and may authorize 15249
those credits to be claimed for the purposes provided for in 15250
section 150.04 of the Revised Code with respect to any other tax 15251
imposed by this state; provided, that if any obligations issued 15252
under section 4582.71 of the Revised Code are then outstanding and 15253
such modification or repeal would have the effect of impairing any 15254
covenant made in or pursuant to an agreement under division (E) of 15255
section 150.02 of the Revised Code regarding the maintenance or 15256
restoration of reserves established and maintained with a trustee 15257
consistent with division (B)(2) of section 150.04 of the Revised 15258
Code and such agreement, the state shall provide other security to 15259
the extent necessary to avoid or offset the impairment of such 15260
covenant. 15261

Sec. 152.09. (A) As used in sections 152.06 and 152.09 to 15262
152.33 of the Revised Code: 15263

(1) "Obligations" means bonds, notes, or other evidences of 15264
obligation, including interest coupons pertaining thereto, issued 15265
pursuant to sections 152.09 to 152.33 of the Revised Code. 15266

(2) "State agencies" means the state of Ohio and branches, 15267
officers, boards, commissions, authorities, departments, 15268
divisions, courts, general assembly, or other units or agencies of 15269
the state. "State agency" also includes counties, municipal 15270
corporations, and governmental entities of this state that enter 15271
into leases with the Ohio building authority pursuant to section 15272
152.31 of the Revised Code or that are designated by law as state 15273
agencies for the purpose of performing a state function that is to 15274
be housed by a capital facility for which the Ohio building 15275
authority is authorized to issue revenue obligations pursuant to 15276

sections 152.09 to 152.33 of the Revised Code. 15277

(3) "Bond service charges" means principal, including 15278
mandatory sinking fund requirements for retirement of obligations, 15279
and interest, and redemption premium, if any, required to be paid 15280
by the Ohio building authority on obligations. 15281

(4) "Capital facilities" means buildings, structures, and 15282
other improvements, and equipment, real estate, and interests in 15283
real estate therefor, within the state, and any one, part of, or 15284
combination of the foregoing, for housing of branches and agencies 15285
of state government, including capital facilities for the purpose 15286
of housing personnel, equipment, or functions, or any combination 15287
thereof that the state agencies are responsible for housing, for 15288
which the Ohio building authority is authorized to issue 15289
obligations pursuant to Chapter 152. of the Revised Code, and 15290
includes storage and parking facilities related to such capital 15291
facilities. For purposes of sections 152.10 to 152.15 of the 15292
Revised Code, "capital facilities" includes community or technical 15293
college capital facilities. 15294

(5) "Cost of capital facilities" means the costs of 15295
assessing, planning, acquiring, constructing, reconstructing, 15296
rehabilitating, remodeling, renovating, enlarging, improving, 15297
altering, maintaining, equipping, furnishing, repairing, painting, 15298
decorating, managing, or operating capital facilities, and the 15299
financing thereof, including the cost of clearance and preparation 15300
of the site and of any land to be used in connection with capital 15301
facilities, the cost of participating in capital facilities 15302
pursuant to section 152.33 of the Revised Code, the cost of any 15303
indemnity and surety bonds and premiums on insurance, all related 15304
direct administrative expenses and allocable portions of direct 15305
costs of the authority and lessee state agencies, cost of 15306
engineering and architectural services, designs, plans, 15307
specifications, surveys, and estimates of cost, legal fees, fees 15308

and expenses of trustees, depositories, and paying agents for the	15309
obligations, cost of issuance of the obligations and financing	15310
charges and fees and expenses of financial advisers and	15311
consultants in connection therewith, interest on obligations from	15312
the date thereof to the time when interest is to be covered from	15313
sources other than proceeds of obligations, amounts that represent	15314
the portion of investment earnings to be rebated or to be paid to	15315
the federal government in order to maintain the exclusion from	15316
gross income for federal income tax purposes of interest on those	15317
obligations pursuant to section 148(f) of the Internal Revenue	15318
Code, amounts necessary to establish reserves as required by the	15319
resolutions or the obligations, trust agreements, or indentures,	15320
costs of audits, the reimbursement of all moneys advanced or	15321
applied by or borrowed from any governmental entity, whether to or	15322
by the authority or others, from whatever source provided, for the	15323
payment of any item or items of cost of the capital facilities,	15324
any share of the cost undertaken by the authority pursuant to	15325
arrangements made with governmental entities under division (J) of	15326
section 152.21 of the Revised Code, and all other expenses	15327
necessary or incident to assessing, planning, or determining the	15328
feasibility or practicability with respect to capital facilities,	15329
and such other expenses as may be necessary or incident to the	15330
assessment, planning, acquisition, construction, reconstruction,	15331
rehabilitation, remodeling, renovation, enlargement, improvement,	15332
alteration, maintenance, equipment, furnishing, repair, painting,	15333
decoration, management, or operation of capital facilities, the	15334
financing thereof and the placing of the same in use and	15335
operation, including any one, part of, or combination of such	15336
classes of costs and expenses.	15337

(6) "Governmental entity" means any state agency, municipal	15338
corporation, county, township, school district, and any other	15339
political subdivision or special district in this state	15340
established pursuant to law, and, except where otherwise	15341
indicated, also means the United States or any of the states or	15342

any department, division, or agency thereof, and any agency, 15343
commission, or authority established pursuant to an interstate 15344
compact or agreement. 15345

(7) "Governing body" means: 15346

(a) In the case of a county, the board of county 15347
commissioners or other legislative authority; in the case of a 15348
municipal corporation, the legislative authority; in the case of a 15349
township, the board of township trustees; in the case of a school 15350
district, the board of education; 15351

(b) In the case of any other governmental entity, the 15352
officer, board, commission, authority, or other body having the 15353
general management of the entity or having jurisdiction or 15354
authority in the particular circumstances. 15355

(8) "Available receipts" means fees, charges, revenues, 15356
grants, subsidies, income from the investment of moneys, proceeds 15357
from the sale of goods or services, and all other revenues or 15358
receipts received by or on behalf of any state agency for which 15359
capital facilities are financed with obligations issued under 15360
Chapter 152. of the Revised Code, any state agency participating 15361
in capital facilities pursuant to section 152.33 of the Revised 15362
Code, or any state agency by which the capital facilities are 15363
constructed or financed; revenues or receipts derived by the 15364
authority from the operation, leasing, or other disposition of 15365
capital facilities, and the proceeds of obligations issued under 15366
Chapter 152. of the Revised Code; and also any moneys appropriated 15367
by a governmental entity, gifts, grants, donations, and pledges, 15368
and receipts therefrom, available for the payment of bond service 15369
charges on such obligations. 15370

(9) "Available community or technical college receipts" means 15371
all money received by a community or technical college or 15372
community or technical college district, including income, 15373

revenues, and receipts from the operation, ownership, or control 15374
of facilities, grants, gifts, donations, and pledges and receipts 15375
therefrom, receipts from fees and charges, the allocated state 15376
share of instruction as defined in section 3333.90 of the Revised 15377
Code, and the proceeds of the sale of obligations, including 15378
proceeds of obligations issued to refund obligations previously 15379
issued, but excluding any special fee, and receipts therefrom, 15380
charged pursuant to division (D) of section 154.21 of the Revised 15381
Code. 15382

(10) "Community or technical college," "college," "community 15383
or technical college district," and "district" have the same 15384
meanings as in section 3333.90 of the Revised Code. 15385

(11) "Community or technical college capital facilities" 15386
means auxiliary facilities, education facilities, and housing and 15387
dining facilities, as those terms are defined in section 3345.12 15388
of the Revised Code, to the extent permitted to be financed by the 15389
issuance of obligations under division (A)(2) of section 3357.112 15390
of the Revised Code, that are authorized by sections 3354.121, 15391
3357.112, and 3358.10 of the Revised Code to be financed by 15392
obligations issued by a community or technical college district, 15393
and for which the Ohio building authority is authorized to issue 15394
obligations pursuant to Chapter 152. of the Revised Code, and 15395
includes any one, part of, or any combination of the foregoing, 15396
and further includes site improvements, utilities, machinery, 15397
furnishings, and any separate or connected buildings, structures, 15398
improvements, sites, open space and green space areas, utilities, 15399
or equipment to be used in, or in connection with the operation or 15400
maintenance of, or supplementing or otherwise related to the 15401
services or facilities to be provided by, such facilities. 15402

(12) "Cost of community or technical college capital 15403
facilities" means the costs of acquiring, constructing, 15404
reconstructing, rehabilitating, remodeling, renovating, enlarging, 15405

<u>improving, equipping, or furnishing community or technical college</u>	15406
<u>capital facilities, and the financing thereof, including the cost</u>	15407
<u>of clearance and preparation of the site and of any land to be</u>	15408
<u>used in connection with community or technical college capital</u>	15409
<u>facilities, the cost of any indemnity and surety bonds and</u>	15410
<u>premiums on insurance, all related direct administrative expenses</u>	15411
<u>and allocable portions of direct costs of the authority, community</u>	15412
<u>or technical college or community or technical college district,</u>	15413
<u>cost of engineering, architectural services, design, plans,</u>	15414
<u>specifications and surveys, estimates of cost, legal fees, fees</u>	15415
<u>and expenses of trustees, depositories, bond registrars, and</u>	15416
<u>paying agents for the obligations, cost of issuance of the</u>	15417
<u>obligations and financing costs and fees and expenses of financial</u>	15418
<u>advisers and consultants in connection therewith, interest on the</u>	15419
<u>obligations from the date thereof to the time when interest is to</u>	15420
<u>be covered by available receipts or other sources other than</u>	15421
<u>proceeds of the obligations, amounts that represent the portion of</u>	15422
<u>investment earnings to be rebated or to be paid to the federal</u>	15423
<u>government in order to maintain the exclusion from gross income</u>	15424
<u>for federal income tax purposes of interest on those obligations</u>	15425
<u>pursuant to section 148(f) of the Internal Revenue Code, amounts</u>	15426
<u>necessary to establish reserves as required by the bond</u>	15427
<u>proceedings, costs of audits, the reimbursements of all moneys</u>	15428
<u>advanced or applied by or borrowed from the community or technical</u>	15429
<u>college, community or technical college district, or others, from</u>	15430
<u>whatever source provided, including any temporary advances from</u>	15431
<u>state appropriations, for the payment of any item or items of cost</u>	15432
<u>of community or technical college facilities, and all other</u>	15433
<u>expenses necessary or incident to planning or determining</u>	15434
<u>feasibility or practicability with respect to such facilities, and</u>	15435
<u>such other expenses as may be necessary or incident to the</u>	15436
<u>acquisition, construction, reconstruction, rehabilitation,</u>	15437
<u>remodeling, renovation, enlargement, improvement, equipment, and</u>	15438
<u>furnishing of community or technical college capital facilities,</u>	15439
<u>the financing thereof and the placing of them in use and</u>	15440

operation, including any one, part of, or combination of such 15441
classes of costs and expenses. 15442

(B) Pursuant to the powers granted to the general assembly 15443
under Section 2i of Article VIII, Ohio Constitution, to authorize 15444
the issuance of revenue obligations and other obligations, the 15445
owners or holders of which are not given the right to have excises 15446
or taxes levied by the general assembly for the payment of 15447
principal thereof or interest thereon, the Ohio building authority 15448
may issue obligations, in accordance with Chapter 152. of the 15449
Revised Code, and shall cause the net proceeds thereof, after any 15450
deposits of accrued interest for the payment of bond service 15451
charges and after any deposit of all or such lesser portion as the 15452
authority may direct of the premium received upon the sale of 15453
those obligations for the payment of the bond service charges, to 15454
be applied to the costs of capital facilities designated by or 15455
pursuant to act of the general assembly for housing state agencies 15456
as authorized by Chapter 152. of the Revised Code. The authority 15457
shall provide by resolution for the issuance of such obligations. 15458
The bond service charges and all other payments required to be 15459
made by the trust agreement or indenture securing such obligations 15460
shall be payable solely from available receipts of the authority 15461
pledged thereto as provided in such resolution. The available 15462
receipts pledged and thereafter received by the authority are 15463
immediately subject to the lien of such pledge without any 15464
physical delivery thereof or further act, and the lien of any such 15465
pledge is valid and binding against all parties having claims of 15466
any kind against the authority, irrespective of whether those 15467
parties have notice thereof, and creates a perfected security 15468
interest for all purposes of Chapter 1309. of the Revised Code and 15469
a perfected lien for purposes of any real property interest, all 15470
without the necessity for separation or delivery of funds or for 15471
the filing or recording of the resolution, trust agreement, 15472
indenture, or other agreement by which such pledge is created or 15473
any certificate, statement, or other document with respect 15474

thereto; and the pledge of such available receipts is effective 15475
and the money therefrom and thereof may be applied to the purposes 15476
for which pledged. Every pledge, and every covenant and agreement 15477
made with respect to the pledge, made in the resolution may 15478
therein be extended to the benefit of the owners and holders of 15479
obligations authorized by Chapter 152. of the Revised Code, the 15480
net proceeds of which are to be applied to the costs of capital 15481
facilities, and to any trustee therefor, for the further securing 15482
of the payment of the bond service charges, and all or any rights 15483
under any agreement or lease made under this section may be 15484
assigned for such purpose. Obligations may be issued at one time 15485
or from time to time, and each issue shall be dated, shall mature 15486
at such time or times as determined by the authority not exceeding 15487
forty years from the date of issue, and may be redeemable before 15488
maturity at the option of the authority at such price or prices 15489
and under such terms and conditions as are fixed by the authority 15490
prior to the issuance of the obligations. The authority shall 15491
determine the form of the obligations, fix their denominations, 15492
establish their interest rate or rates, which may be a variable 15493
rate or rates, or the maximum interest rate, and establish within 15494
or without this state a place or places of payment of bond service 15495
charges. 15496

(C) The obligations shall be signed by the authority 15497
chairperson, vice-chairperson, and secretary-treasurer, and the 15498
authority seal shall be affixed. The signatures may be facsimile 15499
signatures and the seal affixed may be a facsimile seal, as 15500
provided by resolution of the authority. Any coupons attached may 15501
bear the facsimile signature of the chairperson. In case any 15502
officer who has signed any obligations, or caused the officer's 15503
facsimile signature to be affixed thereto, ceases to be such 15504
officer before such obligations have been delivered, such 15505
obligations may, nevertheless, be issued and delivered as though 15506
the person who had signed the obligations or caused the person's 15507
facsimile signature to be affixed thereto had not ceased to be 15508

such officer. 15509

Any obligations may be executed on behalf of the authority by 15510
an officer who, on the date of execution, is the proper officer 15511
although on the date of such obligations such person was not the 15512
proper officer. 15513

(D) All obligations issued by the authority shall have all 15514
the qualities and incidents of negotiable instruments and may be 15515
issued in coupon or in registered form, or both, as the authority 15516
determines. Provision may be made for the registration of any 15517
obligations with coupons attached thereto as to principal alone or 15518
as to both principal and interest, their exchange for obligations 15519
so registered, and for the conversion or reconversion into 15520
obligations with coupons attached thereto of any obligations 15521
registered as to both principal and interest, and for reasonable 15522
charges for such registration, exchange, conversion, and 15523
reconversion. The authority may sell its obligations in any manner 15524
and for such prices as it determines, except that the authority 15525
shall sell obligations sold at public or private sale in 15526
accordance with section 152.091 of the Revised Code. 15527

(E) The obligations of the authority, principal, interest, 15528
and any proceeds from their sale or transfer, are exempt from all 15529
taxation within this state. 15530

(F) The authority is authorized to issue revenue obligations 15531
and other obligations under Section 2i of Article VIII, Ohio 15532
Constitution, for the purpose of paying the cost of capital 15533
facilities for housing of branches and agencies of state 15534
government, including capital facilities for the purpose of 15535
housing personnel, equipment, or functions, or any combination 15536
thereof that the state agencies are responsible for housing, as 15537
are authorized by Chapter 152. of the Revised Code, and that are 15538
authorized by the general assembly by the appropriation of lease 15539
payments or other moneys for such capital facilities or by any 15540

other act of the general assembly, but not including the 15541
appropriation of moneys for feasibility studies for such capital 15542
facilities. This division does not authorize the authority to 15543
issue obligations pursuant to Section 2i of Article VIII, Ohio 15544
Constitution, to pay the cost of capital facilities for mental 15545
hygiene and retardation, parks and recreation, or state-supported 15546
or state-assisted institutions of higher education. 15547

(G) The authority is authorized to issue revenue obligations 15548
under Section 2i of Article VIII, Ohio Constitution, on behalf of 15549
a community or technical college district and shall cause the net 15550
proceeds thereof, after any deposits of accrued interest for the 15551
payment of bond service charges and after any deposit of all or 15552
such lesser portion as the authority may direct of the premium 15553
received upon the sale of those obligations for the payment of the 15554
bond service charges, to be applied to the cost of community or 15555
technical college capital facilities, provided that the issuance 15556
of such obligations is subject to the execution of a written 15557
agreement in accordance with division (C) of section 3333.90 of 15558
the Revised Code for the withholding and depositing of funds 15559
otherwise due the district, or the college it operates, in respect 15560
of its allocated state share of instruction. 15561

The authority shall provide by resolution for the issuance of 15562
such obligations. The bond service charges and all other payments 15563
required to be made by the trust agreement or indenture securing 15564
the obligations shall be payable solely from available community 15565
or technical college receipts pledged thereto as provided in the 15566
resolution. The available community or technical college receipts 15567
pledged and thereafter received by the authority are immediately 15568
subject to the lien of such pledge without any physical delivery 15569
thereof or further act, and the lien of any such pledge is valid 15570
and binding against all parties having claims of any kind against 15571
the authority, irrespective of whether those parties have notice 15572
thereof, and creates a perfected security interest for all 15573

purposes of Chapter 1309. of the Revised Code and a perfected lien 15574
for purposes of any real property interest, all without the 15575
necessity for separation or delivery of funds or for the filing or 15576
recording of the resolution, trust agreement, indenture, or other 15577
agreement by which such pledge is created or any certificate, 15578
statement, or other document with respect thereto; and the pledge 15579
of such available community or technical college receipts is 15580
effective and the money therefrom and thereof may be applied to 15581
the purposes for which pledged. Every pledge, and every covenant 15582
and agreement made with respect to the pledge, made in the 15583
resolution may therein be extended to the benefit of the owners 15584
and holders of obligations authorized by this division, and to any 15585
trustee therefor, for the further securing of the payment of the 15586
bond service charges, and all or any rights under any agreement or 15587
lease made under this section may be assigned for such purpose. 15588
Obligations may be issued at one time or from time to time, and 15589
each issue shall be dated, shall mature at such time or times as 15590
determined by the authority not exceeding forty years from the 15591
date of issue, and may be redeemable before maturity at the option 15592
of the authority at such price or prices and under such terms and 15593
conditions as are fixed by the authority prior to the issuance of 15594
the obligations. The authority shall determine the form of the 15595
obligations, fix their denominations, establish their interest 15596
rate or rates, which may be a variable rate or rates, or the 15597
maximum interest rate, and establish within or without this state 15598
a place or places of payment of bond service charges. 15599

Sec. 152.10. The resolution of the Ohio building authority 15600
authorizing the issuance of authority obligations may contain 15601
provisions which shall be part of the contract with the holders of 15602
the obligations as to: 15603

(A) Pledging all or such portion as it determines of the 15604
available receipts of the authority for the payment of bond 15605
service charges and all other payments required to be made by the 15606

trust agreement or indenture securing such obligations, or	15607
restricting the security for a particular issue of obligations to	15608
specific revenues or receipts of the authority;	15609
 (B) The acquisition, construction, reconstruction, equipment,	15610
furnishing, improvement, operation, alteration, enlargement,	15611
maintenance, insurance, and repair of capital facilities and sites	15612
therefor, and the duties of the authority with reference thereto;	15613
 (C) Other terms of the obligations;	15614
 (D) Limitations on the purposes to which the proceeds of the	15615
obligations may be applied;	15616
 (E) The rate of rentals or other charges for the use of	15617
capital facilities, the revenues from which are pledged to the	15618
obligations authorized by such resolution, including limitations	15619
upon the power of the authority to modify such rentals or other	15620
charges;	15621
 (F) The use of and the expenditures of the revenues of the	15622
authority in such manner and to such extent as shall be	15623
determined, which may include provision for the payment of the	15624
expenses of the operation, maintenance, and repair of capital	15625
facilities, and the operation and administration of the authority	15626
so that such expenses shall be paid or provided as a charge prior	15627
to the payment of bond service charges and all other payments	15628
required to be made by the trust agreement or indenture securing	15629
such obligations;	15630
 (G) Limitations on the issuance of additional obligations;	15631
 (H) The terms of any trust agreement or indenture securing	15632
the obligations or under which the same may be issued;	15633
 (I) Any other or additional agreements with the holders of	15634

the obligations, or the trustee therefor with respect to the 15635
operation of the authority and with respect to its property, 15636
funds, and revenues, and insurance thereof, and of the authority, 15637
its members, officers, and employees; 15638

(J) The deposit and application of funds and the safeguarding 15639
of funds on hand or on deposit without regard to Chapter 131. of 15640
the Revised Code, including any deposits of accrued interest for 15641
the payment of bond service charges and any deposits of premium 15642
for the payment of bond service charges or for the application to 15643
the payment of costs of capital facilities; 15644

(K) Municipal bond insurance, letters of credit, and other 15645
related agreements, the cost of which may be included in the costs 15646
of issuance of the obligations, and the pledge, holding, and 15647
disposition of the proceeds thereof; 15648

(L) A covenant that the state and any using state agency or 15649
any using community or technical college or community or technical 15650
college district shall, so long as such obligations are 15651
outstanding, cause to be charged and collected such revenues and 15652
receipts of, or from, any such using state agency or any such 15653
using community or technical college or community or technical 15654
college district constituting available receipts under the 15655
resolution sufficient in amount to provide for the payment of bond 15656
service charges on such obligations and for the establishment and 15657
maintenance of any reserves, as provided in the resolution for 15658
such obligations, which covenant shall be controlling 15659
notwithstanding any other provision of law pertaining to such 15660
revenues and receipts; provided that no covenant shall require the 15661
general assembly to appropriate money derived from the levying of 15662
excises or taxes for the payment of rent or bond service charges. 15663

Sec. 152.12. (A) As used in this section, "prior community or 15664
technical college obligations" means bonds or notes previously 15665
issued by a community or technical college district under section 15666

3354.121, 3357.112, or 3358.10 of the Revised Code to pay costs of 15667
community or technical college capital facilities. 15668

(B) The Ohio building authority may authorize and issue 15669
obligations for the refunding of prior obligations or prior 15670
community or technical college obligations for any of the 15671
following purposes: 15672

~~(A)~~(1) Refunding any obligations previously issued by the 15673
authority or any prior community or technical college obligations, 15674
when the revenues pledged for the payment of such obligations are 15675
insufficient to pay obligations or prior community or technical 15676
college obligations which have matured or are about to mature or 15677
to maintain reserve or other funds required by the resolution or 15678
trust agreement or indenture; 15679

~~(B)~~(2) Refunding any obligations previously issued by the 15680
authority ~~as an incident to providing funds for reconstructing,~~ 15681
~~equipping, furnishing, improving, extending, or enlarging any or~~ 15682
any prior community or technical college obligations to fund, or 15683
to refund any obligations issued to refund, capital facilities ~~of~~ 15684
~~the authority;~~ 15685

~~(C)~~(3) Refunding all of the outstanding obligations or prior 15686
community or technical college obligations of any issue, both 15687
matured and unmatured, when the revenues pledged for the payment 15688
of such obligations or prior community or technical college 15689
obligations are insufficient to pay obligations which have matured 15690
or are about to mature or to maintain reserve or other funds 15691
required by the resolution or trust agreement or indenture, if 15692
such outstanding obligations or prior community or technical 15693
college obligations can be retired by call or at maturity or with 15694
the consent of the holders, whether from the proceeds of the sale 15695
of the refunding obligations or by exchange for the refunding 15696
obligations, provided the principal amount of the refunding 15697
obligations shall not exceed in amount the aggregate of the par 15698

value of the obligations or prior community or technical college obligations to be retired, any redemption premium, past due and future interest to the date of maturity or call that cannot otherwise be paid, and funds to reconstruct, equip, furnish, improve, enlarge, or extend any capital facilities of the authority or any community or technical college district or community or technical college;

~~(D)~~(4) Refunding any obligations previously issued by the authority or any prior community or technical college obligations when the refunding obligations will bear interest at a lower rate than the obligations or prior community or technical college obligations to be refunded, or when the interest cost of the refunding obligations computed to the absolute maturity will be less than the interest cost of the obligations or prior community or technical college obligations to be refunded;

~~(E)~~(5) Refunding any obligations issued pursuant to section 152.23 of the Revised Code.

(C) Obligations issued pursuant to division ~~(A)~~(B)(1) of this section shall mature not later than twenty years after their issuance and obligations issued pursuant to division (B)(2), ~~(C)~~(3), ~~(D)~~(4), or ~~(E)~~(5) of this section shall mature not later than forty years after their issuance. Except as provided in this section, the terms of issuance and sale of obligations issued under this section shall be as provided in ~~Chapter 152. of the Revised Code~~this chapter for any other obligations for the benefit of state agencies, community or technical colleges, or community or technical college districts, as the context requires. Obligations authorized under this section shall be deemed to be issued for those purposes for which such prior obligations or prior community or technical college obligations were issued, and may be issued in amounts sufficient for funding and retirement of prior obligations or prior community or technical college

obligations, for establishment of reserves as required by the 15731
refunding obligations or the resolution authorizing such refunding 15732
obligations or the trust agreement or indenture securing the 15733
refunding obligations, and for payment of any fees and expenses 15734
incurred or to be incurred in connection with such issuance and 15735
such refunding. 15736

Sec. 152.15. Obligations issued by the Ohio building 15737
authority do not, and they shall state that they do not, represent 15738
or constitute a debt of the state or any political subdivision, 15739
nor a pledge of the faith and credit of the state or any political 15740
subdivision. Pursuant to Section 2i of Article VIII, Ohio 15741
Constitution, such obligations shall not be deemed to be debts or 15742
bonded indebtedness of the state under other provisions of the 15743
Ohio Constitution. 15744

The holders or owners of obligations issued by the authority 15745
shall have no right to have excises or taxes levied by the general 15746
assembly for the payment of the bond service charges thereon. The 15747
right of such holders and owners to payment of such bond service 15748
charges shall be limited to the available receipts or available 15749
community or technical college receipts pledged thereto in 15750
accordance with ~~Chapter 152. of the Revised Code~~this chapter, and 15751
each such obligation shall bear on its face a statement to that 15752
effect. Any available receipts or available community or technical 15753
college receipts may be so pledged only to obligations issued for 15754
capital facilities which are in whole or in part useful to, 15755
constructed by, or financed by the department, board, commission, 15756
authority, community or technical college, community or technical 15757
college district, or other agency or instrumentality that receives 15758
the available receipts or available community or technical college 15759
receipts so pledged. 15760

Sec. 152.33. (A) The Ohio building authority is authorized 15761
under Chapter 152. of the Revised Code to issue revenue 15762

obligations and other obligations to pay the cost of capital 15763
facilities described in ~~section~~sections 111.26 and 307.021 of the 15764
Revised Code and the cost of capital facilities in which one or 15765
more state agencies are participating with the federal government, 15766
municipal corporations, counties, or other governmental entities 15767
or any one or more of them, and in which that portion of the 15768
facility allocated to the participating state agencies is to be 15769
used for the purpose stated in division (F) of section 152.09 of 15770
the Revised Code, when authorized by the general assembly in 15771
accordance with that division. Such participation may be by 15772
grants, loans, or contributions to other participating 15773
governmental entities for any of such capital facilities. Such 15774
obligations shall be deemed to be issued under sections 152.09 and 15775
152.23 of the Revised Code and shall conform to all requirements 15776
of sections 152.09 to 152.17 and 152.23 of the Revised Code. The 15777
right of holders and owners of obligations issued under this 15778
section to payment of bond service charges shall be limited to the 15779
revenues and receipts of the authority derived from rentals or 15780
other charges for use of the capital facilities constructed with 15781
the proceeds of the obligations to which such revenues and 15782
receipts are pledged, including revenues and receipts from or on 15783
behalf of any participating governmental entity. 15784

(B) Any lease of space by a state agency in a capital 15785
facility described in division (A) of this section shall conform 15786
to the requirements of division (D) of section 152.24 of the 15787
Revised Code. 15788

Sec. 153.013. If a project for the construction, 15789
alteration, or other improvement of a building or structure is 15790
administered by the director of administrative services or by 15791
another state agency authorized to administer a project under this 15792
chapter, if the project is located in a municipal corporation with 15793
a population of at least four hundred thousand that is in a county 15794
with a population of at least one million two hundred thousand, 15795

and if a political subdivision contributes at least one hundred 15796
thousand dollars to the project, then a contractor for the project 15797
shall comply with regulations or ordinances of the political 15798
subdivision that are in effect before July 1, 2009, and that 15799
specifically relate to the employment of residents and local 15800
businesses of the political subdivision in the performance of the 15801
work of the project, and such ordinances or regulations shall be 15802
included by reference unambiguously in the contract between the 15803
administering state agency and the contractor for the project. 15804

Sec. 156.01. As used in ~~this chapter~~ sections 156.01 to 15805
156.05 of the Revised Code: 15806

(A) "Avoided capital costs" means a measured reduction in the 15807
cost of future equipment or other capital purchases that results 15808
from implementation of one or more energy or water conservation 15809
measures, when compared to an established baseline for previous 15810
such cost. 15811

(B) "Energy conservation measure" means an installation or 15812
modification of an installation in, or a remodeling of, an 15813
existing building in order to reduce energy consumption and 15814
operating costs. The term includes any of the following: 15815

(1) Installation or modification of insulation in the 15816
building structure and systems within the building; 15817

(2) Installation or modification of storm windows and doors, 15818
multiglazed windows and doors, and heat absorbing or heat 15819
reflective glazed and coated window and door systems; installation 15820
of additional glazing; reductions in glass area; and other window 15821
and door system modifications that reduce energy consumption and 15822
operating costs; 15823

(3) Installation or modification of automatic energy control 15824
systems; 15825

(4) Replacement or modification of heating, ventilating, or air conditioning systems;	15826 15827
(5) Application of caulking and weather stripping;	15828
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a building unless the increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	15829 15830 15831 15832 15833
(7) Installation or modification of energy recovery systems;	15834
(8) Installation or modification of cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	15835 15836 15837 15838
(9) Any other modification, installation, or remodeling approved by the director of administrative services as an energy conservation measure for one or more buildings owned by the state.	15839 15840 15841
~~(B)~~ (C) "Energy saving measure" means the acquisition and installation, by purchase, lease, lease-purchase, lease with an option to buy, or installment purchase, of an energy conservation measure and any attendant architectural and engineering consulting services.	15842 15843 15844 15845 15846
<u>(D) "Energy, water, or wastewater cost savings" means a measured reduction in, as applicable, the cost of fuel, energy or water consumption, wastewater production, or stipulated operation or maintenance resulting from the implementation of one or more energy or water conservation measures, when compared to an established baseline for previous such costs, respectively.</u>	15847 15848 15849 15850 15851 15852

<u>(E) "Operating cost savings" means a measured reduction in</u>	15853
<u>the cost of stipulated operation or maintenance created by the</u>	15854
<u>installation of new equipment or implementation of a new service,</u>	15855
<u>when compared with an established baseline for previous such</u>	15856
<u>stipulated costs.</u>	15857
<u>(F) "Water conservation measure" means an installation or</u>	15858
<u>modification of an installation in, or a remodeling of, an</u>	15859
<u>existing building or the surrounding grounds in order to reduce</u>	15860
<u>water consumption. The term includes any of the following:</u>	15861
<u>(1) Water-conserving fixture, appliance, or equipment, or the</u>	15862
<u>substitution of a nonwater-using fixture, appliance, or equipment;</u>	15863
<u>(2) Water-conserving, landscape irrigation equipment;</u>	15864
<u>(3) Landscaping measure that reduces storm water runoff</u>	15865
<u>demand and capture and hold applied water and rainfall, including</u>	15866
<u>landscape contouring such as the use of a berm, swale, or terrace</u>	15867
<u>and including the use of a soil amendment, including compost, that</u>	15868
<u>increases the water-holding capacity of the soil;</u>	15869
<u>(4) Rainwater harvesting equipment or equipment to make use</u>	15870
<u>of water collected as part of a storm water system installed for</u>	15871
<u>water quality control;</u>	15872
<u>(5) Equipment for recycling or reuse of water originating on</u>	15873
<u>the premises or from another source, including treated, municipal</u>	15874
<u>effluent;</u>	15875
<u>(6) Equipment needed to capture water for nonpotable uses</u>	15876
<u>from any nonconventional, alternate source, including air</u>	15877
<u>conditioning condensate or gray water;</u>	15878
<u>(7) Any other modification, installation, or remodeling</u>	15879
<u>approved by the board of trustees of a state institution of higher</u>	15880

education as defined in section 3345.011 of the Revised Code as a 15881
water conservation measure for one or more buildings or the 15882
surrounding grounds owned by the institution. 15883

(G) "Water saving measure" means the acquisition and 15884
installation, by the purchase, lease, lease-purchase, lease with 15885
an option to buy, or installment purchases of a water conservation 15886
measure and any attendant architectural and engineering consulting 15887
services. 15888

Sec. 156.02. (A) The director of administrative services 15889
may contract with an energy services company, contractor, 15890
architect, professional engineer, or other person experienced in 15891
the design and implementation of energy conservation measures for 15892
a report containing an analysis and recommendations pertaining to 15893
the implementation of energy conservation measures that would 15894
significantly reduce energy consumption and operating costs in 15895
any buildings owned by the state ~~and, upon request of its board~~ 15896
~~of trustees or managing authority, any building owned by an~~ 15897
~~institution of higher education as defined in section 3345.12 of~~ 15898
~~the Revised Code.~~ The report shall include estimates of all costs 15899
of such measures, including the costs of design, engineering, 15900
installation, maintenance, repairs, and debt service, and 15901
estimates of the amounts by which energy consumption and 15902
operating costs would be reduced. 15903

(B) Upon the request of the board of trustees or managing 15904
authority of a state institution of higher education as defined in 15905
section 3345.011 of the Revised Code, the director may contract 15906
with a water services company, architect, professional engineer, 15907
contractor, or other person experienced in the design and 15908
implementation of energy or water conservation measures for a 15909
report containing an analysis and recommendations pertaining to 15910
the implementation of energy or water conservation measures that 15911
result in energy, water, or wastewater cost savings, operating 15912

cost savings, or avoided capital costs for the institution. The 15913
report shall include estimates of all costs of such installations, 15914
including the costs of design, engineering, installation, 15915
maintenance, repairs, and debt service, and estimates of the 15916
energy, water, or wastewater cost savings, operating cost savings, 15917
and avoided capital costs created. 15918

Sec. 156.03. (A) If the director of administrative services 15919
wishes to enter into an installment payment contract pursuant to 15920
section 156.04 of the Revised Code or any other contract to 15921
implement one or more energy saving measures or, in the case of a 15922
state institution of higher education pursuant to division (B) of 15923
section 156.02 of the Revised Code, energy or water saving 15924
measures, ~~he~~the director may proceed under Chapter 153. of the 15925
Revised Code, or, alternatively, ~~he~~the director may request the 15926
controlling board to exempt the contract from Chapter 153. of the 15927
Revised Code. 15928

If the controlling board by a majority vote approves an 15929
exemption, that chapter shall not apply to the contract and 15930
instead the director shall request proposals from at least three 15931
parties for the implementation of the energy or water saving 15932
measures. Prior to providing any interested party a copy of any 15933
such request, the director shall advertise, in a newspaper of 15934
general circulation in the county where the contract is to be 15935
performed, ~~his~~the director's intent to request proposals for the 15936
implementation of the energy or water saving measures. The notice 15937
shall invite interested parties to submit proposals for 15938
consideration and shall be published at least thirty days prior to 15939
the date for accepting proposals. 15940

(B) Upon receiving the proposals, the director shall analyze 15941
them and, after considering the cost estimates of each proposal 15942
and the availability of funds to pay for each with current 15943
appropriations or by financing the cost of each through an 15944

installment payment contract under section 156.04 of the Revised Code, may select one or more proposals or reject all proposals. In selecting proposals, the director shall select the one or more proposals most likely to result in the greatest savings when the cost of the proposal is compared to the reduced energy and operating costs that will result from implementing the proposal. However, in the case of a state institution of higher education pursuant to division (B) of section 156.02 of the Revised Code, the director shall select the one or more proposals most likely to result in the greatest energy, water, or wastewater savings, operating costs savings, and avoided capital costs created.

(C)(1) No contract shall be awarded to implement energy saving measures under this section, other than in the case of a state institution of higher education, unless the director finds that one or both of the following circumstances exists, as applicable:

(A)(a) In the case of a contract for a cogeneration system described in division (H) of section 156.01 of the Revised Code, the cost of the contract is not likely to exceed the amount of money that would be saved in energy and operating costs over no more than five years;

(B)(b) In the case of any contract for any energy saving measure other than a cogeneration system, the cost of the contract is not likely to exceed the amount of money that would be saved in energy and operating costs over no more than ten years.

(2) In the case of a state institution of higher education pursuant to division (B) of section 156.02 of the Revised Code, no contract shall be awarded to implement energy or water saving measures for the institution under this section unless the director finds that both of the following circumstances exists:

(a) Not less than one-fifteenth of the costs of the contract

<u>shall be paid within two years from the date of purchase;</u>	15976
<u>(b) The remaining balance of the cost of the contract shall</u>	15977
<u>be paid within fifteen years from the date of purchase.</u>	15978
Sec. 156.04. (A) In accordance with this section <u>and section</u>	15979
<u>156.03 of the Revised Code</u> , the director of administrative	15980
services may enter into an installment payment contract for the	15981
implementation of one or more energy <u>or water</u> saving measures. If	15982
the director wishes an installment payment contract to be exempted	15983
from Chapter 153. of the Revised Code, the director shall proceed	15984
pursuant to section 156.03 of the Revised Code.	15985
(B)(1) Any installment payment contract under this section,	15986
<u>other than in the case of a state institution of higher education,</u>	15987
for one or more energy saving measures shall provide that all	15988
payments, except payments for repairs and obligations on	15989
termination of the contract prior to its expiration, are to be a	15990
stated percentage of calculated savings of energy and operating	15991
costs attributable to the one or more measures over a defined	15992
period of time and are to be made only to the extent that those	15993
savings actually occur. No such contract shall contain any of the	15994
following:	15995
~~(1)~~ (a) A requirement of any additional capital investment or	15996
contribution of funds, other than funds available from state or	15997
federal grants;	15998
~~(2)~~ (b) In the case of a contract for an energy saving measure	15999
that is a cogeneration system described in division (H) of section	16000
156.01 of the Revised Code, a payment term longer than five years;	16001
~~(3)~~ (c) In the case of a contract for any energy saving	16002
measure that is not a cogeneration system, a payment term longer	16003
than ten years.	16004

(2) Any installment payment contract under this section for one or more energy or water saving measures for a state institution of higher education pursuant to division (B) of section 156.02 of the Revised Code, shall provide that all payments, except payments for repairs and obligations on termination of the contract prior to its expiration, are to be a stated percentage of calculated energy, water, or wastewater cost savings, operating costs, and avoided capital costs attributable to the one or more measures over a defined period of time and are to be made only to the extent that those calculated amounts actually occur. No such contract shall contain either of the following:

(a) A requirement of any additional capital investment or contribution of funds, other than funds available from state or federal grants;

(b) A payment term longer than fifteen years.

(C) Any installment payment contract entered into under this section shall terminate no later than the last day of the fiscal biennium for which funds have been appropriated to the department of administrative services by the general assembly and shall be renewed in each succeeding fiscal biennium in which any balance of the contract remains unpaid, provided that both an appropriation for that succeeding fiscal biennium and the certification required by section 126.07 of the Revised Code are made.

Sec. 166.02. (A) The general assembly finds that many local areas throughout the state are experiencing economic stagnation or decline, and that the economic development programs provided for in this chapter will constitute deserved, necessary reinvestment by the state in those areas, materially contribute to their economic revitalization, and result in improving the economic welfare of all the people of the state. Accordingly, it is declared to be the public policy of the state, through the

operations of this chapter and other applicable laws adopted 16037
pursuant to Section 2p or 13 of Article VIII, Ohio Constitution, 16038
and other authority vested in the general assembly, to assist in 16039
and facilitate the establishment or development of eligible 16040
projects or assist and cooperate with any governmental agency in 16041
achieving such purpose. 16042

(B) In furtherance of such public policy and to implement 16043
such purpose, the director of development may: 16044

(1) After consultation with appropriate governmental 16045
agencies, enter into agreements with persons engaged in industry, 16046
commerce, distribution, or research and with governmental agencies 16047
to induce such persons to acquire, construct, reconstruct, 16048
rehabilitate, renovate, enlarge, improve, equip, or furnish, or 16049
otherwise develop, eligible projects and make provision therein 16050
for project facilities and governmental actions, as authorized by 16051
this chapter and other applicable laws, subject to any required 16052
actions by the general assembly or the controlling board and 16053
subject to applicable local government laws and regulations; 16054

(2) Provide for the guarantees and loans as provided for in 16055
sections 166.06 and 166.07 of the Revised Code; 16056

(3) Subject to release of such moneys by the controlling 16057
board, contract for labor and materials needed for, or contract 16058
with others, including governmental agencies, to provide, project 16059
facilities the allowable costs of which are to be paid for or 16060
reimbursed from moneys in the facilities establishment fund, and 16061
contract for the operation of such project facilities; 16062

(4) Subject to release thereof by the controlling board, from 16063
moneys in the facilities establishment fund acquire or contract to 16064
acquire by gift, exchange, or purchase, including the obtaining 16065
and exercise of purchase options, property, and convey or 16066
otherwise dispose of, or provide for the conveyance or disposition 16067

of, property so acquired or contracted to be acquired by sale, 16068
exchange, lease, lease purchase, conditional or installment sale, 16069
transfer, or other disposition, including the grant of an option 16070
to purchase, to any governmental agency or to any other person 16071
without necessity for competitive bidding and upon such terms and 16072
conditions and manner of consideration pursuant to and as the 16073
director determines to be appropriate to satisfy the objectives of 16074
sections 166.01 to 166.11 of the Revised Code; 16075

(5) Retain the services of or employ financial consultants, 16076
appraisers, consulting engineers, superintendents, managers, 16077
construction and accounting experts, attorneys, and employees, 16078
agents, and independent contractors as are necessary in the 16079
director's judgment and fix the compensation for their services; 16080

(6) Receive and accept from any person grants, gifts, and 16081
contributions of money, property, labor, and other things of 16082
value, to be held, used and applied only for the purpose for which 16083
such grants, gifts, and contributions are made; 16084

(7) Enter into appropriate arrangements and agreements with 16085
any governmental agency for the taking or provision by that 16086
governmental agency of any governmental action; 16087

(8) Do all other acts and enter into contracts and execute 16088
all instruments necessary or appropriate to carry out the 16089
provisions of this chapter; 16090

(9) Adopt rules to implement any of the provisions of this 16091
chapter applicable to the director. 16092

(C) The determinations by the director that facilities 16093
constitute eligible projects, that facilities are project 16094
facilities, that costs of such facilities are allowable costs, and 16095
all other determinations relevant thereto or to an action taken or 16096
agreement entered into shall be conclusive for purposes of the 16097

validity and enforceability of rights of parties arising from 16098
actions taken and agreements entered into under this chapter. 16099

(D) Except as otherwise prescribed in this chapter, all 16100
expenses and obligations incurred by the director in carrying out 16101
the director's powers and in exercising the director's duties 16102
under this chapter, shall be payable solely from, as appropriate, 16103
moneys in the facilities establishment fund, the loan guarantee 16104
fund, the innovation Ohio loan guarantee fund, the innovation Ohio 16105
loan fund, the research and development loan fund, the logistics 16106
and distribution infrastructure fund, the logistics and 16107
distribution infrastructure taxable bond fund, or moneys 16108
appropriated for such purpose by the general assembly. This 16109
chapter does not authorize the director or the issuing authority 16110
under section 166.08 of the Revised Code to incur bonded 16111
indebtedness of the state or any political subdivision thereof, 16112
or to obligate or pledge moneys raised by taxation for the 16113
payment of any bonds or notes issued or guarantees made pursuant 16114
to this chapter. 16115

(E) No financial assistance for project facilities shall be 16116
provided under this chapter unless the provisions of the agreement 16117
providing for such assistance specify that all wages paid to 16118
laborers and mechanics employed on such project facilities for 16119
which the assistance is granted shall be paid at the prevailing 16120
rates of wages of laborers and mechanics for the class of work 16121
called for by such project facilities, which wages shall be 16122
determined in accordance with the requirements of Chapter 4115. of 16123
the Revised Code for determination of prevailing wage rates, 16124
provided that the requirements of this division do not apply where 16125
the federal government or any of its agencies provides financing 16126
assistance as to all or any part of the funds used in connection 16127
with such project facilities and prescribes predetermined minimum 16128
wages to be paid to such laborers and mechanics; and provided 16129
further that should a nonpublic user beneficiary of the eligible 16130

project undertake, as part of the eligible project, construction 16131
to be performed by its regular bargaining unit employees who are 16132
covered under a collective bargaining agreement which was in 16133
existence prior to the date of the document authorizing such 16134
assistance then, in that event, the rate of pay provided under the 16135
collective bargaining agreement may be paid to such employees. 16136

(F) Any governmental agency may enter into an agreement with 16137
the director, any other governmental agency, or a person to be 16138
assisted under this chapter, to take or provide for the purposes 16139
of this chapter any governmental action it is authorized to take 16140
or provide, and to undertake on behalf and at the request of the 16141
director any action which the director is authorized to undertake 16142
pursuant to divisions (B)(3), (4), and (5) of this section or 16143
divisions (B)(3), (4), and (5) of section 166.12 of the Revised 16144
Code. Governmental agencies of the state shall cooperate with and 16145
provide assistance to the director of development and the 16146
controlling board in the exercise of their respective functions 16147
under this chapter. 16148

Sec. 166.07. (A) The director of development, with the 16149
approval of the controlling board and subject to the other 16150
applicable provisions of this chapter, may lend moneys in the 16151
facilities establishment fund to persons for the purpose of paying 16152
allowable costs of an eligible project if the director determines 16153
that: 16154

(1) The project is an eligible project and is economically 16155
sound; 16156

(2) The borrower is unable to finance the necessary allowable 16157
costs through ordinary financial channels upon comparable terms; 16158

(3) The amount to be lent from the facilities establishment 16159
fund will not exceed seventy-five per cent of the total allowable 16160
costs of the eligible project, except that if any part of the 16161

amount to be lent from the facilities establishment fund is 16162
derived from the issuance and sale of project financing 16163
obligations the amount to be lent will not exceed ninety per cent 16164
of the total allowable costs of the eligible project; 16165

(4) The eligible project could not be achieved in the local 16166
area in which it is to be located if the portion of the project to 16167
be financed by the loan instead were to be financed by a loan 16168
guaranteed under section 166.06 of the Revised Code; 16169

(5) The repayment of the loan from the facilities 16170
establishment fund will be adequately secured by a mortgage, 16171
assignment, pledge, or lien provided for under section 9.661 of 16172
the Revised Code, at such level of priority as the director may 16173
require; 16174

(6) The borrower will hold at least a ten per cent equity 16175
interest in the eligible project at the time the loan is made. 16176

(B) The determinations of the director under division (A) of 16177
this section shall be conclusive for purposes of the validity of a 16178
loan commitment evidenced by a loan agreement signed by the 16179
director. 16180

(C) In furtherance of the public policy of this chapter, 16181
there is hereby established the micro-lending program for the 16182
purpose of paying the allowable costs of eligible projects of 16183
eligible small businesses. From any amount of the facilities 16184
establishment fund that the general assembly designates for the 16185
purpose of the micro-lending program, the director of development 16186
shall, either directly or indirectly, make loans under this 16187
section to eligible small businesses. The director shall 16188
establish eligibility criteria and loan terms for the program 16189
that supplement eligibility criteria and loan terms otherwise 16190
prescribed for loans under this section, and may prescribe 16191
reduced service charges and fees. For the purpose of lending 16192

under the micro-lending program, the director of development 16193
shall give precedence to projects of eligible small businesses 16194
that foster the development of small entrepreneurial enterprises, 16195
notwithstanding the considerations prescribed by divisions 16196
(A)(1)(a) and (b) of section 166.05 of the Revised Code to the 16197
extent those considerations otherwise may have the effect of 16198
disqualifying projects of eligible small businesses. The director 16199
may enter into agreements with for-profit or non-profit 16200
organizations in this state to originate and administer loans made 16201
under the micro-lending program. 16202

(D) Fees, charges, rates of interest, times of payment of 16203
interest and principal, and other terms, conditions, and 16204
provisions of and security for loans made from the facilities 16205
establishment fund pursuant to this section shall be such as the 16206
director determines to be appropriate and in furtherance of the 16207
purpose for which the loans are made. The moneys used in making 16208
such loans shall be disbursed from the facilities establishment 16209
fund upon order of the director. The director shall give special 16210
consideration in setting the required job creation ratios and 16211
interest rates for loans that are for voluntary actions. 16212

~~(D)~~(E) The director may take actions necessary or appropriate 16213
to collect or otherwise deal with any loan made under this 16214
section, including any action authorized by section 9.661 of the 16215
Revised Code. 16216

~~(E)~~(F) The director may fix service charges for the making of 16217
a loan. Such charges shall be payable at such times and place and 16218
in such amounts and manner as may be prescribed by the director. 16219

Sec. 166.08. (A) As used in this chapter: 16220

(1) "Bond proceedings" means the resolution, order, trust 16221
agreement, indenture, lease, and other agreements, amendments and 16222
supplements to the foregoing, or any one or more or combination 16223

thereof, authorizing or providing for the terms and conditions
applicable to, or providing for the security or liquidity of,
obligations issued pursuant to this section, and the provisions
contained in such obligations.

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(2) "Bond service charges" means principal, including
mandatory sinking fund requirements for retirement of obligations,
and interest, and redemption premium, if any, required to be paid
by the state on obligations.

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(3) "Bond service fund" means the applicable fund and
accounts therein created for and pledged to the payment of bond
service charges, which may be, or may be part of, the economic
development bond service fund created by division (S) of this
section including all moneys and investments, and earnings from
investments, credited and to be credited thereto.

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(4) "Issuing authority" means the treasurer of state, or the
officer who by law performs the functions of such officer.

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(5) "Obligations" means bonds, notes, or other evidence of
obligation including interest coupons pertaining thereto, issued
pursuant to this section.

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(6) "Pledged receipts" means all receipts of the state
representing the gross profit on the sale of spirituous liquor, as
referred to in division (B)(4) of section 4301.10 of the Revised
Code, after paying all costs and expenses of the division of
liquor control and providing an adequate working capital reserve
for the division of liquor control as provided in that division,
but excluding the sum required by the second paragraph of section
4301.12 of the Revised Code, as in effect on May 2, 1980, to be
paid into the state treasury; moneys accruing to the state from
the lease, sale, or other disposition, or use, of project
facilities, and from the repayment, including interest, of loans
made from proceeds received from the sale of obligations; accrued

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interest received from the sale of obligations; income from the 16255
investment of the special funds; and any gifts, grants, donations, 16256
and pledges, and receipts therefrom, available for the payment of 16257
bond service charges. 16258

(7) "Special funds" or "funds" means, except where the 16259
context does not permit, the bond service fund, and any other 16260
funds, including reserve funds, created under the bond 16261
proceedings, and the economic development bond service fund 16262
created by division (S) of this section to the extent provided in 16263
the bond proceedings, including all moneys and investments, and 16264
earnings from investment, credited and to be credited thereto. 16265

(B) Subject to the limitations provided in section 166.11 of 16266
the Revised Code, the issuing authority, upon the certification by 16267
the director of development or, with respect to eligible advanced 16268
energy projects, the Ohio air quality development authority to the 16269
issuing authority of the amount of moneys or additional moneys 16270
needed in the facilities establishment fund, the loan guarantee 16271
fund, the innovation Ohio loan fund, the innovation Ohio loan 16272
guarantee fund, the research and development loan fund, the 16273
logistics and distribution infrastructure fund, the logistics and 16274
distribution infrastructure taxable bond fund, the advanced 16275
energy research and development fund, or the advanced energy 16276
research and development taxable fund, as applicable, for the 16277
purpose of paying, or making loans for, allowable costs from the 16278
facilities establishment fund, allowable innovation costs from 16279
the innovation Ohio loan fund, allowable costs from the research 16280
and development loan fund, allowable costs from the logistics 16281
and distribution infrastructure fund, allowable costs from the 16282
logistics and distribution infrastructure taxable bond fund, 16283
allowable costs from the advanced energy research and 16284
development fund, or allowable costs from the advanced energy 16285
research and development taxable fund, as applicable, or needed 16286
for capitalized interest, for funding reserves, and for paying 16287

costs and expenses incurred in connection with the issuance,	16288
carrying, securing, paying, redeeming, or retirement of the	16289
obligations or any obligations refunded thereby, including payment	16290
of costs and expenses relating to letters of credit, lines of	16291
credit, insurance, put agreements, standby purchase agreements,	16292
indexing, marketing, remarketing and administrative arrangements,	16293
interest swap or hedging agreements, and any other credit	16294
enhancement, liquidity, remarketing, renewal, or refunding	16295
arrangements, all of which are authorized by this section, or	16296
providing moneys for the loan guarantee fund or the innovation	16297
Ohio loan guarantee fund, as provided in this chapter or needed	16298
for the purposes of funds established in accordance with or	16299
pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56,	16300
122.561, 122.57, and 122.80 of the Revised Code which are within	16301
the authorization of Section 13 of Article VIII, Ohio	16302
Constitution, or, with respect to certain eligible advanced energy	16303
projects, Section 2p of Article VIII, Ohio Constitution, shall	16304
issue obligations of the state under this section in the required	16305
amount; provided that such obligations may be issued to satisfy	16306
the covenants in contracts of guarantee made under section 166.06	16307
or 166.15 of the Revised Code, notwithstanding limitations	16308
otherwise applicable to the issuance of obligations under this	16309
section. The proceeds of such obligations, except for the portion	16310
to be deposited in special funds, including reserve funds, as may	16311
be provided in the bond proceedings, shall as provided in the bond	16312
proceedings be deposited by the director of development to the	16313
facilities establishment fund, the loan guarantee fund, the	16314
innovation Ohio loan guarantee fund, the innovation Ohio loan	16315
fund, the research and development loan fund, ~~or~~ the logistics	16316
and distribution infrastructure fund, <u>or the logistics and</u>	16317
<u>distribution infrastructure taxable bond fund</u> , or be deposited by	16318
the Ohio air quality development authority to the advanced energy	16319
research and development fund or the advanced energy research	16320
and development taxable fund. Bond proceedings for project	16321
financing obligations may provide that the proceeds derived from	16322

the issuance of such obligations shall be deposited into such 16323
fund or funds provided for in the bond proceedings and, to the 16324
extent provided for in the bond proceedings, such proceeds shall 16325
be deemed to have been deposited into the facilities 16326
establishment fund and transferred to such fund or funds. The 16327
issuing authority may appoint trustees, paying agents, and 16328
transfer agents and may retain the services of financial 16329
advisors, accounting experts, and attorneys, and retain or 16330
contract for the services of marketing, remarketing, indexing, 16331
and administrative agents, other consultants, and independent 16332
contractors, including printing services, as are necessary in the 16333
issuing authority's judgment to carry out this section. The costs 16334
of such services are allowable costs payable from the facilities 16335
establishment fund or the research and development loan fund, 16336
allowable innovation costs payable from the innovation Ohio loan 16337
fund, or allowable costs payable from the logistics and 16338
distribution infrastructure fund, the logistics and distribution 16339
infrastructure taxable bond fund, the advanced energy research 16340
and development fund, or the advanced energy research and 16341
development taxable fund, as applicable. 16342

(C) The holders or owners of such obligations shall have no 16343
right to have moneys raised by taxation obligated or pledged, and 16344
moneys raised by taxation shall not be obligated or pledged, for 16345
the payment of bond service charges. Such holders or owners shall 16346
have no rights to payment of bond service charges from any moneys 16347
accruing to the state from the lease, sale, or other disposition, 16348
or use, of project facilities, or from payment of the principal of 16349
or interest on loans made, or fees charged for guarantees made, or 16350
from any money or property received by the director, treasurer of 16351
state, or the state under Chapter 122. of the Revised Code, or 16352
from any other use of the proceeds of the sale of the obligations, 16353
and no such moneys may be used for the payment of bond service 16354
charges, except for accrued interest, capitalized interest, and 16355
reserves funded from proceeds received upon the sale of the 16356

obligations and except as otherwise expressly provided in the 16357
applicable bond proceedings pursuant to written directions by the 16358
director. The right of such holders and owners to payment of bond 16359
service charges is limited to all or that portion of the pledged 16360
receipts and those special funds pledged thereto pursuant to the 16361
bond proceedings in accordance with this section, and each such 16362
obligation shall bear on its face a statement to that effect. 16363

(D) Obligations shall be authorized by resolution or order of 16364
the issuing authority and the bond proceedings shall provide for 16365
the purpose thereof and the principal amount or amounts, and shall 16366
provide for or authorize the manner or agency for determining the 16367
principal maturity or maturities, not exceeding twenty-five years 16368
from the date of issuance, the interest rate or rates or the 16369
maximum interest rate, the date of the obligations and the dates 16370
of payment of interest thereon, their denomination, and the 16371
establishment within or without the state of a place or places of 16372
payment of bond service charges. Sections 9.98 to 9.983 of the 16373
Revised Code are applicable to obligations issued under this 16374
section, subject to any applicable limitation under section 166.11 16375
of the Revised Code. The purpose of such obligations may be stated 16376
in the bond proceedings in terms describing the general purpose or 16377
purposes to be served. The bond proceedings also shall provide, 16378
subject to the provisions of any other applicable bond 16379
proceedings, for the pledge of all, or such part as the issuing 16380
authority may determine, of the pledged receipts and the 16381
applicable special fund or funds to the payment of bond service 16382
charges, which pledges may be made either prior or subordinate to 16383
other expenses, claims, or payments, and may be made to secure the 16384
obligations on a parity with obligations theretofore or thereafter 16385
issued, if and to the extent provided in the bond proceedings. The 16386
pledged receipts and special funds so pledged and thereafter 16387
received by the state are immediately subject to the lien of such 16388
pledge without any physical delivery thereof or further act, and 16389
the lien of any such pledges is valid and binding against all 16390

parties having claims of any kind against the state or any
governmental agency of the state, irrespective of whether such
parties have notice thereof, and shall create a perfected security
interest for all purposes of Chapter 1309. of the Revised Code,
without the necessity for separation or delivery of funds or for
the filing or recording of the bond proceedings by which such
pledge is created or any certificate, statement or other document
with respect thereto; and the pledge of such pledged receipts and
special funds is effective and the money therefrom and thereof may
be applied to the purposes for which pledged without necessity for
any act of appropriation. Every pledge, and every covenant and
agreement made with respect thereto, made in the bond proceedings
may therein be extended to the benefit of the owners and holders
of obligations authorized by this section, and to any trustee
therefor, for the further security of the payment of the bond
service charges.

(E) The bond proceedings may contain additional provisions as
to:

(1) The redemption of obligations prior to maturity at the
option of the issuing authority at such price or prices and under
such terms and conditions as are provided in the bond proceedings;

(2) Other terms of the obligations;

(3) Limitations on the issuance of additional obligations;

(4) The terms of any trust agreement or indenture securing
the obligations or under which the same may be issued;

(5) The deposit, investment and application of special funds,
and the safeguarding of moneys on hand or on deposit, without
regard to Chapter 131. or 135. of the Revised Code, but subject to
any special provisions of this chapter, with respect to particular
funds or moneys, provided that any bank or trust company which

acts as depository of any moneys in the special funds may furnish	16421
such indemnifying bonds or may pledge such securities as required	16422
by the issuing authority;	16423
(6) Any or every provision of the bond proceedings being	16424
binding upon such officer, board, commission, authority, agency,	16425
department, or other person or body as may from time to time have	16426
the authority under law to take such actions as may be necessary	16427
to perform all or any part of the duty required by such provision;	16428
(7) Any provision that may be made in a trust agreement or	16429
indenture;	16430
(8) Any other or additional agreements with the holders of	16431
the obligations, or the trustee therefor, relating to the	16432
obligations or the security therefor, including the assignment of	16433
mortgages or other security obtained or to be obtained for loans	16434
under section 122.43, 166.07, or 166.16 of the Revised Code.	16435
(F) The obligations may have the great seal of the state or a	16436
facsimile thereof affixed thereto or printed thereon. The	16437
obligations and any coupons pertaining to obligations shall be	16438
signed or bear the facsimile signature of the issuing authority.	16439
Any obligations or coupons may be executed by the person who, on	16440
the date of execution, is the proper issuing authority although on	16441
the date of such bonds or coupons such person was not the issuing	16442
authority. If the issuing authority whose signature or a facsimile	16443
of whose signature appears on any such obligation or coupon ceases	16444
to be the issuing authority before delivery thereof, such	16445
signature or facsimile is nevertheless valid and sufficient for	16446
all purposes as if the former issuing authority had remained the	16447
issuing authority until such delivery; and if the seal to be	16448
affixed to obligations has been changed after a facsimile of the	16449
seal has been imprinted on such obligations, such facsimile seal	16450
shall continue to be sufficient as to such obligations and	16451
obligations issued in substitution or exchange therefor.	16452

(G) All obligations are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations may be issued in coupon or in registered form, or both, as the issuing authority determines. Provision may be made for the registration of any obligations with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion into obligations with coupons attached thereto of any obligations registered as to both principal and interest, and for reasonable charges for such registration, exchange, conversion, and reconversion.

(H) Obligations may be sold at public sale or at private sale, as determined in the bond proceedings.

Obligations issued to provide moneys for the loan guarantee fund or the innovation Ohio loan guarantee fund may, as determined by the issuing authority, be sold at private sale, and without publication of a notice of sale.

(I) Pending preparation of definitive obligations, the issuing authority may issue interim receipts or certificates which shall be exchanged for such definitive obligations.

(J) In the discretion of the issuing authority, obligations may be secured additionally by a trust agreement or indenture between the issuing authority and a corporate trustee which may be any trust company or bank having a place of business within the state. Any such agreement or indenture may contain the resolution or order authorizing the issuance of the obligations, any provisions that may be contained in any bond proceedings, and other provisions which are customary or appropriate in an agreement or indenture of such type, including, but not limited to:

(1) Maintenance of each pledge, trust agreement, indenture, or other instrument comprising part of the bond proceedings until the state has fully paid the bond service charges on the obligations secured thereby, or provision therefor has been made;	16484 16485 16486 16487
(2) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the issuing authority made as a part of the contract under which the obligations were issued, enforcement of such payments or agreement by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of the foregoing;	16488 16489 16490 16491 16492 16493
(3) The rights and remedies of the holders of obligations and of the trustee, and provisions for protecting and enforcing them, including limitations on rights of individual holders of obligations;	16494 16495 16496 16497
(4) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen;	16498 16499
(5) Such other provisions as the trustee and the issuing authority agree upon, including limitations, conditions, or qualifications relating to any of the foregoing.	16500 16501 16502
(K) Any holders of obligations or trustees under the bond proceedings, except to the extent that their rights are restricted by the bond proceedings, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the issuing authority, the director of development, the Ohio air quality development authority, or the division of liquor control required by this chapter or the bond proceedings; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the	16503 16504 16505 16506 16507 16508 16509 16510 16511 16512 16513

performance of any covenant or agreement on the part of the 16514
issuing authority, the director of development, the Ohio air 16515
quality development authority, or the division of liquor control 16516
in the bond proceedings, to apply to a court having jurisdiction 16517
of the cause to appoint a receiver to receive and administer the 16518
pledged receipts and special funds, other than those in the 16519
custody of the treasurer of state, which are pledged to the 16520
payment of the bond service charges on such obligations or which 16521
are the subject of the covenant or agreement, with full power to 16522
pay, and to provide for payment of bond service charges on, such 16523
obligations, and with such powers, subject to the direction of 16524
the court, as are accorded receivers in general equity cases, 16525
excluding any power to pledge additional revenues or receipts or 16526
other income or moneys of the issuing authority or the state or 16527
governmental agencies of the state to the payment of such 16528
principal and interest and excluding the power to take possession 16529
of, mortgage, or cause the sale or otherwise dispose of any 16530
project facilities. 16531

Each duty of the issuing authority and the issuing 16532
authority's officers and employees, and of each governmental 16533
agency and its officers, members, or employees, undertaken 16534
pursuant to the bond proceedings or any agreement or lease, 16535
lease-purchase agreement, or loan made under authority of this 16536
chapter, and in every agreement by or with the issuing authority, 16537
is hereby established as a duty of the issuing authority, and of 16538
each such officer, member, or employee having authority to perform 16539
such duty, specifically enjoined by the law resulting from an 16540
office, trust, or station within the meaning of section 2731.01 of 16541
the Revised Code. 16542

The person who is at the time the issuing authority, or the 16543
issuing authority's officers or employees, are not liable in their 16544
personal capacities on any obligations issued by the issuing 16545
authority or any agreements of or with the issuing authority. 16546

(L) The issuing authority may authorize and issue obligations
for the refunding, including funding and retirement, and advance
refunding with or without payment or redemption prior to maturity,
of any obligations previously issued by the issuing authority.
Such obligations may be issued in amounts sufficient for payment
of the principal amount of the prior obligations, any redemption
premiums thereon, principal maturities of any such obligations
maturing prior to the redemption of the remaining obligations on a
parity therewith, interest accrued or to accrue to the maturity
dates or dates of redemption of such obligations, and any
allowable costs including expenses incurred or to be incurred in
connection with such issuance and such refunding, funding, and
retirement. Subject to the bond proceedings therefor, the portion
of proceeds of the sale of obligations issued under this division
to be applied to bond service charges on the prior obligations
shall be credited to an appropriate account held by the trustee
for such prior or new obligations or to the appropriate account in
the bond service fund for such obligations. Obligations authorized
under this division shall be deemed to be issued for those
purposes for which such prior obligations were issued and are
subject to the provisions of this section pertaining to other
obligations, except as otherwise provided in this section;
provided that, unless otherwise authorized by the general
assembly, any limitations imposed by the general assembly pursuant
to this section with respect to bond service charges applicable to
the prior obligations shall be applicable to the obligations
issued under this division to refund, fund, advance refund or
retire such prior obligations.

(M) The authority to issue obligations under this section
includes authority to issue obligations in the form of bond
anticipation notes and to renew the same from time to time by the
issuance of new notes. The holders of such notes or interest
coupons pertaining thereto shall have a right to be paid solely

from the pledged receipts and special funds that may be pledged to 16580
the payment of the bonds anticipated, or from the proceeds of such 16581
bonds or renewal notes, or both, as the issuing authority provides 16582
in the resolution or order authorizing such notes. Such notes may 16583
be additionally secured by covenants of the issuing authority to 16584
the effect that the issuing authority and the state will do such 16585
or all things necessary for the issuance of such bonds or renewal 16586
notes in appropriate amount, and apply the proceeds thereof to the 16587
extent necessary, to make full payment of the principal of and 16588
interest on such notes at the time or times contemplated, as 16589
provided in such resolution or order. For such purpose, the 16590
issuing authority may issue bonds or renewal notes in such 16591
principal amount and upon such terms as may be necessary to 16592
provide funds to pay when required the principal of and interest 16593
on such notes, notwithstanding any limitations prescribed by or 16594
for purposes of this section. Subject to this division, all 16595
provisions for and references to obligations in this section are 16596
applicable to notes authorized under this division. 16597

The issuing authority in the bond proceedings authorizing the 16598
issuance of bond anticipation notes shall set forth for such bonds 16599
an estimated interest rate and a schedule of principal payments 16600
for such bonds and the annual maturity dates thereof, and for 16601
purposes of any limitation on bond service charges prescribed 16602
under division (A) of section 166.11 of the Revised Code, the 16603
amount of bond service charges on such bond anticipation notes is 16604
deemed to be the bond service charges for the bonds anticipated 16605
thereby as set forth in the bond proceedings applicable to such 16606
notes, but this provision does not modify any authority in this 16607
section to pledge receipts and special funds to, and covenant to 16608
issue bonds to fund, the payment of principal of and interest and 16609
any premium on such notes. 16610

(N) Obligations issued under this section are lawful 16611
investments for banks, societies for savings, savings and loan 16612

associations, deposit guarantee associations, trust companies, 16613
trustees, fiduciaries, insurance companies, including domestic for 16614
life and domestic not for life, trustees or other officers having 16615
charge of sinking and bond retirement or other special funds of 16616
political subdivisions and taxing districts of this state, the 16617
commissioners of the sinking fund of the state, the administrator 16618
of workers' compensation, the state teachers retirement system, 16619
the public employees retirement system, the school employees 16620
retirement system, and the Ohio police and fire pension fund, 16621
notwithstanding any other provisions of the Revised Code or rules 16622
adopted pursuant thereto by any governmental agency of the state 16623
with respect to investments by them, and are also acceptable as 16624
security for the deposit of public moneys. 16625

(O) Unless otherwise provided in any applicable bond 16626
proceedings, moneys to the credit of or in the special funds 16627
established by or pursuant to this section may be invested by or 16628
on behalf of the issuing authority only in notes, bonds, or other 16629
obligations of the United States, or of any agency or 16630
instrumentality of the United States, obligations guaranteed as to 16631
principal and interest by the United States, obligations of this 16632
state or any political subdivision of this state, and certificates 16633
of deposit of any national bank located in this state and any 16634
bank, as defined in section 1101.01 of the Revised Code, subject 16635
to inspection by the superintendent of banks. If the law or the 16636
instrument creating a trust pursuant to division (J) of this 16637
section expressly permits investment in direct obligations of the 16638
United States or an agency of the United States, unless expressly 16639
prohibited by the instrument, such moneys also may be invested in 16640
no-front-end-load money market mutual funds consisting exclusively 16641
of obligations of the United States or an agency of the United 16642
States and in repurchase agreements, including those issued by the 16643
fiduciary itself, secured by obligations of the United States or 16644
an agency of the United States; and in common trust funds 16645
established in accordance with section 1111.20 of the Revised Code 16646

and consisting exclusively of any such securities, notwithstanding 16647
division (A)(4) of that section. The income from such investments 16648
shall be credited to such funds as the issuing authority 16649
determines, and such investments may be sold at such times as the 16650
issuing authority determines or authorizes. 16651

(P) Provision may be made in the applicable bond proceedings 16652
for the establishment of separate accounts in the bond service 16653
fund and for the application of such accounts only to the 16654
specified bond service charges on obligations pertinent to such 16655
accounts and bond service fund and for other accounts therein 16656
within the general purposes of such fund. Unless otherwise 16657
provided in any applicable bond proceedings, moneys to the credit 16658
of or in the several special funds established pursuant to this 16659
section shall be disbursed on the order of the treasurer of state, 16660
provided that no such order is required for the payment from the 16661
bond service fund when due of bond service charges on obligations. 16662

(Q) The issuing authority may pledge all, or such portion as 16663
the issuing authority determines, of the pledged receipts to the 16664
payment of bond service charges on obligations issued under this 16665
section, and for the establishment and maintenance of any 16666
reserves, as provided in the bond proceedings, and make other 16667
provisions therein with respect to pledged receipts as authorized 16668
by this chapter, which provisions are controlling notwithstanding 16669
any other provisions of law pertaining thereto. 16670

(R) The issuing authority may covenant in the bond 16671
proceedings, and any such covenants are controlling 16672
notwithstanding any other provision of law, that the state and 16673
applicable officers and governmental agencies of the state, 16674
including the general assembly, so long as any obligations are 16675
outstanding, shall: 16676

(1) Maintain statutory authority for and cause to be charged 16677
and collected wholesale and retail prices for spirituous liquor 16678

sold by the state or its agents so that the pledged receipts are 16679
sufficient in amount to meet bond service charges, and the 16680
establishment and maintenance of any reserves and other 16681
requirements provided for in the bond proceedings, and, as 16682
necessary, to meet covenants contained in contracts of guarantee 16683
made under section 166.06 of the Revised Code; 16684

(2) Take or permit no action, by statute or otherwise, that 16685
would impair the exemption from federal income taxation of the 16686
interest on the obligations. 16687

(S) There is hereby created the economic development bond 16688
service fund, which shall be in the custody of the treasurer of 16689
state but shall be separate and apart from and not a part of the 16690
state treasury. All moneys received by or on account of the 16691
issuing authority or state agencies and required by the applicable 16692
bond proceedings, consistent with this section, to be deposited, 16693
transferred, or credited to a bond service fund or the economic 16694
development bond service fund, and all other moneys transferred or 16695
allocated to or received for the purposes of the fund, shall be 16696
deposited and credited to such fund and to any separate accounts 16697
therein, subject to applicable provisions of the bond proceedings, 16698
but without necessity for any act of appropriation. During the 16699
period beginning with the date of the first issuance of 16700
obligations and continuing during such time as any such 16701
obligations are outstanding, and so long as moneys in the 16702
pertinent bond service funds are insufficient to pay all bond 16703
services charges on such obligations becoming due in each year, a 16704
sufficient amount of the gross profit on the sale of spirituous 16705
liquor included in pledged receipts are committed and shall be 16706
paid to the bond service fund or economic development bond service 16707
fund in each year for the purpose of paying the bond service 16708
charges becoming due in that year without necessity for further 16709
act of appropriation for such purpose and notwithstanding anything 16710
to the contrary in Chapter 4301. of the Revised Code. The 16711

economic development bond service fund is a trust fund and is 16712
hereby pledged to the payment of bond service charges to the 16713
extent provided in the applicable bond proceedings, and payment 16714
thereof from such fund shall be made or provided for by the 16715
treasurer of state in accordance with such bond proceedings 16716
without necessity for any act of appropriation. 16717

(T) The obligations, the transfer thereof, and the income 16718
therefrom, including any profit made on the sale thereof, shall at 16719
all times be free from taxation within the state. 16720

Sec. 166.11. (A) The aggregate principal amount of project 16721
financing obligations that may be issued under section 166.08 of 16722
the Revised Code is three hundred million dollars, plus the 16723
principal amount of such project financing obligations retired by 16724
payments. The aggregate principal amount of obligations, exclusive 16725
of project financing obligations, that may be issued under section 16726
166.08 of the Revised Code is six hundred thirty million dollars, 16727
plus the principal amount of any such obligations retired by 16728
payment, the amounts held or obligations pledged for the payment 16729
of the principal amount of any such obligations outstanding, 16730
amounts in special funds held as reserves to meet bond service 16731
charges, and amounts of obligations issued to provide moneys 16732
required to meet payments from the loan guarantee fund created in 16733
section 166.06 of the Revised Code and the innovation Ohio loan 16734
guarantee fund created in section 166.15 of the Revised Code. Of 16735
that six hundred thirty million dollars, not more than 16736
eighty-four million principal amount of obligations may be issued 16737
for eligible advanced energy projects and not more than one 16738
hundred million principal amount of obligations may be issued for 16739
eligible logistics and distribution projects. The terms of the 16740
obligations issued under section 166.08 of the Revised Code, other 16741
than obligations issued to meet guarantees that cannot be 16742
satisfied from amounts then held in the loan guarantee fund or 16743
the innovation Ohio loan guarantee fund, shall be such that the 16744

aggregate amount of moneys used from profit from the sale of
spirituous liquor, and not from other sources, in any fiscal
year shall not exceed sixty-three million dollars. For purposes
of the preceding sentence, "other sources" include the annual
investment income on special funds to the extent it will be
available for payment of any bond service charges in lieu of use
of profit from the sale of spirituous liquor, and shall be
estimated on the basis of the expected funding of those special
funds and assumed investment earnings thereon at a rate equal to
the weighted average yield on investments of those special funds
determined as of any date within sixty days immediately preceding
the date of issuance of the bonds in respect of which the
determination is being made. Amounts received in any fiscal year
under section 6341 of the Internal Revenue Code, 26 U.S.C. 6341,
shall not be included when determining the sixty-three million
dollar limit. The determinations required by this division shall
be made by the treasurer of state at the time of issuance of an
issue of obligations and shall be conclusive for purposes of such
issue of obligations from and after their issuance and delivery.

(B) The aggregate amount of the guaranteed portion of the
unpaid principal of loans guaranteed under sections 166.06 and
166.15 of the Revised Code and the unpaid principal of loans made
under sections 166.07, 166.16, and 166.21 of the Revised Code may
not at any time exceed eight hundred million dollars. Of that
eight hundred million dollars, the aggregate amount of the
guaranteed portion of the unpaid principal of loans guaranteed
under sections 166.06 and 166.15 of the Revised Code shall not at
any time exceed two hundred million dollars. However, the
limitations established under this division do not apply to loans
made with proceeds from the issuance and sale of project financing
obligations.

Sec. 166.22. (A) There is hereby created in the state
treasury the rapid outreach loan fund, which shall consist of

money transferred to the fund from the funds created and used 16778
under sections 166.20, 166.21, 166.25, and 166.26 of the Revised 16779
Code. Money in the fund shall be used for eligible projects only, 16780
as limited by the purposes for which money may be used under each 16781
fund from which the money is transferred, and applied to allowable 16782
costs as provided under those sections. The fund shall also 16783
consist of any other money appropriated to it and money received 16784
by the state from the repayment of loans and recovery on loan 16785
guarantees, including interest thereon, and the repayment and 16786
recovery of grants, made from the fund. All investment earnings 16787
on the cash balance in the fund shall be credited to the fund. 16788
The fund shall not be comprised, in any part, of money raised by 16789
taxation. 16790

(B) The director of development, with the approval of the 16791
controlling board and subject to other applicable provisions of 16792
this chapter, may lend or grant money in the rapid outreach loan 16793
fund to persons for the purpose of paying allowable costs of 16794
eligible projects, if the director determines that all of the 16795
following conditions are met: 16796

(1) The project is economically sound; 16797

(2) The project is an eligible project under division (D) of 16798
section 166.01 of the Revised Code or is otherwise eligible for 16799
funding under the applicable fund from which the money is 16800
transferred to the rapid outreach loan fund; 16801

(3) The amount to be provided from the rapid outreach loan 16802
fund is a reasonable amount given the scope of the eligible 16803
project as determined by the director; 16804

(4) If the money provided is in the form of a loan, the 16805
director shall determine whether the loan is to be repaid or may 16806
be forgiven. If the loan must be repaid, the director must 16807
determine whether the loan has been secured by a mortgage, 16808

assignment, pledge, lien provided for under section 9.661 of the 16809
Revised Code, or other interest in property or other assets of 16810
the borrower, at such level of priority and value as the director 16811
considers necessary, provided that, in making such a 16812
determination, the director shall take into account the value of 16813
any rights granted by the borrower to the director to control the 16814
use of any assets of the borrower under the circumstances 16815
described in the loan documents. 16816

(C) The determinations of the director under division (B) of 16817
this section shall be conclusive for purposes of the validity of a 16818
loan or grant agreement signed by the director. 16819

(D) Fees, charges, rates of interest, times of payment of 16820
interest and principal, and other terms and conditions of, and 16821
security for, loans and grants made from the rapid outreach loan 16822
fund shall be such as the director determines to be appropriate 16823
and in furtherance of the purpose for which the loans and grants 16824
are made. The moneys used in making loans and grants shall be 16825
disbursed from the fund upon order of the director. Unless 16826
otherwise specified in any indenture or other instrument securing 16827
obligations under division (D) of section 166.08 of the Revised 16828
Code, any payments of principal and interest from loans and 16829
grants made from the fund, including any proceeds of actions to 16830
collect the loans or to recover grant funds, shall be paid to the 16831
fund and used for the purpose of making loans and grants under 16832
this section. 16833

(E) The director may take actions necessary or appropriate to 16834
collect or otherwise deal with any loan or grant made under this 16835
section. 16836

(F) The director may fix service charges for the making of a 16837
loan. The charges shall be payable at such times and place and in 16838
such amounts and manner as may be prescribed by the director. 16839

(G)(1) There shall be credited to the rapid outreach loan fund money received by this state from the repayment of loans, including interest thereon, made from the fund, and money received from the sale, lease, or other disposition of property acquired or constructed with money in the fund derived from the proceeds of the sale of obligations under section 166.08 of the Revised Code. Money in the fund shall be applied as provided in this chapter pursuant to appropriations made by the general assembly.

(2) In addition to the requirements in division (G)(1) of this section, money referred to in that division may be deposited to the credit of separate accounts established by the director within the rapid outreach loan fund or in the bond service fund and pledged to the security of obligations, applied to the payment of bond service charges without need for appropriation, released from any such pledge and transferred to the rapid outreach loan fund, all as, and to the extent, provided in the bond proceedings pursuant to written directions of the director. Accounts may be established by the director in the rapid outreach loan fund for particular projects or otherwise. The director may withdraw from the fund or, subject to provisions of the applicable bond proceedings, from any special funds established pursuant to the bond proceedings, or from any accounts in such funds, any amounts of investment income required to be rebated and paid to the federal government in order to maintain the exemption from federal income taxation of interest on obligations issued under this chapter, which withdrawal and payment may be made without the necessity for appropriation.

Sec. 166.25. (A) The director of development, with the approval of the controlling board and subject to the other applicable provisions of this chapter, may lend money in the logistics and distribution infrastructure fund and the logistics and distribution infrastructure taxable bond fund to persons for

the purpose of paying allowable costs of eligible logistics and distribution projects. 16873
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(B) In determining the eligible logistics and distribution projects to be assisted and the nature, amount, and terms of assistance to be provided for an eligible logistics and distribution project, the director shall consult with appropriate governmental agencies, including the department of transportation and the Ohio rail development commission. 16875
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(C)(1) The director shall submit to the development financing advisory council the terms of the proposed assistance to be provided for an eligible logistics and distribution project and such other relevant information as the council may request. 16881
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(2) The council, on the basis of such information, shall make recommendations as to the appropriateness of the assistance to be provided. The recommendations may be revised to reflect any changes in the proposed assistance the director may submit to the council. 16885
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(3) The director shall submit the terms of the proposed assistance to be provided, along with the recommendations, as amended, of the council as to the appropriateness of the proposed assistance, to the controlling board. 16890
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(D) Any loan made pursuant to this section shall be evidenced by a loan agreement, which shall contain such terms as the director determines necessary or appropriate, including performance measures and reporting requirements. The director may take actions necessary or appropriate to collect or otherwise deal with any loan made under this section, including requiring a loan recipient to repay the amount of the loan plus interest at a rate of three per cent above the federal short term interest rate or any other rate determined by the director. 16894
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Sec. 166.28. (A) There is hereby created in the state
treasury the logistics and distribution infrastructure taxable
bond fund. The fund shall consist of grants, gifts, and
contributions of money or rights to money lawfully designated for
or deposited into the fund, all money and rights to money lawfully
appropriated and transferred to the fund, including money received
from the issuance of federally taxable obligations under section
166.08 of the Revised Code and subject to section 166.11 of the
Revised Code, and money credited to the fund pursuant to division
(B) of this section. The fund shall be used for the allowable
costs of eligible logistics and distribution projects. All
investment earnings on the cash balance in the fund shall be
credited to the fund. The fund shall not be comprised, in any
part, of money raised by taxation.

(B) There shall be credited to the logistics and distribution
infrastructure taxable bond fund the money received by the state
from the repayment of loans and recovery on loan guarantees,
including interest thereon, made from the fund.

Sec. 169.08. (A) Any person claiming a property interest in
unclaimed funds delivered or reported to the state under Chapter
169. of the Revised Code, including the office of child support in
the department of job and family services, pursuant to section
3123.88 of the Revised Code, may file a claim thereto on the form
prescribed by the director of commerce.

(B) The director shall consider matters relevant to any claim
filed under division (A) of this section and shall hold a formal
hearing if requested or considered necessary and receive evidence
concerning such claim. A finding and decision in writing on each
claim filed shall be prepared, stating the substance of any
evidence received or heard and the reasons for allowance or
disallowance of the claim. The evidence and decision shall be a
public record. No statute of limitations shall bar the allowance

of a claim. 16935

(C) For the purpose of conducting any hearing, the director 16936
may require the attendance of such witnesses and the production of 16937
such books, records, and papers as the director desires, and the 16938
director may take the depositions of witnesses residing within or 16939
without this state in the same manner as is prescribed by law for 16940
the taking of depositions in civil actions in the court of common 16941
pleas, and for that purpose the director may issue a subpoena for 16942
any witness or a subpoena duces tecum to compel the production of 16943
any books, records, or papers, directed to the sheriff of the 16944
county where such witness resides or is found, which shall be 16945
served and returned. The fees of the sheriff shall be the same as 16946
that allowed in the court of common pleas in criminal cases. 16947
Witnesses shall be paid the fees and mileage provided for under 16948
section 119.094 of the Revised Code. Fees and mileage shall be 16949
paid from the unclaimed funds trust fund. 16950

(D) Interest is not payable to claimants of unclaimed funds 16951
held by the state. Claims shall be paid from the trust fund. If 16952
the amount available in the trust fund is not sufficient to pay 16953
pending claims, or other amounts disburseable from the trust fund, 16954
the treasurer of state shall certify such fact to the director, 16955
who shall then withdraw such amount of funds from the mortgage 16956
accounts as the director determines necessary to reestablish the 16957
trust fund to a level required to pay anticipated claims but not 16958
more than ten per cent of the net unclaimed funds reported to 16959
date. 16960

The director ~~shall retain in the trust fund, as a fee for~~ 16961
~~administering the funds, five per cent of the total amount of~~ 16962
~~unclaimed funds payable to the claimant and~~ may withdraw the funds 16963
paid to the director by the holders and deposited by the director 16964
with the treasurer of state or in a financial institution as agent 16965
for such funds. Whenever these funds are inadequate to meet the 16966

requirements for the trust fund, the director shall provide for a
withdrawal of funds, within a reasonable time, in such amount as
is necessary to meet the requirements, from financial institutions
in which such funds were retained or placed by a holder and from
other holders who have retained funds, in an equitable manner as
prescribed by the director. In the event that the amount to be
withdrawn from any one such holder is less than five hundred
dollars, the amount to be withdrawn shall be at the discretion of
the director. Such funds may be reimbursed in the amounts
withdrawn when the trust fund has a surplus over the amount
required to pay anticipated claims. Whenever the trust fund has a
surplus over the amount required to pay anticipated claims, the
director may transfer such surplus to the mortgage accounts.

(E) If a claim which is allowed under this section relates to
funds which have been retained by the reporting holder, and if the
funds, on deposit with the treasurer of state pursuant to this
chapter, are insufficient to pay claims, the director may notify
such holder in writing of the payment of the claim and such holder
shall immediately reimburse the state in the amount of such claim.
The reimbursement shall be credited to the unclaimed funds trust
fund.

(F) Any person, including the office of child support,
adversely affected by a decision of the director may appeal such
decision in the manner provided in Chapter 119. of the Revised
Code.

In the event the claimant prevails, the claimant shall be
reimbursed for reasonable attorney's fees and costs.

(G) Notwithstanding anything to the contrary in this chapter,
any holder who has paid moneys to or entered into an agreement
with the director pursuant to section 169.05 of the Revised Code
on certified checks, cashiers' checks, bills of exchange, letters
of credit, drafts, money orders, or travelers' checks, may make

payment to any person entitled thereto, including the office of 16999
child support, and upon surrender of the document, except in the 17000
case of travelers' checks, and proof of such payment, the director 17001
shall reimburse the holder for such payment without interest. 17002

Sec. 173.08. (A) The resident services coordinator program is 17003
established in the department of aging to fund resident services 17004
coordinators. The coordinators shall provide information to 17005
low-income and special-needs tenants, including the elderly, who 17006
live in financially assisted rental housing complexes, and assist 17007
those tenants in identifying and obtaining community and program 17008
services and other benefits for which they are eligible. 17009

(B) The resident services coordinator program fund is hereby 17010
created in the state treasury to support the resident services 17011
coordinator program established pursuant to this section. The fund 17012
consists of all moneys the department of development sets aside 17013
pursuant to division (A)(4)(3) of section 174.02 of the Revised 17014
Code and moneys the general assembly appropriates to the fund. 17015

Sec. 173.28. (A)(1) As used in this division, "incident" 17016
means the occurrence of a violation with respect to a resident or 17017
recipient, as those terms are defined in section 173.14 of the 17018
Revised Code. A violation is a separate incident for each day it 17019
occurs and for each resident who is subject to it. 17020

In lieu of the fine that may be imposed under division (A) of 17021
section 173.99 of the Revised Code, the director of aging may, 17022
under Chapter 119. of the Revised Code, fine a long-term care 17023
provider or other entity, or a person employed by a long-term care 17024
provider or other entity, for a violation of division (C) of 17025
section 173.24 of the Revised Code. The fine shall not exceed one 17026
thousand dollars per incident. 17027

(2) In lieu of the fine that may be imposed under division 17028
(C) of section 173.99 of the Revised Code, the director may, under 17029

Chapter 119. of the Revised Code, fine a long-term care provider 17030
or other entity, or a person employed by a long-term care provider 17031
or other entity, for violating division (E) of section 173.19 of 17032
the Revised Code by denying a representative of the office of the 17033
state long-term care ombudsperson program the access required by 17034
that division. The fine shall not exceed five hundred dollars for 17035
each day the violation continued. 17036

(B) On request of the director, the attorney general shall 17037
bring and prosecute to judgment a civil action to collect any fine 17038
imposed under division (A)(1) or (2) of this section that remains 17039
unpaid thirty days after the violator's final appeal is exhausted. 17040

(C) All fines collected under this section shall be deposited 17041
into the state treasury to the credit of the state long-term care 17042
ombudsperson program fund created under section 173.26 of the 17043
Revised Code. 17044

Sec. 173.35. (A) As used in this section, "PASSPORT 17045
administrative agency" means an entity under contract with the 17046
department of aging to provide administrative services regarding 17047
the PASSPORT program created under section 173.40 of the Revised 17048
Code. 17049

(B) The department of aging shall administer the residential 17050
state supplement program under which the state supplements the 17051
supplemental security income payments received by aged, blind, or 17052
disabled adults under Title XVI of the "Social Security Act," 49 17053
Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state 17054
supplement payments shall be used for the provision of 17055
accommodations, supervision, and personal care services to 17056
supplemental security income recipients who the department 17057
determines are at risk of needing institutional care. 17058

(C) For an individual to be eligible for residential state 17059
supplement payments, all of the following must be the case: 17060

(1) Except as provided by division (G) of this section, the individual must reside in one of the following:	17061 17062
(a) An adult foster home certified under section 173.36 of the Revised Code;	17063 17064
(b) A home or facility, other than a nursing home or nursing home unit of a home for the aging, licensed by the department of health under Chapter 3721. or 3722. of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section;	17065 17066 17067 17068 17069
~~(c) A community alternative home licensed under section 3724.03 of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section;~~	17070 17071 17072 17073
~~(d)~~ A residential facility as defined in division (A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by the department of mental health and certified in accordance with standards established by the director of aging under division (D)(2) of this section;	17074 17075 17076 17077 17078
~~(e)~~ <u>(d)</u> An apartment or room used to provide community mental health housing services certified by the department of mental health under section 5119.611 of the Revised Code and approved by a board of alcohol, drug addiction, and mental health services under division (A)(14) of section 340.03 of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section.	17079 17080 17081 17082 17083 17084 17085
(2) Effective July 1, 2000, a PASSPORT administrative agency must have determined that the environment in which the individual will be living while receiving the payments is appropriate for the individual's needs. If the individual is eligible for supplemental	17086 17087 17088 17089

security income payments or social security disability insurance	17090
benefits because of a mental disability, the PASSPORT	17091
administrative agency shall refer the individual to a community	17092
mental health agency for the community mental health agency to	17093
issue in accordance with section 340.091 of the Revised Code a	17094
recommendation on whether the PASSPORT administrative agency	17095
should determine that the environment in which the individual will	17096
be living while receiving the payments is appropriate for the	17097
individual's needs. Division (C)(2) of this section does not apply	17098
to an individual receiving residential state supplement payments	17099
on June 30, 2000, until the individual's first eligibility	17100
redetermination after that date.	17101
 (3) The individual satisfies all eligibility requirements	17102
established by rules adopted under division (D) of this section.	17103
 (D)(1) The directors of aging and job and family services	17104
shall adopt rules in accordance with section 111.15 of the Revised	17105
Code as necessary to implement the residential state supplement	17106
program.	17107
 To the extent permitted by Title XVI of the "Social Security	17108
Act," and any other provision of federal law, the director of job	17109
and family services shall adopt rules establishing standards for	17110
adjusting the eligibility requirements concerning the level of	17111
impairment a person must have so that the amount appropriated for	17112
the program by the general assembly is adequate for the number of	17113
eligible individuals. The rules shall not limit the eligibility of	17114
disabled persons solely on a basis classifying disabilities as	17115
physical or mental. The director of job and family services also	17116
shall adopt rules that establish eligibility standards for aged,	17117
blind, or disabled individuals who reside in one of the homes or	17118
facilities specified in division (C)(1) of this section but who,	17119
because of their income, do not receive supplemental security	17120
income payments. The rules may provide that these individuals may	17121

include individuals who receive other types of benefits, 17122
including, social security disability insurance benefits provided 17123
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 17124
42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this 17125
section, such payments may be made if funds are available for 17126
them. 17127

The director of aging shall adopt rules establishing the 17128
method to be used to determine the amount an eligible individual 17129
will receive under the program. The amount the general assembly 17130
appropriates for the program shall be a factor included in the 17131
method that department establishes. 17132

(2) The director of aging shall adopt rules in accordance 17133
with Chapter 119. of the Revised Code establishing standards for 17134
certification of living facilities described in division (C)(1) of 17135
this section. 17136

The directors of aging and mental health shall enter into an 17137
agreement to certify facilities that apply for certification and 17138
meet the standards established by the director of aging under this 17139
division. 17140

(E) The county department of job and family services of the 17141
county in which an applicant for the residential state supplement 17142
program resides shall determine whether the applicant meets income 17143
and resource requirements for the program. 17144

(F) The department of aging shall maintain a waiting list of 17145
any individuals eligible for payments under this section but not 17146
receiving them because moneys appropriated to the department for 17147
the purposes of this section are insufficient to make payments to 17148
all eligible individuals. An individual may apply to be placed on 17149
the waiting list even though the individual does not reside in one 17150
of the homes or facilities specified in division (C)(1) of this 17151
section at the time of application. The director of aging, by 17152

rules adopted in accordance with Chapter 119. of the Revised 17153
Code, shall specify procedures and requirements for placing an 17154
individual on the waiting list and priorities for the order in 17155
which individuals placed on the waiting list are to begin to 17156
receive residential state supplement payments. The rules 17157
specifying priorities may give priority to individuals placed on 17158
the waiting list on or after July 1, 2006, who receive 17159
supplemental security income benefits under Title XVI of the 17160
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as 17161
amended. The rules shall not affect the place on the waiting list 17162
of any person who was on the list on July 1, 2006. The rules 17163
specifying priorities may also set additional priorities based on 17164
living arrangement, such as whether an individual resides in a 17165
facility listed in division (C)(1) of this section or has been 17166
admitted to a nursing facility. 17167

(G) An individual in a licensed or certified living 17168
arrangement receiving state supplementation on November 15, 1990, 17169
under former section 5101.531 of the Revised Code shall not become 17170
ineligible for payments under this section solely by reason of the 17171
individual's living arrangement as long as the individual remains 17172
in the living arrangement in which the individual resided on 17173
November 15, 1990. 17174

(H) The department of aging shall notify each person denied 17175
approval for payments under this section of the person's right to 17176
a hearing. On request, the hearing shall be provided by the 17177
department of job and family services in accordance with section 17178
5101.35 of the Revised Code. 17179

Sec. 173.392. (A) The department of aging may pay a person or 17180
government entity for providing community-based long-term care 17181
services under a program the department administers, even though 17182
the person or government entity is not certified under section 17183
173.391 of the Revised Code, if all of the following are the case: 17184

(1) The person or government entity has a contract with the department of aging or the department's designee to provide the services <u>in accordance with the contract or has received a grant from the department or its designee to provide the services in accordance with a grant agreement</u> ;	17185 17186 17187 17188 17189
(2) The contract <u>or grant agreement</u> includes detailed conditions of participation for providers of services under a program the department administers and service standards that the person or government entity is required to satisfy;	17190 17191 17192 17193
(3) The person or government entity complies with the contract <u>or grant agreement</u> ;	17194 17195
(4) The contract <u>or grant</u> is not for medicaid-funded services, other than services provided under the PACE program administered by the department of aging under section 173.50 of the Revised Code.	17196 17197 17198 17199
(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code governing both of the following:	17200 17201 17202
(1) Contracts <u>and grant agreements</u> between the department of aging <u>or its designee</u> and persons and government entities regarding community-based long-term care services provided under a program the department administers;	17203 17204 17205 17206
(2) The department's payment for community-based long-term care services ~~provided under such a contract~~ <u>this section</u> .	17207 17208
Sec. 173.40. ~~There~~ <u>As used in sections 173.40 to 173.402 of the Revised Code, "PASSPORT program" means the program created under this section.</u>	17209 17210 17211
<u>There</u> is hereby created ~~a medicaid waiver component, as~~	17212

~~defined in section 5111.85 of the Revised Code, to be known as the~~ 17213
~~preadmission screening system providing options and resources~~ 17214
~~today program, or PASSPORT. The PASSPORT program shall provide~~ 17215
~~home and community-based services as an alternative to nursing~~ 17216
~~facility placement for aged and disabled medicaid recipients. The~~ 17217
~~program shall be operated pursuant to a home and community-based~~ 17218
~~as a separate medicaid waiver granted by component, as defined in~~ 17219
~~section 5111.85 of the Revised Code, until the United States~~ 17220
~~secretary of health and human services approves the consolidated~~ 17221
~~federal medicaid waiver sought under section 1915 of the "Social~~ 17222
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396n, as amended~~ 17223
~~5111.861 of the Revised Code. The program shall be part of the~~ 17224
~~consolidated federal medicaid waiver sought under that section if~~ 17225
~~the United States secretary approves the waiver. The department of~~ 17226
~~aging shall administer the program through a contract entered into~~ 17227
~~with the department of job and family services under section~~ 17228
~~5111.91 of the Revised Code. The director of job and family~~ 17229
~~services shall adopt rules under section 5111.85 of the Revised~~ 17230
~~Code and the director of aging shall adopt rules in accordance~~ 17231
~~with Chapter 119. of the Revised Code to implement the program.~~ 17232

Sec. 173.401. (A) As used in this section: 17233

"Area agency on aging" has the same meaning as in section 17234
173.14 of the Revised Code. 17235

"Long-term care consultation program" means the program the 17236
department of aging is required to develop under section 173.42 of 17237
the Revised Code. 17238

"Long-term care consultation program administrator" or 17239
"administrator" means the department of aging or, if the 17240
department contracts with an area agency on aging or other entity 17241
to administer the long-term care consultation program for a 17242
particular area, that agency or entity. 17243

"Nursing facility" has the same meaning as in section 5111.20
of the Revised Code.

~~"PASSPORT program" means the program created under section
173.40 of the Revised Code.~~

"PASSPORT waiver" means the federal medicaid waiver granted
by the United States secretary of health and human services that
authorizes the PASSPORT program.

(B) The director of job and family services shall submit to
the United States secretary of health and human services an
amendment to the PASSPORT waiver that authorizes additional
enrollments in the PASSPORT program pursuant to this section.
Beginning with the month following the month in which the United
States secretary approves the amendment and each month thereafter,
each area agency on aging shall determine whether individuals who
reside in the area that the area agency on aging serves and are on
a waiting list for the PASSPORT program have been admitted to a
nursing facility. If an area agency on aging determines that such
an individual has been admitted to a nursing facility, the agency
shall notify the long-term care consultation program administrator
serving the area in which the individual resides about the
determination. The administrator shall determine whether the
PASSPORT program is appropriate for the individual and whether the
individual would rather participate in the PASSPORT program than
continue residing in the nursing facility. If the administrator
determines that the PASSPORT program is appropriate for the
individual and the individual would rather participate in the
PASSPORT program than continue residing in the nursing facility,
the administrator shall so notify the department of aging. On
receipt of the notice from the administrator, the department of
aging shall approve the individual's enrollment in the PASSPORT
program regardless of the PASSPORT program's waiting list and even
though the enrollment causes enrollment in the program to exceed

the limit that would otherwise apply. Each quarter, the department
of aging shall certify to the director of budget and management
the estimated increase in costs of the PASSPORT program resulting
from enrollment of individuals in the PASSPORT program pursuant to
this section.

~~(C) Not later than the last day of each calendar year, the
director of job and family services shall submit to the general
assembly a report regarding the number of individuals enrolled in
the PASSPORT program pursuant to this section and the costs
incurred and savings achieved as a result of the enrollments.~~

Sec. 173.402. An individual enrolled in the PASSPORT program
may request that home-delivered meals provided to the individual
under the PASSPORT program be kosher. If such a request is made,
the department of aging or the department's designee shall ensure
that each home-delivered meal provided to the individual under the
PASSPORT program is kosher. In complying with this requirement,
the department or department's designee shall require each entity
that provides home-delivered meals to the individual to provide
the individual with meals that meet, as much as possible, the
requirements established in rules adopted under section 173.40 of
the Revised Code governing the home-delivered meal service while
complying with kosher practices for meal preparation and dietary
restrictions.

An entity that provides a kosher home-delivered meal to a
PASSPORT program enrollee pursuant to this section shall be
reimbursed for the meal at a rate equal to the rate for
home-delivered meals furnished to PASSPORT program enrollees
requiring a therapeutic diet.

Sec. 173.403. "Choices program" means the program created
under this section.

There is hereby created the choices program. The program

shall provide home and community-based services. The choices 17307
program shall be operated as a separate medicaid waiver component, 17308
as defined in section 5111.85 of the Revised Code, until the 17309
United States secretary of health and human services approves the 17310
consolidated federal medicaid waiver sought under section 5111.861 17311
of the Revised Code. The program shall be part of the consolidated 17312
federal medicaid waiver sought under that section if the United 17313
States secretary approves the waiver. The department of aging 17314
shall administer the program through a contract entered into with 17315
the department of job and family services under section 5111.91 of 17316
the Revised Code. Subject to federal approval, the program shall 17317
be available statewide. 17318

Sec. 173.42. (A) As used in ~~this section~~sections 173.42 to 17319
173.434 of the Revised Code: 17320

(1) "Area agency on aging" means a public or private 17321
nonprofit entity designated under section 173.011 of the Revised 17322
Code to administer programs on behalf of the department of aging. 17323

(2) "Department of aging-administered medicaid waiver 17324
component" means each of the following: 17325

(a) The PASSPORT program created under section 173.40 of the 17326
Revised Code; 17327

(b) The choices program created under section 173.403 of the 17328
Revised Code; 17329

(c) The assisted living program created under section 5111.89 17330
of the Revised Code; 17331

(d) Any other medicaid waiver component, as defined in 17332
section 5111.85 of the Revised Code, that the department of aging 17333
administers pursuant to an interagency agreement with the 17334
department of job and family services under section 5111.91 of the 17335

<u>Revised Code.</u>	17336
<u>(3) "Home and community-based services covered by medicaid components the department of aging administers" means all of the following:</u>	17337 17338 17339
<u>(a) Medicaid waiver services available to a participant in a department of aging-administered medicaid waiver component:</u>	17340 17341
<u>(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section 5111.02 of the Revised Code:</u>	17342 17343 17344 17345
<u>(i) Home health services;</u>	17346
<u>(ii) Private duty nursing services;</u>	17347
<u>(iii) Durable medical equipment;</u>	17348
<u>(iv) Services of a clinical nurse specialist;</u>	17349
<u>(v) Services of a certified nurse practitioner.</u>	17350
<u>(c) Services available to a participant of the PACE program.</u>	17351
<u>(4) "Long-term care consultation" or "consultation" means the process used to provide services under consultation service made available by the department of aging or a program administrator through the long-term care consultation program established pursuant to this section, including, but not limited to, such services as the provision of information about long term care options and costs, the assessment of an individual's functional capabilities, and the conduct of all or part of the reviews, assessments, and determinations specified in sections 5111.202, 5111.204, 5119.061, and 5123.021 of the Revised Code and the rules adopted under those sections.</u>	17352 17353 17354 17355 17356 17357 17358 17359 17360 17361 17362

~~(3)~~(5) "Medicaid" means the medical assistance program
established under Chapter 5111. of the Revised Code.

~~(4)~~(6) "Nursing facility" has the same meaning as in section
5111.20 of the Revised Code.

~~(5)~~(7) "PACE program" means the component of the medicaid
program the department of aging administers pursuant to section
173.50 of the Revised Code.

(8) "PASSPORT administrative agency" means an entity under
contract with the department of aging to provide administrative
services regarding the PASSPORT program.

(9) "Program administrator" means an area agency on aging or
other entity under contract with the department of aging to
administer the long-term care consultation program in a geographic
region specified in the contract.

(10) "Representative" means a person acting on behalf of an
individual seeking a long-term care consultation, applying for
admission to a nursing facility, or residing in a nursing
facility specified in division (G) of this section. A
representative may be a family member, attorney, hospital social
worker, or any other person chosen to act on behalf of the
individual.

(B) The department of aging shall develop a long-term care
consultation program whereby individuals or their representatives
are provided with long-term care consultations and receive through
these professional consultations information about options
available to meet long-term care needs and information about
factors to consider in making long-term care decisions. The
long-term care consultations provided under the program may be
provided at any appropriate time, as permitted or required under

this section and the rules adopted under it, including either 17392
prior to or after the individual who is the subject of a 17393
consultation has been admitted to a nursing facility or granted 17394
assistance in receiving home and community-based services covered 17395
by medicaid components the department of aging administers. 17396

(C) The long-term care consultation program shall be 17397
administered by the department of aging, except that the 17398
department may ~~enter into a contract with an area agency on aging~~ 17399
~~or other entity selected by the department under which the program~~ 17400
~~for a particular area is administered by the area agency on aging~~ 17401
~~or other entity pursuant to the contract~~have the program 17402
administered on a regional basis by one or more program 17403
administrators. The department and each program administrator 17404
shall administer the program in such a manner that all of the 17405
following are included: 17406

(1) Coordination and collaboration with respect to all 17407
available funding sources for long-term care services; 17408

(2) Assessments of individuals regarding their long-term care 17409
service needs; 17410

(3) Assessments of individuals regarding their on-going 17411
eligibility for long-term care services; 17412

(4) Procedures for assisting individuals in obtaining access 17413
to, and coordination of, health and supportive services, including 17414
department of aging-administered medicaid waiver components; 17415

(5) Priorities for using available resources efficiently and 17416
effectively. 17417

(D) The program's long-term care consultations ~~provided for~~ 17418
~~purposes of the program~~ shall be provided by individuals 17419
certified by the department under section ~~173.43~~173.422 of the 17420

Revised Code.	17421
(E) The information provided through a long-term care consultation shall be appropriate to the individual's needs and situation and shall address all of the following:	17422 17423 17424
(1) The availability of any long-term care options open to the individual;	17425 17426
(2) Sources and methods of both public and private payment for long-term care services;	17427 17428
(3) Factors to consider when choosing among the available programs, services, and benefits;	17429 17430
(4) Opportunities and methods for maximizing independence and self-reliance, including support services provided by the individual's family, friends, and community.	17431 17432 17433
(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections 5111.202, 5119.061, and 5123.021 of the Revised Code and may be provided concurrently with the assessment required under section 5111.204 of the Revised Code.	17434 17435 17436 17437 17438 17439
(G)(1) Unless an exemption specified in division (I) of this section is applicable, each ~~individual in~~ <u>individual</u> of the following ~~categories~~ shall be provided with a long-term care consultation:	17440 17441 17442
(a) ~~Individuals~~ <u>An individual</u> who ~~apply~~ <u>applies</u> or ~~indicate~~ <u>indicates</u> an intention to apply for admission to a nursing facility, regardless of the source of payment to be used for ~~their~~ <u>the individual's</u> care in a nursing facility;	17443 17444 17445 17446
(b) ~~Nursing facility residents who apply or indicate an~~	17447

~~intention to apply for medicaid;~~	17448
~~(e) Nursing facility residents who are likely to spend down their resources within six months after admission to a nursing facility to a level at which they are financially eligible for medicaid;~~	17449
	17450
	17451
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~~(d) Individuals~~ <u>An individual</u> ~~who request~~ <u>requests</u> a long-term care consultation;	17453
	17454
<u>(c) An individual identified by the department or a program administrator as being likely to benefit from a long-term care consultation.</u>	17455
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	17457
(2) In addition to the individuals ~~included in the categories~~ specified in division (G)(1) of this section, <u>a long-term care consultation</u> may be provided to <u>a nursing facility residents who have not applied and have not indicated an intention to apply for medicaid</u> ~~resident~~ regardless of the source of payment being used for the resident's care in the nursing facility. ~~The purpose of the consultations provided to these individuals shall be to determine continued need for nursing facility services, to provide information on alternative services, and to make referrals to alternative services.~~	17458
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(H)(1) ~~When~~ <u>Except as provided in division (H)(2) or (3) of this section,</u> a long-term care consultation ~~is required to be~~ provided pursuant to division (G)(1) of this section, ~~the consultation shall be provided as follows or pursuant to division (H)(2) or (3) of this section:~~	17468
	17469
	17470
	17471
	17472
(a) If the individual for whom the consultation is being provided has applied for medicaid and the consultation is being provided concurrently with the assessment required under section 5111.204 of the Revised Code, the consultation shall be completed in accordance with the applicable time frames specified in that	17473
	17474
	17475
	17476
	17477

section for providing a level of care determination based on the 17478
assessment. 17479

(b) In all other cases, the consultation shall be provided 17480
not later than five calendar days after the department or ~~the~~ 17481
program administrator ~~under contract with the department~~ receives 17482
notice of the reason for which the consultation is ~~required~~ to be 17483
provided pursuant to division (G)(~~4~~) of this section. 17484

(2) An individual or the individual's representative may 17485
request that a long-term care consultation be provided on a date 17486
that is later than the date required under division (H)(1)(a) or 17487
(b) of this section. 17488

(3) If a long-term care consultation cannot be completed 17489
within the number of days required by division (H)(1) or (2) of 17490
this section, the department or ~~the~~ program administrator ~~under~~ 17491
~~contract with the department~~ may do any of the following: 17492

(a) ~~Exempt~~ In the case of an individual specified in division 17493
(G)(1) of this section, exempt the individual from the 17494
consultation pursuant to rules that may be adopted under division 17495
(L) of this section; 17496

(b) In the case of an applicant for admission to a nursing 17497
facility, provide the consultation after the individual is 17498
admitted to the nursing facility; 17499

(c) In the case of a resident of a nursing facility, provide 17500
the consultation as soon as practicable. 17501

(I) An individual is not required to be provided a long-term 17502
care consultation under division (G)(1) of this section if any of 17503
the following apply: 17504

(1) The department or program administrator has attempted to 17505

~~provide the consultation, but the individual or the individual's~~	17506
~~representative chooses to forego participation in the consultation~~	17507
~~pursuant to criteria specified in rules adopted under division (L)~~	17508
~~of this section~~ <u>refuses to cooperate;</u>	17509
(2) The individual is to receive care in a nursing facility	17510
under a contract for continuing care as defined in section 173.13	17511
of the Revised Code;	17512
(3) The individual has a contractual right to admission to a	17513
nursing facility operated as part of a system of continuing care	17514
in conjunction with one or more facilities that provide a less	17515
intensive level of services, including a residential care facility	17516
licensed under Chapter 3721. of the Revised Code, an adult care	17517
facility licensed under Chapter 3722. of the Revised Code, or an	17518
independent living arrangement;	17519
(4) The individual is to receive continual care in a home for	17520
the aged exempt from taxation under section 5701.13 of the Revised	17521
Code;	17522
(5) The individual is seeking admission to a facility that is	17523
not a nursing facility with a provider agreement under section	17524
5111.22, <u>5111.671</u> , or <u>5111.672</u> of the Revised Code;	17525
(6) ~~The individual is to be transferred from another nursing~~	17526
~~facility;~~	17527
(7) ~~The individual is to be readmitted to a nursing facility~~	17528
~~following a period of hospitalization;~~	17529
(8) The individual is exempted from the long-term care	17530
consultation requirement by the department or the program	17531
administrator pursuant to rules that may be adopted under division	17532
(L) of this section.	17533

(J) ~~At the conclusion of an individual's~~ As part of the 17534
~~long-term care consultation program,~~ the department or ~~the~~ 17535
~~program administrator under contract with the department~~ shall 17536
~~provide the~~ assist an individual or individual's representative 17537
~~with a written summary of options and resources available to~~ 17538
~~meet the individual's needs in~~ accessing all sources of care and 17539
services that are appropriate for the individual and for which 17540
the individual is eligible, including all available home and 17541
community-based services covered by medicaid components the 17542
department of aging administers. ~~Even though the summary may~~ 17543
~~specify that a source of long-term care other than care in a~~ 17544
~~nursing facility is appropriate and available, the individual is~~ 17545
~~not required to seek an alternative source of long-term care~~ 17546
~~and may be admitted to or continue to reside in a nursing~~ 17547
~~facility~~ The assistance shall include providing for the conduct 17548
of assessments or other evaluations and the development of 17549
individualized plans of care or services under section 173.424 of 17550
the Revised Code. 17551

(K) No nursing facility for which an operator has a provider 17552
agreement under section 5111.22, 5111.671, or 5111.672 of the 17553
Revised Code shall admit ~~or retain~~ any individual as a resident, 17554
unless the nursing facility has received evidence that a 17555
long-term care consultation has been completed for the individual 17556
or division (I) of this section is applicable to the individual. 17557

(L) The director of aging may adopt any rules the director 17558
considers necessary for the implementation and administration of 17559
this section. The rules shall be adopted in accordance with 17560
Chapter 119. of the Revised Code and may specify any or all of 17561
the following: 17562

(1) Procedures for providing long-term care consultations 17563
pursuant to this section; 17564

(2) Information to be provided through long-term care 17565

consultations regarding long-term care services that are available;	17566 17567
(3) ~~Criteria under which an individual or the individual's representative may choose to forego participation in~~ <u>procedures to be used to identify and recommend appropriate service options for an individual receiving a long-term care consultation;</u>	17568 17569 17570 17571 17572
(4) Criteria for exempting individuals from the long-term care consultation requirement;	17573 17574
(5) Circumstances under which it may be appropriate to provide an individual's long-term care consultation after the individual's admission to a nursing facility rather than before admission;	17575 17576 17577 17578
(6) Criteria for identifying nursing facility residents who would benefit from the provision of a long-term care consultation;	17579 17580 17581
(7) <u>A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility;</u>	17582 17583 17584
(8) <u>Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from being employed by a provider of long-term care services;</u>	17585 17586 17587 17588
(9) <u>Procedures for providing notice and an opportunity for a hearing under division (N) of this section.</u>	17589 17590
(M) <u>To assist the department and each program administrator with identifying individuals who are likely to benefit from a long-term care consultation, the department and program</u>	17591 17592 17593

administrator may ask to be given access to nursing facility 17594
resident assessment data collected through the use of the resident 17595
assessment instrument specified in rules adopted under section 17596
5111.02 of the Revised Code for purposes of the medicaid program. 17597
Except when prohibited by state or federal law, the department of 17598
health, department of job and family services, or nursing facility 17599
holding the data shall grant access to the data on receipt of the 17600
request from the department of aging or program administrator. 17601

(M)(N)(1) The director of aging, after providing notice and 17602
an opportunity for a hearing, may fine a nursing facility an 17603
amount determined by rules the director shall adopt in accordance 17604
with Chapter 119. of the Revised Code if for any of the following 17605
reasons: 17606

(a) The nursing facility admits or retains an individual, 17607
without evidence that a long-term care consultation has been 17608
provided, as required by this section; 17609

(b) The nursing facility denies a person attempting to 17610
provide a long-term care consultation access to the facility or a 17611
resident of the facility; 17612

(c) The nursing facility denies the department of aging or 17613
program administrator access to the facility or a resident of the 17614
facility, as the department or administrator considers necessary 17615
to administer the program. 17616

(2) In accordance with section 5111.62 of the Revised Code, 17617
all fines collected under this division (N)(1) of this section 17618
shall be deposited into the state treasury to the credit of the 17619
residents protection fund. 17620

Sec. 173.421. As part of the long-term care consultation 17621
program established under section 173.42 of the Revised Code, the 17622
department of aging may establish procedures for the conduct of 17623

periodic or follow-up long-term care consultations for residents 17624
of nursing facilities, including annual or more frequent 17625
reassessments of the residents' functional capabilities. If the 17626
procedures are established, the department or program 17627
administrator shall assign individuals to nursing facilities to 17628
serve as care managers within the facilities. The individuals 17629
assigned shall be individuals who are certified under section 17630
173.422 of the Revised Code to provide long-term care 17631
consultations. 17632

~~Sec. 173.43.~~ Sec. 173.422. The department of aging shall certify 17633
individuals who meet certification requirements established by 17634
rule to provide long-term care consultations for purposes of 17635
~~section~~sections 173.42 and 173.421 of the Revised Code. The 17636
director of aging shall adopt rules in accordance with Chapter 17637
119. of the Revised Code governing the certification process and 17638
requirements. The rules shall specify the education, experience, 17639
or training in long-term care a person must have to qualify for 17640
certification. 17641

Sec. 173.423. If an individual who is the subject of a 17642
long-term care consultation is eligible for and elects to receive 17643
home and community-based services covered by medicaid components 17644
the department of aging administers, the department of aging or 17645
program administrator shall monitor the individual by doing 17646
either or both of the following at least once each year: 17647

(A) Determining whether the services being provided to the 17648
individual are appropriate; 17649

(B) Determining whether changes in the types of services 17650
being provided to the individual should be made. 17651

Sec. 173.424. If, under federal law, an individual's 17652
eligibility for the home and community-based services covered by 17653
medicaid components the department of aging administers is 17654

dependent on the conduct of an assessment or other evaluation of 17655
the individual's needs and capabilities and the development of an 17656
individualized plan of care or services, the department shall 17657
develop and implement all procedures necessary to comply with the 17658
federal law. The procedures shall include the use of long-term 17659
care consultations. 17660

Sec. 173.425. Annually, the department of aging shall prepare 17661
a report regarding the individuals who are the subjects of 17662
long-term care consultations and elect to receive home and 17663
community-based services covered by medicaid components the 17664
department of aging administers. The department shall prepare the 17665
report in consultation with the department of job and family 17666
services and office of budget and management. Each annual report 17667
shall include all of the following information: 17668

(A) The total savings achieved by providing home and 17669
community-based services covered by medicaid components the 17670
department of aging administers rather than services that 17671
otherwise would be provided in a nursing facility; 17672

(B) The average number of days that individuals receive home 17673
and community-based services covered by medicaid components the 17674
department of aging administers before and after receiving 17675
nursing facility services; 17676

(C) A categorical analysis of the acuity levels of the 17677
individuals who receive home and community-based services covered 17678
by medicaid components the department of aging administers; 17679

(D) Any other statistical information the department of aging 17680
considers appropriate for inclusion in the report. 17681

Sec. 173.43. (A) Subject to section 173.433 of the Revised 17682
Code, the department of aging shall enter into an interagency 17683
agreement with the department of job and family services under 17684

section 5111.91 of the Revised Code under which the department of 17685
aging is required to establish for each biennium a unified 17686
long-term care budget for home and community-based services 17687
covered by medicaid components the department of aging 17688
administers. The interagency agreement shall require the 17689
department of aging to do all of the following: 17690

(1) Administer the unified long-term care budget in 17691
accordance with sections 173.43 to 173.434 of the Revised Code and 17692
the general assembly's appropriations for home and community-based 17693
services covered by medicaid components the department of aging 17694
administers for the applicable biennium; 17695

(2) Contract with each PASSPORT administrative agency for 17696
assistance in the administration of the unified long-term care 17697
budget; 17698

(3) Provide individuals who are eligible for home and 17699
community-based services covered by medicaid components the 17700
department of aging administers a choice of services that meet 17701
the individuals' needs and improve their quality of life; 17702

(4) Provide a continuum of services that meet the life-long 17703
needs of individuals who are eligible for home and community-based 17704
services covered by medicaid components the department of aging 17705
administers. 17706

(B) The director of budget and management shall create new 17707
appropriation items as necessary for establishment of the unified 17708
long-term care budget. 17709

Sec. 173.431. Subject to section 173.433 of the Revised 17710
Code, the department of aging shall ensure that the unified 17711
long-term care budget established under section 173.43 of the 17712
Revised Code is administered in a manner that provides medicaid 17713
coverage of and expands access to all of the following as 17714

necessary to meet the needs of individuals receiving home and 17715
community-based services covered by medicaid components the 17716
department of aging administers: 17717

(A) To the extent permitted by the medicaid waivers 17718
authorizing department of aging-administered medicaid waiver 17719
components, all of the following medicaid waiver services 17720
provided under department of aging-administered medicaid waiver 17721
components: 17722

(1) Personal care services; 17723

(2) Home-delivered meals; 17724

(3) Adult day-care; 17725

(4) Homemaker services; 17726

(5) Emergency response services; 17727

(6) Medical equipment and supplies; 17728

(7) Chore services; 17729

(8) Social work counseling; 17730

(9) Nutritional counseling; 17731

(10) Independent living assistance; 17732

(11) Medical transportation; 17733

(12) Nonmedical transportation; 17734

(13) Home care attendant services; 17735

(14) Assisted living services; 17736

<u>(15) Community transition services;</u>	17737
<u>(16) Enhanced community living services;</u>	17738
<u>(17) All other medicaid waiver services provided under</u>	17739
<u>department of aging-administered medicaid waiver components.</u>	17740
<u>(B) All of the following state medicaid plan services as</u>	17741
<u>specified in rules adopted under section 5111.02 of the Revised</u>	17742
<u>Code:</u>	17743
<u>(1) Home health services;</u>	17744
<u>(2) Private duty nursing services;</u>	17745
<u>(3) Durable medical equipment;</u>	17746
<u>(4) Services of a clinical nurse specialist;</u>	17747
<u>(5) Services of a certified nurse practitioner.</u>	17748
<u>(C) The services that the PACE program provides.</u>	17749
<u>Sec. 173.432.</u> <u>Subject to section 173.433 of the Revised Code,</u>	17750
<u>the department of aging or its designee shall provide care</u>	17751
<u>management and authorization services with regard to the state</u>	17752
<u>plan services specified in division (B) of section 173.431 of the</u>	17753
<u>Revised Code that are provided to participants of department of</u>	17754
<u>aging-administered medicaid waiver components. The department or</u>	17755
<u>its designee shall ensure that no person providing the care</u>	17756
<u>management and authorization services performs an activity that</u>	17757
<u>may not be performed without a valid certificate or license issued</u>	17758
<u>by an agency of this state unless the person holds the valid</u>	17759
<u>certificate or license.</u>	17760
<u>Sec. 173.433.</u> <u>(A) The director of job and family services</u>	17761
<u>shall do one or more of the following as necessary for the</u>	17762

<u>implementation of sections 173.43 to 173.432 of the Revised Code:</u>	17763
<u>(1) Submit one or more state medicaid plan amendments to the</u>	17764
<u>United States secretary of health and human services;</u>	17765
<u>(2) Request one or more federal medicaid waivers from the</u>	17766
<u>United States secretary;</u>	17767
<u>(3) Submit one or more federal medicaid waiver amendments to</u>	17768
<u>the United States secretary.</u>	17769
<u>(B) No provision of sections 173.43 to 173.432 of the Revised</u>	17770
<u>Code that requires the approval of the United States secretary of</u>	17771
<u>health and human services shall be implemented until the United</u>	17772
<u>States secretary provides the approval.</u>	17773
<u>Sec. 173.434. The director of job and family services shall</u>	17774
<u>adopt rules under section 5111.85 of the Revised Code to authorize</u>	17775
<u>the director of aging to adopt rules that are needed to implement</u>	17776
<u>sections 173.43 to 173.432 of the Revised Code. The director of</u>	17777
<u>aging's rules shall be adopted in accordance with Chapter 119. of</u>	17778
<u>the Revised Code.</u>	17779
<u>Sec. 173.50. (A) Pursuant to a contract entered into with the</u>	17780
<u>department of job and family services as an interagency agreement</u>	17781
<u>under section 5111.91 of the Revised Code, the department of aging</u>	17782
<u>shall carry out the day-to-day administration of the component of</u>	17783
<u>the medicaid program established under Chapter 5111. of the</u>	17784
<u>Revised Code known as the program of all-inclusive care for the</u>	17785
<u>elderly or PACE. The department of aging shall carry out its PACE</u>	17786
<u>administrative duties in accordance with the provisions of the</u>	17787
<u>interagency agreement and all applicable federal laws, including</u>	17788
<u>the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396u-4,</u>	17789
<u>as amended.</u>	17790
<u>(B) The department of aging may adopt rules in accordance</u>	17791

with Chapter 119. of the Revised Code regarding the PACE program,
including rules establishing priorities for enrolling in the
program pursuant to section 173.501 of the Revised Code. The
department's rules are subject to both of the following:

(1) The rules shall be authorized by rules adopted by the
department of job and family services.

(2) The rules shall address only those issues that are not
addressed in rules adopted by the department of job and family
services for the PACE program.

Sec. 173.501. (A) As used in this section:

"Nursing facility" has the same meaning as in section 5111.20
of the Revised Code.

"PACE provider" has the same meaning as in 42 U.S.C.
1396u-4(a)(3).

(B) Each month, the department of aging shall determine
whether individuals who are on a waiting list for the PACE program
have been admitted to a nursing facility. If the department
determines that such an individual has been admitted to a nursing
facility, the department shall notify the PACE provider serving
the area in which the individual resides about the determination.
The PACE provider shall determine whether the PACE program is
appropriate for the individual and whether the individual would
rather participate in the PACE program than continue residing in
the nursing facility. If the PACE provider determines that the
PACE program is appropriate for the individual and the individual
would rather participate in the PACE program than continue
residing in the nursing facility, the PACE provider shall so
notify the department of aging. On receipt of the notice from the
PACE provider, the department of aging shall approve the
individual's enrollment in the PACE program in accordance with

priorities established in rules adopted under section 173.50 of 17822
the Revised Code. Each quarter, the department of aging shall 17823
certify to the director of budget and management the estimated 17824
increase in costs of the PACE program resulting from enrollment of 17825
individuals in the PACE program pursuant to this section. 17826

Sec. 173.70. (A) The director of aging may enter into a 17827
contract with any person under which the person operates a program 17828
for the provision of outpatient prescription drug discounts to any 17829
or all of the following: 17830

(1) Individuals who are sixty years of age or older; 17831

(2) Individuals whose family incomes do not exceed three 17832
hundred per cent of the federal poverty guidelines, as revised 17833
annually by the United States department of health and human 17834
services in accordance with section 673(2) of the "Omnibus Budget 17835
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as 17836
amended; 17837

(3) Individuals who are persons with disabilities, as defined 17838
in section 173.06 of the Revised Code. 17839

(B) The director may disclose to the person under contract 17840
information that identifies the individuals who participated in 17841
and individuals who applied for participation in the Ohio's best 17842
Rx program that was operated under former sections 173.71 to 17843
173.91 of the Revised Code. 17844

Sec. 173.71. As used in sections 173.71 to 173.91 of the 17845
Revised Code: 17846

(A) "Children's health insurance program" means the 17847
children's health insurance program part I, part II, and part III 17848
established under sections 5101.50 to 5101.529 of the Revised 17849
Code. 17850

~~(B)~~ "Disability medical assistance program" means the program established under section 5115.10 of the Revised Code.	17851 17852
~~(C)~~ "Medicaid program" or "medicaid" means the medical assistance program established under Chapter 5111. of the Revised Code.	17853 17854 17855
~~(D)~~ <u>(C)</u> "National drug code number" means the number registered for a drug pursuant to the listing system established by the United States food and drug administration under the "Drug Listing Act of 1972," 86 Stat. 559, 21 U.S.C. 360, as amended.	17856 17857 17858 17859
~~(E)~~ <u>(D)</u> "Ohio's best Rx program participant" or "participant" means an individual determined eligible for the Ohio's best Rx program and included under an Ohio's best Rx program enrollment card.	17860 17861 17862 17863
~~(F)~~ <u>(E)</u> "Participating manufacturer" means a drug manufacturer participating in the Ohio's best Rx program pursuant to a manufacturer agreement entered into under section 173.81 of the Revised Code.	17864 17865 17866 17867
~~(G)~~ <u>(F)</u> "Participating terminal distributor" means a terminal distributor of dangerous drugs participating in the Ohio's best Rx program pursuant to an agreement entered into under section 173.79 of the Revised Code.	17868 17869 17870 17871
~~(H)~~ <u>(G)</u> "Political subdivision" has the same meaning as in section 9.23 of the Revised Code.	17872 17873
~~(I)~~ <u>(H)</u> "State agency" has the same meaning as in section 9.23 of the Revised Code.	17874 17875
~~(J)~~ <u>(I)</u> "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.	17876 17877

~~(K)~~(J) "Third-party payer" has the same meaning as in section 17878
3901.38 of the Revised Code. 17879

~~(L)~~(K) "Trade secret" has the same meaning as in section 17880
1333.61 of the Revised Code. 17881

~~(M)~~(L) "Usual and customary charge" means the amount a 17882
participating terminal distributor or the drug mail order system 17883
included in the Ohio's best Rx program pursuant to section 173.78 17884
of the Revised Code charges when a drug included in the program is 17885
purchased by an individual who does not receive a discounted price 17886
for the drug pursuant to any drug discount program, including the 17887
Ohio's best Rx program or a pharmacy assistance program 17888
established by any person or government entity, and for whom no 17889
third-party payer or program funded in whole or part with state or 17890
federal funds is responsible for all or part of the cost of the 17891
drug. 17892

Sec. 173.76. (A) To be eligible for the Ohio's best Rx 17893
program, an individual must meet all of the following requirements 17894
at the time of application for the program: 17895

(1) The individual must be a resident of this state. 17896

(2) One of the following must be the case: 17897

(a) The individual has family income, as determined under 17898
rules adopted pursuant to section 173.83 of the Revised Code, that 17899
does not exceed three hundred per cent of the federal poverty 17900
guidelines, as revised annually by the United States department of 17901
health and human services in accordance with section 673(2) of the 17902
"Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 17903
U.S.C. 9902, as amended; 17904

(b) The individual is sixty years of age or older; 17905

(c) The individual is a person with a disability, as defined in section 173.06 of the Revised Code.	17906 17907
(3) Except as provided in division (B) of this section, the individual must not have coverage for outpatient drugs paid for in whole or in part by any of the following:	17908 17909 17910
(a) A third-party payer, including an employer;	17911
(b) The medicaid program;	17912
(c) The children's health insurance program;	17913
(d) ~~The disability medical assistance program;~~	17914
(~~e~~) Another health plan or pharmacy assistance program that uses state or federal funds to pay part or all of the cost of the individual's outpatient drugs.	17915 17916 17917
(4) The individual must not have had coverage for outpatient drugs paid for by any of the entities or programs specified in division (A)(3) of this section during any of the four months preceding the month in which the application for the Ohio's best Rx program is made, unless any of the following applies:	17918 17919 17920 17921 17922
(a) The individual is sixty years of age or older.	17923
(b) The third-party payer, including an employer, that paid for the coverage filed for bankruptcy under federal bankruptcy laws.	17924 17925 17926
(c) The individual is no longer eligible for coverage provided through a retirement plan subject to protection under the "Employee Retirement Income Security Act of 1974," 88 Stat. 832, 29 U.S.C. 1001, as amended.	17927 17928 17929 17930
(d) The individual is no longer eligible for the medicaid	17931

program, <u>or</u> children's health insurance program, ~~or disability~~	17932
~~medical assistance program.~~	17933
(e) The individual is either temporarily or permanently	17934
discharged from employment due to a business reorganization.	17935
(B) An individual is not subject to division (A)(3) of this	17936
section if the individual has coverage for outpatient drugs paid	17937
for in whole or in part by either of the following:	17938
(1) The workers' compensation program;	17939
(2) A medicare prescription drug plan offered pursuant to the	17940
"Medicare Prescription Drug, Improvement, and Modernization Act of	17941
2003," 117 Stat. 2071, 42 U.S.C. 1395w-101, as amended, but only	17942
if all of the following are the case with respect to the	17943
particular drug being purchased through the Ohio's best Rx	17944
program:	17945
(a) The individual is responsible for the full cost of the	17946
drug.	17947
(b) The drug is not subject to a rebate from the manufacturer	17948
under the individual's medicare prescription drug plan.	17949
(c) The manufacturer of the drug has agreed to the Ohio's	17950
best Rx program's inclusion of individuals who have coverage	17951
through a medicare prescription drug plan.	17952
Sec. 173.99. (A) A long-term care provider, person employed	17953
by a long-term care provider, other entity, or employee of such	17954
other entity that violates division (C) of section 173.24 of the	17955
Revised Code is subject to a fine not to exceed one thousand	17956
dollars for each violation.	17957
(B) Whoever violates division (C) of section 173.23 of the	17958

Revised Code is guilty of registering a false complaint, a
misdemeanor of the first degree.

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(C) A long-term care provider, other entity, or person
employed by a long-term care provider or other entity that
violates division (E) of section 173.19 of the Revised Code by
denying a representative of the office of the state long-term care
ombudsperson program the access required by that division is
subject to a fine not to exceed five hundred dollars for each
violation.

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(D) Whoever violates division (C) of section 173.44 of the
Revised Code is subject to a fine of one hundred dollars.

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~~(E) Whoever violates division (B) of section 173.90 of the
Revised Code is guilty of a misdemeanor of the first degree.~~

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Sec. 174.02. (A) The low- and moderate-income housing trust
fund is hereby created in the state treasury. The fund consists of
all appropriations made to the fund, housing trust fund fees
collected by county recorders pursuant to section 317.36 of the
Revised Code and deposited into the fund pursuant to section
319.63 of the Revised Code, and all grants, gifts, loan
repayments, and contributions of money made from any source to the
department of development for deposit in the fund. All investment
earnings of the fund shall be credited to the fund. The director
of development shall allocate a portion of the money in the fund
to an account of the Ohio housing finance agency. The department
shall administer the fund. The agency shall use money allocated to
it for implementing and administering its programs and duties
under sections 174.03 and 174.05 of the Revised Code, and the
department shall use the remaining money in the fund for
implementing and administering its programs and duties under
sections 174.03 to 174.06 of the Revised Code. Use of all money
drawn from the fund is subject to the following restrictions:

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(1) ~~Not more than six per cent of any current year~~ 17990
~~appropriation authority for the fund shall be used for the~~ 17991
~~transitional and permanent housing program to make grants to~~ 17992
~~municipal corporations, counties, townships, and nonprofit~~ 17993
~~organizations for the acquisition, rehabilitation, renovation,~~ 17994
~~construction, conversion, operation, and cost of supportive~~ 17995
~~services for new and existing transitional and permanent housing~~ 17996
~~for homeless persons.~~ 17997

(2)(a) Not more than five per cent of the current year 17998
appropriation authority for the fund shall be allocated between 17999
grants to community development corporations for the community 18000
development corporation grant program and grants and loans to the 18001
Ohio community development finance fund, a private nonprofit 18002
corporation. 18003

(b) In any year in which the amount in the fund exceeds one 18004
hundred thousand dollars and at least that much is allocated for 18005
the uses described in this section, not less than one hundred 18006
thousand dollars shall be used to provide training, technical 18007
assistance, and capacity building assistance to nonprofit 18008
development organizations. 18009

(3)(2) Not more than ~~seventen~~ seventeen per cent of any current year 18010
appropriation authority for the fund shall be used for the 18011
emergency shelter housing grants program to make grants to 18012
private, nonprofit organizations and municipal corporations, 18013
counties, and townships for emergency shelter housing for the 18014
homeless and emergency shelter facilities serving unaccompanied 18015
youth seventeen years of age and younger. The grants shall be 18016
distributed pursuant to rules the director adopts and qualify as 18017
matching funds for funds obtained pursuant to the McKinney Act, 18018
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 18019

(4)(3) In any fiscal year in which the amount in the fund 18020
exceeds the amount awarded pursuant to division (A)(2)(1)(b) of 18021

this section by at least two hundred fifty thousand dollars, at 18022
least two hundred fifty thousand dollars from the fund shall be 18023
provided to the department of aging for the resident services 18024
coordinator program as established in section 173.08 of the 18025
Revised Code. 18026

~~(5)~~(4) Of all current year appropriation authority for the 18027
fund, not more than five per cent shall be used for 18028
administration. 18029

~~(6)~~(5) Not less than forty-five per cent of the funds awarded 18030
during any one fiscal year shall be for grants and loans to 18031
nonprofit organizations under section 174.03 of the Revised Code. 18032

~~(7)~~(6) Not less than fifty per cent of the funds awarded 18033
during any one fiscal year, excluding the amounts awarded pursuant 18034
to divisions (A)(1), (2), and ~~(3)~~(7) of this section, shall be 18035
for grants and loans for activities that provide housing and 18036
housing assistance to families and individuals in rural areas and 18037
small cities that are not eligible to participate as a 18038
participating jurisdiction under the "HOME Investment Partnerships 18039
Act," 104 Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 18040

~~(8)~~(7) No money in the fund shall be used to pay for any 18041
legal services other than the usual and customary legal services 18042
associated with the acquisition of housing. 18043

~~(9)~~(8) Money in the fund may be used as matching money for 18044
federal funds received by the state, counties, municipal 18045
corporations, and townships for the activities listed in section 18046
174.03 of the Revised Code. 18047

(B) If, after the second quarter of any year, it appears to 18048
the director that the full amount of the money in the fund 18049
designated in that year for activities that provide housing and 18050
housing assistance to families and individuals in rural areas and 18051

small cities under division (A) of this section will not be used 18052
for that purpose, the director may reallocate all or a portion of 18053
that amount for other housing activities. In determining whether 18054
or how to reallocate money under this division, the director may 18055
consult with and shall receive advice from the housing trust fund 18056
advisory committee. 18057

Sec. 174.03. (A) The department of development and the Ohio 18058
housing finance agency shall each develop programs under which, in 18059
accordance with rules adopted under this section, they may make 18060
grants, loans, loan guarantees, and loan subsidies to counties, 18061
municipal corporations, townships, local housing authorities, and 18062
nonprofit organizations and may make loans, loan guarantees, and 18063
loan subsidies to private developers and private lenders to assist 18064
in activities that provide housing and housing assistance for 18065
specifically targeted low- and moderate-income families and 18066
individuals. There is no minimum housing project size for awards 18067
under this division for any project that is developed for a 18068
special needs population and that is supported by a social service 18069
agency where the housing project is located. Activities for which 18070
grants, loans, loan guarantees, and loan subsidies may be made 18071
under this section include all of the following: 18072

(1) Acquiring, financing, constructing, leasing, 18073
rehabilitating, remodeling, improving, and equipping publicly or 18074
privately owned housing; 18075

(2) Providing supportive services related to housing and the 18076
homeless, including housing counseling. Not more than twenty per 18077
cent of the current year appropriation authority for the low- and 18078
moderate-income housing trust fund that remains after the award of 18079
funds made pursuant to divisions (A)(1), and (A)(2), ~~and (A)(3)~~ of 18080
section 174.02 of the Revised Code, shall be awarded in any fiscal 18081
year for supportive services. 18082

(3) Providing rental assistance payments or other project 18083

operating subsidies that lower tenant rents;	18084
<u>(4) Improving the quality of life of tenants by providing</u>	18085
<u>education for tenants and residents of manufactured home</u>	18086
<u>communities regarding their rights and responsibilities, planning</u>	18087
<u>and implementing activities designed to improve conflict</u>	18088
<u>resolution and the capacity of tenants to negotiate and mediate</u>	18089
<u>with landlords, and developing tenant and resident councils and</u>	18090
<u>organizations;</u>	18091
<u>(5) Promoting capacity building initiatives related to the</u>	18092
<u>creation of county housing trust funds.</u>	18093
~~(B) Activities listed under division (A) of this section may~~	18094
~~include emergency shelter care programs for unaccompanied youth~~	18095
~~seventeen years of age and younger.~~	18096
~~(C)~~ Grants, loans, loan guarantees, and loan subsidies may be	18097
made to counties, municipal corporations, townships, and nonprofit	18098
organizations for the additional purposes of providing technical	18099
assistance, design and finance services and consultation, and	18100
payment of pre-development and administrative costs related to any	18101
of the activities listed above.	18102
~~(D)~~ <u>(C)</u> In developing programs under this section, the	18103
department and the agency shall invite, accept, and consider	18104
public comment, and recommendations from the housing trust fund	18105
advisory committee created under section 174.06 of the Revised	18106
Code, on how the programs should be designed to most effectively	18107
benefit low- and moderate-income families and individuals. The	18108
programs developed under this section shall respond collectively	18109
to housing and housing assistance needs of low- and	18110
moderate-income families and individuals statewide.	18111
~~(E)~~ <u>(D)</u> The department and the agency, in accordance with	18112
Chapter 119. of the Revised Code, shall each adopt rules to	18113

administer programs developed under this section. The rules shall	18114
prescribe procedures and forms that counties, municipal	18115
corporations, townships, local housing authorities, and nonprofit	18116
organizations shall use in applying for grants, loans, loan	18117
guarantees, and loan subsidies and that private developers and	18118
private lenders shall use in applying for loans, loan guarantees,	18119
and loan subsidies; eligibility criteria for the receipt of funds;	18120
procedures for reviewing and granting or denying applications;	18121
procedures for paying out funds; conditions on the use of funds;	18122
procedures for monitoring the use of funds; and procedures under	18123
which a recipient shall be required to repay funds that are	18124
improperly used. The rules shall do both of the following:	18125
 (1) Require each recipient of a grant or loan made from the	18126
low- and moderate-income housing trust fund for activities that	18127
provide, or assist in providing, a rental housing project, to	18128
reasonably ensure that the rental housing project will remain	18129
affordable to those families and individuals targeted for the	18130
rental housing project for the useful life of the rental housing	18131
project or for thirty years, whichever is longer;	18132
 (2) Require each recipient of a grant or loan made from the	18133
low- and moderate-income housing trust fund for activities that	18134
provide, or assist in providing, a housing project to prepare and	18135
implement a plan to reasonably assist any families and individuals	18136
displaced by the housing project in obtaining decent affordable	18137
housing.	18138
 (~~F~~)(E) In prescribing eligibility criteria and conditions	18139
for the use of funds, neither the department nor the agency is	18140
limited to the criteria and conditions specified in this section	18141
and each may prescribe additional eligibility criteria and	18142
conditions that relate to the purposes for which grants, loans,	18143
loan guarantees, and loan subsidies may be made. However, the	18144
department and agency are limited by the following specifically	18145

targeted low- and moderate-income guidelines: 18146

(1) Not less than seventy-five per cent of the money granted 18147
and loaned under this section in any fiscal year shall be for 18148
activities that provide affordable housing and housing assistance 18149
to families and individuals whose incomes are equal to or less 18150
than fifty per cent of the median income for the county in which 18151
they live, as determined by the department under section 174.04 18152
of the Revised Code. 18153

(2) Any money granted and loaned under this section in any 18154
fiscal year that is not granted or loaned pursuant to division 18155
(F)(1) of this section shall be for activities that provide 18156
affordable housing and housing assistance to families and 18157
individuals whose incomes are equal to or less than eighty per 18158
cent of the median income for the county in which they live, as 18159
determined by the department under section 174.04 of the Revised 18160
Code. 18161

~~(G)~~(F) In making grants, loans, loan guarantees, and loan 18162
subsidies under this section, the department and the agency shall 18163
give preference to viable projects and activities that benefit 18164
those families and individuals whose incomes are equal to or less 18165
than thirty-five per cent of the median income for the county in 18166
which they live, as determined by the department under section 18167
174.04 of the Revised Code. 18168

~~(H)~~(G) The department and the agency shall monitor the 18169
programs developed under this section to ensure that money 18170
granted and loaned under this section is not used in a manner 18171
that violates division (H) of section 4112.02 of the Revised 18172
Code or discriminates against families with children. 18173

Sec. 174.06. (A) There is hereby created the housing trust 18174
fund advisory committee. The committee consists of fourteen 18175
members the governor appoints as follows to represent 18176

organizations committed to housing and housing assistance for low-	18177
and moderate-income persons:	18178
(1) One member to represent lenders.	18179
(2) One member to represent for-profit builders and	18180
developers.	18181
(3) One member to represent the families and individuals	18182
included in the income groups targeted for housing and housing	18183
assistance under divisions <u>(E) and (F)</u> ~~and (G)~~ of section 174.03	18184
of the Revised Code.	18185
(4) One member to represent religious, civic, or social	18186
service organizations.	18187
(5) One member to represent counties.	18188
(6) One member to represent municipal corporations.	18189
(7) One member to represent townships.	18190
(8) One member to represent local housing authorities.	18191
(9) One member to represent fair housing organizations.	18192
(10) Three members to represent nonprofit organizations.	18193
(11) One member to represent real estate brokers licensed	18194
under Chapter 4735. of the Revised Code.	18195
(12) One member to represent the for-profit rental housing	18196
industry.	18197
(B)(1) Terms of office are for four years, with each term	18198
ending on the same day of the same month as did the term that it	18199
succeeds. Each member shall hold office from the date of	18200

appointment until the end of the term for which the member was	18201
appointed. Vacancies shall be filled in the manner prescribed for	18202
the original appointment. A member appointed to fill a vacancy	18203
occurring prior to the expiration of a term shall hold office for	18204
the remainder of that term. A member shall continue in office	18205
subsequent to the expiration of a term until a successor takes	18206
office or until a period of sixty days has elapsed, whichever	18207
occurs first.	18208
 (2) The governor may remove a member for misfeasance,	18209
malfeasance, or willful neglect of duty.	18210
 (C)(1) The committee shall select a chairperson from among	18211
its members. The committee shall meet at least once each calendar	18212
year and upon the call of the chair. Members of the committee	18213
serve without compensation, but shall be reimbursed for reasonable	18214
and necessary expenses incurred in the discharge of duties.	18215
 (2) The department of development shall provide the committee	18216
with a meeting place, supplies, and staff assistance as the	18217
committee requests.	18218
 (D) The committee shall assist the department and the Ohio	18219
housing finance agency in defining housing needs and priorities,	18220
recommend to the department and agency at least annually how the	18221
programs developed under section 174.02 of the Revised Code should	18222
be designed to most effectively benefit low- and moderate-income	18223
persons, consider an allocation of funds for projects of fifteen	18224
units or less, and advise the director of development on whether	18225
and how to reallocate money in the low- and moderate-income	18226
housing trust fund under division (B) of section 174.02 of the	18227
Revised Code.	18228
 Sec. 175.01. As used in ~~this chapter~~ <u>sections 175.01 to</u>	18229
<u>175.13 of the Revised Code:</u>	18230

(A) "Bonds" means bonds, notes, debentures, refunding bonds, refunding notes, and other obligations.	18231 18232
(B) <u>"Down payment assistance" means monetary assistance for down payment closing costs, and pre-paid expenses directly related to the purchase of a home.</u>	18233 18234 18235
(C) "Financial assistance" means grants, loans, loan guarantees, an equity position in a project, and loan subsidies.	18236 18237
~~(C)~~ (D) "Grant" means funding for which repayment is not required.	18238 18239
~~(D)~~ (E) "Homeownership program" means any program for which the Ohio housing finance agency provides financing, directly or indirectly, for the purchase of housing for owner-occupancy.	18240 18241 18242
~~(E)~~ (F) "Housing" means housing for owner-occupancy and multifamily rental housing.	18243 18244
~~(F)~~ (G) "Housing development fund" means the housing development fund created and administered pursuant to section 175.11 of the Revised Code.	18245 18246 18247
~~(G)~~ (H) "Housing finance agency personal services fund" means the housing finance agency personal services fund created and administered pursuant to section 175.051 of the Revised Code.	18248 18249 18250
~~(H)~~ (I) "Housing for owner-occupancy" means housing that is intended for occupancy by an owner as a principal residence.	18251 18252
"Housing for owner-occupancy" may be any type of structure and may be owned in any form of ownership.	18253 18254
~~(I)~~ (J) "Housing trust fund" means the low- and moderate-income housing trust fund created and administered pursuant to Chapter 174. of the Revised Code.	18255 18256 18257

~~(J)~~(K) "Improvement" means any alteration, remodeling, 18258
addition, or repair that substantially protects or improves the 18259
basic habitability or energy efficiency of housing. 18260

~~(K)~~(L) "Lending institution" means any financial institution 18261
qualified to conduct business in this state, a subsidiary 18262
corporation that is wholly owned by a financial institution 18263
qualified to conduct business in this state, and a mortgage lender 18264
whose regular business is originating, servicing, or brokering 18265
real estate loans and who is qualified to do business in this 18266
state. 18267

~~(L)~~(M) "Loan" means any extension of credit or other form of 18268
financing or indebtedness extended directly or indirectly to a 18269
borrower with the expectation that it will be repaid in accordance 18270
with the terms of the underlying loan agreement or other pertinent 18271
document. "Loan" includes financing the Ohio housing finance 18272
agency extends to lending institutions and indebtedness the agency 18273
purchases from lending institutions. 18274

~~(M)~~(N) "Loan guarantee" means any agreement in favor of a 18275
lending institution, bondholder, or other lender in which the 18276
credit and resources of the housing finance agency or the housing 18277
trust fund are pledged to secure the payment or collection of 18278
financing extended to a borrower for the acquisition, 18279
construction, improvement, rehabilitation, or preservation of 18280
housing or to refinance any financing previously extended for 18281
those purposes. 18282

~~(N)~~(O) "Loan subsidy" means any deposit of funds the Ohio 18283
housing finance agency holds or administers into a lending 18284
institution with the authorization or direction that the income or 18285
revenues the deposit earns, or could have earned at competitive 18286
rates, be applied directly or indirectly to the benefit of housing 18287
assistance or financial assistance. 18288

~~(O)~~(P) "Low- and moderate-income persons" means individuals
and families who qualify as low- and moderate-income persons
pursuant to guidelines the agency establishes.

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~~(P)~~(Q) "Multifamily rental housing" means multiple unit
housing intended for rental occupancy.

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~~(Q)~~(R) "Nonprofit organization" means a nonprofit
organization in good standing and qualified to conduct business
in this state including any corporation whose members are
members of a metropolitan housing authority.

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~~(R)~~(S) "Owner" means any person who, jointly or severally,
has legal or equitable title to housing together with the right
to control or possess that housing. "Owner" includes a purchaser
of housing pursuant to a land installment contract if that
contract vests possession and maintenance responsibilities in
the purchaser, and a person who has care or control of housing
as executor, administrator, assignee, trustee, or guardian of the
estate of the owner of that housing.

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~~(S)~~(T) "Security interest" means any lien, encumbrance,
pledge, assignment, mortgage, or other form of collateral the
Ohio housing finance agency holds as security for financial
assistance the agency extends or a loan the agency acquires.

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Sec. 175.052. The Ohio housing finance agency, in providing
homeownership program assistance, shall give preference to grants
or loans for activities that provide housing and housing
assistance to honorably discharged veterans.

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Sec. 175.30. As used in sections 175.30 to 175.32 of the
Revised Code:

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(A) "First home" or "home" means the first residential real
property located in this state to be purchased by a recipient who

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has not owned or had an ownership interest in a principal residence in the three years prior to the purchase.

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(B) "Graduate" means an individual who has graduated from an institution of higher education and who is eligible under division (B) of section 175.31 of the Revised Code to apply for a grant, financial assistance, or down payment assistance awarded under the grants for grads program.

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(C) "Institution of higher education" means a state university or college located in this state, a private college or university located in this state that possesses a certificate of authorization issued by the Ohio board of regents under Chapter 1713. of the Revised Code, or an accredited college or university located outside this state that is accredited by an accrediting organization or professional accrediting association recognized by the Ohio board of regents.

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(D) "Ohio resident" means any of the following:

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(1) An individual who was a resident of this state at the time of the individual's graduation from an Ohio public or nonpublic high school that is approved by the state board of education, and who is a resident of this state at the time of applying for the program;

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(2) An individual who was a resident of this state at the time of completing, through the twelfth-grade level, a home study program approved by the state board of education, and who is a resident of this state at the time of applying for the program;

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(3) An individual whose parent was a resident of this state at the time of the individual's graduation from high school, and who graduated from either of the following:

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(a) An out-of-state high school that was accredited by a

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regional accrediting organization recognized by the United States 18347
department of education and met standards at least equivalent to 18348
those adopted by the state board of education for approval of 18349
nonpublic schools in this state; 18350

(b) A high school approved by the United States department of 18351
defense. 18352

(E) "Program" means the grants for grads program created 18353
under section 175.31 of the Revised Code. 18354

(F) "Recipient" means an individual who has been awarded a 18355
grant or has received financial assistance or down payment 18356
assistance under the program. 18357

Sec. 175.31. (A) There is hereby created the grants for grads 18358
program for the purpose of providing grants or other financial 18359
assistance or down payment assistance to Ohio residents who have 18360
received an associate, baccalaureate, master's, doctoral, or 18361
other postgraduate degree, which grants or assistance shall be 18362
used by a recipient to pay for the down payment or closing costs 18363
on the purchase of a first home. The program shall be 18364
administered by the Ohio housing finance agency using moneys 18365
available to it. The program shall not be subject to the income 18366
limits established by the agency under section 175.05 of the 18367
Revised Code. Participation in the program shall require a 18368
graduate to be eligible under division (B) of this section. 18369

(B)(1) A graduate is eligible to participate in the program 18370
if the graduate: 18371

(a) Is an Ohio resident who has received an associate, 18372
baccalaureate, master's, doctoral, or other postgraduate degree 18373
from an institution of higher education within the eighteen months 18374
immediately preceding the date of application for the program; 18375

<u>(b) Is able to provide to the agency evidence documenting the</u>	18376
<u>graduate's Ohio residency and documenting graduation from a high</u>	18377
<u>school and an institution of higher education;</u>	18378
<u>(c) Intends to live and work in this state for at least five</u>	18379
<u>years after the graduate's graduation or completion of a degree</u>	18380
<u>described in division (B)(1)(a) of this section; and</u>	18381
<u>(d) Intends to purchase a first home in this state.</u>	18382
<u>(2) A graduate who is married to an individual who has</u>	18383
<u>previously received a grant or financial assistance or downpayment</u>	18384
<u>assistance under the program is ineligible to apply for a grant</u>	18385
<u>or assistance under this section.</u>	18386
<u>(C) A graduate who has been found by the state to be</u>	18387
<u>delinquent in the payment of individual income taxes is</u>	18388
<u>ineligible to receive a grant or other assistance under the</u>	18389
<u>program.</u>	18390
<u>(D) A graduate who is eligible for the program shall receive</u>	18391
<u>down payment assistance and a reduction in the interest rate of</u>	18392
<u>the mortgage offered by the Ohio housing finance agency.</u>	18393
<u>(E) The down payment assistance shall be provided to the</u>	18394
<u>recipient when the recipient obtains a qualifying mortgage loan</u>	18395
<u>through a participating lender in the agency's first time home</u>	18396
<u>buyer program.</u>	18397
<u>Sec. 175.32. (A)(1) At the time a first home is purchased</u>	18398
<u>under the program, the Ohio housing finance agency shall secure</u>	18399
<u>the amount of the down payment assistance by a lien on the home</u>	18400
<u>for a period of five years. Such lien shall attach, and may be</u>	18401
<u>perfected, collected, and enforced in the same manner as a</u>	18402
<u>mortgage lien on the home, and shall otherwise have the same</u>	18403
<u>force and effect as a mortgage lien, except that it shall be</u>	18404

subordinate to a mortgage lien securing any money loaned by a 18405
financial institution for the purchase of the home. 18406

(2) If the agency finds that a recipient failed to comply 18407
with the first home ownership criteria in division (A) of 18408
section 175.30 of the Revised Code, or otherwise used fraudulent 18409
information to obtain down payment assistance, the agency shall 18410
enforce the lien. 18411

(B)(1) If a recipient becomes a resident of another state and 18412
does not reside at least five years in a first home purchased with 18413
down payment assistance awarded under the program, the amount of 18414
the lien created in division (A) of this section that may be 18415
collected shall be determined as follows: 18416

<u>Months resided in first home</u>	<u>Collectable amount as per cent</u>	
	<u>of down payment assistance</u>	
<u>Less than 12 months</u>	<u>100%</u>	18418
<u>12 months and a day to 24 months</u>	<u>80%</u>	18419
<u>24 months and a day to 36 months</u>	<u>60%</u>	18420
<u>36 months and a day to 48 months</u>	<u>40%</u>	18421
<u>48 months and a day to 60 months</u>	<u>20%</u>	18422

The lien created under division (A) of this section shall be 18423
extinguished upon collection pursuant to this division. 18424

(2) A lien created under division (A)(1) of this section 18425
shall be extinguished if the recipient, within the five-year 18426
period, moves to another residence located in this state. 18427

Sec. 176.05. (A)(1) Notwithstanding any provision of law to 18428
the contrary, the rate of wages payable for the various 18429
occupations covered by sections 4115.03 to 4115.16 of the Revised 18430
Code to persons employed on a project who are not any of the 18431
following shall be determined according to this section: 18432

(a) Qualified volunteers;	18433
(b) Persons required to participate in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code except those engaged in paid employment or subsidized employment pursuant to the activity;	18434 18435 18436 18437 18438
(c) ~~Food stamp~~ <u>Supplemental nutrition assistance program</u> benefit recipients required to participate in employment and training activities established by rules adopted under section 5101.54 of the Revised Code.	18439 18440 18441 18442
An association representing the general contractors or subcontractors that engage in the business of residential construction in a certain locality shall negotiate with the applicable building and construction trades council in that locality an agreement or understanding that sets forth the residential prevailing rate of wages, payable on projects in that locality, for each of the occupations employed on those projects.	18443 18444 18445 18446 18447 18448 18449
(2) Notwithstanding any residential prevailing rate of wages established prior to July 1, 1995, if, by October 1, 1995, the parties are unable to agree under division (A)(1) of this section as to the rate of wages payable for each occupation covered by sections 4115.03 to 4115.16 of the Revised Code, the director of commerce shall establish the rate of wages payable for each occupation.	18450 18451 18452 18453 18454 18455 18456
(3) The residential prevailing rate of wages established under division (A)(1) or (2) of this section shall not be equal to or greater than the prevailing rate of wages determined by the director pursuant to sections 4115.03 to 4115.16 of the Revised Code for any of the occupations covered by those sections.	18457 18458 18459 18460 18461
(B) Except for the prevailing rate of wages determined by the	18462

director pursuant to sections 4115.03 to 4115.16 of the Revised	18463
Code, those sections and section 4115.99 of the Revised Code apply	18464
to projects.	18465
(C) The residential prevailing rate of wages established	18466
under division (A) of this section is not payable to any	18467
individual or member of that individual's family who provides	18468
labor in exchange for acquisition of the property for	18469
homeownership or who provides labor in place of or as a supplement	18470
to any rental payments for the property.	18471
(D) For the purposes of this section:	18472
(1) "Project" means any construction, rehabilitation,	18473
remodeling, or improvement of residential housing, whether on a	18474
single or multiple site for which a person, as defined in section	18475
1.59 of the Revised Code, or municipal corporation, county, or	18476
township receives financing, that is financed in whole or in part	18477
from state moneys or pursuant to this chapter, section 133.51 or	18478
307.698 of the Revised Code, or Chapter 174. or 175. of the	18479
Revised Code, except for any of the following:	18480
(a) The single-family mortgage revenue bonds homeownership	18481
program under Chapter 175. of the Revised Code, including	18482
owner-occupied dwellings of one to four units;	18483
(b) Projects consisting of fewer than six units developed by	18484
any entity that is not a nonprofit organization exempt from	18485
federal income tax under section 501(c)(3) of the Internal Revenue	18486
Code;	18487
(c) Projects of fewer than twenty-five units developed by any	18488
nonprofit organization that is exempt from federal income tax	18489
under section 501(c)(3) of the Internal Revenue Code;	18490
(d) Programs undertaken by any municipal corporation, county,	18491

or township, including lease-purchase programs, using mortgage
revenue bond financing;

(e) Any individual project, that is sponsored or developed by
a nonprofit organization that is exempt from federal income tax
under section 501(c)(3) of the Internal Revenue Code, for which
the federal government or any of its agencies furnishes by loan,
grant, low-income housing tax credit, or insurance more than
twelve per cent of the costs of the project. For purposes of
division (D)(2)(e) of this section, the value of the low-income
housing tax credits shall be calculated as the proceeds from the
sale of the tax credits, less the costs of the sale.

As used in division (D)(1)(e) of this section, "sponsored"
means that a general partner of a limited partnership owning the
project or a managing member of a limited liability company owning
the project is either a nonprofit organization that is exempt from
federal income tax under section 501(c)(3) of the Internal Revenue
Code or a person, as defined in section 1.59 of the Revised Code,
or a limited liability company in which such a nonprofit
organization maintains controlling interest. For purposes of this
division, a general partner of a limited partnership that is a
nonprofit organization described under this division is not
required to be the sole general partner in the limited
partnership, and a managing member of a limited liability company
that is a nonprofit organization described under this division is
not required to be the sole managing member in the limited
liability company.

Nothing in division (D)(1)(e) of this section shall be
construed as permitting unrelated projects to be combined for the
sole purpose of determining the total percentage of project costs
furnished by the federal government or any of its agencies.

(2) A "project" is a "public improvement" and the state or a
political subdivision that undertakes or participates in the

financing of a project is a "public authority," as both of the 18524
last two terms are defined in section 4115.03 of the Revised Code. 18525

(3) "Qualified volunteers" are volunteers who are working 18526
without compensation for a nonprofit organization that is exempt 18527
from federal income tax under section 501(c)(3) of the Internal 18528
Revenue Code, and that is providing housing or housing assistance 18529
only to families and individuals in a county whose incomes are not 18530
greater than one hundred forty per cent of the median income of 18531
that county as determined under section 174.04 of the Revised 18532
Code. 18533

Sec. 303.213. (A) As used in this section, "small wind farm" 18534
means wind turbines and associated facilities ~~that are~~ 18535
~~interconnected with a medium voltage power collection system and~~ 18536
~~communications network and are~~ with a single interconnection to 18537
the electrical grid and designed for, or capable of, operation at 18538
an aggregate capacity of less than five megawatts. 18539

(B) Notwithstanding division (A) of section 303.211 of the 18540
Revised Code, sections 303.01 to 303.25 of the Revised Code confer 18541
power on a board of county commissioners or board of zoning 18542
appeals to adopt zoning regulations governing the location, 18543
erection, construction, reconstruction, change, alteration, 18544
maintenance, removal, use, or enlargement of any small wind farm, 18545
whether publicly or privately owned, or the use of land for that 18546
purpose, which regulations may be more strict than the regulations 18547
prescribed in rules adopted under division (C)(2) of section 18548
4906.20 of the Revised Code. 18549

(C) The designation under this section of a small wind farm 18550
as a public utility for purposes of sections 303.01 to 303.25 of 18551
the Revised Code shall not affect the classification of a small 18552
wind farm for purposes of state or local taxation. 18553

(D) Nothing in division (C) of this section shall be 18554

construed as affecting the classification of a telecommunications tower as defined in division (B) or (E) of section 303.211 of the Revised Code or any other public utility for purposes of state and local taxation.

Sec. 305.20. For purposes of a statute or regulation that requires a county to publish a notice, advertisement, list, or other information more than once in a newspaper of general circulation, the second and subsequent publications are satisfied by posting the notice, advertisement, list, or other information on the county's internet web site if the first newspaper publication meets all the following conditions:

(A) It states that the notice, advertisement, list, or other information is posted on the county's internet web site;

(B) It includes the county's internet address on the world wide web; and

(C) It includes instructions for accessing the notice, advertisement, list, or other information on the county's internet web site.

A notice, advertisement, list, or other information posted on a county's internet web site shall provide the same information as does the newspaper publication of the notice, advertisement, list, or other information except that the conditions outlined in divisions (A) to (C) of this section do not need to be included.

If a county does not operate and maintain, or ceases to operate and maintain, an internet web site, the county is not entitled to publish a notice, advertisement, list, or other information under this section and shall comply with the statutory publication requirements that otherwise apply to the notice, advertisement, list, or other information.

For purposes of this section, "county" means a board of 18584
county commissioners, a county elected official, or any 18585
contracting authority as defined in section 307.92 of the Revised 18586
Code. 18587

Sec. 307.626. (A) By the first day of April of each year, 18588
the person convening the child fatality review board shall prepare 18589
and submit to the Ohio department of health a report that ~~includes~~ 18590
~~all of~~summarizes the following information with respect to ~~each~~ 18591
the child death~~deaths~~ that ~~was~~were reviewed by the review board 18592
in the previous calendar year: 18593

(1) The cause of death; 18594

(2) Factors contributing to death; 18595

(3) Age; 18596

(4) Sex; 18597

(5) Race; 18598

(6) The geographic location of death; 18599

(7) The year of death. 18600

The report shall specify the number of child deaths that ~~have~~ 18601
~~not been reviewed since the effective date of this section~~were 18602
not reviewed during the previous calendar year. 18603

The report may include recommendations for actions that might 18604
prevent other deaths, as well as any other information the review 18605
board determines should be included. 18606

(B) Reports prepared under division (A) of this section shall 18607
be considered public records under section 149.43 of the Revised 18608
Code. 18609

(C) The child fatality review board shall submit individual data with respect to each child death review into the Ohio department of health child death review database or the national child death review database. The individual data shall include the information specified in division (A) of this section and any other information the board considers relevant to the review. Individual data related to a child death review that is contained in the Ohio department of health child death review database is not a public record under section 149.43 of the Revised Code.

Sec. 307.629. (A) Except as provided in sections 5153.171 to 5153.173 of the Revised Code, any information, document, or report presented to a child fatality review board, all statements made by review board members during meetings of the review board, ~~and~~ all work products of the review board, and child fatality review data submitted by the child fatality review board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code, are confidential and shall be used by the review board ~~and~~, its members, and the department of health only in the exercise of the proper functions of the review board and the department.

(B) No person shall permit or encourage the unauthorized dissemination of the confidential information described in division (A) of this section.

(C) Whoever violates division (B) of this section is guilty of a misdemeanor of the second degree.

Sec. 307.79. (A) The board of county commissioners may adopt, amend, and rescind rules establishing technically feasible and economically reasonable standards to achieve a level of management and conservation practices that will abate wind or water erosion of the soil or abate the degradation of the waters

of the state by soil sediment in conjunction with land grading, 18641
excavating, filling, or other soil disturbing activities on land 18642
used or being developed for nonfarm commercial, industrial, 18643
residential, or other nonfarm purposes, and establish criteria for 18644
determination of the acceptability of those management and 18645
conservation practices. The rules shall be designed to implement 18646
the applicable areawide waste treatment management plan prepared 18647
under section 208 of the "Federal Water Pollution Control Act," 86 18648
Stat. 816 (1972), 33 U.S.C.A. 1228, as amended, and to implement 18649
phase II of the storm water program of the national pollutant 18650
discharge elimination system established in 40 C.F.R. Part 122. 18651
The rules to implement phase II of the storm water program of the 18652
national pollutant discharge elimination system shall not be 18653
inconsistent with, more stringent than, or broader in scope than 18654
the rules or regulations adopted by the environmental protection 18655
agency under 40 C.F.R. Part 122. The rules adopted under this 18656
section shall not apply inside the limits of municipal 18657
corporations or the limits of townships with a limited home rule 18658
government that have adopted rules under section 504.21 of the 18659
Revised Code, to lands being used in a strip mine operation as 18660
defined in section 1513.01 of the Revised Code, or to land being 18661
used in a surface mine operation as defined in section 1514.01 of 18662
the Revised Code. 18663

The rules adopted under this section may require persons to 18664
file plans governing erosion control, sediment control, and water 18665
management before clearing, grading, excavating, filling, or 18666
otherwise wholly or partially disturbing one or more contiguous 18667
acres of land owned by one person or operated as one development 18668
unit for the construction of nonfarm buildings, structures, 18669
utilities, recreational areas, or other similar nonfarm uses. If 18670
the rules require plans to be filed, the rules shall do all of the 18671
following: 18672

(1) Designate the board itself, its employees, or another 18673

agency or official to review and approve or disapprove the plans;	18674
(2) Establish procedures and criteria for the review and approval or disapproval of the plans;	18675 18676
(3) Require the designated entity to issue a permit to a person for the clearing, grading, excavating, filling, or other project for which plans are approved and to deny a permit to a person whose plans have been disapproved;	18677 18678 18679 18680
(4) Establish procedures for the issuance of the permits;	18681
(5) Establish procedures under which a person may appeal the denial of a permit.	18682 18683
Areas of less than one contiguous acre shall not be exempt from compliance with other provisions of this section or rules adopted under this section. The rules adopted under this section may impose reasonable filing fees for plan review, permit processing, and field inspections.	18684 18685 18686 18687 18688
No permit or plan shall be required for a public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the board or the chief of the division of soil and water ~~conservation~~ <u>resources</u> in the department of natural resources.	18689 18690 18691 18692 18693 18694 18695
(B) Rules or amendments may be adopted under this section only after public hearings at not fewer than two regular sessions of the board. The board of county commissioners shall cause to be published, in a newspaper of general circulation in the county, notice of the public hearings, including time, date, and place, once a week for two weeks immediately preceding the hearings. The proposed rules or amendments shall be made available by the board	18696 18697 18698 18699 18700 18701 18702

to the public at the board office or other location indicated in 18703
the notice. The rules or amendments shall take effect on the 18704
thirty-first day following the date of their adoption. 18705

(C) The board of county commissioners may employ personnel to 18706
assist in the administration of this section and the rules adopted 18707
under it. The board also, if the action does not conflict with the 18708
rules, may delegate duties to review sediment control and water 18709
management plans to its employees, and may enter into agreements 18710
with one or more political subdivisions, other county officials, 18711
or other government agencies, in any combination, in order to 18712
obtain reviews and comments on plans governing erosion control, 18713
sediment control, and water management or to obtain other services 18714
for the administration of the rules adopted under this section. 18715

(D) The board of county commissioners or any duly authorized 18716
representative of the board may, upon identification to the owner 18717
or person in charge, enter any land upon obtaining agreement with 18718
the owner, tenant, or manager of the land in order to determine 18719
whether there is compliance with the rules adopted under this 18720
section. If the board or its duly authorized representative is 18721
unable to obtain such an agreement, the board or representative 18722
may apply for, and a judge of the court of common pleas for the 18723
county where the land is located may issue, an appropriate 18724
inspection warrant as necessary to achieve the purposes of this 18725
chapter. 18726

(E)(1) If the board of county commissioners or its duly 18727
authorized representative determines that a violation of the rules 18728
adopted under this section exists, the board or representative may 18729
issue an immediate stop work order if the violator failed to 18730
obtain any federal, state, or local permit necessary for sediment 18731
and erosion control, earth movement, clearing, or cut and fill 18732
activity. In addition, if the board or representative determines 18733
such a rule violation exists, regardless of whether or not the 18734

violator has obtained the proper permits, the board or
representative may authorize the issuance of a notice of
violation. If, after a period of not less than thirty days has
elapsed following the issuance of the notice of violation, the
violation continues, the board or its duly authorized
representative shall issue a second notice of violation. Except as
provided in division (E)(3) of this section, if, after a period of
not less than fifteen days has elapsed following the issuance of
the second notice of violation, the violation continues, the board
or its duly authorized representative may issue a stop work order
after first obtaining the written approval of the prosecuting
attorney of the county if, in the opinion of the prosecuting
attorney, the violation is egregious.

Once a stop work order is issued, the board or its duly
authorize representative shall request, in writing, the
prosecuting attorney of the county to seek an injunction or other
appropriate relief in the court of common pleas to abate excessive
erosion or sedimentation and secure compliance with the rules
adopted under this section. If the prosecuting attorney seeks an
injunction or other appropriate relief, then, in granting relief,
the court of common pleas may order the construction of sediment
control improvements or implementation of other control measures
and may assess a civil fine of not less than one hundred or more
than five hundred dollars. Each day of violation of a rule or stop
work order issued under this section shall be considered a
separate violation subject to a civil fine.

(2) The person to whom a stop work order is issued under this
section may appeal the order to the court of common pleas of the
county in which it was issued, seeking any equitable or other
appropriate relief from that order.

(3) No stop work order shall be issued under this section
against any public highway, transportation, or drainage

improvement or maintenance project undertaken by a government
agency or political subdivision in accordance with a statement of
its standard sediment control policies that is approved by the
board or the chief of the division of soil and water ~~conservation~~
resources in the department of natural resources.

(F) No person shall violate any rule adopted or order issued
under this section. Notwithstanding division (E) of this section,
if the board of county commissioners determines that a violation
of any rule adopted or administrative order issued under this
section exists, the board may request, in writing, the prosecuting
attorney of the county to seek an injunction or other appropriate
relief in the court of common pleas to abate excessive erosion or
sedimentation and secure compliance with the rules or order. In
granting relief, the court of common pleas may order the
construction of sediment control improvements or implementation of
other control measures and may assess a civil fine of not less
than one hundred or more than five hundred dollars. Each day of
violation of a rule adopted or administrative order issued under
this section shall be considered a separate violation subject to a
civil fine.

Sec. 311.17. Except as provided in a contract entered into
under division (A) of section 3125.141 of the Revised Code, for
the services specified in this section, the sheriff shall charge
the following fees, which the court or its clerk shall tax in the
bill of costs against the judgment debtor or those legally liable
therefor for the judgment:

(A) For the service and return of the following writs and
orders:

(1) Execution:

(a) When money is paid without levy or when no property is
found, ~~twenty~~thirty dollars;

(b) When levy is made on real property, for the first tract,	18798
twenty-five dollars, and for each additional tract, ten dollars;	18799
(c) When levy is made on goods and chattels, including	18800
inventory, fifty dollars.	18801
(2) Writ of attachment of property, except for purpose of	18802
garnishment, forty dollars;	18803
(3) Writ of attachment for the purpose of garnishment, ten	18804
dollars;	18805
(4) Writ of replevin, forty dollars;	18806
(5) Warrant to arrest, for each person named in the writ, ~~ten~~	18807
<u>twenty</u> dollars;	18808
(6) Attachment for contempt, for each person named in the	18809
writ, six dollars;	18810
(7) Writ of possession or restitution, sixty dollars;	18811
(8) Subpoena, for each person named in the writ, in either a	18812
civil or criminal case, ~~six~~ <u>ten</u> dollars;	18813
(9) Venire, for each person named in the writ, in either a	18814
civil or criminal case, six dollars;	18815
(10) Summoning each juror, other than on venire, in either a	18816
civil or criminal case, six dollars;	18817
(11) Writ of partition, twenty-five dollars;	18818
(12) Order of sale on partition, for the first tract, fifty	18819
dollars, and for each additional tract, twenty-five dollars;	18820

(13) Other order of sale of real property, for the first	18821
tract, fifty dollars, and for each additional tract, twenty-five	18822
dollars;	18823
(14) Administering oath to appraisers, three dollars each;	18824
(15) Furnishing copies for advertisements, one dollar for	18825
each hundred words;	18826
(16) Copy of indictment, for each defendant, five dollars;	18827
(17) All summons, writs, orders, or notices, for the first	18828
name, six dollars, and for each additional name, one dollar.	18829
(B) In addition to the fee for service and return:	18830
(1) On each summons, writ, order, or notice, a fee of ~~one~~	18831
~~dollar~~ <u>two dollars</u> per mile for the first mile, and ~~fifty cents~~	18832
<u>one dollar</u> per mile for each additional mile, going and returning,	18833
actual mileage to be charged on each additional name;	18834
(2) Taking bail bond, three dollars;	18835
(3) Jail fees, as follows:	18836
(a) For receiving a prisoner, five dollars each time a	18837
prisoner is received, and for discharging or surrendering a	18838
prisoner, five dollars each time a prisoner is discharged or	18839
surrendered. The departure or return of a prisoner from or to a	18840
jail in connection with a program established under section	18841
5147.28 of the Revised Code is not a receipt, discharge, or	18842
surrender of the prisoner for purposes of this division.	18843
(b) Taking a prisoner before a judge or court, per day, five	18844
dollars;	18845
(c) Calling action, one dollar;	18846

(d) Calling jury, three dollars;	18847
(e) Calling each witness, three dollars;	18848
(f) Bringing prisoner before court on habeas corpus, six dollars.	18849 18850
(4) Poundage on all moneys actually made and paid to the sheriff on execution, decree, or sale of real estate, one and one-half per cent;	18851 18852 18853
(5) Making and executing a deed of land sold on execution, decree, or order of the court, to be paid by the purchaser, fifty dollars.	18854 18855 18856
When any of the services described in division (A) or (B) of this section are rendered by an officer or employee, whose salary or per diem compensation is paid by the county, the applicable legal fees and any other extraordinary expenses, including overtime, provided for the service shall be taxed in the costs in the case and, when collected, shall be paid into the general fund of the county.	18857 18858 18859 18860 18861 18862 18863
The sheriff shall charge the same fees for the execution of process issued in any other state as the sheriff charges for the execution of process of a substantively similar nature that is issued in this state.	18864 18865 18866 18867
Sec. 311.42. (A) Each county shall establish in the county treasury a sheriff's concealed handgun license issuance expense fund. The sheriff of that county shall deposit into that fund all fees paid by applicants for the issuance or renewal of a license or duplicate license to carry a concealed handgun under section 2923.125 of the Revised Code and all fees paid by the person seeking a temporary emergency license to carry a concealed	18868 18869 18870 18871 18872 18873 18874

handgun under section 2923.1213 of the Revised Code. The county
shall ~~distribute the fees deposited into the fund in accordance~~
~~with the specifications prescribed by the Ohio peace officer~~
~~training commission under division (C) of section 109.731 of the~~
~~Revised Code~~ distribute all fees deposited into the fund except
forty dollars of each fee paid by an applicant under division (B)
of section 2923.125 of the Revised Code, fifteen dollars of each
fee paid under section 2923.1213 of the Revised Code, and
thirty-five dollars of each fee paid under division (F) of section
2923.125 of the Revised Code to the attorney general to be used
to pay the cost of background checks performed by the bureau of
criminal identification and investigation and the federal bureau
of investigation and to cover administrative costs associated
with issuing the license.

(B) The sheriff, with the approval of the board of county
commissioners, may expend any county portion of the fees deposited
into the sheriff's concealed handgun license issuance expense fund
for any costs incurred by the sheriff in connection with
performing any administrative functions related to the issuance of
licenses or temporary emergency licenses to carry a concealed
handgun under section 2923.125 or 2923.1213 of the Revised Code,
including, but not limited to, personnel expenses and the costs of
any handgun safety education program that the sheriff chooses to
fund.

Sec. 319.24. A county auditor shall use the information
received pursuant to section 3705.031 of the Revised Code to
assist the auditor in verifying whether real property or a
manufactured or mobile home is eligible for a reduction in
property taxes under division (A) or (B) of section 323.152 of the
Revised Code or section 4503.065 of the Revised Code.

Sec. 319.28. (A) Except as otherwise provided in division
(B) of this section, on or before the first Monday of August,

annually, the county auditor shall compile and make up a general
tax list of real and public utility property in the county, either
in tabular form and alphabetical order, or, with the consent of
the county treasurer, by listing all parcels in a permanent parcel
number sequence to which a separate alphabetical index is keyed,
containing the names of the several persons, companies, firms,
partnerships, associations, and corporations in whose names real
property has been listed in each township, municipal corporation,
special district, or separate school district, or part of either
in the auditor's county, placing separately, in appropriate
columns opposite each name, the description of each tract, lot, or
parcel of real estate, the value of each tract, lot, or parcel,
the value of the improvements thereon, and of the names of the
several public utilities whose property, subject to taxation on
the general tax list and duplicate, has been apportioned by the
department of taxation to the county, and the amount so
apportioned to each township, municipal corporation, special
district, or separate school district or part of either in the
auditor's county, as shown by the certificates of apportionment of
public utility property. If the name of the owner of any tract,
lot, or parcel of real estate is unknown to the auditor, "unknown"
shall be entered in the column of names opposite said tract, lot,
or parcel. Such lists shall be prepared in duplicate. On or before
the first Monday of September in each year, the auditor shall
correct such lists in accordance with the additions and deductions
ordered by the tax commissioner and by the county board of
revision, and shall certify and on the first day of October
deliver one copy thereof to the county treasurer. The copies
prepared by the auditor shall constitute the auditor's general tax
list and treasurer's general duplicate of real and public utility
property for the current year.

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Once a permanent parcel numbering system has been established
in any county as provided by the preceding paragraph, such system
shall remain in effect until otherwise agreed upon by the county

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auditor and county treasurer. 18941

(B)(1) A peace officer, parole officer, prosecuting attorney, 18942
assistant prosecuting attorney, correctional employee, youth 18943
services employee, firefighter, ~~or~~ EMT, or investigator of the 18944
bureau of criminal identification and investigation may submit a 18945
written request by affidavit to the county auditor requesting the 18946
county auditor to remove the name of the peace officer, parole 18947
officer, prosecuting attorney, assistant prosecuting attorney, 18948
correctional employee, youth services employee, firefighter, ~~or~~ 18949
EMT, or investigator of the bureau of criminal identification and 18950
investigation from any record made available to the general public 18951
on the internet or a publicly accessible database and the general 18952
tax list of real and public utility property and the general 18953
duplicate of real and public utility property and insert the 18954
initials of the peace officer, parole officer, prosecuting 18955
attorney, assistant prosecuting attorney, correctional employee, 18956
youth services employee, firefighter, ~~or~~ EMT, or investigator of 18957
the bureau of criminal identification and investigation on any 18958
record made available to the general public on the internet or a 18959
publicly accessible database and the general tax list of real and 18960
public utility property and the general duplicate of real and 18961
public utility property as the name of the peace ~~official~~ 18962
officer, parole officer, prosecuting attorney, assistant 18963
prosecuting attorney, correctional employee, youth services 18964
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 18965
criminal identification and investigation that appears on the 18966
deed. 18967

(2) Upon receiving a written request by affidavit described 18968
in division (B)(1) of this section, the county auditor shall act 18969
within five business days in accordance with the request to 18970
remove the name of the peace officer, parole officer, prosecuting 18971
attorney, assistant prosecuting attorney, correctional employee, 18972
youth services employee, firefighter, ~~or~~ EMT, or investigator of 18973

the bureau of criminal identification and investigation from any 18974
record made available to the general public on the internet or a 18975
publicly accessible database and the general tax list of real 18976
and public utility property and the general duplicate of real and 18977
public utility property and insert initials of the peace 18978
officer, parole officer, prosecuting attorney, assistant 18979
prosecuting attorney, correctional employee, youth services 18980
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 18981
criminal identification and investigation on any record made 18982
available to the general public on the internet or a publicly 18983
accessible database and the general tax list of real and public 18984
utility property and the general duplicate of real and public 18985
utility property, if practicable. If the removal and insertion 18986
is not practicable, the county auditor shall verbally or in 18987
writing within five business days after receiving the written 18988
request explain to the peace officer, parole officer, prosecuting 18989
attorney, assistant prosecuting attorney, correctional employee, 18990
youth services employee, firefighter, ~~or~~ EMT, or investigator of 18991
the bureau of criminal identification and investigation why the 18992
removal and insertion is impracticable. 18993

Sec. 319.301. (A) ~~This~~ The reductions required by division 18994
(D) of this section ~~does~~ do not apply to any of the following: 18995

(1) Taxes levied at whatever rate is required to produce a 18996
specified amount of tax money, including a tax levied under 18997
section 5705.199 or 5705.211 of the Revised Code, or an amount to 18998
pay debt charges; 18999

(2) Taxes levied within the one per cent limitation imposed 19000
by Section 2 of Article XII, Ohio Constitution; 19001

(3) Taxes provided for by the charter of a municipal 19002
corporation. 19003

(B) As used in this section: 19004

(1) "Real property" includes real property owned by a railroad.	19005 19006
(2) "Carryover property" means all real property on the current year's tax list except:	19007 19008
(a) Land and improvements that were not taxed by the district in both the preceding year and the current year;	19009 19010
(b) Land and improvements that were not in the same class in both the preceding year and the current year.	19011 19012
(3) "Effective tax rate" means with respect to each class of property:	19013 19014
(a) The sum of the total taxes that would have been charged and payable for current expenses against real property in that class if each of the district's taxes were reduced for the current year under division (D)(1) of this section without regard to the application of division (E)(3) of this section divided by	19015 19016 19017 19018 19019
(b) The taxable value of all real property in that class.	19020
(4) "Taxes charged and payable" means the taxes charged and payable prior to any reduction required by section 319.302 of the Revised Code.	19021 19022 19023
(C) The tax commissioner shall make the determinations required by this section each year, without regard to whether a taxing district has territory in a county to which section 5715.24 of the Revised Code applies for that year. Separate determinations shall be made for each of the two classes established pursuant to section 5713.041 of the Revised Code.	19024 19025 19026 19027 19028 19029
(D) With respect to each tax authorized to be levied by each taxing district, the tax commissioner, annually, shall do both of	19030 19031

the following: 19032

(1) Determine by what percentage, if any, the sums levied by 19033
such tax against the carryover property in each class would have 19034
to be reduced for the tax to levy the same number of dollars 19035
against such property in that class in the current year as were 19036
charged against such property by such tax in the preceding year 19037
subsequent to the reduction made under this section but before the 19038
reduction made under section 319.302 of the Revised Code. In the 19039
case of a tax levied for the first time that is not a renewal of 19040
an existing tax, the commissioner shall determine by what 19041
percentage the sums that would otherwise be levied by such tax 19042
against carryover property in each class would have to be reduced 19043
to equal the amount that would have been levied if the full rate 19044
thereof had been imposed against the total taxable value of such 19045
property in the preceding tax year. A tax or portion of a tax that 19046
is designated a replacement levy under section 5705.192 of the 19047
Revised Code is not a renewal of an existing tax for purposes of 19048
this division. 19049

(2) Certify each percentage determined in division (D)(1) of 19050
this section, as adjusted under division (E) of this section, and 19051
the class of property to which that percentage applies to the 19052
auditor of each county in which the district has territory. The 19053
auditor, after complying with section 319.30 of the Revised Code, 19054
shall reduce the sum to be levied by such tax against each parcel 19055
of real property in the district by the percentage so certified 19056
for its class. Certification shall be made by the first day of 19057
September except in the case of a tax levied for the first time, 19058
in which case certification shall be made within fifteen days of 19059
the date the county auditor submits the information necessary to 19060
make the required determination. 19061

(E)(1) As used in division (E)(2) of this section, "pre-1982 19062
joint vocational taxes" means, with respect to a class of 19063

property, the difference between the following amounts:	19064
(a) The taxes charged and payable in tax year 1981 against	19065
the property in that class for the current expenses of the joint	19066
vocational school district of which the school district is a part	19067
after making all reductions under this section;	19068
(b) The following percentage of the taxable value of all real	19069
property in that class:	19070
(i) In 1987, five one-hundredths of one per cent;	19071
(ii) In 1988, one-tenth of one per cent;	19072
(iii) In 1989, fifteen one-hundredths of one per cent;	19073
(iv) In 1990 and each subsequent year, two-tenths of one per	19074
cent.	19075
If the amount in division (E)(1)(b) of this section exceeds	19076
the amount in division (E)(1)(a) of this section, the pre-1982	19077
joint vocational taxes shall be zero.	19078
As used in divisions (E)(2) and (3) of this section, "taxes	19079
charged and payable" has the same meaning as in division (B)(4) of	19080
this section and excludes any tax charged and payable in 1985 or	19081
thereafter under sections 5705.194 to 5705.197 or section 5705.199	19082
~~or~~ 5705.213, <u>or 5705.219</u> of the Revised Code.	19083
(2) If in the case of a school district other than a joint	19084
vocational or cooperative education school district any percentage	19085
required to be used in division (D)(2) of this section for either	19086
class of property could cause the total taxes charged and payable	19087
for current expenses to be less than two per cent of the taxable	19088
value of all real property in that class that is subject to	19089
taxation by the district, the commissioner shall determine what	19090

percentages would cause the district's total taxes charged and
payable for current expenses against that class, after all
reductions that would otherwise be made under this section, to
equal, when combined with the pre-1982 joint vocational taxes
against that class, the lesser of the following:

(a) The sum of the rates at which those taxes are authorized
to be levied;

(b) Two per cent of the taxable value of the property in that
class. The auditor shall use such percentages in making the
reduction required by this section for that class.

(3)(a) If in the case of a joint vocational school district
any percentage required to be used in division (D)(2) of this
section for either class of property could cause the total taxes
charged and payable for current expenses for that class to be less
than the designated amount, the commissioner shall determine what
percentages would cause the district's total taxes charged and
payable for current expenses for that class, after all reductions
that would otherwise be made under this section, to equal the
designated amount. The auditor shall use such percentages in
making the reductions required by this section for that class.

(b) As used in division (E)(3)(a) of this section, the
designated amount shall equal the taxable value of all real
property in the class that is subject to taxation by the district
times the lesser of the following:

(i) Two-tenths of one per cent;

(ii) The district's effective rate plus the following
percentage for the year indicated:

WHEN COMPUTING THE	ADD THE FOLLOWING	19118
TAXES CHARGED FOR	PERCENTAGE:	19119

1987	0.025%	19120
1988	0.05%	19121
1989	0.075%	19122
1990	0.1%	19123
1991	0.125%	19124
1992	0.15%	19125
1993	0.175%	19126
1994 and thereafter	0.2%	19127

(F) No reduction shall be made under this section in the rate at which any tax is levied. 19128
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(G) The commissioner may order a county auditor to furnish any information the commissioner needs to make the determinations required under division (D) or (E) of this section, and the auditor shall supply the information in the form and by the date specified in the order. If the auditor fails to comply with an order issued under this division, except for good cause as determined by the commissioner, the commissioner shall withhold from such county or taxing district therein fifty per cent of state revenues to local governments pursuant to section 5747.50 of the Revised Code or shall direct the department of education to withhold therefrom fifty per cent of state revenues to school districts pursuant to ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code. The commissioner shall withhold the distribution of such revenues until the county auditor has complied with this division, and the department shall withhold the distribution of such revenues until the commissioner has notified the department that the county auditor has complied with this division. 19130
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(H) If the commissioner is unable to certify a tax reduction factor for either class of property in a taxing district located in more than one county by the last day of November because information required under division (G) of this section is unavailable, the commissioner may compute and certify an estimated 19147
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tax reduction factor for that district for that class. The 19152
estimated factor shall be based upon an estimate of the 19153
unavailable information. Upon receipt of the actual information 19154
for a taxing district that received an estimated tax reduction 19155
factor, the commissioner shall compute the actual tax reduction 19156
factor and use that factor to compute the taxes that should have 19157
been charged and payable against each parcel of property for the 19158
year for which the estimated reduction factor was used. The amount 19159
by which the estimated factor resulted in an overpayment or 19160
underpayment in taxes on any parcel shall be added to or 19161
subtracted from the amount due on that parcel in the ensuing tax 19162
year. 19163

A percentage or a tax reduction factor determined or computed 19164
by the commissioner under this section shall be used solely for 19165
the purpose of reducing the sums to be levied by the tax to which 19166
it applies for the year for which it was determined or computed. 19167
It shall not be used in making any tax computations for any 19168
ensuing tax year. 19169

(I) In making the determinations under division (D)(1) of 19170
this section, the tax commissioner shall take account of changes 19171
in the taxable value of carryover property resulting from 19172
complaints filed under section 5715.19 of the Revised Code for 19173
determinations made for the tax year in which such changes are 19174
reported to the commissioner. Such changes shall be reported to 19175
the commissioner on the first abstract of real property filed with 19176
the commissioner under section 5715.23 of the Revised Code 19177
following the date on which the complaint is finally determined by 19178
the board of revision or by a court or other authority with 19179
jurisdiction on appeal. The tax commissioner shall account for 19180
such changes in making the determinations only for the tax year in 19181
which the change in valuation is reported. Such a valuation change 19182
shall not be used to recompute the percentages determined under 19183
division (D)(1) of this section for any prior tax year. 19184

Sec. 319.302. (A)(1) Real property that is not intended 19185
primarily for use in a business activity shall qualify for a 19186
partial exemption from real property taxation. For purposes of 19187
this partial exemption, "business activity" includes all uses of 19188
real property, except farming; leasing property for farming; 19189
occupying or holding property improved with single-family, 19190
two-family, or three-family dwellings; leasing property improved 19191
with single-family, two-family, or three-family dwellings; or 19192
holding vacant land that the county auditor determines will be 19193
used for farming or to develop single-family, two-family, or 19194
three-family dwellings. For purposes of this partial exemption, 19195
"farming" does not include land used for the commercial production 19196
of timber that is receiving the tax benefit under section 5713.23 19197
or 5713.31 of the Revised Code and all improvements connected with 19198
such commercial production of timber. 19199

(2) Each year, the county auditor shall review each parcel of 19200
real property to determine whether it qualifies for the partial 19201
exemption provided for by this section as of the first day of 19202
January of the current tax year. 19203

(B) After complying with section 319.301 of the Revised Code, 19204
the county auditor shall reduce the remaining sums to be levied 19205
against each parcel of real property that is listed on the general 19206
tax list and duplicate of real and public utility property for the 19207
current tax year and that qualifies for partial exemption under 19208
division (A) of this section, and against each manufactured and 19209
mobile home that is taxed pursuant to division (D)(2) of section 19210
4503.06 of the Revised Code and that is on the manufactured home 19211
tax list for the current tax year, by ten per cent, to provide a 19212
partial exemption for that parcel or home. Except as otherwise 19213
provided in sections 323.152, 323.158, 505.06, and 715.263 of the 19214
Revised Code, the amount of the taxes remaining after any such 19215
reduction shall be the real and public utility property taxes 19216

charged and payable on each parcel of real property, including 19217
property that does not qualify for partial exemption under 19218
division (A) of this section, and the manufactured home tax 19219
charged and payable on each manufactured or mobile home, and shall 19220
be the amounts certified to the county treasurer for collection. 19221
Upon receipt of the real and public utility property tax 19222
duplicate, the treasurer shall certify to the tax commissioner the 19223
total amount by which the real property taxes were reduced under 19224
this section, as shown on the duplicate. Such reduction shall not 19225
directly or indirectly affect the determination of the principal 19226
amount of notes that may be issued in anticipation of any tax 19227
levies or the amount of bonds or notes for any planned 19228
improvements. If after application of sections 5705.31 and 5705.32 19229
of the Revised Code and other applicable provisions of law, 19230
including divisions (F) and (I) of section 321.24 of the Revised 19231
Code, there would be insufficient funds for payment of debt 19232
charges on bonds or notes payable from taxes reduced by this 19233
section, the reduction of taxes provided for in this section shall 19234
be adjusted to the extent necessary to provide funds from such 19235
taxes. 19236

(C) The tax commissioner may adopt rules governing the 19237
administration of the partial exemption provided for by this 19238
section. 19239

(D) The determination of whether property qualifies for 19240
partial exemption under division (A) of this section is solely for 19241
the purpose of allowing the partial exemption under division (B) 19242
of this section. 19243

Sec. 319.54. (A) On all moneys collected by the county 19244
treasurer on any tax duplicate of the county, other than estate 19245
tax duplicates, and on all moneys received as advance payments of 19246
personal property and classified property taxes, the county 19247
auditor, on settlement with the treasurer and tax commissioner, on 19248

or before the date prescribed by law for such settlement or any
lawful extension of such date, shall be allowed as compensation
for the county auditor's services the following percentages:

(1) On the first one hundred thousand dollars, two and
one-half per cent;

(2) On the next two million dollars, eight thousand three
hundred eighteen ten-thousandths of one per cent;

(3) On the next two million dollars, six thousand six hundred
fifty-five ten-thousandths of one per cent;

(4) On all further sums, one thousand six hundred sixty-three
ten-thousandths of one per cent.

If any settlement is not made on or before the date
prescribed by law for such settlement or any lawful extension of
such date, the aggregate compensation allowed to the auditor shall
be reduced one per cent for each day such settlement is delayed
after the prescribed date. No penalty shall apply if the auditor
and treasurer grant all requests for advances up to ninety per
cent of the settlement pursuant to section 321.34 of the Revised
Code. The compensation allowed in accordance with this section on
settlements made before the dates prescribed by law, or the
reduced compensation allowed in accordance with this section on
settlements made after the date prescribed by law or any lawful
extension of such date, shall be apportioned ratably by the
auditor and deducted from the shares or portions of the revenue
payable to the state as well as to the county, townships,
municipal corporations, and school districts.

(B) For the purpose of reimbursing county auditors for the
expenses associated with the increased number of applications for
reductions in real property taxes under sections 323.152 and
4503.065 of the Revised Code that ~~results~~result from the

amendment of those sections by Am. Sub. H.B. 119 of the 127th
general assembly, ~~on the first day of August of each year~~ there
shall be paid from the state's general revenue fund to the county
treasury, to the credit of the real estate assessment fund
created by section 325.31 of the Revised Code, an amount equal to
one per cent of the total annual amount of property tax relief
reimbursement paid to that county under sections 323.156 and
4503.068 of the Revised Code for the preceding tax year. Payments
made under this division shall be made at the same times and in
the same manner as payments made under section 323.156 of the
Revised Code.

(C) From all moneys collected by the county treasurer on any
tax duplicate of the county, other than estate tax duplicates, and
on all moneys received as advance payments of personal property
and classified property taxes, there shall be paid into the county
treasury to the credit of the real estate assessment fund created
by section 325.31 of the Revised Code, an amount to be determined
by the county auditor, which shall not exceed the percentages
prescribed in divisions (C)(1) and (2) of this section.

(1) For payments made after June 30, 2007, and before 2011,
the following percentages:

(a) On the first five hundred thousand dollars, four per
cent;

(b) On the next five million dollars, two per cent;

(c) On the next five million dollars, one per cent;

(d) On all further sums not exceeding one hundred fifty
million dollars, three-quarters of one per cent;

(e) On amounts exceeding one hundred fifty million dollars,
five hundred eighty-five thousandths of one per cent.

(2) For payments made in or after 2011, the following percentages: 19308
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(a) On the first five hundred thousand dollars, four per cent; 19310
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(b) On the next ten million dollars, two per cent; 19312

(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent. 19313
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Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts. 19315
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(D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate. 19319
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(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement semiannually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages: 19323
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(1) Four per cent on the first one hundred thousand dollars; 19328

(2) One-half of one per cent on all additional sums. 19329

Such percentages shall be computed upon the amount collected and reported at each semiannual settlement, and shall be for the use of the general fund of the county. 19330
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(F) On all cigarette license moneys collected by the county 19333

treasurer, the county auditor, on settlement semiannually with the 19334
treasurer, shall be allowed as compensation for the auditor's 19335
services in the issuing of such licenses one-half of one per cent 19336
of such moneys, to be apportioned ratably and deducted from the 19337
shares of the revenue payable to the county and subdivisions, for 19338
the use of the general fund of the county. 19339

(G) The county auditor shall charge and receive fees as 19340
follows: 19341

(1) For deeds of land sold for taxes to be paid by the 19342
purchaser, five dollars; 19343

(2) For the transfer or entry of land, lot, or part of lot, 19344
or the transfer or entry on or after January 1, 2000, of a used 19345
manufactured home or mobile home as defined in section 5739.0210 19346
of the Revised Code, fifty cents for each transfer or entry, to be 19347
paid by the person requiring it; 19348

(3) For receiving statements of value and administering 19349
section 319.202 of the Revised Code, one dollar, or ten cents for 19350
each one hundred dollars or fraction of one hundred dollars, 19351
whichever is greater, of the value of the real property 19352
transferred or, for sales occurring on or after January 1, 2000, 19353
the value of the used manufactured home or used mobile home, as 19354
defined in section 5739.0210 of the Revised Code, transferred, 19355
except no fee shall be charged when the transfer is made: 19356

(a) To or from the United States, this state, or any 19357
instrumentality, agency, or political subdivision of the United 19358
States or this state; 19359

(b) Solely in order to provide or release security for a debt 19360
or obligation; 19361

(c) To confirm or correct a deed previously executed and 19362

recorded or when a current owner on any record made available to 19363
the general public on the internet or a publicly accessible 19364
database and the general tax list of real and public utility 19365
property and the general duplicate of real and public utility 19366
property is a peace officer, parole officer, prosecuting 19367
attorney, assistant prosecuting attorney, correctional employee, 19368
youth services employee, firefighter, ~~or~~ EMT, or investigator 19369
of the bureau of criminal identification and investigation and is 19370
changing the current owner name listed on any record made 19371
available to the general public on the internet or a publicly 19372
accessible database and the general tax list of real and public 19373
utility property and the general duplicate of real and public 19374
utility property to the initials of the current owner as 19375
prescribed in division (B)(1) of section 319.28 of the Revised 19376
Code; 19377

(d) To evidence a gift, in trust or otherwise and whether 19378
revocable or irrevocable, between husband and wife, or parent and 19379
child or the spouse of either; 19380

(e) On sale for delinquent taxes or assessments; 19381

(f) Pursuant to court order, to the extent that such transfer 19382
is not the result of a sale effected or completed pursuant to such 19383
order; 19384

(g) Pursuant to a reorganization of corporations or 19385
unincorporated associations or pursuant to the dissolution of a 19386
corporation, to the extent that the corporation conveys the 19387
property to a stockholder as a distribution in kind of the 19388
corporation's assets in exchange for the stockholder's shares in 19389
the dissolved corporation; 19390

(h) By a subsidiary corporation to its parent corporation for 19391
no consideration, nominal consideration, or in sole consideration 19392
of the cancellation or surrender of the subsidiary's stock; 19393

(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;	19394 19395
(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars;	19396 19397 19398
(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home;	19399 19400 19401 19402 19403 19404
(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others;	19405 19406 19407 19408
(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift;	19409 19410 19411 19412
(n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code;	19413 19414 19415 19416 19417 19418 19419 19420 19421
(o) To a trustee acting on behalf of minor children of the	19422

deceased;	19423
(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;	19424 19425
(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;	19426 19427
(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;	19428 19429 19430 19431 19432
(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;	19433 19434 19435 19436
(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;	19437 19438
(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;	19439 19440 19441 19442
(v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions which became irrevocable at the death of the grantor;	19443 19444 19445 19446
(w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code;	19447 19448
(x) Between persons pursuant to section 5302.18 of the	19449

Revised Code;	19450
(y) From a county land reutilization corporation organized	19451
under Chapter 1724. of the Revised Code to a third party.	19452
The auditor shall compute and collect the fee. The auditor	19453
shall maintain a numbered receipt system, as prescribed by the tax	19454
commissioner, and use such receipt system to provide a receipt to	19455
each person paying a fee. The auditor shall deposit the receipts	19456
of the fees on conveyances in the county treasury daily to the	19457
credit of the general fund of the county, except that fees	19458
charged and received under division (G)(3) of this section for a	19459
transfer of real property to a county land reutilization	19460
corporation shall be credited to the county land reutilization	19461
corporation fund established under section 321.263 of the	19462
Revised Code.	19463
The real property transfer fee provided for in division	19464
(G)(3) of this section shall be applicable to any conveyance of	19465
real property presented to the auditor on or after January 1,	19466
1968, regardless of its time of execution or delivery.	19467
The transfer fee for a used manufactured home or used mobile	19468
home shall be computed by and paid to the county auditor of the	19469
county in which the home is located immediately prior to the	19470
transfer.	19471
Sec. 321.24. (A) On or before the fifteenth day of February,	19472
in each year, the county treasurer shall settle with the county	19473
auditor for all taxes and assessments that the treasurer has	19474
collected on the general duplicate of real and public utility	19475
property at the time of making the settlement.	19476
(B) On or before the thirtieth day of June, in each year, the	19477
treasurer shall settle with the auditor for all advance payments	19478
of general personal and classified property taxes that the	19479

treasurer has received at the time of making the settlement. 19480

(C) On or before the tenth day of August, in each year, the 19481
treasurer shall settle with the auditor for all taxes and 19482
assessments that the treasurer has collected on the general 19483
duplicates of real and public utility property at the time of 19484
making such settlement, not included in the preceding February 19485
settlement. 19486

(D) On or before the thirty-first day of October, in each 19487
year, the treasurer shall settle with the auditor for all taxes 19488
that the treasurer has collected on the general personal and 19489
classified property duplicates, and for all advance payments of 19490
general personal and classified property taxes, not included in 19491
the preceding June settlement, that the treasurer has received at 19492
the time of making such settlement. 19493

(E) In the event the time for the payment of taxes is 19494
extended, pursuant to section 323.17 of the Revised Code, the date 19495
on or before which settlement for the taxes so extended must be 19496
made, as herein prescribed, shall be deemed to be extended for a 19497
like period of time. At each such settlement, the auditor shall 19498
allow to the treasurer, on the moneys received or collected and 19499
accounted for by the treasurer, the treasurer's fees, at the rate 19500
or percentage allowed by law, at a full settlement of the 19501
treasurer. 19502

(F) Within thirty days after the day of each settlement of 19503
taxes required under divisions (A) and (C) of this section, the 19504
treasurer shall certify to the tax commissioner any adjustments 19505
that have been made to the amount certified previously pursuant to 19506
section 319.302 of the Revised Code and that the settlement has 19507
been completed. Upon receipt of such certification, the 19508
commissioner shall provide for payment to the county treasurer 19509
from the general revenue fund of an amount equal to one-half of 19510
the amount certified by the treasurer in the preceding tax year 19511

under section 319.302 of the Revised Code, less one-half of the
amount computed for all taxing districts in that county for the
current fiscal year under section 5703.80 of the Revised Code for
crediting to the property tax administration fund. Such payment
shall be credited upon receipt to the county's undivided income
tax fund, and the county auditor shall transfer to the county
general fund from the amount thereof the total amount of all fees
and charges which the auditor and treasurer would have been
authorized to receive had such section not been in effect and that
amount had been levied and collected as taxes. The county auditor
shall distribute the amount remaining among the various taxing
districts in the county as if it had been levied, collected, and
settled as real property taxes. The amount distributed to each
taxing district shall be reduced by the total of the amounts
computed for the district under section 5703.80 of the Revised
Code, but the reduction shall not exceed the amount that otherwise
would be distributed to the taxing district under this division.
The tax commissioner shall make available to taxing districts such
information as is sufficient for a taxing district to be able to
determine the amount of the reduction in its distribution under
this section.

(G)(1) Within thirty days after the day of the settlement
required in division (D) of this section, the county treasurer
shall notify the tax commissioner that the settlement has been
completed. Upon receipt of that notification, the commissioner
shall provide for payment to the county treasurer from the general
revenue fund of an amount equal to the amount certified under
former section 319.311 of the Revised Code and paid in the state's
fiscal year 2003 multiplied by the percentage specified in
division (G)(2) of this section. The payment shall be credited
upon receipt to the county's undivided income tax fund, and the
county auditor shall distribute the amount thereof among the
various taxing districts of the county as if it had been levied,
collected, and settled as personal property taxes. The amount

received by a taxing district under this division shall be 19546
apportioned among its funds in the same proportion as the current 19547
year's personal property taxes are apportioned. 19548

(2) Payments required under division (G)(1) of this section 19549
shall be made at the following percentages of the amount certified 19550
under former section 319.311 of the Revised Code and paid under 19551
division (G)(1) of this section in the state's fiscal year 2003: 19552

(a) In fiscal year 2004, ninety per cent; 19553

(b) In fiscal year 2005, eighty per cent; 19554

(c) In fiscal year 2006, sixty-four per cent; 19555

(d) In fiscal year 2007, forty per cent; 19556

(e) In fiscal year 2008, thirty-two per cent; 19557

(f) In fiscal year 2009, sixteen per cent. 19558

After fiscal year 2009, no payments shall be made under 19559
division (G)(1) of this section. 19560

(H)(1) On or before the fifteenth day of April each year, the 19561
county treasurer shall settle with the county auditor for all 19562
manufactured home taxes that the county treasurer has collected on 19563
the manufactured home tax duplicate at the time of making the 19564
settlement. 19565

(2) On or before the fifteenth day of September each year, 19566
the county treasurer shall settle with the county auditor for all 19567
remaining manufactured home taxes that the county treasurer has 19568
collected on the manufactured home tax duplicate at the time of 19569
making the settlement. 19570

(3) If the time for payment of such taxes is extended under 19571

section 4503.06 of the Revised Code, the time for making the
settlement as prescribed by divisions (H)(1) and (2) of this
section is extended for a like period of time.

(I) ~~Within thirty days after the day of each settlement of~~
~~taxes required under division (H) of this section~~ On or before the
second Monday in September of each year, the county treasurer
shall certify to the tax commissioner ~~any adjustments that have~~
~~been made to the amount certified previously~~ the total amount by
which the manufactured home taxes levied in that year were reduced
pursuant to section 319.302 of the Revised Code ~~and that the~~
~~settlement has been completed. Upon~~ Within ninety days after the
receipt of such certification, the commissioner shall provide for
payment to the county treasurer from the general revenue fund of
an amount equal to ~~one-half of the amount certified by the~~
~~treasurer in the current tax year under section 319.302 of the~~
~~Revised Code~~. Such payment shall be credited upon receipt to the
county's undivided income tax fund, and the county auditor shall
transfer to the county general fund from the amount thereof the
total amount of all fees and charges that the auditor and
treasurer would have been authorized to receive had such section
not been in effect and that amount had been levied and collected
as manufactured home taxes. The county auditor shall distribute
the amount remaining among the various taxing districts in the
county as if it had been levied, collected, and settled as
manufactured home taxes.

Sec. 321.261. (A) Five per cent of all delinquent real
property, personal property, and manufactured and mobile home
taxes and assessments collected by the county treasurer shall be
deposited in the delinquent tax and assessment collection fund,
which shall be created in the county treasury. Except as
otherwise provided in division (D) of this section, the moneys in
the fund, one-half of which shall be appropriated by the board of
county commissioners to the treasurer and one-half of which shall

be appropriated to the county prosecuting attorney, shall be used 19605
only for the following purposes: 19606

(1) By the county treasurer and the county prosecuting 19607
attorney in connection with the collection of delinquent real 19608
property, personal property, and manufactured and mobile home 19609
taxes and assessments including proceedings related to foreclosure 19610
of the state's lien for such taxes against such property; 19611

(2) With respect to any portion of the amount appropriated to 19612
the county treasurer for the benefit of the county land 19613
reutilization corporation organized under Chapter 1724. of the 19614
Revised Code, whether by transfer to or other application on 19615
behalf of, the county land reutilization corporation. Upon the 19616
deposit of amounts in the delinquent tax and assessment collection 19617
fund of the county, any amounts allocated at the direction of the 19618
treasurer to the support of the county land reutilization 19619
corporation shall be paid out of such fund to the corporation upon 19620
a warrant of the county auditor. 19621

(B) During the period of time that a county land 19622
reutilization corporation is functioning as such on behalf of a 19623
county, the board of county commissioners, upon the request of 19624
the county treasurer, may designate by resolution that an 19625
additional amount, not exceeding five per cent of all 19626
collections of delinquent real property, personal property, and 19627
manufactured and mobile home taxes and assessments, shall be 19628
deposited in the delinquent tax and assessment collection fund 19629
and be available for appropriation by the board for the use of 19630
the corporation. Any such amounts so deposited and appropriated 19631
under this division shall be paid out of the delinquent tax and 19632
assessment collection fund to the corporation upon a warrant of 19633
the county auditor. 19634

(C) Annually by the first day of December, the treasurer and 19635
the prosecuting attorney each shall submit a report to the board 19636

regarding the use of the moneys appropriated to their respective
offices from the delinquent tax and assessment collection fund.
Each report shall specify the amount appropriated to the office
during the current calendar year, an estimate of the amount so
appropriated that will be expended by the end of the year, a
summary of how the amount appropriated has been expended in
connection with delinquent tax collection activities or land
reutilization, and an estimate of the amount that will be credited
to the fund during the ensuing calendar year.

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The annual report of a county land reutilization corporation
required by section 1724.05 of the Revised Code shall include
information regarding the amount and use of the moneys that the
corporation received from the delinquent tax and assessment
collection fund of the county.

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(C)(D)(1) In any county, if the county treasurer or
prosecuting attorney determines that the amount appropriated to
the office from the county's delinquent tax and assessment
collection fund under division (A) of this section exceeds the
amount required to be used as prescribed by that division, the
county treasurer or prosecuting attorney may expend the excess to
prevent residential mortgage foreclosures in the county and to
address problems associated with other foreclosed real property.
The amount used for that purpose in any year may not exceed the
amount that would cause the fund to have a reserve of less than
twenty per cent of the amount expended in the preceding year for
the purposes of division (A) of this section. The county
treasurer or prosecuting attorney may not expend any money from
the fund for the purpose of land reutilization unless the county
treasurer or prosecuting attorney obtains the approval of the
county investment advisory committee established under section
135.341 of the Revised Code.

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Money authorized to be expended under division (D)(1) of this

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section shall be used to provide financial assistance in the form 19669
of loans to borrowers in default on their home mortgages, 19670
including for the payment of late fees, to clear arrearage 19671
balances, and to augment moneys used in the county's foreclosure 19672
prevention program. The money also may be used to assist municipal 19673
corporations or townships in the county, upon their application to 19674
the county treasurer, prosecuting attorney, or the county 19675
department of development, in the nuisance abatement of 19676
deteriorated residential buildings in foreclosure, or vacant, 19677
abandoned, tax-delinquent, or blighted real property, including 19678
paying the costs of boarding up such buildings, lot maintenance, 19679
and demolition. 19680

(2) In a county having a population of more than one hundred 19681
thousand according to the department of development's 2006 census 19682
estimate, if the county treasurer or prosecuting attorney 19683
determines that the amount appropriated to the office from the 19684
county's delinquent tax and assessment collection fund under 19685
division (A) of this section exceeds the amount required to be 19686
used as prescribed by that division, the county treasurer or 19687
prosecuting attorney may expend the excess to assist townships or 19688
municipal corporations located in the county as provided in ~~this~~ 19689
division (D)(2) of this section, provided that the combined amount 19690
so expended each year in a county shall not exceed three million 19691
dollars. Upon application for the funds by a township or 19692
municipal corporation, the county treasurer and prosecuting 19693
attorney may assist the township or municipal corporation in 19694
abating foreclosed residential nuisances, including paying the 19695
costs of securing such buildings, lot maintenance, and 19696
demolition. At the prosecuting attorney's discretion, the 19697
prosecuting attorney also may apply the funds to costs of 19698
prosecuting alleged violations of criminal and civil laws 19699
governing real estate and related transactions, including 19700
fraud and abuse. 19701

Sec. 323.01. Except as otherwise provided, as used in	19702
Chapter 323. of the Revised Code:	19703
(A) "Subdivision" means any county, township, school	19704
district, or municipal corporation.	19705
(B) "Municipal corporation" includes charter municipalities.	19706
(C) "Taxes" means the total amount of all charges against an	19707
entry appearing on a tax list and the duplicate thereof that was	19708
prepared and certified in accordance with section 319.28 of the	19709
Revised Code, including taxes levied against real estate; taxes on	19710
property whose value is certified pursuant to section 5727.23 of	19711
the Revised Code; recoupment charges applied pursuant to section	19712
5713.35 of the Revised Code; all assessments; penalties and	19713
interest charged pursuant to section 323.121 of the Revised Code;	19714
charges added pursuant to section 319.35 of the Revised Code; and	19715
all of such charges which remain unpaid from any previous tax	19716
year.	19717
(D) "Current taxes" means all taxes charged against an entry	19718
on the general tax list and duplicate of real and public utility	19719
property that have not appeared on such list and duplicate for any	19720
prior tax year and any penalty thereon charged by division (A) of	19721
section 323.121 of the Revised Code. Current taxes, whether or not	19722
they have been certified delinquent, become delinquent taxes if	19723
they remain unpaid after the last day prescribed for payment of	19724
the second installment of current taxes without penalty.	19725
(E) "Delinquent taxes" means:	19726
(1) Any taxes charged against an entry on the general tax	19727
list and duplicate of real and public utility property that were	19728
charged against an entry on such list and duplicate for a prior	19729
tax year and any penalties and interest charged against such	19730
taxes.	19731

(2) Any current taxes charged on the general tax list and duplicate of real and public utility property that remain unpaid after the last day prescribed for payment of the second installment of such taxes without penalty, whether or not they have been certified delinquent, and any penalties and interest charged against such taxes.

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(F) "Current tax year" means, with respect to particular taxes, the calendar year in which the first installment of taxes is due prior to any extension granted under section 323.17 of the Revised Code.

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(G) "Liquidated claim" means:

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(1) Any sum of money due and payable, upon a written contractual obligation executed between the subdivision and the taxpayer, but excluding any amount due on general and special assessment bonds and notes;

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(2) Any sum of money due and payable, for disability financial assistance ~~or disability medical assistance~~ provided under Chapter 5115. of the Revised Code that is furnished to or in behalf of a subdivision, provided that such claim is recognized by a resolution or ordinance of the legislative body of such subdivision;

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(3) Any sum of money advanced and paid to or received and used by a subdivision, pursuant to a resolution or ordinance of such subdivision or its predecessor in interest, and the moral obligation to repay which sum, when in funds, shall be recognized by resolution or ordinance by the subdivision.

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Sec. 323.121. (A)(1) Except as otherwise provided in division (A)(2) of this section, if one-half of the current taxes charged against an entry of real estate together with the full

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amount of any delinquent taxes are not paid on or before the 19761
thirty-first day of December in that year or on or before the last 19762
day for payment as extended pursuant to section 323.17 of the 19763
Revised Code, a penalty of ten per cent shall be charged against 19764
the unpaid balance of such half of the current taxes on the 19765
duplicate. If the total amount of all the taxes is not paid on or 19766
before the twentieth day of June, next thereafter, or on or before 19767
the last day for payment as extended pursuant to section 323.17 of 19768
the Revised Code, a like penalty shall be charged on the balance 19769
of the total amount of such unpaid current taxes. 19770

(2) After a valid delinquent or omitted tax contract that 19771
includes unpaid current taxes from a first-half collection period 19772
described in section 323.12 of the Revised Code has been entered 19773
into under section 323.31 or 5713.20 of the Revised Code, no ten 19774
per cent penalty shall be charged against such taxes after the 19775
second-half collection period while the delinquent or omitted tax 19776
contract remains in effect. On the day a delinquent or omitted tax 19777
contract becomes void, the ten per cent penalty shall be charged 19778
against such taxes and shall equal the amount of penalty that 19779
would have been charged against unpaid current taxes outstanding 19780
on the date on which the second-half penalty would have been 19781
charged thereon under division (A)(1) of this section if the 19782
contract had not been in effect. 19783

(B)(1) On the first day of the month following the last day 19784
the second installment of taxes may be paid without penalty, 19785
interest shall be charged against and computed on all delinquent 19786
taxes other than the current taxes that became delinquent taxes at 19787
the close of the last day such second installment could be paid 19788
without penalty. The charge shall be for interest that accrued 19789
during the period that began on the preceding first day of 19790
December and ended on the last day of the month that included the 19791
last date such second installment could be paid without penalty. 19792
The interest shall be computed at the rate per annum prescribed by 19793

section 5703.47 of the Revised Code and shall be entered as a
separate item on the tax list and duplicate compiled under section
319.28 or 5721.011 of the Revised Code, whichever list and
duplicate are first compiled after the date on which the interest
is computed and charged. However, for tracts and lots on the real
property tax suspension list under section 319.48 of the Revised
Code, the interest shall not be entered on the tax list and
duplicate compiled under section 319.28 of the Revised Code, but
shall be entered on the first tax list and duplicate compiled
under section 5721.011 of the Revised Code after the date on which
the interest is computed and charged.

(2) In a county on behalf of which a county land
reutilization corporation has been organized under Chapter 1724.
of the Revised Code, ~~on~~upon the written order of the county
treasurer, interest shall be charged against and computed on
delinquent taxes as provided in division (B)(2)(a) or (b) of this
section, as prescribed in the order:

(a) In the manner provided under divisions (B)(1) and (B)(3)
of this section, except that the interest shall be computed at the
rate of twelve per cent per annum; or

(b) On the first day of the first month following the month
in which interest otherwise would be charged in accordance with
division (B)(1) of this section as specified in the order, and
each subsequent month, interest shall be charged against and
computed on all delinquent taxes remaining delinquent on the last
day of the preceding month at a rate of one per cent per month.
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The county treasurer shall file a copy of the order directing
the rate and manner of charging interest under this division with
the county treasurer and the tax commissioner. If interest is
charged under division (B)(2) of this section, interest shall not
be charged under division (B)(1) or (3) of this section.

(3) On the first day of December, the interest shall be charged against and computed on all delinquent taxes. The charge shall be for interest that accrued during the period that began on the first day of the month following the last date prescribed for the payment of the second installment of taxes in the current year and ended on the immediately preceding last day of November. The interest shall be computed at the rate per annum prescribed by section 5703.47 of the Revised Code and shall be entered as a separate item on the tax list and duplicate compiled under section 319.28 or 5721.011 of the Revised Code, whichever list and duplicate are first compiled after the date on which the interest is computed and charged. However, for tracts and lots on the real property tax suspension list under section 319.48 of the Revised Code, the interest shall not be entered on the tax list and duplicate compiled under section 319.28 of the Revised Code, but shall be entered on the first tax list and duplicate compiled under section 5721.011 of the Revised Code after the date on which the interest is computed and charged.

(4) After a valid delinquent tax contract has been entered into for the payment of any delinquent taxes, no interest shall be charged against such delinquent taxes while the delinquent tax contract remains in effect in compliance with section 323.31 of the Revised Code. If a valid delinquent tax contract becomes void, interest shall be charged against the delinquent taxes for the periods that interest was not permitted to be charged while the delinquent tax contract was in effect. The interest shall be charged on the day the delinquent tax contract becomes void and shall equal the amount of interest that would have been charged against the unpaid delinquent taxes outstanding on the dates on which interest would have been charged thereon under divisions (B)(1), (2), and (3) of this section had the delinquent tax contract not been in effect.

(C) If the full amount of the taxes due at either of the
times prescribed by division (A) of this section is paid within
ten days after such time, the county treasurer shall waive the
collection of and the county auditor shall remit one-half of the
penalty provided for in that division for failure to make that
payment by the prescribed time.

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(D) The county treasurer shall compile and deliver to the
county auditor a list of all tax payments the treasurer has
received as provided in division (C) of this section. The list
shall include any information required by the auditor for the
remission of the penalties waived by the treasurer. The taxes so
collected shall be included in the settlement next succeeding the
settlement then in process.

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Sec. 323.156. (A) Within thirty days after a settlement of
taxes under divisions (A);and (C),~~and (H)~~ of section 321.24 of
the Revised Code, the county treasurer shall certify to the tax
commissioner one-half of the total amount of taxes on real
property that were reduced pursuant to section 323.152 of the
Revised Code for the preceding tax year,~~and one-half of the total
amount of taxes on manufactured and mobile homes that were reduced
pursuant to division (B) of section 323.152 of the Revised Code
for the current tax year.~~ The commissioner, within thirty days of
the receipt of such certifications, shall provide for payment to
the county treasurer, from the general revenue fund, of the amount
certified, which shall be credited upon receipt to the county's
undivided income tax fund, and an amount equal to two per cent of
the amount by which taxes were reduced, which shall be credited
upon receipt to the county general fund as a payment, in addition
to the fees and charges authorized by sections 319.54 and 321.26
of the Revised Code, to the county auditor and treasurer for the
costs of administering the exemption provided under sections
323.151 to 323.159 of the Revised Code.

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(B) On or before the second Monday in September of each year, 19890
the county treasurer shall certify to the tax commissioner the 19891
total amount by which the manufactured home taxes levied in that 19892
year were reduced pursuant to division (B) of section 323.152 of 19893
the Revised Code, as evidenced by the certificates of reduction 19894
and the tax duplicate certified to the county treasurer by the 19895
county auditor. The commissioner, within ninety days after the 19896
receipt of such certifications, shall provide for payment to the 19897
county treasurer, from the general revenue fund, of the amount 19898
certified, which shall be credited upon receipt to the county's 19899
undivided income tax fund, and an amount equal to two per cent of 19900
the amount by which taxes were reduced, which shall be credited 19901
upon receipt to the county general fund as a payment, in addition 19902
to the fees and charges authorized by sections 319.54 and 321.26 19903
of the Revised Code, to the county auditor and treasurer for the 19904
costs of administering the exemption provided under sections 19905
323.151 to 323.159 of the Revised Code. 19906

(C) Immediately upon receipt of funds into the county 19907
undivided income tax fund under this section, the auditor shall 19908
distribute the full amount thereof among the taxing districts in 19909
the county as though the total had been paid as taxes by each 19910
person for whom taxes were reduced under sections 323.151 to 19911
323.159 of the Revised Code. 19912

Sec. 323.73. (A) Except as provided in division (G) of this 19913
section or section 323.78 of the Revised Code, a parcel of 19914
abandoned land that is to be disposed of under this section shall 19915
be disposed of at a public auction scheduled and conducted as 19916
described in this section. At least twenty-one days prior to the 19917
date of the public auction, the clerk of court or sheriff of the 19918
county shall advertise the public auction in a newspaper of 19919
general circulation in the county in which the land is located. 19920
The advertisement shall include the date, time, and place of the 19921
auction, the permanent parcel number of the land if a permanent 19922

parcel number system is in effect in the county as provided in
section 319.28 of the Revised Code or, if a permanent parcel
number system is not in effect, any other means of identifying
the parcel, and a notice stating that the abandoned land is to
be sold subject to the terms of sections 323.65 to 323.79 of the
Revised Code.

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(B) The sheriff of the county or a designee of the sheriff
shall conduct the public auction at which the abandoned land will
be offered for sale. To qualify as a bidder, a person shall file
with the sheriff on a form provided by the sheriff a written
acknowledgment that the abandoned land being offered for sale is
to be conveyed in fee simple to the successful bidder. At the
auction, the sheriff of the county or a designee of the sheriff
shall begin the bidding at an amount equal to the total of the
impositions against the abandoned land, plus the costs apportioned
to the land under section 323.75 of the Revised Code. The
abandoned land shall be sold to the highest bidder. The county
sheriff or designee may reject any and all bids not meeting the
minimum bid requirements specified in this division.

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(C) Except as otherwise permitted under section 323.74 of the
Revised Code, the successful bidder at a public auction conducted
under this section shall pay the sheriff of the county or a
designee of the sheriff a deposit of at least ten per cent of the
purchase price in cash, or by bank draft or official bank check,
at the time of the public auction, and shall pay the balance of
the purchase price within thirty days after the day on which the
auction was held. Notwithstanding section 321.261 of the Revised
Code, with respect to any proceedings initiated pursuant to
sections 323.65 to 323.79 of the Revised Code, from the total
proceeds arising from the sale, transfer, or redemption of
abandoned land, twenty per cent of such proceeds shall be
deposited to the credit of the delinquent tax and assessment
collection fund to reimburse the fund for costs paid from the

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fund for the transfer, redemption, or sale of abandoned land at	19956
public auction. Not more than one-half of the twenty per cent may	19957
be used by the treasurer for community development, nuisance	19958
abatement, foreclosure prevention, demolition, and related	19959
services or distributed by the treasurer to a land reutilization	19960
corporation. The balance of the proceeds, if any, shall be	19961
distributed to the appropriate political subdivisions and other	19962
taxing units in proportion to their respective claims for	19963
taxes, assessments, interest, and penalties on the land. Upon	19964
the sale of foreclosed lands, the clerk of court shall hold any	19965
surplus proceeds in excess of the impositions until the clerk	19966
receives an order of priority and amount of distribution of the	19967
surplus that are adjudicated by a court of competent	19968
jurisdiction or receives a certified copy of an agreement between	19969
the parties entitled to a share of the surplus providing for the	19970
priority and distribution of the surplus. Any party to the action	19971
claiming a right to distribution of surplus shall have a	19972
separate cause of action in the county or municipal court of the	19973
jurisdiction in which the land reposes, provided the board	19974
confirms the transfer or regularity of the sale. Any dispute over	19975
the distribution of the surplus shall not affect or revive the	19976
equity of redemption after the board confirms the transfer or	19977
sale.	19978

(D) Upon the sale or transfer of abandoned land pursuant to	19979
this section, the owner's fee simple interest in the land shall	19980
be conveyed to the purchaser. A conveyance under this division is	19981
free and clear of any liens and encumbrances of the parties named	19982
in the complaint for foreclosure attaching before the sale or	19983
transfer, and free and clear of any liens for taxes, except for	19984
federal tax liens and covenants and easements of record attaching	19985
before the sale.	19986

(E) The county board of revision shall reject the sale of	19987
abandoned land to any person if it is shown by a preponderance of	19988

the evidence that the person is delinquent in the payment of taxes	19989
levied by or pursuant to Chapter 307., 322., 324., 5737., 5739.,	19990
5741., or 5743. of the Revised Code or any real property taxing	19991
provision of the Revised Code. The board also shall reject the	19992
sale of abandoned land to any person if it is shown by a	19993
preponderance of the evidence that the person is delinquent in the	19994
payment of property taxes on any parcel in the county, or to a	19995
member of any of the following classes of parties connected to	19996
that person:	19997
(1) A member of that person's immediate family;	19998
(2) Any other person with a power of attorney appointed by	19999
that person;	20000
(3) A sole proprietorship owned by that person or a member of	20001
that person's immediate family;	20002
(4) A partnership, trust, business trust, corporation,	20003
association, or other entity in which that person or a member of	20004
that person's immediate family owns or controls directly or	20005
indirectly any beneficial or legal interest.	20006
(F) If the purchase of abandoned land sold pursuant to this	20007
section or section 323.74 of the Revised Code is for less than the	20008
sum of the impositions against the abandoned land and the costs	20009
apportioned to the land under division (A) of section 323.75 of	20010
the Revised Code, then, upon the sale or transfer, all liens for	20011
taxes due at the time the deed of the property is conveyed to the	20012
purchaser following the sale or transfer, and liens subordinate	20013
to liens for taxes, shall be deemed satisfied and discharged.	20014
(G) If the county board of revision finds that the total of	20015
the impositions against the abandoned land are greater than the	20016
fair market value of the abandoned land as determined by the	20017
auditor's then-current valuation of that land, the board, at any	20018

final hearing under section 323.70 of the Revised Code, may order 20019
the property foreclosed and, without an appraisal or public 20020
auction, order the sheriff to execute a deed to the certificate 20021
holder or county land reutilization corporation that filed a 20022
complaint under section 323.69 of the Revised Code, or to a 20023
community development organization, school district, municipal 20024
corporation, county, or township, whichever is applicable, as 20025
provided in section 323.74 of the Revised Code, ~~except that no~~ 20026
~~deed shall be transferred to a county land reutilization~~ 20027
~~corporation after two years following the filing of its articles~~ 20028
~~of incorporation by the secretary of state.~~ Upon a transfer under 20029
this division, all liens for taxes due at the time the deed of 20030
the property is transferred to the certificate holder, community 20031
development organization, school district, municipal 20032
corporation, county, or township following the conveyance, and 20033
liens subordinate to liens for taxes, shall be deemed satisfied 20034
and discharged. 20035

Sec. 323.74. (A) If a public auction is held for abandoned 20036
land pursuant to section 323.73 of the Revised Code, but the land 20037
is not sold at the public auction, the county board of revision 20038
may order the disposition of the abandoned land in accordance with 20039
division (B) or (C) of this section. 20040

(B) The abandoned land offered for sale at a public auction 20041
as described in section 323.73 of the Revised Code, but not sold 20042
at the auction, may be offered for sale in any usual and 20043
customary manner by the sheriff as otherwise provided by law. The 20044
subsequent public auction may be held in the same manner as the 20045
public auction was held under section 323.73 of the Revised Code, 20046
but the minimum bid at an auction held under this division shall 20047
be the lesser of fifty per cent of fair market value of the 20048
abandoned land as currently shown by the county auditor's latest 20049
valuation, or the sum of the impositions against the abandoned 20050
land plus the costs apportioned to the land under section 323.75 20051

of the Revised Code. Notice of any subsequent sale pursuant to 20052
this section may be given in the original notice of sale listing 20053
the time, date, and place of the subsequent sale. 20054

(C) Upon certification from the sheriff that abandoned land 20055
was offered for sale at a public auction as described in section 20056
323.73 of the Revised Code but was not purchased, a community 20057
development organization or any school district, municipal 20058
corporation, county, or township in which the land is located may 20059
request that title to the land be transferred to the community 20060
development organization, school district, municipal corporation, 20061
county, or township at the time described in this division. The 20062
request shall be delivered to the board of revision at any time 20063
from the date the complaint for foreclosure is filed under 20064
section 323.69 of the Revised Code, but not later than sixty days 20065
after the date on which the land was first offered for sale. A 20066
~~county land reutilization corporation may not submit such a~~ 20067
~~request, and the board of revision shall not accept such a~~ 20068
~~request submitted, after two years following the filing of the~~ 20069
~~corporation's articles of incorporation by the secretary of~~ 20070
~~state.~~ The request shall include a representation that the 20071
organization, district, or political subdivision, not later than 20072
thirty days after receiving legal title to the abandoned land, 20073
will begin basic exterior improvements that will protect the land 20074
from further unreasonable deterioration. The improvements shall 20075
include, but are not limited to, the removal of trash and refuse 20076
from the exterior of the premises and the securing of open, 20077
vacant, or vandalized areas on the exterior of the premises. The 20078
representation shall be deemed to have been given if the notice is 20079
supplied by an electing subdivision as defined in section 5722.01 20080
of the Revised Code. 20081

(D) The county board of revision, upon any adjudication of 20082
foreclosure and forfeiture against the abandoned land, may order 20083
the sheriff to dispose of the abandoned land as prescribed in 20084

sections 323.65 to 323.79 of the Revised Code, ~~except that no~~ 20085
~~interest in such abandoned lands shall be transferred to a county~~ 20086
~~land reutilization corporation after two years following the~~ 20087
~~filing of its articles of incorporation by the secretary of~~ 20088
~~state.~~ The order by the board shall include instructions to the 20089
sheriff to transfer the land to the specified community 20090
development organization, school district, municipal 20091
corporation, county, or township after payment of the costs of 20092
disposing of the abandoned land pursuant to section 323.75 of the 20093
Revised Code or, if any negotiated price has been agreed to 20094
between the county treasurer and the community development 20095
organization, school district, municipal corporation, county, or 20096
township, after payment of that negotiated price as certified by 20097
the board to the sheriff. 20098

(E) Upon receipt of payment under this section, the sheriff 20099
shall convey by sheriff's deed the fee simple interest in, and 20100
to, the abandoned land. If the abandoned land is transferred 20101
pursuant to division (D) of this section and the county treasurer 20102
reasonably determines that the transfer will result in the 20103
property being occupied, the county treasurer may waive, but is 20104
not required to waive, some or all of the impositions against the 20105
abandoned land or costs apportioned to the land under section 20106
323.75 of the Revised Code. 20107

(F) Upon a transfer under this section, all liens for taxes 20108
due at the time the deed of the property is conveyed to a 20109
purchaser or transferred to a community development organization, 20110
school district, municipal corporation, county, or township, and 20111
liens subordinate to liens for taxes, shall be deemed satisfied 20112
and discharged. 20113

(G) Any parcel that has been advertised and offered for sale 20114
pursuant to foreclosure proceedings and has not sold for want of 20115
bidders or been otherwise transferred under sections 323.65 to 20116

323.79 of the Revised Code shall be forfeited or otherwise 20117
disposed of in the same manner as lands under section 323.25 or 20118
5721.18 or Chapter 5723. of the Revised Code. 20119

Sec. 323.77. (A) As used in this section, "electing 20120
subdivision" has the same meaning as in section 5722.01 of the 20121
Revised Code. 20122

(B) At any time from the date the complaint for foreclosure 20123
is filed under section 323.69 of the Revised Code, but not later 20124
than sixty days after the date on which the land was first offered 20125
for sale, an electing subdivision or a county land reutilization 20126
corporation may give the county treasurer, prosecuting attorney, 20127
or board of revision notice in writing that it seeks to acquire 20128
any parcel of abandoned land, identified by parcel number, from 20129
the abandoned land list. If any such parcel of abandoned land 20130
identified under this section is offered for sale pursuant to 20131
section 323.73 of the Revised Code, but is not sold for want of a 20132
minimum bid, the electing subdivision or a county land 20133
reutilization corporation that identified that parcel of 20134
abandoned land shall be deemed to have appeared at the sale and 20135
submitted the winning bid at the auction, and the parcel of 20136
abandoned land shall be sold to the electing subdivision or 20137
corporation for no consideration other than the costs prescribed 20138
in section 323.75 of the Revised Code or those costs to which the 20139
electing subdivision or corporation and the county treasurer 20140
mutually agree. ~~No interest in such abandoned lands shall be~~ 20141
~~transferred to a county land reutilization corporation under this~~ 20142
~~section after two years following the filing of its articles of~~ 20143
~~incorporation by the secretary of state.~~ The conveyance shall be 20144
confirmed, and any common law or statutory right of redemption 20145
forever terminated, upon the filing with the clerk of court the 20146
order of confirmation based on the adjudication of foreclosure 20147
by the county board of revision, which the clerk shall enter 20148
upon the journal of the court or a separate journal. 20149

If a county land reutilization corporation and an electing subdivision both request to acquire the parcel, the electing subdivision shall have priority to acquire the parcel. Notwithstanding its prior notice to the county treasurer under this section that it seeks to acquire the parcel of abandoned land, if a county land reutilization corporation has also requested to acquire the parcel, the electing subdivision may withdraw the notice before confirmation of the conveyance, in which case the parcel shall be conveyed to the county land reutilization corporation.

Sec. 323.78. Notwithstanding anything in Chapters 323., 5721., and 5723. of the Revised Code, if the county treasurer of a county having a population of more than one million two hundred thousand as of the most recent decennial census, in any petition for foreclosure of abandoned lands, elects to invoke the alternative redemption period, then upon any adjudication of foreclosure by any court or the board of revision in any proceeding under section 323.25, sections 323.65 to 323.79, or section 5721.18 of the Revised Code, the following apply:

(A) Unless otherwise ordered by a motion of the court or board of revision, the petition shall assert, and any notice of final hearing shall include, that upon foreclosure of the parcel, the equity of redemption in any parcel by its owner shall be forever terminated after the expiration of the alternative redemption period, that the parcel thereafter may be sold at sheriff's sale either by itself or together with other parcels as permitted by law; or that the parcel may, by order of the court or board of revision, be transferred directly to a municipal corporation, township, county, school district, or county land reutilization corporation without appraisal and without a sale, free and clear of all impositions and any other liens on the property, which shall be deemed forever satisfied and discharged.

(B) After the expiration of the alternative redemption period following an adjudication of foreclosure, by order of the court or board of revision, any equity of redemption is forever extinguished, and the parcel may be transferred individually or in lots with other tax-foreclosed properties to a municipal corporation, township, county, school district, or county land reutilization corporation without appraisal and without a sale, upon which all impositions and any other liens subordinate to liens for impositions due at the time the deed to the property is conveyed to a purchaser or transferred to a community development organization, county land reutilization corporation, municipal corporation, county, township, or school district, shall be deemed satisfied and discharged. Other than the order of the court or board of revision so ordering the transfer of the parcel, no further act of confirmation or other order shall be required for such a transfer, or for the extinguishment of any right of redemption. ~~No such parcel shall be transferred to a county land reutilization corporation after two years following the filing of its articles of incorporation by the secretary of state.~~

(C) Upon the expiration of the alternative redemption period in cases to which the alternative redemption period has been ordered, if no community development organization, county land reutilization corporation, municipal corporation, county, township, or school district has requested title to the parcel, the court or board of revision may order the property sold as otherwise provided in Chapters 323. and 5721. of the Revised Code, and, failing any bid at any such sale, the parcel shall be forfeited to the state and otherwise disposed of pursuant to Chapter 5723. of the Revised Code.

Sec. 329.03. (A) As used in this section:

(1) ~~"Applicant"~~, "applicant" or "recipient" means ~~any of~~ the following:

<u>(1) An applicant for or participant in the Ohio works first</u>	20214
<u>program established under Chapter 5107. of the Revised Code or an;</u>	20215
<u>(2) An applicant for or recipient of disability financial</u>	20216
<u>assistance under Chapter 5115. of the Revised Code;</u>	20217
<u>(3) An applicant for or recipient of cash assistance provided</u>	20218
<u>under the refugee assistance program established under section</u>	20219
<u>5101.49 of the Revised Code.</u>	20220
~~(2) "Voluntary direct deposit" means a system established~~	20221
~~pursuant to this section under which cash assistance payments to~~	20222
~~recipients who agree to direct deposit are made by direct deposit~~	20223
~~by electronic transfer to an account in a financial institution~~	20224
~~designated under this section.~~	20225
~~(3) "Mandatory direct deposit" means a system established~~	20226
~~pursuant to this section under which cash assistance payments to~~	20227
~~all participants in the Ohio works first program or recipients of~~	20228
~~disability financial assistance, other than those exempt under~~	20229
~~division (E) of this section, are made by direct deposit by~~	20230
~~electronic transfer to an account in a financial institution~~	20231
~~designated under this section.~~	20232
~~(B) A board of county commissioners may by adoption of a~~	20233
~~resolution require the county department of job and family~~	20234
~~services to establish a direct deposit system for distributing~~	20235
~~cash assistance payments under Ohio works first, disability~~	20236
~~financial assistance, or both, unless the director of job and~~	20237
~~family services has provided for those payments to be made by~~	20238
~~electronic benefit transfer pursuant to section 5101.33 of the~~	20239
~~Revised Code. Voluntary or mandatory direct deposit may be~~	20240
~~applied to either of the programs. The resolution shall specify~~	20241
~~for each program for which direct deposit is to be established~~	20242
~~whether direct deposit is voluntary or mandatory. The board may~~	20243
~~require the department to change or terminate direct deposit by~~	20244

~~adopting a resolution to change or terminate it. Within ninety days after adopting a resolution under this division, the board shall certify one copy of the resolution to the director of job and family services and one copy to the office of budget and management. The director of job and family services may adopt rules governing establishment of direct deposit by county departments of job and family services.~~

~~The county department of job and family services shall determine what type of account will be used for direct deposit and negotiate with financial institutions to determine the charges, if any, to be imposed by a financial institution for establishing and maintaining such accounts. Under voluntary direct deposit, the county department of job and family services may pay all charges imposed by a financial institution for establishing and maintaining an account in which direct deposits are made for a recipient. Under mandatory direct deposit, the county department of job and family services shall pay all charges imposed by a financial institution for establishing and maintaining such an account.~~
Each county department of job and family services shall establish a direct deposit system under which cash assistance payments to recipients who agree to direct deposit are made by electronic transfer to an account in a financial institution designated under this section. No financial institution shall impose any charge for such an account that the institution does not impose on its other customers for the same type of account. Direct deposit does not affect the exemption of Ohio works first and disability financial assistance from attachment, garnishment, or other like process afforded by sections 5107.75 and 5115.06 of the Revised Code.

(C) ~~The~~Each county department of job and family services shall, ~~within sixty days after a resolution requiring the establishment of direct deposit is adopted,~~ establish procedures governing direct deposit.

~~Within one hundred eighty days after the resolution is~~	20278
~~adopted, the county department shall~~ <u>do all of the following:</u>	20279
(1) <u>Inform each applicant or recipient that the applicant or</u>	20280
<u>recipient must choose whether to receive cash assistance payments</u>	20281
<u>under the direct deposit system established under this section or</u>	20282
<u>under the electronic benefit transfer system established under</u>	20283
<u>section 5101.33 of the Revised Code;</u>	20284
(2) <u>Inform each applicant and recipient of the conditions</u>	20285
<u>under which the applicant or recipient may change the system used</u>	20286
<u>to receive the cash assistance payments;</u>	20287
(3) <u>Inform each applicant or recipient of the procedures</u>	20288
<u>governing the direct deposit, including in the case of voluntary</u>	20289
<u>direct deposit those that prescribe the conditions under which a</u>	20290
<u>recipient may change from one method of payment to another system;</u>	20291
~~(2) Obtain~~ (4) <u>If an applicant or recipient chooses to</u>	20292
<u>receive cash assistance payments under the direct deposit system,</u>	20293
<u>obtain from each the applicant or recipient an authorization form</u>	20294
<u>to designate a financial institution equipped for and authorized</u>	20295
<u>by law to accept direct deposits by electronic transfer and the</u>	20296
<u>account into which the applicant or recipient wishes the payments</u>	20297
<u>to be made, or in the case of voluntary direct deposit states the</u>	20298
<u>applicant's or recipient's election to receive such payments in</u>	20299
<u>the form of a paper warrant;</u>	20300
(5) <u>If an applicant or recipient chooses to receive cash</u>	20301
<u>assistance payments under the electronic benefit transfer system</u>	20302
<u>established under section 5101.33 of the Revised Code, obtain from</u>	20303
<u>the applicant or recipient a signed form to that effect.</u>	20304
The department may require a recipient to complete a new	20305
authorization form whenever the department considers it necessary.	20306

A recipient's designation of a financial institution and
account shall remain in effect until withdrawn in writing or
dishonored by the financial institution, except that no change may
be made in the authorization form until the next eligibility
redetermination of the recipient unless the county department
~~feels~~determines that good ~~grounds exist~~cause exists for an
earlier change or the financial institution dishonors the
recipient's account.

(D) An applicant or recipient without an account who ~~either~~
~~agrees or is required~~completes an authorization form to receive
cash assistance payments by direct deposit shall have ten days
after receiving the authorization form to designate an account
suitable for direct deposit. If within the required time the
applicant or recipient does not make the designation ~~or requests~~
~~that the department make the designation,~~ the ~~department~~recipient
shall ~~designate a financial institution and help the recipient to~~
~~open an account~~receive cash assistance payments under the
electronic benefit transfer system established under section
5101.33 of the Revised Code.

(E) ~~At the time of giving an applicant or recipient the~~
~~authorization form, the county department of job and family~~
~~services of a county with mandatory direct deposit shall inform~~
~~each applicant or recipient of the basis for exemption and the~~
~~right to request exemption from direct deposit.~~

~~Under mandatory direct deposit, an applicant or recipient who~~
~~wishes to receive payments in the form of a paper warrant shall~~
~~record on the authorization form a request for exemption under~~
~~this division and the basis for the exemption.~~

~~The department shall exempt from mandatory direct deposit any~~
~~recipient who requests exemption and is any of the following:~~

(1) Over age sixty five;	20337
(2) Blind or disabled;	20338
(3) Likely, in the judgment of the department, to be caused personal hardship by direct deposit.	20339 20340
A recipient granted an exemption under this division shall receive payments for which the recipient is eligible in the form of paper warrants.	20341 20342 20343
(F) The county department of job and family services shall bear the full cost of the amount of any replacement warrant issued to a recipient for whom an authorization form as provided in this section has not been obtained within one hundred eighty days after the later of the date the board of county commissioners adopts a resolution requiring payments of financial assistance by direct deposit to accounts of recipients of Ohio works first or disability financial assistance or the date the recipient made application for assistance, and shall not be reimbursed by the state for any part of the cost. Thereafter, the county department of job and family services shall continue to bear the full cost of each replacement warrant issued until the board of county commissioners requires the county department of job and family services to obtain from each such recipient the authorization forms as provided in <u>The director of job and family services may adopt rules governing direct deposit systems established under</u> this section.	20344 20345 20346 20347 20348 20349 20350 20351 20352 20353 20354 20355 20356 20357 20358 20359 20360
Sec. 329.04. (A) The county department of job and family services shall have, exercise, and perform the following powers and duties:	20361 20362 20363
(1) Perform any duties assigned by the state department of job and family services regarding the provision of public family services, including the provision of the following services to	20364 20365 20366

prevent or reduce economic or personal dependency and to strengthen family life:	20367 20368
(a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code;	20369 20370
(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code;	20371 20372 20373
(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services.	20374 20375 20376 20377 20378 20379 20380 20381
(d) Duties assigned under section 5111.98 of the Revised Code.	20382 20383
(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code;	20384 20385 20386
~~(3) Administer disability medical assistance, as required by the state department of job and family services under section 5115.13 of the Revised Code;~~	20387 20388 20389
(4) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law;	20390 20391 20392
~~(5)~~ (4) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such	20393 20394

authorities;	20395
~~(6)~~ <u>(5)</u> Submit an annual account of its work and expenses to	20396
the board of county commissioners and to the state department of	20397
job and family services at the close of each fiscal year;	20398
~~(7)~~ <u>(6)</u> Exercise any powers and duties relating to family	20399
services duties or workforce development activities imposed upon	20400
the county department of job and family services by law, by	20401
resolution of the board of county commissioners, or by order of	20402
the governor, when authorized by law, to meet emergencies during	20403
war or peace;	20404
~~(8)~~ <u>(7)</u> Determine the eligibility for medical assistance of	20405
recipients of aid under Title XVI of the "Social Security Act";	20406
~~(9)~~ <u>(8)</u> If assigned by the state director of job and family	20407
services under section 5101.515 or 5101.525 of the Revised Code,	20408
determine applicants' eligibility for health assistance under the	20409
children's health insurance program part II or part III;	20410
~~(10)~~ <u>(9)</u> Enter into a plan of cooperation with the board of	20411
county commissioners under section 307.983, consult with the board	20412
in the development of the transportation work plan developed under	20413
section 307.985, establish with the board procedures under section	20414
307.986 for providing services to children whose families relocate	20415
frequently, and comply with the contracts the board enters into	20416
under sections 307.981 and 307.982 of the Revised Code that affect	20417
the county department;	20418
~~(11)~~ <u>(10)</u> For the purpose of complying with a grant agreement	20419
the board of county commissioners enters into under sections	20420
307.98 and 5101.21 of the Revised Code, exercise the powers and	20421
perform the duties the grant agreement assigns to the county	20422
department;	20423

(12)(11) If the county department is designated as the workforce development agency, provide the workforce development activities specified in the contract required by section 330.05 of the Revised Code.

(B) The powers and duties of a county department of job and family services are, and shall be exercised and performed, under the control and direction of the board of county commissioners. The board may assign to the county department any power or duty of the board regarding family services duties and workforce development activities. If the new power or duty necessitates the state department of job and family services changing its federal cost allocation plan, the county department may not implement the power or duty unless the United States department of health and human services approves the changes.

Sec. 329.042. ~~The~~Each county department of job and family services shall certify eligible public assistance and nonpublic assistance households ~~eligible under the "Food Stamp Act of 1964," 78 Stat. 703, 7 U.S.C.A. 2011, as amended, and for the~~ supplemental nutrition assistance program in accordance with federal and state regulations adopted pursuant to such act, law to enable low-income households to participate in the food stamp supplemental nutrition assistance program and thereby to purchase foods having a greater monetary value than is possible under public assistance standard allowances or other low-income budgets.

~~The~~Each county department of job and family services shall administer the distribution of ~~food stamp~~supplemental nutrition assistance program benefits under the supervision of the department of job and family services. The benefits shall be distributed by a method approved by the department of job and family services in accordance with the ~~"Food Stamp and Nutrition Act of 1964," 78 Stat. 703, 2008 (7 U.S.C.A. 2011, as amended, et seq.)~~ and regulations issued thereunder.

~~The document referred to as the "authorization to participate card," which shows the face value of the benefits an eligible household is entitled to receive on presentment of the document, shall be issued, immediately upon certification, to a household determined under division (C) of section 5101.54 of the Revised Code to be in immediate need of food assistance by being personally handed by a member of the staff of the county department of job and family services to the member of the household in whose name application was made for participation in the program or the authorized representative of such member of the household.~~

Sec. 329.051. The county department of job and family services shall make voter registration applications as prescribed by the secretary of state under section 3503.10 of the Revised Code available to persons who are applying for, receiving assistance from, or participating in any of the following:

(A) The disability financial assistance program established under Chapter 5115. of the Revised Code;

~~(B) The disability medical assistance program established under Chapter 5115. of the Revised Code;~~

~~(C)~~ The medical assistance program established under Chapter 5111. of the Revised Code;

~~(D)~~(C) The Ohio works first program established under Chapter 5107. of the Revised Code;

~~(E)~~(D) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code.

Sec. 329.06. (A) Except as provided in division (C) of this section and section 6301.08 of the Revised Code, the board of county commissioners shall establish a county family services

planning committee. The board shall appoint a member to represent 20485
the county department of job and family services; an employee in 20486
the classified civil service of the county department of job and 20487
family services, if there are any such employees; and a member to 20488
represent the public. The board shall appoint other individuals to 20489
the committee in such a manner that the committee's membership is 20490
broadly representative of the groups of individuals and the public 20491
and private entities that have an interest in the family services 20492
provided in the county. The board shall make appointments in a 20493
manner that reflects the ethnic and racial composition of the 20494
county. The following groups and entities may be represented on 20495
the committee: 20496

(1) Consumers of family services; 20497

(2) The public children services agency; 20498

(3) The child support enforcement agency; 20499

(4) The county family and children first council; 20500

(5) Public and private colleges and universities; 20501

(6) Public entities that provide family services, including 20502
boards of health, boards of education, the county board of mental 20503
retardation and developmental disabilities, and the board of 20504
alcohol, drug addiction, and mental health services that serves 20505
the county; 20506

(7) Private nonprofit and for-profit entities that provide 20507
family services in the county or that advocate for consumers of 20508
family services in the county, including entities that provide 20509
services to or advocate for victims of domestic violence; 20510

(8) Labor organizations; 20511

(9) Any other group or entity that has an interest in the family services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.	20512 20513 20514 20515
(B) The county family services planning committee shall do all of the following:	20516 20517
(1) Serve as an advisory body to the board of county commissioners with regard to the family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;	20518 20519 20520 20521 20522 20523
(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:	20524 20525 20526 20527 20528
(a) Return of assistance groups to participation in either program after ceasing to participate;	20529 20530
(b) Teen pregnancy rates among the programs' participants;	20531
(c) The other types of assistance the programs' participants receive, including ~~medical assistance~~ <u>medicaid</u> under Chapter 5111. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, ~~food stamp~~ <u>supplemental nutrition assistance program</u> benefits under section 5101.54 of the Revised Code, and energy assistance under Chapter 5117. of the Revised Code;	20532 20533 20534 20535 20536 20537 20538
(d) Other issues the committee considers appropriate.	20539

The committee shall make recommendations to the board of county commissioners and county department of job and family services regarding the committee's findings.	20540 20541 20542
(3) Conduct public hearings on proposed county profiles for the provision of social services under section 5101.46 of the Revised Code;	20543 20544 20545
(4) At the request of the board, make recommendations and provide assistance regarding the family services provided in the county;	20546 20547 20548
(5) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the family services provided in the county. The committee's recommendations may address the following:	20549 20550 20551 20552
(a) Implementation and administration of family service programs;	20553 20554
(b) Use of federal, state, and local funds available for family service programs;	20555 20556
(c) Establishment of goals to be achieved by family service programs;	20557 20558
(d) Evaluation of the outcomes of family service programs;	20559
(e) Any other matter the board considers relevant to the provision of family services.	20560 20561
(C) If there is a committee in existence in a county on October 1, 1997, that the board of county commissioners determines is capable of fulfilling the responsibilities of a county family services planning committee, the board may designate the committee as the county's family services planning committee and the	20562 20563 20564 20565 20566

committee shall serve in that capacity. 20567

Sec. 340.033. (A) The board of alcohol, drug addiction, and 20568
mental health services shall serve as the planning agency for 20569
alcohol and drug addiction services for the county or counties in 20570
its service district. In accordance with procedures and guidelines 20571
established by the department of alcohol and drug addiction 20572
services, the board shall do all of the following: 20573

(1) Assess alcohol and drug addiction service needs and 20574
evaluate the need for alcohol and drug addiction programs; 20575

(2) According to the needs determined under division (A)(1) 20576
of this section, set priorities and develop plans for the 20577
operation of alcohol and drug addiction programs in cooperation 20578
with other local and regional planning and funding bodies and with 20579
relevant ethnic organizations; 20580

(3) Submit the plan for alcohol and drug addiction services 20581
required by section 3793.05 of the Revised Code to the department 20582
and implement the plan as approved by the department; 20583

(4) Provide to the department information to be included in 20584
the information system or systems established by the department 20585
under section 3793.04 of the Revised Code; 20586

(5) Enter into contracts with alcohol and drug addiction 20587
programs for the provision of alcohol and drug addiction services; 20588

(6) Review and evaluate alcohol and drug addiction programs 20589
in the district, and conduct program audits; 20590

(7) Prepare and submit to the department an annual report of 20591
the alcohol and drug addiction programs in the district; 20592

(8) Receive, compile, and transmit to the department 20593

applications for funding;	20594
(9) Promote, arrange, and implement working agreements with public and private social agencies and with judicial agencies;	20595 20596
(10) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from an alcohol or drug addiction program;	20597 20598 20599
(11) Establish a mechanism for the involvement of persons receiving services in, and obtaining their advice on, matters pertaining to alcohol or drug addiction services;	20600 20601 20602
(12) Recruit and promote local financial support, from private and public sources, for alcohol and drug addiction programs;	20603 20604 20605
(13) Approve fee schedules and related charges, adopt a unit cost schedule, or adopt other methods of payment for services provided by programs under contract pursuant to division (A)(5) of this section, in accordance with guidelines established by the department under section 3793.04 of the Revised Code.	20606 20607 20608 20609 20610
(B) In accordance with rules adopted by the auditor of state pursuant to section 117.20 of the Revised Code, at least annually the board shall audit all alcohol and drug addiction programs provided under contract with the board. The board may contract with private auditors for the performance of these audits. A copy of the fiscal audit report shall be provided to the director of alcohol and drug addiction services, the auditor of state, and the county auditor of each county in the board's district.	20611 20612 20613 20614 20615 20616 20617 20618
(C) In contracting with a program under division (A)(5) of this section, a board shall consider the cost effectiveness of services provided by the program and the program's quality and continuity of care. The board may review cost elements, including	20619 20620 20621 20622

salary costs, of the services provided by the program. 20623

A utilization review process shall be established as part of 20624
the contract for services. The board may establish this process in 20625
any way that it considers to be the most effective and efficient 20626
in meeting local needs. 20627

(D) If either the board or a program with which it contracts 20628
pursuant to division (A)(5) of this section proposes not to renew 20629
the contract or proposes substantial changes in contract terms on 20630
renewal of the contract, it shall give the other party to the 20631
contract written notice at least one hundred twenty days before 20632
the expiration date of the contract. During the first sixty days 20633
of this period, both parties shall attempt to resolve any dispute 20634
through good faith collaboration and negotiation in order that 20635
services to persons in need will be continued. If the dispute is 20636
not resolved during this time, either party may notify the 20637
department of alcohol and drug addiction services. The department 20638
may require both parties to submit the dispute to a mutually 20639
agreed upon third party with the cost to be shared by the board 20640
and the program. At least twenty days before the expiration of the 20641
contract, unless the board and the program agree to an extension, 20642
the third party shall issue to the board, program, and department, 20643
its recommendations for resolution of the dispute. 20644

The department shall adopt rules pursuant to Chapter 119. of 20645
the Revised Code establishing procedures for this dispute 20646
resolution process. 20647

(E) Section 307.86 of the Revised Code does not apply to 20648
contracts entered into pursuant to division (A)(5) of this 20649
section. 20650

(F)(1) With the prior approval of the department, a board of 20651
alcohol, drug addiction, and mental health services may operate an 20652
alcohol or drug addiction program as follows if there is no 20653

qualified program that is immediately available, willing to	20654
provide services, and able to obtain certification under Chapter	20655
3793. of the Revised Code:	20656
(a) In an emergency situation, any board may operate a	20657
program in order to provide essential services for the duration of	20658
the emergency;	20659
(b) In a service district with a population of at least one	20660
hundred thousand but less than five hundred thousand, a board may	20661
operate a program for no longer than one year;	20662
(c) In a service district with a population of less than one	20663
hundred thousand, a board may operate a program for no longer than	20664
one year, except that such a board may operate a program for	20665
longer than one year with the prior approval of the department and	20666
the prior approval of the board of county commissioners, or of a	20667
majority of the boards of county commissioners if the district is	20668
a joint-county district.	20669
(2) The department shall not give a board its approval to	20670
operate a program under division (F)(1)(c) of this section unless	20671
it determines that the board's program will provide greater	20672
administrative efficiency and more or better services than would	20673
be available if the board contracted with a program for provision	20674
of the services.	20675
(3) The department shall not give a board its approval to	20676
operate a program previously operated by a public or private	20677
entity unless the board has established to the department's	20678
satisfaction that the entity cannot effectively operate the	20679
program, or that the entity has requested the board to take over	20680
operation of the program.	20681
(4) The department shall review and evaluate the operation of	20682
each program operated by a board under this division.	20683

(5) Nothing in this division authorizes a board to administer
or direct the daily operation of any program other than a program
operated by the board under this division, but a program may
contract with a board to receive administrative services or staff
direction from the board under the direction of the governing body
of the program.

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(G) If an investigation conducted pursuant to division
(A)(10) of this section substantiates a charge of abuse or
neglect, the board shall take whatever action it determines is
necessary to correct the situation, including notification of the
appropriate authorities. On request, the board shall provide
information about such investigations to the department.

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(H) When the board sets priorities and develops plans for the
operation of alcohol and drug addiction programs under division
(A)(2) of this section, the board shall consult with the county
commissioners of the counties in the board's service district
regarding the services described in section 340.15 of the Revised
Code and shall give a priority to those services, except that
those services shall not have priority over services provided to
pregnant women under programs developed in relation to the mandate
established in section 3793.15 of the Revised Code. The plans
shall identify funds the board and public children services
agencies in the board's service district have available to fund
jointly the services described in section 340.15 of the Revised
Code.

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Sec. 343.01. (A) In order to comply with division (B) of
section 3734.52 of the Revised Code, the board of county
commissioners of each county shall do one of the following:

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(1) Establish, by resolution, and maintain a county solid
waste management district under this chapter that consists of all
the incorporated and unincorporated territory within the county

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except as otherwise provided in division (A) of this section; 20715

(2) With the boards of county commissioners of one or more 20716
other counties establish, by agreement, and maintain a joint solid 20717
waste management district under this chapter that consists of all 20718
the incorporated and unincorporated territory within the counties 20719
forming the joint district except as otherwise provided in 20720
division (A) of this section. 20721

If a municipal corporation is located in more than one solid 20722
waste management district, the entire municipal corporation shall 20723
be considered to be included in and shall be under the 20724
jurisdiction of the district in which a majority of the population 20725
of the municipal corporation resides. 20726

A county and joint district established to comply with 20727
division (B) of section 3734.52 of the Revised Code shall have a 20728
population of not less than one hundred twenty thousand unless, in 20729
the instance of a county district, the board of county 20730
commissioners has obtained an exemption from that requirement 20731
under division (C)(1) or (2) of that section. Each joint district 20732
established to comply with an order issued under division (D) of 20733
that section shall have a population of at least one hundred 20734
twenty thousand. 20735

(B) The boards of county commissioners of the counties 20736
establishing a joint district constitute, collectively, the board 20737
of directors of the joint district, except that if a county with a 20738
form of legislative authority other than a board of county 20739
commissioners participates, it shall be represented on the board 20740
of directors by three persons appointed by the legislative 20741
authority. 20742

The agreement to establish and maintain a joint district 20743
shall be ratified by resolution of the board of county 20744
commissioners of each participating county. Upon ratification, the 20745

board of directors shall take control of and manage the joint 20746
district subject to this chapter, except that, in the case of a 20747
joint district formed pursuant to division (C), (D), or (E) of 20748
section 343.012 of the Revised Code, the board of directors shall 20749
take control of and manage the district when the formation of the 20750
district becomes final under the applicable division. A majority 20751
of the board of directors constitutes a quorum, and a majority 20752
vote is required for the board to act. 20753

A county participating in a joint district may contribute 20754
lands or rights or interests therein, money, other personal 20755
property or rights or interests therein, or services to the 20756
district. The agreement shall specify any contributions of 20757
participating counties and the rights of the participating 20758
counties in lands or personal property, or rights or interests 20759
therein, contributed to or otherwise acquired by the joint 20760
district. The agreement may be amended or added to by a majority 20761
vote of the board of directors, but no amendment or addition shall 20762
divest a participating county of any right or interest in lands or 20763
personal property without its consent. 20764

The board of directors may appoint and fix the compensation 20765
of employees of, accept gifts, devises, and bequests for, and take 20766
other actions necessary to control and manage the joint district. 20767
Employees of the district shall be considered county employees for 20768
the purposes of Chapter 124. of the Revised Code and other 20769
provisions of state law applicable to employees. Instead of or in 20770
addition to appointing employees of the district, the board of 20771
directors may agree to use employees of one or more of the 20772
participating counties in the service of the joint district and to 20773
share in their compensation in any manner that may be agreed upon. 20774

The board of directors shall do one of the following: 20775

(1) Designate the county auditor, including any other 20776
official acting in a capacity similar to a county auditor under a 20777

county charter, of a county participating in the joint district as 20778
the fiscal officer of the district, and the county treasurer, or 20779
other official acting in a capacity similar to a county treasurer 20780
under a county charter, of that county as the treasurer of the 20781
district. The designated county officials shall perform any 20782
applicable duties for the district as each typically performs for 20783
the county of which ~~he~~the individual is an official, except as 20784
otherwise may be provided in any bylaws or resolutions adopted by 20785
the board of directors. The board of directors may pay to that 20786
county any amount agreed upon by the board of directors and the 20787
board of county commissioners of that county to reimburse that 20788
county for the cost properly allocable to the service of its 20789
officials as fiscal officer and treasurer of the joint district. 20790

(2) Appoint one individual who is neither a county auditor 20791
nor a county treasurer, and who may be an employee of the 20792
district, to serve as both the treasurer of the district and its 20793
fiscal officer. That individual shall act as custodian of the 20794
funds of the board and the district and shall maintain all 20795
accounts of the district. Any reference in this chapter or Chapter 20796
3734. of the Revised Code to a county auditor or county treasurer 20797
serving as fiscal officer of a district or custodian of any funds 20798
of a board or district is deemed to refer to an individual 20799
appointed under division (B)(2) of this section. 20800

The fiscal officer of a district shall establish a general 20801
fund and any other necessary funds for the district. 20802

(C) A board of county commissioners of a county district or 20803
board of directors of a joint district may acquire, by purchase or 20804
lease, construct, improve, enlarge, replace, maintain, and operate 20805
such solid waste collection systems within their respective 20806
districts and such solid waste facilities within or outside their 20807
respective districts as are necessary for the protection of the 20808
public health. A board of county commissioners may acquire within 20809

its county real property or any estate, interest, or right 20810
therein, by appropriation or any other method, for use by a county 20811
or joint district in connection with such facilities. 20812
Appropriation proceedings shall be conducted in accordance with 20813
sections 163.01 to 163.22 of the Revised Code. 20814

(D) The sanitary engineer or sanitary engineering department 20815
of a county maintaining a district and any sanitary engineer or 20816
sanitary engineering department of a county in a joint district, 20817
as determined by the board of directors, in addition to other 20818
duties assigned to that engineer or department, shall assist the 20819
board of county commissioners or directors in the performance of 20820
their duties under this chapter and sections 3734.52 to 3734.575 20821
of the Revised Code and shall be charged with any other duties and 20822
services in relation thereto that the board prescribes. A board 20823
may employ registered professional engineers to assist the 20824
sanitary engineer in those duties and also may employ financial 20825
advisers and any other professional services it considers 20826
necessary to assist it in the construction, financing, and 20827
maintenance of solid waste collection or other solid waste 20828
facilities. Such contracts of employment shall not require the 20829
certificate provided in section 5705.41 of the Revised Code. 20830
Payment for such services may be made from the general fund or any 20831
other fund legally available for that use at times that are agreed 20832
upon or as determined by the board of county commissioners or 20833
directors, and the funds may be reimbursed from the proceeds of 20834
bonds or notes issued to pay the cost of any improvement to which 20835
the services related. 20836

(E)(1) The prosecuting attorney of the county shall serve as 20837
the legal advisor of a county district and shall provide such 20838
services to the board of county commissioners of the district as 20839
are required or authorized to be provided to other county boards 20840
under Chapter 309. of the Revised Code, except that, if the board 20841
considers it to be necessary or appropriate, the board, on its own 20842

initiative, may employ an attorney or other legal counsel on an 20843
annual basis to serve as the legal advisor of the district in 20844
place of the prosecuting attorney. When the prosecuting attorney 20845
is serving as the district's legal advisor and the board considers 20846
it to be necessary or appropriate, the board, on its own 20847
initiative, may employ an attorney or other legal counsel to 20848
represent or advise the board regarding a particular matter in 20849
place of the prosecuting attorney. The employment of an attorney 20850
or other legal counsel on an annual basis or in a particular 20851
matter is not subject to or governed by sections 305.14 and 309.09 20852
of the Revised Code. 20853

Notwithstanding the employment of an attorney or other legal 20854
counsel on an annual basis to serve as the district's legal 20855
advisor, the board may require written opinions or instructions 20856
from the prosecuting attorney under section 309.09 of the Revised 20857
Code in matters connected with its official duties as though the 20858
prosecuting attorney were serving as the legal advisor of the 20859
district. 20860

(2) The board of directors of a joint district may designate 20861
the prosecuting attorney of one of the counties forming the 20862
district to serve as the legal advisor of the district. When so 20863
designated, the prosecuting attorney shall provide such services 20864
to the joint district as are required or authorized to be provided 20865
to county boards under Chapter 309. of the Revised Code. The board 20866
of directors may pay to that county any amount agreed upon by the 20867
board of directors and the board of county commissioners of that 20868
county to reimburse that county for the cost properly allocable to 20869
the services of its prosecuting attorney as the legal advisor of 20870
the joint district. When that prosecuting attorney is so serving 20871
and the board considers it to be necessary or appropriate, the 20872
board, on its own initiative, may employ an attorney or other 20873
legal counsel to represent or advise the board regarding a 20874
particular matter in place of the prosecuting attorney. 20875

Instead of designating the prosecuting attorney of one of the
counties forming the district to be the legal advisor of the
district, the board of directors may employ on an annual basis an
attorney or other legal counsel to serve as the district's legal
advisor. Notwithstanding the employment of an attorney or other
legal counsel as the district's legal advisor, the board of
directors may require written opinions or instructions from the
prosecuting attorney of any of the counties forming the district
in matters connected with the board's official duties, and the
prosecuting attorney shall provide the written opinion or
instructions as though ~~he~~the prosecuting attorney had been
designated to serve as the district's legal advisor under division
(E)(2) of this section.

(F) A board of county commissioners may issue bonds or bond
anticipation notes of the county to pay the cost of preparing
general and detailed plans and other data required for the
construction of solid waste facilities in connection with a county
or joint district. A board of directors of a joint solid waste
management district may issue bonds or bond anticipation notes of
the joint solid waste management district to pay the cost of
preparing general and detailed plans and other data required for
the construction of solid waste facilities in connection with a
joint district. The bonds and notes shall be issued in accordance
with Chapter 133. of the Revised Code, except that the maximum
maturity of bonds issued for that purpose shall not exceed ten
years. Bond anticipation notes may be paid from the proceeds of
bonds issued either to pay the cost of the solid waste facilities
or to pay the cost of the plans and other data.

(G) To the extent authorized by the solid waste management
plan of the district approved under section 3734.521 or 3734.55 of
the Revised Code or subsequent amended plans of the district
approved under section 3734.521 or 3734.56 of the Revised Code,

the board of county commissioners of a county district or board of
directors of a joint district may adopt, publish, and enforce
rules doing any of the following:

(1) Prohibiting or limiting the receipt of solid wastes
generated outside the district or outside a service area
prescribed in the solid waste management plan or amended plan, at
facilities ~~covered by the plan~~ located within the solid waste
management district, consistent with the projections contained in
the plan or amended plan under divisions (A)(6) and (7) of section
3734.53 of the Revised Code, ~~except that~~. However, rules adopted
by a board under division (G)(1) of this section may be adopted
and enforced with respect to solid waste disposal facilities in
the solid waste management district that are not owned by a
county or the solid waste management district only if the board
submits an application to the director of environmental
protection that demonstrates that there is insufficient capacity
to dispose of all solid wastes that are generated within the
district at the solid waste disposal facilities located within
the district and the director approves the application. The
demonstration in the application shall be based on projections
contained in the plan or amended plan of the district. The
director shall establish the form of the application. The approval
or disapproval of such an application by the director is an action
that is appealable under section 3745.04 of the Revised Code.

In addition, the director of environmental protection may
issue an order modifying a rule adopted under division (G)(1) of
this section to allow the disposal in the district of solid wastes
from another county or joint solid waste management district if
all of the following apply:

(a) The district in which the wastes were generated does not
have sufficient capacity to dispose of solid wastes generated
within it for six months following the date of the director's

order;	20940
(b) No new solid waste facilities will begin operation during	20941
those six months in the district in which the wastes were	20942
generated and, despite good faith efforts to do so, it is	20943
impossible to site new solid waste facilities within the district	20944
because of its high population density;	20945
(c) The district in which the wastes were generated has made	20946
good faith efforts to negotiate with other districts to	20947
incorporate its disposal needs within those districts' solid waste	20948
management plans, including efforts to develop joint facilities	20949
authorized under section 343.02 of the Revised Code, and the	20950
efforts have been unsuccessful;	20951
(d) The district in which the wastes were generated has	20952
located a facility willing to accept the district's solid wastes	20953
for disposal within the receiving district;	20954
(e) The district in which the wastes were generated has	20955
demonstrated to the director that the conditions specified in	20956
divisions (G)(1)(a) to (d) of this section have been met;	20957
(f) The director finds that the issuance of the order will be	20958
consistent with the state solid waste management plan and that	20959
receipt of the out-of-district wastes will not limit the capacity	20960
of the receiving district to dispose of its in-district wastes to	20961
less than eight years.	20962
Any order issued under division (G)(1) of this section shall not	20963
become final until thirty days after it has been served by	20964
certified mail upon the county or joint solid waste management	20965
district that will receive the out-of-district wastes.	20966
(2) Governing the maintenance, protection, and use of solid	20967

waste collection or other solid waste facilities located within 20968
its district. The rules adopted under division (G)(2) of this 20969
section shall not establish design standards for solid waste 20970
facilities and shall be consistent with the solid waste provisions 20971
of Chapter 3734. of the Revised Code and the rules adopted under 20972
those provisions. The rules adopted under division (G)(2) of this 20973
section may prohibit any person, municipal corporation, township, 20974
or other political subdivision from constructing, enlarging, or 20975
modifying any solid waste facility until general plans and 20976
specifications for the proposed improvement have been submitted to 20977
and approved by the board of county commissioners or board of 20978
directors as complying with the solid waste management plan or 20979
amended plan of the district. The construction of such a facility 20980
shall be done under the supervision of the county sanitary 20981
engineer or, in the case of a joint district, a county sanitary 20982
engineer designated by the board of directors, and any person, 20983
municipal corporation, township, or other political subdivision 20984
proposing or constructing such improvements shall pay to the 20985
county or joint district all expenses incurred by the board in 20986
connection therewith. The sanitary engineer may enter upon any 20987
public or private property for the purpose of making surveys or 20988
examinations necessary for designing solid waste facilities or for 20989
supervising the construction, enlargement, modification, or 20990
operation of any such facilities. No person, municipal 20991
corporation, township, or other political subdivision shall forbid 20992
or interfere with the sanitary engineer or ~~his~~the sanitary 20993
engineer's authorized assistants entering upon such property for 20994
that purpose. If actual damage is done to property by the making 20995
of the surveys and examinations, a board shall pay the reasonable 20996
value of that damage to the owner of the property damaged, and the 20997
cost shall be included in the financing of the improvement for 20998
which the surveys and examinations are made. 20999

(3) Governing the development and implementation of a program 21000
for the inspection of solid wastes generated outside the 21001

boundaries of this state that are disposed of at solid waste 21002
facilities included in the district's solid waste management plan 21003
or amended plan. A board of county commissioners or board of 21004
directors or its authorized representative may enter upon the 21005
premises of any solid waste facility included in the district's 21006
solid waste management plan or amended plan for the purpose of 21007
conducting the inspections required or authorized by the rules 21008
adopted under division (G)(3) of this section. No person, 21009
municipal corporation, township, or other political subdivision 21010
shall forbid or interfere with a board of county commissioners or 21011
directors or its authorized representative entering upon the 21012
premises of any such solid waste facility for that purpose. 21013

(4) Exempting the owner or operator of any existing or 21014
proposed solid waste facility provided for in the plan or amended 21015
plan from compliance with any amendment to a township zoning 21016
resolution adopted under section 519.12 of the Revised Code or to 21017
a county rural zoning resolution adopted under section 303.12 of 21018
the Revised Code that rezoned or redistricted the parcel or 21019
parcels upon which the facility is to be constructed or modified 21020
and that became effective within two years prior to the filing of 21021
an application for a permit required under division (A)(2)(a) of 21022
section 3734.05 of the Revised Code to open a new or modify an 21023
existing solid waste facility. 21024

(H) A board of county commissioners or board of directors may 21025
enter into a contract with any person, municipal corporation, 21026
township, or other political subdivision for the operation and 21027
maintenance of any solid waste facilities regardless of whether 21028
the facilities are owned or leased by the county or joint district 21029
or the contractor. 21030

(I)(1) No person, municipal corporation, township, or other 21031
political subdivision shall tamper with or damage any solid waste 21032
facility constructed under this chapter or any apparatus or 21033

accessory connected therewith or pertaining thereto, fail or 21034
refuse to comply with the applicable rules adopted by a board of 21035
county commissioners or directors under division (G)(1), (2), (3), 21036
or (4) of this section, refuse to permit an inspection or 21037
examination by a sanitary engineer as authorized under division 21038
(G)(2) of this section, or refuse to permit an inspection by a 21039
board of county commissioners or directors or its authorized 21040
representative as required or authorized by rules adopted under 21041
division (G)(3) of this section. 21042

(2) If the board of county commissioners of a county district 21043
or board of directors of a joint district has established facility 21044
designations under section 343.013, 343.014, or 343.015 of the 21045
Revised Code, or the director has established facility 21046
designations in the initial or amended plan of the district 21047
prepared and ordered to be implemented under section 3734.521, 21048
3734.55, or 3734.56 of the Revised Code, no person, municipal 21049
corporation, township, or other political subdivision shall 21050
deliver, or cause the delivery of, any solid wastes generated 21051
within a county or joint district to any solid waste facility 21052
other than the facility designated under section 343.013, 343.014, 21053
or 343.015 of the Revised Code, or in the initial or amended plan 21054
of the district prepared and ordered to be implemented under 21055
section 3734.521, 3734.55, or 3734.56 of the Revised Code, as 21056
applicable. Upon the request of a person or the legislative 21057
authority of a municipal corporation or township, the board of 21058
county commissioners of a county district or board of directors of 21059
a joint district may grant a waiver authorizing the delivery of 21060
all or any portion of the solid wastes generated in a municipal 21061
corporation or township to a solid waste facility other than the 21062
facility designated under section 343.013, 343.014, or 343.015 of 21063
the Revised Code, or in the initial or amended plan of the 21064
district prepared and ordered to be implemented under section 21065
3734.521, 3734.55, or 3734.56 of the Revised Code, as applicable, 21066
regardless of whether the other facility is located within or 21067

outside of the district, if the board finds that delivery of those
solid wastes to the other facility is not inconsistent with the
projections contained in the district's initial or amended plan
under divisions (A)(6) and (7) of section 3734.53 of the Revised
Code as approved or ordered to be implemented and will not
adversely affect the implementation and financing of the
district's initial or amended plan pursuant to the implementation
schedule contained in it under divisions (A)(12)(a) to (d) of that
section. The board shall act on a request for such a waiver within
ninety days after receiving the request. Upon granting such a
waiver, the board shall send notice of that fact to the director.
The notice shall indicate to whom the waiver was granted. Any
waiver or authorization granted by a board on or before October
29, 1993, shall continue in force until the board takes action
concerning the same entity under this division or until action is
taken under division (G) of section 343.014 of the Revised Code.

(J) Divisions (G)(1) to (4) and (I)(2) of this section do not
apply to the construction, operation, use, repair, enlargement, or
modification of either of the following:

(1) A solid waste facility owned by a generator of solid
wastes when the solid waste facility exclusively disposes of solid
wastes generated at one or more premises owned by the generator
regardless of whether the facility is located on a premises where
the wastes are generated;

(2) A facility that exclusively disposes of wastes that are
generated from the combustion of coal, or from the combustion of
primarily coal in combination with scrap tires, that is not
combined in any way with garbage at one or more premises owned by
the generator.

(K)(1) A member of the board of county commissioners of a
county solid waste management district, member of the board of
directors of a joint solid waste management district, member of

the board of trustees of a regional solid waste management 21100
authority managing a county or joint solid waste management 21101
district, or officer or employee of any solid waste management 21102
district, for the purposes of sections 102.03, 102.04, 2921.41, 21103
and 2921.42 of the Revised Code, shall not be considered to be 21104
directly or indirectly interested in, or improperly influenced by, 21105
any of the following: 21106

(a) A contract entered into under this chapter or section 21107
307.15 or sections 3734.52 to 3734.575 of the Revised Code between 21108
the district and any county forming the district, municipal 21109
corporation or township located within the district, or health 21110
district having territorial jurisdiction within the district, of 21111
which that member, officer, or employee also is an officer or 21112
employee, but only to the extent that any interest or influence 21113
could arise from hisholding public office or employment with the 21114
political subdivision or health district; 21115

(b) A contract entered into under this chapter or section 21116
307.15 or sections 3734.52 to 3734.575 of the Revised Code between 21117
the district and a county planning commission organized under 21118
section 713.22 of the Revised Code, or regional planning 21119
commission created under section 713.21 of the Revised Code, 21120
having territorial jurisdiction within the district, of which that 21121
member also is a member, officer, or employee, but only to the 21122
extent that any interest or influence could arise from hisholding 21123
public office or employment with the commission; 21124

(c) An expenditure of money made by the district for the 21125
benefit of any county forming the district, municipal corporation 21126
or township located within the district, or health district or 21127
county or regional planning commission having territorial 21128
jurisdiction within the district, of which that member also is a 21129
member, officer, or employee, but only to the extent that any 21130
interest or influence could arise from hisholding public office 21131

or employment with the political subdivision, health district, or
commission;

(d) An expenditure of money made for the benefit of the
district by any county forming the district, municipal corporation
or township located within the district, or health district or
county or regional planning commission having territorial
jurisdiction within the district, of which that member also is a
member, officer, or employee, but only to the extent that any
interest or influence could arise from ~~his~~holding public office
or employment with the political subdivision, health district, or
commission.

(2) A solid waste management district, county, municipal
corporation, township, health district, or planning commission
described or referred to in divisions (K)(1)(a) to (d) of this
section shall not be construed to be the business associate of a
person who is concurrently a member of the board of county
commissioners, directors, or trustees, or an officer or employee,
of the district and an officer or employee of that municipal
corporation, county, township, health district, or planning
commission for the purposes of sections 102.03, 2921.42, and
2921.43 of the Revised Code. Any person who is concurrently a
member of the board of county commissioners, directors, or
trustees, or an officer or employee, of a solid waste management
district so described or referred to and an officer or employee of
a county, municipal corporation, township, health district, or
planning commission so described or referred to may participate
fully in deliberations concerning and vote on or otherwise
participate in the approval or disapproval of any contract or
expenditure of funds described in those divisions as a member of
the board of county commissioners or directors, or an officer or
employee, of a county or joint solid waste management district;
member of the board of trustees, or an officer or employee, of a
regional solid waste management authority managing a county or

joint solid waste management district; member of the legislative
authority, or an officer or employee, of a county forming the
district; member of the legislative authority, or an officer or
employee, of a municipal corporation or township located within
the district; member of the board of health, or an officer or
employee, of a health district having territorial jurisdiction
within the district; or member of the planning commission, or an
officer or employee of a county or regional planning commission
having territorial jurisdiction within the district.

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(3) Nothing in division (K)(1) or (2) of this section shall
be construed to exempt any member of the board of county
commissioners, directors, or trustees, or an officer or employee,
of a solid waste management district from a conflict of interest
arising because of a personal or private business interest.

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(4) A member of the board of county commissioners of a county
solid waste management district, board of directors of a joint
solid waste management district, or board of trustees of a
regional solid waste management authority managing a county or
joint solid waste management district, or an officer or employee,
of any such solid waste management district, neither shall be
disqualified from holding any other public office or position of
employment nor be required to forfeit any other public office or
position of employment by reason of his serving as a member of the
board of county commissioners, directors, or trustees, or as an
officer or employee, of the district, notwithstanding any
requirement to the contrary under the common law of this state or
the Revised Code.

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(L) As used in this chapter:

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(1) "Board of health," "disposal," "health district," "scrap
tires," and "solid waste transfer facility" have the same meanings
as in section 3734.01 of the Revised Code.

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(2) "Change in district composition" and "change" have the same meaning as in section 3734.521 of the Revised Code.	21196 21197
(3)(a) Except as provided in division (L)(3)(b) or (c), and (d), of this section, "solid wastes" has the same meaning as in section 3734.01 of the Revised Code.	21198 21199 21200
(b) If the solid waste management district is not one that resulted from proceedings for a change in district composition under sections 343.012 and 3734.521 of the Revised Code, until such time as an amended solid waste management plan is approved under section 3734.56 of the Revised Code, "solid wastes" need not include scrap tires unless the solid waste management policy committee established under section 3734.54 of the Revised Code for the district chooses to include the management of scrap tires in the district's initial solid waste management plan prepared under sections 3734.54 and 3734.55 of the Revised Code.	21201 21202 21203 21204 21205 21206 21207 21208 21209 21210
(c) If the solid waste management district is one resulting from proceedings for a change in district composition under sections 343.012 and 3734.521 of the Revised Code and if the change involves an existing district that is operating under either an initial solid waste management plan approved or prepared and ordered to be implemented under section 3734.55 of the Revised Code or an initial or amended plan approved or prepared and ordered to be implemented under section 3734.521 of the Revised Code that does not provide for the management of scrap tires and scrap tire facilities, until such time as the amended plan of the district resulting from the change is approved under section 3734.56 of the Revised Code, "solid wastes" need not include scrap tires unless the solid waste management policy committee established under division (C) of section 3734.521 of the Revised Code for the district chooses to include the management of scrap tires in the district's initial or amended solid waste management plan prepared under section 3734.521 of the Revised Code in	21211 21212 21213 21214 21215 21216 21217 21218 21219 21220 21221 21222 21223 21224 21225 21226 21227

connection with the change proceedings. 21228

(d) If the policy committee chooses to include the management 21229
of scrap tires in an initial plan prepared under sections 3734.54 21230
and 3734.55 of the Revised Code or in an initial or amended plan 21231
prepared under section 3734.521 of the Revised Code, the board of 21232
county commissioners or directors shall execute all of the duties 21233
imposed and may exercise any or all of the rights granted under 21234
this section for the purpose of managing solid wastes that consist 21235
of scrap tires. 21236

(4)(a) Except as provided in division (L)(4)(b) or (c), and 21237
(d) of this section, "facility" has the same meaning as in section 21238
3734.01 of the Revised Code and also includes any solid waste 21239
transfer, recycling, or resource recovery facility. 21240

(b) If the solid waste management district is not one that 21241
resulted from proceedings for a change in district composition 21242
under sections 343.012 and 3734.521 of the Revised Code, until 21243
such time as an amended solid waste management plan is approved 21244
under section 3734.56 of the Revised Code, "facility" need not 21245
include any scrap tire collection, storage, monofill, or 21246
recovery facility unless the solid waste management policy 21247
committee established under section 3734.54 of the Revised Code 21248
for the district chooses to include the management of scrap tire 21249
facilities in the district's initial solid waste management plan 21250
prepared under sections 3734.54 and 3734.55 of the Revised Code. 21251

(c) If the solid waste management district is one resulting 21252
from proceedings for a change in district composition under 21253
sections 343.012 and 3734.521 of the Revised Code and if the 21254
change involves an existing district that is operating under 21255
either an initial solid waste management plan approved under 21256
section 3734.55 of the Revised Code or an initial or amended plan 21257
approved or prepared and ordered to be implemented under section 21258
3734.521 of the Revised Code that does not provide for the 21259

management of scrap tires and scrap tire facilities, until such 21260
time as the amended plan of the district resulting from the change 21261
is approved under section 3734.56 of the Revised Code, "facility" 21262
need not include scrap tires unless the solid waste management 21263
policy committee established under division (C) of section 21264
3734.521 of the Revised Code for the district chooses to include 21265
the management of scrap tires in the district's initial or amended 21266
solid waste management plan prepared under section 3734.521 of the 21267
Revised Code in connection with the change proceedings. 21268

(d) If the policy committee chooses to include the management 21269
of scrap tires in an initial plan prepared under sections 3734.54 21270
and 3734.55 of the Revised Code or in an initial or amended plan 21271
prepared under section 3734.521 of the Revised Code, the board of 21272
county commissioners or directors shall execute all of the duties 21273
imposed and may exercise any or all of the rights granted under 21274
this section for the purpose of managing solid waste facilities 21275
that are scrap tire collection, storage, monocell, monofill, or 21276
recovery facilities. 21277

Sec. 351.01. As used in this chapter: 21278

(A) "Convention facilities authority" means a body corporate 21279
and politic created pursuant to section 351.02 of the Revised 21280
Code. 21281

(B) "Governmental agency" means a department, division, or 21282
other unit of the state government or of a municipal corporation, 21283
county, township, or other political subdivision of the state; any 21284
state university or college, as defined in section 3345.12 of the 21285
Revised Code, community college, state community college, 21286
university branch, or technical college; any other public 21287
corporation or agency having the power to acquire, construct, or 21288
operate facilities; the United States or any agency thereof; and 21289
any agency, commission, or authority established pursuant to an 21290
interstate compact or agreement. 21291

(C) "Person" means any individual, firm, partnership, 21292
association, or corporation, or any combination of them. 21293

(D) "Facility" or "facilities" means any convention, 21294
entertainment, or sports facility, or combination of them, located 21295
within the territory of the convention facilities authority, 21296
together with all hotels, parking facilities, walkways, and other 21297
auxiliary facilities, real and personal property, property rights, 21298
easements and interests that may be appropriate for, or used in 21299
connection with, the operation of the facility. 21300

(E) "Cost" means the cost of acquisition of all land, 21301
rights-of-way, property rights, easements, franchise rights, and 21302
interests required for such acquisition; the cost of demolishing 21303
or removing any buildings or structures on land so acquired, 21304
including the cost of acquiring any lands to which such buildings 21305
or structures may be moved; the cost of acquiring or constructing 21306
and equipping a principal office of the convention facilities 21307
authority; the cost of diverting highways, interchange of 21308
highways, access roads to private property, including the cost of 21309
land or easements for such access roads; the cost of public 21310
utility and common carrier relocation or duplication; the cost of 21311
all machinery, furnishings, and equipment; financing charges; 21312
interest prior to and during construction and for no more than 21313
eighteen months after completion of construction; expenses of 21314
research and development with respect to facilities; legal 21315
expenses; expenses of obtaining plans, specifications, engineering 21316
surveys, studies, and estimates of cost and revenues; working 21317
capital; expenses necessary or incident to determining the 21318
feasibility or practicability of acquiring or constructing such 21319
facility; administrative expense; and such other expenses as may 21320
be necessary or incident to the acquisition or construction of the 21321
facility, the financing of such acquisition or construction, 21322
including the amount authorized in the resolution of the 21323

convention facilities authority providing for the issuance of 21324
convention facilities authority revenue bonds to be paid into any 21325
special funds from the proceeds of such bonds, the cost of issuing 21326
the bonds, and the financing of the placing of such facility in 21327
operation. Any obligation, cost, or expense incurred by any 21328
governmental agency or person for surveys, borings, preparation of 21329
plans and specifications, and other engineering services, or any 21330
other cost described above, in connection with the acquisition or 21331
construction of a facility may be regarded as part of the cost of 21332
such facility and may be reimbursed out of the proceeds of 21333
convention facilities authority revenue bonds as authorized by 21334
this chapter. 21335

(F) "Owner" includes a person having any title or interest in 21336
any property, rights, easements, or interests authorized to be 21337
acquired by Chapter 351. of the Revised Code. 21338

(G) "Revenues" means all rentals and other charges received 21339
by the convention facilities authority for the use or services of 21340
any facility, the sale of any merchandise, or the operation of any 21341
concessions; any gift or grant received with respect to any 21342
facility, any moneys received with respect to the lease, sublease, 21343
sale, including installment sale or conditional sale, or other 21344
disposition of a facility or part thereof; moneys received in 21345
repayment of and for interest on any loans made by the authority 21346
to a person or governmental agency, whether from the United States 21347
or any department, administration, or agency thereof, or 21348
otherwise; proceeds of convention facilities authority revenue 21349
bonds to the extent the use thereof for payment of principal or of 21350
premium, if any, or interest on the bonds is authorized by the 21351
authority; proceeds from any insurance, appropriation, or guaranty 21352
pertaining to a facility or property mortgaged to secure bonds or 21353
pertaining to the financing of the facility; income and profit 21354
from the investment of the proceeds of convention facilities 21355
authority revenue bonds or of any revenues; contributions of the 21356

proceeds of a tax levied pursuant to division (A)(3) of section 5739.09 of the Revised Code; and moneys transmitted to the authority pursuant to division (B) of section 5739.211 and division (B) of section 5741.031 of the Revised Code.	21357 21358 21359 21360
(H) "Public roads" includes all public highways, roads, and streets in the state, whether maintained by the state, county, city, township, or other political subdivision.	21361 21362 21363
(I) "Construction," unless the context indicates a different meaning or intent, includes, but is not limited to, reconstruction, enlargement, improvement, or providing fixtures, furnishings, and equipment.	21364 21365 21366 21367
(J) "Convention facilities authority revenue bonds" or "revenue bonds," unless the context indicates a different meaning or intent, includes convention facilities authority revenue notes, convention facilities authority revenue renewal notes, and convention facilities authority revenue refunding bonds.	21368 21369 21370 21371 21372
(K) "Convention facilities authority tax anticipation bonds" or "tax anticipation bonds," unless the context indicates a different meaning, includes convention facilities authority tax anticipation bonds, tax anticipation notes, tax anticipation renewal notes, and tax anticipation refunding bonds.	21373 21374 21375 21376 21377
(L) "Bonds and notes" means convention facilities authority revenue bonds and convention facilities authority tax anticipation bonds.	21378 21379 21380
(M) "Territory of the authority" means all of the area of the county creating the convention facilities authority.	21381 21382
(N) "Excise taxes" means any of the taxes levied pursuant to division (B) or (C) of section 351.021 of the Revised Code. "Excise taxes" does not include taxes levied pursuant to section	21383 21384 21385

4301.424, 5743.026, or 5743.324 of the Revised Code. 21386

(O) "Transaction" means the charge by a hotel for each 21387
occupancy by transient guests of a room or suite of rooms used in 21388
a hotel as a single unit for any period of twenty-four hours or 21389
less. 21390

(P) "Hotel" and "transient guests" have the same meanings as 21391
in section 5739.01 of the Revised Code. 21392

(Q) "Sports facility" means a facility intended to house 21393
major league professional athletic teams. 21394

(R) "Constructing" or "construction" includes providing 21395
fixtures, furnishings, and equipment. 21396

Sec. 351.021. (A) The resolution of the county commissioners 21397
creating a convention facilities authority, or any amendment or 21398
supplement to that resolution, may authorize the authority to levy 21399
one or both of the excise taxes authorized by division (B) of this 21400
section to pay the cost of one or more facilities; to pay 21401
principal, interest, and premium on convention facilities 21402
authority tax anticipation bonds issued to pay those costs; to pay 21403
the operating costs of the authority; to pay operating and 21404
maintenance costs of those facilities; and to pay the costs of 21405
administering the excise tax. 21406

(B) The board of directors of a convention facilities 21407
authority that has been authorized pursuant to resolution adopted, 21408
amended, or supplemented by the board of county commissioners 21409
pursuant to division (A) of this section may levy, by resolution 21410
adopted on or before December 31, 1988, either or both of the 21411
following: 21412

(1) Within the territory of the authority, an additional 21413
excise tax not to exceed four per cent on each transaction. The 21414

excise tax authorized by division (B)(1) of this section shall be 21415
in addition to any excise tax levied pursuant to section 5739.08 21416
or 5739.09 of the Revised Code, or division (B)(2) of this 21417
section. 21418

(2) Within that portion of any municipal corporation that is 21419
located within the territory of the authority or within the 21420
boundaries of any township that is located within the territory of 21421
the authority, which municipal corporation or township is levying 21422
any portion of the excise tax authorized by division (A) of 21423
section 5739.08 of the Revised Code, and with the approval, by 21424
ordinance or resolution, of the legislative authority of that 21425
municipal corporation or township, an additional excise tax not to 21426
exceed nine-tenths of one per cent on each transaction. The excise 21427
tax authorized by division (B)(2) of this section may be levied 21428
only if, on the effective date of the levy specified in the 21429
resolution making the levy, the amount being levied pursuant to 21430
division (A) of section 5739.08 of the Revised Code by each 21431
municipal corporation or township in which the tax authorized by 21432
division (B)(2) of this section will be levied, when added to the 21433
amount levied under division (B)(2) of this section, does not 21434
exceed three per cent on each transaction. The excise tax 21435
authorized by division (B)(2) of this section shall be in addition 21436
to any excise tax that is levied pursuant to section 5739.08 or 21437
5739.09 of the Revised Code, or division (B)(1) of this section. 21438

(C)(1) The board of directors of a convention facilities 21439
authority that is located in an eligible Appalachian county; that 21440
has been authorized pursuant to resolution adopted, amended, or 21441
supplemented by the board of county commissioners pursuant to 21442
division (A) of this section; and that is not levying a tax under 21443
division (B)(1) or (2) of this section may levy within the 21444
territory of the authority, by resolution adopted on or before 21445
December 31, 2005, an additional excise tax not to exceed three 21446
per cent on each transaction. The excise tax authorized under 21447

division (C)(1) of this section shall be in addition to any excise
tax levied pursuant to section 5739.08 or 5739.09 of the Revised
Code.

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(2) As used in division (C)(1) of this section, "eligible
Appalachian county" means a county in this state designated as
being in the "Appalachian region" under the "Appalachian Regional
Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and
having a population less than eighty thousand according to the
most recent federal decennial census.

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(2) Division (B)(2) of this section applies only to a
convention facilities authority located in a county with a
population, according to the 2000 federal decennial census, of at
least one hundred thirty-five thousand and not more than one
hundred fifty thousand and containing entirely within its
boundaries the territory of a municipal corporation with a
population according to that census of more than fifty thousand.
The board of directors of such a convention facilities authority,
by resolution adopted on or before November 1, 2009, may levy
within the territory of the authority an excise tax on
transactions by which lodging by a hotel is or is to be
furnished to transient guests at a rate not to exceed three per
cent on such transactions for the same purposes for which a tax
may be levied under division (B) of this section. The resolution
may be adopted only if the board of county commissioners of the
county, by resolution, authorizes the levy of the tax. The
resolution of the board of county commissioners is subject to
referendum as prescribed by sections 305.31 to 305.41 of the
Revised Code. If, pursuant to those procedures, a referendum is
to be held, the board's resolution does not take effect until
approved by a majority of electors voting on the question. The
convention facilities authority may adopt the resolution
authorized by division (C)(2) of this section before the
election, but the authority's resolution shall not take effect if

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the board of commissioners' resolution is not approved at the 21481
election. A tax levied under division (C)(2) of this section is 21482
in addition to any tax levied under section 5739.09 of the 21483
Revised Code. 21484

(D) The authority shall provide for the administration and 21485
allocation of an excise tax levied pursuant to division (B) or (C) 21486
of this section. All receipts arising from those excise taxes 21487
shall be expended for the purposes provided in, and in accordance 21488
with this section and section 351.141 of the Revised Code. An 21489
excise tax levied under division (B) or (C) of this section shall 21490
remain in effect at the rate at which it is levied for at least 21491
the duration of the period for which the receipts from the tax 21492
have been anticipated and pledged pursuant to section 351.141 of 21493
the Revised Code. 21494

(E) Except as provided in division (B)(2) of this section, 21495
the levy of an excise tax on each transaction pursuant to sections 21496
5739.08 and 5739.09 of the Revised Code does not prevent a 21497
convention facilities authority from levying an excise tax 21498
pursuant to division (B) or (C) of this section. 21499

Sec. 504.21. (A) The board of township trustees of a 21500
township that has adopted a limited home rule government may, for 21501
the unincorporated territory in the township, adopt, amend, and 21502
rescind rules establishing technically feasible and economically 21503
reasonable standards to achieve a level of management and 21504
conservation practices that will abate wind or water erosion of 21505
the soil or abate the degradation of the waters of the state by 21506
soil sediment in conjunction with land grading, excavating, 21507
filling, or other soil disturbing activities on land used or being 21508
developed in the township for nonfarm commercial, industrial, 21509
residential, or other nonfarm purposes, and establish criteria for 21510
determination of the acceptability of those management and 21511
conservation practices. The rules shall be designed to implement 21512

the applicable areawide waste treatment management plan prepared 21513
under section 208 of the "Federal Water Pollution Control Act," 86 21514
Stat. 816 (1972), 33 U.S.C.A. 1228, as amended, and to implement 21515
phase II of the storm water program of the national pollutant 21516
discharge elimination system established in 40 C.F.R. Part 122. 21517
The rules to implement phase II of the storm water program of the 21518
national pollutant discharge elimination system shall not be 21519
inconsistent with, more stringent than, or broader in scope than 21520
the rules or regulations adopted by the environmental protection 21521
agency under 40 C.F.R. Part 122. The rules adopted under this 21522
section shall not apply inside the limits of municipal 21523
corporations, to lands being used in a strip mine operation as 21524
defined in section 1513.01 of the Revised Code, or to land being 21525
used in a surface mine operation as defined in section 1514.01 of 21526
the Revised Code. 21527

The rules adopted under this section may require persons to 21528
file plans governing erosion control, sediment control, and water 21529
management before clearing, grading, excavating, filling, or 21530
otherwise wholly or partially disturbing one or more contiguous 21531
acres of land owned by one person or operated as one development 21532
unit for the construction of nonfarm buildings, structures, 21533
utilities, recreational areas, or other similar nonfarm uses. If 21534
the rules require plans to be filed, the rules shall do all of the 21535
following: 21536

(1) Designate the board itself, its employees, or another 21537
agency or official to review and approve or disapprove the plans; 21538

(2) Establish procedures and criteria for the review and 21539
approval or disapproval of the plans; 21540

(3) Require the designated entity to issue a permit to a 21541
person for the clearing, grading, excavating, filling, or other 21542
project for which plans are approved and to deny a permit to a 21543
person whose plans have been disapproved; 21544

(4) Establish procedures for the issuance of the permits;	21545
(5) Establish procedures under which a person may appeal the denial of a permit.	21546 21547
Areas of less than one contiguous acre shall not be exempt from compliance with other provisions of this section or rules adopted under this section. The rules adopted under this section may impose reasonable filing fees for plan review, permit processing, and field inspections.	21548 21549 21550 21551 21552
No permit or plan shall be required for a public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the board or the chief of the division of soil and water ~~conservation~~ <u>resources</u> in the department of natural resources.	21553 21554 21555 21556 21557 21558 21559
(B) Rules or amendments may be adopted under this section only after public hearings at not fewer than two regular sessions of the board of township trustees. The board shall cause to be published, in a newspaper of general circulation in the township, notice of the public hearings, including time, date, and place, once a week for two weeks immediately preceding the hearings. The proposed rules or amendments shall be made available by the board to the public at the board office or other location indicated in the notice. The rules or amendments shall take effect on the thirty-first day following the date of their adoption.	21560 21561 21562 21563 21564 21565 21566 21567 21568 21569
(C) The board of township trustees may employ personnel to assist in the administration of this section and the rules adopted under it. The board also, if the action does not conflict with the rules, may delegate duties to review sediment control and water management plans to its employees, and may enter into agreements	21570 21571 21572 21573 21574

with one or more political subdivisions, other township officials, 21575
or other government agencies, in any combination, in order to 21576
obtain reviews and comments on plans governing erosion control, 21577
sediment control, and water management or to obtain other services 21578
for the administration of the rules adopted under this section. 21579

(D) The board of township trustees or any duly authorized 21580
representative of the board may, upon identification to the owner 21581
or person in charge, enter any land upon obtaining agreement with 21582
the owner, tenant, or manager of the land in order to determine 21583
whether there is compliance with the rules adopted under this 21584
section. If the board or its duly authorized representative is 21585
unable to obtain such an agreement, the board or representative 21586
may apply for, and a judge of the court of common pleas for the 21587
county where the land is located may issue, an appropriate 21588
inspection warrant as necessary to achieve the purposes of this 21589
section. 21590

(E)(1) If the board of township trustees or its duly 21591
authorized representative determines that a violation of the rules 21592
adopted under this section exists, the board or representative may 21593
issue an immediate stop work order if the violator failed to 21594
obtain any federal, state, or local permit necessary for sediment 21595
and erosion control, earth movement, clearing, or cut and fill 21596
activity. In addition, if the board or representative determines 21597
such a rule violation exists, regardless of whether or not the 21598
violator has obtained the proper permits, the board or 21599
representative may authorize the issuance of a notice of 21600
violation. If, after a period of not less than thirty days has 21601
elapsed following the issuance of the notice of violation, the 21602
violation continues, the board or its duly authorized 21603
representative shall issue a second notice of violation. Except as 21604
provided in division (E)(3) of this section, if, after a period of 21605
not less than fifteen days has elapsed following the issuance of 21606
the second notice of violation, the violation continues, the board 21607

or its duly authorized representative may issue a stop work order 21608
after first obtaining the written approval of the prosecuting 21609
attorney of the county in which the township is located if, in the 21610
opinion of the prosecuting attorney, the violation is egregious. 21611

Once a stop work order is issued, the board or its duly 21612
authorized representative shall request, in writing, the 21613
prosecuting attorney to seek an injunction or other appropriate 21614
relief in the court of common pleas to abate excessive erosion or 21615
sedimentation and secure compliance with the rules adopted under 21616
this section. If the prosecuting attorney seeks an injunction or 21617
other appropriate relief, then, in granting relief, the court of 21618
common pleas may order the construction of sediment control 21619
improvements or implementation of other control measures and may 21620
assess a civil fine of not less than one hundred or more than five 21621
hundred dollars. Each day of violation of a rule or stop work 21622
order issued under this section shall be considered a separate 21623
violation subject to a civil fine. 21624

(2) The person to whom a stop work order is issued under this 21625
section may appeal the order to the court of common pleas of the 21626
county in which it was issued, seeking any equitable or other 21627
appropriate relief from that order. 21628

(3) No stop work order shall be issued under this section 21629
against any public highway, transportation, or drainage 21630
improvement or maintenance project undertaken by a government 21631
agency or political subdivision in accordance with a statement of 21632
its standard sediment control policies that is approved by the 21633
board or the chief of the division of soil and water ~~conservation~~ 21634
resources in the department of natural resources. 21635

(F) No person shall violate any rule adopted or order issued 21636
under this section. Notwithstanding division (E) of this section, 21637
if the board of township trustees determines that a violation of 21638
any rule adopted or administrative order issued under this section 21639

exists, the board may request, in writing, the prosecuting attorney of the county in which the township is located, to seek an injunction or other appropriate relief in the court of common pleas to abate excessive erosion or sedimentation and secure compliance with the rules or order. In granting relief, the court of common pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars. Each day of violation of a rule adopted or administrative order issued under this section shall be considered a separate violation subject to a civil fine.

Sec. 505.82. (A) If a board of township trustees by a unanimous vote or, in the event of the unavoidable absence of one trustee, by an affirmative vote of two trustees adopts a resolution declaring that an emergency exists that threatens life or property within the unincorporated territory of the township or that such an emergency is imminent, the board may exercise the powers described in divisions (A)(1) and (2) and (B) of this section during the emergency for a period of time not exceeding six months following the adoption of the resolution. The resolution shall state the specific time period for which the emergency powers are in effect.

(1) If an owner of an undedicated road or stream bank in the unincorporated territory of the township has not provided for the removal of snow, ice, debris, or other obstructions from the road or bank, the board may provide for that removal. Prior to providing for the removal, the board shall give, or make a good faith attempt to give, oral notice to the owner or owners of the road or bank of the board's intent to clear the road or bank and to impose a service charge for doing so. The board shall establish just and equitable service charges for the removal to be paid, except as provided in division (B) of this section, by the owners of the road or bank.

The board shall keep a record of the costs incurred by the township in removing snow, ice, debris, or other obstructions from the road or bank. The service charges shall be based on these costs and shall be in an amount sufficient to recover these costs. If there is more than one owner of the road or bank, the board, except as provided in division (B) of this section, shall allocate the service charges among the owners on an equitable basis. The board shall notify, in writing, each owner of the road or bank of the amount of the service charges and shall certify the charges to the county auditor. The service charges shall constitute a lien upon the property. The auditor shall place the service charges on a special duplicate to be collected as other taxes and returned to the township general fund.

(2) The board may contract for the immediate acquisition, replacement, or repair of equipment needed for the emergency situation, without following the competitive bidding requirements of section 5549.21 or any other section of the Revised Code.

(B) In lieu of collecting service charges from owners for the removal of snow or ice from an undedicated road by the board of township trustees as provided in division (A)(1) of this section, the board may enter into a contract with a developer whereby the developer agrees to pay the service charges for the snow and ice removal instead of the owners.

(C) The removal of snow, ice, debris, or other obstructions from an undedicated road by a board of township trustees acting pursuant to a resolution adopted under division (A) of this section does not constitute approval or acceptance of the undedicated road.

(D) As used in this section, "undedicated road" means a road that has not been approved and accepted by the board of county commissioners and is not a part of the state, county, or township

road systems as provided in section 5535.01 of the Revised Code. 21704

(E) Nothing in this section shall be construed to waive the 21705
requirement under section ~~1517.16~~1547.82 of the Revised Code that 21706
approval of plans be obtained from the director of natural 21707
resources or the director's representative prior to modifying or 21708
causing the modification of the channel of any watercourse in a 21709
wild, scenic, or recreational river area outside the limits of a 21710
municipal corporation. 21711

Sec. 711.001. As used in this chapter: 21712

(A) "Plat" means a map of a tract or parcel of land. 21713

(B) "Subdivision" means either of the following: 21714

(1) The division of any parcel of land shown as a unit or as 21715
contiguous units on the last preceding general tax list and 21716
duplicate of real and public utility property, into two or more 21717
parcels, sites, or lots, any one of which is less than five acres 21718
for the purpose, whether immediate or future, of transfer of 21719
ownership, provided, however, that the following are exempt: 21720

(a) A division or partition of land into parcels of more than 21721
five acres not involving any new streets or easements of access; 21722

(b) The sale or exchange of parcels between adjoining lot 21723
owners, where that sale or exchange does not create additional 21724
building sites; 21725

(c) If the planning authority adopts a rule in accordance 21726
with section 711.133 of the Revised Code that exempts from 21727
division (B)(1) of this section any parcel of land that is four 21728
acres or more, parcels in the size range delineated in that rule. 21729

(2) The improvement of one or more parcels of land for 21730

residential, commercial, or industrial structures or groups of 21731
structures involving the division or allocation of land for the 21732
opening, widening, or extension of any public or private street or 21733
streets, except private streets serving industrial structures, or 21734
involving the division or allocation of land as open spaces for 21735
common use by owners, occupants, or leaseholders or as easements 21736
for the extension and maintenance of public or private sewer, 21737
water, storm drainage, or other similar facilities. 21738

(C) "Household sewage treatment system" has the same meaning 21739
as in section 3709.091 of the Revised Code. 21740

Sec. 711.05. (A) Upon the submission of a plat for approval, 21741
in accordance with section 711.041 of the Revised Code, the board 21742
of county commissioners shall certify on it the date of the 21743
submission. Within five days of submission of the plat, the board 21744
shall schedule a meeting to consider the plat and send a written 21745
notice by regular mail to the fiscal officer of the board of 21746
township trustees of the township in which the plat is located and 21747
the board of health of the health district in which the plat is 21748
located. The notice shall inform the trustees and the board of 21749
health of the submission of the plat and of the date, time, and 21750
location of any meeting at which the board of county commissioners 21751
will consider or act upon the proposed plat. The meeting shall 21752
take place within thirty days of submission of the plat, and no 21753
meeting shall be held until at least seven days have passed from 21754
the date the notice was sent by the board of county commissioners. 21755
The approval of the board required by section 711.041 of the 21756
Revised Code or the refusal to approve shall take place within 21757
thirty days from the date of submission or such further time as 21758
the applying party may agree to in writing; otherwise, the plat is 21759
deemed approved and may be recorded as if bearing such approval. 21760

(B) The board may adopt general rules governing plats and 21761
subdivisions of land falling within its jurisdiction, to secure 21762

and provide for the coordination of the streets within the 21763
subdivision with existing streets and roads or with existing 21764
county highways, for the proper amount of open spaces for traffic, 21765
circulation, and utilities, and for the avoidance of future 21766
congestion of population detrimental to the public health, safety, 21767
or welfare, but shall not impose a greater minimum lot area than 21768
forty-eight hundred square feet. Before the board may amend or 21769
adopt rules, it shall notify all the townships in the county of 21770
the proposed amendments or rules by regular mail at least thirty 21771
days before the public meeting at which the proposed amendments or 21772
rules are to be considered. 21773

The rules may require the board of health to review and 21774
comment on a plat before the board of county commissioners acts 21775
upon it and may also require proof of compliance with any 21776
applicable zoning resolutions, and with rules governing household 21777
sewage treatment ~~rules adopted under section 3718.02 of the~~ 21778
~~Revised Code~~systems, as a basis for approval of a plat. Where 21779
under section 711.101 of the Revised Code the board of county 21780
commissioners has set up standards and specifications for the 21781
construction of streets, utilities, and other improvements for 21782
common use, the general rules may require the submission of 21783
appropriate plans and specifications for approval. The board 21784
shall not require the person submitting the plat to alter the 21785
plat or any part of it as a condition for approval, as long as 21786
the plat is in accordance with general rules governing plats and 21787
subdivisions of land, adopted by the board as provided in this 21788
section, in effect at the time the plat was submitted and the 21789
plat is in accordance with any standards and specifications set 21790
up under section 711.101 of the Revised Code, in effect at the 21791
time the plat was submitted. 21792

(C) The ground of refusal to approve any plat, submitted in 21793
accordance with section 711.041 of the Revised Code, shall be 21794
stated upon the record of the board, and, within sixty days 21795

thereafter, the person submitting any plat that the board refuses
to approve may file a petition in the court of common pleas of the
county in which the land described in the plat is situated to
review the action of the board. A board of township trustees is
not entitled to appeal a decision of the board of county
commissioners under this section.

Sec. 711.10. (A) Whenever a county planning commission or a
regional planning commission adopts a plan for the major streets
or highways of the county or region, no plat of a subdivision of
land within the county or region, other than land within a
municipal corporation or land within three miles of a city or one
and one-half miles of a village as provided in section 711.09 of
the Revised Code, shall be recorded until it is approved by the
county or regional planning commission under division (C) of this
section and the approval is endorsed in writing on the plat.

(B) A county or regional planning commission may require the
submission of a preliminary plan for each plat sought to be
recorded. If the commission requires this submission, it shall
provide for a review process for the preliminary plan. Under this
review process, the planning commission shall give its approval,
its approval with conditions, or its disapproval of each
preliminary plan. The commission's decision shall be in writing,
shall be under the signature of the secretary of the commission,
and shall be issued within thirty-five business days after the
submission of the preliminary plan to the commission. The
disapproval of a preliminary plan shall state the reasons for the
disapproval. A decision of the commission under this division is
preliminary to and separate from the commission's decision to
approve, conditionally approve, or refuse to approve a plat under
division (C) of this section.

(C) Within five calendar days after the submission of a plat
for approval under this division, the county or regional planning

commission shall schedule a meeting to consider the plat and send 21828
a notice by regular mail or by electronic mail to the fiscal 21829
officer of the board of township trustees of the township in which 21830
the plat is located and the board of health of the health district 21831
in which the plat is located. The notice shall inform the trustees 21832
and the board of health of the submission of the plat and of the 21833
date, time, and location of any meeting at which the county or 21834
regional planning commission will consider or act upon the plat. 21835
The meeting shall take place within thirty calendar days after 21836
submission of the plat, and no meeting shall be held until at 21837
least seven calendar days have passed from the date the planning 21838
commission sent the notice. 21839

The approval of the county or regional planning commission, 21840
the commission's conditional approval as described in this 21841
division, or the refusal of the commission to approve shall be 21842
endorsed on the plat within thirty calendar days after the 21843
submission of the plat for approval under this division or within 21844
such further time as the applying party may agree to in writing; 21845
otherwise that plat is deemed approved, and the certificate of the 21846
commission as to the date of the submission of the plat for 21847
approval under this division and the failure to take action on it 21848
within that time shall be sufficient in lieu of the written 21849
endorsement or evidence of approval required by this division. 21850

A county or regional planning commission may grant 21851
conditional approval under this division to a plat by requiring a 21852
person submitting the plat to alter the plat or any part of it, 21853
within a specified period after the end of the thirty calendar 21854
days, as a condition for final approval under this division. Once 21855
all the conditions have been met within the specified period, the 21856
commission shall cause its final approval under this division to 21857
be endorsed on the plat. No plat shall be recorded until it is 21858
endorsed with the commission's final or unconditional approval 21859
under this division. 21860

The ground of refusal of approval of any plat submitted under this division, including citation of or reference to the rule violated by the plat, shall be stated upon the record of the county or regional planning commission. Within sixty calendar days after the refusal under this division, the person submitting any plat that the commission refuses to approve under this division may file a petition in the court of common pleas of the proper county, and the proceedings on the petition shall be governed by section 711.09 of the Revised Code as in the case of the refusal of a planning authority to approve a plat. A board of township trustees is not entitled to appeal a decision of the commission under this division.

A county or regional planning commission shall adopt general rules, of uniform application, governing plats and subdivisions of land falling within its jurisdiction, to secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets or highways or to the county or regional plan, for adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, recreation, light, and air, and for the avoidance of congestion of population. The rules may provide for their modification by the commission in specific cases where unusual topographical and other exceptional conditions require the modification. The rules may require the board of health to review and comment on a plat before the commission acts upon it and also may require proof of compliance with any applicable zoning resolutions, and with rules governing household sewage treatment systems ~~rules adopted under section 3718.02 of the Revised Code~~, as a basis for approval of a plat.

Before adoption of its rules or amendment of its rules, the commission shall hold a public hearing on the adoption or amendment. Notice of the public hearing shall be sent to all townships in the county or region by regular mail or electronic

mail at least thirty business days before the hearing. No county
or regional planning commission shall adopt any rules requiring
actual construction of streets or other improvements or facilities
or assurance of that construction as a condition precedent to the
approval of a plat of a subdivision unless the requirements have
first been adopted by the board of county commissioners after a
public hearing. A copy of the rules shall be certified by the
planning commission to the county recorders of the appropriate
counties.

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After a county or regional street or highway plan has been
adopted as provided in this section, the approval of plats and
subdivisions provided for in this section shall be in lieu of any
approvals provided for in other sections of the Revised Code,
insofar as the territory within the approving jurisdiction of the
county or regional planning commission, as provided in this
section, is concerned. Approval of a plat shall not be an
acceptance by the public of the dedication of any street, highway,
or other way or open space shown upon the plat.

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No county or regional planning commission shall require a
person submitting a plat to alter the plat or any part of it as
long as the plat is in accordance with the general rules governing
plats and subdivisions of land, adopted by the commission as
provided in this section, in effect at the time the plat is
submitted.

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A county or regional planning commission and a city or
village planning commission, or platting commissioner or
legislative authority of a village, with subdivision regulation
jurisdiction over unincorporated territory within the county or
region may cooperate and agree by written agreement that the
approval of a plat by the city or village planning commission, or
platting commissioner or legislative authority of a village, as
provided in section 711.09 of the Revised Code, shall be

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conditioned upon receiving advice from or approval by the county 21925
or regional planning commission. 21926

(D) As used in this section, "business day" means a day of 21927
the week excluding Saturday, Sunday, or a legal holiday as defined 21928
in section 1.14 of the Revised Code. 21929

Sec. 711.131. (A) Notwithstanding sections 711.001 to 711.13 21930
of the Revised Code and except as provided in division (C) of this 21931
section, unless the rules adopted under section 711.05, 711.09, or 21932
711.10 of the Revised Code are amended pursuant to division (B) of 21933
this section, a proposed division of a parcel of land along an 21934
existing public street, not involving the opening, widening, or 21935
extension of any street or road, and involving no more than five 21936
lots after the original tract has been completely subdivided, may 21937
be submitted to the planning authority having approving 21938
jurisdiction of plats under section 711.05, 711.09, or 711.10 of 21939
the Revised Code for approval without plat. If the authority 21940
acting through a properly designated representative finds that a 21941
proposed division is not contrary to applicable platting, 21942
subdividing, zoning, health, sanitary, or access management 21943
regulations, regulations adopted under division (B)(3) of section 21944
307.37 of the Revised Code regarding existing surface or 21945
subsurface drainage, or rules governing household sewage treatment 21946
~~rules adopted under section 3718.02 of the Revised Codes~~systems, 21947
it shall approve the proposed division within seven business days 21948
after its submission and, on presentation of a conveyance of the 21949
parcel, shall stamp the conveyance "approved by (planning 21950
authority); no plat required" and have it signed by its clerk, 21951
secretary, or other official as may be designated by it. The 21952
planning authority may require the submission of a sketch and 21953
other information that is pertinent to its determination under 21954
this division. 21955

(B) For a period of up to two years after April 15, 2005, the 21956

rules adopted under section 711.05, 711.09, or 711.10 of the
Revised Code may be amended within that period to authorize the
planning authority involved to approve proposed divisions of
parcels of land without plat under this division. If an authority
so amends its rules, it may approve no more than five lots
without a plat from an original tract as that original tract
exists on the effective date of the amendment to the rules. The
authority shall make the findings and approve a proposed division
in the time and manner specified in division (A) of this section.

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(C) This section does not apply to parcels subject to section
711.133 of the Revised Code.

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(D) As used in this section, "business day" means a day of
the week excluding Saturday, Sunday, or a legal holiday as defined
in section 1.14 of the Revised Code.

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Sec. 717.25. The legislative authority of a municipal
corporation may establish a low-cost solar panel revolving loan
program to assist residents of the municipal corporation to
install solar panels at their residences. If the legislative
authority decides to establish such a program, the legislative
authority shall adopt an ordinance that provides for the
following:

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(A) Creation in the municipal treasury of a residential solar
panel revolving loan fund;

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(B) A source of money, such as gifts, bond issues, real
property assessments, or federal subsidies, to seed the
residential solar panel revolving loan fund;

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(C) Facilities for making loans from the residential solar
panel revolving loan fund, including an explanation of how
residents of the municipal corporation may qualify for loans from
the fund, a description of the solar panels and related equipment

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for which a loan can be made from the fund, authorization of a 21987
municipal agency to process applications for loans and otherwise 21988
to administer the low-cost solar panel revolving loan program, a 21989
procedure whereby loans can be applied for, criteria for reviewing 21990
and accepting or denying applications for loans, criteria for 21991
determining the appropriate amount of a loan, the interest rate to 21992
be charged, the repayment schedule, and other terms and conditions 21993
of a loan, and procedures for collecting loans that are not repaid 21994
according to the repayment schedule; 21995

(D) A specification that repayments of loans from the 21996
residential solar panel revolving loan fund may be made in 21997
installments and, at the option of the resident repaying the loan, 21998
the installments may be paid and collected as if they were special 21999
assessments paid and collected in the manner specified in Chapter 22000
727. of the Revised Code and as specified in the ordinance; 22001

(E) A specification that repayments of loans from the 22002
residential solar panel revolving loan fund are to be credited to 22003
the fund, that the money in the fund is to be invested pending its 22004
being lent out, and that investment earnings on the money in the 22005
fund is to be credited to the fund; and 22006

(F) Other matters necessary and proper for efficient 22007
operation of the low-cost solar panel revolving loan program as a 22008
means of encouraging use of renewable energy. 22009

The interest rate charged on a loan from the residential 22010
solar panel revolving loan fund shall be below prevailing market 22011
rates. The legislative authority may specify the interest rate in 22012
the ordinance or may, after establishing a standard in the 22013
ordinance whereby the interest rate can be specified, delegate 22014
authority to specify the interest rate to the administrator of 22015
loans from the residential solar panel revolving loan fund. 22016

The residential solar panel revolving loan fund shall be 22017

seeded with sufficient money to enable loans to be made until the 22018
fund accumulates sufficient reserves through investment and 22019
repayment of loans for revolving operation. 22020

Sec. 718.04. (A) No municipal corporation other than the 22021
citymunicipal corporation of residence shall levy a tax on the 22022
income of any member or employee of the Ohio general assembly 22023
including the lieutenant governor which income is received as a 22024
result of services rendered as such member or employee and is paid 22025
from appropriated funds of this state. 22026

(B) No municipal corporation other than the municipal 22027
corporation of residence and the city of Columbus shall levy a 22028
tax on the income of the chief justice or a justice of the 22029
supreme court received as a result of services rendered as the 22030
chief justice or justice. No municipal corporation other than the 22031
municipal corporation of residence shall levy a tax on the income 22032
of a judge sitting by assignment of the chief justice or on the 22033
income of a district court of appeals judge sitting in multiple 22034
locations within the district, received as a result of services 22035
rendered as a judge. 22036

Sec. 721.15. (A) Personal property not needed for municipal 22037
purposes, the estimated value of which is less than one thousand 22038
dollars, may be sold by the board or officer having supervision or 22039
management of that property. If the estimated value of that 22040
property is one thousand dollars or more, it shall be sold only 22041
when authorized by an ordinance of the legislative authority of 22042
the municipal corporation and approved by the board, officer, or 22043
director having supervision or management of that property. When 22044
so authorized, the board, officer, or director shall make a 22045
written contract with the highest and best bidder after 22046
advertisement for not less than two or more than four consecutive 22047
weeks in a newspaper of general circulation within the municipal 22048
corporation, or with a board of county commissioners upon such 22049

lawful terms as are agreed upon, as provided by division (B)(1) of
section 721.27 of the Revised Code. 22050
22051

(B) When the legislative authority finds, by resolution, that 22052
the municipal corporation has vehicles, equipment, or machinery 22053
which is obsolete, or is not needed or is unfit for public use, 22054
that the municipal corporation has need of other vehicles, 22055
equipment, or machinery of the same type, and that it will be in 22056
the best interest of the municipal corporation that the sale of 22057
obsolete, unneeded, or unfit vehicles, equipment, or machinery be 22058
made simultaneously with the purchase of the new vehicles, 22059
equipment, or machinery of the same type, the legislative 22060
authority may offer to sell, or authorize a board, officer, or 22061
director of the municipal corporation having supervision or 22062
management of the property to offer to sell, those vehicles, 22063
equipment, or machinery and to have the selling price credited 22064
against the purchase price of other vehicles, equipment, or 22065
machinery and to consummate the sale and purchase by a single 22066
contract with the lowest and best bidder to be determined by 22067
subtracting from the selling price of the vehicles, equipment, or 22068
machinery to be purchased by the municipal corporation the 22069
purchase price offered for the municipally-owned vehicles, 22070
equipment, or machinery. When the legislative authority or the 22071
authorized board, officer, or director of a municipal corporation 22072
advertises for bids for the sale of new vehicles, equipment, or 22073
machinery to the municipal corporation, they may include in the 22074
same advertisement a notice of willingness to accept bids for the 22075
purchase of municipally-owned vehicles, equipment, or machinery 22076
which is obsolete, or is not needed or is unfit for public use, 22077
and to have the amount of those bids subtracted from the selling 22078
price as a means of determining the lowest and best bidder. 22079

(C) If the legislative authority of the municipal corporation 22080
determines that municipal personal property is not needed for 22081
public use, or is obsolete or unfit for the use for which it was 22082

acquired, and that the property has no value, the legislative
authority may discard or salvage that property.

(D) Notwithstanding anything to the contrary in division (A)
or (B) of this section and regardless of the property's value, the
legislative authority of a municipal corporation may sell personal
property, including motor vehicles acquired for the use of
municipal officers and departments, and road machinery, equipment,
tools, or supplies, which is not needed for public use, or is
obsolete or unfit for the use for which it was acquired, by
internet auction. The legislative authority shall adopt, during
each calendar year, a resolution expressing its intent to sell
that property by internet auction. The resolution shall include a
description of how the auctions will be conducted and shall
specify the number of days for bidding on the property, which
shall be no less than ~~fifteen~~ten days, including Saturdays,
Sundays, and legal holidays. The resolution shall indicate whether
the municipal corporation will conduct the auction or the
legislative authority will contract with a representative to
conduct the auction and shall establish the general terms and
conditions of sale. If a representative is known when the
resolution is adopted, the resolution shall provide contact
information such as the representative's name, address, and
telephone number.

After adoption of the resolution, the legislative authority
shall publish, in a newspaper of general circulation in the
municipal corporation, notice of its intent to sell unneeded,
obsolete, or unfit municipal personal property by internet
auction. The notice shall include a summary of the information
provided in the resolution and shall be published at least twice.
The second and any subsequent notice shall be published not less
than ten nor more than twenty days after the previous notice. A
similar notice also shall be posted continually throughout the
calendar year in a conspicuous place in the offices of the village

clerk or city auditor, and the legislative authority, and, if the
municipal corporation maintains a website on the internet, the
notice shall be posted continually throughout the calendar year at
that website.

When the property is to be sold by internet auction, the
legislative authority or its representative may establish a
minimum price that will be accepted for specific items and may
establish any other terms and conditions for the particular sale,
including requirements for pick-up or delivery, method of payment,
and sales tax. This type of information shall be provided on the
internet at the time of the auction and may be provided before
that time upon request after the terms and conditions have been
determined by the legislative authority or its representative.

Sec. 901.041. There is hereby created in the state treasury
the sustainable agriculture program fund. The fund shall consist
of money credited to it, including, without limitation, federal
money. The director of agriculture shall use money in the fund to
support programs and activities that advance sustainable
agriculture, including administrative costs incurred by the
department of agriculture in administering the programs and
activities.

Sec. 901.20. (A) The director of agriculture may do either
or both of the following:

(1) Reserve exhibition space for exhibitors to exhibit their
goods in trade shows held in this country or in any other country.
The director may charge and collect fees from any exhibitor who
uses space reserved by the director under division (A)(1) of this
section.

(2) Conduct or cause to be conducted seminars or other
educational programs for the benefit of farmers and other
producers in this state who are interested in exporting their

goods overseas. The director may charge and collect fees from any 22147
person who attends a seminar or other educational program 22148
conducted under division (A)(2) of this section. 22149

(B) There is hereby created in the state treasury the Ohio 22150
proud, international, and domestic market development fund. Fees 22151
collected under division (A) of this section shall be deposited 22152
into the fund. The fund shall be used solely to carry out the 22153
purposes of that division. 22154

Sec. 901.32. Funds and the proceeds of the trust assets 22155
~~which~~that are not authorized to be administered by the secretary 22156
of agriculture of the United States under section 901.31 of the 22157
Revised Code shall be paid to and received by the director of 22158
agriculture, and paid by ~~him~~the director into the state treasury 22159
to the credit of the Ohio farm loan fund, which is hereby created. 22160
Money credited to the fund may be expended or obligated by the 22161
director for ~~such of the~~ rural rehabilitation purposes ~~permissible~~ 22162
~~under the charter of the now dissolved Ohio rural rehabilitation~~ 22163
~~corporation as are agreed upon by the director and the secretary~~ 22164
~~of agriculture or for the purposes of section 901.31 of the~~ 22165
~~Revised Code~~benefiting the state. 22166

All moneys received from investment of the fund shall be 22167
credited to the fund. 22168

All moneys received by the director resulting from the 22169
operation of the fund shall be credited to the fund. 22170

Sec. 901.43. (A) The director of agriculture may authorize 22171
any department of agriculture laboratory to perform a laboratory 22172
service for any person, organization, political subdivision, state 22173
agency, federal agency, or other entity, whether public or 22174
private. The director shall adopt and enforce rules to provide for 22175
the rendering of a laboratory service. 22176

(B) The director may charge a reasonable fee for the performance of a laboratory service, except when the service is performed on an official sample taken by the director acting pursuant to Title IX, Chapter 3715., or Chapter 3717. of the Revised Code; by a board of health acting as the licensor of retail food establishments or food service operations under Chapter 3717. of the Revised Code; or by the director of health acting as the licensor of food service operations under Chapter 3717. of the Revised Code. The director of agriculture shall adopt rules specifying what constitutes an official sample.

The director shall publish a list of laboratory services offered, together with the fee for each service.

(C) The director may enter into a contract with any person, organization, political subdivision, state agency, federal agency, or other entity for the provision of a laboratory service.

(D)(1) The director may adopt rules establishing standards for accreditation of laboratories and laboratory services and in doing so may adopt by reference existing or recognized standards or practices.

(2) The director may inspect and accredit laboratories and laboratory services, and may charge a reasonable fee for the inspections and accreditation.

(E)(1) There is hereby created in the state treasury the animal health and food safety consumer analytical laboratory fund. Moneys from the following sources shall be deposited into the state treasury to the credit of the fund: all moneys collected by the director under this section that are from fees generated by a laboratory service performed by the department and related to the diseases of animals, all moneys so collected that are from fees generated for the inspection and accreditation of laboratories and laboratory services related to the diseases of animals, all moneys

collected by the director under this section that are from fees 22208
generated by a laboratory service performed by the consumer 22209
analytical laboratory, ~~and~~ all moneys so collected that are from 22210
fees generated for the inspection and accreditation of 22211
laboratories and laboratory services not related to weights and 22212
measures, and all moneys collected under Chapters 942., 943., and 22213
953. of the Revised Code. The director may use the moneys held in 22214
the fund to pay the expenses necessary to operate the animal 22215
industry laboratory and the consumer analytical laboratory, 22216
including the purchase of supplies and equipment. 22217

(2) All moneys collected by the director under this section 22218
that are from fees generated by a laboratory service performed by 22219
the weights and measures laboratory, and all moneys so collected 22220
that are from fees generated for the inspection and accreditation 22221
of laboratories and laboratory services related to weights and 22222
measures, shall be deposited in the state treasury to the credit 22223
of the weights and measures laboratory fund, which is hereby 22224
created in the state treasury. The moneys held in the fund may be 22225
used to pay the expenses necessary to operate the division of 22226
weights and measures, including the purchase of supplies and 22227
equipment. 22228

Sec. 901.91. The director of agriculture may assess the 22229
operating funds of the department of agriculture to pay a share of 22230
the department's central support and administrative costs. The 22231
assessments shall be based on a plan that the director develops 22232
and submits to the director of budget and management not later 22233
than the fifteenth day of July of the fiscal year in which the 22234
assessments are to be made. If the director of budget and 22235
management determines that the assessments proposed in the plan 22236
are appropriate, the director shall approve the plan. Assessments 22237
shall be paid from the funds designated in the plan and credited 22238
by means of intrastate transfer voucher to the department of 22239
agriculture central support indirect costs fund, which is hereby 22240

created in the state treasury. The fund shall be administered by 22241
the director of agriculture and used to pay central support and 22242
administrative costs of the department of agriculture. 22243

Sec. 903.082. (A) The director of agriculture may determine 22244
that an animal feeding facility that is not a medium concentrated 22245
animal feeding operation or small concentrated animal feeding 22246
operation as defined in section 903.01 of the Revised Code 22247
nevertheless shall be required to be permitted as a medium or 22248
small concentrated animal feeding operation when all of the 22249
following apply: 22250

(1) The director has received from the chief of the division 22251
of soil and water ~~conservation~~resources in the department of 22252
natural resources a copy of an order issued under section 1511.02 22253
of the Revised Code that specifies that the animal feeding 22254
facility has caused agricultural pollution by failure to comply 22255
with standards established under that section and that the animal 22256
feeding facility therefore should be required to be permitted as a 22257
medium or small concentrated animal feeding operation. 22258

(2) The director or the director's authorized representative 22259
has inspected the animal feeding facility. 22260

(3) The director or the director's authorized representative 22261
finds that the facility is not being operated in a manner that 22262
protects the waters of the state. 22263

(B) If an animal feeding facility is required to be permitted 22264
in accordance with this section, the owner or operator of the 22265
facility shall apply to the director for a permit to operate as a 22266
concentrated animal feeding operation. In a situation in which 22267
best management practices cannot be implemented without modifying 22268
the existing animal feeding facility, the owner or operator of the 22269
facility also shall apply for a permit to install for the 22270
facility. 22271

(C) In the case of an animal feeding facility for which a permit to operate is required under this section, a permit to operate shall not be required after the end of the five-year term of the permit if the problems that caused the facility to be required to obtain the permit have been corrected to the director's satisfaction.

Sec. 903.11. (A) The director of agriculture may enter into contracts or agreements to carry out the purposes of this chapter with any public or private person, including the Ohio state university extension service, the natural resources conservation service in the United States department of agriculture, the environmental protection agency, the division of soil and water ~~conservation~~resources in the department of natural resources, and soil and water conservation districts established under Chapter 1515. of the Revised Code. However, the director shall not enter into a contract or agreement with a private person for the review of applications for permits to install, permits to operate, NPDES permits, or review compliance certificates that are issued under this chapter or for the inspection of a facility regulated under this chapter or with any person for the issuance of any of those permits or certificates or for the enforcement of this chapter and rules adopted under it.

(B) The director may administer grants and loans using moneys from the federal government and other sources, public or private, for carrying out any of the director's functions. Nothing in this chapter shall be construed to limit the eligibility of owners or operators of animal feeding facilities or other agricultural enterprises to receive moneys from the water pollution control loan fund established under section 6111.036 of the Revised Code and the nonpoint source pollution management fund established under section 6111.037 of the Revised Code.

The director of agriculture shall provide the director of

environmental protection with written recommendations for 22304
providing financial assistance from those funds to agricultural 22305
enterprises. The director of environmental protection shall 22306
consider the recommendations in developing priorities for 22307
providing financial assistance from the funds. 22308

Sec. 903.25. An owner or operator of an animal feeding 22309
facility who holds a permit to install, a permit to operate, a 22310
review compliance certificate, or a NPDES permit or who is 22311
operating under an operation and management plan, as defined in 22312
section 1511.01 of the Revised Code, approved by the chief of the 22313
division of soil and water ~~conservation~~resources in the 22314
department of natural resources under section 1511.02 of the 22315
Revised Code or by the supervisors of the appropriate soil and 22316
water conservation district under section 1515.08 of the Revised 22317
Code shall not be required by any political subdivision of the 22318
state or any officer, employee, agency, board, commission, 22319
department, or other instrumentality of a political subdivision to 22320
obtain a license, permit, or other approval pertaining to manure, 22321
insects or rodents, odor, or siting requirements for installation 22322
of an animal feeding facility. 22323

Sec. 905.32. (A) No person shall manufacture or distribute 22324
in this state any type of fertilizer until a license to 22325
manufacture or distribute has been obtained by the manufacturer or 22326
distributor from the department of agriculture upon payment of a 22327
five dollar fee: 22328

(1) For each fixed (permanent) location at which fertilizer 22329
is manufactured in this state; 22330

(2) For each mobile unit used to manufacture fertilizer in 22331
this state; 22332

(3) For each location out of the state from which fertilizer 22333
is distributed in this state to nonlicensees. 22334

All licenses shall be valid for one year beginning on the first day of December of a calendar year through the thirtieth day of November of the following calendar year. A renewal application for a license shall be submitted no later than the thirtieth day of November each year. A person who submits a renewal application for a license after the thirtieth day of November shall include with the application a late filing fee of ten dollars.

(B) An application for license shall include:

(1) The name and address of the licensee;

(2) The name and address of each bulk distribution point in the state, not licensed for fertilizer manufacture and distribution.

The name and address shown on the license shall be shown on all labels, pertinent invoices, and bulk storage for fertilizers distributed by the licensee in this state.

(C) The licensee shall inform the director of agriculture in writing of additional distribution points established during the period of the license.

(D) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 905.33. (A) Except as provided in division (C) of this section, no person shall distribute in this state a specialty fertilizer until it is registered by the manufacturer or distributor with the department of agriculture. An application, in duplicate, for each brand and product name of each grade of specialty fertilizer shall be made on a form furnished by the director of agriculture and shall be accompanied with a fee of

fifty dollars for each brand and product name of each grade.	22363
Labels for each brand and product name of each grade shall	22364
accompany the application. Upon the approval of an application by	22365
the director, a copy of the registration shall be furnished the	22366
applicant. All registrations shall be valid for one year beginning	22367
on the first day of December of a calendar year through the	22368
thirtieth day of November of the following calendar year.	22369
 (B) An application for registration shall include the	22370
following:	22371
 (1) Name and address of the manufacturer or distributor;	22372
 (2) The brand and product name;	22373
 (3) The grade;	22374
 (4) The guaranteed analysis;	22375
 (5) The package sizes for persons that package fertilizers	22376
only in containers of ten pounds or less.	22377
 (C)(1) No person who engages in the business of applying	22378
custom mixed fertilizer to lawns, golf courses, recreation areas,	22379
or other real property that is not used for agricultural	22380
production shall be required to register the custom mixed	22381
fertilizer as a specialty fertilizer in accordance with division	22382
(A) of this section if the fertilizer ingredients of the custom	22383
mixed fertilizer are registered as specialty fertilizers and the	22384
inspection fee described in division (A) of section 905.36 of the	22385
Revised Code is paid.	22386
 (2) No person who engages in the business of blending custom	22387
mixed fertilizer for use on lawns, golf courses, recreation areas,	22388
or other real property that is not used for agricultural	22389
production shall be required to register the custom mixed	22390

fertilizer as a specialty fertilizer in accordance with division 22391
(A) of this section if the facility holds a nonagricultural 22392
production custom mixed fertilizer blender license issued under 22393
section 905.331 of the Revised Code. 22394

(D) A person who engages in the business of applying or 22395
blending custom mixed fertilizer as described in division (C) of 22396
this section shall maintain an original or a copy of an invoice or 22397
document of sale for all fertilizer the person applies or 22398
distributes for one year following the date of the application or 22399
distribution, and, upon the director's request, shall furnish the 22400
director with the invoice or document of sale for the director's 22401
review. 22402

(E) All money collected under this section shall be credited 22403
to the pesticide, fertilizer, and lime program fund created in 22404
section 921.22 of the Revised Code. 22405

Sec. 905.331. No person who engages in the business of 22406
blending a custom mixed fertilizer for use on lawns, golf courses, 22407
recreation areas, or other real property that is not used for 22408
agricultural production shall fail to register a specialty 22409
fertilizer in accordance with division (A) of section 905.33 of 22410
the Revised Code unless the person has obtained an annual 22411
nonagricultural production custom mixed fertilizer blender license 22412
from the director of agriculture. 22413

A license issued under this section shall be valid from the 22414
first day of December of a calendar year through the thirtieth day 22415
of November of the following calendar year. A renewal application 22416
for a nonagricultural production custom mixed fertilizer blender 22417
license shall be submitted to the director no later than the 22418
thirtieth day of November each year and shall include the name and 22419
address of the applicant and of the premises where the blending 22420
occurs and a one-hundred-dollar fee. A person who submits a 22421
renewal application for a license after the thirtieth day of 22422

November shall include with the application a late filing fee of 22423
ten dollars. All nonagricultural production custom mixed 22424
fertilizer blender licenses expire on the thirtieth day of 22425
November each year. 22426

A person holding a nonagricultural production custom mixed 22427
fertilizer blender license shall pay the inspection fees described 22428
in division (A) of section 905.36 of the Revised Code for each 22429
product being blended. 22430

All money collected under this section shall be credited to 22431
the pesticide, fertilizer, and lime program fund created in 22432
section 921.22 of the Revised Code. 22433

Sec. 905.36. (A) A licensee or registrant, except 22434
registrants who package specialty fertilizers only in containers 22435
of ten pounds or less, shall pay the director of agriculture for 22436
all fertilizers distributed in this state an inspection fee at the 22437
rate of twenty-five cents per ton or twenty-eight cents per metric 22438
ton. Licensees and registrants shall specify on an invoice whether 22439
the per ton inspection fee has been paid or whether payment of the 22440
fee is the responsibility of the purchaser of the fertilizer. The 22441
payment of this inspection fee by a licensee or registrant shall 22442
exempt all other persons from the payment of this fee. 22443

(B) Every licensee or registrant shall file with the director 22444
an annual tonnage report that includes the number of net tons or 22445
metric tons of fertilizer distributed to nonlicensees or 22446
nonregistrants in this state by grade; packaged; bulk, dry or 22447
liquid. The report shall be filed on or before the thirtieth day 22448
of November of each calendar year and shall include data from the 22449
period beginning on the first day of November of the year 22450
preceding the year in which the report is due through the 22451
thirty-first day of October of the year in which the report is 22452
due. The licensee or registrant, except registrants who package 22453
specialty fertilizers only in containers of ten pounds or less, 22454

shall include with this statement the inspection fee at the rate 22455
stated in division (A) of this section. For a tonnage report that 22456
is not filed or payment of inspection fees that is not made on or 22457
before the thirtieth day of November of the applicable calendar 22458
year, a penalty of fifty dollars or ten per cent of the amount 22459
due, whichever is greater, shall be assessed against the licensee 22460
or registrant. The amount of fees due, plus penalty, shall 22461
constitute a debt and become the basis of a judgment against the 22462
licensee or registrant. For tonnage reports found to be 22463
incorrect, a penalty of fifteen per cent of the amount due shall 22464
be assessed against the licensee or registrant and shall 22465
constitute a debt and become the basis of a judgment against the 22466
licensee or registrant. 22467

(C) No information furnished under this section shall be 22468
disclosed by any employee of the department of agriculture in such 22469
a way as to divulge the operation of any person required to make 22470
such a report. The filing by a licensee or registrant of a sales 22471
volume tonnage statement required by division (B) of this section 22472
thereby grants permission to the director to verify the same with 22473
the records of the licensee or registrant. 22474

(D) All money collected under this section shall be credited 22475
to the pesticide, fertilizer, and lime program fund created in 22476
section 921.22 of the Revised Code. 22477

Sec. 905.50. If the director of agriculture has taken an 22478
official sample of a fertilizer or mixed fertilizer and determined 22479
that it constitutes mislabeled fertilizer pursuant to rules 22480
adopted under section 905.40 of the Revised Code, the person who 22481
labeled the fertilizer or mixed fertilizer shall pay a penalty to 22482
the consumer of the mislabeled fertilizer or, if the consumer 22483
cannot be determined with reasonable diligence or is not 22484
available, to the director ~~for deposit into~~ to be credited to the 22485
~~commercial feed~~ pesticide, fertilizer, seed, and lime inspection 22486

~~and laboratory program~~ fund created under section ~~905.38~~ <u>921.22</u> of	22487
the Revised Code. The amount of the penalty shall be calculated in	22488
accordance with either division (A) or (B) of this section,	22489
whichever method of calculation yields the largest amount.	22490
 (A)(1) A penalty required to be paid under this section may	22491
be calculated as follows:	22492
 (a) Five dollars for each percentage point of total nitrogen	22493
or phosphorus in the fertilizer that is below the percentage of	22494
nitrogen or phosphorus guaranteed on the label, multiplied by the	22495
number of tons of mislabeled fertilizer that have been sold to the	22496
consumer;	22497
 (b) Three dollars for each percentage point of potash in the	22498
fertilizer that is below the percentage of potash guaranteed on	22499
the label, multiplied by the number of tons of mislabeled	22500
fertilizer that have been sold to the consumer.	22501
 (2) In the case of a fertilizer that contains a quantity of	22502
nitrogen, phosphorus, or potash that is more than five percentage	22503
points below the percentages guaranteed on the label, the	22504
penalties calculated under division (A)(1) of this section shall	22505
be tripled.	22506
 (3) No penalty calculated under division (A) of this section	22507
shall be less than twenty-five dollars.	22508
 (B) A penalty required to be paid under this section may be	22509
calculated by multiplying the market value of one unit of the	22510
mislabeled fertilizer by the number of units of the mislabeled	22511
fertilizer that have been sold to the consumer.	22512
 (C) Upon making a determination under this section that a	22513
person has mislabeled fertilizer or mixed fertilizer, the director	22514
shall determine the parties to whom the penalty imposed by this	22515

section is required to be paid and, in accordance with division 22516
(A) or (B) of this section, as applicable, shall calculate the 22517
amount of the penalty required to be paid to each such party. 22518
After completing those determinations and calculations, the 22519
director shall issue to the person who allegedly mislabeled the 22520
fertilizer or mixed fertilizer a notice of violation. The notice 22521
shall be accompanied by an order requiring, and specifying the 22522
manner of, payment of the penalty imposed by this section to the 22523
parties in the amounts set forth in the determinations and 22524
calculations required by this division. The order shall be issued 22525
in accordance with Chapter 119. of the Revised Code. 22526

No person shall violate a term or condition of an order 22527
issued under this division. 22528

Sec. 905.51. As used in sections 905.51 to ~~905.66~~905.65 of 22529
the Revised Code: 22530

(A) "Liming material" means all materials, the calcium and 22531
magnesium content of which is used to neutralize soil acidity, and 22532
includes the oxide, hydrate, carbonate, and silicate forms, as 22533
defined by rule, or combinations of those forms. "Liming material" 22534
includes materials such as the following: 22535

(1) Limestone; 22536

(2) Hydrated lime; 22537

(3) Burnt lime; 22538

(4) Industrial by-product; 22539

(5) Marl and shell. 22540

(B) "Bulk" means in a nonpackaged form. 22541

(C) "Label" means any written or printed matter on the 22542

package, or tag attached thereto.	22543
(D) "Manufacture" means to process, crush, grind, pelletize, or blend.	22544 22545
(E) "Person" means any partnership, association, firm, or corporation, company, society, individual or combination of individuals, institution, park, or public agency administered by the state or any subdivision of the state.	22546 22547 22548 22549
(F) "Product name" means a coined or specific designation applied to an individual liming material.	22550 22551
(G) "Sale" means an exchange or offer to exchange ownership, or a transfer or offer to transfer custody.	22552 22553
(H) "Ton" means a net weight of two thousand pounds.	22554
(I) "Metric ton" means a measure of weight equal to one thousand kilograms.	22555 22556
(J) "Pelletized lime" means a finely ground limestone product or manufactured material that is held together in a granulated form by a water soluble binding agent and that is capable of neutralizing soil acidity.	22557 22558 22559 22560
(K) "Water treatment lime sludge" means lime sludge generated during the process of treating water supplies having levels of heavy metals at or below the levels permitted in standards adopted by the director of environmental protection governing the land application of lime sludge so generated.	22561 22562 22563 22564 22565
(L) "Distribute" means to offer for sale, sell, barter, or otherwise supply liming material in this state.	22566 22567
(M) "Official sample" means any sample of liming material taken and designated as "official" by the director of agriculture	22568 22569

or the director's designee. 22570

(N) "Effective neutralizing power" means the neutralizing 22571
value of liming material based on the total neutralizing power and 22572
fineness that is expressed as a dry weight percentage. 22573

(O) "Fineness index" means the percentage by weight of a 22574
liming material that will pass designated sieves, calculated to 22575
account for particle size distribution by adding the amounts 22576
arrived at under divisions (O)(1), (2), and (3) of this section as 22577
follows: 22578

(1) Two-tenths multiplied by the percentage of material 22579
passing a number eight United States standard sieve minus the 22580
percentage of material passing a number twenty United States 22581
standard sieve. 22582

(2) Six-tenths multiplied by the percentage of material 22583
passing a number twenty United States standard sieve minus the 22584
percentage of material passing a number sixty United States 22585
standard sieve. 22586

(3) One multiplied by the percentage of material passing a 22587
number sixty United States standard sieve. 22588

Sec. 905.52. (A) Except as provided in section 905.53 of the 22589
Revised Code, no person shall manufacture, sell, or distribute in 22590
this state liming material without a license to do so issued by 22591
the department of agriculture. 22592

(B) Each such license expires on the thirty-first day of 22593
December of each year and shall be renewed according to the 22594
standard renewal procedure of sections 4745.01 to 4745.03 of the 22595
Revised Code. 22596

(C) Each application for issuance or renewal of such a 22597

license shall:	22598
(1) Include the name and address of the applicant and the	22599
name and address of each bulk distribution point from which the	22600
applicant's liming material will be distributed in this state;	22601
(2) Be accompanied by a license fee of fifty dollars:	22602
(a) For each location at which liming material is	22603
manufactured in this state;	22604
(b) For each location out of the state from which liming	22605
material is distributed or sold in this state to nonlicensees.	22606
(3) Be accompanied by a label for each product name and	22607
grade.	22608
(D) The name and address of the applicant shown on the	22609
application shall be shown on all labels, pertinent invoices, and	22610
bulk storage for liming material distributed or sold by the	22611
licensee in this state.	22612
(E) The licensee shall inform the department in writing of	22613
additional distribution points established during the period of	22614
the license.	22615
<u>(F) All money collected under this section shall be credited</u>	22616
<u>to the pesticide, fertilizer, and lime program fund created in</u>	22617
<u>section 921.22 of the Revised Code.</u>	22618
Sec. 905.56. (A) Each licensee shall file with the	22619
department of agriculture an annual tonnage report that includes	22620
the number of net tons of liming material sold or distributed to a	22621
non-licensee in this state, by county, by oxide and hydrate forms,	22622
and by grade as defined in section 905.54 of the Revised Code,	22623
within forty days after the thirty-first day of December of each	22624

calendar year. The inspection fee at the rate stated in division 22625
(B) of this section shall accompany this report. 22626

(B) Each licensee who sells or distributes more than 22627
twenty-five hundred tons of agricultural liming material in this 22628
state shall pay to the department an inspection fee. The 22629
inspection fee is one fourth of one cent for each ton in excess of 22630
twenty-five hundred tons, as reported in the tonnage report 22631
required by division (A) of this section. The maximum inspection 22632
fee is three hundred dollars. 22633

(C) If a tonnage report is not filed, or if the inspection 22634
fee is not paid within ten days after the due date, a penalty of 22635
ten per cent of the amount due, with a minimum penalty of ten 22636
dollars, shall be assessed against the licensee. The amount of fee 22637
due, plus penalty, shall constitute a debt and shall become the 22638
basis of a judgment against the licensee. Such remedy is in 22639
addition to the remedy provided in section 905.62 of the Revised 22640
Code. 22641

(D) The director of agriculture may inspect the inventories, 22642
books, and records of any licensee in order to verify a tonnage 22643
report. If the director finds that a tonnage report is erroneous, 22644
the director may adjust the inspection fee, may assess any balance 22645
due against the licensee, and may impose a penalty not to exceed 22646
ten per cent of the balance due, or may refund any overpayment. 22647

(E) All money collected under this section shall be credited 22648
to the pesticide, fertilizer, and lime program fund created in 22649
section 921.22 of the Revised Code. 22650

Sec. 907.13. No person shall label agricultural, vegetable, 22651
or flower seed that is intended for sale in this state unless the 22652
person holds a valid seed labeler permit that has been issued by 22653
the director of agriculture in accordance with this section. 22654

A person who wishes to obtain a seed labeler permit shall
file an application with the director on a form that the director
provides and shall submit a permit fee in the amount of ten
dollars. Such a person who labels seed under more than one name or
at more than one address shall obtain a separate seed labeler
permit and pay a separate permit fee for each name and address.

The applicant shall include the applicant's full name and
address on the application together with any additional
information that the director requires by rules adopted under
section 907.10 of the Revised Code. If the applicant's address is
not within this state or it does not represent a location in this
state where the director can collect samples of the applicant's
seed for analysis, then the applicant shall include on the
application an address within this state where samples of the
applicant's seed may be collected for those purposes or shall
agree to provide the director or the director's authorized
representative with seeds for sampling upon request.

Upon receipt of a complete application accompanied by the
ten-dollar permit fee, the director shall issue a seed labeler's
permit to the applicant. All seed labeler permits that are issued
under this section shall expire on the thirty-first day of
December of each year regardless of the date on which a permit was
issued during that year.

Each person who obtains a seed labeler permit shall label the
seed that the person intends for sale in this state in accordance
with the requirements established in sections 907.01 to 907.17 of
the Revised Code. Each person who holds a valid seed labeler
permit shall keep the permit posted in a conspicuous place in the
principal seed room from which the person sells seed and shall
comply with the reporting and fee requirements that are
established in section 907.14 of the Revised Code.

All money collected under this section shall be credited to

the commercial feed and seed fund created in section 923.46 of the 22687
Revised Code. 22688

Sec. 907.14. (A) A person who holds a valid seed labeler 22689
permit issued under section 907.13 of the Revised Code shall 22690
report to the director of agriculture concerning the amount of 22691
seed that the person sells in this state. The report shall be made 22692
semiannually on a form that the director prescribes and provides. 22693
One semiannual report shall be filed with the director prior to 22694
the first day of February of each year with respect to all sales 22695
that the person made during the period from the first day of July 22696
to the thirty-first day of December of the preceding year. The 22697
second semiannual report shall be filed prior to the first day of 22698
August of each year with respect to all sales that the person made 22699
during the period from the first day of January to the thirtieth 22700
day of June of that year. 22701

(B) A person who holds a valid seed labeler permit shall 22702
include with each semiannual report a seed fee based on the amount 22703
of the seed that the person sold during that reporting period as 22704
follows: 22705

(1) For soybeans and small grains, including barley, oats, 22706
rye, wheat, triticale, and spelt, four cents per one hundred 22707
pounds; 22708

(2) For corn and grain sorghum, five cents per one hundred 22709
pounds; 22710

(3)(a) For any of the following seed sold at wholesale or 22711
retail or on consignment or commission, two per cent of the 22712
wholesale value of the containers of seed or, if the seed is not 22713
sold wholesale, two per cent of the retail value of the containers 22714
of seed: 22715

(i) Vegetable and flower seed sold in containers, other than 22716

hermetically sealed containers, of eight ounces or less;	22717
(ii) Flower seed sold in hermetically sealed containers that contain fewer than three hundred seeds;	22718 22719
(iii) Vegetable seed sold in hermetically sealed containers that contain fewer than one thousand seeds.	22720 22721
(b) The fees established pursuant to divisions (B)(3)(a)(ii) and (iii) of this section apply to both of the following:	22722 22723
(i) Seed sold in hermetically sealed containers that contain the amount of seeds specified in division (B)(3)(a)(ii) or (iii) of this section, as applicable;	22724 22725 22726
(ii) Seed sold in hermetically sealed containers that do not clearly state the number of seeds that they contain.	22727 22728
(c) Except as otherwise provided in division (B)(3)(b)(ii) of this section, if the weight of seed in a container, or the quantity of seed in a container, exceeds the applicable weight or quantity specified in division (B)(3)(a)(i), (ii), or (iii) of this section, the fee established in division (B)(4) of this section applies.	22729 22730 22731 22732 22733 22734
(4) For alfalfa, clover, grass, native grass, mixtures containing any of these, and all agricultural, vegetable, and flower seeds not specified in divisions (B)(1) to (3) of this section, ten cents per one hundred pounds.	22735 22736 22737 22738
If the total amount of the seed fee that is due is less than five dollars, the person shall pay the minimum seed fee, which is five dollars.	22739 22740 22741
(C) For each failure to report in full the amount of seed sold or to submit the required seed fees in full by the due date,	22742 22743

a person who holds a valid seed labeler permit shall pay a penalty 22744
of ten per cent of the amount due or fifty dollars, whichever is 22745
greater. Failure to pay either the fee or the penalty within 22746
thirty days after the due date is cause for suspension or 22747
revocation by the director of the seed labeler permit or refusal, 22748
without a hearing, to issue a subsequent seed labeler permit for 22749
which the person applies. 22750

(D) This section does not apply to governmental entities that 22751
donate seed for conservation purposes. 22752

(E) All money collected under this section shall be credited 22753
to the commercial feed and seed fund created in section 923.46 of 22754
the Revised Code. 22755

Sec. 907.30. (A) No person shall apply legume inoculants to 22756
seed for sale in ~~Ohio~~, this state for others or to a customer's 22757
order unless ~~he shall have~~ the person has obtained from the 22758
director of agriculture a legume inoculator's license for each 22759
such place of business where seed is inoculated. Application for 22760
such a license shall be made on a form obtainable from the 22761
director and shall be accompanied by a fee of five dollars. ~~Said~~ 22762
The application shall include the name of the brand, or brands of 22763
legume inoculant to be used together with the name of the 22764
manufacturer, and the name of the process or technique used to 22765
apply the inoculant to the seed. All such licenses shall expire 22766
each year on the thirty-first day of January and shall be renewed 22767
according to the standard renewal procedure of sections 4745.01 to 22768
4745.03, ~~inclusive~~, of the Revised Code. 22769

(B) The legume inoculator shall keep for a period of eighteen 22770
months, records ~~which~~ that shall include complete data concerning 22771
the source and lot number of the inoculant material used, the rate 22772
and date of application, and the lot identity by owner and lot 22773
number, if any, of the seed to which the material was applied. 22774

(C) All money collected under this section shall be credited 22775
to the commercial feed and seed fund created in section 923.46 of 22776
the Revised Code. 22777

Sec. 907.31. Any person who submits an application for the 22778
registration of a brand of legume inoculant shall pay annually, 22779
prior to the first day of January, a registration and inspection 22780
fee in the amount of fifty dollars per brand. 22781

The registration shall be renewed according to the standard 22782
renewal procedure established in Chapter 4745. of the Revised 22783
Code. 22784

All money collected under this section shall be credited to 22785
the commercial feed and seed fund created in section 923.46 of the 22786
Revised Code. 22787

Sec. 915.24. (A) There is hereby created in the state 22788
treasury the food safety fund. All of the following moneys shall 22789
be credited to the fund: 22790

(1) Bakery registration fees and fines received under 22791
sections 911.02 to 911.20 of the Revised Code; 22792

(2) Cannery license fees and renewal fees received under 22793
sections 913.01 to 913.05 of the Revised Code; 22794

(3) Moneys received under sections 913.22 to 913.28 of the 22795
Revised Code; 22796

(4) License fees, fines, and penalties recovered for the 22797
violation of sections 915.01 to 915.12 of the Revised Code; 22798

(5) License fees collected under sections 915.14 to 915.23 of 22799
the Revised Code; 22800

(6) License fees, other fees, and fines collected by or for 22801

the director of agriculture under Chapter 3717. of the Revised Code; 22802
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(7) Fees collected under section 3715.04 of the Revised Code 22804
for the issuance of certificates of health and freesale; 22805

(8) Registration fees and other fees collected by the 22806
director of agriculture under section 3715.041 of the Revised 22807
Code. 22808

(B) The director of agriculture shall use the moneys 22809
deposited into the food safety fund to administer and enforce the 22810
laws pursuant to which the moneys were collected. 22811

Sec. 918.08. (A) Except as provided in division (F) of this 22812
section, no person shall operate an establishment without first 22813
licensing the establishment with the department of agriculture. 22814
The owner of an establishment desiring a license with the 22815
department may make application therefor on forms provided by the 22816
department. If after inspection the director of agriculture finds 22817
that an establishment is in compliance with this chapter and rules 22818
adopted under it, the director shall notify the owner of the 22819
establishment and, upon receipt of the required license fee, the 22820
establishment shall be permitted to operate. However, if after 22821
inspection the director finds that an establishment is not in 22822
compliance with this chapter and rules adopted under it, the 22823
director shall deny the license application. The applicant may 22824
appeal the denial of the license application in accordance with 22825
Chapter 119. of the Revised Code. The license shall expire 22826
annually on the thirty-first day of March and, if the director 22827
finds that the establishment is in compliance with this chapter 22828
and rules adopted under it, shall be renewed according to the 22829
standard renewal procedure of sections 4745.01 to 4745.03 of the 22830
Revised Code. 22831

(B) The annual license fee for each establishment, or a 22832

renewal thereof, is ~~forty~~fifty ~~one hundred~~ dollars. All fees collected 22833
under this section shall be deposited into the poultry and meat 22834
products fund created in section 918.15 of the Revised Code. 22835

(C) If after inspection the director determines that an 22836
establishment licensed under division (A) of this section is 22837
operating in violation of this chapter or the rules adopted 22838
thereunder, the director shall notify the licensee in writing of 22839
the violation and give the licensee ten days from the date of 22840
notice to cease or correct the conditions causing the violation. 22841
If the conditions causing the violation continue after the 22842
expiration of the ten-day period, the director may do either of 22843
the following: 22844

(1) Impose progressive enforcement actions as provided in 22845
division (D)(1) of this section in the same manner as inspectors; 22846

(2) Suspend or revoke the establishment's license in 22847
accordance with Chapter 119. of the Revised Code. 22848

(D)(1) If an inspector determines that an establishment 22849
licensed under division (A) of this section is operating in 22850
violation of sections 918.01 to 918.12 of the Revised Code and 22851
rules adopted under those sections, the inspector may notify the 22852
licensee in writing of the violation. The inspector immediately 22853
may impose progressive enforcement actions, including withholding 22854
the mark of inspection, suspension of inspection, suspension of 22855
inspection held in abeyance, and withdrawal of inspection. The 22856
progressive enforcement actions may be taken prior to affording 22857
the licensee an opportunity for a hearing. As authorized in 22858
division (C) of section 119.06 of the Revised Code, a decision to 22859
impose a progressive enforcement action is immediately appealable 22860
to a higher authority within the department who is classified by 22861
the director as a district supervisor and who is designated by the 22862
director to hear the appeal. If the district supervisor affirms 22863
the enforcement action of the inspector, the licensee may appeal 22864

the enforcement action in accordance with Chapter 119. of the 22865
Revised Code. 22866

(2) As used in division (D)(1) of this section, "suspension 22867
of inspection held in abeyance" means a period of time during 22868
which a suspension of inspection is lifted because an 22869
establishment has presented the director with a corrective action 22870
plan that, if implemented properly, would bring the establishment 22871
into compliance with this chapter and rules adopted under it. 22872

(E) If in the opinion of the director the establishment is 22873
being operated under such insanitary conditions as to be a hazard 22874
to public health, or if the director determines that an 22875
establishment is not in compliance with its hazard analysis 22876
critical control point plan as required by rules, the director may 22877
condemn or retain the product on hand and immediately withdraw 22878
inspection from the establishment until the insanitary conditions 22879
are corrected or until the establishment is in compliance with its 22880
hazard analysis critical control point plan, as applicable. The 22881
director may take those actions prior to an adjudication hearing 22882
as required under section 119.06 of the Revised Code. The director 22883
subsequently shall afford a hearing upon the request of the owner 22884
or operator of the establishment. 22885

(F) Any person operating an establishment as defined in 22886
section 918.01 of the Revised Code who also operates on the same 22887
premises an establishment as defined in section 918.21 of the 22888
Revised Code shall apply either for licensure under section 918.08 22889
of the Revised Code or for licensure under section 918.28 of the 22890
Revised Code, but not for both, as the director shall determine. 22891

(G) If the director determines that the owner or operator of 22892
or any person employed by an establishment licensed under division 22893
(A) of this section forcibly assaulted, resisted, opposed, 22894
impeded, intimidated, or interfered with any person while that 22895
person was engaged in, or because of the person's performance of, 22896

official duties under sections 918.01 to 918.12 of the Revised
Code or the rules adopted under those sections, the director
immediately may withdraw inspection from the establishment prior
to an adjudication hearing as required under section 119.06 of the
Revised Code.

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(H) In addition to any remedies provided by law and
irrespective of whether or not there exists an adequate remedy at
law, the director may apply to the court of common pleas of the
county in which a violation of sections 918.01 to 918.12 of the
Revised Code or rules adopted under those sections occurs for a
temporary or permanent injunction or other appropriate relief
concerning the violation.

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Sec. 918.28. (A) Except as provided in division (F) of
section 918.08 of the Revised Code, application for a license to
operate an establishment shall be made to the director of
agriculture on forms provided by the department of agriculture.
The director shall inspect the establishment and if, upon
inspection, the establishment is found to be in compliance with
this chapter and rules adopted under it, the director shall so
notify the owner of the establishment and, upon receipt of the
annual license fee of ~~fifty~~one hundred dollars, shall issue the
owner a license. However, if after inspection the director finds
that an establishment is not in compliance with this chapter and
rules adopted under it, the director shall deny the license
application. The applicant may appeal the denial of the license
application in accordance with Chapter 119. of the Revised Code.
The license shall expire on the thirty-first day of March of each
year and, if the director finds that the establishment is in
compliance with this chapter and rules adopted under it, shall be
renewed according to the standard renewal procedures of sections
4745.01 to 4745.03 of the Revised Code.

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(B) If after inspection the director determines that an

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establishment licensed under this section is operating in 22929
violation of this chapter or a rule or order adopted or issued 22930
under authority thereof, the director shall notify the licensee in 22931
writing of the violation, giving the licensee ten days from the 22932
date of the notice to correct the conditions causing the 22933
violation. If the conditions are not corrected within the ten-day 22934
period, the director may do either of the following: 22935

(1) Impose progressive enforcement actions as provided in 22936
division (C)(1) of this section in the same manner as inspectors; 22937

(2) Suspend or revoke the license in accordance with Chapter 22938
119. of the Revised Code. 22939

(C)(1) If an inspector determines that an establishment 22940
licensed under division (A) of this section is operating in 22941
violation of sections 918.21 to 918.31 of the Revised Code and 22942
rules adopted under those sections, the inspector may notify the 22943
licensee in writing of the violation. The inspector immediately 22944
may impose progressive enforcement actions, including withholding 22945
the mark of inspection, suspension of inspection, suspension of 22946
inspection held in abeyance, and withdrawal of inspection. The 22947
progressive enforcement actions may be taken prior to affording 22948
the licensee an opportunity for a hearing. As authorized in 22949
division (C) of section 119.06 of the Revised Code, a decision to 22950
impose a progressive enforcement action is immediately appealable 22951
to a higher authority within the department who is classified by 22952
the director as a district supervisor and who is designated by the 22953
director to hear the appeal. If the district supervisor affirms 22954
the enforcement action of the inspector, the licensee may appeal 22955
the enforcement action in accordance with Chapter 119. of the 22956
Revised Code. 22957

(2) As used in division (C)(1) of this section, "suspension 22958
of inspection held in abeyance" means a period of time during 22959
which a suspension of inspection is lifted because an 22960

establishment has presented the director with a corrective action plan that, if implemented properly, would bring the establishment into compliance with this chapter and rules adopted under it.

(D) If in the opinion of the director the establishment is being operated under such insanitary conditions as to be a hazard to public health, or if the director determines that an establishment is not in compliance with its hazard analysis critical control point plan as required by rules, the director may condemn or retain the product on hand and immediately withdraw inspection from the establishment until such time as the insanitary conditions are corrected or until the establishment is in compliance with its hazard analysis critical control point plan, as applicable.

(E) If the director determines that the owner or operator of or any person employed by an establishment licensed under division (A) of this section forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with any person while that person was engaged in, or because of the person's performance of, official duties under sections 918.21 to 918.31 of the Revised Code or the rules adopted under those sections, the director immediately may withdraw inspection from the establishment prior to an adjudication hearing as required under section 119.06 of the Revised Code.

(F) In addition to any remedies provided by law and irrespective of whether or not there exists an adequate remedy at law, the director may apply to the court of common pleas of the county in which a violation of sections 918.21 to 918.31 of the Revised Code or rules adopted under those sections occurs for a temporary or permanent injunction or other appropriate relief concerning the violation.

Sec. 921.02. (A) No person shall distribute a pesticide within this state unless the pesticide is registered with the

director of agriculture under this chapter. Registrations shall be	22993
issued for a period of time established by rule and shall be	22994
renewed in accordance with deadlines established by rule.	22995
Registration is not required if a pesticide is shipped from one	22996
plant or warehouse to another plant or warehouse operated by the	22997
same person and used solely at that plant or warehouse as a	22998
constituent part to make a pesticide that is registered under this	22999
chapter, or if the pesticide is distributed under the provisions	23000
of an experimental use permit issued under section 921.03 of the	23001
Revised Code or an experimental use permit issued by the United	23002
States environmental protection agency.	23003
 (B) The applicant for registration of a pesticide shall file	23004
a statement with the director on a form provided by the director,	23005
which shall include all of the following:	23006
 (1) The name and address of the applicant and the name and	23007
address of the person whose name will appear on the label, if	23008
other than the applicant's name;	23009
 (2) The brand and product name of the pesticide;	23010
 (3) Any necessary information required for completion of the	23011
department of agriculture's application for registration,	23012
including the agency registration number;	23013
 (4) A complete copy of the labeling accompanying the	23014
pesticide and a statement of all claims to be made for it,	23015
including the directions for use and the use classification as	23016
provided for in the federal act.	23017
 (C) The director, when the director considers it necessary in	23018
the administration of this chapter, may require the submission of	23019
the complete formula of any pesticide including the active and	23020
inert ingredients.	23021

(D) The director may require a full description of the tests	23022
made and the results thereof upon which the claims are based for	23023
any pesticide. The director shall not consider any data submitted	23024
in support of an application, without permission of the applicant,	23025
in support of any other application for registration unless the	23026
other applicant first has offered to pay reasonable compensation	23027
for producing the test data to be relied upon and the data are not	23028
protected from disclosure by section 921.04 of the Revised Code.	23029
In the case of a renewal of registration, a statement shall be	23030
required only with respect to information that is different from	23031
that furnished when the pesticide was registered or last	23032
registered.	23033
(E) The director may require any other information to be	23034
submitted with an application.	23035
Any applicant may designate any portion of the required	23036
registration information as a trade secret or confidential	23037
business information. Upon receipt of any required registration	23038
information designated as a trade secret or confidential business	23039
information, the director shall consider the designated	23040
information as confidential and shall not reveal or cause to be	23041
revealed any such designated information without the consent of	23042
the applicants, except to persons directly involved in the	23043
registration process described in this section or as required by	23044
law.	23045
(F) Beginning January 1, 2007, each applicant shall pay a	23046
registration and inspection fee of one hundred fifty dollars for	23047
each product name and brand registered for the company whose name	23048
appears on the label. If an applicant files for a renewal of	23049
registration after the deadline established by rule, the applicant	23050
shall pay a penalty fee of seventy-five dollars for each product	23051
name and brand registered for the applicant. The penalty fee shall	23052
be added to the original fee and paid before the renewal	23053

registration is issued. In addition to any other remedy available
under this chapter, if a pesticide that is not registered pursuant
to this section is distributed within this state, the person
required to register the pesticide shall do so and shall pay a
penalty fee of seventy-five dollars for each product name and
brand registered for the applicant. The penalty fee shall be added
to the original fee of one hundred fifty dollars and paid before
the registration is issued.

(G) Provided that the state is authorized by the
administrator of the United States environmental protection agency
to register pesticides to meet special local needs, the director
shall require the information set forth under divisions (B), (C),
(D), and (E) of this section and shall register any such pesticide
after determining that all of the following conditions are met:

(1) Its composition is such as to warrant the proposed claims
for it.

(2) Its labeling and other material required to be submitted
comply with the requirements of the federal act and of this
chapter, and rules adopted thereunder.

(3) It will perform its intended function without
unreasonable adverse effects on the environment.

(4) When used in accordance with widespread and commonly
recognized practice, it will not generally cause unreasonable
adverse effects on the environment.

(5) The classification for general or restricted use is in
conformity with the federal act.

The director shall not make any lack of essentiality a
criterion for denying the registration of any pesticide. When two
pesticides meet the requirements of division (G) of this section,

the director shall not register one in preference to the other.	23083
(H)(1) The director may refuse to register a pesticide if the application for registration fails to comply with this section.	23084 23085
(2) The director may suspend or revoke a pesticide registration after a hearing in accordance with Chapter 119. of the Revised Code for a pesticide that fails to meet the claims made for it on its label.	23086 23087 23088 23089
(3) The director may immediately suspend a pesticide registration, prior to a hearing, when the director believes that the pesticide poses an immediate hazard to human or animal health or a hazard to the environment. Not later than fifteen days after suspending the registration, the director shall determine whether the pesticide poses such a hazard. If the director determines that no hazard exists, the director shall lift the suspension of the registration. If the director determines that a hazard exists, the director shall revoke the registration in accordance with Chapter 119. of the Revised Code.	23090 23091 23092 23093 23094 23095 23096 23097 23098 23099
<u>(I) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.</u>	23100 23101 23102
Sec. 921.06. (A)(1) No individual shall do any of the following without having a commercial applicator license issued by the director of agriculture:	23103 23104 23105
(a) Apply pesticides for a pesticide business without direct supervision;	23106 23107
(b) Apply pesticides as part of the individual's duties while acting as an employee of the United States government, a state, county, township, or municipal corporation, or a park district, port authority, or sanitary district created under Chapter 1545.,	23108 23109 23110 23111

4582., or 6115. of the Revised Code, respectively;	23112
(c) Apply restricted use pesticides. Division (A)(1)(c) of this section does not apply to a private applicator or an immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.	23113 23114 23115 23116 23117
(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:	23118 23119 23120 23121
(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;	23122 23123
(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;	23124 23125
(iii) Golf courses;	23126
(iv) Rental properties of more than four apartment units at one location;	23127 23128
(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	23129 23130
(vi) Child day-care centers or school child day-care centers as defined in section 5104.01 of the Revised Code;	23131 23132
(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an education service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;	23133 23134 23135 23136 23137 23138

(viii) Colleges as defined in section 3365.01 of the Revised Code;	23139 23140
(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;	23141 23142
(x) Any other site designated by rule.	23143
(e) Conduct authorized diagnostic inspections.	23144
(2) Divisions (A)(1)(a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.	23145 23146 23147
(3) Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. The fee for each such license shall be established by rule. If a license is not issued or renewed, the application fee shall be retained by the state as payment for the reasonable expense of processing the application. The director shall by rule classify by pesticide-use category licenses to be issued under this section. A single license may include more than one pesticide-use category. No individual shall be required to pay an additional license fee if the individual is licensed for more than one category.	23148 23149 23150 23151 23152 23153 23154 23155 23156 23157 23158
The fee for each license or renewal does not apply to an applicant who is an employee of the department of agriculture whose job duties require licensure as a commercial applicator as a condition of employment.	23159 23160 23161 23162
(B) Application for a commercial applicator license shall be made on a form prescribed by the director. Each application for a license shall state the pesticide-use category or categories of license for which the applicant is applying and other information that the director determines essential to the administration of	23163 23164 23165 23166 23167

this chapter. 23168

(C) If the director finds that the applicant is competent to 23169
apply pesticides and conduct diagnostic inspections and that the 23170
applicant has passed both the general examination and each 23171
applicable pesticide-use category examination as required under 23172
division (A) of section 921.12 of the Revised Code, the director 23173
shall issue a commercial applicator license limited to the 23174
pesticide-use category or categories for which the applicant is 23175
found to be competent. If the director rejects an application, the 23176
director may explain why the application was rejected, describe 23177
the additional requirements necessary for the applicant to obtain 23178
a license, and return the application. The applicant may resubmit 23179
the application without payment of any additional fee. 23180

(D)(1) A person who is a commercial applicator shall be 23181
deemed to hold a private applicator's license for purposes of 23182
applying pesticides on agricultural commodities that are produced 23183
by the commercial applicator. 23184

(2) A commercial applicator shall apply pesticides only in 23185
the pesticide-use category or categories in which the applicator 23186
is licensed under this chapter. 23187

(E) All money collected under this section shall be credited 23188
to the pesticide, fertilizer, and lime program fund created in 23189
section 921.22 of the Revised Code. 23190

Sec. 921.09. (A)(1) No person shall own or operate a 23191
pesticide business without obtaining a license from the director 23192
of agriculture. Licenses shall be issued for a period of time 23193
established by rule and shall be renewed in accordance with 23194
deadlines established by rule. 23195

(2) A person applying for a pesticide business license shall 23196
register each location that is owned by the person and used for 23197

the purpose of engaging in the pesticide business.	23198
(B) Any person who owns or operates a pesticide business outside of this state, but engages in the business of applying pesticides to properties of another for hire in this state, shall obtain a license for the person's principal out-of-state location from the director. In addition, the person shall register each location that is owned by the person in this state and used for the purpose of engaging in the pesticide business.	23199 23200 23201 23202 23203 23204 23205
(C)(1) The person applying for a pesticide business license shall file a statement with the director, on a form provided by the director, that shall include all of the following:	23206 23207 23208
(a) The address of the principal place of business of the pesticide business;	23209 23210
(b) The address of each location that the person intends to register under division (A)(2) or (B) of this section;	23211 23212
(c) Any other information that the director determines necessary and that the director requires by rule.	23213 23214
(2) Each applicant shall pay a license fee established by rule for the pesticide business plus an additional fee established by rule for each pesticide business registered location specified in the application. The license may be renewed upon payment of a renewal fee established by rule plus an additional fee established by rule for each pesticide business registered location. A copy of the license shall be maintained and conspicuously displayed at each such location.	23215 23216 23217 23218 23219 23220 23221 23222
(3) The issuance of a pesticide business license constitutes registration of any pesticide business location identified in the application under division (C)(1) of this section.	23223 23224 23225

(4) The owner or operator of a pesticide business shall	23226
notify the director not later than fifteen days after any change	23227
occurs in the information required under division (C)(1)(a) or (b)	23228
of this section.	23229
(D) The owner or operator of a pesticide business shall	23230
employ at least one commercial applicator for each pesticide	23231
business registered location the owner or operator owns or	23232
operates.	23233
(E) The owner or operator of a pesticide business is	23234
responsible for the acts of each employee in the handling,	23235
application, and use of pesticides and in the conducting of	23236
diagnostic inspections. The pesticide business license is subject	23237
to denial, modification, suspension, or revocation after a hearing	23238
for any violation of this chapter or any rule adopted or order	23239
issued under it. The director may levy against the owner or	23240
operator any civil penalties authorized by division (B) of section	23241
921.16 of the Revised Code for any violation of this chapter or	23242
any rule adopted or order issued under it that is committed by the	23243
owner or operator or by the owner's or operator's officer,	23244
employee, or agent.	23245
(F) The director may modify a license issued under this	23246
section by one of the following methods:	23247
(1) Revoking a licensee's authority to operate out of a	23248
particular pesticide business registered location listed under	23249
division (C)(1)(b) of this section;	23250
(2) Preventing a licensee from operating within a specific	23251
pesticide-use category.	23252
(G) The director may deny a pesticide business license to any	23253
person whose pesticide business license has been revoked within	23254
the previous thirty-six months.	23255

(H) Each pesticide business registered location that is owned 23256
by a pesticide business is subject to inspection by the director. 23257

(I) All money collected under this section shall be credited 23258
to the pesticide, fertilizer, and lime program fund created in 23259
section 921.22 of the Revised Code. 23260

Sec. 921.11. (A)(1) No individual shall apply restricted use 23261
pesticides unless the individual is one of the following: 23262

(a) Licensed under section 921.06 of the Revised Code; 23263

(b) Licensed under division (B) of this section; 23264

(c) A trained serviceperson who is acting under the direct 23265
supervision of a commercial applicator; 23266

(d) An immediate family member or a subordinate employee of a 23267
private applicator who is acting under the direct supervision of 23268
that private applicator. 23269

(2) No individual shall directly supervise the application of 23270
a restricted use pesticide unless the individual is one of the 23271
following: 23272

(a) Licensed under section 921.06 of the Revised Code; 23273

(b) Licensed under division (B) of this section. 23274

(B) The director of agriculture shall adopt rules to 23275
establish standards and procedures for the licensure of private 23276
applicators. An individual shall apply for a private applicator 23277
license to the director, on forms prescribed by the director. The 23278
individual shall include in the application the pesticide-use 23279
category or categories of the license for which the individual is 23280
applying and any other information that the director determines is 23281

essential to the administration of this chapter. The fee for each
license shall be established by rule. Licenses shall be issued for
a period of time established by rule and shall be renewed in
accordance with deadlines established by rule. If a license is not
issued or renewed, the state shall retain any fee submitted as
payment for reasonable expenses of processing the application.

(C) An individual who is licensed under this section shall
use or directly supervise the use of a restricted use pesticide
only for the purpose of producing agricultural commodities on
property that is owned or rented by the individual or the
individual's employer.

(D) All money collected under this section shall be credited
to the pesticide, fertilizer, and lime program fund created in
section 921.22 of the Revised Code.

Sec. 921.13. (A) Any person who is acting in the capacity of
a pesticide dealer or who advertises or assumes to act as a
pesticide dealer at any time shall obtain a pesticide dealer
license from the director of agriculture. Licenses shall be
issued for a period of time established by rule and shall be
renewed in accordance with deadlines established by rule. A
license is required for each location or outlet within this state
from which the person distributes pesticides.

Any pesticide dealer who has no pesticide dealer outlets in
this state and who distributes restricted use pesticides directly
into this state shall obtain a pesticide dealer license from the
director for the pesticide dealer's principal out-of-state
location or outlet and for each sales person operating in the
state.

The applicant shall include a license fee established by rule
with the application for a license. The application shall be made
on a form prescribed by the director.

Each pesticide dealer shall submit records to the director of
all of the restricted use pesticides the pesticide dealer has
distributed, as specified by the director, and duplicate records
shall be retained by the pesticide dealer for a period of time
established by rules.

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(B) This section does not apply to any federal, state,
county, or municipal agency that provides pesticides for its own
programs.

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(C) Each licensed pesticide dealer is responsible for the
acts of each employee in the solicitation and sale of pesticides
and all claims and recommendations for use of pesticides. The
pesticide dealer's license is subject to denial, suspension, or
revocation after a hearing for any violation of this chapter
whether committed by the pesticide dealer or by the pesticide
dealer's officer, agent, or employee.

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(D) All money collected under this section shall be credited
to the pesticide, fertilizer, and lime program fund created in
section 921.22 of the Revised Code.

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Sec. 921.16. (A) The director of agriculture shall adopt
rules the director determines necessary for the effective
enforcement and administration of this chapter. The rules may
relate to, but are not limited to, the time, place, manner, and
methods of application, materials, and amounts and concentrations
of application of pesticides, may restrict or prohibit the use of
pesticides in designated areas during specified periods of time,
and shall encompass all reasonable factors that the director
determines necessary to minimize or prevent damage to the
environment. In addition, the rules shall establish the deadlines
and time periods for registration, registration renewal, late
registration renewal, and failure to register under section 921.02
of the Revised Code; the fees for registration, registration

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renewal, late registration renewal, and failure to register under 23344
section 921.02 of the Revised Code that shall apply until the fees 23345
that are established under that section take effect on January 1, 23346
2007; and the fees, deadlines, and time periods for licensure and 23347
license renewal under sections 921.06, 921.09, 921.11, and 921.13 23348
of the Revised Code. 23349

(B) The director shall adopt rules that establish a schedule 23350
of civil penalties for violations of this chapter, or any rule or 23351
order adopted or issued under it, provided that the civil penalty 23352
for a first violation shall not exceed five thousand dollars and 23353
the civil penalty for each subsequent violation shall not exceed 23354
ten thousand dollars. In determining the amount of a civil penalty 23355
for a violation, the director shall consider factors relevant to 23356
the severity of the violation, including past violations and the 23357
amount of actual or potential damage to the environment or to 23358
human beings. All money collected under this division shall be 23359
credited to the pesticide, fertilizer, and lime program fund 23360
created in section 921.22 of the Revised Code. 23361

(C) The director shall adopt rules that set forth the 23362
conditions under which the director: 23363

(1) Requires that notice or posting be given of a proposed 23364
application of a pesticide; 23365

(2) Requires inspection, condemnation, or repair of equipment 23366
used to apply a pesticide; 23367

(3) Will suspend, revoke, or refuse to issue any pesticide 23368
registration for a violation of this chapter; 23369

(4) Requires safe handling, transportation, storage, display, 23370
distribution, and disposal of pesticides and their containers; 23371

(5) Ensures the protection of the health and safety of 23372

agricultural workers storing, handling, or applying pesticides,	23373
and all residents of agricultural labor camps, as that term is	23374
defined in section 3733.41 of the Revised Code, who are living or	23375
working in the vicinity of pesticide-treated areas;	23376
(6) Requires a record to be kept of all pesticide	23377
applications made by each commercial applicator and by any trained	23378
serviceperson acting under the commercial applicator's direct	23379
supervision and of all restricted use pesticide applications made	23380
by each private applicator and by any immediate family member or	23381
subordinate employee of that private applicator who is acting	23382
under the private applicator's direct supervision as required	23383
under section 921.14 of the Revised Code;	23384
(7) Determines the pesticide-use categories of diagnostic	23385
inspections that must be conducted by a commercial applicator;	23386
(8) Requires a record to be kept of all diagnostic	23387
inspections conducted by each commercial applicator and by any	23388
trained service person.	23389
(D) The director shall prescribe standards for the licensure	23390
of applicators of pesticides consistent with those prescribed by	23391
the federal act and the regulations adopted under it or prescribe	23392
standards that are more restrictive than those prescribed by the	23393
federal act and the regulations adopted under it. The standards	23394
may relate to the use of a pesticide or to an individual's	23395
pesticide-use category.	23396
The director shall take into consideration standards of the	23397
United States environmental protection agency.	23398
(E) The director may adopt rules setting forth the conditions	23399
under which the director will:	23400
(1) Collect and examine samples of pesticides or devices;	23401

(2) Specify classes of devices that shall be subject to this chapter;	23402 23403
(3) Prescribe other necessary registration information.	23404
(F) The director may adopt rules that do either or both of the following:	23405 23406
(1) Designate, in addition to those restricted uses so classified by the administrator of the United States environmental protection agency, restricted uses of pesticides for the state or for designated areas within the state and, if the director considers it necessary, to further restrict such use;	23407 23408 23409 23410 23411
(2) Define what constitutes "acting under the instructions and control of a commercial applicator" as used in the definition of "direct supervision" in division (Q)(1) of section 921.01 of the Revised Code. In adopting a rule under division (F)(2) of this section, the director shall consider the factors associated with the use of pesticide in the various pesticide-use categories. Based on consideration of the factors, the director may define "acting under the instructions and control of a commercial applicator" to include communications between a commercial applicator and a trained serviceperson that are conducted via landline telephone or a means of wireless communication. Any rules adopted under division (F)(2) of this section shall be drafted in consultation with representatives of the pesticide industry.	23412 23413 23414 23415 23416 23417 23418 23419 23420 23421 23422 23423 23424
(G) Except as provided in division (D) of this section, the director shall not adopt any rule under this chapter that is inconsistent with the requirements of the federal act and regulations adopted thereunder.	23425 23426 23427 23428
(H) The director, after notice and opportunity for hearing, may declare as a pest any form of plant or animal life, other than	23429 23430

human beings and other than bacteria, viruses, and other	23431
microorganisms on or in living human beings or other living	23432
animals, that is injurious to health or the environment.	23433
(I) The director may make reports to the United States	23434
environmental protection agency, in the form and containing the	23435
information the agency may require.	23436
(J) The director shall adopt rules for the application, use,	23437
storage, and disposal of pesticides if, in the director's	23438
judgment, existing programs of the United States environmental	23439
protection agency necessitate such rules or pesticide labels do	23440
not sufficiently address issues or situations identified by the	23441
department of agriculture or interested state agencies.	23442
(K) The director shall adopt rules establishing all of the	23443
following:	23444
(1) Standards, requirements, and procedures for the	23445
examination and re-examination of commercial applicators and	23446
private applicators;	23447
(2) With respect to training programs that the director may	23448
require commercial applicators and private applicators to	23449
complete:	23450
(a) Standards and requirements that a training program must	23451
satisfy in order to be offered by the director or the director's	23452
representative or in order to be approved by the director if a	23453
third party wishes to offer it;	23454
(b) Eligibility standards and requirements that must be	23455
satisfied by third parties who wish to provide the training	23456
programs;	23457
(c) Procedures that third parties must follow in order to	23458

submit a proposed training program to the director for approval; 23459

(d) Criteria that the director must consider when determining 23460
whether to authorize a commercial applicator or private applicator 23461
to participate in a training program instead of being required to 23462
pass a re-examination. 23463

(3) Training requirements for a trained serviceperson. 23464

(L) The director shall adopt all rules under this chapter in 23465
accordance with Chapter 119. of the Revised Code. 23466

Sec. 921.22. The pesticide, fertilizer, and lime program 23467
fund is hereby created in the state treasury. ~~The portion of the~~ 23468
~~money in the fund that is collected under this chapter shall be~~ 23469
~~used to carry out the purposes of this chapter. The portion of the~~ 23470
~~money in the fund that is collected under section 927.53 of the~~ 23471
~~Revised Code shall be used to carry out the purposes specified in~~ 23472
~~that section, the portion of the money in the fund that is~~ 23473
~~collected under section 927.69 of the Revised Code shall be used~~ 23474
~~to carry out the purposes specified in that section, and the~~ 23475
~~portion of the money in the fund that is collected under section~~ 23476
~~927.701 of the Revised Code shall be used to carry out the~~ 23477
~~purposes of that section. The fund shall consist of fees collected~~ 23478
~~under sections 921.01 to 921.15, division (F) of section 927.53,~~ 23479
~~and section 927.69 of the Revised Code, money collected under~~ 23480
~~section 927.701~~money credited to it under this chapter and 23481
Chapter 905. of the Revised Code, and rules adopted under them and 23482
all fines, penalties, costs, and damages, except court costs, that 23483
are collected by either the director of agriculture or the 23484
attorney general in consequence of any violation of ~~this chapter~~ 23485
those chapters or rules adopted under them. The director shall use 23486
money in the fund to administer and enforce those chapters and 23487
rules adopted under them. 23488

The director shall keep accurate records of all receipts into 23489

and disbursements from the fund and shall prepare, and provide 23490
upon request, an annual report classifying the receipts and 23491
disbursements that pertain to pesticides, fertilizers, or lime. 23492

Sec. 921.27. (A) If the director of agriculture has 23493
reasonable cause to believe that a pesticide or device is being 23494
distributed, stored, transported, or used in violation of this 23495
chapter or of any rules, it shall be subject to seizure on 23496
complaint of the director to a court of competent jurisdiction in 23497
the locality in which the pesticide or device is located. 23498

(B) If the article is condemned, it shall, after entry or 23499
decree, be disposed of by destruction or sale as the court may 23500
direct and the proceeds, if the article is sold, less legal costs, 23501
shall be paid to the pesticide, fertilizer, and lime program fund 23502
created in section 921.22 of the Revised Code. The article shall 23503
not be sold contrary to this section. Upon payment of costs and 23504
execution and delivery of a good and sufficient bond conditioned 23505
that the article shall not be disposed of unlawfully, the court 23506
may direct that the article be delivered to the owner thereof for 23507
relabeling or reprocessing. 23508

Sec. 921.29. Fines, penalties, costs, and damages assessed 23509
against a person in consequence of violations of this chapter, as 23510
provided in this chapter or any other section of the Revised Code, 23511
shall be a lien in favor of the state upon the real and personal 23512
property of the person, upon the filing of a judgment or an order 23513
of the director of agriculture with the county in which the real 23514
and personal property is located. The real and personal property 23515
of the person shall be liable to execution for the fines, 23516
penalties, costs, and damages by the attorney general, who shall 23517
deposit any proceeds from an execution upon the property in the 23518
pesticide, fertilizer, and lime program fund created in section 23519
921.22 of the Revised Code. 23520

Sec. 923.44. (A)(1) Except as otherwise provided in 23521

divisions (A)(2), (3), and (4) of this section, the first 23522
distributor of a commercial feed shall pay the director of 23523
agriculture a semiannual inspection fee at the rate of twenty-five 23524
cents per ton, with a minimum payment of twenty-five dollars, on 23525
all commercial feeds distributed by the first distributor in this 23526
state. 23527

(2) The semiannual inspection fee required under division 23528
(A)(1) of this section shall not be paid by the first distributor 23529
of a commercial feed if the distribution is made to an exempt 23530
buyer who shall be responsible for the fee. The director shall 23531
establish an exempt list consisting of those buyers who are 23532
responsible for the fee. 23533

(3) The semiannual inspection fee shall not be paid on a 23534
commercial feed if the fee has been paid by a previous 23535
distributor. 23536

(4) The semiannual inspection fee shall not be paid on 23537
customer-formula feed if the fee has been paid on the commercial 23538
feeds that are used as components in that customer-formula feed. 23539

(B) Each distributor or exempt buyer who is required to pay a 23540
fee under division (A)(1) or (2) of this section shall file a 23541
semiannual statement with the director that includes the number of 23542
net tons of commercial feed distributed by the distributor or 23543
exempt buyer in this state, within thirty days after the thirtieth 23544
day of June and within thirty days after the thirty-first day of 23545
December, respectively, of each calendar year. 23546

The inspection fee at the rate stated in division (A)(1) of 23547
this section shall accompany the statement. For a tonnage report 23548
that is not filed or payment of inspection fees that is not made 23549
within fifteen days after the due date, a penalty of ten per cent 23550
of the amount due, with a minimum penalty of fifty dollars shall 23551
be assessed against the distributor or exempt buyer. The amount of 23552

fees due, plus penalty, shall constitute a debt and become the
basis of a judgment against the distributor or exempt buyer.

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(C) No information furnished under this section shall be
disclosed by an employee of the department of agriculture in such
a way as to divulge the operation of any person required to make
such a report.

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(D) All money collected under this section shall be credited
to the commercial feed and seed fund created in section 923.46 of
the Revised Code.

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Sec. 923.46. ~~All moneys collected by the director of
agriculture under sections 923.41 to 923.55 of the Revised Code
shall be deposited into the state treasury to the credit of the~~
The commercial feed, fertilizer, and seed, and lime inspection and
laboratory fund is hereby created in section 905.38 the state
treasury. The fund shall consist of money credited to it under
this chapter and Chapter 907. of the Revised Code.

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~~The director shall prepare and provide a report concerning
the fund in accordance with section 905.381 of the Revised Code~~
keep accurate records of all receipts into and disbursements from
the fund and shall prepare, and provide upon request, an annual
report classifying the receipts and disbursements that pertain to
commercial feed or seed.

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Sec. 927.51. As used in sections 927.51 to ~~927.74~~927.73 of
the Revised Code:

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(A) "Collected plant" means any plant dug or gathered from
any wood lot, field, forest, or any other location in which such a
plant is found growing in its native habitat.

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(B) "Collector" means any person who collects, for sale,
plants from wood lots, fields, forests, or other native habitat.

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(C) "Dealer" means any person other than a nurseryman who offers for sale, sells, or distributes nursery stock, either exclusively or in connection with other merchandise, in or from any nursery, store, sales ground, stand, lot, truck, railway car, or other vehicle. "Dealer" includes any landscaper who sells or offers for sale nursery stock as a part of a grounds improvement project ~~which~~ <u>that</u> may involve the installation of such plants.	23582 23583 23584 23585 23586 23587 23588
(D) "Hardy," when applied to plants and bulbs, whether wild or cultivated, means capable of surviving the normal winter temperatures of this state.	23589 23590 23591
(E) "Host" means any plant or plant product from which any pest derives its food supply, or upon which it depends for its well being or to complete any part of its life cycle.	23592 23593 23594
(F) "Infested" means containing or harboring one or more pests or infected with one or more pests.	23595 23596
(G) "Nursery" means any grounds or premises on or in which nursery stock is propagated or grown for sale.	23597 23598
(H) "Nurseryman" means a person who owns, leases, manages, or is in charge of a nursery.	23599 23600
(I) "Nursery stock" means:	23601
(1) Any hardy tree, shrub, plant, or bulb, whether wild or cultivated, except turfgrass, and any cutting, graft, scion, or bud thereof;	23602 23603 23604
(2) Any nonhardy plant, or plant part, ~~which~~ <u>that</u> is to be offered for sale in any state ~~which~~ <u>that</u> requires inspection and certification of ~~such~~ <u>the</u> plant or plant part as a condition of entrance therein.	23605 23606 23607 23608

(J) "Person" means any corporation, company, society,	23609
association, partnership, individual or combination of	23610
individuals, institution, park, or any public agency administered	23611
by the state or any subdivision of the state.	23612
(K) "Pest" means any insect, mite, nematode, bacteria,	23613
fungus, virus, parasitic plant, or any other organism or any stage	23614
of any such organism ~~which~~ <u>that</u> causes, or is capable of causing,	23615
injury, disease, or damage to any plant, plant part, or plant	23616
product.	23617
(L) "Place of business" means each separate location from	23618
which nursery stock is sold, offered for sale, or distributed.	23619
(M) "Intensive production area" means a place where nursery	23620
stock is propagated or grown using greenhouses, liner beds, lath	23621
beds, or containers.	23622
(N) "Nonintensive production area" means any place where	23623
nursery stock is propagated or grown as field stock.	23624
(O) "Forced floral plants" means plants with desirable flower	23625
characteristics in which the bloom is artificially induced at an	23626
unnatural time of the year.	23627
Sec. 927.52. (A) The director of agriculture shall adopt and	23628
enforce any rules that are necessary to carry out sections 927.51	23629
to ~~927.74~~ <u>927.73</u> of the Revised Code.	23630
(B) The director may revoke, suspend, or refuse to issue any	23631
nursery certificate or dealer's license for any violation of	23632
sections 927.51 to 927.71 of the Revised Code, or of any rules	23633
adopted under those sections.	23634
(C) The director may publish reports describing nursery	23635
inspection and pest control operations authorized by sections	23636

927.51 to 927.71 of the Revised Code. 23637

Sec. 927.53. (A) Each collector or dealer who sells, offers, 23638
or exposes for sale, or distributes nursery stock within this 23639
state, or ships nursery stock to other states, shall pay an annual 23640
license fee of ~~five~~one hundred twenty-five dollars to the 23641
director of agriculture for each place of business the collector 23642
or dealer operates. 23643

(B)(1) Each dealer shall furnish the director, annually, an 23644
affidavit that the dealer will buy and sell only nursery stock 23645
which has been inspected and certified by an official state or 23646
federal inspector. 23647

(2) Each dealer's license expires on the thirty-first day of 23648
December of each year. Each licensed dealer shall apply for 23649
renewal of the dealer's license prior to the first day of January 23650
of each year and in accordance with the standard renewal procedure 23651
of sections 4745.01 to 4745.03 of the Revised Code. 23652

(C) Each licensed nurseryperson shall post conspicuously in 23653
the nurseryperson's principal place of business, the certificate 23654
which is issued to the nurseryperson in accordance with section 23655
927.61 of the Revised Code. 23656

(D) Each licensed nurseryperson, or dealer, shall post 23657
conspicuously in each place of business, each certificate or 23658
license which is issued to the nurseryperson or dealer in 23659
compliance with this section or section 927.61 of the Revised 23660
Code. 23661

(E)(1) Each nurseryperson who produces, sells, offers for 23662
sale, or distributes woody nursery stock within the state, or 23663
ships woody nursery stock to other states, shall pay to the 23664
director an annual inspection fee of ~~five~~one hundred dollars 23665
plus ~~four~~eleven dollars per acre, or fraction thereof, of growing 23666

nursery stock in intensive production areas and ~~two~~seven dollars 23667
per acre, or fraction thereof, of growing nursery stock in 23668
nonintensive production areas, as applicable. 23669

(2) Each nurseryperson who limits production and sales of 23670
nursery stock to brambles, herbaceous, perennial, and other 23671
nonwoody plants, shall pay to the director an inspection fee of 23672
~~thirty~~one hundred dollars, plus ~~four~~eleven dollars per acre, or 23673
fraction thereof, of growing nursery stock in intensive and 23674
nonintensive production areas. 23675

(F) ~~On and after the effective date of this amendment, the~~ 23676
~~following additional fees shall be assessed:~~ 23677

(1) ~~Each collector or dealer who pays a fee under division~~ 23678
~~(A) of this section shall pay an additional fee of twenty-five~~ 23679
~~dollars.~~ 23680

(2) ~~Each nurseryperson who pays fees under division (E)(1) of~~ 23681
~~this section shall pay additional fees as follows:~~ 23682

(a) ~~Fifteen dollars for the inspection fee;~~ 23683

(b) ~~Fifty cents per acre, or fraction thereof, of growing~~ 23684
~~nursery stock in intensive production areas;~~ 23685

(c) ~~One dollar and fifty cents per acre, or fraction thereof,~~ 23686
~~of growing nursery stock in nonintensive production areas.~~ 23687

(3) ~~Each nursery person who pays fees under division (E)(2)~~ 23688
~~of this section shall pay additional fees as follows:~~ 23689

(a) ~~Thirty-five dollars for the inspection fee;~~ 23690

(b) ~~Fifty cents per acre, or fraction thereof, of growing~~ 23691
~~stock in intensive and nonintensive production areas.~~The 23692

The fees collected under ~~division (F)~~ of this section shall 23693
be ~~deposited into the state treasury~~credited to the credit of the 23694
~~pesticide~~plant pest program fund created in ~~Chapter 921, section~~ 23695
927.54 of the Revised Code. ~~Moneys so credited to the fund shall~~ 23696
~~be used to pay the costs incurred by the department of agriculture~~ 23697
~~in administering this chapter, including employing a minimum of~~ 23698
~~two additional inspectors.~~ 23699

Sec. 927.54. The plant pest program fund is hereby created in 23700
the state treasury. The fund shall consist of money credited to it 23701
under this chapter and any rules adopted under it. The director of 23702
agriculture shall use money in the fund to administer this 23703
chapter. 23704

The director shall keep accurate records of all receipts into 23705
and disbursements from the fund and shall prepare, and provide 23706
upon request, an annual report classifying the receipts and 23707
disbursements that pertain to plant pests. 23708

Sec. 927.56. (A) Each nurseryman, dealer, or collector of 23709
nursery stock, who resides in or has his principal place of 23710
business in another state and who sends nursery stock into this 23711
state without having a bona fide order in advance for all such 23712
nursery stock, shall obtain the same license ~~which~~that is 23713
required by section 927.53 of the Revised Code. 23714

(B) The director of agriculture may enter into such 23715
reciprocal contracts and agreements as ~~he~~the director determines 23716
proper and expedient, with the proper authorities of other states 23717
or of the federal government to regulate the shipment, sale, and 23718
distribution of nursery stock in this state by persons residing in 23719
or located in another state, in accordance with sections 927.51 to 23720
~~927.74, inclusive,~~927.73 of the Revised Code. 23721

Sec. 927.69. To effect the purpose of sections 927.51 to 23722
~~927.74~~927.73 of the Revised Code, the director of agriculture or 23723

the director's authorized representative may:	23724
(A) Make reasonable inspection of any premises in this state	23725
and any property therein or thereon;	23726
(B) Stop and inspect in a reasonable manner, any means of	23727
conveyance moving within this state upon probable cause to believe	23728
it contains or carries any pest, host, commodity, or other article	23729
that is subject to sections 927.51 to 927.72 of the Revised Code;	23730
(C) Conduct inspections of agricultural products that are	23731
required by other states, the United States department of	23732
agriculture, other federal agencies, or foreign countries to	23733
determine whether the products are infested. If, upon making such	23734
an inspection, the director or the director's authorized	23735
representative determines that an agricultural product is not	23736
infested, the director or the director's authorized representative	23737
may issue a certificate, as required by other states, the United	23738
States department of agriculture, other federal agencies, or	23739
foreign countries, indicating that the product is not infested.	23740
If the director charges fees for any of the certificates,	23741
agreements, or inspections specified in this section, the fees	23742
shall be as follows:	23743
(1) Phyto sanitary certificates, twenty-five dollars <u>for</u>	23744
<u>those collectors or dealers that are licensed under section 927.53</u>	23745
<u>of the Revised Code;</u>	23746
(2) <u>Phyto sanitary certificates, one hundred dollars for all</u>	23747
<u>others;</u>	23748
(3) Compliance agreements, ~~twenty~~ <u>forty</u> dollars;	23749
~~(3) Solid wood packing certificates, twenty dollars;~~	23750

(4) Agricultural products and their conveyances inspections, 23751
an amount equal to the hourly rate of pay in the highest step in 23752
the pay range, including fringe benefits, of a plant pest control 23753
specialist multiplied by the number of hours worked by such a 23754
specialist in conducting an inspection. 23755

The director may adopt rules under section 927.52 of the 23756
Revised Code that define the certificates, agreements, and 23757
inspections. 23758

The fees shall be ~~deposited into the state treasury~~ credited 23759
to the ~~credit of the pesticide~~ plant pest program fund created in 23760
~~Chapter 921, section 927.54~~ of the Revised Code. ~~Money credited to~~ 23761
~~the fund shall be used to pay the costs incurred by the department~~ 23762
~~of agriculture in administering this chapter, including employing~~ 23763
~~a minimum of two additional inspectors.~~ 23764

Sec. 927.70. (A) No person shall knowingly permit any plant 23765
pest ~~which~~ that has been determined to be destructive or 23766
dangerously harmful by the director of agriculture, in compliance 23767
with procedures required by division (A) of section 927.52 of the 23768
Revised Code, to exist in or on ~~his~~ the person's premises. 23769

(B) Whenever the director or ~~his~~ the director's authorized 23770
representative finds any article or commodity to be infested or 23771
has reason to believe it to be infested, or finds that a host or 23772
pest exists on any premises, or is in transit in this state, ~~he~~ 23773
the director may: 23774

(1) Upon giving notice to the owner or ~~his~~ the owner's agent 23775
in possession thereof, seize, quarantine, treat, or otherwise 23776
dispose of ~~such~~ the pest, host, article, or commodity in such 23777
manner as ~~he~~ the director determines necessary to suppress, 23778
control, eradicate, or to prevent or retard the spread of a pest; 23779

(2) Order ~~such~~ the owner or agent to so treat or otherwise 23780

dispose of the pest, host, article, or commodity. 23781

(C) If the owner or person in charge of ~~such~~the premises 23782
refuses or neglects to carry out the orders of the director within 23783
seven days after receiving written notice, the director may treat 23784
the premises; treat or destroy the infested plants or plant 23785
material; or apply any other preventive or remedial measure ~~which~~ 23786
~~he~~that the director determines necessary. The expense of any such 23787
preventative or remedial measures shall be assessed, collected, 23788
and enforced, as taxes are assessed, collected, and enforced, 23789
against the premises upon which ~~such~~the expense was incurred. 23790
The amount of ~~such~~the expense when collected shall be ~~paid to the~~ 23791
~~director and by him deposited with the treasurer of state~~credited 23792
to the plant pest program fund created in section 927.54 of the 23793
Revised Code. 23794

Sec. 927.701. (A) As used in this section, "gypsy moth" 23795
means the live insect, *Lymantria dispar*, in any stage of 23796
development. 23797

(B) The director of agriculture may establish a voluntary 23798
gypsy moth suppression program under which a landowner may request 23799
that the department of agriculture have the landowner's property 23800
aerially sprayed to suppress the presence of gypsy moths in 23801
exchange for payment from the landowner of a portion of the cost 23802
of the spraying. To determine the ~~amount of payment that is due~~ 23803
~~from a landowner~~total cost per acre, the department ~~first~~ shall 23804
~~determine the projected cost per acre to the department of gypsy~~ 23805
~~moth suppression activities for the year in which the landowner's~~ 23806
~~request is made. The cost shall be calculated by determining the~~ 23807
~~total expense of aerial spraying for gypsy moths to be incurred by~~ 23808
~~the department in that year divided by the total number of acres~~ 23809
~~proposed to be sprayed in that year. With respect to a landowner~~ 23810
add the per-acre cost of the product selected by the landowner to 23811
suppress gypsy moths and the per-acre cost of applying the product 23812

as determined by the director in rules. To determine the aggregate 23813
total cost, the department shall multiply the total cost per acre 23814
by the number of acres that the landowner requests to be sprayed. 23815
The department shall add to that amount any administrative costs 23816
that it incurs in billing the landowner and collecting payment. 23817
~~The amount that the landowner shall pay to the department shall~~ 23818
~~not exceed fifty per cent of the resulting amount.~~ The portion of 23819
the cost that is assessed to the landowner, if any, shall be 23820
determined by the funding that is allocated to the department by 23821
the federal and state gypsy moth suppression programs. 23822

(C) The director shall adopt rules under Chapter 119. of the 23823
Revised Code to establish procedures under which a landowner may 23824
make a request under division (B) of this section, to establish 23825
the per-acre cost of applying product to suppress gypsy moths, and 23826
to establish provisions governing agreements between the 23827
department and landowners concerning gypsy moth suppression 23828
together with any other provisions that the director considers 23829
appropriate to administer this section. 23830

(D) The director shall deposit all money collected under this 23831
section ~~into the state treasury~~ to the credit of the ~~pesticide~~ 23832
plant pest program fund created in ~~Chapter 921.~~ section 927.54 of 23833
the Revised Code. Money credited to the fund under this section 23834
shall be used for the suppression of gypsy moths in accordance 23835
with this section. 23836

Sec. 927.71. (A) The director of agriculture, in accordance 23837
with Chapter 119. of the Revised Code, may quarantine: 23838

(1) This state or any portion thereof when ~~he~~ the director 23839
determines that such action is necessary to prevent or retard the 23840
spread of a pest into, within, or from this state; 23841

(2) Any other state or portion thereof when ~~he~~ the director 23842
determines that a pest exists therein and that such action is 23843

necessary to prevent or retard its spread into this state. 23844

(B) The director may limit the application of a quarantine to 23845
the infested portions of the quarantined area and appropriate 23846
environs, to be known as the regulated area, and may, without 23847
further hearing, extend the regulated area to include additional 23848
portions of the quarantined area either: 23849

(1) Upon publication of a notice to that effect in such 23850
newspapers in the quarantined area as ~~he~~the director may select; 23851

(2) Upon written notice to those concerned. 23852

(C) Following establishment of a quarantine, no person shall 23853
move any regulated article described in the quarantine, or move 23854
the pest against which the quarantine is established, within, 23855
from, into, or through this state contrary to ~~regulations~~ 23856
~~promulgated~~rules adopted by the director without prior permission 23857
or order of the director. 23858

(D) A ~~regulation~~rule may restrict the movement of a pest and 23859
any regulated article from the quarantined or regulated area in 23860
this state into or through other parts of this state or other 23861
states and from the quarantine or regulated area in other states 23862
into or through this state and may impose such inspection, 23863
disinfection, certification, permit, or other requirements as the 23864
director determines necessary to effectuate the purpose of 23865
sections 927.51 to ~~927.74, inclusive,~~927.73 of the Revised Code. 23866

Sec. 942.01. As used in sections 942.01 to 942.13 of the 23867
Revised Code: 23868

(A) "Conveyance" means a vehicle, trailer, or compartment 23869
that is used to transport raw rendering material. 23870

(B) "Garbage" means all waste material derived in whole or in 23871

part from the meat of any animal, including fish and poultry, or
other animal material, and other refuse of any character that has
been associated with such waste material resulting from the
handling, preparation, cooking, or consumption of food.

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~~(B)~~(C) "Person" means any individual, corporation,
partnership, association, society, company, firm, or other legal
entity.

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~~(C)~~(D) "Raw rendering material" has the same meaning as in
section 953.21 of the Revised Code.

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(E) "Treated garbage" means any edible garbage for
consumption by swine that has been heated at boiling point while
being agitated, except in steam cooking equipment, to ensure that
the garbage is heated throughout for thirty minutes under the
supervision of a person licensed pursuant to section 942.02 of the
Revised Code.

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Sec. 942.02. (A) No person shall feed on ~~his~~the person's
premises, or permit the feeding of, treated garbage to swine
without a license to do so issued by the department of
agriculture.

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(B) An application for a license to feed treated garbage
shall be made in writing on a form prescribed by the director of
agriculture.

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(C) A license shall be renewed before the thirty-first day of
December of each year, and an application for renewal shall be
filed before the thirtieth day of November of each year.

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(D) The fee for the license shall be ~~fifty~~one hundred
dollars per annum. A late fee of fifty dollars shall be paid for
each application that is received after the thirtieth day of
November each year.

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(E) All money collected under this section shall be credited 23901
to the animal and consumer analytical laboratory fund created in 23902
section 901.43 of the Revised Code. 23903

Sec. 942.06. (A) Equipment used for handling garbage, 23904
except for the containers in which the garbage is treated, and 23905
conveyances shall not subsequently be used in the feeding of swine 23906
unless first cleaned and disinfected in accordance with directions 23907
on the labels of one of the following disinfectants approved by 23908
the "Federal Insecticide, Fungicide and Rodenticide Act," 61 Stat. 23909
163 (1947), 7 U.S.C.A. 136, as amended: 23910

(1) A registered brand of sodium orthophenylphenate; 23911

(2) A registered cresylic disinfectant, provided that the 23912
conditions set forth under 9 C.F.R. 71.10 and 77.11 are met; 23913

(3) Disinfectants with tuberculocidal claims and labeled as 23914
efficacious against any species within the viral genus herpes. 23915

(B) Treated or untreated garbage that is not fed to swine and 23916
materials associated with such garbage shall be disposed of in a 23917
manner consistent with all applicable federal and state laws and 23918
in an area inaccessible to the swine. 23919

(C) All refuse resulting from feeding treated garbage to 23920
swine; that is not fed to swine shall be disposed of in a manner 23921
so as to prevent the attraction of insects and rodents or the 23922
contamination of adjoining property. 23923

(D) The premises, vehicles, and equipment used in the feeding 23924
of treated garbage to swine shall be subject to inspection by the 23925
department of agriculture during regular business hours. If the 23926
director of agriculture or ~~his~~the director's designee is denied 23927
access to any premises as authorized under this division, ~~he~~the 23928

director or the director's designee may apply to any court of
competent jurisdiction for a search warrant authorizing access to
the requested premises. Upon receipt of an application for a
search warrant, the court may issue a search warrant for the
purposes requested.

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(E)(1) The owner of the premises, vehicles, and equipment
used in the feeding of treated garbage to swine and licensed
pursuant to section 942.02 of the Revised Code shall be
responsible for cleaning and disinfecting them with no expense to
the department.

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(2) The owner of a conveyance is responsible for cleaning and
disinfecting the conveyance with no expense to the department.

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Sec. 942.13. This chapter does not apply to ~~any~~either of
the following:

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(A) An individual who feeds garbage from his~~the individual's~~
household to ~~his~~the individual's own animals or ~~to any~~an
individual who only feeds bakery waste, candy waste, eggs,
vegetables, or dairy products to swine;

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(B) Rendered products. As used in this division, "rendered
product" means raw rendering material that has been ground and
heated to a minimum temperature of two hundred thirty degrees
Fahrenheit to make products such as animal, poultry, or fish
protein, grease, or tallow.

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Sec. 943.01. As used in sections 943.01 to 943.18 of the
Revised Code:

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(A) "Animals" or "livestock" means horses, mules, and other
equidae, cattle, sheep, and goats and other bovidae, swine and
other suidae, poultry, alpacas, and llamas.

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(B) "Dealer" or "broker" means any person found by the
department of agriculture buying, receiving, selling,
slaughtering, with the exception of those persons designated by
division (B)(1) of section 918.10 of the Revised Code, exchanging,
negotiating, or soliciting the sale, resale, exchange, or transfer
of any animals in an amount of more than two hundred fifty head of
cattle, horses, or other equidae or five hundred head of sheep,
goats, or other bovidae ~~or~~ swine and other suidae ~~or~~ poultry,
alpacas, or llamas during any one year. "Dealer" or "broker"
does not mean any of the following:

(1) Any railroad or other carrier transporting animals either
interstate or intrastate;

(2) Any person who by dispersal sale is permanently
discontinuing the business of farming, dairying, breeding,
raising, or feeding animals;

(3) Any person who sells livestock that has been raised from
birth on the premises of the person;

(4) Any person who buys or receives animals for grazing or
feeding purposes at a premises owned or controlled by the person
and sells or disposes of the animals after the minimum grazing or
feeding period of thirty days;

(5) Any person who places livestock in facilities other than
the person's own pursuant to a written agreement for feeding or
finishing, provided that the person retains legal and equitable
title to the livestock during the term of the agreement.

The exemptions set forth in divisions (B)(1) to (5) of this
section are exclusive of those activities requiring licensure
under this chapter, so that a person shall be deemed to be a
dealer or broker or subject to divisions (B)(1) to (5) of this
section, but shall not be, or be subject to, both. No person who

is a licensed dealer or broker and whose license is suspended 23987
shall have livestock or animals exempted pursuant to divisions 23988
(B)(1) to (5) of this section. 23989

(C) "Employee" means any person employed by a dealer or 23990
broker to act in the dealer's or broker's behalf to buy, sell, 23991
exchange, negotiate, or solicit sale or resale of animals in the 23992
dealer's or broker's name. 23993

(D) "Small dealer" means any person found by the department 23994
buying, receiving, selling, slaughtering, with the exception of 23995
those persons designated by division (B)(1) of section 918.10 of 23996
the Revised Code, exchanging, negotiating, or soliciting the sale, 23997
resale, exchange, or transfer of any animals in an amount of two 23998
hundred fifty head or less of cattle, horses, or other equidae or 23999
five hundred head or less of sheep, goats, or other bovidae, swine 24000
or other suidae, poultry, alpacas, or llamas during any one year. 24001

Sec. 943.02. (A) No person shall act as a small dealer, 24002
dealer, or broker without first being licensed. No person shall be 24003
an employee of more than one small dealer, dealer, or broker. 24004
Except as provided in division (B) of this section, no person 24005
holding a license as a small dealer, dealer, or broker shall be an 24006
employee. No employee shall act for any small dealer, dealer, or 24007
broker unless the small dealer, dealer, or broker is licensed, and 24008
has designated the employee to act in ~~his~~the small dealer's, 24009
dealer's, or broker's behalf and has notified the department of 24010
agriculture in ~~his~~the application for license or has given 24011
official notice in writing of the appointment of the employee. The 24012
small dealer, dealer, or broker shall be accountable and 24013
responsible for all contracts pertaining to the purchase, 24014
exchange, or sale of livestock made by the employee. The small 24015
dealer, dealer, or broker who terminates the services of an 24016
employee shall notify the department in writing of the employee's 24017
termination. No person who is a licensed small dealer, dealer, or 24018

broker shall have livestock exempted pursuant to divisions (B)(1) 24019
~~through (5)~~to (6) of section 943.01 of the Revised Code. 24020

(B) A small dealer, dealer, or broker may be an employee of 24021
other small dealers, dealers, or brokers only when ~~he~~the small 24022
dealer, dealer, or broker so employed is a soliciting agent for a 24023
video auction. 24024

(C) The director of agriculture shall define by rule 24025
"soliciting agent" and "video auction" for the purposes of this 24026
section. 24027

Sec. 943.031. (A) Application for a license as a small 24028
dealer shall be made in writing to the department of agriculture. 24029
The application shall state the nature of the business, the 24030
municipal corporation or township, county, and post-office address 24031
of the location where the business is to be conducted, the name of 24032
any employee who is authorized to act in the small dealer's 24033
behalf, and any additional information that the department 24034
prescribes. 24035

(B) The applicant shall satisfy the department of the 24036
applicant's character and good faith in seeking to engage in the 24037
business of a small dealer. The department then shall issue to the 24038
applicant a license to conduct the business of a small dealer at 24039
the place named in the application. Licenses, unless revoked, 24040
shall expire annually on the thirty-first day of March and shall 24041
be renewed according to the standard renewal procedure established 24042
in sections 4745.01 to 4745.03 of the Revised Code. 24043

(C) No license shall be issued by the department to a small 24044
dealer having weighing facilities until the applicant has filed 24045
with the department a copy of a scale test certificate showing the 24046
weighing facilities to be in satisfactory condition, a copy of the 24047
license of each weigher employed by the applicant, and a 24048
certificate of inspection by the department showing livestock 24049

<u>market facilities to be in satisfactory sanitary condition.</u>	24050
<u>(D) No licensed small dealer shall employ as an employee a</u>	24051
<u>person who, as a small dealer, dealer, or broker, previously</u>	24052
<u>defaulted on contracts pertaining to the purchase, exchange, or</u>	24053
<u>sale of livestock until the licensee does both of the following:</u>	24054
<u>(1) Appears at a hearing before the director of agriculture</u>	24055
<u>or the director's designee conducted in accordance with Chapter</u>	24056
<u>119. of the Revised Code pertaining to that person:</u>	24057
<u>(2) Signs and files with the director an agreement that</u>	24058
<u>guarantees, without condition, all contracts pertaining to the</u>	24059
<u>purchase, exchange, or sale of livestock made by the person while</u>	24060
<u>in the employ of the licensee. The director shall prescribe the</u>	24061
<u>form and content of the agreement.</u>	24062
<u>(E) A licensed small dealer is not required to maintain</u>	24063
<u>financial responsibility or furnish proof of financial</u>	24064
<u>responsibility.</u>	24065
Sec. 943.04. (A) Fees for the initial issuance of any license	24066
issued pursuant to sections 943.02 ~~and~~ , 943.03, <u>and 943.031</u> of the	24067
Revised Code, shall be paid to the department of agriculture.	24068
<u>(B)</u> All annual renewal fees for ~~such~~ <u>the</u> licenses shall be	24069
paid by the applicant for ~~such~~ <u>the</u> renewal <u>of a license</u> on or	24070
before the thirty-first day of March of each year to the treasurer	24071
of state. ~~Such~~ <u>Except for license fees for small dealers, the</u> fees	24072
shall be based on the number of head of livestock purchased, sold,	24073
or exchanged, in this state, whichever is the greatest, during the	24074
preceding calendar year. ~~Such~~ <u>Those</u> fees for dealers or brokers	24075
shall be as follows:	24076
Less than 1,000 head ~~\$10.00~~ <u>\$50.00</u> per annum;	24077

For 1,001 to 10,000 head ~~\$25.00~~ <u>\$125.00</u> per annum;	24078
For more than 10,000 head ~~\$50.00~~ <u>\$250.00</u> per annum.	24079 24080
In the event a dealer or broker operates more than one place where livestock is purchased, sold, or exchanged, a fee shall be paid for each ~~such~~ place; but only the original purchase, sale, or exchange shall be counted in computing the amount of <u>the</u> fee to be paid for each ~~such~~ place operated by ~~such~~ <u>the</u> dealer or broker. Shipment between yards owned or operated by ~~such~~ <u>the</u> dealer or broker shall be exempt.	24081 24082 24083 24084 24085 24086 24087
<u>A late fee of one hundred dollars shall be paid for each dealer or broker license renewal application that is received after the thirty-first day of March each year.</u>	24088 24089 24090
<u>(C)(1) A fee of twenty-five dollars shall be paid by each small dealer.</u>	24091 24092
<u>If a small dealer operates more than one place where livestock is purchased, sold, or exchanged, a fee shall be paid for each place, but only the original purchase, sale, or exchange shall be counted in computing the amount of fee to be paid for each place operated by the small dealer. Shipment between yards owned or operated by the small dealer shall be exempt.</u>	24093 24094 24095 24096 24097 24098
<u>(2) A late fee of twenty-five dollars shall be paid for each small dealer license renewal application that is received after the thirty-first day of March each year.</u>	24099 24100 24101
<u>(D) A fee of twenty dollars shall be paid by each employee that is appointed by a small dealer, dealer, or broker as provided in section 943.02 of the Revised Code.</u>	24102 24103 24104
<u>(E) A fee of ~~five~~<u>ten</u> dollars shall be paid by each licensed</u>	24105

weigher. 24106

(F) All ~~fees and charges~~ money collected under section 943.03 24107
of the Revised Code; and under this section shall be ~~paid into the~~ 24108
~~state treasury, and shall be~~ credited to the ~~general revenue~~ 24109
animal and consumer analytical laboratory fund created in section 24110
901.43 of the Revised Code. 24111

Sec. 943.05. (A) The director of agriculture may refuse to 24112
grant or may suspend a small dealer's, dealer's, or broker's 24113
license, without prior hearing, ~~when he determines~~ after 24114
determining from evidence presented to ~~him~~ the director that there 24115
is reasonable cause to believe any of the following situations 24116
exist: 24117

(1) Where the applicant or licensee or an employee has 24118
violated the laws of the state or official regulations governing 24119
the interstate or intrastate movement, shipment, or transportation 24120
of animals, or has been convicted of a crime involving moral 24121
turpitude or convicted of a felony; 24122

(2) Where there have been false or misleading statements as 24123
to the health or physical condition of the animals with regard to 24124
official tests or quantity of animals, or the practice of fraud or 24125
misrepresentation in connection therewith or in the buying or 24126
receiving of animals or receiving, selling, exchanging, 24127
soliciting, or negotiating the sale, resale, exchange, weighing, 24128
or shipment of animals; 24129

(3) Where the applicant or licensee acts as a small dealer, 24130
dealer, or broker for a person attempting to conduct business in 24131
violation of section 943.02 of the Revised Code, after the notice 24132
of the violation has been given to the licensee by the department 24133
of agriculture; 24134

(4) Where the applicant or licensee or employee fails to 24135

practice measures of sanitation, disinfection, and inspection as	24136
required by sections 943.01 to 943.18 of the Revised Code, or	24137
prescribed by the department, of premises or vehicles used for the	24138
yarding, holding, or transporting of animals;	24139
(5) Where there has been a failure to keep records required	24140
by the department or where there is a refusal on the part of the	24141
applicant or licensee or employee to produce records of	24142
transactions in the carrying on of the business for which the	24143
license is granted;	24144
(6) Where the applicant or licensee providing weighing	24145
facilities used for, in connection with, or incident to the	24146
purchase or sale of livestock for the account of the licensee or	24147
others, fails to maintain and operate the weighing facilities in	24148
accordance with sections 943.08 and 943.10 of the Revised Code;	24149
(7) Where the applicant or licensee in the conduct of the	24150
business covered by the license fails to maintain and operate	24151
weighing facilities in accordance with sections 943.08 and 943.10	24152
of the Revised Code or fails to cause its livestock to be weighed	24153
by licensed weighers as provided in those sections;	24154
(8) ~~Where~~ <u>With regard to a dealer or broker licensee, where</u>	24155
the licensee fails to maintain a bond or deposit, or letter of	24156
credit, if applicable, or fails to adjust the bond or deposit upon	24157
thirty days' notice or refuses or neglects to pay the fees or	24158
inspection charges required to be paid;	24159
(9) Where the licensee has been suspended by order of the	24160
secretary of agriculture of the United States department of	24161
agriculture under provisions of the "Packers and Stockyards Act of	24162
1921," 42 Stat. 159, 7 U.S.C.A. 181, as amended;	24163
(10) ~~Where~~ <u>With regard to a dealer or broker licensee, where</u>	24164
the surety company, trustee, or issuer of a letter of credit of	24165

the licensee issues a notice of termination of the licensee's bond
agreement, deposit agreement, or letter of credit.

(B) When the director refuses to grant or suspends a small
dealer's, dealer's, or broker's license, ~~he~~the director or his
the director's designee may hand deliver the order. The licensee
to whom a suspension order is issued shall be afforded a hearing
in accordance with Chapter 119. of the Revised Code, after which
the director shall reinstate, revoke, or suspend for a longer or
indefinite period the suspended license.

Sec. 943.06. Every small dealer, dealer, and broker licensed
under section 943.03 or 943.031 of the Revised Code, as
applicable, and carrying on or conducting business under ~~such~~that
license, shall post in a conspicuous place in or at the place of
business of ~~such~~the licensee a copy of ~~such~~the license furnished
by the department of agriculture, to be kept so posted and exposed
for inspection by any person.

Sec. 943.07. Each small dealer, dealer, or broker leasing,
renting, operating, or owning livestock yards, pens, premises, or
vehicles in which animals are quartered, fed, held, or
transported, shall have a veterinary inspector approved by the
department of agriculture, inspect, when directed, all such yards,
premises, and vehicles and shall thoroughly and completely
disinfect all such yards, pens, premises, and vehicles under the
direction of the veterinary inspector and as prescribed by the
department. The cost of ~~such~~the inspection and disinfection shall
be borne by ~~such~~the small dealer, dealer, or broker.

The department shall not require such veterinary inspection
of yards, pens, premises, or other facilities where veterinary
inspection is regularly maintained by the United States department
of agriculture, or by the municipal corporation in which the same
are located, or where livestock is transported to markets or
slaughtering establishments where such inspection is maintained.

The department may adopt ~~and promulgate~~ adequate sanitary requirements covering the construction and maintenance of buildings, pens, and chutes on all premises regularly used for the assembling, receiving, handling, feeding, watering, holding, buying, or selling of livestock, and may prescribe and enforce rules ~~and regulations~~ for the purpose of carrying into effect sections 943.01 to 943.18 of the Revised Code. ~~Such~~ Those sections shall not apply to railroads subject to the "Interstate Commerce Act of 1887," 24 Stat. 379, 49 U.S.C.A. 1.

Sec. 943.13. The department of agriculture shall require inspection, tests, and treatments necessary to prevent the spread of diseases of all animals sold or transferred from pens, yards, premises, or vehicles by ~~brokers or~~ small dealers, dealers, or brokers except when such animals are immediately delivered to a slaughtering establishment. ~~Such~~ The inspection, tests, and treatments shall be made by a veterinary inspector approved by the department and shall be made and reported as prescribed by the department. The fees for ~~such~~ that service shall be paid by the ~~broker or~~ small dealer, dealer, or broker. This section shall not apply to a person operating a slaughtering establishment at which antemortem veterinary inspection is regularly maintained.

The director of agriculture, without a prior hearing, may revoke the approval of a veterinary inspector. A person to whom an order of revocation is issued shall be afforded a hearing in accordance with sections 119.01 to 119.13 of the Revised Code.

Animals sold through a livestock auction market shall be accompanied by a release as may be prescribed by the department and issued by the ~~broker or~~ small dealer, dealer, or broker. ~~Such~~ The release shall state the date, number and kind of animals moved, point of origin, and buyer.

Animals sold for slaughter may be identified by an ear tag, a

livestock paint brand, or other prescribed identification, 24229
whenever the department finds such identification necessary. 24230

Operators of livestock auction markets shall furnish and 24231
maintain cattle chutes suitable for restraining animals for 24232
careful inspection and shall provide suitable laboratory space for 24233
the veterinary inspector. All swine pens shall be paved and 24234
maintained so that they can be cleaned and disinfected. All 24235
diseased animals shall be segregated by species and held in 24236
designated pens constructed to facilitate cleaning and 24237
disinfecting. 24238

Sec. 943.14. (A) The department of agriculture or any of its 24239
authorized agents may inspect the records of any licensee or 24240
employee at any time to determine the origin and destination of 24241
any livestock handled by the licensee and to determine if sections 24242
943.01 to 943.18 of the Revised Code, or the rules ~~promulgated~~ 24243
adopted thereunder, have been violated. 24244

(B) A small dealer, dealer, or broker, employee, or person 24245
described in division (B)(4) of section 943.01 of the Revised 24246
Code, who acquires or disposes of an animal by any means, shall 24247
make a record of the name and address of the person from whom the 24248
animal was acquired and to whom disposed. The record also shall 24249
show the individual identification of each animal at the time of 24250
acquisition or disposal. These records shall be maintained for a 24251
period of ~~twenty-four~~sixty months or longer from the date of 24252
acquisition or disposal. 24253

(C) The individual identification in division (B) of this 24254
section shall be in a manner or form approved by the department. 24255

(D) A person who is a soliciting agent for a video auction 24256
pursuant to division (B) of section 943.02 of the Revised Code 24257
shall maintain records in a manner or form approved by the 24258
department. 24259

Sec. 943.16. All fines imposed and collected under section 24260
943.99 of the Revised Code, shall be ~~paid to the department of~~ 24261
~~agriculture and by it paid into the state treasury~~ credited to the 24262
animal and consumer analytical laboratory fund created in section 24263
901.43 of the Revised Code. 24264

Sec. 953.21. As used in this chapter: 24265

(A) "Animal" means any animal, other than ~~mana~~ human being, 24266
and includes domestic fowl, wild birds, fish, and reptiles, living 24267
or dead. 24268

(B) "Licensee" means any person who is licensed in accordance 24269
with this chapter. 24270

(C) "Loading platform" means any place operated by a licensee 24271
for loading dead animals, or parts thereof, onto trucks to take 24272
them to a rendering plant or composting facility. 24273

(D) "Person" means any natural person, partnership, 24274
association, or corporation. 24275

(E) "Raw rendering material" means any body, part of a body, 24276
or product of a body of any dead animal that is unwholesome, 24277
condemned, inedible, or otherwise unfit for human consumption. 24278

(F) "Rendering plant" means any premises where raw rendering 24279
materials are converted into fats, oils, feeds, fertilizer, and 24280
other products. 24281

(G) "Composting facility" means any premises, including 24282
~~structure~~ structures and equipment, operating in accordance with 24283
rules adopted under section 3734.02 of the Revised Code and used 24284
for the controlled decomposition of organic solid material, 24285
including dead animals, that stabilizes the organic fraction of 24286

the material.	24287
<u>(H) "Conveyance" means a vehicle, trailer, or compartment.</u>	24288
Sec. 953.22. (A) No person shall engage in the business of	24289
disposing of, picking up, rendering, or collecting raw rendering	24290
material or transporting the material to a composting facility	24291
without a license to do so from the department of agriculture.	24292
(B) This chapter does not apply to any of the following:	24293
(1) ~~Operations on any premises that are licensed in~~	24294
~~compliance with Chapter 918. of the Revised Code or are subject to~~	24295
~~federal meat inspection and render only raw rendering material~~	24296
~~that is produced on the premises;~~	24297
(2) A farmer who slaughters ~~his~~ <u>the farmer's</u> own animals,	24298
raised by ~~him~~ <u>the farmer</u> on ~~his~~ <u>the farmer's</u> own farm, processes	24299
~~his~~ <u>the farmer's</u> own meat therefrom, and disposes of ~~his~~ <u>the</u>	24300
<u>farmer's</u> raw rendering material only by delivery to a person	24301
licensed under section 953.23 of the Revised Code;	24302
(3)(2) A person whose only connection with raw rendering	24303
material is curing hides and skins;	24304
(4)(3) A person whose only connection with raw rendering	24305
material is operating a pet cemetery;	24306
(5)(4) A person who is conducting composting, as defined in	24307
section 1511.01 of the Revised Code, in accordance with section	24308
1511.022 of the Revised Code;	24309
(5) A person whose only connection with raw rendering	24310
material is trapping wild animals in accordance with a nuisance	24311
wild animal permit issued by the chief of the division of wildlife	24312
in the department of natural resources under rules adopted	24313

<u>pursuant to section 1531.08 of the Revised Code;</u>	24314
<u>(6) A county dog warden or animal control officer who</u>	24315
<u>transports raw rendering material only for disposal purposes.</u>	24316
Sec. 953.23. (A) Application for a license shall be made to	24317
the department of agriculture on a form prescribed by the	24318
department.	24319
(B) Each application shall include all of the following:	24320
(1) The name and address of the applicant;	24321
(2) The applicant's proposed place of business;	24322
(3) A detailed statement of the method that the applicant	24323
intends to use to dispose of, pick up, render, or collect raw	24324
rendering material or to transport it to a composting facility;	24325
(4) Such other relevant information as the department may	24326
require.	24327
(C) Each applicant shall submit the annual license fee with	24328
~~his~~ <u>the</u> application.	24329
(1) The license fee for a person applying for an annual	24330
license to pick up or collect raw rendering material and dispose	24331
of the material to a licensee or in accordance with divisions (B)	24332
and (C) of section 953.26 of the Revised Code, or to transport raw	24333
rendering material to a composting facility, is twenty-five	24334
dollars <u>per conveyance that is used to pick up or collect and</u>	24335
<u>dispose of or to transport raw rendering material. A late fee of</u>	24336
<u>ten dollars per conveyance shall be charged for each application</u>	24337
<u>that is received after the thirtieth day of November each year.</u>	24338
(2) The license fee for a person applying for an annual	24339
license to pick up or collect raw rendering material and to	24340

operate one or more rendering plants is ~~one~~three hundred dollars 24341
for each such plant. A late fee of one hundred dollars shall be 24342
charged for each application that is received after the thirtieth 24343
day of November each year. 24344

(D) On receipt of an application and fee, under this section, 24345
the department shall inspect the means of conveyance and premises 24346
that the applicant proposes to use to dispose of, collect, pick 24347
up, or render raw rendering material or to transport it to a 24348
composting facility for profit. 24349

(E) If the department finds that the applicant's means of 24350
conveyance, premises, and operation meet the requirements of this 24351
chapter and rules adopted thereunder, the department shall issue a 24352
license to the applicant to dispose of, pick up, render, or 24353
collect for profit raw rendering material or to transport it to a 24354
composting facility for profit. 24355

(F) Each license issued under this section shall expire on 24356
the thirty-first day of December of each year. Each person 24357
licensed under this section shall make application for renewal of 24358
~~his~~the person's license no later than the thirtieth day of 24359
November of each year. 24360

(G) Application for renewal shall be in accordance with the 24361
requirements of this section for initial application for a license 24362
and the standard renewal procedure of sections 4745.01 to 4745.03 24363
of the Revised Code. 24364

(H) All money collected under this section shall be credited 24365
to the animal and consumer analytical laboratory fund created in 24366
section 901.43 of the Revised Code. 24367

Sec. 955.201. (A) As used in this section and in section 24368
955.202 of the Revised Code, "Ohio pet fund" means a nonprofit 24369
corporation organized by that name under Chapter 1702. of the 24370

Revised Code that consists of humane societies, veterinarians,	24371
animal shelters, companion animal breeders, dog wardens, ~~and~~ <u>or</u>	24372
similar individuals and entities.	24373
 (B) The Ohio pet fund shall do all of the following:	24374
 (1) Establish eligibility criteria for organizations that may	24375
receive financial assistance from the pets program funding board	24376
created in section 955.202 of the Revised Code. Those	24377
organizations may include any of the following:	24378
 (a) An animal shelter as defined in section 4729.01 of the	24379
Revised Code;	24380
 (b) A local nonprofit veterinary association that operates a	24381
program for the sterilization of dogs and cats;	24382
 (c) A charitable organization that is exempt from federal	24383
income taxation under subsection 501(c)(3) of the Internal Revenue	24384
Code and ~~the primary~~ purpose of which is to support programs for	24385
the sterilization of dogs and cats and educational programs	24386
concerning the proper veterinary care of those animals.	24387
 (2) Establish procedures for applying for financial	24388
assistance from the pets program funding board. Application	24389
procedures shall require eligible organizations to submit detailed	24390
proposals that outline the intended uses of the moneys sought.	24391
 (3) Establish eligibility criteria for sterilization and	24392
educational programs for which moneys from the pets program	24393
funding board may be used and, consistent with division (C) of	24394
this section, establish eligibility criteria for individuals who	24395
seek sterilization for their dogs and cats from eligible	24396
organizations;	24397
 (4) Establish procedures for the disbursement of moneys the	24398

pets program funding board receives from license plate	24399
contributions pursuant to division (C) of section 4503.551 of the	24400
Revised Code;	24401
(5) Advertise or otherwise provide notification of the	24402
availability of financial assistance from the pets program funding	24403
board for eligible organizations;	24404
(6) Design markings to be inscribed on "pets" license plates	24405
under section 4503.551 of the Revised Code.	24406
(C)(1) The owner of a dog or cat is eligible for dog or cat	24407
sterilization services from an eligible organization when those	24408
services are subsidized in whole or in part by money from the pets	24409
program funding board if any of the following applies:	24410
(a) The income of the owner's family does not exceed one	24411
hundred fifty per cent of the federal poverty guideline.	24412
(b) The owner, or any member of the owner's family who	24413
resides with the owner, is a recipient or beneficiary of one of	24414
the following government assistance programs:	24415
(i) Low-income housing assistance under the "United States	24416
Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as the	24417
federal section 8 housing program;	24418
(ii) The Ohio works first program established by Chapter	24419
5107. of the Revised Code;	24420
(iii) Title XIX of the "Social Security Act," 49 Stat. 620	24421
(1935), 42 U.S.C.A. 301, as amended, known as the medical	24422
assistance program or medicaid, provided by the department of job	24423
and family services under Chapter 5111. of the Revised Code;	24424
(iv) A program or law administered by the United States	24425

department of veterans' affairs or veterans' administration for	24426
any service-connected disability;	24427
(v) The ~~food stamp~~ supplemental nutrition assistance program	24428
established under the "Food Stamp and Nutrition Act of 1977," 91	24429
Stat. 958, 2008 (7 U.S.C.A. 2011, as amended, et seq.)	24430
administered by the department of job and family services under	24431
section 5101.54 of the Revised Code;	24432
(vi) The "special supplemental nutrition program for women,	24433
infants, and children" established under the "Child Nutrition Act	24434
of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered	24435
by the department of health under section 3701.132 of the Revised	24436
Code;	24437
(vii) Supplemental security income under Title XVI of the	24438
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as	24439
amended;	24440
(viii) Social security disability insurance benefits provided	24441
under Title II of the "Social Security Act," 49 Stat. 620 (1935),	24442
42 U.S.C.A. 401, as amended.	24443
(c) The owner of the dog or cat submits to the eligible	24444
organization operating the sterilization program either of the	24445
following:	24446
(i) A certificate of adoption showing that the dog or cat was	24447
adopted from a licensed animal shelter, a municipal, county, or	24448
regional pound, or a holding and impoundment facility that	24449
contracts with a municipal corporation;	24450
(ii) A certificate of adoption showing that the dog or cat	24451
was adopted through a nonprofit corporation operating an animal	24452
adoption referral service whose holding facility, if any, is	24453
licensed in accordance with state law or a municipal ordinance.	24454

(2) The Ohio pet fund shall determine the type of documentary evidence that must be presented by the owner of a dog or cat to show that the income of the owner's family does not exceed one hundred fifty per cent of the federal poverty guideline or that the owner is eligible under division (C)(1)(b) of this section.

(D) As used in division (C) of this section, "federal poverty guideline" means the official poverty guideline as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

Sec. 1321.20. (A) Every person licensed or registered under this chapter shall pay to the superintendent of financial institutions, prior to the last day of June, an annual license or certificate of registration fee. On or about the fifteenth day of April of each year, the superintendent shall determine the license or certificate fees to be charged, pursuant to sections 1321.03, 1321.05, ~~1321.53~~, and 1321.73 of the Revised Code. Such determination shall be made by dividing the appropriation for the consumer finance section of the division of financial institutions for the current fiscal year by the number of licenses and certificates issued as of the date of the computation. In no event shall the amount of the fee exceed three hundred dollars, except that the maximum fee which may be charged insurance premium finance companies licensed under section 1321.73 of the Revised Code shall not exceed three hundred seventy-five dollars. Prior to the first day of June of each year, the superintendent shall inform each person licensed or registered under this chapter of the amount of the license or certificate fee for the succeeding fiscal year as determined by this section.

(B)(1) Each person licensed under Chapter 4727. of the

Revised Code who is subject to annual license renewal under
division (E)(1) of section 4727.03 of the Revised Code shall,
prior to the last day of June, pay to the superintendent a fee
equal to twice the amount of the fee determined by the
superintendent pursuant to division (A) of this section. However,
in no event shall the amount of the fee exceed three hundred
dollars.

(2) Each person licensed under Chapter 4727. of the Revised
Code who is subject to biennial license renewal under division
(E)(2) of section 4727.03 of the Revised Code shall, prior to the
date the license expires, pay to the superintendent a fee equal to
four times the amount of the fee determined by the superintendent
pursuant to division (A) of this section. However, in no event
shall the amount of the fee exceed six hundred dollars.

(C) The fee for a license or certificate issued pursuant to
Chapter ~~4321.~~ 4727. or 4728. of the Revised Code after the first
day of January of the year the license or certificate expires
shall be equal to one-half the amount determined according to
divisions (A) and (B) of this section or in accordance with
section 4728.03 of the Revised Code.

(D) If the renewal fees billed by the superintendent pursuant
to divisions (A) and (B) of this section are less than the
estimated expenditures of the consumer finance section of the
division of financial institutions, as determined by the
superintendent, for the following fiscal year, the superintendent
may assess each person licensed pursuant to section 1321.04 or
~~registered pursuant to section 1321.53~~ of the Revised Code at a
rate sufficient to equal in the aggregate the difference between
the renewal fees billed and the estimated expenditures. Each
person shall pay the assessed amount to the superintendent prior
to the last day of June. In no case shall the assessment exceed
ten cents per each one hundred dollars of interest (excluding

charge-off recoveries), points, loan origination charges, and 24519
credit line charges collected by that person during the previous 24520
calendar year. If an assessment is imposed under this division, it 24521
shall not be less than two hundred fifty dollars per licensee or 24522
registrant and shall not exceed thirty thousand dollars less the 24523
total renewal fees paid pursuant to division (A) of this section 24524
by each licensee or registrant. 24525

Sec. 1321.51. As used in sections 1321.51 to 1321.60 of the 24526
Revised Code: 24527

(A) "Person" means an individual, partnership, association, 24528
trust, corporation, or any other legal entity. 24529

(B) "Certificate" means a certificate of registration issued 24530
under sections 1321.51 to 1321.60 of the Revised Code. 24531

(C) "Registrant" means a person to whom one or more 24532
certificates of registration have been issued under sections 24533
1321.51 to 1321.60 of the Revised Code. 24534

(D) "Principal amount" means the amount of cash paid to, or 24535
paid or payable for the account of, the borrower, and includes any 24536
charge, fee, or expense that is financed by the borrower at 24537
origination of the loan or during the term of the loan. 24538

(E) "Interest" means all charges payable directly or 24539
indirectly by a borrower to a registrant as a condition to a loan 24540
or an application for a loan, however denominated, but does not 24541
include default charges, deferment charges, insurance charges or 24542
premiums, court costs, loan origination charges, check collection 24543
charges, credit line charges, points, prepayment penalties, or 24544
other fees and charges specifically authorized by law. 24545

(F) "Interest-bearing loan" means a loan in which the debt is 24546
expressed as the principal amount and interest is computed, 24547

charged, and collected on unpaid principal balances outstanding 24548
from time to time. 24549

(G) "Precomputed loan" means a loan in which the debt is a 24550
sum comprising the principal amount and the amount of interest 24551
computed in advance on the assumption that all scheduled payments 24552
will be made when due. 24553

(H) "Actuarial method" means the method of allocating 24554
payments made on a loan between the principal amount and interest 24555
whereby a payment is applied first to the accumulated interest and 24556
the remainder to the unpaid principal amount. 24557

(I) "Applicable charge" means the amount of interest 24558
attributable to each monthly installment period of the loan 24559
contract. The applicable charge is computed as if each installment 24560
period were one month and any charge for extending the first 24561
installment period beyond one month is ignored. In the case of 24562
loans originally scheduled to be repaid in sixty-one months or 24563
less, the applicable charge for any installment period is that 24564
proportion of the total interest contracted for, as the balance 24565
scheduled to be outstanding during that period bears to the sum of 24566
all of the periodic balances, all determined according to the 24567
payment schedule originally contracted for. In all other cases, 24568
the applicable charge for any installment period is that which 24569
would have been made for such period had the loan been made on an 24570
interest-bearing basis, based upon the assumption that all 24571
payments were made according to schedule. 24572

(J) "Broker" means a person who acts as an intermediary or 24573
agent in finding, arranging, or negotiating loans, other than 24574
residential mortgage loans, and charges or receives a fee for 24575
these services. 24576

(K) "Annual percentage rate" means the ratio of the interest 24577
on a loan to the unpaid principal balances on the loan for any 24578

period of time, expressed on an annual basis.	24579
(L) "Point" means a charge equal to one per cent of either of the following:	24580 24581
(1) The principal amount of a precomputed loan or interest-bearing loan;	24582 24583
(2) The original credit line of an open-end loan.	24584
(M) "Prepayment penalty" means a charge for prepayment of a loan at any time prior to five years from the date the loan contract is executed.	24585 24586 24587
(N) "Refinancing" means a loan the proceeds of which are used in whole or in part to pay the unpaid balance of a prior loan made by the same registrant to the same borrower under sections 1321.51 to 1321.60 of the Revised Code.	24588 24589 24590 24591
(O) "Superintendent of financial institutions" includes the deputy superintendent for consumer finance as provided in section 1181.21 of the Revised Code.	24592 24593 24594
<u>(P)(1) "Mortgage loan originator" means an individual who for compensation or gain, or in anticipation of compensation or gain, does any of the following:</u>	24595 24596 24597
<u>(a) Takes or offers to take a residential mortgage loan application;</u>	24598 24599
<u>(b) Assists or offers to assist a borrower in obtaining or applying to obtain a residential mortgage loan by, among other things, advising on loan terms, including rates, fees, and other costs;</u>	24600 24601 24602 24603
<u>(c) Offers or negotiates terms of a residential mortgage loan;</u>	24604 24605

<u>(d) Issues or offers to issue a commitment for a residential mortgage loan to a borrower.</u>	24606
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<u>(2) "Mortgage loan originator" does not include any of the following:</u>	24608
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<u>(a) An individual who performs purely administrative or clerical tasks on behalf of a mortgage loan originator;</u>	24610
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<u>(b) A person licensed pursuant to Chapter 4735. of the Revised Code, or under the similar law of another state, who performs only real estate brokerage activities permitted by that license, provided the person is not compensated by a mortgage lender, mortgage broker, mortgage loan originator, or by any agent thereof;</u>	24612
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<u>(c) A person solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. 101, in effect on January 1, 2009;</u>	24618
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<u>(d) A person acting solely as a loan processor or underwriter, who does not represent to the public, through advertising or other means of communicating, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the person can or will perform any of the activities of a mortgage loan originator;</u>	24621
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<u>(e) A loan originator licensed under sections 1322.01 to 1322.12 of the Revised Code, when acting solely under that authority;</u>	24627
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<u>(f) A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker, or another</u>	24630
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<u>mortgage loan originator, or by any agent thereof;</u>	24634
<u>(g) Any person engaged in the retail sale of manufactured homes, mobile homes, or industrialized units if, in connection with financing those retail sales, the person only assists the borrower by providing or transmitting the loan application and does not do any of the following;</u>	24635 24636 24637 24638 24639
<u>(i) Offer or negotiate the residential mortgage loan rates or terms;</u>	24640 24641
<u>(ii) Provide any counseling with borrowers about residential mortgage loan rates or terms;</u>	24642 24643
<u>(iii) Receive any payment or fee from any company or individual for assisting the borrower obtain or apply for financing to purchase the manufactured home, mobile home, or industrialized unit;</u>	24644 24645 24646 24647
<u>(iv) Assist the borrower in completing the residential mortgage loan application.</u>	24648 24649
<u>(3) An individual acting exclusively as a servicer engaging in loss mitigation efforts with respect to existing mortgage transactions shall not be considered a mortgage loan originator for purposes of sections 1321.51 to 1321.60 of the Revised Code until July 1, 2011, unless such delay is denied by the United States department of housing and urban development.</u>	24650 24651 24652 24653 24654 24655
<u>(Q) "Residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling or on residential real estate upon which is constructed or intended to be constructed a dwelling. For purposes of this division, "dwelling" has the same meaning as in the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1602.</u>	24656 24657 24658 24659 24660 24661 24662

<u>(R) "Nationwide mortgage licensing system and registry" means</u>	24663
<u>a mortgage licensing system developed and maintained by the</u>	24664
<u>conference of state bank supervisors and the American association</u>	24665
<u>of residential mortgage regulators, or their successor entities,</u>	24666
<u>for the licensing and registration of mortgage loan originators,</u>	24667
<u>or any system established by the secretary of housing and urban</u>	24668
<u>development pursuant to the "Secure and Fair Enforcement for</u>	24669
<u>Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101.</u>	24670
<u>(S) "Registered mortgage loan originator" means an individual</u>	24671
<u>to whom both of the following apply:</u>	24672
<u>(1) The individual is a mortgage loan originator and an</u>	24673
<u>employee of a depository institution, a subsidiary that is owned</u>	24674
<u>and controlled by a depository institution and regulated by a</u>	24675
<u>federal banking agency, or an institution regulated by the farm</u>	24676
<u>credit administration.</u>	24677
<u>(2) The individual is registered with, and maintains a unique</u>	24678
<u>identifier through, the nationwide mortgage licensing system and</u>	24679
<u>registry.</u>	24680
<u>(T) "Administrative or clerical tasks" means the receipt,</u>	24681
<u>collection, and distribution of information common for the</u>	24682
<u>processing or underwriting of a loan in the mortgage industry, and</u>	24683
<u>communication with a consumer to obtain information necessary for</u>	24684
<u>the processing or underwriting of a residential mortgage loan.</u>	24685
<u>(U) "Federal banking agency" means the board of governors of</u>	24686
<u>the federal reserve system, the comptroller of the currency, the</u>	24687
<u>director of the office of thrift supervision, the national credit</u>	24688
<u>union administration, and the federal deposit insurance</u>	24689
<u>corporation.</u>	24690
<u>(V) "Loan processor or underwriter" means an individual who</u>	24691

<u>performs clerical or support duties at the direction of and</u>	24692
<u>subject to the supervision and instruction of a licensed mortgage</u>	24693
<u>loan originator or registered mortgage loan originator. For</u>	24694
<u>purposes of this division, "clerical or support duties" includes</u>	24695
<u>the following activities:</u>	24696
<u>(1) The receipt, collection, distribution, and analysis of</u>	24697
<u>information common for the processing or underwriting of a</u>	24698
<u>residential mortgage loan;</u>	24699
<u>(2) Communicating with a borrower to obtain the information</u>	24700
<u>necessary for the processing or underwriting of a loan, to the</u>	24701
<u>extent the communication does not include offering or negotiating</u>	24702
<u>loan rates or terms or counseling borrowers about residential</u>	24703
<u>mortgage loan rates or terms.</u>	24704
<u>(W) "Real estate brokerage activity" means any activity that</u>	24705
<u>involves offering or providing real estate brokerage services to</u>	24706
<u>the public, including all of the following:</u>	24707
<u>(1) Acting as a real estate agent or real estate broker for a</u>	24708
<u>buyer, seller, lessor, or lessee of real property;</u>	24709
<u>(2) Bringing together parties interested in the sale,</u>	24710
<u>purchase, lease, rental, or exchange of real property;</u>	24711
<u>(3) Negotiating, on behalf of any party, any portion of a</u>	24712
<u>contract relating to the sale, purchase, lease, rental, or</u>	24713
<u>exchange of real property, other than in connection with providing</u>	24714
<u>financing for any such transaction;</u>	24715
<u>(4) Engaging in any activity for which a person engaged in</u>	24716
<u>that activity is required to be registered or licensed as a real</u>	24717
<u>estate agent or real estate broker under any applicable law;</u>	24718
<u>(5) Offering to engage in any activity, or to act in any</u>	24719

<u>capacity, described in division (W) of this section.</u>	24720
<u>(X) "Licensee" means any person that has been issued a</u>	24721
<u>mortgage loan originator license under sections 1321.51 to 1321.60</u>	24722
<u>of the Revised Code.</u>	24723
<u>(Y) "Unique identifier" means a number or other identifier</u>	24724
<u>that permanently identifies a mortgage loan originator and is</u>	24725
<u>assigned by protocols established by the nationwide mortgage</u>	24726
<u>licensing system and registry or federal banking agencies to</u>	24727
<u>facilitate electronic tracking of mortgage loan originators and</u>	24728
<u>uniform identification of, and public access to, the employment</u>	24729
<u>history of and the publicly adjudicated disciplinary and</u>	24730
<u>enforcement actions against mortgage loan originators.</u>	24731
<u>(Z) "State" in the context of referring to states in addition</u>	24732
<u>to Ohio means any state of the United States, the district of</u>	24733
<u>Columbia, any territory of the United States, Puerto Rico, Guam,</u>	24734
<u>American Samoa, the trust territory of the Pacific islands, the</u>	24735
<u>virgin islands, and the northern Mariana islands.</u>	24736
<u>(AA) "Depository institution" has the same meaning as in</u>	24737
<u>section 3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12</u>	24738
<u>U.S.C. 1813, and includes any credit union.</u>	24739
<u>(BB) "Bona fide third party" means a person that is not an</u>	24740
<u>employee of, related to, or affiliated with, the registrant, and</u>	24741
<u>that is not used for the purpose of circumvention or evasion of</u>	24742
<u>sections 1321.51 to 1321.60 of the Revised Code.</u>	24743
<u>(CC) "Nontraditional mortgage product" means any mortgage</u>	24744
<u>product other than a thirty-year fixed rate mortgage.</u>	24745
<u>(DD) "Employee" means an individual for whom a registrant or</u>	24746
<u>applicant, in addition to providing a wage or salary, pays social</u>	24747
<u>security and unemployment taxes, provides workers' compensation</u>	24748

coverage, and withholds local, state, and federal income taxes. 24749
"Employee" also includes any individual who acts as a mortgage 24750
loan originator or operations manager of the registrant, but for 24751
whom the registrant is prevented by law from making income tax 24752
withholdings. 24753

(EE) "Primary point of contact" means the employee or owner 24754
designated by the registrant or applicant to be the individual who 24755
the division of financial institutions can contact regarding 24756
compliance or licensing matters relating to the registrant's or 24757
applicant's business or lending activities secured by an interest 24758
in real estate. 24759

(FF) "Consumer reporting agency" has the same meaning as in 24760
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C. 1681a, 24761
as amended. 24762

(GG) "Mortgage broker" has the same meaning as in section 24763
1322.01 of the Revised Code. 24764

Sec. 1321.52. (A)(1) No person, on that person's own behalf 24765
or on behalf of any other person, shall do ~~either~~any of the 24766
following without having first obtained a certificate of 24767
registration from the division of financial institutions: 24768

(a) Advertise, solicit, or hold out that the person is 24769
engaged in the business of making residential mortgage loans 24770
secured by a mortgage on a borrower's real estate which is other 24771
than a first lien on the real estate; 24772

(b) Engage in the business of lending or collecting the 24773
person's own or another person's money, credit, or choses in 24774
action for ~~such~~non-first lien residential mortgage loans; 24775

(c) Employ or compensate mortgage loan originators licensed 24776
or who should be licensed under sections 1321.51 to 1321.60 of the 24777

<u>Revised Code to conduct the business of making residential mortgage loans;</u>	24778
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<u>(d) Make loans in this state of the type set forth in</u>	24780
<u>division (C) of this section that are unsecured or are secured by</u>	24781
<u>other than real property, which loans are for more than five</u>	24782
<u>thousand dollars at a rate of interest greater than permitted by</u>	24783
<u>section 1343.01 or other specific provisions of the Revised Code.</u>	24784
<u>(2) Each person issued a certificate of registration or</u>	24785
<u>license is subject to all the rules prescribed under sections</u>	24786
<u>1321.51 to 1321.60 of the Revised Code.</u>	24787
<u>(B)(1) All loans made to persons who at the time are</u>	24788
<u>residents of this state are considered as made within this state</u>	24789
<u>and subject to the laws of this state, regardless of any statement</u>	24790
<u>in the contract or note to the contrary,except as follows:</u>	24791
<u>(a) If the loan is primarily secured by a lien on real</u>	24792
<u>property in another state and is arranged by a mortgage loan</u>	24793
<u>originator licensed by that state, the borrower may by choice of</u>	24794
<u>law designate that the transaction be governed by the law where</u>	24795
<u>the real property is located if the other state has consumer</u>	24796
<u>protection laws covering the borrower that are applicable to the</u>	24797
<u>transaction.</u>	24798
<u>(b) If the loan is for the purpose of purchasing goods</u>	24799
<u>acquired by the borrower when the borrower is outside of this</u>	24800
<u>state, the loan may be governed by the laws of the other state.</u>	24801
<u>(2) Nothing in division (B)(1) of this section prevents a</u>	24802
<u>choice of law or requires registration or licensure of persons</u>	24803
<u>outside of this state in a transaction involving the solicitation</u>	24804
<u>of residents of this state to obtain non-real estate secured loans</u>	24805
<u>that require the borrowers to physically visit a lender's</u>	24806
<u>out-of-state office to apply for and obtain the disbursement of</u>	24807

loan funds. 24808

(C) A registrant may make unsecured loans, loans secured by a mortgage on a borrower's real estate which is a first lien or other than a first lien on the real estate, loans secured by other than real estate, and loans secured by any combination of mortgages and security interests, on terms and conditions provided by sections 1321.51 to 1321.60 of the Revised Code. 24809
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(D)(1) If a lender that is subject to sections 1321.51 to 1321.60 of the Revised Code makes a loan in violation of division (A)(1) of this section, the lender has no right to collect, receive, or retain any interest or charges on that loan. 24815
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(2) If a registrant applies to the division for a renewal of the registrant's certificate after the date required by division ~~(A)(4)~~(A)(7) of section 1321.53 of the Revised Code, but prior to the first day of ~~August~~February of that year, and the division approves the application, division (D)(1) of this section does not apply with respect to any loan made by the registrant while the registrant's certificate was expired. 24819
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(3) If a person's registration under sections 1321.51 to 1321.60 of the Revised Code terminates due to nonrenewal or otherwise but the person continues to engage in the business of collecting or servicing non-first lien residential mortgage loans in violation of division (A)(1) of this section, the superintendent of financial institutions may take administrative action, including action on any subsequent application for a certificate of registration. In addition, no late fee, bad check charge except as incurred, charge related to default or cost to realize on its security interest, or prepayment penalty on non-first lien residential mortgage loans shall be collected or retained by a person who is in violation of division (A)(1)(b) of this section for the period of time in which the person was in violation. Nothing in division (D)(3) of this section prevents or 24826
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otherwise precludes any other actions or penalties provided by 24840
law or modifies a defense of holder in due course that a 24841
subsequent purchaser servicing the residential mortgage loan may 24842
raise. 24843

(E)(1) No individual shall engage in the business of a 24844
mortgage loan originator without first obtaining and maintaining 24845
annually a license pursuant to section 1321.532 of the Revised 24846
Code from the division of financial institutions. A mortgage loan 24847
originator shall be employed or associated with a registrant or 24848
entity exempt from registration under sections 1321.51 to 1321.60 24849
of the Revised Code, but shall not be employed by or associated 24850
with more than one registrant or exempt entity at any one time. 24851

(2) An individual acting under the individual's authority as 24852
a registered mortgage loan originator shall not be required to be 24853
licensed under division (E)(1) of this section. 24854

(F)(1) Each licensee shall register with, and maintain a 24855
valid unique identifier issued by, the nationwide mortgage 24856
licensing system and registry. 24857

(2) No person shall use a licensee's unique identifier for 24858
any purpose other than as set forth in the "Secure and Fair 24859
Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 24860
12 U.S.C. 5101. 24861

(G)(1) If a person that is subject to sections 1321.51 to 24862
1321.60 of the Revised Code makes a loan in violation of division 24863
(A)(1)(d) of this section and subsequently sells or assigns that 24864
loan, the person is liable to the borrower for any interest paid 24865
on that loan to the holder or assignee in excess of the rate that 24866
would be applicable in the absence of sections 1321.51 to 1321.60 24867
of the Revised Code, in addition to any interest or charges paid 24868
on that loan to the unauthorized lender as provided by division 24869
(D)(1) of this section. 24870

(2) If a person that is subject to sections 1321.51 to 1321.60 of the Revised Code makes a residential mortgage loan in violation of division (A)(1)(b) or (c) of this section and subsequently sells or assigns that loan, the lender is liable to the borrower for any interest paid on that loan to the holder or assignee in excess of the rate set forth in division (B)(4) of section 1343.01 of the Revised Code, in addition to any interest or charges paid on that loan to the unauthorized lender as provided by division (D)(1) of this section.

Sec. 1321.521. The superintendent of financial institutions may, by rule, expand the definition of mortgage loan originator in section 1321.51 of the Revised Code by adding individuals or may exempt additional individuals or persons from that definition, if the superintendent finds that the addition or exemption is consistent with the purposes fairly intended by the policy and provisions of sections 1321.51 to 1321.60 of the Revised Code and the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101.

Rules authorized by this section shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 1321.522. (A) A credit union service organization seeking exemption from registration pursuant to division (D)(6) of section 1321.53 of the Revised Code shall submit an application to the superintendent of financial institutions along with a nonrefundable fee of three hundred fifty dollars for each location of an office to be maintained by the organization. The application shall be in a form prescribed by the superintendent and shall include all of the following:

(1) The organization's business name and state of incorporation;

<u>(2) The names of the owners, officers, or partners having control of the organization;</u>	24901 24902
<u>(3) An attestation to all of the following:</u>	24903
<u>(a) That the organization and its owners, officers, or partners identified in division (A)(2) of this section have not had a mortgage lender certificate of registration or mortgage loan originator license, or any comparable authority, revoked in any governmental jurisdiction;</u>	24904 24905 24906 24907 24908
<u>(b) That the organization and its owners, officers, or partners identified in division (A)(2) of this section have not been convicted of, or pleaded guilty to, any of the following in a domestic, foreign, or military court:</u>	24909 24910 24911 24912
<u>(i) During the seven-year period immediately preceding the date of application for exemption, any felony or a misdemeanor involving theft;</u>	24913 24914 24915
<u>(ii) At any time prior to the date of application for exemption, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering.</u>	24916 24917 24918
<u>(c) That, with respect to financing residential mortgage loans, the organization conducts business with residents of this state or secures its loans with property located in this state.</u>	24919 24920 24921
<u>(4) The names of all mortgage loan originators or licensees under the organization's control and direction;</u>	24922 24923
<u>(5) An acknowledgment of understanding that the organization is subject to the regulatory authority of the division of financial institutions;</u>	24924 24925 24926
<u>(6) Any further information that the superintendent may</u>	24927

<u>require.</u>	24928
<u>(B)(1) If the superintendent determines that the credit union service organization honestly made the attestation required under division (A)(3) of this section and otherwise qualifies for exemption, the superintendent shall issue a letter of exemption. Additional certified copies of a letter of exemption shall be provided upon request and the payment of seventy-five dollars per copy.</u>	24929 24930 24931 24932 24933 24934 24935
<u>(2) If the superintendent determines that the organization does not qualify for exemption, the superintendent shall issue a notice of denial, and the organization may request a hearing in accordance with Chapter 119. of the Revised Code.</u>	24936 24937 24938 24939
<u>(C) All of the following conditions apply to any credit union service organization holding a valid letter of exemption:</u>	24940 24941
<u>(1) The organization shall be subject to examination in the same manner as a registrant with respect to the conduct of the organization's mortgage loan originators. In conducting any out-of-state examination, the organization shall be responsible for paying the costs of the division in the same manner as a registrant.</u>	24942 24943 24944 24945 24946 24947
<u>(2) The organization shall have an affirmative duty to supervise the conduct of its mortgage loan originators, and to cooperate with investigations by the division with respect to that conduct, in the same manner as is required of registrants.</u>	24948 24949 24950 24951
<u>(3) The organization shall keep and maintain records of all transactions relating to the conduct of its mortgage loan originators in the same manner as is required of registrants.</u>	24952 24953 24954
<u>(4) The organization may provide the surety bond for its mortgage loan originators in the same manner as is permitted for</u>	24955 24956

registrants. 24957

(D) A letter of exemption expires annually on the 24958
thirty-first day of December and may be renewed on or before that 24959
date by submitting an application that meets the requirements of 24960
division (A) of this section and a nonrefundable renewal fee of 24961
three hundred fifty dollars for each location of an office to be 24962
maintained by the credit union service organization. 24963

(E) The superintendent may issue a notice to revoke or 24964
suspend a letter of exemption if the superintendent finds that the 24965
letter was obtained through a false or fraudulent representation 24966
of a material fact, or the omission of a material fact, required 24967
by law, or that a condition for exemption is no longer being met. 24968
Prior to issuing an order of revocation or suspension, the credit 24969
union service organization shall be given an opportunity for a 24970
hearing in accordance with Chapter 119. of the Revised Code. 24971

(F) All information obtained by the division pursuant to an 24972
examination or investigation under this section shall be subject 24973
to the confidentiality requirements set forth in section 1321.55 24974
of the Revised Code. 24975

(G) All money collected under this section shall be deposited 24976
into the state treasury to the credit of the consumer finance fund 24977
created in section 1321.21 of the Revised Code. 24978

Sec. 1321.53. (A)(1) An application for a certificate of 24979
registration under sections 1321.51 to 1321.60 of the Revised Code 24980
shall contain an undertaking by the applicant to abide by those 24981
sections. The application shall be in writing, under oath, and in 24982
the form prescribed by the division of financial institutions, 24983
shall give the location where the business is to be conducted and 24984
the names and addresses of the partners, officers, or trustees of 24985
the applicant, and shall contain any further relevant information 24986
that the division may require. Applicants that are foreign 24987

corporations shall obtain and maintain a license pursuant to 24988
Chapter 1703. of the Revised Code before a certificate is issued 24989
or renewed. 24990

(2) Upon the filing of the application and the payment by the 24991
applicant of a nonrefundable two hundred dollars as an dollar 24992
investigation fee and an, a nonrefundable three hundred dollar 24993
annual registration fee as determined by the superintendent of 24994
financial institutions pursuant to section 1321.20 of the Revised 24995
Code, and any additional fee required by the nationwide mortgage 24996
licensing system and registry, the division shall investigate the 24997
relevant facts. If the application involves investigation outside 24998
this state, the applicant may be required by the division to 24999
advance sufficient funds to pay any of the actual expenses of such 25000
investigation, when it appears that these expenses will exceed two 25001
hundred dollars. An itemized statement of any of these expenses 25002
which the applicant is required to pay shall be furnished to the 25003
applicant by the division. No certificate shall be issued unless 25004
all the required fees have been submitted to the division, ~~and no~~ 25005
~~registration fee or investigation fee will be returned after a~~ 25006
~~certificate has been issued.~~ 25007

(3) All applicants making loans secured by an interest in 25008
real estate shall designate an employee or owner of the applicant 25009
as the applicant's primary point of contact. While acting as the 25010
primary point of contact, the employee or owner shall not be 25011
employed by any other registrant or mortgage broker. 25012

(4) The investigation undertaken upon application shall 25013
include both a civil and criminal records check of the applicant 25014
including any individual whose identity is required to be 25015
disclosed in the application. Where the applicant is a business 25016
entity the superintendent shall have the authority to require a 25017
civil and criminal background check of those persons that in the 25018
determination of the superintendent have the authority to direct 25019

<u>and control the operations of the applicant.</u>	25020
<u>(5)(a) Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of financial institutions shall obtain a criminal history records check and, as part of that records check, request that criminal record information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall do either of the following:</u>	25021
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<u>(i) Request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints or, if the fingerprints are unreadable, based on the applicant's social security number, in accordance with division (A)(12) of section 109.572 of the Revised Code;</u>	25027
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<u>(ii) Authorize the nationwide mortgage licensing system and registry to request a criminal history background check as set forth in division (C) of section 1321.531 of the Revised Code.</u>	25033
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<u>(b) Any fee required under division (C)(3) of section 109.572 of the Revised Code or by the nationwide mortgage licensing system and registry shall be paid by the applicant.</u>	25036
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<u>(6) If an application for a certificate of registration does not contain all of the information required under division (A)(4) of this section, and if such information is not submitted to the division within ninety days after the application is filed, the superintendent requests the information in writing, the superintendent may consider the application withdrawn and may retain the investigation fee.</u>	25039
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<u>(4)(7) If the division finds that the financial responsibility, experience, character, and general fitness of the applicant are such as to command the confidence of the public and to warrant the belief that the business will be operated honestly</u>	25046
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and fairly in compliance with ~~and within~~ the purposes of sections 1321.51 to 1321.60 of the Revised Code and the rules adopted thereunder, and that the applicant has the requisite bond or applicable net worth and assets required by division (B) of this section, the division shall thereupon issue a certificate of registration to the applicant. The ~~certificate~~superintendent shall not use a credit score as the sole basis for a registration denial.

(a)(i) Certificates of registration issued on or after July 1, 2010, shall annually expire on the firstthirty-first day of July next after its issue, and on the first day of July in each succeeding yearDecember, unless renewed by the filing of a renewal application and payment of ana three hundred dollar nonrefundable annual registration fee, and any assessment; as determined by the superintendent pursuant to division (A)(7)(a)(ii) of this section 1321.20 of the Revised Code, and any additional fee required by the nationwide mortgage licensing system and registry, on or before the last day of JuneDecember of each year. No other fee or assessment shall be required of a registrant by the state or any political subdivision of thethis state.

(ii) If the renewal fees billed by the superintendent pursuant to division (A)(7)(a)(i) of this section are less than the estimated expenditures of the consumer finance section of the division of financial institutions, as determined by the superintendent, for the following fiscal year, the superintendent may assess each registrant at a rate sufficient to equal in the aggregate the difference between the renewal fees billed and the estimated expenditures. Each registrant shall pay the assessed amount to the superintendent prior to the last day of June. In no case shall the assessment exceed ten cents per each one hundred dollars of interest (excluding charge-off recoveries), points, loan origination charges, and credit line charges collected by

that registrant during the previous calendar year. If such an 25083
assessment is imposed, it shall not be less than two hundred fifty 25084
dollars per registrant and shall not exceed thirty thousand 25085
dollars less the total renewal fees paid pursuant to division 25086
(A)(7)(a)(i) of this section by each registrant. 25087

(b) Registrants shall timely file renewal applications on 25088
forms prescribed by the division and provide any further 25089
information that the division may require. If a renewal 25090
application does not contain all of the information required under 25091
this section, and if that information is not submitted to the 25092
division within ninety days after the superintendent requests the 25093
information in writing, the superintendent may consider the 25094
application withdrawn. 25095

(c) Renewal shall not be granted if the applicant's 25096
certificate of registration is subject to an order of suspension, 25097
revocation, or an unpaid and past due fine imposed by the 25098
superintendent. 25099

(d) If the division ~~does not so find~~ finds the applicant does 25100
not meet the conditions set forth in this section, it shall ~~enter~~ 25101
~~an order denying~~ issue a notice of intent to deny the application, 25102
and forthwith notify the applicant of the denial, the grounds for 25103
the denial, and the applicant's reasonable opportunity to be heard 25104
on the action in accordance with Chapter 119. of the Revised Code. 25105
~~In the event of denial, the division shall return the registration~~ 25106
~~fee but retain the investigation fee.~~ 25107

~~(5)(8)~~ (8) If there is a change of ~~ten~~ five per cent or more in 25108
the ownership of a registrant, the division may make any 25109
investigation necessary to determine whether any fact or condition 25110
exists that, if it had existed at the time of the original 25111
application for a certificate of registration, the fact or 25112
condition would have warranted the division to deny the 25113
application under division (A)~~(4)~~(7) of this section. If such a 25114

fact or condition is found, the division may, in accordance with 25115
Chapter 119. of the Revised Code, revoke the registrant's 25116
certificate. 25117

(B) Each registrant that engages in lending under sections 25118
1321.51 to 1321.60 of the Revised Code shall, if not bonded 25119
pursuant to section 1321.533 of the Revised Code, maintain both of 25120
the following: 25121

(1) A net worth of at least fifty thousand dollars; 25122

(2) For each certificate of registration, assets of at least 25123
fifty thousand dollars either in use or readily available for use 25124
in the conduct of the business. 25125

(C) Not more than one place of business shall be maintained 25126
under the same certificate, but the division may issue additional 25127
certificates to the same registrant upon compliance with sections 25128
1321.51 to 1321.60 of the Revised Code, governing the issuance of 25129
a single certificate. No change in the place of business of a 25130
registrant to a location outside the original municipal 25131
corporation shall be permitted under the same certificate without 25132
the approval of a new application, the payment of the registration 25133
fee ~~as determined by the superintendent pursuant to section~~ 25134
~~1321.20 of the Revised Code~~ and, if required by the 25135
superintendent, the payment of an investigation fee of two hundred 25136
dollars. When a registrant wishes to change its place of business 25137
within the same municipal corporation, it shall give written 25138
notice of the change in advance to the division, which shall 25139
provide a certificate for the new address without cost. If a 25140
registrant changes its name, prior to making loans under the new 25141
name it shall give written notice of the change to the division, 25142
which shall provide a certificate in the new name without cost. 25143
Sections 1321.51 to 1321.60 of the Revised Code do not limit the 25144
loans of any registrant to residents of the community in which the 25145
registrant's place of business is situated. Each certificate shall 25146

be kept conspicuously posted in the place of business of the 25147
registrant and is not transferable or assignable. 25148

(D) Sections 1321.51 to 1321.60 of the Revised Code do not 25149
apply to any of the following: 25150

(1) ~~Persons~~Entities chartered and lawfully doing business 25151
under the authority of any law of this state, another state, or 25152
the United States ~~relating to banks~~as a bank, savings ~~banks~~bank, 25153
trust ~~companies~~company, savings and loan ~~associations~~ 25154
association, or credit ~~unions~~union, or a subsidiary of any such 25155
entity, which subsidiary is regulated by a federal banking agency 25156
and is owned and controlled by such a depository institution; 25157

(2) Life, property, or casualty insurance companies licensed 25158
to do business in this state; 25159

(3) Any person that is a lender making a loan pursuant to 25160
sections 1321.01 to 1321.19 of the Revised Code or a business loan 25161
as described in division (B)(6) of section 1343.01 of the Revised 25162
Code; 25163

(4) Any political subdivision, or any governmental agency or 25164
other public entity, corporation, instrumentality, or any entity 25165
~~included under division (B)(3) of section 1343.01 of the Revised~~ 25166
~~Code~~agency, in or of the United States or any state of the United 25167
States, or any entity described in division (B)(3) of section 25168
1343.01 of the Revised Code; 25169

(5) A college or university, or controlled entity of a 25170
college or university, as those terms are defined in section 25171
1713.05 of the Revised Code; 25172

(6) A credit union service organization, provided the 25173
organization utilizes services provided by registered mortgage 25174
loan originators or the organization complies with section 25175

1321.522 of the Revised Code and holds a valid letter of exemption 25176
issued by the superintendent. 25177

(E) No person engaged in the business of selling tangible 25178
goods or services related to tangible goods may receive or retain 25179
a certificate under sections 1321.51 to 1321.60 of the Revised 25180
Code for such place of business. 25181

Sec. 1321.531. (A) An application for a mortgage loan 25182
originator license shall be in writing, under oath, and in the 25183
form prescribed by the superintendent of financial institutions. 25184
The application shall be accompanied by a nonrefundable 25185
application fee of one hundred fifty dollars and all other 25186
required fees, including any fees required by the nationwide 25187
mortgage licensing system and registry. 25188

(B) The superintendent may establish relationships or enter 25189
into contracts with the nationwide mortgage licensing system and 25190
registry, or any entities designated by it, to collect and 25191
maintain records and process transaction fees or other fees 25192
related to mortgage loan originator licensees or other persons 25193
subject to or involved in their licensure. 25194

(C) In connection with applying for a mortgage loan 25195
originator license, the applicant shall furnish to the nationwide 25196
mortgage licensing system and registry the following information 25197
concerning the applicant's identity: 25198

(1) The applicant's fingerprints for submission to the 25199
federal bureau of investigation, and any other governmental agency 25200
or entity authorized to receive such information, for purposes of 25201
a state, national, and international criminal history background 25202
check; 25203

(2) Personal history and experience in a form prescribed by 25204
the nationwide mortgage licensing system and registry, along with 25205

<u>authorization for the superintendent and the nationwide mortgage</u>	25206
<u>licensing system and registry to obtain the following:</u>	25207
<u>(a) An independent credit report from a consumer reporting</u>	25208
<u>agency:</u>	25209
<u>(b) Information related to any administrative, civil, or</u>	25210
<u>criminal findings by any governmental jurisdiction.</u>	25211
<u>(D) In order to effectuate the purposes of divisions (C)(1)</u>	25212
<u>and (C)(2)(b) of this section, the superintendent may use the</u>	25213
<u>conference of state bank supervisors, or a wholly owned</u>	25214
<u>subsidiary, as a channeling agent for requesting information from</u>	25215
<u>and distributing information to the United States department of</u>	25216
<u>justice or any other governmental agency. The superintendent may</u>	25217
<u>also use the nationwide mortgage licensing system and registry as</u>	25218
<u>a channeling agent for requesting information from and</u>	25219
<u>distributing information to any source related to matters subject</u>	25220
<u>to divisions (C)(2)(a) and (b) of this section.</u>	25221
<u>(E) Upon the filing of the application, payment of the</u>	25222
<u>application fee, and payment of any additional fee, including any</u>	25223
<u>fee required by the nationwide mortgage licensing system and</u>	25224
<u>registry, the superintendent shall investigate the applicant as</u>	25225
<u>set forth in division (E) of this section.</u>	25226
<u>(1)(a) Notwithstanding division (K) of section 121.08 of the</u>	25227
<u>Revised Code, the superintendent shall obtain a criminal history</u>	25228
<u>records check and, as part of that records check, request that</u>	25229
<u>criminal record information from the federal bureau of</u>	25230
<u>investigation be obtained. To fulfill this requirement, the</u>	25231
<u>superintendent shall do either of the following:</u>	25232
<u>(i) Request the superintendent of the bureau of criminal</u>	25233
<u>identification and investigation, or a vendor approved by the</u>	25234
<u>bureau, to conduct a criminal records check based on the</u>	25235

<u>applicant's fingerprints or, if the fingerprints are unreadable,</u>	25236
<u>based on the applicant's social security number in accordance with</u>	25237
<u>division (A)(12) of section 109.572 of the Revised Code;</u>	25238
 <u>(ii) Authorize the nationwide mortgage licensing system and</u>	25239
<u>registry to request a criminal history background check as set</u>	25240
<u>forth in division (C) of this section.</u>	25241
 <u>(b) Any fee required under division (C)(3) of section 109.572</u>	25242
<u>of the Revised Code or by the nationwide mortgage licensing system</u>	25243
<u>and registry shall be paid by the applicant.</u>	25244
 <u>(2) The superintendent of financial institutions shall</u>	25245
<u>conduct a civil records check.</u>	25246
 <u>(3) If, in order to issue a license to an applicant,</u>	25247
<u>additional investigation by the superintendent outside this state</u>	25248
<u>is necessary, the superintendent may require the applicant to</u>	25249
<u>advance sufficient funds to pay the actual expenses of the</u>	25250
<u>investigation, if it appears that these expenses will exceed one</u>	25251
<u>hundred dollars. The superintendent shall provide the applicant</u>	25252
<u>with an itemized statement of the actual expenses that the</u>	25253
<u>applicant is required to pay.</u>	25254
 <u>(F) If an application for a mortgage loan originator license</u>	25255
<u>does not contain all of the information required under this</u>	25256
<u>section, and if that information is not submitted to the</u>	25257
<u>superintendent within ninety days after the superintendent</u>	25258
<u>requests the information in writing, the superintendent may</u>	25259
<u>consider the application withdrawn.</u>	25260
 <u>Sec. 1321.532. (A) Upon the conclusion of the investigation</u>	25261
<u>required under division (E) of section 1321.531 of the Revised</u>	25262
<u>Code, the superintendent of financial institutions shall issue a</u>	25263
<u>mortgage loan originator license to the applicant if the</u>	25264
<u>superintendent finds that all of the following conditions are met:</u>	25265

(1) The application is accompanied by the application fee and 25266
any additional fee required by the nationwide mortgage licensing 25267
system and registry. 25268

If a check or other draft instrument is returned to the 25269
superintendent for insufficient funds, the superintendent shall 25270
notify the licensee by certified mail, return receipt requested, 25271
that the license issued in reliance on the check or other draft 25272
instrument will be canceled unless the licensee, within thirty 25273
days after receipt of the notice, submits the application fee and 25274
a one-hundred-dollar penalty to the superintendent. If the 25275
licensee does not submit the application fee and penalty within 25276
that time period, or if any check or other draft instrument used 25277
to pay the fee or penalty is returned to the superintendent for 25278
insufficient funds, the license shall be canceled immediately 25279
without a hearing, and the licensee shall cease activity as a 25280
mortgage loan originator. 25281

(2) The applicant complies with sections 1321.51 to 1321.60 25282
of the Revised Code. 25283

(3) The applicant has not had a mortgage loan originator 25284
license, or comparable authority, revoked in any governmental 25285
jurisdiction. 25286

(4) The applicant has not been convicted of, or pleaded 25287
guilty to, any of the following in a domestic, foreign, or 25288
military court: 25289

(a) During the seven-year period immediately preceding the 25290
date of application for licensure, any felony or a misdemeanor 25291
involving theft; 25292

(b) At any time prior to the date of application for 25293
licensure, a felony involving an act of fraud, dishonesty, a 25294

breach of trust, theft, or money laundering. 25295

(5) Based on the totality of the circumstances and 25296
information submitted in the application, the applicant has proven 25297
to the division of financial institutions, by a preponderance of 25298
the evidence, that the applicant is of good business repute, 25299
appears qualified to act as a mortgage loan originator, and has 25300
fully complied with sections 1321.51 to 1321.60 of the Revised 25301
Code and rules adopted thereunder, and that the applicant meets 25302
all of the conditions for issuing a mortgage loan originator 25303
license. 25304

(6) The applicant successfully completed the written test 25305
required under section 1321.535 of the Revised Code and the 25306
education requirements set forth in section 1321.534 of the 25307
Revised Code. 25308

(7) The applicant is covered under a valid bond in compliance 25309
with section 1321.533 of the Revised Code. 25310

(8) The applicant's financial responsibility, character, and 25311
general fitness command the confidence of the public and warrant 25312
the belief that the mortgage loan originator will operate honestly 25313
and fairly in compliance with the purposes of sections 1321.51 to 25314
1321.60 of the Revised Code. The superintendent shall not use a 25315
credit score as the sole basis for a license denial. 25316

(B) The license issued under division (A) of this section may 25317
be renewed annually on or before the thirty-first day of December 25318
if the superintendent finds that all of the following conditions 25319
are met: 25320

(1) The renewal application is accompanied by a nonrefundable 25321
renewal fee of one hundred fifty dollars, and any additional fee 25322
required by the nationwide mortgage licensing system and registry. 25323
If a check or other draft instrument is returned to the 25324

superintendent for insufficient funds, the superintendent shall 25325
notify the licensee by certified mail, return receipt requested, 25326
that the license renewed in reliance on the check or other draft 25327
instrument will be canceled unless the licensee, within thirty 25328
days after receipt of the notice, submits the renewal fee and a 25329
one-hundred-dollar penalty to the superintendent. If the licensee 25330
does not submit the renewal fee and penalty within that time 25331
period, or if any check or other draft instrument used to pay the 25332
fee or penalty is returned to the superintendent for insufficient 25333
funds, the license shall be canceled immediately without a 25334
hearing, and the licensee shall cease activity as a mortgage loan 25335
originator. 25336

(2) The applicant has completed at least eight hours of 25337
continuing education as required under section 1321.536 of the 25338
Revised Code. 25339

(3) The applicant meets the conditions set forth in divisions 25340
(A)(2) to (8) of this section. 25341

(4) The applicant's license is not subject to an order of 25342
suspension or an unpaid and past due fine imposed by the 25343
superintendent. 25344

(C)(1) Subject to division (C)(2) of this section, if a 25345
license renewal application or fee, including any additional fee 25346
required by nationwide mortgage licensing system and registry, is 25347
received by the superintendent after the thirty-first day of 25348
December, the license shall not be considered renewed, and the 25349
applicant shall cease activity as a mortgage loan originator. 25350

(2) Division (C)(1) of this section shall not apply if the 25351
applicant, no later than the thirty-first day of January, submits 25352
the renewal application and fee, including any additional fee 25353
required by nationwide mortgage licensing system and registry, and 25354
a one-hundred-dollar penalty to the superintendent. 25355

(D) Mortgage loan originator licenses issued on or after July 1, 2010, shall annually expire on the thirty-first day of December.

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(E) If a renewal application does not contain all of the information required under this section, and if that information is not submitted to the superintendent within ninety days after the superintendent requests the information in writing, the superintendent may consider the application withdrawn.

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Sec. 1321.533. (A)(1) A registrant engaged in residential mortgage loan activity shall not conduct business in this state, unless the registrant maintains the net worth and assets required under division (B) of section 1321.53 of the Revised Code or has obtained and maintains in effect at all times a corporate surety bond issued by a bonding company or insurance company authorized to do business in this state.

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(a) The bond shall be in favor of the superintendent of financial institutions.

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(b) The bond shall be in the penal sum of one-half per cent of the aggregate loan amount of residential mortgage loans originated in the immediately preceding calendar year, but not exceeding one hundred fifty thousand dollars. Under no circumstances, however, shall the bond be less than fifty thousand dollars and an additional penal sum of ten thousand dollars for each location, in excess of one, at which the registrant conducts business.

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(c) The term of the bond shall coincide with the term of registration.

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(d) A copy of the bond shall be filed with the superintendent.

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<u>(e) The bond shall be for the exclusive benefit of any</u>	25385
<u>borrower injured by a violation by an employee, licensee, or</u>	25386
<u>registrant of any provision of sections 1321.51 to 1321.60 of the</u>	25387
<u>Revised Code or the rules adopted thereunder.</u>	25388
<u>(f) The aggregate liability of the corporate surety for any</u>	25389
<u>and all breaches of the conditions of the bond shall not exceed</u>	25390
<u>the penal sum of the bond.</u>	25391
<u>(2) An individual licensed as a mortgage loan originator and</u>	25392
<u>employed or associated with an exempt entity as set forth in</u>	25393
<u>division (D) of section 1321.53 of the Revised Code shall not</u>	25394
<u>conduct business in this state, unless either the licensee or the</u>	25395
<u>exempt entity on the licensee's behalf has obtained and maintains</u>	25396
<u>in effect at all times a corporate surety bond issued by a</u>	25397
<u>bonding company or insurance company authorized to do business in</u>	25398
<u>this state.</u>	25399
<u>(a) The bond shall be in favor of the superintendent.</u>	25400
<u>(b) The bond shall be in the penal sum of one-half per cent</u>	25401
<u>of the aggregate loan amount of residential mortgage loans</u>	25402
<u>originated in the immediately preceding calendar year, but not</u>	25403
<u>exceeding one hundred thousand dollars. Under no circumstances,</u>	25404
<u>however, shall the bond be less than fifty thousand dollars.</u>	25405
<u>(c) The term of the bond shall coincide with the term of</u>	25406
<u>licensure.</u>	25407
<u>(d) A copy of the bond shall be filed with the</u>	25408
<u>superintendent.</u>	25409
<u>(e) The bond shall be for the exclusive benefit of any</u>	25410
<u>borrower injured by a violation by the licensee of any provision</u>	25411
<u>of sections 1321.51 to 1321.60 of the Revised Code or the rules</u>	25412

adopted thereunder. 25413

(f) The aggregate liability of the corporate surety for any 25414
and all breaches of the conditions of the bond shall not exceed 25415
the penal sum of the bond. 25416

(g) Licensees covered by a corporate surety bond obtained by 25417
a registrant or exempt entity they are employed by or associated 25418
with shall not be required to obtain an individual bond. 25419

(B)(1) The registrant or licensee shall give notice to the 25420
superintendent by certified mail of any action that is brought by 25421
a borrower against the licensee, registrant, or any mortgage loan 25422
originator of the registrant alleging injury by a violation of any 25423
provision of sections 1321.51 to 1321.60 of the Revised Code, and 25424
of any judgment that is entered against the licensee, registrant, 25425
or mortgage loan originator of the registrant by a borrower 25426
injured by a violation of any provision of sections 1321.51 to 25427
1321.60 of the Revised Code. The notice shall provide details 25428
sufficient to identify the action or judgment, and shall be filed 25429
with the superintendent within ten days after the commencement of 25430
the action or notice to the registrant or licensee of entry of a 25431
judgment. An exempt entity securing bonding for the licensees in 25432
their employ shall report those actions by a borrower in the same 25433
manner as is required of registrants. 25434

(2) A corporate surety, within ten days after it pays any 25435
claim or judgment, shall give notice to the superintendent by 25436
certified mail of the payment, with details sufficient to identify 25437
the person and the claim or judgment paid. 25438

(C) Whenever the penal sum of the corporate surety bond is 25439
reduced by one or more recoveries or payments, the registrant or 25440
separately bonded licensee shall furnish a new or additional bond 25441
under this section, so that the total or aggregate penal sum of 25442
the bond or bonds equals the sum required by this section, or 25443

shall furnish an endorsement executed by the corporate surety 25444
reinstating the bond to the required penal sum of it. 25445

(D) The liability of the corporate surety on the bond to the 25446
superintendent and to any borrower injured by a violation of any 25447
provision of sections 1321.51 to 1321.60 of the Revised Code shall 25448
not be affected in any way by any misrepresentation, breach of 25449
warranty, or failure to pay the premium, by any act or omission 25450
upon the part of the registrant or licensee, by the insolvency or 25451
bankruptcy of the registrant or licensee, or by the insolvency of 25452
the registrant's or licensee's estate. The liability for any act 25453
or omission that occurs during the term of the corporate surety 25454
bond shall be maintained and in effect for at least two years 25455
after the date on which the corporate surety bond is terminated or 25456
canceled. 25457

(E) The corporate surety bond shall not be canceled by the 25458
registrant, the licensee, or the corporate surety except upon 25459
notice to the superintendent by certified mail, return receipt 25460
requested. The cancellation shall not be effective prior to thirty 25461
days after the superintendent receives the notice. 25462

(F) No registrant or licensee shall fail to comply with this 25463
section. Any registrant or licensee that fails to comply with this 25464
section shall cease all mortgage lender or mortgage loan 25465
originator activity in this state until the registrant or licensee 25466
has complied with this section. 25467

Sec. 1321.534. (A) Mortgage loan originator applicants shall 25468
submit evidence acceptable to the superintendent of financial 25469
institutions that, except as set forth in division (D) of this 25470
section, the applicant has successfully completed at least twenty 25471
hours of pre-licensing instruction in a course or program of 25472
study reviewed and approved by the nationwide mortgage licensing 25473
system and registry. 25474

<u>(B) A person having successfully completed the pre-licensing education requirements reviewed and approved by the nationwide mortgage licensing system and registry for any state within the previous five years shall be granted credit toward completion of the pre-licensing education requirements of this state.</u>	25475 25476 25477 25478 25479
<u>(C) Review and approval of a pre-licensing education course shall include review and approval of the course provider.</u>	25480 25481
<u>(D) Notwithstanding division (A) of this section, if the nationwide mortgage licensing system and registry fails to have in place an approval program to ensure that all pre-licensing education courses meet the criteria set forth in division (A) of this section, the superintendent shall require, until that program is in place, evidence that the applicant has successfully completed twenty hours of instruction in a course or program of study approved by the superintendent that consists of at least all of the following:</u>	25482 25483 25484 25485 25486 25487 25488 25489 25490
<u>(1) Four hours of instruction concerning state and federal mortgage lending laws, which shall include no less than two hours on this chapter;</u>	25491 25492 25493
<u>(2) Four hours of instruction concerning the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees;</u>	25494 25495 25496
<u>(3) Four hours of instruction concerning the loan application and closing process;</u>	25497 25498
<u>(4) Two hours of instruction concerning the underwriting process;</u>	25499 25500
<u>(5) Two hours of instruction concerning the secondary market for mortgage loans;</u>	25501 25502

<u>(6) Two hours of instruction covering basic mortgage</u>	25503
<u>financing concepts and terms;</u>	25504
<u>(7) Two hours of instruction concerning the ethical</u>	25505
<u>responsibilities of a licensee, including with respect to</u>	25506
<u>confidentiality, consumer counseling, and the duties and standards</u>	25507
<u>of care created in section 1321.593 of the Revised Code.</u>	25508
<u>Sec. 1321.535. (A) Each applicant for a mortgage loan</u>	25509
<u>originator license shall submit to a written test that is</u>	25510
<u>developed and approved by the nationwide mortgage licensing</u>	25511
<u>system and registry and administered by a test provider approved</u>	25512
<u>by the nationwide mortgage licensing system and registry based</u>	25513
<u>upon reasonable standards.</u>	25514
<u>(1) The test shall adequately measure the applicant's</u>	25515
<u>knowledge and comprehension in appropriate subject matters,</u>	25516
<u>including ethics and federal and state law related to mortgage</u>	25517
<u>origination, fraud, consumer protection, the nontraditional</u>	25518
<u>mortgage marketplace, and fair lending issues.</u>	25519
<u>(2) An individual shall not be considered to have passed the</u>	25520
<u>test unless the individual achieves a test score of at least</u>	25521
<u>seventy-five per cent correct answers on all questions.</u>	25522
<u>(3) An individual may retake the test three consecutive times</u>	25523
<u>provided the period between taking the tests is at least thirty</u>	25524
<u>days.</u>	25525
<u>(4) After failing three consecutive tests, an individual</u>	25526
<u>shall be required to wait at least six months before taking the</u>	25527
<u>test again.</u>	25528
<u>(5) If a mortgage loan originator fails to maintain a valid</u>	25529
<u>license for a period of five years or longer, the individual shall</u>	25530
<u>be required to retake the test. For this purpose, any time during</u>	25531

which the individual is a registered mortgage loan originator 25532
shall not be taken into account. 25533

(B) Notwithstanding division (A) of this section, if the 25534
nationwide mortgage licensing system and registry fails to have in 25535
place a testing process that meets the criteria set forth in that 25536
division, the superintendent shall require, until that process is 25537
in place, evidence that the mortgage loan originator applicant 25538
passed a written test acceptable to the superintendent. 25539

Sec. 1321.536. (A) Each mortgage loan originator licensee 25540
shall complete at least eight hours of continuing education every 25541
calendar year. To fulfill this requirement, the eight hours of 25542
continuing education must be offered in a course or program of 25543
study that includes all of the following: 25544

(1) Three hours of applicable federal law and regulations; 25545

(2) Two hours of ethics, which shall include instruction on 25546
fraud, consumer protection, and fair lending issues; 25547

(3) Two hours of training related to lending standards for 25548
the nontraditional mortgage product marketplace. 25549

(B) Continuing education courses shall be reviewed and 25550
approved by the nationwide mortgage licensing system and registry 25551
based upon reasonable standards. 25552

(C) The following conditions shall apply to the continuing 25553
education required by this section: 25554

(1) An individual cannot take the same approved course in the 25555
same or successive years to meet the annual requirement for 25556
continuing education. 25557

(2) An individual can only receive credit for a continuing 25558

education course in the year in which the course is taken, unless 25559
the individual is making up a deficiency in continuing education 25560
as permitted by rule or order of the superintendent of financial 25561
institutions. 25562

(3) An individual who subsequently becomes unlicensed must 25563
complete the continuing education requirement for the last year in 25564
which the license was held prior to the issuance of a new or 25565
renewed license. 25566

(4) A licensee who is approved as an instructor of an 25567
approved continuing education course may receive credit for the 25568
licensee's own annual continuing education requirement at the 25569
rate of two credit hours for every one hour taught. 25570

(5) A person having successfully completed a continuing 25571
education course approved by the nationwide mortgage licensing 25572
system and registry for any state shall receive credit toward 25573
completion of the continuing education requirement of this state. 25574

(D) Notwithstanding division (B) of this section, until the 25575
nationwide mortgage licensing system and registry implements a 25576
review and approval process, the superintendent shall require 25577
evidence that the licensee has successfully completed at least 25578
eight hours of continuing education in a course or program of 25579
study approved by the superintendent. 25580

Sec. 1321.54. (A) The division of financial institutions may 25581
adopt, in accordance with Chapter 119. of the Revised Code, rules 25582
that are necessary for the enforcement or administration of 25583
sections 1321.51 to 1321.60 of the Revised Code and that are 25584
consistent with those sections. ~~Each rule shall contain a~~ 25585
~~reference to the section, division, or paragraph of the Revised~~ 25586
~~Code to which it applies. The division shall send by regular mail~~ 25587
~~to each registrant a copy of each rule that is adopted pursuant~~ 25588
~~to this section and rules to carry out the purposes of those~~ 25589

sections. 25590

(B)(1) The division ~~shall~~may, upon written notice to the 25591
registrant or licensee stating the contemplated action, the 25592
grounds for the action, and the registrant's or licensee's 25593
reasonable opportunity to be heard on the action in accordance 25594
with Chapter 119. of the Revised Code, revoke, suspend, or refuse 25595
to renew any certificate or license issued under sections 1321.51 25596
to 1321.60 of the Revised Code, ~~or impose a monetary fine~~, if it 25597
finds ~~that the registrant has continued to violate those sections,~~ 25598
~~after receiving notice of the violation or violations from the~~ 25599
~~division, or is in default in the payment of the annual assessment~~ 25600
~~or certificate of registration fee prescribed in section 1321.20~~ 25601
~~of the Revised Code. The~~any of the following: 25602

(a) A violation of or failure to comply with any provision of 25603
sections 1321.51 to 1321.60 of the Revised Code or the rules 25604
adopted thereunder, any federal lending law, or any other law 25605
applicable to the business conducted under a certificate of 25606
registration or license; 25607

(b) The person has been convicted of or pleaded guilty to any 25608
criminal felony offense in a domestic, foreign, or military court; 25609

(c) The person has been convicted of or pleaded guilty to any 25610
criminal offense involving theft, receiving stolen property, 25611
embezzlement, forgery, fraud, passing bad checks, money 25612
laundering, breach of trust, dishonesty, or drug trafficking, or 25613
any criminal offense involving money or securities, in a domestic, 25614
foreign, or military court; 25615

(d) The person's mortgage lender certificate of registration 25616
or mortgage loan originator license, or comparable authority, has 25617
been revoked in any governmental jurisdiction. 25618

(2) In addition to, or in lieu of, any revocation, 25619

suspension, or denial, the division may impose a monetary fine 25620
after administrative hearing or in settlement of matters subject 25621
to claims under division (B)(1)(a) of this section. 25622

(3) Subject to division (D)(3) of section 1321.52 of the 25623
Revised Code, the revocation, suspension, or refusal to renew 25624
shall not impair the obligation of any pre-existing lawful 25625
contract made under sections 1321.51 to 1321.60 of the Revised 25626
Code; provided, however, that a prior registrant shall make good 25627
faith efforts to promptly transfer the registrant's collection 25628
rights to another registrant or person exempt from registration, 25629
or be subject to additional monetary fines and legal or 25630
administrative action by the division. Nothing in division (B)(3) 25631
of this section shall limit a court's ability to impose a cease 25632
and desist order preventing any further business or servicing 25633
activity. 25634

(C)(1) The superintendent of financial institutions may 25635
impose a fine for a violation of sections 1321.51 to 1321.60 of 25636
the Revised Code or any rule adopted thereunder. All fines 25637
collected pursuant to this section shall be paid to the treasurer 25638
of state to the credit of the consumer finance fund created in 25639
section 1321.21 of the Revised Code. In determining the amount of 25640
a fine to be imposed pursuant to this section, the superintendent 25641
may consider all of the following to the extent it is known to 25642
the division of financial institutions: 25643

(a) The seriousness of the violation; 25644

(b) The registrant's or licensee's good faith efforts to 25645
prevent the violation; 25646

(c) The registrant's or licensee's history regarding 25647
violations and compliance with division orders; 25648

(d) The registrant's or licensee's financial resources; 25649

(e) Any other matters the superintendent considers 25650
appropriate in enforcing sections 1321.51 to 1321.60 of the 25651
Revised Code. 25652

(2) Monetary fines imposed under this division shall not 25653
exceed twenty-five thousand dollars and do not preclude any 25654
criminal fine imposed pursuant to section 1321.99 of the Revised 25655
Code. 25656

(C)(D) The superintendent of financial institutions may 25657
investigate alleged violations of sections 1321.51 to 1321.60 of 25658
the Revised Code, or the rules adopted thereunder, or complaints 25659
concerning any such violation. The superintendent may make 25660
application to the court of common pleas for an order enjoining 25661
any such violation and, upon a showing by the superintendent that 25662
a person has committed, or is about to commit, such a violation, 25663
the court shall grant an injunction, restraining order, or other 25664
appropriate relief. The superintendent, in making application to 25665
the court of common pleas for an order enjoining a person from 25666
acting as a registrant or mortgage loan originator in violation of 25667
division (A) or (E) of section 1321.52 of the Revised Code, may 25668
also seek and obtain civil penalties for that unregistered or 25669
unlicensed conduct in an amount not to exceed five thousand 25670
dollars per violation. 25671

(D)(E) In conducting an investigation pursuant to this 25672
section, the superintendent may compel, by subpoena, witnesses to 25673
testify in relation to any matter over which the superintendent 25674
has jurisdiction, and may require the production or photocopying 25675
of any book, record, or other document pertaining to such matter. 25676
If a person fails to file any statement or report, obey any 25677
subpoena, give testimony, produce any book, record, or other 25678
document as required by such a subpoena, or permit photocopying of 25679
any book, record, or other document subpoenaed, the court of 25680
common pleas of any county in this state, upon application made to 25681

it by the superintendent, shall compel obedience by attachment
proceedings for contempt, as in the case of disobedience of the
requirements of a subpoena issued from the court, or a refusal to
testify therein.

~~(E)~~(F) If the superintendent determines that a person is
engaged in, or is believed to be engaged in, activities that may
constitute a violation of sections 1321.51 to 1321.60 of the
Revised Code or the rules adopted thereunder, the superintendent
may, after notice and a hearing conducted in accordance with
Chapter 119. of the Revised Code, issue a cease and desist order.
The superintendent, in taking administrative action to enjoin a
person from acting as a registrant or mortgage loan originator in
violation of division (A) or (E) of section 1321.52 of the Revised
Code, may also seek and impose fines for those violations in an
amount not to exceed five thousand dollars per violation. Such an
order shall be enforceable in the court of common pleas.

(G) The superintendent shall regularly report violations of
sections 1321.51 to 1321.60 of the Revised Code, as well as
enforcement actions and other relevant information, to the
nationwide mortgage licensing system and registry pursuant to
division (E) of section 1321.55 of the Revised Code.

(H)(1) To protect the public interest, the superintendent
may, without a prior hearing, do any of the following:

(a) Suspend the certificate of registration or license of a
person who is convicted of or pleads guilty to a criminal
violation of sections 1321.51 to 1321.60 of the Revised Code or
any criminal offense described in division (B)(1)(b) or (c) of
this section;

(b) Suspend the certificate of registration or license of a
person who violates division (F) of section 1321.533 of the
Revised Code;

(c) Suspend the certificate of registration or license of a person who fails to comply with a request made by the superintendent under this section or section 1321.55 of the Revised Code to inspect qualifying education transcripts located at the registrant's or licensee's place of business.

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(2) The superintendent may, in accordance with Chapter 119. of the Revised Code, subsequently revoke any registration or license suspended under division (H)(1) of this section.

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(3) The superintendent shall, in accordance with Chapter 119. of the Revised Code, adopt rules establishing the maximum amount of time a suspension under division (H)(1) of this section may continue before a hearing is conducted.

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Sec. 1321.55. (A) Every registrant shall keep records pertaining to loans made under sections 1321.51 to 1321.60 of the Revised Code. Such records shall be segregated from records pertaining to transactions that are not subject to these sections of the Revised Code. Every registrant shall preserve records pertaining to loans made under sections 1321.51 to 1321.60 of the Revised Code for at least two years after making the final entry on such records. Accounting systems maintained in whole or in part by mechanical or electronic data processing methods that provide information equivalent to that otherwise required are acceptable for this purpose. At least once each eighteen-month cycle, the division of financial institutions shall make or cause to be made an examination of records pertaining to loans made under sections 1321.51 to 1321.60 of the Revised Code, for the purpose of determining whether the registrant is complying with these sections and of verifying the registrant's annual report.

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(B)(1) As required by the superintendent of financial institutions, each registrant shall file with the division each year a report under oath or affirmation, on forms supplied by the

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division, concerning the business and operations for the preceding 25744
calendar year. Whenever a registrant operates two or more 25745
registered offices or whenever two or more affiliated registrants 25746
operate registered offices, then a composite report of the group 25747
of registered offices may be filed in lieu of individual reports. 25748

(2) The division shall publish annually an analysis of the 25749
information required under division (B)(1) of this section, but 25750
the individual reports shall not be public records and shall not 25751
be open to public inspection. 25752

(3) Each licensee shall submit to the nationwide mortgage 25753
licensing system and registry call reports or other reports of 25754
condition, which shall be in such form and shall contain such 25755
information as the nationwide mortgage licensing system and 25756
registry may require. 25757

~~(C) All information obtained by the superintendent or the 25758
superintendent's deputies, examiners, assistants, agents, or 25759
clerks by reason of their official position, including information 25760
obtained by such persons from the annual report of a registrant or 25761
in the course of examining a registrant or investigating an 25762
applicant for a certificate, is privileged and confidential. All 25763
such information shall remain privileged and confidential for all 25764
purposes except when it is necessary for the superintendent and 25765
the superintendent's deputies, examiners, assistants, agents, or 25766
clerks to take official action regarding the affairs of the 25767
registrant or in connection with criminal proceedings. Such 25768
information may also be introduced into evidence or disclosed when 25769
and in the manner authorized in section 1181.25 of the Revised 25770
Code.~~ 25771

~~(D) No person is in violation of sections 1321.51 to 1321.60 25772
of the Revised Code for any act taken or omission made in reliance 25773
on a written notice, interpretation, or examination report from 25774
the superintendent.~~ 25775

~~(E) This section does not prevent the division from releasing~~ 25776
~~to or exchanging with other financial institution regulatory~~ 25777
~~authorities information relating to registrants.~~ 25778

~~(F) For purposes of this section, "financial institution~~ 25779
~~regulatory authority" includes a regulator of a business activity~~ 25780
~~in which a registrant is engaged, or has applied to engage in, to~~ 25781
~~the extent that the regulator has jurisdiction over a registrant~~ 25782
~~engaged in that business activity. A registrant is engaged in a~~ 25783
~~business activity, and a regulator of that business activity has~~ 25784
~~jurisdiction over the registrant, whether the registrant conducts~~ 25785
~~the activity directly or a subsidiary or affiliate of the~~ 25786
~~registrant conducts the activity~~ (1) The following information is 25787
confidential: 25788

(a) Examination information, and any information leading to 25789
or arising from an examination; 25790

(b) Investigation information, and any information arising 25791
from or leading to an investigation. 25792

(2) The information described in division (C)(1) of this 25793
section shall remain confidential for all purposes except when it 25794
is necessary for the superintendent to take official action 25795
regarding the affairs of a registrant or licensee, or in 25796
connection with criminal or civil proceedings to be initiated by a 25797
prosecuting attorney or the attorney general. This information may 25798
also be introduced into evidence or disclosed when and in the 25799
manner authorized by section 1181.25 of the Revised Code. 25800

(D) All application information, except social security 25801
numbers, employer identification numbers, financial account 25802
numbers, the identity of the institution where financial accounts 25803
are maintained, personal financial information, fingerprint cards 25804
and the information contained on such cards, and criminal 25805

background information, is a public record as defined in section 25806
149.43 of the Revised Code. 25807

(E) This section does not prevent the division of financial 25808
institutions from releasing to or exchanging with other financial 25809
institution regulatory authorities information relating to 25810
registrants and licensees. For this purpose, a "financial 25811
institution regulatory authority" includes a regulator of a 25812
business activity in which a registrant or licensee is engaged, or 25813
has applied to engage in, to the extent that the regulator has 25814
jurisdiction over a registrant or licensee engaged in that 25815
business activity. A registrant or licensee is engaged in a 25816
business activity, and a regulator of that business activity has 25817
jurisdiction over the registrant or licensee, whether the 25818
registrant or licensee conducts the activity directly or a 25819
subsidiary or affiliate of the registrant or licensee conducts the 25820
activity. 25821

(1) Any confidentiality or privilege arising under federal or 25822
state law with respect to any information or material provided to 25823
the nationwide mortgage licensing system and registry shall 25824
continue to apply to the information or material after the 25825
information or material has been provided to the nationwide 25826
mortgage licensing system and registry. The information and 25827
material so provided may be shared with all state and federal 25828
regulatory officials with mortgage industry oversight authority 25829
without the loss of confidentiality or privilege protections 25830
provided by federal law or the law of any state. Information or 25831
material described in division (E)(1) of this section to which 25832
confidentiality or privilege applies shall not be subject to any 25833
of the following: 25834

(a) Disclosure under any federal or state law governing 25835
disclosure to the public of information held by an officer or an 25836
agency of the federal government or of the respective state; 25837

(b) Subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless the person to whom such information or material pertains waives, in whole or in part and at the discretion of the person, any privilege held by the nationwide mortgage licensing system and registry with respect to that information or material.

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(2) The superintendent, in order to promote more effective regulation and reduce regulatory burden through supervisory information sharing, may enter into sharing arrangements with other governmental agencies, the conference of state bank supervisors, and the American association of residential mortgage regulators.

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(3) Any state law, including section 149.43 of the Revised Code, relating to the disclosure of confidential supervisory information or any information or material described in division (C)(1) or (E)(1) of this section that is inconsistent with this section shall be superseded by the requirements of this section.

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(F) This section shall not apply with respect to information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators that is included in the nationwide mortgage licensing system and registry for access by the public.

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(G) This section does not prevent the division from releasing information relating to registrants and licensees to the attorney general, to the superintendent of real estate and professional licensing for purposes relating to the administration of Chapters 4735. and 4763. of the Revised Code, to the superintendent of insurance for purposes relating to the administration of Chapter 3953. of the Revised Code, to the commissioner of securities for purposes relating to the administration of Chapter 1707. of the Revised Code, or to local law enforcement agencies and local prosecutors. Information the division releases pursuant to this

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section remains confidential. 25870

(H) The superintendent of financial institutions shall, by 25871
rule adopted in accordance with Chapter 119. of the Revised Code, 25872
establish a process by which mortgage loan originators may 25873
challenge information provided to the nationwide mortgage 25874
licensing system and registry by the superintendent. 25875

(I) No person, in connection with any examination or 25876
investigation conducted by the superintendent under sections 25877
1321.51 to 1321.60 of the Revised Code, shall knowingly do any of 25878
the following: 25879

(1) Circumvent, interfere with, obstruct, or fail to 25880
cooperate, including making a false or misleading statement, 25881
failing to produce records, or intimidating or suborning any 25882
witness; 25883

(2) Withhold, abstract, remove, mutilate, destroy, or secrete 25884
any books, records, computer records, or other information; 25885

(3) Tamper with, alter, or manufacture any evidence. 25886

Sec. 1321.551. (A) No registrant shall conduct the business 25887
of making loans under sections 1321.51 to 1321.60 of the Revised 25888
Code in any office, room, or place of business in which any other 25889
business is solicited or engaged in, or in association or 25890
conjunction with any other such business, if the superintendent of 25891
financial institutions finds, pursuant to a hearing conducted in 25892
accordance with Chapter 119. of the Revised Code, that the other 25893
business is of such a nature that the conduct tends to conceal 25894
evasion of sections 1321.51 to 1321.60 of the Revised Code or of 25895
the rules adopted under those sections, and orders the registrant 25896
in writing to desist from the conduct. 25897

(B) The business of a mortgage loan originator shall 25898

principally be transacted at an office of the registrant with whom 25899
the licensee is employed or associated, which office is 25900
registered, if applicable, in accordance with division (A)(1) of 25901
section 1321.52 of the Revised Code. Each original mortgage loan 25902
originator license shall be deposited with and maintained at the 25903
registrant's main office. A copy of the mortgage loan originator 25904
license shall be maintained and displayed at the office where the 25905
mortgage loan originator principally transacts business. 25906

(C) If a mortgage loan originator's employment or association 25907
is terminated for any reason, the registrant shall return the 25908
original mortgage loan originator license to the superintendent 25909
within five business days after the termination. The licensee may 25910
request the transfer of the license to another registrant by 25911
submitting a transfer application, along with a fifteen dollar fee 25912
and any fee required by the national mortgage licensing system and 25913
registry, to the superintendent, or may request in writing that 25914
the superintendent hold the license in escrow. A licensee whose 25915
license is held in escrow shall cease activity as a mortgage loan 25916
originator. A licensee whose license is held in escrow shall be 25917
required to apply for renewal annually and to comply with the 25918
annual continuing education requirement. 25919

(D) A registrant may employ or be associated with a mortgage 25920
loan originator on a temporary basis pending the transfer of the 25921
mortgage loan originator's license to the registrant, if the 25922
registrant receives written confirmation from the superintendent 25923
that the mortgage loan originator is licensed under sections 25924
1321.51 to 1321.60 of the Revised Code. 25925

(E) Notwithstanding divisions (B), (C), and (D) of this 25926
section, if a mortgage loan originator is employed by or 25927
associated with a person claiming an exemption under division (D) 25928
of section 1321.53 of the Revised Code, the mortgage loan 25929
originator shall maintain and display the original mortgage loan 25930

originator license at the office where the mortgage loan 25931
originator principally transacts business. 25932

If the mortgage loan originator's employment or association 25933
is terminated for any reason, the licensee shall return the 25934
original mortgage loan originator license to the superintendent 25935
within five business days after the termination. The licensee may 25936
request the transfer of the license to a mortgage broker or other 25937
person claiming an exemption under division (D) of section 1321.53 25938
of the Revised Code by submitting a transfer application, along 25939
with a fifteen dollar fee and any fee required by the national 25940
mortgage licensing system and registry, to the superintendent, or 25941
may request the superintendent in writing to hold the license in 25942
escrow. A licensee whose license is held in escrow shall cease 25943
activity as a mortgage loan originator. A licensee whose license 25944
is held in escrow shall be required to apply for renewal annually 25945
and to comply with the annual continuing education requirement. 25946

The licensee may seek to be employed or associated with a 25947
mortgage broker or other person claiming an exemption under 25948
division (D) of section 1321.53 of the Revised Code if the 25949
mortgage broker or person receives written confirmation from the 25950
superintendent that the mortgage loan originator is licensed under 25951
sections 1321.51 to 1321.60 of the Revised Code. 25952

(F) No registrant, through its managers or otherwise, shall 25953
fail to do either of the following: 25954

(1) Reasonably supervise mortgage loan originators or other 25955
persons employed by or associated with the registrant; 25956

(2) Establish reasonable procedures designed to avoid 25957
violations of sections 1321.51 to 1321.60 of the Revised Code or 25958
rules adopted thereunder, or violations of applicable state and 25959
federal consumer and lending laws or rules, by mortgage loan 25960
originators or other persons employed by or associated with the 25961

registrant. 25962

(G) A license, or the authority granted under that license, 25963
is not assignable and cannot be franchised by contract or any 25964
other means. 25965

Sec. 1321.552. (A) Notwithstanding any provision of sections 25966
1321.51 to 1321.60 of the Revised Code, or any rule adopted 25967
thereunder, if the "Secure and Fair Enforcement for Mortgage 25968
Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101, as 25969
amended, is modified after the effective date of this section, or 25970
any regulation, statement, or position is adopted under that act, 25971
and the item modified or adopted affects any matter within the 25972
scope of sections 1321.51 to 1321.60 of the Revised Code, the 25973
superintendent of financial institutions may by rule adopt a 25974
similar provision. 25975

(B) The superintendent shall adopt the rules authorized by 25976
this section in accordance with section 111.15 of the Revised 25977
Code. Chapter 119. of the Revised Code does not apply to rules 25978
adopted under the authority of this section. 25979

(C) A rule adopted by the superintendent under the authority 25980
of this section is effective on the later of the following dates: 25981

(1) The date the superintendent issues the rule; 25982

(2) The date the regulation, rule, interpretation, procedure, 25983
or guideline the superintendent's rule is based on becomes 25984
effective. 25985

(D) The superintendent may, upon thirty days' written notice, 25986
revoke any rule adopted under the authority of this section. A 25987
rule adopted under the authority of this section, and not revoked 25988
by the superintendent, lapses and has no further force and effect 25989
eighteen months after the rule's effective date. 25990

Sec. 1321.57. (A) Notwithstanding any other provisions of	25991
the Revised Code, a registrant may contract for and receive	25992
interest, calculated according to the actuarial method, at a rate	25993
or rates not exceeding twenty-one per cent per year on the unpaid	25994
principal balances of the loan. Loans may be interest-bearing or	25995
precomputed.	25996
 (B) For purposes of computation of time on interest-bearing	25997
and precomputed loans, including, but not limited to, the	25998
calculation of interest, a month is considered one-twelfth of a	25999
year, and a day is considered one three hundred sixty-fifth of a	26000
year when calculation is made for a fraction of a month. A year is	26001
as defined in section 1.44 of the Revised Code. A month is that	26002
period described in section 1.45 of the Revised Code.	26003
Alternatively, a registrant may consider a day as one three	26004
hundred sixtieth of a year and each month as having thirty days.	26005
 (C) With respect to interest-bearing loans:	26006
 (1)(a) Interest shall be computed on unpaid principal	26007
balances outstanding from time to time, for the time outstanding.	26008
 (b) As an alternative to the method of computing interest set	26009
forth in division (C)(1)(a) of this section, a registrant may	26010
charge and collect interest for the first installment period based	26011
on elapsed time from the date of the loan to the first scheduled	26012
payment due date, and for each succeeding installment period from	26013
the scheduled payment due date to the next scheduled payment due	26014
date, regardless of the date or dates the payments are actually	26015
made.	26016
 (c) Whether a registrant computes interest pursuant to	26017
division (C)(1)(a) or (b) of this section, each payment shall be	26018
applied first to unpaid charges, then to interest, and the	26019
remainder to the unpaid principal balance. However, if the amount	26020

of the payment is insufficient to pay the accumulated interest, 26021
the unpaid interest continues to accumulate to be paid from the 26022
proceeds of subsequent payments and is not added to the principal 26023
balance. 26024

(2) Interest shall not be compounded, collected, or paid in 26025
advance. However, both of the following apply: 26026

(a) Interest may be charged to extend the first monthly 26027
installment period by not more than fifteen days, and the interest 26028
charged for the extension may be added to the principal amount of 26029
the loan. 26030

(b) If part or all of the consideration for a new loan 26031
contract is the unpaid principal balance of a prior loan, the 26032
principal amount payable under the new loan contract may include 26033
any unpaid interest that has accrued. The resulting loan contract 26034
shall be deemed a new and separate loan transaction for purposes 26035
of this section. The unpaid principal balance of a precomputed 26036
loan is the balance due after refund or credit of unearned 26037
interest as provided in division (D)(3) of this section. 26038

(D) With respect to precomputed loans: 26039

(1) Loans shall be repayable in monthly installments of 26040
principal and interest combined, except that the first installment 26041
period may exceed one month by not more than fifteen days, and the 26042
first installment payment amount may be larger than the remaining 26043
payments by the amount of interest charged for the extra days; and 26044
provided further that monthly installment payment dates may be 26045
omitted to accommodate borrowers with seasonal income. 26046

(2) Payments may be applied to the combined total of 26047
principal and precomputed interest until maturity of the loan. A 26048
registrant may charge interest after the original or deferred 26049
maturity of a precomputed loan at the rate specified in division 26050

(A) of this section on all unpaid principal balances for the time
outstanding.

(3) When any loan contract is paid in full by cash, renewal,
refinancing, or a new loan, one month or more before the final
installment due date, the registrant shall refund, or credit the
borrower with, the total of the applicable charges for all fully
unexpired installment periods, as originally scheduled or as
deferred, that follow the day of prepayment. If the prepayment is
made other than on a scheduled installment due date, the nearest
scheduled installment due date shall be used in such computation.
If the prepayment occurs prior to the first installment due date,
the registrant may retain one-thirtieth of the applicable charge
for a first installment period of one month for each day from date
of loan to date of prepayment, and shall refund, or credit the
borrower with, the balance of the total interest contracted for.
If the maturity of the loan is accelerated for any reason and
judgment is entered, the registrant shall credit the borrower with
the same refund as if prepayment in full had been made on the date
the judgment is entered.

(4) If the parties agree in writing, either in the loan
contract or in a subsequent agreement, to a deferment of wholly
unpaid installments, a registrant may grant a deferment and may
collect a deferment charge as provided in this section. A
deferment postpones the scheduled due date of the earliest unpaid
installment and all subsequent installments as originally
scheduled, or as previously deferred, for a period equal to the
deferment period. The deferment period is that period during which
no installment is scheduled to be paid by reason of the deferment.
The deferment charge for a one-month period may not exceed the
applicable charge for the installment period immediately following
the due date of the last undeferred installment. A proportionate
charge may be made for deferment for periods of more or less than
one month. A deferment charge is earned pro rata during the

deferment period and is fully earned on the last day of the 26084
deferment period. If a loan is prepaid in full during a deferment 26085
period, the registrant shall make, or credit to the borrower, a 26086
refund of the unearned deferment charge in addition to any other 26087
refund or credit made for prepayment of the loan in full. 26088

(E) A registrant, at the request of the borrower, may obtain, 26089
on one or more borrowers, credit life insurance, credit accident 26090
and health insurance, and unemployment insurance. The premium or 26091
identifiable charge for the insurance may be included in the 26092
principal amount of the loan and may not exceed the premium rate 26093
filed by the insurer with the superintendent of insurance and not 26094
disapproved by the superintendent. If a registrant obtains the 26095
insurance at the request of the borrower, the borrower shall have 26096
the right to cancel the insurance for a period of twenty-five days 26097
after the loan is made. If the borrower chooses to cancel the 26098
insurance, the borrower shall give the registrant written notice 26099
of this choice and shall return all of the policies or 26100
certificates of insurance or notices of proposed insurance to the 26101
registrant during such period, and the full premium or 26102
identifiable charge for the insurance shall be refunded to the 26103
borrower by the registrant. If the borrower requests, in the 26104
notice to cancel the insurance, that this refund be applied to 26105
reduce the balance of a precomputed loan, the registrant shall 26106
credit the amount of the refund plus the amount of interest 26107
applicable to the refund to the loan balance. 26108

If the registrant obtains the insurance at the request of the 26109
borrower, the registrant shall not charge or collect interest on 26110
any insured amount that remains unpaid after the insured 26111
borrower's date of death. 26112

(F) A registrant may require the borrower to provide 26113
insurance or a loss payable endorsement covering reasonable risks 26114
of loss, damage, and destruction of property used as security for 26115

the loan and with the consent of the borrower such insurance may 26116
cover property other than that which is security for the loan. The 26117
amount and term of required property insurance shall be reasonable 26118
in relation to the amount and term of the loan contract and the 26119
type and value of the security, and the insurance shall be 26120
procured in accordance with the insurance laws of this state. The 26121
purchase of this insurance through the registrant or an agent or 26122
broker designated by the registrant shall not be a condition 26123
precedent to the granting of the loan. If the borrower purchases 26124
the insurance from or through the registrant or from another 26125
source, the premium may be included in the principal amount of the 26126
loan. 26127

(G) On loans secured by an interest in real estate, all of 26128
the following apply: 26129

(1) A registrant, if not prohibited by section 1343.011 of 26130
the Revised Code, may charge and receive up to two points, and a 26131
prepayment penalty not in excess of one per cent of the original 26132
principal amount of the loan. Points may be paid by the borrower 26133
at the time of the loan or may be included in the principal amount 26134
of the loan. On a refinancing, a registrant may not charge under 26135
division (G)(1) of this section either of the following: 26136

(a) Points on the portion of the principal amount that is 26137
applied to the unpaid principal amount of the refinanced loan, if 26138
the refinancing occurs within one year after the date of the 26139
refinanced loan on which points were charged; 26140

(b) A prepayment penalty. 26141

(2) As an alternative to the prepayment penalty described in 26142
division (G)(1) of this section, a registrant may contract for, 26143
charge, and receive the prepayment penalty described in division 26144
(G)(2) of this section for the prepayment of a loan prior to two 26145
years after the date the loan contract is executed. This 26146

prepayment penalty shall not exceed two per cent of the original principal amount of the loan if the loan is paid in full prior to one year after the date the loan contract is executed. The penalty shall not exceed one per cent of the original principal amount of the loan if the loan is paid in full at any time from one year, but prior to two years, after the date the loan contract is executed. A registrant shall not charge or receive a prepayment penalty under division (G)(2) of this section if any of the following applies:

(a) The loan is a refinancing by the same registrant or a registrant to whom the loan has been assigned;

(b) The loan is paid in full as a result of the sale of the real estate that secures the loan;

(c) The loan is paid in full with the proceeds of an insurance claim against an insurance policy that insures the life of the borrower or an insurance policy that covers loss, damage, or destruction of the real estate that secures the loan.

(3) Division (G) of this section is not a limitation on discount points or other charges for purposes of section 501(b)(4) of the "Depository Institutions Deregulation and Monetary Control Act of 1980," 94 Stat. 161, 12 U.S.C.A. 1735f-7 note.

(H)(1) In addition to the interest and charges provided for by this section, no further or other amount, whether in the form of broker fees, placement fees, or any other fees whatsoever, shall be charged or received by the registrant, except costs and disbursements in connection with any suit to collect a loan or any lawful activity to realize on a security interest or mortgage after default, including reasonable attorney fees incurred by the registrant as a result of the suit or activity and to which the registrant becomes entitled by law, and except the following additional charges which may be included in the principal amount

of the loan or collected at any time after the loan is made:	26178
(a) The amounts of fees authorized by law to record, file, or	26179
release security interests and mortgages on a loan;	26180
(b) With respect to a loan secured by an interest in real	26181
estate, the following closing costs, if they are bona fide,	26182
reasonable in amount, <u>paid to third parties</u> , and not for the	26183
purpose of circumvention or evasion of this section:	26184
(i) Fees or premiums for title examination, abstract of	26185
title, title insurance, surveys, title endorsements, title	26186
binders, title commitments, home inspections, or pest inspections;	26187
settlement or closing costs <u>paid to unaffiliated third parties</u> ;	26188
courier fees; and any federally mandated flood plain	26189
certification fee;	26190
(ii) If not paid to the registrant, an employee of the	26191
registrant, or a person ~~related to~~ <u>affiliated with</u> the registrant,	26192
fees for preparation of a mortgage, settlement statement, or other	26193
documents, fees for notarizing mortgages and other documents,	26194
appraisal fees, and fees for any federally mandated inspection of	26195
home improvement work financed by a second mortgage loan;	26196
(c) Fees for credit investigations not exceeding ten dollars.	26197
(2) Division (H)(1) of this section does not limit the rights	26198
of registrants to engage in other transactions with borrowers,	26199
provided the transactions are not a condition of the loan.	26200
(I) If the loan contract or security instrument contains	26201
covenants by the borrower to perform certain duties pertaining to	26202
insuring or preserving security and the registrant pursuant to the	26203
loan contract or security instrument pays for performance of the	26204
duties on behalf of the borrower, the registrant may add the	26205
amounts paid to the unpaid principal balance of the loan or	26206

collect them separately. A charge for interest may be made for
sums advanced not exceeding the rate of interest permitted by
division (A) of this section. Within a reasonable time after
advancing a sum, the registrant shall notify the borrower in
writing of the amount advanced, any interest charged with respect
to the amount advanced, any revised payment schedule, and shall
include a brief description of the reason for the advance.

(J)(1) In addition to points authorized under division (G) of
this section, a registrant may charge and receive the following:

(a) With respect to ~~secured~~ loans secured by goods or real
estate: if the principal amount of the loan is ~~less than~~ five
hundred dollars or less, loan origination charges not exceeding
fifteen dollars; if the principal amount of the loan is ~~at least~~
more than five hundred dollars but less than one thousand
dollars, loan origination charges not exceeding thirty dollars;
if the principal amount of the loan is at least one thousand
dollars but less than two thousand dollars, loan origination
charges not exceeding one hundred dollars; if the principal
amount of the loan is at least two thousand dollars but less than
five thousand dollars, loan origination charges not exceeding two
hundred dollars; and if the principal amount of the loan is at
least five thousand dollars, loan origination charges not
exceeding the greater of two hundred fifty dollars or one per
cent of the principal amount of the loan.

(b) With respect to ~~unsecured~~ loans that are not secured by
goods or real estate: if the principal amount of the loan is ~~less
than~~ five hundred dollars or less, loan origination charges not
exceeding fifteen dollars; if the principal amount of the loan is
~~at least~~more than five hundred dollars but less than one
thousand dollars, loan origination charges not exceeding thirty
dollars; if the principal amount of the loan is at least one
thousand dollars but less than five thousand dollars, loan

origination charges not exceeding one hundred dollars; and if the
principal amount of the loan is at least five thousand dollars,
loan origination charges not exceeding the greater of two hundred
fifty dollars or one per cent of the principal amount of the loan.

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(2) If a refinancing occurs within ninety days after the date
of the refinanced loan, a registrant may not impose loan
origination charges on the portion of the principal amount that is
applied to the unpaid principal amount of the refinanced loan.

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(3) Loan origination charges may be paid by the borrower at
the time of the loan or may be included in the principal amount of
the loan.

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(K) A registrant may charge and receive check collection
charges not greater than twenty dollars plus any amount passed on
from other ~~financial~~ depository institutions for each check,
negotiable order of withdrawal, share draft, or other negotiable
instrument returned or dishonored for any reason.

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(L) If the loan contract so provides, a registrant may
collect a default charge on any installment not paid in full
within ten days after its due date. For this purpose, all
installments are considered paid in the order in which they become
due. Any amounts applied to an outstanding loan balance as a
result of voluntary release of a security interest, sale of
security on the loan, or cancellation of insurance shall be
considered payments on the loan, unless the parties otherwise
agree in writing at the time the amounts are applied. The amount
of the default charge shall not exceed the greater of five per
cent of the scheduled installment or fifteen dollars.

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Sec. 1321.59. (A) No registrant under sections 1321.51 to
1321.60 of the Revised Code shall permit any borrower to be
indebted for a loan made under sections 1321.51 to 1321.60 of the
Revised Code at any time while the borrower is also indebted to an

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affiliate or agent of the registrant for a loan made under 26270
sections 1321.01 to 1321.19 of the Revised Code for the purpose or 26271
with the result of obtaining greater charges than otherwise would 26272
be permitted by sections 1321.51 to 1321.60 of the Revised Code. 26273

(B) No registrant shall induce or permit any person to become 26274
obligated to the registrant under sections 1321.51 to 1321.60 of 26275
the Revised Code, directly or contingently, or both, under more 26276
than one contract of loan at the same time for the purpose or with 26277
the result of obtaining greater charges than would otherwise be 26278
permitted by sections 1321.51 to 1321.60 of the Revised Code. 26279

(C) No registrant shall refuse to provide information 26280
regarding the amount required to pay in full a loan under sections 26281
1321.51 to 1321.60 of the Revised Code when requested by the 26282
borrower or by another person designated in writing by the 26283
borrower. 26284

(D) On any loan or application for a loan under sections 26285
1321.51 to 1321.60 of the Revised Code secured by a mortgage on a 26286
borrower's real estate which is other than a first lien on the 26287
real estate, no person shall pay or receive, directly or 26288
indirectly, fees or any other type of compensation for services of 26289
a mortgage broker that, in the aggregate, exceed the lesser of one 26290
thousand dollars or one per cent of the principal amount of the 26291
loan. 26292

(E) No registrant or licensee shall obtain a certificate of 26293
registration or license through any false or fraudulent 26294
representation of a material fact or any omission of a material 26295
fact required by state or federal law, or make any substantial 26296
misrepresentation in the registration or license application, to 26297
engage in lending secured by real estate. 26298

(F) No registrant or licensee, in connection with the 26299
business of making or offering to make residential mortgage loans, 26300

<u>shall knowingly make false or misleading statements of a material</u>	26301
<u>fact, omissions of statements required by state or federal law,</u>	26302
<u>or false promises regarding a material fact, through advertising</u>	26303
<u>or other means, or engage in a continued course of</u>	26304
<u>misrepresentations.</u>	26305
<u>(G) No registrant, licensee, or person making loans without a</u>	26306
<u>certificate of registration in violation of division (A) of</u>	26307
<u>section 1321.52 of the Revised Code, shall knowingly engage in</u>	26308
<u>conduct, in connection with the business of making or offering to</u>	26309
<u>make residential mortgage loans, that constitutes improper,</u>	26310
<u>fraudulent, or dishonest dealings.</u>	26311
<u>(H) No registrant, licensee, or applicant involved in the</u>	26312
<u>business of making or offering to make residential mortgage loans</u>	26313
<u>shall fail to notify the division of financial institutions</u>	26314
<u>within thirty days after knowing any of the following:</u>	26315
<u>(1) That the registrant, licensee, or applicant has been</u>	26316
<u>convicted of or pleaded guilty to a felony offense in a domestic,</u>	26317
<u>foreign, or military court;</u>	26318
<u>(2) That the registrant, licensee, or applicant has been</u>	26319
<u>convicted of or pleaded guilty to any criminal offense involving</u>	26320
<u>theft, receiving stolen property, embezzlement, forgery, fraud,</u>	26321
<u>passing bad checks, money laundering, breach of trust,</u>	26322
<u>dishonesty, or drug trafficking, or any criminal offense</u>	26323
<u>involving money or securities, in a domestic, foreign, or military</u>	26324
<u>court;</u>	26325
<u>(3) That the registrant, licensee, or applicant has had a</u>	26326
<u>mortgage lender registration or mortgage loan originator license,</u>	26327
<u>or comparable authority, revoked in any governmental</u>	26328
<u>jurisdiction.</u>	26329
<u>(I) No registrant or licensee shall knowingly make, propose,</u>	26330

or solicit fraudulent, false, or misleading statements on any mortgage document or on any document related to a mortgage loan, including a mortgage application, real estate appraisal, or real estate settlement or closing document. For purposes of this division, "fraudulent, false, or misleading statements" does not include mathematical errors, inadvertent transposition of numbers, typographical errors, or any other bona fide error.

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(J) No registrant or licensee shall knowingly instruct, solicit, propose, or otherwise cause a borrower to sign in blank a loan related document in connection with a residential mortgage loan.

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(K) No registrant or licensee shall knowingly compensate, instruct, induce, coerce, or intimidate, or attempt to compensate, instruct, induce, coerce, or intimidate, a person licensed or certified as an appraiser under Chapter 4763. of the Revised Code for the purpose of corrupting or improperly influencing the independent judgment of the person with respect to the value of the dwelling offered as security for repayment of a mortgage loan.

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(L) No registrant or licensee shall willfully retain original documents provided to the registrant or licensee by the borrower in connection with the residential mortgage loan application, including income tax returns, account statements, or other financial related documents.

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(M) No registrant or licensee shall, in connection with making residential mortgage loans, receive, directly or indirectly, a premium on the fees charged for services performed by a bona fide third party.

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(N) No registrant or licensee shall, in connection with making residential mortgage loans, pay or receive, directly or indirectly, a referral fee or kickback of any kind to or from a bona fide third party or other party with a related interest in

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the transaction, including a home improvement builder, real estate developer, or real estate broker or agent, for the referral of business. Nothing in this division shall prevent remuneration to a registrant or licensee for the licensed sale of any insurance product that is permitted under section 1321.57 of the Revised Code, provided there is no additional fee or premium added to the cost for the insurance and paid directly or indirectly by the borrower.

(O) No registrant, licensee, or person making loans without a certificate of registration in violation of division (A) of section 1321.52 of the Revised Code shall, in connection with making or offering to make residential mortgage loans, engage in any unfair, deceptive, or unconscionable act or practice prohibited under sections 1345.01 to 1345.13 of the Revised Code.

Sec. 1321.591. No registrant or licensee shall fail to follow the practices set forth in the federal "Fair Debt Collection Practices Act," 91 Stat. 874, 15 U.S.C. 1692, as amended, notwithstanding the fact that the registrant or licensee is seeking to collect upon the registrant's own debt.

Sec. 1321.592. (A) In connection with providing a non-brokered loan secured by a lien on real property, a registrant or licensee shall, not earlier than three business days nor later than twenty-four hours before the loan is closed, deliver to the borrower a written disclosure that includes the following:

(1) A statement indicating whether property taxes or any insurance will be escrowed;

(2) A description of what is covered by the regular monthly payment, including principal, interest, taxes, and insurance, as applicable.

(B) If a residential mortgage loan applied for will exceed

ninety per cent of the value of the real property, the registrant 26392
shall provide a statement to the borrower within three business 26393
days after taking the loan application, printed in boldface type 26394
of the minimum size of sixteen points, as follows: "You are 26395
applying for a loan that is more than 90% of your home's value. It 26396
will be hard for you to refinance this loan. If you sell your 26397
home, you might owe more money on the loan than you get from the 26398
sale." 26399

(C) No registrant or licensee shall fail to comply with this 26400
section. 26401

Sec. 1321.593. (A) A registrant, licensee, and any person 26402
required to be registered or licensed under sections 1321.51 to 26403
1321.60 of the Revised Code shall, in connection with the business 26404
of making or offering to make residential mortgage loans, do all 26405
of the following: 26406

(1) Safeguard and account for any money handled for the 26407
borrower; 26408

(2) Follow reasonable and lawful instructions from the 26409
borrower; 26410

(3) Act with reasonable skill, care, and diligence; 26411

(4) Act in good faith and with fair dealing in any 26412
transaction, practice, or course of business in connection with 26413
making or originating any residential mortgage loan under sections 26414
1321.51 to 1321.60 of the Revised Code. 26415

(B) Division (A) of this section shall not apply to wholesale 26416
lenders. However, wholesale lender registrants are subject to all 26417
other requirements applicable to registrants. For purposes of this 26418
division, "wholesale lender" means a company that has been issued 26419
a certificate of registration and that enters into transactions 26420

<u>with borrowers exclusively through unaffiliated third-party</u>	26421
<u>mortgage brokers or lenders.</u>	26422
<u>(C) The duties and standards of care created in this section</u>	26423
<u>cannot be waived or modified.</u>	26424
<u>Sec. 1321.594. (A) In connection with making a non-brokered</u>	26425
<u>residential mortgage, no registrant or licensee shall fail to do</u>	26426
<u>either of the following:</u>	26427
<u>(1) Timely inform the borrower of any material change in the</u>	26428
<u>terms of the residential mortgage loan. For purposes of division</u>	26429
<u>(A) (1) of this section, "material change" means the following:</u>	26430
<u>(a) A change in the type of residential mortgage loan being</u>	26431
<u>offered, such as a fixed or variable rate loan or a loan with a</u>	26432
<u>balloon payment;</u>	26433
<u>(b) A change in the term of the loan, as reflected in the</u>	26434
<u>number of monthly payments due before a final payment is scheduled</u>	26435
<u>to be made;</u>	26436
<u>(c) A change in the interest rate of more than 0.15%;</u>	26437
<u>(d) A change in the regular total monthly payment, including</u>	26438
<u>principal, interest, any required mortgage insurance, and any</u>	26439
<u>escrowed taxes or property insurance, of more than five per cent;</u>	26440
<u>(e) A change regarding whether the escrow of taxes or</u>	26441
<u>insurance will be required;</u>	26442
<u>(f) A change regarding whether private mortgage insurance</u>	26443
<u>will be required.</u>	26444
<u>(2) Timely inform the borrower if any fees payable by the</u>	26445
<u>borrower to the licensee, registrant, or lender increase by more</u>	26446
<u>than ten per cent or one hundred dollars, whichever is greater.</u>	26447

(B) The disclosures required by this section shall be deemed 26448
timely if the registrant or licensee provides the borrower with 26449
the revised information not later than the time requirement 26450
imposed by 12 C.F.R. 226.19(a)(2) and (3), as those provisions of 26451
federal law exist on July 31, 2009. 26452

(C) If an increase in the total amount of the fee to be paid 26453
by the borrower to the registrant or licensee is not disclosed in 26454
accordance with division (A)(2) of this section, the registrant or 26455
licensee shall refund to the borrower the amount by which the fee 26456
was increased. If the fee is financed into the loan, the 26457
registrant or licensee shall also refund to the borrower the 26458
interest that would accrue over the term of the loan on that 26459
excess amount. 26460

Sec. 1321.60. (A)(1) Advertising for loans subject to 26461
sections 1321.51 to 1321.60 of the Revised Code shall not be 26462
false, misleading, or deceptive. 26463

(2) False, misleading, or deceptive advertising includes, but 26464
is not limited to, the following: 26465

(a) Placing, or causing to be placed, any advertisement 26466
indicating that special terms, reduced rates, guaranteed rates, 26467
particular rates, or any other special feature of mortgage loans 26468
is available unless the advertisement clearly states any 26469
limitations that apply; 26470

(b) Placing, or causing to be placed, any advertisement 26471
containing a rate or special fee offer that is not a bona fide 26472
available rate or fee. 26473

(B) In making any advertisement, a registrant shall comply 26474
with 12 C.F.R. 226.16, as amended. 26475

Sec. 1321.99. (A) Whoever violates section 1321.02 of the Revised Code is guilty of a felony of the fifth degree.	26476 26477
(B) Whoever violates section 1321.13 of the Revised Code shall be fined not less than one hundred nor more than five hundred dollars or imprisoned not more than six months, or both.	26478 26479 26480
(C) Whoever violates section 1321.14 of the Revised Code shall be fined not less than fifty nor more than two hundred dollars for a first offense; for a second offense such person shall be fined not less than two hundred nor more than five hundred dollars and imprisoned for not more than six months.	26481 26482 26483 26484 26485
(D) Whoever willfully violates section 1321.57, 1321.58, <u>division (A), (B), (C), or (D) of section 1321.59, 1321.591, or 1321.60 of the Revised Code is guilty of a minor misdemeanor and</u> shall be fined not less than one nor more than five hundred dollars.	26486 26487 26488 26489 26490
(E) Whoever violates section 1321.52 <u>or division (I), (J), (K), (L), or (M) of section 1321.59</u> of the Revised Code is guilty of a felony of the fifth degree.	26491 26492 26493
(F) Whoever violates division (A) of section 1321.73 of the Revised Code shall be fined not more than five hundred dollars or imprisoned not more than six months, or both.	26494 26495 26496
(G) Whoever violates section 1321.41 of the Revised Code is guilty of a misdemeanor of the first degree.	26497 26498
(H) <u>Whoever violates division (N) of section 1321.59 of the Revised Code is guilty of a felony of the fourth degree.</u>	26499 26500
(I) <u>The imposition of fines pursuant to this section does not preclude the imposition of any administrative fines or civil penalties authorized under section 1321.54 or any other section of</u>	26501 26502 26503

<u>the Revised Code.</u>	26504
Sec. 1322.01. As used in sections 1322.01 to 1322.12 of the Revised Code:	26505 26506
(A) "Buyer" means an individual who is solicited to purchase or who purchases the services of a mortgage broker for purposes ~~other than~~ <u>of obtaining a business residential mortgage loan as described in division (B)(6) of section 1343.01 of the Revised Code.</u>	26507 26508 26509 26510 26511
(B) "Consumer reporting agency" has the same meaning as in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended.	26512 26513 26514
(C) "Employee" means an individual for whom a mortgage broker, in addition to providing a wage or salary, pays social security and unemployment taxes, provides workers' compensation coverage, and withholds local, state, and federal income taxes. "Employee" also includes any ~~shareholder, member, or partner of a registrant~~ <u>individual</u> who acts as a loan ~~officer~~ <u>originator</u> or operations manager of ~~the~~ <u>a</u> registrant, but for whom the registrant is prevented by law from making income tax withholdings.	26515 26516 26517 26518 26519 26520 26521 26522 26523
(D) "Licensee" means any ~~person that~~ <u>individual</u> who has been issued a loan ~~officer~~ <u>originator</u> license under sections 1322.01 to 1322.12 of the Revised Code.	26524 26525 26526
(E)(1) "Loan ~~officer~~ <u>originator</u> " means an ~~employee~~ <u>individual</u> who ~~originates mortgage loans in consideration of direct~~ <u>for compensation</u> or ~~indirect gain, profit, fees, or charges.~~ "Loan officer" ~~also includes an employee who solicits financial and mortgage information from the public for sale to another mortgage broker or in anticipation of compensation or gain, does any of the following:~~	26527 26528 26529 26530 26531 26532 26533

<u>(a) Takes or offers to take a residential mortgage loan application;</u>	26534 26535
<u>(b) Assists or offers to assist a buyer in obtaining or applying to obtain a residential mortgage loan by, among other things, advising on loan terms, including rates, fees, and other costs;</u>	26536 26537 26538 26539
<u>(c) Offers or negotiates terms of a residential mortgage loan;</u>	26540 26541
<u>(d) Issues or offers to issue a commitment for a residential mortgage loan to a buyer.</u>	26542 26543
<u>(2) "Loan originator" does not include any of the following:</u>	26544
<u>(a) An individual who performs purely administrative or clerical tasks on behalf of a loan originator;</u>	26545 26546
<u>(b) A person licensed under Chapter 4735. of the Revised Code, or under the similar law of another state, who performs only real estate brokerage activities permitted by that license, provided the person is not compensated by a mortgage lender, mortgage broker, loan originator, or by any agent thereof;</u>	26547 26548 26549 26550 26551
<u>(c) A person solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. 101 in effect on January 1, 2009;</u>	26552 26553 26554
<u>(d) An employee of a registrant who acts solely as a loan processor or underwriter and who does not represent to the public, through advertising or other means of communicating, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the employee can or will perform any of the activities of a loan originator;</u>	26555 26556 26557 26558 26559 26560

<u>(e) A mortgage loan originator licensed under sections</u>	26561
<u>1321.51 to 1321.60 of the Revised Code, when acting solely under</u>	26562
<u>that authority;</u>	26563
<u>(f) A licensed attorney who negotiates the terms of a</u>	26564
<u>residential mortgage loan on behalf of a client as an ancillary</u>	26565
<u>matter to the attorney's representation of the client, unless the</u>	26566
<u>attorney is compensated by a lender, a mortgage broker, or another</u>	26567
<u>loan originator, or by any agent thereof;</u>	26568
<u>(g) Any person engaged in the retail sale of manufactured</u>	26569
<u>homes, mobile homes, or industrialized units if, in connection</u>	26570
<u>with financing those retail sales, the person only assists the</u>	26571
<u>borrower by providing or transmitting the loan application and</u>	26572
<u>does not do any of the following:</u>	26573
<u>(i) Offer or negotiate the residential mortgage loan rates or</u>	26574
<u>terms;</u>	26575
<u>(ii) Provide any counseling with borrowers about residential</u>	26576
<u>mortgage loan rates or terms;</u>	26577
<u>(iii) Receive any payment or fee from any company or</u>	26578
<u>individual for assisting the borrower obtain or apply for</u>	26579
<u>financing to purchase the manufactured home, mobile home, or</u>	26580
<u>industrialized unit;</u>	26581
<u>(iv) Assist the borrower in completing a residential mortgage</u>	26582
<u>loan application.</u>	26583
<u>(h) An individual employed by a nonprofit organization that</u>	26584
<u>is recognized as tax exempt under 26 U.S.C. 501(c)(3) and whose</u>	26585
<u>primary activity is the construction, remodeling, or</u>	26586
<u>rehabilitation of homes for use by low income families, provided</u>	26587
<u>that the nonprofit organization makes no-profit mortgage loans or</u>	26588
<u>mortgage loans at zero per cent interest to low income families</u>	26589

and no fees accrue directly to the nonprofit organization or 26590
individual employed by the nonprofit organization from those 26591
mortgage loans and that the United States department of housing 26592
and urban development does not deny this exemption. 26593

(F) "Mortgage" means any indebtedness secured by a deed of 26594
trust, security deed, or other lien on real property. 26595

(G)(1) "Mortgage broker" means any of the following: 26596

~~(1)~~(a) A person that holds that person out as being able to 26597
assist a buyer in obtaining a mortgage and charges or receives 26598
from either the buyer or lender money or other valuable 26599
consideration readily convertible into money for providing this 26600
assistance; 26601

~~(2)~~(b) A person that solicits financial and mortgage 26602
information from the public, provides that information to a 26603
mortgage broker or a person that makes residential mortgage loans, 26604
and charges or receives from ~~the mortgage broker~~ either of them 26605
money or other valuable consideration readily convertible into 26606
money for providing the information; 26607

~~(3)~~(c) A person engaged in table-funding or warehouse-lending 26608
mortgage loans that are first lien residential mortgage loans. 26609

(2) "Mortgage broker" does not include any of the following: 26610

(a) A person that makes residential mortgage loans and 26611
receives a scheduled payment on each of those mortgage loans; 26612

(b) Any entity chartered and lawfully doing business under 26613
the authority of any law of this state, another state, or the 26614
United States as a bank, savings bank, trust company, savings and 26615
loan association, or credit union, or a subsidiary of any such 26616
entity, which subsidiary is regulated by a federal banking agency 26617

<u>and is owned and controlled by a depository institution;</u>	26618
<u>(c) A consumer reporting agency that is in substantial</u>	26619
<u>compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 15</u>	26620
<u>U.S.C.A. 1681a, as amended;</u>	26621
<u>(d) Any political subdivision, or any governmental or other</u>	26622
<u>public entity, corporation, instrumentality, or agency, in or of</u>	26623
<u>the United States or any state;</u>	26624
<u>(e) A college or university, or controlled entity of a</u>	26625
<u>college or university, as those terms are defined in section</u>	26626
<u>1713.05 of the Revised Code;</u>	26627
<u>(f) Any entity created solely for the purpose of securitizing</u>	26628
<u>loans secured by an interest in real estate, provided the entity</u>	26629
<u>does not service the loans. For purposes of division (G)(2)(f) of</u>	26630
<u>this section "securitizing" means the packaging and sale of</u>	26631
<u>mortgage loans as a unit for sale as investment securities, but</u>	26632
<u>only to the extent of those activities.</u>	26633
<u>(g) Any person engaged in the retail sale of manufactured</u>	26634
<u>homes, mobile homes, or industrialized units if, in connection</u>	26635
<u>with obtaining financing by others for those retail sales, the</u>	26636
<u>person only assists the borrower by providing or transmitting the</u>	26637
<u>loan application and does not do any of the following:</u>	26638
<u>(i) Offer or negotiate the residential mortgage loan rates or</u>	26639
<u>terms;</u>	26640
<u>(ii) Provide any counseling with borrowers about residential</u>	26641
<u>mortgage loan rates or terms;</u>	26642
<u>(iii) Receive any payment or fee from any company or</u>	26643
<u>individual for assisting the borrower obtain or apply for</u>	26644
<u>financing to purchase the manufactured home, mobile home, or</u>	26645

<u>industrialized unit:</u>	26646
<u>(iv) Assist the borrower in completing the residential mortgage loan application.</u>	26647 26648
<u>(h) A mortgage banker, provided it complies with section 1322.022 of the Revised Code and holds a valid letter of exemption issued by the superintendent. For purposes of this section, "mortgage banker" means any person that makes, services, buys, or sells residential mortgage loans secured by a first lien, that underwrites the loans, and that meets at least one of the following criteria:</u>	26649 26650 26651 26652 26653 26654 26655
<u>(i) The person has been directly approved by the United States department of housing and urban development as a nonsupervised mortgagee with participation in the direct endorsement program. Division (G)(2)(h)(i) of this section includes a person that has been directly approved by the United States department of housing and urban development as a nonsupervised mortgagee with participation in the direct endorsement program and that makes loans in excess of the applicable loan limit set by the federal national mortgage association, provided that the loans in all respects, except loan amounts, comply with the underwriting and documentation requirements of the United States department of housing and urban development. Division (G)(2)(h)(i) of this section does not include a mortgagee approved as a loan correspondent.</u>	26656 26657 26658 26659 26660 26661 26662 26663 26664 26665 26666 26667 26668 26669
<u>(ii) The person has been directly approved by the federal national mortgage association as a seller/servicer. Division (G)(2)(h)(ii) of this section includes a person that has been directly approved by the federal national mortgage association as a seller/servicer and that makes loans in excess of the applicable loan limit set by the federal national mortgage association, provided that the loans in all respects, except loan amounts, comply with the underwriting and documentation requirements of the</u>	26670 26671 26672 26673 26674 26675 26676 26677

federal national mortgage association. 26678

(iii) The person has been directly approved by the federal home loan mortgage corporation as a seller/servicer. Division (G)(2)(h)(iii) of this section includes a person that has been directly approved by the federal home loan mortgage corporation as a seller/servicer and that makes loans in excess of the applicable loan limit set by the federal home loan mortgage corporation, provided that the loans in all respects, except loan amounts, comply with the underwriting and documentation requirements of the federal home loan mortgage corporation. 26679
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(iv) The person has been directly approved by the United States department of veterans affairs as a nonsupervised automatic lender. Division (G)(2)(h)(iv) of this section does not include a person directly approved by the United States department of veterans affairs as a nonsupervised lender, an agent of a nonsupervised automatic lender, or an agent of a nonsupervised lender. 26688
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(i) A nonprofit organization that is recognized as tax exempt under 26 U.S.C. 501(c)(3) and whose primary activity is the construction, remodeling, or rehabilitation of homes for use by low income families, provided that the nonprofit organization makes no-profit mortgage loans or mortgage loans at zero per cent interest to low income families and no fees accrue directly to the nonprofit organization from those mortgage loans and that the United States department of housing and urban development does not deny this exemption. 26695
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(j) A credit union service organization, provided that the organization utilizes services provided by registered loan originators or that it holds a valid letter of exemption issued by the superintendent under section 1322.023 of the Revised Code and complies with that section. 26704
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(H) "Operations manager" means the ~~individual~~ <u>employee or owner</u> responsible for the everyday operations, compliance requirements, and management of a mortgage broker business.	26709 26710 26711
(I) " ~~Originate~~ <u>Registered loan originator</u> " means ~~to do any~~ <u>an individual to whom both of the following apply:</u>	26712 26713
(1) ~~Negotiate or arrange, or offer to negotiate or arrange, a mortgage loan between a person that makes or funds mortgage loans and a buyer;~~ <u>The individual is a loan originator and an employee of a depository institution, a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency, or an institution regulated by the farm credit administration.</u>	26714 26715 26716 26717 26718 26719 26720
(2) ~~Issue a commitment for a mortgage loan to a buyer;~~	26721
(3) ~~Place, assist in placement, or find a mortgage loan for a buyer~~ <u>The individual is registered with, and maintains a unique identifier through, the nationwide mortgage licensing system and registry.</u>	26722 26723 26724 26725
(J) "Registrant" means any person that has been issued a mortgage broker certificate of registration under sections 1322.01 to 1322.12 of the Revised Code.	26726 26727 26728
(K) "Superintendent of financial institutions" includes the deputy superintendent for consumer finance as provided in section 1181.21 of the Revised Code.	26729 26730 26731
(L) "Table-funding mortgage loan" means a <u>residential</u> mortgage loan transaction in which the <u>residential</u> mortgage loan is initially payable to the mortgage broker, the mortgage broker does not use the mortgage broker's own funds to fund the transaction, and, by the terms of the mortgage or other agreement, the mortgage is simultaneously assigned to another person.	26732 26733 26734 26735 26736 26737

(M) "Warehouse-lending mortgage loan" means a residential mortgage loan transaction in which the residential mortgage loan is initially payable to the mortgage broker, the mortgage broker uses the mortgage broker's own funds to fund the transaction, and the mortgage is sold or assigned before the mortgage broker receives a scheduled payment on the residential mortgage loan.

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(N) "Administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry, and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

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(O) "Appraisal company" means a sole proprietorship, partnership, corporation, limited liability company, or any other business entity or association, that employs or retains the services of a person licensed or certified under Chapter 4763. of the Revised Code for purposes of performing residential real estate appraisals for mortgage loans.

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(P) "Depository institution" has the same meaning as in section 3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 1813, and includes any credit union.

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(Q) "Federal banking agency" means the board of governors of the federal reserve system, the comptroller of the currency, the director of the office of thrift supervision, the national credit union administration, and the federal deposit insurance corporation.

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(R) "Immediate family" means an individual's spouse, child, stepchild, parent, stepparent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, or sister-in-law.

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(S) "Individual" means a natural person.

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(T) "Loan processor or underwriter" means an individual who 26767
performs clerical or support duties at the direction of and 26768
subject to the supervision and instruction of a licensed loan 26769
originator or registered loan originator. For purposes of this 26770
division, "clerical or support duties" includes the following 26771
activities: 26772

(1) The receipt, collection, distribution, and analysis of 26773
information common for the processing or underwriting of a 26774
residential mortgage loan; 26775

(2) Communicating with a buyer to obtain the information 26776
necessary for the processing or underwriting of a loan, to the 26777
extent the communication does not include offering or negotiating 26778
loan rates or terms or counseling buyers about residential 26779
mortgage loan rates or terms. 26780

(U) "Nationwide mortgage licensing system and registry" means 26781
a mortgage licensing system developed and maintained by the 26782
conference of state bank supervisors and the American association 26783
of residential mortgage regulators, or their successor entities, 26784
for the licensing and registration of loan originators, or any 26785
system established by the secretary of housing and urban 26786
development pursuant to the "Secure and Fair Enforcement for 26787
Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101. 26788

(V) "Nontraditional mortgage product" means any mortgage 26789
product other than a thirty-year fixed rate mortgage. 26790

(W) "Real estate brokerage activity" means any activity that 26791
involves offering or providing real estate brokerage services to 26792
the public, including all of the following: 26793

(1) Acting as a real estate agent or real estate broker for a 26794
buyer, seller, lessor, or lessee of real property; 26795

<u>(2) Bringing together parties interested in the sale,</u>	26796
<u>purchase, lease, rental, or exchange of real property, other than</u>	26797
<u>in connection with providing financing for any such transaction;</u>	26798
<u>(3) Negotiating, on behalf of any party, any portion of a</u>	26799
<u>contract relating to the sale, purchase, lease, rental, or</u>	26800
<u>exchange of real property, other than in connection with providing</u>	26801
<u>financing for any such transaction;</u>	26802
<u>(4) Engaging in any activity for which a person engaged in</u>	26803
<u>that activity is required to be registered or licensed as a real</u>	26804
<u>estate agent or real estate broker under any applicable law;</u>	26805
<u>(5) Offering to engage in any activity, or to act in any</u>	26806
<u>capacity, described in division (W) of this section.</u>	26807
<u>(X) "Residential mortgage loan" means any loan primarily for</u>	26808
<u>personal, family, or household use that is secured by a mortgage</u>	26809
<u>on a dwelling or on residential real estate upon which is</u>	26810
<u>constructed or intended to be constructed a dwelling. For</u>	26811
<u>purposes of this division, "dwelling" has the same meaning as in</u>	26812
<u>section 103 of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C</u>	26813
<u>1602.</u>	26814
<u>(Y) "State," in the context of referring to states in</u>	26815
<u>addition to Ohio, means any state of the United States, the</u>	26816
<u>district of Columbia, any territory of the United States, Puerto</u>	26817
<u>Rico, Guam, American Samoa, the trust territory of the Pacific</u>	26818
<u>islands, the virgin islands, and the northern Mariana islands;</u>	26819
<u>(Z) "Unique identifier" means a number or other identifier</u>	26820
<u>that permanently identifies a loan originator and is assigned by</u>	26821
<u>protocols established by the nationwide mortgage licensing system</u>	26822
<u>and registry or federal banking agencies to facilitate electronic</u>	26823
<u>tracking of loan originators and uniform identification of, and</u>	26824

public access to, the employment history of and the publicly 26825
adjudicated disciplinary and enforcement actions against loan 26826
originators. 26827

Sec. 1322.02. (A)(1) No person, on the person's own behalf 26828
or on behalf of any other person, shall act as a mortgage broker 26829
without first having obtained a certificate of registration from 26830
the superintendent of financial institutions for every office to 26831
be maintained by the person for the transaction of business as a 26832
mortgage broker in this state. A registrant shall maintain an 26833
office location in this state for the transaction of business as a 26834
mortgage broker in this state. 26835

(2) No person shall act or hold that person's self out as a 26836
mortgage broker under the authority or name of a registrant or 26837
person exempt from sections 1322.01 to 1322.12 of the Revised Code 26838
without first having obtained a certificate of registration from 26839
the superintendent for every office to be maintained by the person 26840
for the transaction of business as a mortgage broker in this 26841
state. 26842

(B)(1) ~~No person, on the person's own behalf or on behalf of~~ 26843
~~any other person, individual~~ shall act as a loan officer 26844
originator without first having obtained a license from the 26845
superintendent. A loan ~~officer~~originator shall be employed by or 26846
associated with a mortgage broker or any person or entity listed 26847
in division (G)(2) of section 1322.01 of the Revised Code, but 26848
shall not be employed by or associated with more than one 26849
mortgage broker or person or entity at any one time. 26850

(2) An individual acting under the individual's authority as 26851
a registered loan originator shall not be required to be licensed 26852
under division (B)(1) of this section. 26853

(C)(1) ~~The following persons are exempt from sections 1322.01~~ 26854
~~to 1322.12 of the Revised Code only with respect to business~~ 26855

~~engaged in or authorized by their charter, license, authority,~~ 26856
~~approval, or certificate, or as otherwise authorized by division~~ 26857
~~(C)(1)(g) of this section:~~ 26858

~~(a) A bank, savings bank, savings and loan association,~~ 26859
~~credit union, or credit union service organization organized under~~ 26860
~~the laws of this state, another state, or the United States, or a~~ 26861
~~subsidiary or affiliate of a bank, savings bank, savings and loan~~ 26862
~~association, credit union, or credit union service organization.~~ 26863
~~As used in this division, "affiliate" means an entity that~~ 26864
~~controls, is controlled by, or is under common control with, a~~ 26865
~~bank, savings bank, savings and loan association, credit union, or~~ 26866
~~credit union service organization and that the board of governors~~ 26867
~~of the federal reserve system, the comptroller of the currency,~~ 26868
~~the office of thrift supervision, the federal deposit insurance~~ 26869
~~corporation, or the national credit union administration has the~~ 26870
~~authority to examine, supervise, and regulate including with~~ 26871
~~respect to the affiliate's compliance with applicable consumer~~ 26872
~~protection requirements.~~ 26873

~~(b) A budget and debt counseling service, as defined in~~ 26874
~~division (D) of section 2716.03 of the Revised Code, provided that~~ 26875
~~the service is a nonprofit organization exempt from taxation under~~ 26876
~~section 501(c)(3) of the "Internal Revenue Code of 1986," 100~~ 26877
~~Stat. 2085, 26 U.S.C.A. 501, as amended, and that the service is~~ 26878
~~in compliance with Chapter 4710. of the Revised Code;~~ 26879

~~(c) A consumer reporting agency that is in substantial~~ 26880
~~compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 15~~ 26881
~~U.S.C.A. 1681a, as amended;~~ 26882

~~(d) Any political subdivision, or any governmental or other~~ 26883
~~public entity, corporation, or agency, in or of the United States~~ 26884
~~or any state of the United States;~~ 26885

~~(e) A college or university, or controlled entity of a~~ 26886

college or university, as defined in section 1713.05 of the
Revised Code;

(f) A person registered under sections 1321.51 to 1321.60 of
the Revised Code, provided that not more than five per cent of the
person's mortgage loans constitute table-funding mortgage loans or
warehouse lending mortgage loans. Division (C)(1)(f) of this
section does not include any person that is also registered or
licensed under sections 1322.01 to 1322.12 of the Revised Code.

(g) A mortgage banker. For purposes of division (C)(1)(g) of
this section, "mortgage banker" means any person that makes,
services, buys, or sells mortgage loans, that underwrites the
loans, and that meets at least one of the following criteria:

(i) The person has been directly approved by the United
States department of housing and urban development as a
nonsupervised mortgagee with participation in the direct
endorsement program. Division (C)(1)(g)(i) of this section
includes a person that has been directly approved by the United
States department of housing and urban development as a
nonsupervised mortgagee with participation in the direct
endorsement program and that makes loans in excess of the
applicable loan limit set by the federal national mortgage
association, provided that the loans in all respects, except loan
amounts, comply with the underwriting and documentation
requirements of the United States department of housing and urban
development. Division (C)(1)(g)(i) of this section does not
include a mortgagee approved as a loan correspondent.

(ii) The person has been directly approved by the federal
national mortgage association as a seller/servicer. Division (C)
(1)(g)(ii) of this section includes a person that has been
directly approved by the federal national mortgage association as
a seller/servicer and that makes loans in excess of the applicable
loan limit set by the federal national mortgage association;

provided that the loans in all respects, except loan amounts, 26919
comply with the underwriting and documentation requirements of the 26920
federal national mortgage association. 26921

(iii) The person has been directly approved by the federal 26922
home loan mortgage corporation as a seller/servicer. Division (C) 26923
(1)(g)(iii) of this section includes a person that has been 26924
directly approved by the federal home loan mortgage corporation as 26925
a seller/servicer and that makes loans in excess of the applicable 26926
loan limit set by the federal home loan mortgage corporation, 26927
provided that the loans in all respects, except loan amounts, 26928
comply with the underwriting and documentation requirements of the 26929
federal home loan mortgage corporation. 26930

(iv) The person has been directly approved by the United 26931
States department of veterans affairs as a nonsupervised automatic 26932
lender. Division (C)(1)(g)(iv) of this section does not include a 26933
person directly approved by the United States department of 26934
veterans affairs as a nonsupervised lender, an agent of a 26935
nonsupervised automatic lender, or an agent of a nonsupervised 26936
lender. 26937

(h) A person created solely for the purpose of securitizing 26938
loans secured by an interest in real estate, provided the person 26939
does not service the loans. For purposes of division (C)(1)(h) of 26940
this section, "securitizing" means the packaging and sale of 26941
mortgage loans as a unit for sale as investment securities, but 26942
only to the extent of those activities. Each licensee shall 26943
register with, and maintain a valid unique identifier issued by, 26944
the nationwide mortgage licensing system and registry. 26945

(2) Any individual who is employed by a person exempt from 26946
sections 1322.01 to 1322.12 of the Revised Code is also exempt 26947
from those sections to the extent the individual is acting within 26948
the scope of the individual's employment and within the scope of 26949
the exempt person's charter, license, authority, approval, or 26950

certificate No person shall use a licensee's unique identifier for 26951
any purpose other than as set forth in the "Secure and Fair 26952
Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 26953
12 U.S.C. 5101. 26954

Sec. 1322.022. (A) A mortgage banker seeking exemption from 26955
registration pursuant to division (G)(2)(h) of section 1322.01 of 26956
the Revised Code shall submit an application to the superintendent 26957
of financial institutions along with a nonrefundable fee of three 26958
hundred fifty dollars for each location of an office to be 26959
maintained by the mortgage banker. The application shall be in a 26960
form prescribed by the superintendent and shall include all of the 26961
following: 26962

(1) The mortgage banker's business name and state of 26963
incorporation or business registration; 26964

(2) The names of the owners, officers, or partners having 26965
control of the business; 26966

(3) An attestation to all of the following: 26967

(a) That the mortgage banker and its owners, officers, or 26968
partners identified in division (A)(2) of this section have not 26969
had a mortgage banker license, mortgage broker certificate of 26970
registration, or loan originator license, or any comparable 26971
authority, revoked in any governmental jurisdiction; 26972

(b) That the mortgage banker and its owners, officers, or 26973
partners identified in division (A)(2) of this section have not 26974
been convicted of, or pleaded guilty to, any of the following in 26975
a domestic, foreign, or military court: 26976

(i) During the seven-year period immediately preceding the 26977
date of application for exemption, any felony or a misdemeanor 26978
involving theft; 26979

<u>(ii) At any time prior to the date the application for exemption is approved, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering.</u>	26980
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<u>(c) That, with respect to financing residential mortgage loans, the mortgage banker conducts business with residents of this state, or secures its loans with property located in this state, under authority of an approval described in division (G)(2)(h) of section 1322.01 of the Revised Code.</u>	26983
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<u>(4) The names of all loan originators or licensees under the mortgage banker's control and direction;</u>	26988
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<u>(5) An acknowledgment of understanding that the mortgage banker is subject to the regulatory authority of the division of financial institutions as provided in this section;</u>	26990
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<u>(6) Any further reasonable information that the superintendent may require.</u>	26993
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<u>(B)(1) If the superintendent determines that the mortgage banker honestly made the attestation required under division (A)(3) of this section and otherwise qualifies for exemption, the superintendent shall issue a letter of exemption. Additional certified copies of a letter of exemption shall be provided upon request and the payment of seventy-five dollars per copy.</u>	26995
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<u>(2) If the superintendent determines that the mortgage banker does not qualify for exemption, the superintendent shall issue a notice of denial, and the mortgage banker may request a hearing in accordance with Chapter 119. of the Revised Code.</u>	27001
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<u>(C) All of the following conditions apply to any mortgage banker holding a valid letter of exemption:</u>	27005
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<u>(1) The mortgage banker shall be subject to examination in</u>	27007
<u>the same manner as a registrant with respect to the conduct of the</u>	27008
<u>mortgage banker's loan originators. In conducting any out-of-state</u>	27009
<u>examination, a mortgage banker shall be responsible for paying the</u>	27010
<u>costs of the division in the same manner as a registrant.</u>	27011
<u>(2) The mortgage banker shall have an affirmative duty to</u>	27012
<u>supervise the conduct of its loan originators, and to cooperate</u>	27013
<u>with investigations by the division with respect to that conduct,</u>	27014
<u>in the same manner as is required of registrants.</u>	27015
<u>(3) The mortgage banker shall keep and maintain records of</u>	27016
<u>all transactions relating to the conduct of its loan originators</u>	27017
<u>in the same manner as is required of registrants.</u>	27018
<u>(4) The mortgage banker may provide the surety bond for its</u>	27019
<u>licensees in the same manner as is permitted for registrants.</u>	27020
<u>(D) A letter of exemption expires annually on the</u>	27021
<u>thirty-first day of December and may be renewed on or before that</u>	27022
<u>date by submitting an application that meets the requirements of</u>	27023
<u>division (A) of this section and a nonrefundable renewal fee of</u>	27024
<u>three hundred fifty dollars for each location of an office to be</u>	27025
<u>maintained by the mortgage banker.</u>	27026
<u>(E) The superintendent may issue a notice to revoke or</u>	27027
<u>suspend a letter of exemption if the superintendent finds that the</u>	27028
<u>letter was obtained through a false or fraudulent representation</u>	27029
<u>of a material fact, or the omission of a material fact, required</u>	27030
<u>by law, or that a condition for exemption is no longer being met.</u>	27031
<u>Prior to issuing an order of revocation or suspension, the</u>	27032
<u>mortgage banker shall be given an opportunity for a hearing in</u>	27033
<u>accordance with Chapter 119. of the Revised Code.</u>	27034
<u>(F) All information obtained by the division pursuant to an</u>	27035
<u>examination or investigation under this section shall be subject</u>	27036

to the confidentiality requirements set forth in section 1322.061 27037
of the Revised Code. 27038

(G) All money collected under this section shall be deposited 27039
into the state treasury to the credit of the consumer finance fund 27040
created in section 1321.21 of the Revised Code. 27041

(H) A mortgage banker that holds a valid letter of exemption, 27042
and any licensee employed by the mortgage banker, shall not be 27043
required to comply with section 1322.062 of the Revised Code with 27044
respect to any transaction covered under the authority of an 27045
approval described in division (G)(2)(h) of section 1322.01 of the 27046
Revised Code. Compliance shall be required, however, with respect 27047
to transactions not covered under the authority of an approval 27048
described in that division. 27049

Sec. 1322.023. (A) A credit union service organization 27050
seeking exemption from registration pursuant to division (G)(2)(j) 27051
of section 1322.01 of the Revised Code shall submit an application 27052
to the superintendent of financial institutions along with a 27053
nonrefundable fee of three hundred fifty dollars for each location 27054
of an office to be maintained by the organization. The application 27055
shall be in a form prescribed by the superintendent and shall 27056
include all of the following: 27057

(1) The organization's business name and state of 27058
incorporation; 27059

(2) The names of the owners, officers, or partners having 27060
control of the organization; 27061

(3) An attestation to all of the following: 27062

(a) That the organization and its owners, officers, or 27063
partners identified in division (A)(2) of this section have not 27064
had a mortgage broker certificate of registration or loan 27065

<u>originator license, or any comparable authority, revoked in any</u>	27066
<u>governmental jurisdiction;</u>	27067
<u>(b) That the organization and its owners, officers, or</u>	27068
<u>partners identified in division (A)(2) of this section have not</u>	27069
<u>been convicted of, or pleaded guilty to, any of the following in a</u>	27070
<u>domestic, foreign, or military court:</u>	27071
<u>(i) During the seven-year period immediately preceding the</u>	27072
<u>date of application for exemption, any felony or a misdemeanor</u>	27073
<u>involving theft;</u>	27074
<u>(ii) At any time prior to the date the application for</u>	27075
<u>exemption is approved, a felony involving an act of fraud,</u>	27076
<u>dishonesty, a breach of trust, theft, or money laundering.</u>	27077
<u>(c) That, with respect to financing residential mortgage</u>	27078
<u>loans, the organization conducts business with residents of this</u>	27079
<u>state or secures its loans with property located in this state.</u>	27080
<u>(4) The names of all loan originators or licensees under the</u>	27081
<u>organization's control and direction;</u>	27082
<u>(5) An acknowledgment of understanding that the organization</u>	27083
<u>is subject to the regulatory authority of the division of</u>	27084
<u>financial institutions;</u>	27085
<u>(6) Any further information that the superintendent may</u>	27086
<u>require.</u>	27087
<u>(B)(1) If the superintendent determines that the credit union</u>	27088
<u>service organization honestly made the attestation required under</u>	27089
<u>division (A)(3) of this section and otherwise qualifies for</u>	27090
<u>exemption, the superintendent shall issue a letter of exemption.</u>	27091
<u>Additional certified copies of a letter of exemption shall be</u>	27092
<u>provided upon request and the payment of seventy-five dollars per</u>	27093

<u>copy.</u>	27094
<u>(2) If the superintendent determines that the organization does not qualify for exemption, the superintendent shall issue a notice of denial, and the organization may request a hearing in accordance with Chapter 119. of the Revised Code.</u>	27095 27096 27097 27098
<u>(C) All of the following conditions apply to any credit union service organization holding a valid letter of exemption:</u>	27099 27100
<u>(1) The organization shall be subject to examination in the same manner as a registrant with respect to the conduct of the organization's loan originators. In conducting any out-of-state examination, the organization shall be responsible for paying the costs of the division in the same manner as a registrant.</u>	27101 27102 27103 27104 27105
<u>(2) The organization shall have an affirmative duty to supervise the conduct of its loan originators, and to cooperate with investigations by the division with respect to that conduct, in the same manner as is required of registrants.</u>	27106 27107 27108 27109
<u>(3) The organization shall keep and maintain records of all transactions relating to the conduct of its loan originators in the same manner as is required of registrants.</u>	27110 27111 27112
<u>(4) The organization may provide the surety bond for its licensees in the same manner as is permitted for registrants.</u>	27113 27114
<u>(D) A letter of exemption expires annually on the thirty-first day of December and may be renewed on or before that date by submitting an application that meets the requirements of division (A) of this section and a nonrefundable renewal fee of three hundred fifty dollars for each location of an office to be maintained by the credit union service organization.</u>	27115 27116 27117 27118 27119 27120
<u>(E) The superintendent may issue a notice to revoke or</u>	27121

suspend a letter of exemption if the superintendent finds that the 27122
letter was obtained through a false or fraudulent representation of 27123
a material fact, or the omission of a material fact, required by 27124
law, or that a condition for exemption is no longer being met. 27125
Prior to issuing an order of revocation or suspension, the credit 27126
union service organization shall be given an opportunity for a 27127
hearing in accordance with Chapter 119. of the Revised Code. 27128

(F) All information obtained by the division pursuant to an 27129
examination or investigation under this section shall be subject 27130
to the confidentiality requirements set forth in section 1322.061 27131
of the Revised Code. 27132

(G) All money collected under this section shall be deposited 27133
into the state treasury to the credit of the consumer finance fund 27134
created in section 1321.21 of the Revised Code. 27135

Sec. 1322.024. The superintendent of financial institutions 27136
may, by rule, expand the definition of loan originator or 27137
mortgage broker in section 1322.01 of the Revised Code by adding 27138
individuals, persons, or entities, or may exempt additional 27139
individuals, persons, or entities from those definitions, if the 27140
superintendent finds that the addition or exemption is consistent 27141
with the purposes fairly intended by the policy and provisions of 27142
sections 1322.01 to 1322.12 of the Revised Code and the "Secure 27143
and Fair Enforcement for Mortgage Licensing Act of 2008," 122 27144
Stat. 2810, 12 U.S.C. 5101. 27145

Rules authorized by this section shall be adopted in 27146
accordance with Chapter 119. of the Revised Code. 27147

Sec. 1322.025. (A) Notwithstanding any provision of sections 27148
1322.01 to 1322.12 of the Revised Code, or any rule adopted 27149
thereunder, if the "Secure and Fair Enforcement for Mortgage 27150
Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101, as 27151
amended, is modified after the effective date of this section, or 27152

any regulation, statement, or position is adopted under that act, 27153
and the item modified or adopted affects any matter within the 27154
scope of sections 1322.01 to 1322.12 of the Revised Code, the 27155
superintendent of financial institutions may by rule adopt a 27156
similar provision. 27157

(B) The superintendent shall adopt the rules authorized by 27158
this section in accordance with section 111.15 of the Revised 27159
Code. Chapter 119. of the Revised Code does not apply to rules 27160
adopted under the authority of this section. 27161

(C) A rule adopted by the superintendent under the authority 27162
of this section is effective on the later of the following dates: 27163

(1) The date the superintendent issues the rule; 27164

(2) The date the regulation, rule, interpretation, procedure, 27165
or guideline the superintendent's rule is based on becomes 27166
effective. 27167

(D) The superintendent may, upon thirty days' written notice, 27168
revoke any rule adopted under the authority of this section. A 27169
rule adopted under the authority of this section, and not revoked 27170
by the superintendent, lapses and has no further force and effect 27171
eighteen months after the rule's effective date. 27172

Sec. 1322.03. (A) An application for a certificate of 27173
registration as a mortgage broker shall be in writing, under oath, 27174
and in the form prescribed by the superintendent of financial 27175
institutions. The application shall be accompanied by a 27176
nonrefundable application fee of ~~three~~five hundred ~~fifty~~ dollars 27177
for each location of an office to be maintained by the applicant 27178
in accordance with division (A) of section 1322.02 of the Revised 27179
Code; ~~however, an applicant that is registered under sections~~ 27180
~~1321.51 to 1321.60 of the Revised Code shall not be required to~~ 27181
~~pay an application fee~~and any additional fee required by the 27182

nationwide mortgage licensing system and registry. The application shall provide all of the following:

(1) The location or locations where the business is to be transacted and whether any location is a residence. If any location where the business is to be transacted is a residence, the superintendent may require that the application shall be accompanied by a certified copy of a zoning permit authorizing the use of the residence for commercial purposes, or shall be accompanied by a written opinion or other document issued by the county or political subdivision where the residence is located certifying that the use of the residence to transact business as a mortgage broker is not prohibited by the county or political subdivision. The application also shall be accompanied by a photograph of each location at which the business will be transacted.

(2)(a) In the case of a sole proprietor, the name and address of the sole proprietor;

(b) In the case of a partnership, the name and address of each partner;

(c) In the case of a corporation, the name and address of each shareholder owning five per cent or more of the corporation;

(d) In the case of any other entity, the name and address of any person that owns five per cent or more of the entity that will transact business as a mortgage broker.

(3) ~~If the applicant is a partnership, corporation, limited liability company, or any other business entity or association,~~ Each applicant shall designate an employee or owner of the applicant as the applicant's operations manager. While acting as the operations manager, the employee or owner shall be licensed as a loan originator under sections 1322.01 to 1322.12 of the Revised

Code and shall not be employed by any other mortgage broker. 27213

(4) Evidence that the ~~sole proprietor or the person~~ 27214
designated on the application pursuant to division (A)(3) of this 27215
section, ~~as applicable~~, possesses at least three years of 27216
experience in the residential mortgage and lending field, which 27217
experience may include employment with or as a mortgage broker or 27218
with a financial depository institution, mortgage lending 27219
institution, or other lending institution, or possesses at least 27220
three years of other experience related specifically to the 27221
business of residential mortgage loans that the superintendent 27222
determines meets the requirements of division (A)(4) of this 27223
section; 27224

(5) ~~On or after January 1, 2007, evidence~~ Evidence that the 27225
~~sole proprietor or the person~~ designated on the application 27226
pursuant to division (A)(3) of this section has successfully 27227
completed ~~either of the following~~: 27228

(a) ~~At least twenty-four hours of live classroom~~ 27229
pre-licensing instruction in a course or program of study 27230
~~approved by the superintendent that consists of at least all of~~ 27231
~~the following~~: 27232

(i) ~~Four hours of instruction concerning state and federal~~ 27233
~~mortgage lending laws, which shall include no less than two hours~~ 27234
~~on this chapter~~; 27235

(ii) ~~Four hours of instruction concerning the Ohio consumer~~ 27236
~~sales practices act, Chapter 1345. of the Revised Code, as it~~ 27237
~~applies to registrants and licensees~~; 27238

(iii) ~~Four hours of instruction concerning the loan~~ 27239
~~application process~~; 27240

(iv) ~~Two hours of instruction concerning the underwriting~~ 27241

process;	27242
(v) Two hours of instruction concerning the secondary market for mortgage loans;	27243 27244
(vi) Four hours of instruction concerning the loan closing process;	27245 27246
(vii) Two hours of instruction covering basic mortgage financing concepts and terms;	27247 27248
(viii) Two hours of instruction concerning the ethical responsibilities of a registrant, including with respect to confidentiality, consumer counseling, and the duties and standards of care created in section 1322.081 of the Revised Code.	27249 27250 27251 27252
(b) Other post-secondary education related specifically to the business of mortgage loans that the superintendent determines meets the requirements of division (A)(5)(a) of this section.	27253 27254 27255
Division (A)(5) of this section does not apply to any applicant who has an application on file with the division of financial institutions prior to January 1, 2007.	27256 27257 27258
The evidence submitted by the applicant pursuant to division (A)(5) of this section may be in the form of transcripts or a statement indicating that the applicant has, and will maintain, transcripts at the applicant's place of business for a period of five years for inspection by the superintendent at the superintendent's request requirements set forth in section 1322.031 of the Revised Code.	27259 27260 27261 27262 27263 27264 27265
(6) Evidence of compliance with the surety bond requirements of section 1322.05 of the Revised Code and with sections 1322.01 to 1322.12 of the Revised Code;	27266 27267 27268

(7) In the case of a foreign business entity, evidence that
it maintains a license or registration pursuant to Chapter 1703.,
1705., 1775., 1776., 1777., 1782., or 1783. of the Revised Code to
transact business in this state;

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(8) ~~A statement as to whether the applicant or, to the best
of the applicant's knowledge, any shareholder, member, partner,
operations manager, or employee of the applicant has been
convicted of or pleaded guilty to any criminal offense involving
theft, receiving stolen property, embezzlement, forgery, fraud,
passing bad checks, money laundering, or drug trafficking, or any
criminal offense involving money or securities;~~

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(9) ~~A statement as to whether the applicant or, to the best
of the applicant's knowledge, any shareholder, member, partner,
operations manager, or employee of the applicant has been subject
to any adverse judgment for conversion, embezzlement,
misappropriation of funds, fraud, misfeasance or malfeasance, or
breach of fiduciary duty;~~

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(10) Evidence that the applicant's operations manager has
successfully completed the ~~examination~~written test required under
division (A) of section 1322.051 of the Revised Code;

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~~(11)~~(9) Any further information that the superintendent
requires.

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(B) Upon the filing of the application and payment of the
nonrefundable application fee and any fee required by the
nationwide mortgage licensing system and registry, the
superintendent of financial institutions shall investigate the
applicant, and any individual whose identity is required to be
disclosed in the application, as set forth in division (B) of
this section.

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(1) ~~The~~(a) Notwithstanding division (K) of section 121.08 of

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the Revised Code, the superintendent shall obtain a criminal history records check and, as part of that records check, request that criminal record information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall requestdo either of the following:

(i) Request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints or, if the fingerprints are unreadable, based on the applicant's social security number, in accordance with division (A)(11)(12) of section 109.572 of the Revised Code. ~~Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of financial institutions shall;~~

(ii) Authorize the nationwide mortgage licensing system and registry to request that criminal record information from the federal bureau of investigation be obtained as part of the a criminal recordshistory background check. ~~Any~~

(b) Any fee required under division (C)(3) of section 109.572 of the Revised Code or by the nationwide mortgage licensing system and registry shall be paid by the applicant.

(2) The superintendent shall conduct a civil records check.

(3) If, in order to issue a certificate of registration to an applicant, additional investigation by the superintendent outside this state is necessary, the superintendent may require the applicant to advance sufficient funds to pay the actual expenses of the investigation, if it appears that these expenses will exceed ~~three~~five hundred ~~fifty~~ dollars. The superintendent shall provide the applicant with an itemized statement of the actual expenses that the applicant is required to pay.

(C) The superintendent shall pay all funds advanced and

application and renewal fees and penalties the superintendent
receives pursuant to this section and section 1322.04 of the
Revised Code to the treasurer of state to the credit of the
consumer finance fund created in section 1321.21 of the Revised
Code.

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(D) If an application for a mortgage broker certificate of
registration does not contain all of the information required
under division (A) of this section, and if that information is not
submitted to the superintendent within ninety days after the
superintendent requests the information in writing, the
superintendent may consider the application withdrawn.

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(E) A mortgage broker certificate of registration and the
authority granted under that certificate is not transferable or
assignable and cannot be franchised by contract or any other
means.

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(F) The registration requirements of this chapter apply to
any person acting as a mortgage broker, and no person is exempt
from the requirements of this chapter on the basis of prior work
or employment as a mortgage broker.

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(G) The superintendent may establish relationships or enter
into contracts with the nationwide mortgage licensing system and
registry, or any entities designated by it, to collect and
maintain records and process transaction fees or other fees
related to mortgage broker certificates of registration or the
persons associated with a mortgage broker.

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Sec. 1322.031. (A) An application for a license as a loan
~~officer~~originator shall be in writing, under oath, and in the
form prescribed by the superintendent of financial institutions.
The application shall be accompanied by a nonrefundable
application fee of one hundred fifty dollars and ~~shall provide all~~
~~of the following:~~

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~~(1) The name and address of the applicant;~~	27360
~~(2) A statement as to whether the applicant has been convicted of or pleaded guilty to any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities;~~	27361 27362 27363 27364 27365
~~(3) A statement as to whether the applicant has been subject to an adverse judgment for conversion, embezzlement, misappropriation of funds, fraud, misfeasance or malfeasance, or breach of fiduciary duty;~~	27366 27367 27368 27369
~~(4) For loan officer applications submitted on or after January 1, 2007, <u>proof</u> any additional fee required by the nationwide mortgage licensing system and registry.~~	27370 27371 27372
<u>(B)(1) The application shall provide evidence, acceptable to the superintendent, that the applicant has successfully completed at least twenty-four hours of pre-licensing instruction consisting of all of the following:</u>	27373 27374 27375 27376
<u>(a) Twenty hours of instruction in a course or program of study reviewed and approved by the nationwide mortgage licensing system and registry;</u>	27377 27378 27379
<u>(b) Four hours of instruction in a course or program of study reviewed and approved by the superintendent concerning state lending laws and the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees.</u>	27380 27381 27382 27383 27384
<u>(2) Notwithstanding division (B)(1) of this section, until the nationwide mortgage licensing system and registry implements a review and approval program, the application shall provide</u>	27385 27386 27387

<u>evidence</u> , as determined by the superintendent, that the applicant	27388
has successfully completed at least twenty-four hours of ~~live~~	27389
~~classroom~~ instruction in a course or program of study approved by	27390
the superintendent that consists of at least all of the	27391
following:	27392
(a) Four hours of instruction concerning state and federal	27393
mortgage lending laws, which shall include no less than two hours	27394
on this chapter;	27395
(b) Four hours of instruction concerning the Ohio consumer	27396
sales practices act, Chapter 1345. of the Revised Code, as it	27397
applies to registrants and licensees;	27398
(c) Four hours of instruction concerning the loan application	27399
process;	27400
(d) Two hours of instruction concerning the underwriting	27401
process;	27402
(e) Two hours of instruction concerning the secondary market	27403
for mortgage loans;	27404
(f) Four hours of instruction concerning the loan closing	27405
process;	27406
(g) Two hours of instruction covering basic mortgage	27407
financing concepts and terms;	27408
(h) Two hours of instruction concerning the ethical	27409
responsibilities of a <u>registrant and a</u> licensee, including with	27410
respect to confidentiality, consumer counseling, and the duties	27411
and standards of care created in section 1322.081 of the Revised	27412
Code.	27413
~~Division (A)(4) of this section does not apply to any~~	27414

applicant who has an application on file with the division of 27415
financial institutions prior to January 1, 2007. 27416

~~The proof submitted by the applicant pursuant to division 27417
(A)(4) of this section may be in the form of transcripts or a 27418
statement indicating that the applicant has, and will maintain, 27419
transcripts at the applicant's place of business for a period of 27420
five years for inspection by the superintendent at the 27421
superintendent's request. 27422~~

~~(5)(3) For purposes of division (B)(1)(a) of this section, 27423
the review and approval of a course or program of study includes 27424
the review and approval of the provider of the course or program 27425
of study. 27426~~

~~(4) If an applicant held a valid loan originator license 27427
issued by this state at any time during the immediately preceding 27428
five-year period, the applicant shall not be required to complete 27429
any additional pre-licensing instruction. For this purpose, any 27430
time during which the individual is a registered loan originator 27431
shall not be taken into account. 27432~~

~~(5) A person having successfully completed the pre-licensing 27433
education requirement reviewed and approved by the nationwide 27434
mortgage licensing system and registry for any state within the 27435
previous five years shall be granted credit toward completion of 27436
the pre-licensing education requirement of this state. 27437~~

~~(C) In addition to the information required under division 27438
(B) of this section, the application shall provide both of the 27439
following: 27440~~

~~(1) Evidence that the applicant passed a written test that 27441
meets the requirements described in division (B) of section 27442
1322.051 of the Revised Code; 27443~~

(2) Any further information that the superintendent requires.	27444
(B)(D) Upon the filing of the application and payment of the application fee <u>and any fee required by the nationwide mortgage licensing system and registry</u> , the superintendent of financial institutions shall investigate the applicant as set forth in division (B)(D) of this section.	27445 27446 27447 27448 27449
(1) ~~The~~ (a) <u>Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent shall obtain a criminal history records check and, as part of the records check, request that criminal record information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall request</u> do either of the following:	27450 27451 27452 27453 27454 27455
(i) <u>Request</u> the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints <u>or, if the fingerprints are unreadable, based on the applicant's social security number</u> , in accordance with division (A)(11)(12) of section 109.572 of the Revised Code. ~~Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of financial institutions shall;~~	27456 27457 27458 27459 27460 27461 27462 27463
(ii) <u>Authorize the nationwide mortgage licensing system and registry to request</u> ~~that criminal record information from the federal bureau of investigation be obtained as part of the a criminal records~~ <u>history background</u> check. ~~Any~~	27464 27465 27466 27467
(b) <u>Any</u> fee required under division (C)(3) of section 109.572 of the Revised Code <u>or by the nationwide mortgage licensing system and registry</u> shall be paid by the applicant.	27468 27469 27470
(2) The superintendent shall conduct a civil records check.	27471
(3) If, in order to issue a license to an applicant,	27472

additional investigation by the superintendent outside this state 27473
is necessary, the superintendent may require the applicant to 27474
advance sufficient funds to pay the actual expenses of the 27475
investigation, if it appears that these expenses will exceed one 27476
hundred fifty dollars. The superintendent shall provide the 27477
applicant with an itemized statement of the actual expenses that 27478
the applicant is required to pay. 27479

(C)(E)(1) In connection with applying for a loan originator 27480
license, the applicant shall furnish to the nationwide mortgage 27481
licensing system and registry the following information 27482
concerning the applicant's identity: 27483

(a) The applicant's fingerprints for submission to the 27484
federal bureau of investigation, and any other governmental agency 27485
or entity authorized to receive such information, for purposes of 27486
a state, national, and international criminal history background 27487
check; 27488

(b) Personal history and experience in a form prescribed by 27489
the nationwide mortgage licensing system and registry, along with 27490
authorization for the superintendent and the nationwide mortgage 27491
licensing system and registry to obtain the following: 27492

(i) An independent credit report from a consumer reporting 27493
agency; 27494

(ii) Information related to any administrative, civil, or 27495
criminal findings by any governmental jurisdiction. 27496

(2) In order to effectuate the purposes of divisions 27497
(E)(1)(a) and (E)(1)(b)(ii) of this section, the superintendent 27498
may use the conference of state bank supervisors, or a wholly 27499
owned subsidiary, as a channeling agent for requesting information 27500
from and distributing information to the United States department 27501
of justice or any other governmental agency. The superintendent 27502

may also use the nationwide mortgage licensing system and registry 27503
as a channeling agent for requesting information from and 27504
distributing information to any source related to matters subject 27505
to those divisions of this section. 27506

(F) The superintendent shall pay all funds advanced and 27507
application and renewal fees and penalties the superintendent 27508
receives pursuant to this section and section 1322.041 of the 27509
Revised Code to the treasurer of state to the credit of the 27510
consumer finance fund created in section 1321.21 of the Revised 27511
Code. 27512

~~(D)~~(G) If an application for a loan originator license does 27513
not contain all of the information required under ~~division (A)~~ of 27514
this section, and if that information is not submitted to the 27515
superintendent within ninety days after the superintendent 27516
requests the information in writing, the superintendent may 27517
consider the application withdrawn. 27518

~~(E)~~(H)(1) The business of a loan ~~officer~~originator shall 27519
principally be transacted at an office of the ~~employing~~ mortgage 27520
broker with whom the licensee is employed or associated, which 27521
office is registered in accordance with division (A) of section 27522
1322.02 of the Revised Code. Each original loan originator license 27523
shall be deposited with and maintained by the ~~employing~~ mortgage 27524
broker at the mortgage broker's main office. A copy of the license 27525
shall be maintained and displayed at the office where the loan 27526
~~officer~~originator principally transacts business. 27527

(2) If a loan ~~officer's~~originator's employment or 27528
association is terminated for any reason, the mortgage broker 27529
shall return the original loan originator license to the 27530
superintendent within five business days after the termination. 27531
The licensee may request the transfer of the license to another 27532
mortgage broker by submitting a ~~relocation~~transfer application, 27533
along with a fifteen dollar fee and any fee required by the 27534

national mortgage licensing system and registry, to the 27535
superintendent or may request the superintendent in writing to 27536
hold the license in escrow for a period not to exceed one year. 27537
Any licensee whose license is held in escrow shall cease activity 27538
as a loan ~~officer~~originator. A licensee whose license is held in 27539
escrow shall be required to apply for renewal annually and to 27540
comply with the annual continuing education requirement. 27541

(3) A mortgage broker may employ or be associated with a loan 27542
officeroriginator on a temporary basis pending the transfer of 27543
the loan ~~officer's~~originator's license to the mortgage broker, if 27544
the mortgage broker receives written confirmation from the 27545
superintendent that the loan ~~officer~~originator is licensed under 27546
sections 1322.01 to 1322.12 of the Revised Code. 27547

~~(F)~~(4) Notwithstanding divisions (H)(1) to (3) of this 27548
section, if a licensee is employed by or associated with a person 27549
or entity listed in division (G)(2) of section 1322.01 of the 27550
Revised Code, all of the following apply: 27551

(a) The licensee shall maintain and display the original loan 27552
originator license at the office where the licensee principally 27553
transacts business; 27554

(b) If the loan originator's employment or association is 27555
terminated, the loan originator shall return the original loan 27556
originator license to the superintendent within five business days 27557
after termination. The licensee may request the transfer of the 27558
license to a mortgage broker or another person or entity listed in 27559
division (G)(2) of section 1322.01 of the Revised Code by 27560
submitting a transfer application, along with a fifteen dollar fee 27561
and any fee required by the national mortgage licensing system and 27562
registry, to the superintendent or may request the superintendent 27563
in writing to hold the license in escrow. A licensee whose license 27564
is held in escrow shall cease activity as a loan originator. A 27565
licensee whose license is held in escrow shall be required to 27566

apply for renewal annually and to comply with the annual 27567
continuing education requirement. 27568

(c) The licensee may seek to be employed or associated with a 27569
mortgage broker or person or entity listed in division (G)(2) of 27570
section 1322.01 of the Revised Code if the mortgage broker or 27571
person or entity receives written confirmation from the 27572
superintendent that the loan originator is licensed under sections 27573
1322.01 to 1322.12 of the Revised Code. 27574

(I) The superintendent may establish relationships or enter 27575
into contracts with the nationwide mortgage licensing system and 27576
registry, or any entities designated by it, to collect and 27577
maintain records and process transaction fees or other fees 27578
related to loan originator licenses or the persons associated with 27579
a licensee. 27580

(J) A loan originator license, or the authority granted under 27581
that license, is not assignable and cannot be franchised by 27582
contract or any other means. 27583

Sec. 1322.04. (A) Upon the conclusion of the investigation 27584
required under division (B) of section 1322.03 of the Revised 27585
Code, the superintendent of financial institutions shall issue a 27586
certificate of registration to the applicant if the superintendent 27587
finds that the following conditions are met: 27588

(1) ~~Except as otherwise provided in division (A) of section~~ 27589
~~1322.03 of the Revised Code, the~~The application is accompanied by 27590
the application fee and any fee required by the nationwide 27591
mortgage licensing system and registry. If 27592

(a) If a check or other draft instrument is returned to the 27593
superintendent for insufficient funds, the superintendent shall 27594
notify the applicant by certified mail, return receipt requested, 27595
that the application will be withdrawn unless the applicant, 27596

within thirty days after receipt of the notice, submits the 27597
application fee and a one-hundred-dollar penalty to the 27598
superintendent. If the applicant does not submit the application 27599
fee and penalty within that time period, or if any check or other 27600
draft instrument used to pay the fee or penalty is returned to the 27601
superintendent for insufficient funds, the application shall be 27602
withdrawn. 27603

(b) If a check or other draft instrument is returned to the 27604
superintendent for insufficient funds after the certificate of 27605
registration has been issued, the superintendent shall notify the 27606
registrant by certified mail, return receipt requested, that the 27607
certificate of registration issued in reliance on the check or 27608
other draft instrument will be canceled unless the registrant, 27609
within thirty days after receipt of the notice, submits the 27610
application fee and a one-hundred-dollar penalty to the 27611
superintendent. If the registrant does not submit the application 27612
fee and penalty within that time period, or if any check or other 27613
draft instrument used to pay the fee or penalty is returned to the 27614
superintendent for insufficient funds, the certificate of 27615
registration shall be canceled immediately without a hearing, and 27616
the registrant shall cease activity as a mortgage broker. 27617

(2) If the application is for a location that is a residence, 27618
~~that the applicant has obtained a valid zoning permit authorizing~~ 27619
~~the use of the residence for commercial purposes, or has obtained~~ 27620
~~a valid written opinion or other document issued by the county or~~ 27621
~~political subdivision where the residence is located certifying~~ 27622
evidence that the use of the residence to transact business as a 27623
mortgage broker is not prohibited ~~by the county or political~~ 27624
~~subdivision. The application also is accompanied by a photograph~~ 27625
~~of each location at which the mortgage broker's business will be~~ 27626
~~transacted.~~ 27627

(3) ~~The sole proprietor or the person designated on the~~ 27628

application pursuant to division (A)(3) of section 1322.03 of the Revised Code, ~~as applicable~~, meets the experience requirements provided in division (A)(4) of section 1322.03 of the Revised Code and the education requirements set forth in division (A)(5) of section 1322.03 of the Revised Code.

(4) The applicant maintains all ~~licenses~~ necessary filings and ~~registrations~~ approvals required by the secretary of state.

(5) The applicant complies with the surety bond requirements of section 1322.05 of the Revised Code.

(6) The applicant complies with sections 1322.01 to 1322.12 of the Revised Code and the rules adopted thereunder.

(7) Neither the applicant nor any ~~shareholder, member, partner, operations manager, or employee of the applicant~~ person whose identity is required to be disclosed on an application for a mortgage broker certificate of registration has had a mortgage broker certificate of registration or loan originator license, or any comparable authority, revoked in any governmental jurisdiction or has pleaded guilty to or been convicted of any criminal offense ~~described in division (A)(8) of section 1322.03 of the Revised Code or any violation of an existing or former law of this state, any other state, or the United States that substantially is equivalent to a criminal offense described in that division. However, if the applicant or any of those other persons has pleaded guilty to or been convicted of any such offense other than theft, the superintendent shall not consider the offense if the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's or other person's activities and employment record since the conviction show that the applicant or other person is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant or other person will commit such an offense~~ again of the following in a domestic, foreign, or military court:

(a) During the seven-year period immediately preceding the 27661
date of application for the certificate of registration, any 27662
felony or a misdemeanor involving theft; 27663

(b) At any time prior to the date the application for the 27664
certificate of registration is approved, a felony involving an act 27665
of fraud, dishonesty, a breach of trust, theft, or money 27666
laundering. 27667

~~(8) Neither the applicant nor any shareholder, member,~~ 27668
~~partner, operations manager, or employee of the applicant has been~~ 27669
~~subject to any adverse judgment for conversion, embezzlement,~~ 27670
~~misappropriation of funds, fraud, misfeasance or malfeasance, or~~ 27671
~~breach of fiduciary duty, or, if the applicant or any of those~~ 27672
~~other persons has been subject to such a judgment~~ 27673
Based on the 27674
totality of the circumstances and information submitted in the 27675
application, the applicant has proven to the superintendent, by a 27676
preponderance of the evidence, that the applicant's or other 27677
person's activities and employment record since the judgment show 27678
that the applicant or other person is honest, truthful, and of 27679
good reputation, and there is no basis in fact for believing that 27680
the applicant or other person will be subject to such a judgment 27681
again business repute, appears qualified to act as a mortgage 27682
broker, has fully complied with sections 1322.01 to 1322.12 of the 27683
Revised Code and the rules adopted thereunder, and meets all of 27684
the conditions for issuing a mortgage broker certificate of 27685
registration.

(9) The applicant's operations manager successfully completed 27686
the examination required under division (A) of section 1322.051 of 27687
the Revised Code. 27688

(10) The applicant's financial responsibility, experience, 27689
character, and general fitness command the confidence of the 27690
public and warrant the belief that the business will be operated 27691

honestly and fairly in compliance with the purposes of sections 27692
1322.01 to 1322.12 of the Revised Code and the rules adopted 27693
thereunder. The superintendent shall not use a credit score as the 27694
sole basis for registration denial. 27695

(B) For purposes of determining whether an applicant that is 27696
a partnership, corporation, or other business entity or 27697
association has met the conditions set forth in divisions (A)(7), 27698
(A)(8), and (A)(10) of this section, the superintendent shall 27699
determine which partners, shareholders, or persons named in the 27700
application pursuant to division (A)(2) of section 1322.03 of the 27701
Revised Code must meet the conditions set forth in divisions 27702
(A)(7), (A)(8), and (A)(10) of this section. This determination 27703
shall be based on the extent and nature of the partner's, 27704
shareholder's, or person's ownership interest in the partnership, 27705
corporation, or other business entity or association that is the 27706
applicant and on whether the person is in a position to direct, 27707
control, or adversely influence the operations of the applicant. 27708

~~(B)~~(C) The certificate of registration issued pursuant to 27709
division (A) of this section may be renewed annually on or before 27710
the ~~thirtieth~~thirty-first day of ~~April~~December if the 27711
superintendent finds that all of the following conditions are 27712
met: 27713

(1) The renewal application is accompanied by a nonrefundable 27714
renewal fee of ~~three~~five hundred ~~fifty~~ dollars for each location 27715
of an office to be maintained by the applicant in accordance with 27716
division (A) of section 1322.02 of the Revised Code; ~~however, an~~ 27717
~~applicant that is registered under sections 1321.51 to 1321.60 of~~ 27718
~~the Revised Code shall not be required to pay a renewal fee and~~ 27719
any fee required by the nationwide mortgage licensing system and 27720
registry. If a check or other draft instrument is returned to the 27721
superintendent for insufficient funds, the superintendent shall 27722
notify the registrant by certified mail, return receipt requested, 27723

that the certificate of registration renewed in reliance on the
check or other draft instrument will be canceled unless the
registrant, within thirty days after receipt of the notice,
submits the renewal fee and a one-hundred-dollar penalty to the
superintendent. If the registrant does not submit the renewal fee
and penalty within that time period, or if any check or other
draft instrument used to pay the fee or penalty is returned to the
superintendent for insufficient funds, the certificate of
registration shall be canceled immediately without a hearing and
the registrant shall cease activity as a mortgage broker.

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(2) ~~On and after January 1, 2003, the~~ The operations manager
designated under division (A)(3) of section 1322.03 of the Revised
Code has completed, ~~during the immediately preceding calendar~~
~~year~~, at least ~~six~~eight hours of continuing education as required
under section 1322.052 of the Revised Code.

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(3) The applicant meets the conditions set forth in divisions
(A)(2) to (10) of this section.

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(4) The applicant's mortgage broker certificate of
registration is not subject to an order of suspension or
~~revocation~~an unpaid and past due fine imposed by the
superintendent.

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~~(C)(D)~~(1) Subject to division ~~(C)(D)~~(2) of this section, if a
renewal fee or additional fee required by the nationwide mortgage
licensing system and registry is received by the superintendent
after the ~~thirtieth~~thirty-first day of ~~April~~December, the
mortgage broker certificate of registration shall not be
considered renewed, and the applicant shall cease activity as a
mortgage broker ~~and apply for a certificate of registration as a~~
~~mortgage broker.~~

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(2) Division ~~(C)(D)~~(1) of this section shall not apply if the
applicant, no later than the thirty-first day of ~~May~~January,

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submits the renewal fee or additional fee and a one-hundred-dollar
penalty to the superintendent. 27755
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~~(D)~~(E) If the person designated as the operations manager 27757
pursuant to division (A)(3) of section 1322.03 of the Revised Code 27758
is no longer the operations manager, the registrant shall do all 27759
of the following: 27760

(1) ~~Designate~~Within ninety days after the departure of the 27761
designated operations manager, designate another person as the 27762
operations manager; 27763

(2) Within ten days after the designation described in 27764
division ~~(D)~~(E)(1) of this section, notify the superintendent in 27765
writing of the designation; 27766

(3) Submit any additional information that the superintendent 27767
requires to establish that the newly designated operations manager 27768
complies with the ~~experience~~ requirements set forth in ~~division~~ 27769
~~(A)(4)~~ of section 1322.03 of the Revised Code. 27770

(F) The registrant shall cease operations if it is without 27771
an operations manager approved by the superintendent for more than 27772
one hundred eighty days unless otherwise authorized in writing by 27773
the superintendent due to exigent circumstances. 27774

(G) Mortgage broker certificates of registration issued on or 27775
after May 1, 2010, annually expire on the thirty-first day of 27776
December. 27777

Sec. 1322.041. (A) Upon the conclusion of the investigation 27778
required under division ~~(B)~~(D) of section 1322.031 of the Revised 27779
Code, the superintendent of financial institutions shall issue a 27780
loan ~~officer~~originator license to the applicant if the 27781
superintendent finds that the following conditions are met: 27782

(1) The application is accompanied by the application fee and 27783
any fee required by the nationwide mortgage licensing system and 27784
registry. If 27785

(a) If a check or other draft instrument is returned to the 27786
superintendent for insufficient funds, the superintendent shall 27787
notify the applicant by certified mail, return receipt requested, 27788
that the application will be withdrawn unless the applicant, 27789
within thirty days after receipt of the notice, submits the 27790
application fee and a one-hundred-dollar penalty to the 27791
superintendent. If the applicant does not submit the application 27792
fee and penalty within that time period, or if any check or other 27793
draft instrument used to pay the fee or penalty is returned to the 27794
superintendent for insufficient funds, the application shall be 27795
withdrawn. 27796

(b) If a check or other draft instrument is returned to the 27797
superintendent for insufficient funds after the license has been 27798
issued, the superintendent shall notify the licensee by certified 27799
mail, return receipt requested, that the license issued in 27800
reliance on the check or other draft instrument will be canceled 27801
unless the licensee, within thirty days after receipt of the 27802
notice, submits the application fee and a one-hundred-dollar 27803
penalty to the superintendent. If the licensee does not submit the 27804
application fee and penalty within that time period, or if any 27805
check or other draft instrument used to pay the fee or penalty is 27806
returned to the superintendent for insufficient funds, the license 27807
shall be canceled immediately without a hearing, and the licensee 27808
shall cease activity as a loan officer/originator. 27809

(2) The applicant complies with sections 1322.01 to 1322.12 27810
of the Revised Code and the rules adopted thereunder. 27811

(3) ~~The~~(a) During the seven-year period immediately 27812
preceding the date of application for the license, the applicant 27813
has not been convicted of or pleaded guilty to any criminal 27814

~~offense described in division (A)(2) of section 1322.031 of the~~ 27815
~~Revised Code and the applicant has not pleaded guilty to or been~~ 27816
~~convicted of a violation of an existing or former law of this~~ 27817
~~state, any other state, or the United States that substantially~~ 27818
~~is equivalent to a criminal offense described in that division.~~ 27819
However, if felony or a misdemeanor involving theft in a domestic, 27820
foreign, or military court. 27821

(b) At any time prior to the date the application for the 27822
license is approved, the applicant has not been convicted of or 27823
pleaded guilty to ~~any such offense other than theft, the~~ 27824
superintendent shall not consider the offense if the applicant 27825
has proven to the superintendent, by a preponderance of the 27826
evidence, that the applicant's activities and employment record 27827
since the conviction show that the applicant is honest, 27828
truthful, and of good reputation, and there is no basis in fact 27829
for believing that the applicant will commit such an offense 27830
again a felony involving an act of fraud, dishonesty, a breach 27831
of trust, theft, or money laundering in a domestic, foreign, or 27832
military court. 27833

(4) ~~The applicant has not been subject to an adverse judgment~~ 27834
~~for conversion, embezzlement, misappropriation of funds, fraud,~~ 27835
~~misfeasance or malfeasance, or breach of fiduciary duty, or, if~~ 27836
~~the applicant has been subject to such a judgment~~Based on the 27837
totality of the circumstances and information submitted in the 27838
application, the applicant has proven to the superintendent, by a 27839
preponderance of the evidence, that the ~~applicant's activities and~~ 27840
~~employment record since the judgment show that the applicant is~~ 27841
~~honest, truthful, and of good reputation, and there is no basis~~ 27842
~~in fact for believing that the applicant will be subject to such~~ 27843
~~a judgment again~~business repute, appears qualified to act as a 27844
loan originator, has fully complied with sections 1322.01 to 27845
1322.12 of the Revised Code and the rules adopted thereunder, and 27846
meets all of the conditions for issuing a loan originator license. 27847

(5) The applicant successfully completed the ~~examination~~ written test required under division (B) of section 1322.051 of the Revised Code and completed the education requirements prelicensing instruction set forth in division ~~(A)(4)(B)~~ of section 1322.031 of the Revised Code.

(6) The applicant's financial responsibility, character, and general fitness command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of sections 1322.01 to 1322.12 of the Revised Code. The superintendent shall not use a credit score as the sole basis for a license denial.

(7) The applicant is in compliance with the surety bond requirements of section 1322.05 of the Revised Code.

(8) The applicant has not had a loan originator license, or comparable authority, revoked in any governmental jurisdiction.

(B) The license issued under division (A) of this section may be renewed annually on or before the ~~thirtieth~~ thirty-first day of ~~April~~ December if the superintendent finds that all of the following conditions are met:

(1) The renewal application is accompanied by a nonrefundable renewal fee of one hundred fifty dollars and any fee required by the nationwide mortgage licensing system and registry. If a check or other draft instrument is returned to the superintendent for insufficient funds, the superintendent shall notify the licensee by certified mail, return receipt requested, that the license renewed in reliance on the check or other draft instrument will be canceled unless the licensee, within thirty days after receipt of the notice, submits the renewal fee and a one-hundred-dollar penalty to the superintendent. If the licensee does not submit the renewal fee and penalty within that time period, or if any

check or other draft instrument used to pay the fee or penalty is
returned to the superintendent for insufficient funds, the
license shall be canceled immediately without a hearing, and the
licensee shall cease activity as a loan officer~~originator~~.

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(2) ~~On and after January 1, 2003, the loan officer~~The
applicant has completed, during the immediately preceding calendar
year, at least sixeight hours of continuing education as required
under section 1322.052 of the Revised Code.

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(3) The applicant meets the conditions set forth in divisions
(A)(2) to ~~(6)~~(8) of this section.

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(4) The applicant's license is not subject to an order of
suspension or ~~revocation~~an unpaid and past due fine imposed by
the superintendent.

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(C)(1) Subject to division (C)(2) of this section, if a
license renewal application or renewal fee, including any fee
required by the nationwide mortgage licensing system and registry,
is received by the superintendent after the ~~thirtieth~~thirty-first
day of ~~April~~December, the license shall not be considered
renewed, and the applicant shall cease activity as a loan officer
originator.

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(2) Division (C)(1) of this section shall not apply if the
applicant, no later than the thirty-first day of ~~May~~January,
submits the renewal application and ~~fee~~fees and a
one-hundred-dollar penalty to the superintendent.

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(D) Loan originator licenses issued on or after May 1, 2010,
annually expire on the thirty-first day of December.

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Sec. 1322.05. (A)(1) No registrant shall conduct business
in this state, unless the registrant has obtained and maintains in
effect at all times a corporate surety bond issued by a bonding

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company or insurance company authorized to do business in this 27907
state. The bond shall be in favor of the superintendent of 27908
financial institutions and in the penal sum of at least one-half 27909
per cent of the aggregate loan amount of residential mortgage 27910
loans originated in the immediately preceding calendar year, but 27911
not exceeding one hundred fifty thousand dollars. Under no 27912
circumstances, however, shall the bond be less than fifty thousand 27913
dollars and an additional penal sum of ten thousand dollars for 27914
each location, in excess of one, at which the registrant conducts 27915
business. The term of the bond shall coincide with the term of 27916
registration. A copy of the bond shall be filed with the 27917
superintendent. The bond shall be for the exclusive benefit of 27918
any buyer injured by a violation by an employee of the 27919
registrant, licensee loan originator employed by or associated 27920
with the registrant, or registrant of any provision of sections 27921
1322.01 to 1322.12 of the Revised Code or any rule adopted 27922
thereunder. The aggregate liability of the corporate surety for 27923
any and all breaches of the conditions of the bond shall not 27924
exceed the penal sum of the bond. 27925

(2)(a) No licensee who is employed by or associated with a 27926
person or entity listed in division (G)(2) of section 1322.01 of 27927
the Revised Code shall conduct business in this state, unless 27928
either the licensee or the person or entity on the licensee's 27929
behalf has obtained and maintains in effect at all times a 27930
corporate surety bond issued by a bonding company or insurance 27931
company authorized to do business in this state. The bond shall be 27932
in favor of the superintendent of financial institutions and in 27933
the penal sum of one-half per cent of the aggregate loan amount of 27934
residential mortgage loans originated in the immediately preceding 27935
calendar year, but not exceeding one hundred thousand dollars. 27936
Under no circumstances, however, shall the bond be less than fifty 27937
thousand dollars. The term of the bond shall coincide with the 27938
term of licensure. A copy of the bond shall be filed with the 27939
superintendent. The bond shall be for the exclusive benefit of any 27940

buyer injured by a violation by the licensee of any provision of 27941
sections 1322.01 to 1322.12 of the Revised Code or any rule 27942
adopted thereunder. The aggregate liability of the corporate 27943
surety for any and all breaches of the conditions of the bond 27944
shall not exceed the penal sum of the bond. 27945

(b) Licensees covered by a corporate surety bond obtained by 27946
a registrant, or by a person or entity listed in division (G)(2) 27947
of section 1322.01 of the Revised Code, they are employed by or 27948
associated with shall not be required to obtain an individual 27949
bond. 27950

(B)(1)(a) The registrant shall give notice to the 27951
superintendent by certified mail of any action that is brought by 27952
a buyer against the registrant ~~or, loan officer of the registrant~~ 27953
originator, or employee alleging injury by a violation of any 27954
provision of sections 1322.01 to 1322.12 of the Revised Code or 27955
any rule adopted thereunder, and of any judgment that is entered 27956
against the registrant ~~or, loan officer of the registrant~~ 27957
originator, or employee by a buyer injured by a violation of any 27958
provision of sections 1322.01 to 1322.12 of the Revised Code or 27959
any rule adopted thereunder. The notice shall provide details 27960
sufficient to identify the action or judgment, and shall be filed 27961
with the superintendent within ten days after the commencement of 27962
the action or notice to the registrant of entry of a judgment. 27963

(b) The licensee shall give notice to the superintendent by 27964
certified mail of any action that is brought by a buyer against 27965
the licensee alleging injury by a violation of any provision of 27966
sections 1322.01 to 1322.12 of the Revised Code or any rule 27967
adopted thereunder, and of any judgment that is entered against 27968
the licensee by a buyer injured by a violation of any provision of 27969
sections 1322.01 to 1322.12 of the Revised Code or any rule 27970
adopted thereunder. The notice shall provide details sufficient to 27971
identify the action or judgment, and shall be filed with the 27972

superintendent within ten days after the commencement of the 27973
action or notice to the licensee of entry of a judgment. A person 27974
or entity listed in division (G)(2) of section 1322.01 of the 27975
Revised Code that secures bonding for the licensees employed by or 27976
associated with the person or entity shall report such actions or 27977
judgments in the same manner as is required of registrants. 27978

(2) A corporate surety, within ten days after it pays any 27979
claim or judgment, shall give notice to the superintendent by 27980
certified mail of the payment, with details sufficient to identify 27981
the person and the claim or judgment paid. 27982

(C) Whenever the penal sum of the corporate surety bond is 27983
reduced by one or more recoveries or payments, the registrant or 27984
licensee shall furnish a new or additional bond under this 27985
section, so that the total or aggregate penal sum of the bond or 27986
bonds equals the sum required by this section, or shall furnish an 27987
endorsement executed by the corporate surety reinstating the bond 27988
to the required penal sum of it. 27989

(D) The liability of the corporate surety on the bond to the 27990
superintendent and to any buyer injured by a violation of any 27991
provision of sections 1322.01 to 1322.12 of the Revised Code or 27992
any rule adopted thereunder shall not be affected in any way by 27993
any misrepresentation, breach of warranty, or failure to pay the 27994
premium, by any act or omission upon the part of the registrant or 27995
licensee, by the insolvency or bankruptcy of the registrant or 27996
licensee, or by the insolvency of the registrant's or licensee's 27997
estate. The liability for any act or omission that occurs during 27998
the term of the corporate surety bond shall be maintained and in 27999
effect for at least two years after the date on which the 28000
corporate surety bond is terminated or canceled. 28001

(E) The corporate surety bond shall not be canceled by the 28002
registrant, the licensee, or the corporate surety except upon 28003
notice to the superintendent by certified mail, return receipt 28004

requested. The cancellation shall not be effective prior to thirty 28005
days after the superintendent receives the notice. 28006

(F) No registrant or licensee employed by or associated with 28007
a person or entity listed in division (G)(2) of section 1322.01 of 28008
the Revised Code shall fail to comply with this section. Any 28009
registrant or licensee that fails to comply with this section 28010
shall cease all mortgage broker or loan originator activity in 28011
this state until the registrant or licensee complies with this 28012
section. 28013

Sec. 1322.051. (A) Each person designated under division 28014
(A)(3) of section 1322.03 of the Revised Code to act as operations 28015
manager for a mortgage broker business shall submit to ~~an~~ 28016
~~examination~~ a written test approved by the superintendent of 28017
financial institutions. An individual shall not be considered to 28018
have passed the written test unless the individual achieves a test 28019
score of at least seventy-five per cent correct answers to all 28020
questions. 28021

(B) Each applicant for a loan ~~officer~~ originator license 28022
shall submit to ~~an examination approved by the superintendent~~ 28023
a written test that is developed and approved by the nationwide 28024
mortgage licensing system and registry and administered by a test 28025
provider approved by the nationwide mortgage licensing system and 28026
registry based on reasonable standards. 28027

(1) The test shall adequately measure the applicant's 28028
knowledge and comprehension in appropriate subject areas, 28029
including ethics, federal and state law related to mortgage 28030
origination, fraud, consumer protection, and the nontraditional 28031
mortgage marketplace, and fair lending issues. 28032

(2) An individual shall not be considered to have passed the 28033
written test unless the individual achieves a test score of at 28034
least seventy-five per cent correct answers on all questions and 28035

at least seventy-five per cent correct answers on all questions 28036
relating to state mortgage lending laws and the Ohio consumer 28037
sales practices act, Chapter 1345. of the Revised Code, as it 28038
applies to registrants and licensees. 28039

(3) An individual may retake the test three consecutive times 28040
provided the period between taking the tests is at least thirty 28041
days. If an individual fails three consecutive tests, the 28042
individual shall be required to wait at least six months before 28043
taking the test again. 28044

(4) If a loan originator fails to maintain a valid loan 28045
originator license for a period of five years or longer, the 28046
individual shall be required to retake the test. 28047

For this purpose, any time during which the individual is a 28048
registered loan originator shall not be taken into account. 28049

(C) Notwithstanding division (B) of this section, until the 28050
nationwide mortgage licensing system and registry implements a 28051
testing process that meets the criteria set forth in that 28052
division, the superintendent shall require each applicant to pass 28053
a written test acceptable to the superintendent. 28054

Sec. 1322.052. ~~On and after January 1, 2002, each~~ (A) Each 28055
licensee and each person designated under division (A)(3) of 28056
section 1322.03 of the Revised Code to act as operations manager 28057
for a mortgage broker business shall complete at least ~~six~~ eight 28058
hours of continuing education every calendar year. To fulfill this 28059
requirement, the ~~six~~ eight hours of continuing education must be 28060
offered in a course or program of study reviewed and approved by 28061
the ~~superintendent of financial institutions~~ nationwide mortgage 28062
licensing system and registry. The course or program of study 28063
shall include all of the following: 28064

(1) Three hours of applicable federal law and regulations; 28065

<u>(2) Two hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues;</u>	28066
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<u>(3) Two hours of training related to lending standards for the nontraditional mortgage product marketplace.</u>	28068
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<u>(B) Continuing education courses shall be reviewed and approved by the nationwide mortgage licensing system and registry based upon reasonable standards.</u>	28070
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<u>(C) The following conditions shall apply to the continuing education required by this section:</u>	28073
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<u>(1) An individual cannot take the same approved course in the same or successive years to meet the annual requirement for continuing education.</u>	28075
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<u>(2) An individual can only receive credit for a continuing education course in the year in which the course is taken, unless the individual is making up a deficiency in continuing education as permitted by rule or order of the superintendent of financial institutions.</u>	28078
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<u>(3) A licensee who subsequently becomes unlicensed must complete the continuing education requirement for the last year in which the license was held prior to the issuance of a new or renewed license.</u>	28083
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<u>(4) A licensee who is approved as an instructor of a continuing education course receives credit for the licensee's own annual continuing education requirement at the rate of two credit hours for every one hour taught.</u>	28087
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<u>(5) If an individual successfully completed a continuing education course reviewed and approved by the nationwide mortgage</u>	28091
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licensing system and registry as required by another state, the 28093
individual can receive credit toward completion of the continuing 28094
education requirement of this state. 28095

(D) Notwithstanding division (A) of this section, until the 28096
nationwide mortgage licensing system and registry implements a 28097
review and approval process, each licensee or person designated 28098
under division (A)(3) of section 1322.03 of the Revised Code shall 28099
provide evidence that the licensee or person has successfully 28100
completed at least eight hours of continuing education in a course 28101
or program of study approved by the superintendent of financial 28102
institutions. 28103

Sec. 1322.06. (A) As often as the superintendent of 28104
financial institutions considers it necessary, the superintendent 28105
may examine the registrant's or licensee's records, including all 28106
records created or processed by a licensee, pertaining to business 28107
transacted pursuant to sections 1322.01 to 1322.12 of the Revised 28108
Code. 28109

(B) A registrant or licensee shall maintain records 28110
pertaining to business transacted pursuant to sections 1322.01 to 28111
1322.12 of the Revised Code, including copies of all mortgage loan 28112
origination disclosure statements prepared in accordance with 28113
section 1322.062 of the Revised Code, for four years. ~~No~~For 28114
purposes of this division, "registrant or licensee" includes any 28115
person whose certificate of registration or license is cancelled, 28116
surrendered, or revoked or who otherwise ceases to engage in 28117
business as a mortgage broker or loan originator. 28118

No registrant or licensee shall fail to comply with this 28119
division. 28120

(C) Each registrant and licensee shall submit to the 28121
nationwide mortgage licensing system and registry call reports or 28122
other reports of condition, which reports shall be in such form 28123

and shall contain such information as the nationwide mortgage 28124
licensing system and registry may require. 28125

(D)(1) As required by the superintendent, each registrant 28126
shall file with the division of financial institutions an annual 28127
report under oath or affirmation, on forms supplied by the 28128
division, concerning the business and operations of the registrant 28129
for the preceding calendar year. If a registrant operates two or 28130
more registered offices, or two or more affiliated registrants 28131
operate registered offices, a composite report of the group of 28132
registered offices may be filed in lieu of individual reports. 28133

(2) The division shall publish annually an analysis of the 28134
information required under division (D)(1) of this section, but 28135
the individual reports shall not be public records and shall not 28136
be open to public inspection or otherwise be subject to section 28137
149.43 of the Revised Code. 28138

Sec. 1322.061. (A)(1) The following information is 28139
confidential: 28140

(a) Examination information, and any information leading to 28141
or arising from an examination; 28142

(b) Investigation information, and any information arising 28143
from or leading to an investigation. 28144

(2) The information described in division (A)(1) of this 28145
section shall remain confidential for all purposes except when it 28146
is necessary for the superintendent of financial institutions to 28147
take official action regarding the affairs of a registrant or 28148
licensee, or in connection with criminal or civil proceedings to 28149
be initiated by a prosecuting attorney or the attorney general. 28150
This information may also be introduced into evidence or disclosed 28151
when and in the manner authorized by section 1181.25 of the 28152
Revised Code. 28153

(B) All application information, except social security numbers, employer identification numbers, financial account numbers, the identity of the institution where financial accounts are maintained, personal financial information, fingerprint cards and the information contained on such cards, and criminal background information, is a public record as defined in section 149.43 of the Revised Code. 28154
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(C) This section does not prevent the division of financial institutions from releasing to or exchanging with other financial institution regulatory authorities information relating to registrants and licensees. For this purpose, a "financial institution regulatory authority" includes a regulator of a business activity in which a registrant or licensee is engaged, or has applied to engage in, to the extent that the regulator has jurisdiction over a registrant or licensee engaged in that business activity. A registrant or licensee is engaged in a business activity, and a regulator of that business activity has jurisdiction over the registrant or licensee, whether the registrant or licensee conducts the activity directly or a subsidiary or affiliate of the registrant or licensee conducts the activity. 28161
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(D) The superintendent shall, on a regular basis, report violations of sections 1322.01 to 1322.12 of the Revised Code, as well as enforcement actions and other relevant information, to the nationwide mortgage licensing system and registry. 28175
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(E)(1) Any confidentiality or privilege arising under federal or state law with respect to any information or material provided to the nationwide mortgage licensing system and registry shall continue to apply to the information or material after the information or material is provided to the nationwide mortgage licensing system and registry. The information and material so provided may be released to any state or federal regulatory 28179
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official with mortgage industry oversight authority without the 28186
loss of confidentiality or privilege protections provided by 28187
federal law or the law of any state. Information or material 28188
described in division (E)(1) of this section to which 28189
confidentiality or privilege applies shall not be subject to any 28190
of the following: 28191

(a) Disclosure under any federal or state law governing 28192
disclosure to the public of information held by an officer or an 28193
agency of the federal government or of the respective state; 28194

(b) Subpoena or discovery, or admission into evidence, in any 28195
private civil action or administrative process, unless the person 28196
to whom such information or material pertains waives, in whole or 28197
in part and at the discretion of the person, any privilege held by 28198
the nationwide mortgage licensing system and registry with respect 28199
to that information or material. 28200

(2) The superintendent, in order to promote more effective 28201
regulation and reduce regulatory burden through supervisory 28202
information sharing, may enter into sharing arrangements with 28203
other governmental agencies, the conference of state bank 28204
supervisors, and the American association of residential mortgage 28205
regulators. 28206

(3) Any state law, including section 149.43 of the Revised 28207
Code, relating to the disclosure of confidential supervisory 28208
information or any information or material described in division 28209
(A)(1) or (E)(1) of this section that is inconsistent with this 28210
section shall be superseded by the requirements of this section. 28211

(F) This section shall not apply with respect to information 28212
or material relating to the employment history of, and publicly 28213
adjudicated disciplinary and enforcement actions against, loan 28214
originators that is included in the nationwide mortgage licensing 28215
system and registry for access by the public. 28216

(G) This section does not prevent the division from releasing information relating to registrants and licensees to the attorney general, to the superintendent of real estate and professional licensing for purposes relating to the administration of Chapters 4735. and 4763. of the Revised Code, to the superintendent of insurance for purposes relating to the administration of Chapter 3953. of the Revised Code, to the commissioner of securities for purposes relating to the administration of Chapter 1707. of the Revised Code, or to local law enforcement agencies and local prosecutors. Information the division releases pursuant to this section remains confidential.

(H) The superintendent of financial institutions shall, by rule adopted in accordance with Chapter 119. of the Revised Code, establish a process by which loan originators may challenge any information provided to the nationwide mortgage licensing system and registry by the superintendent.

Sec. 1322.062. (A)(1) Within three business days after taking an application for a residential mortgage loan from a buyer, a registrant or licensee shall deliver to the buyer a residential mortgage loan origination disclosure statement that contains all of the following:

- (a) The name, address, and telephone number of the buyer;
- (b) The typewritten name of the loan ~~officer~~originator and the number designated on the loan ~~officer's~~originator's license;
- (c) The street address, telephone number, and facsimile number of the registrant and the number designated on the registrant's certificate of registration;
- (d) The signature of the loan ~~officer~~originator or registrant;

(e) A statement indicating whether the buyer is to pay for the services of a bona fide third party if the registrant is unable to assist the buyer in obtaining a mortgage;	28246 28247 28248
(f) A statement that describes the method by which the fee to be paid by the buyer to the registrant will be calculated and a good faith estimate of the total amount of that fee;	28249 28250 28251
(g) A statement that the lender may pay compensation to the registrant;	28252 28253
(h) A description of all the services the registrant has agreed to perform for the buyer;	28254 28255
(i) A statement that the buyer has not entered into an exclusive agreement for brokerage services;	28256 28257
(j) If the <u>residential mortgage</u> loan applied for will exceed ninety per cent of the value of the real property, a statement, printed in boldface type of the minimum size of sixteen points, as follows: "You are applying for a loan that is more than 90% of your home's value. It will be hard for you to refinance this loan. If you sell your home, you might owe more money on the loan than you get from the sale."	28258 28259 28260 28261 28262 28263 28264
(k) To acknowledge receipt, the signature of the buyer.	28265
(2) If the loan is a covered loan as defined in section 1349.25 of the Revised Code, the registrant shall also deliver a copy of the <u>residential</u> mortgage loan origination disclosure statement to the lender.	28266 28267 28268 28269
(B) If there is any change in the information provided under division (A)(1) of this section, the registrant <u>or licensee</u> shall provide the buyer with the revised <u>residential</u> mortgage loan	28270 28271 28272

origination disclosure statement and a written explanation of why 28273
the change occurred no later than twenty-four hours after the 28274
change occurs, or twenty-four hours before the loan is closed, 28275
whichever is earlier. 28276

(C) A registrant or licensee shall deliver to the buyer, 28277
immediately upon receipt, a copy of any nonproprietary or 28278
publicly available credit score and report obtained regarding the 28279
buyer by the registrant or licensee for the purpose of the 28280
residential mortgage loan application; 28281

If the loan ~~officer~~originator or registrant uses an 28282
automated valuation model to determine an appraisal report, the 28283
registrant or licensee also shall include a copy of the automated 28284
valuation model report. 28285

(D) A registrant or licensee shall deliver to the buyer, at 28286
the same time that the registrant or licensee delivers the 28287
residential mortgage loan origination disclosure statement 28288
pursuant to division (A) of this section, a good faith estimate 28289
statement that discloses the amount of or range of charges for 28290
the specific settlement services the buyer is likely to incur in 28291
connection with the residential mortgage loan. The good faith 28292
estimate statement shall meet the requirements of the "Real 28293
Estate Settlement Procedures Act," 88 Stat. 1724 (1974), 12 28294
U.S.C.A. 2601 et seq., and shall include the following underlined 28295
notice in at least ten-point type, new roman style: 28296

"Nature of Relationship: In connection with this residential 28297
mortgage loan, you, the borrower(s), has/have requested assistance 28298
from (company name) in arranging credit. We do not 28299
distribute all products in the marketplace and cannot guarantee 28300
the lowest rate. 28301

Termination: This agreement will continue until one of the 28302

following events occur:	28303
1. The loan closes.	28304
2. The request is denied.	28305
3. The borrower withdraws the request.	28306
4. The borrower decides to use another source for origination.	28307 28308
5. The borrower is provided a revised good faith estimate statement.	28309 28310
Notice to borrower(s): Signing this document does not obligate you to obtain a <u>residential</u> mortgage loan through this mortgage originator nor is this a loan commitment or an approval; nor is your interest rate locked at this time unless otherwise disclosed on a separate Rate Lock Disclosure Form. Do not sign this document until you have read and understood the information in it. You will receive a ~~re-disclosure~~ <u>redisclosure</u> of any increase in interest rate or if the total sum of disclosed settlement/closing costs increases by 10% or more of the original estimate. Should any such increase occur, a mandatory ~~re-disclosure~~ <u>redisclosure</u> must occur prior to the settlement or close of escrow."	28311 28312 28313 28314 28315 28316 28317 28318 28319 28320 28321 28322
(E) No registrant <u>or licensee</u> shall fail to comply with this section.	28323 28324
Sec. 1322.063. (A) In addition to the disclosures required under section 1322.062 of the Revised Code, a registrant <u>or licensee</u> shall, not <u>earlier than three business days nor</u> later than twenty-four hours before a loan is closed, deliver to the	28325 28326 28327 28328

buyer a written disclosure that includes the following:	28329
(1) A statement indicating whether property taxes will be escrowed;	28330 28331
(2) A description of what is covered by the regular monthly payment, including principal, interest, taxes, and insurance, as applicable.	28332 28333 28334
(B) No registrant <u>or licensee</u> shall fail to comply with this section.	28335 28336
Sec. 1322.064. (A) No registrant or licensee shall fail to do either of the following:	28337 28338
(1) Timely inform the buyer of any material change in the terms of the <u>residential mortgage</u> loan. For purposes of division (A)(1) of this section, "material change" means the following:	28339 28340 28341
(a) A change in the type of <u>residential mortgage</u> loan being offered, such as a fixed or variable rate loan or a loan with a balloon payment;	28342 28343 28344
(b) A change in the term of the <u>residential mortgage</u> loan, as reflected in the number of monthly payments due before a final payment is scheduled to be made;	28345 28346 28347
(c) A change in the interest rate of more than 0.15%;	28348
(d) A change in the regular <u>total</u> monthly payment ~~of,~~ <u>including principal and, interest, any required mortgage insurance, and any escrowed taxes or property insurance,</u> of more than five per cent;	28349 28350 28351 28352
(e) A change regarding <u>whether</u> the escrow of taxes or insurance <u>is required</u> ;	28353 28354

(f) A change regarding ~~the payment of whether~~ private mortgage insurance is required. 28355
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(2) Timely inform the buyer if any fees payable by the buyer to the licensee, registrant, or lender increase by more than ten per cent or one hundred dollars, whichever is greater. 28357
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(B) The disclosures required by this section shall be deemed timely if the registrant or licensee provides the buyer with the revised information not later than twenty-four hours after the change occurs, or twenty-four hours before the loan is closed, whichever is earlier. 28360
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(C) If an increase in the total amount of the fee to be paid by the buyer to the registrant or licensee is not disclosed in accordance with division (A)(2) of this section, the registrant or licensee shall refund to the buyer the amount by which the fee was increased. If the fee is financed into the loan, the registrant or licensee shall also refund to the buyer the interest that would accrue over the term of the loan on that excess amount. 28365
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Sec. 1322.065. A person registered as a mortgage broker solely to sell leads of potential buyers to residential mortgage lenders or mortgage brokers, or solely to match buyers with residential mortgage lenders or mortgage brokers through a computerized loan origination system recognized by the United States department of housing and urban development, shall be required to make only those disclosures under sections 1322.01 to 1322.12 of the Revised Code that apply to the portion of the transaction during which they have direct buyer contact, and shall be subject to all fair conduct and prohibition requirements in their dealing with buyers. 28372
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Sec. 1322.07. No ~~mortgage broker~~, registrant, licensee, or applicant for a certificate of registration person required to be registered or licensee licensed under sections 1322.01 to 1322.12 28383
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of the Revised Code, <u>or individual disclosed in an application as</u>	28386
<u>required by division (A)(2) of section 1322.03 of the Revised Code</u>	28387
shall do any of the following:	28388
(A) Obtain a <u>mortgage broker</u> certificate of registration or	28389
<u>loan originator</u> license through any false or fraudulent	28390
representation of a material fact or any omission of a material	28391
fact required by state law, or make any substantial	28392
misrepresentation in any registration or license application;	28393
(B) Make false or misleading statements of a material fact,	28394
omissions of statements required by state <u>or federal</u> law, or false	28395
promises regarding a material fact, through advertising or other	28396
means, or engage in a continued course of misrepresentations;	28397
(C) Engage in conduct that constitutes improper, fraudulent,	28398
or dishonest dealings;	28399
(D) Fail to notify the division of financial institutions	28400
within thirty days after ~~the registrant, licensee, or applicant,~~	28401
~~in a court of competent jurisdiction of this state or any other~~	28402
~~state, is~~ <u>any of the following:</u>	28403
(1) <u>Being convicted of or pleading guilty to a felony in a</u>	28404
<u>domestic, foreign, or military court;</u>	28405
(2) <u>Being convicted of or ~~pleads~~ pleading guilty to any</u>	28406
criminal offense involving theft, receiving stolen property,	28407
embezzlement, forgery, fraud, passing bad checks, money	28408
laundering, <u>breach of trust, dishonesty,</u> or drug trafficking, or	28409
any criminal offense involving money or securities;	28410
(3) <u>Having a mortgage broker certificate of registration or</u>	28411
<u>loan originator license, or any comparable authority, revoked in</u>	28412
<u>any governmental jurisdiction.</u>	28413

(E) Knowingly make, propose, or solicit fraudulent, false, or misleading statements on any mortgage loan document or on any document related to a mortgage loan, including a mortgage application, real estate appraisal, or real estate settlement or closing document. For purposes of this division, "fraudulent, false, or misleading statements" does not include mathematical errors, inadvertent transposition of numbers, typographical errors, or any other bona fide error.

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(F) Knowingly instruct, solicit, propose, or otherwise cause a buyer to sign in blank a mortgage related document;

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(G) Knowingly compensate, instruct, induce, coerce, or intimidate, or attempt to compensate, instruct, induce, coerce, or intimidate, a person licensed or certified under Chapter 4763. of the Revised Code for the purpose of corrupting or improperly influencing the independent judgment of the person with respect to the value of the dwelling offered as security for repayment of a mortgage loan;

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(H) Promise to refinance a loan in the future at a lower interest rate or with more favorable terms, unless the promise is set forth in writing and is initialed by the buyer;

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(I) Engage in any unfair, deceptive, or unconscionable act or practice prohibited under sections 1345.01 to 1345.13 of the Revised Code.

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Sec. 1322.071. (A) As used in this section, "bona fide third party" has the same meaning as in section 1322.08 of the Revised Code.

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(B) No mortgage broker, registrant, loan originator, or licensee shall do any of the following:

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(1) Retain original documents provided to the mortgage

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broker, registrant, <u>loan originator</u> , or licensee by the buyer in connection with the <u>residential mortgage</u> loan application, including income tax returns, account statements, or other financial related documents;	28443 28444 28445 28446
(2) Receive, directly or indirectly, a premium on the fees charged for services performed by a bona fide third party;	28447 28448
(3) Pay or receive, directly or indirectly, a referral fee or kickback of any kind to or from a bona fide third party or other party with a related interest in the transaction, ~~such as~~ <u>including</u> a home improvement builder, real estate developer, or real estate broker or agent, for the referral of business.	28449 28450 28451 28452 28453
<u>(C) No registrant, through its operations manager or otherwise, shall fail to do either of the following:</u>	28454 28455
<u>(1) Reasonably supervise a loan originator or other persons associated with the registrant;</u>	28456 28457
<u>(2) Establish reasonable procedures designed to avoid violations of sections 1322.01 to 1322.12 of the Revised Code or rules adopted thereunder, or violations of applicable state and federal consumer and lending laws or rules, by loan originators or other persons associated with the registrant.</u>	28458 28459 28460 28461 28462
Sec. 1322.072. No person, in connection with any examination or investigation conducted by the superintendent of financial institutions under sections 1322.01 to 1322.12 of the Revised Code, shall knowingly do ~~either~~ <u>any</u> of the following:	28463 28464 28465 28466
(A) Circumvent, interfere with, obstruct, or fail to cooperate, including making a false or misleading statement, failing to produce records, or intimidating or suborning any witness;	28467 28468 28469 28470

(B) Tamper with, alter, or manufacture any evidence;	28471
(C) <u>Withhold, abstract, remove, mutilate, destroy, or secrete</u>	28472
<u>any books, records, computer records, or other information.</u>	28473
Sec. 1322.074. (A) ~~As used in this section and section~~	28474
~~1322.075 of the Revised Code:~~	28475
(1) ~~"Appraisal company" means a sole proprietorship,~~	28476
~~partnership, corporation, limited liability company, or any other~~	28477
~~business entity or association, that employs or retains the~~	28478
~~services of a person licensed or certified under Chapter 4763. of~~	28479
~~the Revised Code for purposes of performing residential real~~	28480
~~estate appraisals for mortgage loans.~~	28481
(2) ~~"Immediate family" means a spouse residing in the~~	28482
~~person's household and any dependent child.~~	28483
(B) Except as otherwise provided in division (C)(B) of this	28484
section, no registrant, or any member of the ~~registrant's~~	28485
immediate family <u>of an owner of a registrant</u> , shall own or control	28486
a majority interest in an appraisal company.	28487
(C)(B) Division (B)(A) of this section shall not apply to any	28488
registrant, or any member of the ~~registrant's~~ immediate family <u>of</u>	28489
<u>an owner of a registrant</u> , who, on the effective date of this	28490
~~section amendment, directly or indirectly~~ owns or controls a	28491
majority interest in an appraisal company. However, such	28492
ownership or control is subject to the following conditions:	28493
(1) The registrant and members of the ~~registrant's~~ immediate	28494
family <u>of an owner of a registrant</u> shall not increase their	28495
interest in the company.	28496
(2) The interest is not transferable to a member of the	28497
~~registrant's~~ immediate family <u>of an owner of a registrant</u> .	28498

(3) If the registrant is convicted of or pleads guilty to a criminal violation of sections 1322.01 to 1322.12 of the Revised Code or any criminal offense described in division (A)(1)(b) of section 1322.10 of the Revised Code, the superintendent of financial institutions may, ~~as an alternative~~ in addition to any of the actions authorized under section 1322.10 of the Revised Code, order the registrant or members of the ~~registrant's~~ immediate family of an owner of a registrant to divest their interest in the company.

Sec. 1322.075. (A) No registrant or licensee or person required to be registered or licensed under ~~this chapter~~ sections 1322.01 to 1322.12 of the Revised Code shall refer a buyer to any settlement service provider, including any title insurance company, without providing the buyer with written notice disclosing all of the following:

(1) Any business relationship that exists between the registrant, licensee, or person required to be registered or licensed under ~~this chapter~~ sections 1322.01 to 1322.12 of the Revised Code, and the provider to which the buyer is being referred, and any financial benefit that the registrant, licensee, or person may be provided because of the relationship;

(2) The percentage of ownership interest the registrant, licensee, or person required to be registered or licensed under ~~this chapter~~ sections 1322.01 to 1322.12 of the Revised Code has in the provider to which the buyer is being referred;

(3) The estimated charge or range of charges for the settlement service listed;

(4) The following statement, printed in boldface type of the minimum size of sixteen points: "There are frequently other settlement service providers available with similar services. You

are free to shop around to determine that you are receiving the
best services and the best rate for these services."

(B) No registrant or licensee shall refer a buyer to an
appraisal company, if the registrant or licensee, a member of the
immediate family of an owner of the registrant, or a member of the
~~registrant's or~~ licensee's immediate family, has either of the
following financial relationships with the appraisal company:

(1) An ownership or investment interest in the company,
whether through debt, equity, or other means;

(2) Any compensation arrangement involving any remuneration,
directly or indirectly, overtly or covertly, in cash or in kind.

(C) No registrant or licensee shall knowingly enter into an
arrangement or scheme, including a cross-referral arrangement,
that has a principal purpose of assuring referrals by a registrant
or licensee to a particular appraisal company that would violate
division (B) of this section.

(D) The registrant, licensee, or person required to be
registered or licensed under ~~this chapter~~ sections 1322.01 to
1322.12 of the Revised Code shall retain proof that the buyer
received the written disclosures required by division (A) of this
section for four years.

Sec. 1322.08. (A) No registrant shall fail to do any of the
following:

(1) Maintain a special account;

(2) Deposit into the registrant's special account any bona
fide third-party fee the registrant receives;

(3) Pay bona fide third-party fees to a bona fide third party

from the registrant's special account. 28556

(B) Except as otherwise provided in ~~this division~~ sections 28557
1322.01 to 1322.12 of the Revised Code, no registrant shall charge 28558
or receive, directly or indirectly, fees for assisting a buyer in 28559
obtaining a residential mortgage loan, until all of the services 28560
that the registrant has agreed to perform for the buyer are 28561
completed, and the proceeds of the residential mortgage loan have 28562
been disbursed to or on behalf of the buyer. However, prior to 28563
completion of such services the following fees may be paid for 28564
services performed by a bona fide third party in assisting the 28565
buyer to obtain a residential mortgage loan if the fees are either 28566
paid directly by the buyer to the bona fide third party or, except 28567
as provided in division (B)(5) of this section, the fees are 28568
deposited by the registrant into the registrant's special account 28569
for services performed by the bona fide third party: 28570

(1) Fees to obtain a report from a credit reporting agency; 28571

(2) Fees for notary services; 28572

(3) Fees for the performance of a title search, appraisal of 28573
the real estate, or survey of the real estate; 28574

(4) Fees charged by a lender for locking in an interest rate 28575
in connection with obtaining or refinancing a residential mortgage 28576
loan, provided that the fees do not exceed an amount equal to one 28577
and one-half per cent of the mortgage loan amount; 28578

(5) Fees not exceeding five hundred dollars paid directly by 28579
the buyer to a state or federal government agency or 28580
instrumentality for purposes of processing a mortgage application 28581
relating to a government sponsored or guaranteed mortgage program. 28582

(C) If fees are paid by a buyer for the performance of any of 28583
the services described in division (B)(3) of this section and the 28584

registrant is unable to assist in obtaining a mortgage for the 28585
buyer, the registrant shall return to the buyer the original 28586
documents prepared by the bona fide third party at the time that 28587
the request for the mortgage is refused or denied. With respect to 28588
any appraisal, however, the registrant may return either the 28589
original or a copy. No registrant shall fail to comply with this 28590
division. 28591

(D) For purposes of this section: 28592

(1) "Bona fide third party" means a person that is not an 28593
employee of, related to, or affiliated with, the registrant, and 28594
that is not used for the purpose of circumvention or evasion of 28595
this section. 28596

(2) "Special account" means ~~an insured~~ depository account 28597
with a ~~financial depository~~ institution, ~~the deposits of which are~~ 28598
~~insured by the federal deposit insurance corporation,~~ that is 28599
separate and distinct from any personal or other account of the 28600
registrant, and that is maintained solely for the holding and 28601
payment of fees described in this section for services performed 28602
by bona fide third parties and received by the registrant from 28603
buyers that the registrant assists in obtaining mortgages. 28604

Sec. 1322.081. (A) A registrant, licensee, and any person 28605
required to be registered or licensed under ~~this chapter~~sections 28606
1322.01 to 1322.12 of the Revised Code, in addition to duties 28607
imposed by other statutes or common law, shall do all of the 28608
following: 28609

(1) Safeguard and account for any money handled for the 28610
~~borrower~~buyer; 28611

(2) Follow reasonable and lawful instructions from the 28612
~~borrower~~buyer; 28613

(3) Act with reasonable skill, care, and diligence;	28614
(4) Act in good faith and with fair dealing in any	28615
transaction, practice, or course of business in connection with	28616
the brokering or originating of any <u>residential</u> mortgage loan;	28617
(5) Make reasonable efforts to secure a <u>residential</u> mortgage	28618
loan, from lenders with whom the registrant, licensee, or person	28619
regularly does business, with rates, charges, and repayment terms	28620
that are advantageous to the ~~borrower~~ <u>buyer</u> .	28621
(B) Division (A) of this section shall not apply to wholesale	28622
lenders. However, wholesale lenders are subject to all other	28623
requirements applicable to mortgage brokers and nonbank mortgage	28624
lenders. For purposes of this division, "wholesale lender" means a	28625
company that has been issued a mortgage broker certificate of	28626
registration and that enters into transactions with buyers	28627
exclusively through unaffiliated third-party mortgage brokers.	28628
(C) The duties and standards of care created in this section	28629
cannot be waived or modified.	28630
(D)(1) A buyer injured by a violation of this section may	28631
bring an action for recovery of damages.	28632
(2) Damages awarded under division (D)(1) of this section	28633
shall not be less than all compensation paid directly or	28634
indirectly to a mortgage broker from any source, plus reasonable	28635
attorney's fees and court costs.	28636
(3) The buyer may be awarded punitive damages.	28637
(E) A buyer injured by a violation of this section is	28638
precluded from recovering any damages, plus reasonable attorney's	28639
fees and costs, if the buyer has also recovered any damages in a	28640
cause of action initiated under section 1322.11 of the Revised	28641

Code and the recovery of damages for a violation of this section 28642
is based on the same acts or circumstances as the basis for 28643
recovery of damages in section 1322.11 of the Revised Code. 28644

Sec. 1322.09. (A) A mortgage broker or loan originator shall 28645
disclose in any printed, televised, broadcast, electronically 28646
transmitted, or published advertisement relating to the mortgage 28647
broker's or loan originator's services, including on any 28648
electronic site accessible through the internet, the name and 28649
street address of the mortgage broker or loan originator and the 28650
number designated on the certificate of registration or license 28651
that is issued to the mortgage broker or loan originator by the 28652
superintendent of financial institutions under sections 1322.01 28653
to 1322.12 of the Revised Code. 28654

(B) In making any advertisement, a mortgage broker shall 28655
comply with 12 C.F.R. 226.16, as amended. 28656

(C) No mortgage broker or loan originator shall fail to 28657
comply with this section. 28658

Sec. 1322.10. (A) After notice and opportunity for a hearing 28659
conducted in accordance with Chapter 119. of the Revised Code, the 28660
superintendent of financial institutions may do the following: 28661

(1) Suspend, revoke, or refuse to issue or renew a 28662
certificate of registration or license if the superintendent finds 28663
~~either~~any of the following: 28664

(a) A violation of or failure to comply with any provision of 28665
sections 1322.01 to 1322.12 of the Revised Code or the rules 28666
adopted under those sections, federal lending law, or any other 28667
law applicable to the business conducted under a certificate of 28668
registration or license; 28669

(b) A conviction of or guilty plea to a felony in a domestic, 28670

<u>foreign, or military court;</u>	28671
(c) <u>A conviction of or guilty plea to any criminal offense</u>	28672
involving theft, receiving stolen property, embezzlement, forgery,	28673
fraud, passing bad checks, money laundering, <u>breach of trust,</u>	28674
<u>dishonesty,</u> or drug trafficking, or any criminal offense involving	28675
money or securities, <u>in a domestic, foreign, or military court;</u>	28676
(d) <u>The revocation of a mortgage broker certificate of</u>	28677
<u>registration or loan originator license, or any comparable</u>	28678
<u>authority, in any governmental jurisdiction.</u>	28679
(2) Impose a fine of not more than one thousand dollars, for	28680
each day a violation of a law or rule is committed, repeated, or	28681
continued. If the registrant or licensee engages in a pattern of	28682
repeated violations of a law or rule, the superintendent may	28683
impose a fine of not more than two thousand dollars for each day	28684
the violation is committed, repeated, or continued. All fines	28685
collected pursuant to this division shall be paid to the treasurer	28686
of state to the credit of the consumer finance fund created in	28687
section 1321.21 of the Revised Code. In determining the amount of	28688
a fine to be imposed pursuant to this division, the superintendent	28689
~~shall~~ <u>may</u> consider all of the following, <u>to the extent known by</u>	28690
<u>the division of financial institutions:</u>	28691
(a) The seriousness of the violation;	28692
(b) The registrant's or licensee's good faith efforts to	28693
prevent the violation;	28694
(c) The registrant's or licensee's history regarding	28695
violations and compliance with division orders;	28696
(d) The registrant's or licensee's financial resources;	28697
(e) Any other matters the superintendent considers	28698

appropriate in enforcing sections 1322.01 to 1322.12 of the
Revised Code.

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(B) The superintendent may investigate alleged violations of
sections 1322.01 to 1322.12 of the Revised Code or the rules
adopted under those sections or complaints concerning any ~~such~~
violation. ~~The~~

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(1) ~~The~~ superintendent may make application to the court of
common pleas for an order enjoining any ~~such~~ violation; and, upon
a showing by the superintendent that a person has committed or is
about to commit ~~such a~~that violation, the court shall grant an
injunction, restraining order, or other appropriate relief.

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(2) The superintendent may make application to the court of
common pleas for an order enjoining any person from acting as a
mortgage broker, registrant, loan originator, or licensee in
violation of division (A) or (B) of section 1322.02 of the Revised
Code, and may seek and obtain civil penalties for unregistered or
unlicensed conduct of not more than five thousand dollars per
violation.

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(C) In conducting any investigation pursuant to this section,
the superintendent may compel, by subpoena, witnesses to testify
in relation to any matter over which the superintendent has
jurisdiction and may require the production of any book, record,
or other document pertaining to that matter. If a person fails to
file any statement or report, obey any subpoena, give testimony,
produce any book, record, or other document as required by a
subpoena, or permit photocopying of any book, record, or other
document subpoenaed, the court of common pleas of any county in
this state, upon application made to it by the superintendent,
shall compel obedience by attachment proceedings for contempt, as
in the case of disobedience of the requirements of a subpoena
issued from the court or a refusal to testify therein.

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(D) If the superintendent determines that a person is engaged in or is believed to be engaged in activities that may constitute a violation of sections 1322.01 to 1322.12 of the Revised Code or any rule adopted thereunder, the superintendent, after notice and a hearing conducted in accordance with Chapter 119. of the Revised Code, may issue a cease and desist order. If the administrative action is to enjoin a person from acting as a mortgage broker or loan originator in violation of division (A) or (B) of section 1322.02 of the Revised Code, the superintendent may seek and impose fines for that conduct in an amount not to exceed five thousand dollars per violation. Such an order shall be enforceable in the court of common pleas.

(E) If the superintendent revokes ~~the a mortgage broker~~ certificate of registration or loan originator license ~~of a registrant or licensee who is convicted of or pleads guilty to a criminal violation of any provision of sections 1322.01 to 1322.12 of the Revised Code or any criminal offense described in division (A)(1)(b) of this section~~, the revocation shall be permanent and with prejudice.

(F)(1) To protect the public interest, the superintendent may, without a prior hearing, do any of the following:

(a) Suspend the mortgage broker certificate of registration or loan originator license of a registrant or licensee who is convicted of or pleads guilty to a criminal violation of any provision of sections 1322.01 to 1322.12 of the Revised Code or any criminal offense described in division (A)(1)(b) or (c) of this section;

(b) Suspend the mortgage broker certificate of registration of a registrant who violates division (F) of section 1322.05 of the Revised Code;

(c) Suspend the mortgage broker certificate of registration

or loan originator license of a registrant or licensee who fails 28761
to comply with a request made by the superintendent under section 28762
1322.03 or 1322.031 of the Revised Code to inspect qualifying 28763
education transcripts located at the registrant's or licensee's 28764
place of business. 28765

~~(2) The superintendent shall, without a prior hearing, 28766
suspend the certificate of registration of a registrant whose 28767
operations manager has failed to fulfill the continuing education 28768
requirements of section 1322.052 of the Revised Code and suspend 28769
the license of a licensee who has failed to fulfill those 28770
continuing education requirements. The suspension shall continue 28771
until such time as the required continuing education is completed 28772
and a fine of five hundred dollars is paid to the treasurer of 28773
state to the credit of the consumer finance fund. 28774~~

~~(3) The superintendent may, in accordance with Chapter 119. 28775
of the Revised Code, subsequently revoke any registration or 28776
license suspended under division (F)(1) of this section. 28777~~

~~(4)(3) The superintendent shall, in accordance with Chapter 28778
119. of the Revised Code, adopt rules establishing the maximum 28779
amount of time a suspension under division (F)(1) of this section 28780
may continue before a hearing is conducted. 28781~~

(G) The imposition of fines under this section does not 28782
preclude any penalty imposed under section 1322.99 of the Revised 28783
Code. 28784

Sec. 1322.11. (A)(1) A buyer injured by a violation of 28785
section 1322.02, 1322.062, 1322.063, 1322.064, 1322.07, 1322.071, 28786
1322.08, or 1322.09 of the Revised Code may bring an action for 28787
recovery of damages. 28788

(2) Damages awarded under division (A)(1) of this section 28789
shall not be less than all compensation paid directly and 28790

indirectly to a mortgage broker or loan originator from any 28791
source, plus reasonable attorney's fees and court costs. 28792

(3) The buyer may be awarded punitive damages. 28793

(B)(1) The superintendent of financial institutions or a 28794
buyer may directly bring an action to enjoin a violation of 28795
sections 1322.01 to 1322.12 of the Revised Code. The attorney 28796
general may directly bring an action to enjoin a violation of 28797
sections 1322.01 to 1322.12 of the Revised Code with the same 28798
rights, privileges, and powers as those described in section 28799
1345.06 of the Revised Code. The prosecuting attorney of the 28800
county in which the action may be brought may bring an action to 28801
enjoin a violation of sections 1322.01 to 1322.12 of the Revised 28802
Code only if the prosecuting attorney first presents any evidence 28803
of the violation to the attorney general and, within a reasonable 28804
period of time, the attorney general has not agreed to bring the 28805
action. 28806

(2) The superintendent may initiate criminal proceedings 28807
under sections 1322.01 to 1322.12 of the Revised Code by 28808
presenting any evidence of criminal violation to the prosecuting 28809
attorney of the county in which the offense may be prosecuted. If 28810
the prosecuting attorney does not prosecute the violations, or at 28811
the request of the prosecuting attorney, the superintendent shall 28812
present any evidence of criminal violations to the attorney 28813
general, who may proceed in the prosecution with all the rights, 28814
privileges, and powers conferred by law on prosecuting attorneys, 28815
including the power to appear before grand juries and to 28816
interrogate witnesses before such grand juries. These powers of 28817
the attorney general shall be in addition to any other applicable 28818
powers of the attorney general. 28819

(3) The prosecuting attorney of the county in which an 28820
alleged offense may be prosecuted may initiate criminal 28821
proceedings under sections 1322.01 to 1322.12 of the Revised Code. 28822

(4) In order to initiate criminal proceedings under sections 28823
1322.01 to 1322.12 of the Revised Code, the attorney general shall 28824
first present any evidence of criminal violations to the 28825
prosecuting attorney of the county in which the alleged offense 28826
may be prosecuted. If, within a reasonable period of time, the 28827
prosecuting attorney has not agreed to prosecute the violations, 28828
the attorney general may proceed in the prosecution with all the 28829
rights, privileges, and powers described in division (B)(2) of 28830
this section. 28831

(5) When a judgment under this section becomes final, the 28832
clerk of court shall mail a copy of the judgment, including 28833
supporting opinions, to the superintendent. 28834

(C) The remedies provided by this section are in addition to 28835
any other remedy provided by law. 28836

(D) In any proceeding or action brought under sections 28837
1322.01 to 1322.12 of the Revised Code, the burden of proving an 28838
exemption under those sections is on the person claiming the 28839
benefit of the exemption. 28840

(E) No person shall be deemed to violate sections 1322.01 to 28841
1322.12 of the Revised Code with respect to any act taken or 28842
omission made in reliance on a written notice, written 28843
interpretation, or written report from the superintendent, unless 28844
there is a subsequent amendment to those sections, or rules 28845
promulgated thereunder, that affects the superintendent's notice, 28846
interpretation, or report. 28847

(F) Upon disbursement of mortgage loan proceeds to or on 28848
behalf of the buyer, the registrant that assisted the buyer to 28849
obtain the mortgage loan is deemed to have completed the 28850
performance of the registrant's services for the buyer and owes no 28851
additional duties or obligations to the buyer with respect to the 28852

mortgage loan. However, nothing in this division shall be
construed to limit or preclude the civil or criminal liability of
a registrant for failing to comply with sections 1322.01 to
1322.12 of the Revised Code or any rule adopted under those
sections, for failing to comply with any provision of or duty
arising under an agreement with a buyer or lender under sections
1322.01 to 1322.12 of the Revised Code, or for violating any other
provision of state or federal law.

(G) A buyer injured by a violation of any of the sections
specified in division (A)(1) of this section is precluded from
recovering any damages, plus reasonable attorney's fees and costs,
if the buyer has also recovered any damages in a cause of action
initiated under section 1322.081 of the Revised Code and the
recovery of damages for a violation of any of the sections
specified in division (A)(1) of this section is based on the same
acts or circumstances as the basis for recovery of damages in
section 1322.081 of the Revised Code.

Sec. 1322.99. (A) Whoever violates division (A)(1) or (2) of
section 1322.02, division (E), (F), or (G) of section 1322.07,
division (B)(1) or (2) of section 1322.071, or section 1322.08 of
the Revised Code is guilty of a felony of the fifth degree.

(B) Whoever violates division (B)(3) of section 1322.071 of
the Revised Code is guilty of a felony of the fourth degree.

(C) Whoever violates division (B) or (C)(2) of section
1322.02 of the Revised Code is guilty of a misdemeanor of the
first degree.

Sec. 1332.24. (A)(1) In accordance with section 1332.25 of
the Revised Code, the director of commerce may issue to any
person, or renew, a video service authorization, which
authorization confers on the person the authority, subject to
sections 1332.21 to 1332.34 of the Revised Code, to provide video

service in its video service area; construct and operate a video
service network in, along, across, or on public rights-of-way for
the provision of video service; and, when necessary to provide
that service, exercise the power of a telegraph company under
section 4931.04 of the Revised Code. The term of a video service
authorization or authorization renewal shall be ten years.

(2) For the purposes of the "Cable Communications Policy Act
of 1984," Pub. L. No. 98-549, 98 Stat. 2779, 47 U.S.C. 521 et
seq., a video service authorization shall constitute a franchise
under that law, and the director shall be the sole franchising
authority under that law for video service authorizations in this
state.

(3) The director may impose upon and collect an annual
assessment on video service providers. All money collected under
division (A)(3) of this section shall be deposited to the credit
of the division of administration fund created under section
121.08 of the Revised Code. The total amount assessed in a fiscal
year shall not exceed the lesser of four hundred fifty thousand
dollars or, as shall be determined annually by the director, the
department's actual, current fiscal year administrative costs in
carrying out its duties under sections 1332.21 to 1332.34 of the
Revised Code. The director shall allocate that total amount
proportionately among the video service providers to be
assessed, using a formula based on subscriber counts as of the
thirty-first day of December of the preceding calendar year, which
counts shall be submitted to the director not later than the
thirty-first day of January of each year, via a notarized
statement signed by an authorized officer. Any information
submitted by a video service provider to the director for the
purpose of determining subscriber counts shall be considered
trade secret information, shall not be disclosed except by court
order, and shall not constitute a public record under section
149.43 of the Revised Code. On or about the first day of June

of each year, the director shall send to each video service 28917
provider to be assessed written notice of its proportional 28918
amount of the total assessment. The provider shall pay that 28919
amount on a quarterly basis not later than forty-five days after 28920
the end of each calendar quarter. After the initial assessment, 28921
the director annually shall reconcile the amount collected with 28922
the total, current amount assessed pursuant to this section, and 28923
either shall charge each assessed video service provider its 28924
respective proportion of any insufficiency or proportionately 28925
credit the provider's next assessment for any excess collected. 28926

(B)(1) The director may investigate alleged violations of or 28927
failures to comply with division (A) of section 1332.23, division 28928
(A) of this section, division (C) of section 1332.25, division 28929
(C) or (D) of section 1332.26, division (A), (B), or (C) of 28930
section 1332.27, division (A) of section 1332.28, division (A) or 28931
(B) of section 1332.29, or section 1332.30 or 1332.31 of the 28932
Revised Code, or complaints concerning any such violation or 28933
failure. Except as provided in this section, the director has no 28934
authority to regulate video service in this state, including, but 28935
not limited to, the rates, terms, or conditions of that service. 28936

(2) In conducting an investigation under division (B)(1) of 28937
this section, the director, by subpoena, may compel witnesses to 28938
testify in relation to any matter over which the director has 28939
jurisdiction and may require the production of any book, record, 28940
or other document pertaining to that matter. If a person fails to 28941
file any statement or report, obey any subpoena, give testimony, 28942
produce any book, record, or other document as required by a 28943
subpoena, or permit photocopying of any book, record, or other 28944
document subpoenaed, the court of common pleas of any county in 28945
this state, upon application made to it by the director, shall 28946
compel obedience by attachment proceedings for contempt, as in the 28947
case of disobedience of the requirements of a subpoena issued from 28948
the court or a refusal to testify. 28949

(C)(1) If the director finds that a person has violated or
failed to comply with division (A) of section 1332.23, division
(A) of this section, division (C) of section 1332.25, division
(C) or (D) of section 1332.26, division (A), (B), or (C) of
section 1332.27, division (A) of section 1332.28, division (A) or
(B) of section 1332.29, or section 1332.30 or 1332.31 of the
Revised Code, and the person has failed to cure the violation or
failure after reasonable, written notice and reasonable time to
cure, the director may do any of the following:

(a) Apply to the court of common pleas of any county in this
state for an order enjoining the activity or requiring compliance.
Such an action shall be commenced not later than three years after
the date the alleged violation or failure occurred or was
reasonably discovered. Upon a showing by the director that the
person has engaged in a violation or failure to comply, the court
shall grant an injunction, restraining order, or other appropriate
relief.

(b) Enter into a written assurance of voluntary compliance
with the person;

(c) Pursuant to an adjudication under Chapter 119. of the
Revised Code, assess a civil penalty in an amount determined by
the director, including for any failure to comply with an
assurance of voluntary compliance under division (C)(1)(b) of this
section. The amount shall be not more than one thousand dollars
for each day of violation or noncompliance, not to exceed a total
of ten thousand dollars, counting all subscriber impacts as a
single violation or act of noncompliance. In determining whether a
civil penalty is appropriate under division (C)(1)(c) of this
section, the director shall consider all of the following factors:

(i) The seriousness of the noncompliance;

(ii) The good faith efforts of the person to comply;	28980
(iii) The person's history of noncompliance;	28981
(iv) The financial resources of the person;	28982
(v) Any other matter that justice requires.	28983
Civil penalties collected pursuant to division (C)(1)(c) of	28984
this section shall be deposited to the credit of the video service	28985
enforcement fund in the state treasury, which is hereby created,	28986
to be used by the department of commerce in carrying out its	28987
duties under this section.	28988
(2) Pursuant to an adjudication under Chapter 119. of the	28989
Revised Code, the director may revoke, in whole or in part, the	28990
video service authorization of any person that has repeatedly and	28991
knowingly violated or failed to comply with division (A) of	28992
section 1332.23, <u>division (A) of this section</u> , division (C) of	28993
section 1332.25, division (C) or (D) of section 1332.26, division	28994
(A), (B), or (C) of section 1332.27, division (A) of section	28995
1332.28, division (A) or (B) of section 1332.29, or section	28996
1332.30 or 1332.31 of the Revised Code and that has failed to	28997
cure the violations or noncompliances after reasonable written	28998
notice and reasonable time to cure. Such person acts knowingly,	28999
regardless of the person's purpose, when the person is aware that	29000
the person's conduct will probably cause a certain result or will	29001
probably be of a certain nature. A person has knowledge of	29002
circumstances when the person is aware that such circumstances	29003
probably exist.	29004
(3) The court shall conduct a de novo review in any appeal	29005
from an adjudication under division (C)(1)(c) or (C)(2) of this	29006
section.	29007
(D) The public utilities commission has no authority over a	29008

video service provider in its offering of video service or a cable
operator in its offering of cable or video service, or over any
person in its offering of video service pursuant to a competitive
video service agreement.

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Sec. 1332.25. (A) An application made to the director of
commerce for a video service authorization under section 1332.24
of the Revised Code shall require and contain only the following:

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(1) Specification of the location of the applicant's
principal place of business and the names of the applicant's
principal executive officers;

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(2) Specification of the geographic and political boundaries
of the applicant's proposed video service area;

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(3) A general description of the type or types of
technologies the applicant will use to deliver the video
programming, which may include wireline, wireless, or any other
alternative technology, subject, as applicable, to section 1332.29
of the Revised Code;

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(4) An attestation that the applicant has filed or will
timely file with the federal communications commission all forms
required by that agency in advance of offering video service in
this state;

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(5) An attestation that the applicant will comply with
applicable federal, state, and local laws;

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(6) An attestation that the applicant is legally,
financially, and technically qualified to provide video service;

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(7) A description of the applicant's customer complaint
handling process, including policies on addressing customer
service issues, billing adjustments, and communication with

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government officials regarding customer complaints, and a local or	29037
toll-free telephone number at which a customer may contact the	29038
applicant.	29039
 (B) For the purpose of division (A)(2) of this section:	 29040
 (1) The video service areas of video service providers may	 29041
overlap.	29042
 (2) A specified video service area shall be coextensive with	 29043
municipal, township unincorporated area, or county boundaries,	29044
except as authorized under division (B)(3) or (4) of this section,	29045
but nothing in sections 1332.21 to 1332.34 of the Revised Code	29046
shall require a video service provider to provide access to video	29047
service within the entire video service area.	29048
 (3) The specified video service area of a person using	 29049
telecommunications facilities to provide video service on ~~the~~	29050
~~effective date of this section~~ <u>September 24, 2007</u> , or of any other	29051
person later so using telecommunications facilities shall be the	29052
geographic area in which the person offers basic local exchange	29053
service.	29054
 (4) Subject to division (C)(2) of section 1332.27 of the	 29055
Revised Code, the specified video service area of an applicant	29056
cable operator that offers service under a franchise in effect on	29057
~~the effective date of this section~~ <u>September 24, 2007</u> , initially	29058
shall be, at minimum, the franchise area established under that	29059
franchise.	29060
 (C) A video service provider shall immediately file an	 29061
application to amend its video service authorization with the	29062
director to reflect any change in the information required under	29063
division (A)(1), (2), or (3) of this section. An amendment	29064
pursuant to division (A)(2) of this section shall include any new	29065
delivery technology information required by division (A)(3) of	29066

this section. 29067

(D) Within thirty days after its filing or within thirty days 29068
after the filing of supplemental information necessary to make it 29069
complete, the director shall determine the completeness of an 29070
application filed under division (A) or (C) of this section 29071
relative to the respective requirements of divisions (A), (B), and 29072
(C) of this section and, as applicable, shall notify the applicant 29073
of an incompleteness determination, state the bases for that 29074
determination, and inform the applicant that it may resubmit a 29075
corrected application. The director shall issue a video service 29076
authorization, authorization renewal, or amended authorization 29077
within fifteen days after the director's determination that the 29078
filed application is complete. 29079

If the director does not notify the applicant regarding the 29080
completeness of the application within the time period specified 29081
in this division or does not issue the authorization requested by 29082
a completed application within the applicable time period, the 29083
application shall be deemed complete, and the authorization or 29084
amended authorization deemed issued on the forty-fifth day after 29085
the application's filing date. 29086

(E) An applicant shall pay a two thousand dollar 29087
nonrefundable fee for each application filed under division (A) of 29088
this section and a one hundred dollar nonrefundable fee for each 29089
application to amend filed under division (C) of this section. 29090
Fees collected under this division shall be deposited to the 29091
credit of the video service authorization fund in the state 29092
treasury, which is hereby created, to be used by the department of 29093
commerce in carrying out its duties under ~~this section~~sections 29094
1332.21 to 1332.34 of the Revised Code. 29095

(F)(1) No video service provider shall identify or make 29096
reference to an application fee under division (E) of this section 29097
on any subscriber bill or in conjunction with charging any fee to 29098

the subscriber.	29099
<u>(2) A video service provider may identify or make reference</u>	29100
<u>on a subscriber bill to an assessment under section 1332.24 of the</u>	29101
<u>Revised Code only if the provider opts to pass the cost of the</u>	29102
<u>assessment onto subscribers.</u>	29103
(G) An applicant may identify any information in its	29104
application as trade secret information, and if, upon its written	29105
request to the director, the director reasonably affirms all or	29106
part of that information as trade secret information, the	29107
information so affirmed does not constitute a public record for	29108
the purpose of section 149.43 of the Revised Code.	29109
Sec. 1343.011. (A) As used in this section:	29110
(1) "Discount points" means any charges, whether or not	29111
actually denominated as "discount points," that are paid by the	29112
seller or the buyer of residential real property to a residential	29113
mortgage lender or that are deducted and retained by a residential	29114
mortgage lender from the proceeds of the residential mortgage.	29115
"Discount points" does not include the costs associated with	29116
settlement services as defined in the "Real Estate Settlement	29117
Procedures Act of 1974," 88 Stat. 1724, 12 U.S.C. 2601, amendments	29118
thereto, reenactments thereof, enactments parallel thereto, or in	29119
substitution therefor, or regulations issued thereunder.	29120
(2) "Residential mortgage" means an obligation to pay a sum	29121
of money evidenced by a note and secured by a lien upon real	29122
property located within this state containing two or fewer	29123
residential units or on which two or fewer residential units are	29124
to be constructed and includes such an obligation on a residential	29125
condominium or cooperative unit.	29126
(3) "Residential mortgage lender" means any person, bank, or	29127
savings and loan association that lends money or extends or grants	29128

credit and obtains a residential mortgage to assure payment of the 29129
debt. The term also includes the holder at any time of a 29130
residential mortgage obligation. 29131

(B) Except residential mortgage loans described in division 29132
(B)(3) of section 1343.01 of the Revised Code, no residential 29133
mortgage lender shall receive either directly or indirectly from a 29134
seller or buyer of real estate any discount points in excess of 29135
two per cent of the original principal amount of the residential 29136
mortgage. This division is not a limitation on discount points or 29137
other charges for purposes of section 501(b)(4) of the "Depository 29138
Institutions Deregulation and Monetary Control Act of 1980," 94 29139
Stat. 161, 12 U.S.C.A. 1735f-7a. 29140

(C)(1) Except as provided in division (C)(2) of this section, 29141
residential mortgage obligations may be prepaid or refinanced 29142
without penalty at any time after five years from the execution 29143
date of the mortgage. Prior to such time a prepayment or 29144
refinancing penalty may be provided not in excess of one per cent 29145
of the original principal amount of the residential mortgage. 29146

(2)(a) No penalty may be charged for the prepayment or 29147
refinancing of a residential mortgage obligation of less than 29148
seventy-five thousand dollars that is made or arranged by a 29149
mortgage broker, loan ~~officer~~originator, or nonbank mortgage 29150
lender, as those terms are defined in section 1345.01 of the 29151
Revised Code, and that is secured by a mortgage on a borrower's 29152
real estate that is a first lien on the real estate. 29153

(b) The amount specified in division (C)(2)(a) of this 29154
section shall be adjusted annually on the first day of January by 29155
the annual percentage change in the consumer price index for all 29156
urban consumers, midwest region, all items, as determined by the 29157
bureau of labor statistics of the United States department of 29158
labor or, if that index is no longer published, a generally 29159
available comparable index, as reported on the first day of June 29160

of the year preceding the adjustment. The department of commerce 29161
shall publish the adjusted amounts on its official web site. 29162

Sec. 1345.01. As used in sections 1345.01 to 1345.13 of the 29163
Revised Code: 29164

(A) "Consumer transaction" means a sale, lease, assignment, 29165
award by chance, or other transfer of an item of goods, a service, 29166
a franchise, or an intangible, to an individual for purposes that 29167
are primarily personal, family, or household, or solicitation to 29168
supply any of these things. "Consumer transaction" does not 29169
include transactions between persons, defined in sections 4905.03 29170
and 5725.01 of the Revised Code, and their customers, except for 29171
transactions involving a loan made pursuant to sections 1321.35 to 29172
1321.48 of the Revised Code and transactions in connection with 29173
residential mortgages between loan ~~officers~~originators, mortgage 29174
brokers, or nonbank mortgage lenders and their customers; 29175
transactions between certified public accountants or public 29176
accountants and their clients; transactions between attorneys, 29177
physicians, or dentists and their clients or patients; and 29178
transactions between veterinarians and their patients that 29179
pertain to medical treatment but not ancillary services. 29180

(B) "Person" includes an individual, corporation, government, 29181
governmental subdivision or agency, business trust, estate, trust, 29182
partnership, association, cooperative, or other legal entity. 29183

(C) "Supplier" means a seller, lessor, assignor, franchisor, 29184
or other person engaged in the business of effecting or soliciting 29185
consumer transactions, whether or not the person deals directly 29186
with the consumer. If the consumer transaction is in connection 29187
with a residential mortgage, "supplier" does not include an 29188
assignee or purchaser of the loan for value, except as otherwise 29189
provided in section 1345.091 of the Revised Code. For purposes of 29190
this division, in a consumer transaction in connection with a 29191
residential mortgage, "seller" means a loan ~~officer~~originator, 29192

mortgage broker, or nonbank mortgage lender. 29193

(D) "Consumer" means a person who engages in a consumer transaction with a supplier. 29194
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(E) "Knowledge" means actual awareness, but such actual awareness may be inferred where objective manifestations indicate that the individual involved acted with such awareness. 29196
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(F) "Natural gas service" means the sale of natural gas, exclusive of any distribution or ancillary service. 29199
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(G) "Public telecommunications service" means the transmission by electromagnetic or other means, other than by a telephone company as defined in section 4927.01 of the Revised Code, of signs, signals, writings, images, sounds, messages, or data originating in this state regardless of actual call routing. 29201
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"Public telecommunications service" excludes a system, including its construction, maintenance, or operation, for the provision of telecommunications service, or any portion of such service, by any entity for the sole and exclusive use of that entity, its parent, a subsidiary, or an affiliated entity, and not for resale, directly or indirectly; the provision of terminal equipment used to originate telecommunications service; broadcast transmission by radio, television, or satellite broadcast stations regulated by the federal government; or cable television service. 29206
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(H) "Loan ~~officer~~originator" has the same meaning as in section 1322.01 of the Revised Code, and includes a "mortgage loan originator" as defined in section 1321.51 of the Revised Code, except that it does not include an employee of a bank, savings bank, savings and loan association, credit union, or credit union service organization organized under the laws of this state, another state, or the United States; an employee of a subsidiary of such a bank, savings bank, savings and loan association, or credit union; or an employee of an affiliate that 29215
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(1) controls, is controlled by, or is under common control with, 29224
such a bank, savings bank, savings and loan association, or 29225
credit union and (2) is subject to examination, supervision, and 29226
regulation, including with respect to the affiliate's compliance 29227
with applicable consumer protection requirements, by the board of 29228
governors of the federal reserve system, the comptroller of the 29229
currency, the office of thrift supervision, the federal deposit 29230
insurance corporation, or the national credit union 29231
administration. 29232

(I) "Residential mortgage" or "mortgage" means an obligation 29233
to pay a sum of money evidenced by a note and secured by a lien 29234
upon real property located within this state containing two or 29235
fewer residential units or on which two or fewer residential units 29236
are to be constructed and includes such an obligation on a 29237
residential condominium or cooperative unit. 29238

(J) "Mortgage broker" has the same meaning as in section 29239
1322.01 of the Revised Code, except that it does not include a 29240
bank, savings bank, savings and loan association, credit union, or 29241
credit union service organization organized under the laws of this 29242
state, another state, or the United States; a subsidiary of such a 29243
bank, savings bank, savings and loan association, or credit union; 29244
an affiliate that (1) controls, is controlled by, or is under 29245
common control with, such a bank, savings bank, savings and loan 29246
association, or credit union and (2) is subject to examination, 29247
supervision, and regulation, including with respect to the 29248
affiliate's compliance with applicable consumer protection 29249
requirements, by the board of governors of the federal reserve 29250
system, the comptroller of the currency, the office of thrift 29251
supervision, the federal deposit insurance corporation, or the 29252
national credit union administration; or an employee of any such 29253
entity. 29254

(K) "Nonbank mortgage lender" means any person that engages 29255

in a consumer transaction in connection with a residential 29256
mortgage, except for a bank, savings bank, savings and loan 29257
association, credit union, or credit union service organization 29258
organized under the laws of this state, another state, or the 29259
United States; a subsidiary of such a bank, savings bank, savings 29260
and loan association, or credit union; or an affiliate that (1) 29261
controls, is controlled by, or is under common control with, such 29262
a bank, savings bank, savings and loan association, or credit 29263
union and (2) is subject to examination, supervision, and 29264
regulation, including with respect to the affiliate's compliance 29265
with applicable consumer protection requirements, by the board of 29266
governors of the federal reserve system, the comptroller of the 29267
currency, the office of thrift supervision, the federal deposit 29268
insurance corporation, or the national credit union 29269
administration. 29270

(L) For purposes of divisions (H), (J), and (K) of this 29271
section: 29272

(1) "Control" of another entity means ownership, control, or 29273
power to vote twenty-five per cent or more of the outstanding 29274
shares of any class of voting securities of the other entity, 29275
directly or indirectly or acting through one or more other 29276
persons. 29277

(2) "Credit union service organization" means a CUSO as 29278
defined in 12 C.F.R. 702.2. 29279

Sec. 1345.05. (A) The attorney general shall: 29280

(1) Adopt, amend, and repeal procedural rules; 29281

(2) Adopt as a rule a description of the organization of the 29282
attorney general's office, stating the general courses and methods 29283
of operation of the section of the office of the attorney general, 29284
which is to administer Chapter 1345. of the Revised Code and 29285

methods whereby the public may obtain information or make 29286
submissions or requests, including a description of all forms and 29287
instructions used by that office; 29288

(3) Make available for public inspection all rules and all 29289
other written statements of policy or interpretations adopted or 29290
used by the attorney general in the discharge of the attorney 29291
general's functions, together with all judgments, including 29292
supporting opinions, by courts of this state that determine the 29293
rights of the parties and concerning which appellate remedies have 29294
been exhausted, or lost by the expiration of the time for appeal, 29295
determining that specific acts or practices violate section 29296
1345.02, 1345.03, or 1345.031 of the Revised Code; 29297

(4) Inform consumers and suppliers on a continuing basis of 29298
acts or practices that violate Chapter 1345. of the Revised Code 29299
by, among other things, publishing an informational document 29300
describing acts and practices in connection with residential 29301
mortgages that are unfair, deceptive, or unconscionable, and by 29302
making that information available on the attorney general's 29303
official web site; 29304

(5) Cooperate with state and local officials, officials of 29305
other states, and officials of the federal government in the 29306
administration of comparable statutes; 29307

(6) Report annually on or before the first day of January to 29308
the governor and the general assembly on the operations of the 29309
attorney general in respect to Chapter 1345. of the Revised Code, 29310
and on the acts or practices occurring in this state that violate 29311
such chapter. The report shall include a statement of 29312
investigatory and enforcement procedures and policies, of the 29313
number of investigations and enforcement proceedings instituted 29314
and of their disposition, and of other activities of the state and 29315
of other persons to promote the purposes of Chapter 1345. of the 29316
Revised Code. 29317

(7) In carrying out official duties, the attorney general 29318
shall not disclose publicly the identity of suppliers investigated 29319
or the facts developed in investigations unless these matters have 29320
become a matter of public record in enforcement proceedings, in 29321
public hearings conducted pursuant to division (B)(1) of this 29322
section, or the suppliers investigated have consented in writing 29323
to public disclosure. 29324

(B) The attorney general may: 29325

(1) Conduct research, make inquiries, hold public hearings, 29326
and publish studies relating to consumer transactions; 29327

(2) Adopt, amend, and repeal substantive rules defining with 29328
reasonable specificity acts or practices that violate sections 29329
1345.02, 1345.03, and 1345.031 of the Revised Code. In adopting, 29330
amending, or repealing substantive rules defining acts or 29331
practices that violate section 1345.02 of the Revised Code, due 29332
consideration and great weight shall be given to federal trade 29333
commission orders, trade regulation rules and guides, and the 29334
federal courts' interpretations of subsection 45 (a)(1) of the 29335
"Federal Trade Commission Act," 38 Stat. 717 (1914), 15 U.S.C.A. 29336
41, as amended. 29337

In adopting, amending, or repealing such rules concerning a 29338
consumer transaction in connection with a residential mortgage, 29339
the attorney general shall consult with the superintendent of 29340
financial institutions and shall give due consideration to state 29341
and federal statutes, regulations, administrative agency 29342
interpretations, and case law. 29343

(C) In the conduct of public hearings authorized by this 29344
section, the attorney general may administer oaths, subpoena 29345
witnesses, adduce evidence, and require the production of relevant 29346
material. Upon failure of a person without lawful excuse to obey a 29347

subpoena or to produce relevant matter, the attorney general may
apply to a court of common pleas for an order compelling
compliance.

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(D) The attorney general may request that an individual who
refuses to testify or to produce relevant material on the ground
that the testimony or matter may incriminate the individual be
ordered by the court to provide the testimony or matter. With the
exception of a prosecution for perjury and an action for damages
under section 1345.07 or 1345.09 of the Revised Code, an
individual who complies with a court order to provide testimony or
matter, after asserting a privilege against self incrimination to
which the individual is entitled by law, shall not be subjected to
a criminal proceeding on the basis of the testimony or matter
discovered through that testimony or matter.

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(E) Any person may petition the attorney general requesting
the adoption, amendment, or repeal of a rule. The attorney general
shall prescribe by rule the form for such petitions and the
procedure for their submission, consideration, and disposition.
Within sixty days of submission of a petition, the attorney
general shall either deny the petition in writing, stating the
reasons for the denial, or initiate rule-making proceedings.
There is no right to appeal from such denial of a petition.

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(F) All rules shall be adopted subject to Chapter 119. of the
Revised Code.

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(G) The informational document published in accordance with
division (A)(4) of this section shall be made available for
distribution to consumers who are applying for a mortgage loan. An
acknowledgement of receipt shall be retained by the lender,
mortgage broker, and loan ~~officer~~originator, as applicable,
subject to review by the attorney general and the department of
commerce.

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Sec. 1345.09. For a violation of Chapter 1345. of the Revised Code, a consumer has a cause of action and is entitled to relief as follows:

(A) Where the violation was an act prohibited by section 1345.02, 1345.03, or 1345.031 of the Revised Code, the consumer may, in an individual action, rescind the transaction or recover the consumer's actual economic damages plus an amount not exceeding five thousand dollars in noneconomic damages.

(B) Where the violation was an act or practice declared to be deceptive or unconscionable by rule adopted under division (B)(2) of section 1345.05 of the Revised Code before the consumer transaction on which the action is based, or an act or practice determined by a court of this state to violate section 1345.02, 1345.03, or 1345.031 of the Revised Code and committed after the decision containing the determination has been made available for public inspection under division (A)(3) of section 1345.05 of the Revised Code, the consumer may rescind the transaction or recover, but not in a class action, three times the amount of the consumer's actual economic damages or two hundred dollars, whichever is greater, plus an amount not exceeding five thousand dollars in noneconomic damages or recover damages or other appropriate relief in a class action under Civil Rule 23, as amended.

(C)(1) Except as otherwise provided in division (C)(2) of this section, in any action for rescission, revocation of the consumer transaction must occur within a reasonable time after the consumer discovers or should have discovered the ground for it and before any substantial change in condition of the subject of the consumer transaction.

(2) If a consumer transaction between a loan ~~officer~~ originator, mortgage broker, or nonbank mortgage lender and a customer is in connection with a residential mortgage, revocation

of the consumer transaction in an action for rescission is only 29411
available to a consumer in an individual action, and shall occur 29412
for no reason other than one or more of the reasons set forth in 29413
the "Truth in Lending Act," 82 Stat. 146 (1968), 15 U.S.C. 1635, 29414
not later than the time limit within which the right of 29415
rescission under section 125(f) of the "Truth in Lending Act" 29416
expires. 29417

(D) Any consumer may seek a declaratory judgment, an 29418
injunction, or other appropriate relief against an act or practice 29419
that violates this chapter. 29420

(E) When a consumer commences an individual action for a 29421
declaratory judgment or an injunction or a class action under this 29422
section, the clerk of court shall immediately mail a copy of the 29423
complaint to the attorney general. Upon timely application, the 29424
attorney general may be permitted to intervene in any private 29425
action or appeal pending under this section. When a judgment under 29426
this section becomes final, the clerk of court shall mail a copy 29427
of the judgment including supporting opinions to the attorney 29428
general for inclusion in the public file maintained under division 29429
(A)(3) of section 1345.05 of the Revised Code. 29430

(F) The court may award to the prevailing party a reasonable 29431
attorney's fee limited to the work reasonably performed, if either 29432
of the following apply: 29433

(1) The consumer complaining of the act or practice that 29434
violated this chapter has brought or maintained an action that is 29435
groundless, and the consumer filed or maintained the action in bad 29436
faith; 29437

(2) The supplier has knowingly committed an act or practice 29438
that violates this chapter. 29439

(G) As used in this section, "actual economic damages" means 29440

damages for direct, incidental, or consequential pecuniary losses	29441
resulting from a violation of Chapter 1345. of the Revised Code	29442
and does not include damages for noneconomic loss as defined in	29443
section 2315.18 of the Revised Code.	29444
 (H) Nothing in this section shall preclude a consumer from	29445
also proceeding with a cause of action under any other theory of	29446
law.	29447
 Sec. 1347.08. (A) Every state or local agency that maintains	29448
a personal information system, upon the request and the proper	29449
identification of any person who is the subject of personal	29450
information in the system, shall:	29451
 (1) Inform the person of the existence of any personal	29452
information in the system of which the person is the subject;	29453
 (2) Except as provided in divisions (C) and (E)(2) of this	29454
section, permit the person, the person's legal guardian, or an	29455
attorney who presents a signed written authorization made by the	29456
person, to inspect all personal information in the system of which	29457
the person is the subject;	29458
 (3) Inform the person about the types of uses made of the	29459
personal information, including the identity of any users usually	29460
granted access to the system.	29461
 (B) Any person who wishes to exercise a right provided by	29462
this section may be accompanied by another individual of the	29463
person's choice.	29464
 (C)(1) A state or local agency, upon request, shall disclose	29465
medical, psychiatric, or psychological information to a person who	29466
is the subject of the information or to the person's legal	29467
guardian, unless a physician, psychiatrist, or psychologist	29468
determines for the agency that the disclosure of the information	29469

is likely to have an adverse effect on the person, in which case
the information shall be released to a physician, psychiatrist, or
psychologist who is designated by the person or by the person's
legal guardian.

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(2) Upon the signed written request of either a licensed
attorney at law or a licensed physician designated by the inmate,
together with the signed written request of an inmate of a
correctional institution under the administration of the
department of rehabilitation and correction, the department shall
disclose medical information to the designated attorney or
physician as provided in division (C) of section 5120.21 of the
Revised Code.

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(D) If an individual who is authorized to inspect personal
information that is maintained in a personal information system
requests the state or local agency that maintains the system to
provide a copy of any personal information that the individual is
authorized to inspect, the agency shall provide a copy of the
personal information to the individual. Each state and local
agency may establish reasonable fees for the service of copying,
upon request, personal information that is maintained by the
agency.

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(E)(1) This section regulates access to personal information
that is maintained in a personal information system by persons who
are the subject of the information, but does not limit the
authority of any person, including a person who is the subject of
personal information maintained in a personal information system,
to inspect or have copied, pursuant to section 149.43 of the
Revised Code, a public record as defined in that section.

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(2) This section does not provide a person who is the subject
of personal information maintained in a personal information
system, the person's legal guardian, or an attorney authorized by
the person, with a right to inspect or have copied, or require an

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agency that maintains a personal information system to permit the	29502
inspection of or to copy, a confidential law enforcement	29503
investigatory record or trial preparation record, as defined in	29504
divisions (A)(2) and (4) of section 149.43 of the Revised Code.	29505
 (F) This section does not apply to any of the following:	29506
 (1) The contents of an adoption file maintained by the	29507
department of health under section 3705.12 of the Revised Code;	29508
 (2) Information contained in the putative father registry	29509
established by section 3107.062 of the Revised Code, regardless of	29510
whether the information is held by the department of job and	29511
family services or, pursuant to section 3111.69 of the Revised	29512
Code, the office of child support in the department or a child	29513
support enforcement agency;	29514
 (3) Papers, records, and books that pertain to an adoption	29515
and that are subject to inspection in accordance with section	29516
3107.17 of the Revised Code;	29517
 (4) Records listed in division (A) of section 3107.42 of the	29518
Revised Code or specified in division (A) of section 3107.52 of	29519
the Revised Code;	29520
 (5) Records that identify an individual described in division	29521
(A)(1) of section 3721.031 of the Revised Code, or that would tend	29522
to identify such an individual;	29523
 (6) Files and records that have been expunged under division	29524
(D)(1) <u>or</u> (2) of section 3721.23 of the Revised Code;	29525
 (7) Records that identify an individual described in division	29526
(A)(1) of section 3721.25 of the Revised Code, or that would tend	29527
to identify such an individual;	29528

(8) Records that identify an individual described in division
(A)(1) of section 5111.61 of the Revised Code, or that would tend
to identify such an individual;

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(9) Test materials, examinations, or evaluation tools used in
an examination for licensure as a nursing home administrator that
the board of examiners of nursing home administrators administers
under section 4751.04 of the Revised Code or contracts under that
section with a private or government entity to administer;

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(10) Information contained in a database established and
maintained pursuant to section 5101.13 of the Revised Code.

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Sec. 1349.31. (A)(1) No creditor shall willfully and
knowingly fail to comply with section 1349.26 or 1349.27 of the
Revised Code. For purposes of division (A)(1) of this section,
"willfully and knowingly" has the same meaning as in section 112
of the "Truth in Lending Act," 82 Stat. 146 (1968), 15 U.S.C.A.
1611, as amended.

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(2) Whoever violates division (A)(1) of this section is
guilty of a felony of the fifth degree.

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(B) The superintendent of financial institutions may directly
bring an action to enjoin a violation of this section. The
attorney general may directly bring an action against a mortgage
broker, loan ~~officer~~originator, or nonbank mortgage lender to
enjoin a violation of this section with the same rights,
privileges, and powers as those described in section 1345.06 of
the Revised Code. The prosecuting attorney of the county in which
the action may be brought may bring an action against a mortgage
broker, loan ~~officer~~originator, or nonbank mortgage lender to
enjoin a violation of this section only if the prosecuting
attorney first presents any evidence of the violation to the
attorney general and, within a reasonable period of time, the
attorney general has not agreed to bring the action.

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For purposes of this division, "loan ~~officer~~originator," 29560
"mortgage broker," and "nonbank mortgage lender" have the same 29561
meanings as in section 1345.01 of the Revised Code. 29562

(C)(1) The superintendent of financial institutions may 29563
initiate criminal proceedings under this section by presenting any 29564
evidence of criminal violations to the prosecuting attorney of the 29565
county in which the offense may be prosecuted. If the prosecuting 29566
attorney does not prosecute the violations, or at the request of 29567
the prosecuting attorney, the superintendent shall present any 29568
evidence of criminal violations to the attorney general, who may 29569
proceed in the prosecution with all the rights, privileges, and 29570
powers conferred by law on prosecuting attorneys, including the 29571
power to appear before grand juries and to interrogate witnesses 29572
before such grand juries. These powers of the attorney general 29573
shall be in addition to any other applicable powers of the 29574
attorney general. 29575

(2) The prosecuting attorney of the county in which an 29576
alleged offense may be prosecuted may initiate criminal 29577
proceedings under this section. 29578

(3) In order to initiate criminal proceedings under this 29579
section, the attorney general shall first present any evidence of 29580
criminal violations to the prosecuting attorney of the county in 29581
which the alleged offense may be prosecuted. If, within a 29582
reasonable period of time, the prosecuting attorney has not agreed 29583
to prosecute the violations, the attorney general may proceed in 29584
the prosecution with all the rights, privileges, and powers 29585
described in division (C)(1) of this section. 29586

Sec. 1349.43. (A) As used in this section, "loan ~~officer~~ 29587
originator," "mortgage broker," and "nonbank mortgage lender" have 29588
the same meanings as in section 1345.01 of the Revised Code. 29589

(B) The department of commerce shall establish and maintain an electronic database accessible through the internet that contains information on all of the following:	29590 29591 29592
(1) The enforcement actions taken by the superintendent of financial institutions for each violation of or failure to comply with any provision of sections 1322.01 to 1322.12 of the Revised Code, upon final disposition of the action;	29593 29594 29595 29596
(2) The enforcement actions taken by the attorney general under Chapter 1345. of the Revised Code against loan ~~officers~~ <u>originators</u> , mortgage brokers, and nonbank mortgage lenders, upon final disposition of each action;	29597 29598 29599 29600
(3) All judgments by courts of this state, concerning which appellate remedies have been exhausted or lost by the expiration of the time for appeal, finding either of the following:	29601 29602 29603
(a) A violation of any provision of sections 1322.01 to 1322.12 of the Revised Code;	29604 29605
(b) That specific acts or practices by a loan ~~officer~~ <u>originator</u> , mortgage broker, or nonbank mortgage lender violate section 1345.02, 1345.03, or 1345.031 of the Revised Code.	29606 29607 29608
(C) The attorney general shall submit to the department, on the first day of each January, April, July, and October, a list of all enforcement actions and judgments described in divisions (B)(2) and (3)(b) of this section.	29609 29610 29611 29612
(D) The department may adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to implement this section.	29613 29614 29615
(E) The electronic database maintained by the department in accordance with this section shall not include information that,	29616 29617

pursuant to section 1322.061 of the Revised Code, is 29618
confidential. 29619

Sec. 1501.01. (A) Except where otherwise expressly provided, 29620
the director of natural resources shall formulate and institute 29621
all the policies and programs of the department of natural 29622
resources. The chief of any division of the department shall not 29623
enter into any contract, agreement, or understanding unless it is 29624
approved by the director. No appointee or employee of the 29625
director, other than the assistant director, may bind the director 29626
in a contract except when given general or special authority to do 29627
so by the director. 29628

(B) The director shall correlate and coordinate the work and 29629
activities of the divisions in the department to eliminate 29630
unnecessary duplications of effort and overlapping of functions. 29631
The chiefs of the various divisions of the department shall meet 29632
with the director at least once each month at a time and place 29633
designated by the director. 29634

The director may create advisory boards to any of those 29635
divisions in conformity with section 121.13 of the Revised Code. 29636

(C) The director may accept and expend gifts, devises, and 29637
bequests of money, lands, and other properties on behalf of the 29638
department or any division thereof under the terms set forth in 29639
section 9.20 of the Revised Code. Any political subdivision of 29640
this state may make contributions to the department for the use of 29641
the department or any division therein according to the terms of 29642
the contribution. 29643

(D) The director may publish and sell or otherwise distribute 29644
data, reports, and information. 29645

(E) The director may identify and develop the geographic 29646
information system needs for the department, which may include, 29647

<u>but not be limited to, all of the following:</u>	29648
<u>(1) Assisting in the training and education of department resource managers, administrators, and other staff in the application and use of geographic information system technology;</u>	29649 29650 29651
<u>(2) Providing technical support to the department in the design, preparation of data, and use of appropriate geographic information system applications in order to help solve resource related problems and to improve the effectiveness and efficiency of department delivered services;</u>	29652 29653 29654 29655 29656
<u>(3) Creating, maintaining, and documenting spatial digital data bases;</u>	29657 29658
<u>(4) Providing information to and otherwise assisting government officials, planners, and resource managers in understanding land use planning and resource management;</u>	29659 29660 29661
<u>(5) Providing continuing assistance to local government officials and others in natural resource digital data base development and in applying and utilizing the geographic information system for land use planning, current agricultural use value assessment, development reviews, coastal management, and other resource management activities;</u>	29662 29663 29664 29665 29666 29667
<u>(6) Coordinating and administering the remote sensing needs of the department, including the collection and analysis of aerial photography, satellite data, and other data pertaining to land, water, and other resources of the state;</u>	29668 29669 29670 29671
<u>(7) Preparing and publishing maps and digital data relating to the state's land use and land cover over time on a local, regional, and statewide basis;</u>	29672 29673 29674
<u>(8) Locating and distributing hard copy maps, digital data,</u>	29675

aerial photography, and other resource data and information to 29676
government agencies and the public; 29677

(9) Preparing special studies and executing any other related 29678
duties, functions, and responsibilities identified by the 29679
director; 29680

(10) Entering into contracts or agreements with any agency 29681
of the United States government, any other public agency, or any 29682
private agency or organization for the performance of the duties 29683
specified in division (E) of this section or for accomplishing 29684
cooperative projects within those duties; 29685

(11) Entering into agreements with local government agencies 29686
for the purposes of land use inventories, Ohio capability 29687
analysis data layers, and other duties related to resource 29688
management. 29689

(F) The director shall adopt rules in accordance with Chapter 29690
119. of the Revised Code to permit the department to accept by 29691
means of a credit card the payment of fees, charges, and rentals 29692
at those facilities described in section 1501.07 of the Revised 29693
Code that are operated by the department, for any data, reports, 29694
or information sold by the department, and for any other goods or 29695
services provided by the department. 29696

(G) Whenever authorized by the governor to do so, the 29697
director may appropriate property for the uses and purposes 29698
authorized to be performed by the department and on behalf of any 29699
division within the department. This authority shall be exercised 29700
in the manner provided in sections 163.01 to 163.22 of the Revised 29701
Code for the appropriation of property by the director of 29702
administrative services. This authority to appropriate property is 29703
in addition to the authority provided by law for the appropriation 29704
of property by divisions of the department. The director of 29705
natural resources also may acquire by purchase, lease, or 29706

otherwise such real and personal property rights or privileges in 29707
the name of the state as are necessary for the purposes of the 29708
department or any division therein. The director, with the 29709
approval of the governor and the attorney general, may sell, 29710
lease, or exchange portions of lands or property, real or 29711
personal, of any division of the department or grant easements or 29712
licenses for the use thereof, or enter into agreements for the 29713
sale of water from lands and waters under the administration or 29714
care of the department or any of its divisions, when the sale, 29715
lease, exchange, easement, agreement, or license for use is 29716
advantageous to the state, provided that such approval is not 29717
required for leases and contracts made under section 1501.07, 29718
1501.09, or 1520.03 or Chapter 1523. of the Revised Code. Water 29719
may be sold from a reservoir only to the extent that the reservoir 29720
was designed to yield a supply of water for a purpose other than 29721
recreation or wildlife, and the water sold is in excess of that 29722
needed to maintain the reservoir for purposes of recreation or 29723
wildlife. 29724

Money received from such sales, leases, easements, exchanges, 29725
agreements, or licenses for use, except revenues required to be 29726
set aside or paid into depositories or trust funds for the payment 29727
of bonds issued under sections 1501.12 to 1501.15 of the Revised 29728
Code, and to maintain the required reserves therefor as provided 29729
in the orders authorizing the issuance of such bonds or the trust 29730
agreements securing such bonds, revenues required to be paid and 29731
credited pursuant to the bond proceeding applicable to obligations 29732
issued pursuant to section 154.22, and revenues generated under 29733
section 1520.05 of the Revised Code, shall be deposited in the 29734
state treasury to the credit of the fund of the division of the 29735
department having prior jurisdiction over the lands or property. 29736
If no such fund exists, the money shall be credited to the general 29737
revenue fund. All such money received from lands or properties 29738
administered by the division of wildlife shall be credited to the 29739
wildlife fund. 29740

(H) The director shall provide for the custody, safekeeping,	29741
and deposit of all moneys, checks, and drafts received by the	29742
department or its employees prior to paying them to the treasurer	29743
of state under section 113.08 of the Revised Code.	29744
(I) The director shall cooperate with the nature conservancy,	29745
other nonprofit organizations, and the United States fish and	29746
wildlife service in order to secure protection of islands in the	29747
Ohio river and the wildlife and wildlife habitat of those islands.	29748
(J) Any instrument by which real property is acquired	29749
pursuant to this section shall identify the agency of the state	29750
that has the use and benefit of the real property as specified in	29751
section 5301.012 of the Revised Code.	29752
Sec. 1501.05. All chiefs of divisions in the department of	29753
natural resources shall be appointed by the director of natural	29754
resources. The chiefs of those divisions may be removed by the	29755
director.	29756
The chief engineer of the department of natural resources	29757
shall be a ~~registered~~ professional engineer <u>registered under</u>	29758
<u>Chapter 4733. of the Revised Code or a professional architect</u>	29759
<u>certified and registered under Chapter 4703. of the Revised Code.</u>	29760
The chief of each division and the chief engineer, with the	29761
advice and consent of the director, may employ such number of	29762
technical and administrative assistants as are necessary.	29763
All employees of the department, unless specifically exempted	29764
by law, shall be employed subject to the classified civil service	29765
laws in force at the time of their employment.	29766
Sec. 1501.07. The department of natural resources through	29767
the division of parks and recreation may plan, supervise, acquire,	29768

construct, enlarge, improve, erect, equip, and furnish public
service facilities such as inns, lodges, hotels, cottages, camping
sites, scenic trails, picnic sites, restaurants, commissaries,
golf courses, boating and bathing facilities, and other similar
facilities in state parks reasonably necessary and useful in
promoting the public use of state parks under its control and may
purchase lands or interests in lands in the name of the state
necessary for those purposes.

The chief of the division of parks and recreation shall
administer state parks, establish rules, fix fees and charges for
admission to parks and for the use of public service facilities
therein, establish rentals for the lease of lands or interests
therein within a state park the chief is authorized by law to
lease, and exercise all powers of the chief, in conformity with
all covenants of the director of natural resources in or with
respect to state park revenue bonds and trust agreements securing
such bonds and all terms, provisions, and conditions of such bonds
and trust agreements. In the administration of state parks with
respect to which state park revenue bonds are issued and
outstanding, or any part of the moneys received from fees and
charges for admission to or the use of facilities, from rentals
for the lease of lands or interests or facilities therein, or for
the lease of public service facilities are pledged for any such
bonds, the chief shall exercise the powers and perform the duties
of the chief subject to the control and approval of the director.
The acquisition of such lands or interests therein and facilities
shall be planned with regard to the needs of the people of the
state and with regard to the purposes and uses of such state parks
and, except for facilities constructed in consideration of a lease
under section 1501.012 of the Revised Code, shall be paid for from
the state park fund created in section 1541.22 of the Revised Code
or from the proceeds of the sale of bonds issued under sections
1501.12 to 1501.15 of the Revised Code. Sections 125.81 and 153.04
of the Revised Code, insofar as they require a certification by

the chief of the division of capital planning and improvement, do 29803
not apply to the acquisition of lands or interests therein and 29804
public service facilities to be paid for from the proceeds of 29805
bonds issued under sections 1501.12 to 1501.15 of the Revised 29806
Code. 29807

As used in sections 1501.07 to 1501.14 of the Revised Code, 29808
state parks are all of the following: 29809

(A) State reservoirs described and identified in section 29810
1541.06 of the Revised Code; 29811

(B) All lands or interests therein that are denominated as 29812
state parks in section 1541.083 of the Revised Code; 29813

(C) All lands or interests therein of the state identified as 29814
administered by the division of parks and recreation in the 29815
"inventory of state owned lands administered by department of 29816
natural resources as of June 1, 1963," as recorded in the journal 29817
of the director, which inventory was prepared by the real estate 29818
section of the department and is supported by maps on file ~~in~~with 29819
the division of ~~real estate and land management~~; 29820

(D) All lands or interests in lands of the state hereafter 29821
designated as state parks in the journal of the director with the 29822
approval of the recreation and resources council. 29823

All such state parks shall be exclusively under the control 29824
and administration of the division of parks and recreation. With 29825
the approval of the council, the director by order may remove from 29826
the classification as state parks any of the lands or interests 29827
therein so classified by divisions (C) and (D) of this section, 29828
subject to the limitations, provisions, and conditions in any 29829
order authorizing state park revenue bonds or in any trust 29830
agreement securing such bonds. Lands or interests therein so 29831
removed shall be transferred to other divisions of the department 29832

for administration or may be sold as provided by law. Proceeds of 29833
any sale shall be used or transferred as provided in the order 29834
authorizing state park revenue bonds or in the trust agreement 29835
and, if no such provision is made, shall be transferred to the 29836
state park fund. State parks do not include any lands or interest 29837
in lands of the state administered jointly by two or more 29838
divisions of the department. The designation of lands as state 29839
parks under divisions (A) to (D) of this section shall be 29840
conclusive, and those lands shall be under the control of and 29841
administered by the division of parks and recreation. No order or 29842
proceeding designating lands as state parks or park purchase areas 29843
shall be subject to any appeal or review by any officer, board, 29844
commission, or court. 29845

Sec. 1501.30. (A) As used in sections 1501.30 to 1501.35 of 29846
the Revised Code: 29847

(1) "Consumptive use" means a use of water resources, other 29848
than a diversion, that results in a loss of that water to the 29849
basin from which it is withdrawn and includes, but is not limited 29850
to, evaporation, evapotranspiration, and incorporation of water 29851
into a product or agricultural crop. 29852

(2) "Diversion" means a withdrawal of water resources from 29853
either the Lake Erie or Ohio river drainage basin and transfer to 29854
another basin without return. "Diversion" does not include 29855
evaporative loss within the basin of withdrawal. 29856

(3) "Other great lakes states and provinces" means states 29857
other than this state that are parties to the great lakes basin 29858
compact under Chapter 6161. of the Revised Code and the Canadian 29859
provinces of Ontario and Quebec. 29860

(4) "Person" has the same meaning as in section 1.59 of the 29861
Revised Code and also includes any state, any political 29862
subdivision of a state, and any department, division, board, 29863

commission, agency, or instrumentality of a state or political
subdivision of a state.

(5) "Water resources" means any waters of the state that are
available or may be made available to agricultural, industrial,
commercial, and domestic users.

(6) "Waters of the state" includes all streams, lakes, ponds,
marshes, watercourses, waterways, wells, springs, irrigation
systems, drainage systems, and other bodies or accumulations of
water, surface and underground, natural or artificial, regardless
of the depth of the strata in which underground water is located,
that are situated wholly or partly within or border upon this
state or are within its jurisdiction.

(B) The chief of the division of soil and water resources of
the department of natural resources shall define "Lake Erie
drainage basin" and "Ohio river drainage basin" for the purposes
of sections 1501.30 to 1501.35 of the Revised Code.

Sec. 1502.12. (A) There is hereby created in the state
treasury the scrap tire grant fund, consisting of moneys
transferred to the fund under section 3734.82 of the Revised Code.
The chief of the division of recycling and litter prevention, with
the approval of the director of natural resources, may make grants
from the fund for the purpose of supporting following purposes:

(1) Supporting market development activities for scrap tires
and synthetic rubber from tire manufacturing processes and tire
recycling processes;

(2) Supporting scrap tire amnesty and cleanup events
sponsored by solid waste management districts. ~~The grants~~

Grants awarded under division (A)(1) of this section may be
awarded to individuals, businesses, and entities certified under

division (A) of section 1502.04 of the Revised Code.	29893
(B) Projects and activities that are eligible for grants	29894
under <u>division (A)(1)</u> of this section shall be evaluated for	29895
funding using, at a minimum, the following criteria:	29896
(1) The degree to which a proposed project contributes to the	29897
increased use of scrap tires generated in this state;	29898
(2) The degree of local financial support for a proposed	29899
project;	29900
(3) The technical merit and quality of a proposed project.	29901
Sec. 1506.01. As used in this chapter:	29902
(A) "Coastal area" means the waters of Lake Erie, the islands	29903
in the lake, and the lands under and adjacent to the lake,	29904
including transitional areas, wetlands, and beaches. The coastal	29905
area extends in Lake Erie to the international boundary line	29906
between the United States and Canada and landward only to the	29907
extent necessary to include shorelands, the uses of which have a	29908
direct and significant impact on coastal waters as determined by	29909
the director of natural resources.	29910
(B) "Coastal management program" means the comprehensive	29911
action of the state and its political subdivisions cooperatively	29912
to preserve, protect, develop, restore, or enhance the resources	29913
of the coastal area and to ensure wise use of the land and water	29914
resources of the coastal area, giving attention to natural,	29915
cultural, historic, and aesthetic values; agricultural,	29916
recreational, energy, and economic needs; and the national	29917
interest. "Coastal management program" includes the establishment	29918
of objectives, policies, standards, and criteria concerning,	29919
without limitation, protection of air, water, wildlife, rare and	29920
endangered species, wetlands and natural areas, and other natural	29921

resources in the coastal area; management of coastal development and redevelopment; preservation and restoration of historic, cultural, and aesthetic coastal features; and public access to the coastal area for recreation purposes.

(C) "Coastal management program document" means a comprehensive statement consisting of, without limitation, text, maps, and illustrations that is adopted by the director in accordance with this chapter, describes the objectives, policies, standards, and criteria of the coastal management program for guiding public and private uses of lands and waters in the coastal area, lists the governmental agencies, including, without limitation, state agencies, involved in implementing the coastal management program, describes their applicable policies and programs, and cites the statutes and rules under which they may adopt and implement those policies and programs.

(D) "Person" means any agency of this state, any political subdivision of this state or of the United States, and any legal entity defined as a person under section 1.59 of the Revised Code.

(E) "Director" means the director of natural resources or the director's designee.

(F) "Permanent structure" means any residential, commercial, industrial, institutional, or agricultural building, any mobile home as defined in division (O) of section 4501.01 of the Revised Code, any manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code, and any septic system that receives sewage from a single-family, two-family, or three-family dwelling, but does not include any recreational vehicle as defined in section 4501.01 of the Revised Code.

(G) "State agency" or "agency of the state" has the same meaning as "agency" as defined in section 111.15 of the Revised Code.

(H) "Coastal flood hazard area" means any territory within the coastal area that has been identified as a flood hazard area under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended.	29953 29954 29955 29956
(I) "Coastal erosion area" means any territory included in Lake Erie coastal erosion areas identified by the director under section 1506.06 of the Revised Code.	29957 29958 29959
(J) "Conservancy district" means a conservancy district that is established under Chapter 6101. of the Revised Code.	29960 29961
(K) "Park board" means the board of park commissioners of a park district that is created under Chapter 1545. of the Revised Code.	29962 29963 29964
(L) "Erosion control structure" means a structure that is designed solely and specifically to reduce or control erosion of the shore along or near Lake Erie, including, without limitation, revetments, seawalls, bulkheads, certain breakwaters, and similar structures.	29965 29966 29967 29968 29969
(M) "Shore structure" includes, but is not limited to, beaches; groins; revetments; bulkheads; seawalls; breakwaters; certain dikes designated by the chief of the division of <u>soil and water resources</u> ; piers; docks; jetties; wharves; marinas; boat ramps; any associated fill or debris used as part of the construction of shore structures that may affect shore erosion, wave action, or inundation; and fill or debris that is placed along or near the shore, including bluffs, banks, or beach ridges, for the purpose of stabilizing slopes.	29970 29971 29972 29973 29974 29975 29976 29977 29978
Sec. 1507.01. There is hereby created in the department of natural resources the division of engineering to be administered by the chief engineer of the department, who shall be a	29979 29980 29981

professional engineer registered under Chapter 4733. <u>of the</u>	29982
<u>Revised Code</u> or a professional architect certified <u>and registered</u>	29983
under Chapter 4703. of the Revised Code. ~~The~~ <u>With the approval of</u>	29984
<u>the director of natural resources, the</u> chief engineer shall do all	29985
of the following:	29986
 (A) Administer this chapter;	29987
 (B) Provide engineering, architectural, land surveying, and	29988
related administrative and maintenance support services to the	29989
other divisions in the department;	29990
 (C) ~~Upon request of the director of natural resources,~~	29991
~~implement~~ <u>Implement</u> the department's capital improvement program	29992
and facility maintenance projects, including all associated	29993
~~engineering, architectural, planning,~~ design, contracting,	29994
surveying, inspection, and management responsibilities and	29995
requirements;	29996
 (D) ~~With the approval of the director, act~~ <u>Act</u> as contracting	29997
officer in departmental engineering, architectural, surveying, and	29998
construction matters regarding capital improvements except for	29999
those matters otherwise specifically provided for in law;	30000
 (E) ~~Provide engineering support for the coastal management~~	30001
~~program established under Chapter 1506. of the Revised Code;~~	30002
 (~~F~~) Coordinate the department's roadway maintenance program	30003
with the department of transportation pursuant to section 5511.05	30004
of the Revised Code and maintain the roadway inventory of the	30005
department of natural resources;	30006
 (~~G~~)(<u>F</u>) Coordinate the department's projects, programs,	30007
policies, procedures, and activities with the United States army	30008
corps of engineers;	30009

~~(H) Subject to the approval of the director, employ~~ <u>(G)</u>	30010
<u>Employ professional and technical assistants and such other</u>	30011
<u>employees as are necessary for the performance of the activities</u>	30012
<u>required or authorized under this chapter, other work of the</u>	30013
<u>division, and any other work agreed to under working agreements or</u>	30014
<u>contractual arrangements; prescribe their duties; and fix their</u>	30015
<u>compensation in accordance with such schedules as are provided by</u>	30016
<u>law for the compensation of state employees;</u>	30017
<u>(H) Except as otherwise provided in the Revised Code,</u>	30018
<u>coordinate and conduct all real estate functions for the</u>	30019
<u>department of natural resources, including at least acquisitions</u>	30020
<u>by purchase, lease, gift, devise, bequest, appropriation, or</u>	30021
<u>otherwise; grants through sales, leases, exchanges, easements, and</u>	30022
<u>licenses; inventories of land; and other related general</u>	30023
<u>management duties;</u>	30024
<u>(I) Coordinate such environmental matters concerning the</u>	30025
<u>department and the state as are necessary to comply with the</u>	30026
<u>"National Environmental Policy Act of 1969," 83 Stat. 852, 42</u>	30027
<u>U.S.C. 4321, as amended, the "Intergovernmental Cooperation Act of</u>	30028
<u>1968," 82 Stat. 1098, 31 U.S.C. 6506, and the "Federal Water</u>	30029
<u>Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C. 1251, as</u>	30030
<u>amended, and regulations adopted under those acts;</u>	30031
<u>(J) Coordinate and administer compensatory mitigation grant</u>	30032
<u>programs and other programs for streams and wetlands as approved</u>	30033
<u>in accordance with certifications and permits issued under</u>	30034
<u>sections 401 and 404 of the "Federal Water Pollution Control</u>	30035
<u>Act," 91 Stat. 1566 (1977), 33 U.S.C. 1251, as amended, by the</u>	30036
<u>environmental protection agency and the United States army corps</u>	30037
<u>of engineers;</u>	30038
<u>(K) Coordinate all department activities associated with the</u>	30039
<u>completion of drainage ditch improvements in accordance with</u>	30040

<u>Chapters 6131. and 6133. of the Revised Code:</u>	30041
(L) <u>Assist the department and its divisions by providing</u>	30042
<u>department-wide planning, including at least master planning,</u>	30043
<u>comprehensive planning, capital improvements planning, and special</u>	30044
<u>purpose planning.</u>	30045
Sec. 1511.01. For the purposes of this chapter:	30046
(A) "Conservation" means the wise use and management of	30047
natural resources.	30048
(B) "Critical natural resource area" means an area identified	30049
by the director of natural resources in which occurs a natural	30050
resource that requires special management because of its	30051
importance to the well-being of the surrounding communities, the	30052
region, or the state.	30053
(C) "Pollution abatement practice" means any erosion control	30054
or animal waste pollution abatement facility, structure, or	30055
procedure and the operation and management associated with it as	30056
contained in operation and management plans developed or approved	30057
by the chief of the division of soil and water ~~conservation~~	30058
<u>resources</u> or by soil and water conservation districts established	30059
under Chapter 1515. of the Revised Code.	30060
(D) "Agricultural pollution" means failure to use management	30061
or conservation practices in farming or silvicultural operations	30062
to abate wind or water erosion of the soil or to abate the	30063
degradation of the waters of the state by animal waste or soil	30064
sediment, including substances attached thereto.	30065
(E) "Waters of the state" means all streams, lakes, ponds,	30066
wetlands, watercourses, waterways, wells, springs, irrigation	30067
systems, drainage systems, and all other bodies or accumulations	30068
of water, surface and underground, natural or artificial,	30069

regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within, or border upon, this state or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters.

(F) "Operation and management plan" means a written record, developed or approved by the district board of supervisors or the chief, for the owner or operator of agricultural land or a concentrated animal feeding ~~operations~~operation that contains implementation schedules and operational procedures for a level of management and pollution abatement practices that will abate the degradation of the waters of the state by animal waste and by soil sediment including attached pollutants.

(G) "Animal waste" means animal excreta, discarded products, bedding, wash waters, waste feed, and silage drainage. "Animal waste" also includes the compost products resulting from the composting of dead animals in operations subject to section 1511.022 of the Revised Code when either of the following applies:

(1) The composting is conducted by the person who raises the animals and the compost product is used in agricultural operations owned or operated by that person, regardless of whether the person owns the animals;

(2) The composting is conducted by the person who owns the animals, but does not raise them and the compost product is used in agricultural operations either by a person who raises the animals or by a person who raises grain that is used to feed them and that is supplied by the owner of the animals.

(H) "Composting" means the controlled decomposition of organic solid material consisting of dead animals that stabilizes the organic fraction of the material.

Sec. 1511.02. The chief of the division of soil and water	30100
~~conservation~~ <u>resources</u> , subject to the approval of the director of	30101
natural resources, shall do all of the following:	30102
(A) Provide administrative leadership to local soil and water	30103
conservation districts in planning, budgeting, staffing, and	30104
administering district programs and the training of district	30105
supervisors and personnel in their duties, responsibilities, and	30106
authorities as prescribed in this chapter and Chapter 1515. of the	30107
Revised Code;	30108
(B) Administer this chapter and Chapter 1515. of the Revised	30109
Code pertaining to state responsibilities and provide staff	30110
assistance to the Ohio soil and water conservation commission in	30111
exercising its statutory responsibilities;	30112
(C) Assist in expediting state responsibilities for watershed	30113
development and other natural resource conservation works of	30114
improvement;	30115
(D) Coordinate the development and implementation of	30116
cooperative programs and working agreements between local soil and	30117
water conservation districts and divisions or sections of the	30118
department of natural resources, or other agencies of local,	30119
state, and federal government;	30120
(E) Subject to the approval of the Ohio soil and water	30121
conservation commission, adopt, amend, or rescind rules pursuant	30122
to Chapter 119. of the Revised Code. Rules adopted pursuant to	30123
this section:	30124
(1) Shall establish technically feasible and economically	30125
reasonable standards to achieve a level of management and	30126
conservation practices in farming or silvicultural operations that	30127
will abate wind or water erosion of the soil or abate the	30128
degradation of the waters of the state by animal waste or by soil	30129

sediment including substances attached thereto, and establish 30130
criteria for determination of the acceptability of such management 30131
and conservation practices; 30132

(2) Shall establish technically feasible and economically 30133
reasonable standards to achieve a level of management and 30134
conservation practices that will abate wind or water erosion of 30135
the soil or abate the degradation of the waters of the state by 30136
soil sediment in conjunction with land grading, excavating, 30137
filling, or other soil-disturbing activities on land used or being 30138
developed for nonfarm commercial, industrial, residential, or 30139
other nonfarm purposes, and establish criteria for determination 30140
of the acceptability of such management and conservation 30141
practices. The standards shall be designed to implement applicable 30142
areawide waste treatment management plans prepared under section 30143
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 30144
(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria 30145
shall not apply in any municipal corporation or county that adopts 30146
ordinances or rules pertaining to sediment control, nor to lands 30147
being used in a strip mine operation as defined in section 1513.01 30148
of the Revised Code, nor to lands being used in a surface mining 30149
operation as defined in section 1514.01 of the Revised Code. 30150

(3) May recommend criteria and procedures for the approval of 30151
urban sediment pollution abatement plans and issuance of permits 30152
prior to any grading, excavating, filling, or other whole or 30153
partial disturbance of five or more contiguous acres of land owned 30154
by one person or operated as one development unit and require 30155
implementation of such a plan. Areas of less than five contiguous 30156
acres are not exempt from compliance with other provisions of this 30157
chapter and rules adopted under them. 30158

(4) Shall establish procedures for administration of rules 30159
for agricultural pollution abatement and urban sediment pollution 30160
abatement and for enforcement of rules for agricultural pollution 30161

abatement; 30162

(5) Shall specify the pollution abatement practices eligible 30163
for state cost sharing and determine the conditions for 30164
eligibility, the construction standards and specifications, the 30165
useful life, the maintenance requirements, and the limits of cost 30166
sharing for those practices. Eligible practices shall be limited 30167
to practices that address agricultural or silvicultural operations 30168
and that require expenditures that are likely to exceed the 30169
economic returns to the owner or operator and that abate soil 30170
erosion or degradation of the waters of the state by animal waste 30171
or soil sediment including pollutants attached thereto. 30172

~~(6) Until June 1, 1996, shall specify the multiflora rose 30173
control practices eligible for state cost sharing, the conditions 30174
of eligibility for state cost sharing, the limits of cost sharing 30175
for those practices, specifications for carrying out those 30176
practices to ensure effective control of the multiflora rose and 30177
to safeguard the health and safety of human beings and domestic 30178
animals and the environment, and the contract provisions to be 30179
included in cost sharing agreements with landowners; 30180~~

~~(7) Until June 1, 1996, shall establish procedures for 30181
administering grants to soil and water conservation districts for 30182
control of multiflora rose; 30183~~

(8) Shall establish procedures for administering grants to 30184
owners or operators of agricultural land or concentrated animal 30185
feeding operations for the implementation of operation and 30186
management plans; 30187

~~(9)~~(7) Shall establish procedures for administering grants to 30188
soil and water conservation districts for urban sediment pollution 30189
abatement programs, specify the types of projects eligible for 30190
grants, establish limits on the availability of grants, and 30191
establish requirements governing the execution of projects to 30192

encourage the reduction of erosion and sedimentation associated with soil-disturbing activities;	30193 30194
~~(10)~~ <u>(8)</u> Shall do all of the following with regard to composting conducted in conjunction with agricultural operations:	30195 30196
(a) Provide for the distribution of educational material concerning composting to the offices of the Ohio cooperative extension service for the purposes of section 1511.022 of the Revised Code;	30197 30198 30199 30200
(b) Establish methods, techniques, or practices for composting dead animals, or particular types of dead animals, that are to be used at such operations, as the chief considers to be necessary or appropriate;	30201 30202 30203 30204
(c) Establish requirements and procedures governing the review and approval or disapproval of composting plans by the supervisors of soil and water conservation districts under division ~~(U)~~ <u>(Q)</u> of section 1515.08 of the Revised Code.	30205 30206 30207 30208
~~(11)~~ <u>(9)</u> Shall be adopted, amended, or rescinded after the chief does all of the following:	30209 30210
(a) Mails notice to each statewide organization that the chief determines represents persons or local governmental agencies who would be affected by the proposed rule, amendment thereto, or rescission thereof at least thirty-five days before any public hearing thereon;	30211 30212 30213 30214 30215
(b) Mails a copy of each proposed rule, amendment thereto, or rescission thereof to any person who requests a copy, within five days after receipt of the request;	30216 30217 30218
(c) Consults with appropriate state and local governmental agencies or their representatives, including statewide	30219 30220

organizations of local governmental officials, industrial	30221
representatives, and other interested persons;	30222
(d) If the rule relates to agricultural pollution abatement,	30223
develops an economic impact statement concerning the effect of the	30224
proposed rule or amendment.	30225
~~(12)~~ <u>(10)</u> Shall not conflict with air or water quality	30226
standards adopted pursuant to section 3704.03 or 6111.041 of the	30227
Revised Code. Compliance with rules adopted pursuant to this	30228
section does not affect liability for noncompliance with air or	30229
water quality standards adopted pursuant to section 3704.03 or	30230
6111.041 of the Revised Code. The application of a level of	30231
management and conservation practices recommended under this	30232
section to control windblown soil from farming operations creates	30233
a presumption of compliance with section 3704.03 of the Revised	30234
Code as that section applies to windblown soil.	30235
~~(13)~~ <u>(11)</u> Insofar as the rules relate to urban sediment	30236
pollution, shall not be applicable in a municipal corporation or	30237
county that adopts ordinances or rules for urban sediment control,	30238
except that a municipal corporation or county that adopts such	30239
ordinances or rules may receive moneys for urban sediment control	30240
that are disbursed by the board of supervisors of the applicable	30241
soil and water conservation district under division ~~(R)~~ <u>(N)</u> of	30242
section 1515.08 of the Revised Code. The rules shall not exempt	30243
any person from compliance with municipal ordinances enacted	30244
pursuant to Section 3 of Article XVIII, Ohio Constitution.	30245
(F) Cost share with landowners on practices established	30246
pursuant to division (E)(5) of this section as moneys are	30247
appropriated and available for that purpose. Any practice for	30248
which cost share is provided shall be maintained for its useful	30249
life. Failure to maintain a cost share practice for its useful	30250
life shall subject the landowner to full repayment to the	30251
division.	30252

(G) Issue orders requiring compliance with any rule adopted under division (E)(1) of this section or with section 1511.022 of the Revised Code. Before the chief issues an order, the chief shall afford each person allegedly liable an adjudication hearing under Chapter 119. of the Revised Code. The chief may require in an order that a person who has caused agricultural pollution by failure to comply with the standards established under division (E)(1) of this section operate under an operation and management plan approved by the chief under this section. The chief shall require in an order that a person who has failed to comply with division (A) of section 1511.022 of the Revised Code prepare a composting plan in accordance with rules adopted under division (E)(10)(c) of this section and operate in accordance with that plan or that a person who has failed to operate in accordance with such a plan begin to operate in accordance with it. Each order shall be issued in writing and contain a finding by the chief of the facts upon which the order is based and the standard that is not being met.

(H) Employ field assistants and such other employees as are necessary for the performance of the work prescribed by Chapter 1515. of the Revised Code, for performance of work of the division, and as agreed to under working agreements or contractual arrangements with local soil and water conservation districts, prescribe their duties, and fix their compensation in accordance with such schedules as are provided by law for the compensation of state employees.

All employees of the division, unless specifically exempted by law, shall be employed subject to the classified civil service laws in force at the time of employment.

(I) In connection with new or relocated projects involving highways, underground cables, pipelines, railroads, and other improvements affecting soil and water resources, including surface

and subsurface drainage:	30285
(1) Provide engineering service as is mutually agreeable to	30286
the Ohio soil and water conservation commission and the director	30287
to aid in the design and installation of soil and water	30288
conservation practices as a necessary component of such projects;	30289
(2) Maintain close liaison between the owners of lands on	30290
which the projects are executed, local soil and water conservation	30291
districts, and authorities responsible for such projects;	30292
(3) Review plans for such projects to ensure their compliance	30293
with standards developed under division (E) of this section in	30294
cooperation with the department of transportation or with any	30295
other interested agency that is engaged in soil or water	30296
conservation projects in the state in order to minimize adverse	30297
impacts on soil and water resources adjacent to or otherwise	30298
affected by these projects;	30299
(4) Recommend measures to retard erosion and protect soil and	30300
water resources through the installation of water impoundment or	30301
other soil and water conservation practices;	30302
(5) Cooperate with other agencies and subdivisions of the	30303
state to protect the agricultural status of rural lands adjacent	30304
to such projects and control adverse impacts on soil and water	30305
resources.	30306
(J) Collect, analyze, inventory, and interpret all available	30307
information pertaining to the origin, distribution, extent, use,	30308
and conservation of the soil resources of the state;	30309
(K) Prepare and maintain up-to-date reports, maps, and other	30310
materials pertaining to the soil resources of the state and their	30311
use and make that information available to governmental agencies,	30312
public officials, conservation entities, and the public;	30313

(L) Provide soil and water conservation districts with 30314
technical assistance including on-site soil investigations and 30315
soil interpretation reports on the suitability or limitations of 30316
soil to support a particular use or to plan soil conservation 30317
measures. The assistance shall be upon such terms as are mutually 30318
agreeable to the districts and the department of natural 30319
resources. 30320

(M) Assist local government officials in utilizing land use 30321
planning and zoning, current agricultural use value assessment, 30322
development reviews, and land management activities; 30323

(N) When necessary for the purposes of this chapter or 30324
Chapter 1515. of the Revised Code, develop or approve operation 30325
and management plans. 30326

This section does not restrict the excrement of domestic or 30327
farm animals defecated on land outside a concentrated animal 30328
feeding operation or runoff therefrom into the waters of the 30329
state. 30330

Sec. 1511.021. (A) Any person who owns or operates 30331
agricultural land or a concentrated animal feeding operation may 30332
develop and operate under an operation and management plan 30333
approved by the chief of the division of soil and water 30334
~~conservation~~resources under section 1511.02 of the Revised Code 30335
or by the supervisors of the local soil and water conservation 30336
district under section 1515.08 of the Revised Code. 30337

(B) Any person who wishes to make a complaint regarding 30338
nuisances involving agricultural pollution may do so orally or by 30339
submitting a written, signed, and dated complaint to the chief or 30340
to the chief's designee. After receiving an oral complaint, the 30341
chief or the chief's designee may cause an investigation to be 30342
conducted to determine whether agricultural pollution has occurred 30343

or is imminent. After receiving a written, signed, and dated 30344
complaint, the chief or the chief's designee shall cause such an 30345
investigation to be conducted. 30346

(C) In a private civil action for nuisances involving 30347
agricultural pollution, it is an affirmative defense if the person 30348
owning, operating, or otherwise responsible for agricultural land 30349
or a concentrated animal feeding operation is operating under and 30350
in substantial compliance with an approved operation and 30351
management plan developed under division (A) of this section, with 30352
an operation and management plan developed by the chief under 30353
section 1511.02 of the Revised Code or by the supervisors of the 30354
local soil and water conservation district under section 1515.08 30355
of the Revised Code, or with an operation and management plan 30356
required by an order issued by the chief under division (G) of 30357
section 1511.02 of the Revised Code. Nothing in this section is in 30358
derogation of the authority granted to the chief in division (E) 30359
of section 1511.02 and in section 1511.07 of the Revised Code. 30360

Sec. 1511.022. (A) Any person who owns or operates an 30361
agricultural operation, or owns the animals raised by the owner or 30362
operator of an agricultural operation, and who wishes to conduct 30363
composting of dead animals resulting from the agricultural 30364
operation shall do both of the following: 30365

(1) Participate in an educational course concerning 30366
composting conducted by the Ohio cooperative extension service and 30367
obtain a certificate of completion for the course; 30368

(2) Use the appropriate method, technique, or practice of 30369
composting established in rules adopted under division (E)~~(4)~~(8) 30370
of section 1511.02 of the Revised Code. 30371

(B) Any person who fails to comply with division (A) of this 30372
section shall prepare and operate under a composting plan in 30373
accordance with an order issued by the chief of the division of 30374

soil and water ~~conservation~~resources under division (G) of 30375
section 1511.02 of the Revised Code. If the person's proposed 30376
composting plan is disapproved by the board of supervisors of the 30377
appropriate soil and water conservation district under division 30378
(~~U~~)(Q)(3) of section 1515.08 of the Revised Code, the person may 30379
appeal the plan disapproval to the chief, who shall afford the 30380
person a hearing. Following the hearing, the chief shall uphold 30381
the plan disapproval or reverse it. If the chief reverses the 30382
disapproval, the plan shall be deemed approved. 30383

Sec. 1511.03. The chief of the division of soil and water 30384
~~conservation~~resources may enter into contracts or agreements, 30385
with the approval of the director of natural resources, with any 30386
agency of the United States government, or any other public or 30387
private agency, or organization, for the performance of the 30388
prescribed duties of the division, or for accomplishing 30389
cooperative projects within the designated duties of the division. 30390

Sec. 1511.04. The chief of the division of soil and water 30391
~~conservation~~resources may accept, on behalf of the department of 30392
natural resources, donations, grants and contributions in money, 30393
service, or equipment to enlarge or expedite the prescribed work 30394
of the division. 30395

Sec. 1511.05. The chief of the division of soil and water 30396
~~conservation~~resources, subject to approval of the terms of the 30397
agreement by the soil and water conservation commission, shall 30398
enter into cooperative agreements with the board of supervisors of 30399
any soil and water conservation district desiring to enter into 30400
such agreements pursuant to section 1515.08 of the Revised Code. 30401
Such agreements shall be entered into to obtain compliance with 30402
rules and orders of the chief pertaining to agricultural pollution 30403
abatement and urban sediment pollution abatement. 30404

The chief or any person designated by the chief may upon 30405
obtaining agreement with the owner, tenant, or manager of any 30406

land, public or private, enter thereon to make inspections to
determine whether or not there is compliance with the rules
adopted under division (E)(1) of section 1511.02 of the Revised
Code. Upon reason to believe there is a violation, the chief or
~~his~~the chief's designee may apply for and a judge of the court of
common pleas for the county where the land is located may issue an
appropriate inspection warrant as necessary to achieve the
purposes of this chapter.

Sec. 1511.06. The chief of the division of soil and water
~~conservation~~resources may enter into agreements with local
government agencies for the purpose of soil surveys, land use
inventories, and other soil-related duties.

Sec. 1511.07. (A)(1) No person shall fail to comply with an
order of the chief of the division of soil and water ~~conservation~~
resources issued pursuant to division (G) of section 1511.02 of
the Revised Code.

(2) In addition to the remedies provided and irrespective of
whether an adequate remedy at law exists, the chief may apply to
the court of common pleas in the county where a violation of a
standard established under division (E)(1) or ~~(40)(8)~~(b) of
section 1511.02 of the Revised Code causes pollution of the waters
of the state for an order to compel the violator to cease the
violation and to remove the agricultural pollutant or to comply
with the rules adopted under division (E)~~(40)(8)~~(b) of that
section, as appropriate.

(3) In addition to the remedies provided and irrespective of
whether an adequate remedy at law exists, whenever the chief
officially determines that an emergency exists because of an
unauthorized release, spill, or discharge of animal waste, or a
violation of a rule adopted under division (E)~~(40)(8)~~(b) of
section 1511.02 of the Revised Code, that causes pollution of the
waters of the state, the chief may, without notice or hearing,

issue an order reciting the existence of the emergency and 30439
requiring that necessary action be taken to meet the emergency. 30440
The order shall be effective immediately. Any person to whom the 30441
order is directed shall comply with the order immediately, but on 30442
application to the chief shall be afforded a hearing as soon as 30443
possible, but not later than twenty days after making the 30444
application. On the basis of the hearing, the chief shall continue 30445
the order in effect, revoke it, or modify it. No emergency order 30446
shall remain in effect for more than sixty days after its 30447
issuance. If a person to whom an order is issued does not comply 30448
with the order within a reasonable period, as determined by the 30449
chief, the chief or the chief's designee may enter upon private or 30450
public lands and take action to mitigate, minimize, remove, or 30451
abate the release, spill, discharge, or conditions caused by the 30452
violation of the rule. 30453

(B) The attorney general, upon the written request of the 30454
chief, shall bring appropriate legal action in Franklin county 30455
against any person who fails to comply with an order of the chief 30456
issued pursuant to division (G) of section 1511.02 of the Revised 30457
Code. 30458

Sec. 1511.071. There is hereby created in the state treasury 30459
the agricultural pollution abatement fund, which shall be 30460
administered by the chief of the division of soil and water 30461
~~conservation~~resources. The fund may be used to pay costs incurred 30462
by the division under division (A)(3) of section 1511.07 of the 30463
Revised Code in investigating, mitigating, minimizing, removing, 30464
or abating any pollution of the waters of the state caused by an 30465
unauthorized release, spill, or discharge of animal waste into or 30466
upon the environment that requires emergency action to protect the 30467
public health. 30468

Any person responsible for causing or allowing an 30469
unauthorized release, spill, or discharge is liable to the chief 30470

for any costs incurred by the division and soil and water 30471
conservation districts in investigating, mitigating, minimizing, 30472
removing, or abating the release, spill, or discharge, regardless 30473
of whether those costs were paid out of the agricultural pollution 30474
abatement fund or any other fund of the division or a district. 30475
Upon the request of the chief, the attorney general shall bring a 30476
civil action against the responsible person to recover those 30477
costs. Moneys recovered under this section shall be paid into the 30478
agricultural pollution abatement fund. 30479

Sec. 1511.08. Any person claiming to be deprived of a right 30480
or protection afforded ~~him~~the person by law by an order of the 30481
chief of the division of soil and water ~~conservation~~resources, 30482
except an order which adopts a rule, may appeal to the court of 30483
common pleas of Franklin county or the court of common pleas of 30484
the county in which the alleged violation exists. 30485

If the court finds that the order of the chief appealed from 30486
was lawful and reasonable, it shall affirm such order. If the 30487
court finds that such order was unreasonable or unlawful, it shall 30488
vacate such order and make the order which it finds the chief 30489
should have made. The judgment of the court is final unless 30490
reversed, vacated, or modified on appeal. 30491

Sec. 1514.08. (A) The chief of the division of mineral 30492
resources management may adopt, amend, and rescind rules in 30493
accordance with Chapter 119. of the Revised Code in order to 30494
prescribe procedures for submitting applications for permits, 30495
amendments to permits, and amendments to plans of mining and 30496
reclamation; filing annual reports and final reports; requesting 30497
inspection and approval of reclamation; paying permit and filing 30498
fees; and filing and obtaining the release of performance bonds 30499
deposited with the state. For the purpose of preventing damage to 30500
adjoining property or achieving one or more of the performance 30501
standards established in division (A)(10) of section 1514.02 of 30502

the Revised Code, the chief may establish classes of mining 30503
industries, based upon industrial categories, combinations of 30504
minerals produced, and geological conditions in which surface or 30505
in-stream mining operations occur, and may prescribe different 30506
rules consistent with the performance standards for each class. 30507
For the purpose of apportioning the workload of the division of 30508
mineral resources management among the quarters of the year, the 30509
rules may require that applications for permits and annual reports 30510
be filed in different quarters of the year, depending upon the 30511
county in which the operation is located. 30512

(B) The chief shall adopt rules under this section that do 30513
all of the following: 30514

(1) With respect to in-stream mining, and in consultation 30515
with the chief of the division of soil and water resources, 30516
determine periods of low flow, which are the only time periods 30517
during which in-stream mining is allowed, and develop and 30518
implement any criteria, in addition to the criteria established in 30519
section 1514.02 of the Revised Code, that the chief determines are 30520
necessary for the permitting of in-stream mining; 30521

(2) Establish criteria and procedures for approving or 30522
disapproving the transfer of a surface or in-stream mining permit 30523
under division (F) of section 1514.02 of the Revised Code; 30524

(3) Define when any of the following may be considered to be 30525
"significant" for purposes of section 1514.022 of the Revised 30526
Code: 30527

(a) An amendment to a permit issued under section 1514.02 of 30528
the Revised Code for a surface or in-stream mining operation; 30529

(b) An amendment to the plan of mining and reclamation that 30530
must be filed with an application for either permit under section 30531
1514.02 of the Revised Code; 30532

(c) Changes to that plan of mining and reclamation that are proposed in a permit renewal application filed under section 1514.021 of the Revised Code.

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In defining "significant," the chief shall focus on changes that increase the likelihood that the mining operation may have a negative impact on the public.

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(4) Establish a framework and procedures under which the amount of any bond required to be filed under this chapter to ensure the satisfactory performance of the reclamation measures required under this chapter may be reduced by subtracting a credit based on the operator's past compliance with this chapter and rules adopted and orders issued under it. The rules also shall apply to cash, an irrevocable letter of credit, or a certificate of deposit that is on deposit in lieu of a bond. In establishing the amount of credit that an operator or applicant may receive based on past compliance, the chief may consider past compliance with respect to any permit for a surface or in-stream mining operation that has been issued in this state to the operator or applicant.

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(5) Establish criteria and procedures for granting a variance from compliance with the prohibitions established in divisions (E)(3) and (F)(3) of section 1514.10 of the Revised Code. The criteria shall ensure that an operator may obtain a variance only if compliance with the applicable prohibition is not necessary to prevent damage to the watercourse or surrounding areas.

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Sec. 1514.10. No person shall:

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(A)(1) Engage in surface mining without a permit;

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(2) Engage in in-stream mining or conduct an in-stream mining operation without an in-stream mining permit issued by the chief

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of the division of mineral resources management. A person who, on 30562
~~the effective date of this amendment~~March 15, 2002, holds a valid 30563
permit to conduct in-stream mining that is issued under section 10 30564
of the "Rivers and Harbors Appropriation Act of 1899," 30 Stat. 30565
1151, 33 U.S.C. 403, as amended, shall not be required to obtain 30566
an in-stream mining permit from the chief under this chapter until 30567
the existing permit expires. 30568

(B) Exceed the limits of a surface or in-stream mining permit 30569
or amendment to a permit by mining land contiguous to an area of 30570
land affected under a permit or amendment, which contiguous land 30571
is not under a permit or amendment; 30572

(C) Purposely misrepresent or omit any material fact in an 30573
application for a surface or in-stream mining permit or amendment, 30574
an annual or final report, or any hearing or investigation 30575
conducted by the chief or the reclamation commission; 30576

(D) Fail to perform any measure set forth in the approved 30577
plan of mining and reclamation that is necessary to prevent damage 30578
to adjoining property or to achieve a performance standard 30579
required in division (A)(10) of section 1514.02 of the Revised 30580
Code, or violate any other requirement of this chapter, a rule 30581
adopted thereunder, or an order of the chief; 30582

(E) Conduct surface excavations of minerals within any of the 30583
following: 30584

(1) One hundred twenty feet horizontal distance outward from 30585
the highwater mark on each bank of an area designated as a wild, 30586
scenic, or recreational river area under sections ~~4517.14~~1547.81 30587
to ~~4517.18~~1547.87 of the Revised Code or of a portion of a river 30588
designated as a component of the national wild and scenic river 30589
system under the "Wild and Scenic Rivers Act," 82 Stat. 906 30590
(1968), 16 U.S.C. 1274, as amended; 30591

(2) Seventy-five feet horizontal distance outward from the	30592
highwater mark on each bank of a watercourse that drains a surface	30593
area of more than one hundred square miles;	30594
(3) Fifty feet horizontal distance outward from the highwater	30595
mark on each bank of a watercourse that drains a surface area of	30596
more than twenty-five square miles, but fewer than one hundred	30597
square miles unless a variance is obtained under rules adopted by	30598
the chief.	30599
(F) Conduct any surface mining activity within any of the	30600
following:	30601
(1) Seventy-five feet horizontal distance outward from the	30602
highwater mark on each bank of an area designated as a wild,	30603
scenic, or recreational river area under sections ~~1517.14~~ <u>1547.81</u>	30604
to ~~1517.18~~ <u>1547.87</u> of the Revised Code or of a portion of a river	30605
designated as a component of the national wild and scenic river	30606
system under the "Wild and Scenic Rivers Act," 82 Stat. 906	30607
(1968), 16 U.S.C. 1274, as amended;	30608
(2) Seventy-five feet horizontal distance outward from the	30609
highwater mark on each bank of a watercourse that drains a surface	30610
area of more than one hundred square miles;	30611
(3) Fifty feet horizontal distance outward from the highwater	30612
mark on each bank of a watercourse that drains a surface area of	30613
more than twenty-five square miles, but fewer than one hundred	30614
square miles unless a variance is obtained under rules adopted by	30615
the chief.	30616
A person who has been issued a surface mining permit prior to	30617
~~the effective date of this amendment~~ <u>March 15, 2002</u> may continue	30618
to operate under that permit and shall not be subject to the	30619
prohibitions established in divisions (E) and (F) of this section	30620
until the permit is renewed.	30621

The number of square miles of surface area that a watercourse drains shall be determined by consulting the "gazetteer of Ohio streams," which is a portion of the Ohio water plan inventory published in 1960 by the division of water in the department of natural resources, or its successor, if any.

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(G) Engage in any part of a process that is followed in the production of minerals from the bottom of the channel of a watercourse in any of the following circumstances or areas:

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(1) In an area designated as a wild, scenic, or recreational river area under sections ~~1517.14~~1547.81 to ~~1517.18~~1547.87 of the Revised Code, in a portion of a river designated as a component of the national wild and scenic river system under the "Wild and Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 1274, as amended, or within one-half mile upstream of any portion of such an area or component;

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(2) During periods other than periods of low flow, as determined by rules adopted under section 1514.08 of the Revised Code;

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(3) During critical fish or mussel spawning seasons as determined by the chief of the division of wildlife under Chapter 1531. of the Revised Code and rules adopted under it;

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(4) In an area known to possess critical spawning habitat for a species of fish or mussel that is on the federal endangered species list established in accordance with the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531-1543, as amended, or the state endangered species list established in rules adopted under section 1531.25 of the Revised Code.

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Division (G) of this section does not apply to the activities described in divisions (M)(1) and (2) of section 1514.01 of the

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Revised Code. 30651

Sec. 1514.13. (A) The chief of the division of mineral 30652
resources management shall use the compilation of data for ground 30653
water modeling submitted under section 1514.02 of the Revised Code 30654
to establish a projected cone of depression for any surface mining 30655
operation that may result in dewatering. The chief shall consult 30656
with the chief of the division of soil and water resources when 30657
projecting a cone of depression. An applicant for a surface mining 30658
permit for such an operation may submit ground water modeling that 30659
shows a projected cone of depression for that operation to the 30660
chief, provided that the modeling complies with rules adopted by 30661
the chief regarding ground water modeling. However, the chief 30662
shall establish the projected cone of depression for the purposes 30663
of this section. 30664

The chief shall adopt, and may amend and rescind, rules in 30665
accordance with Chapter 119. of the Revised Code establishing 30666
requirements and standards governing both of the following: 30667

(1) Ground water modeling for establishing a projected cone 30668
of depression. A ground water model shall be generally accepted in 30669
the scientific community. 30670

(2) Replacement of water supplies. 30671

(B)(1) If an owner of real property who obtains all or part 30672
of the owner's water supply for domestic, agricultural, 30673
industrial, or other legitimate use from ground water has a 30674
diminution, contamination, or interruption of that water supply 30675
and the owner's real property is located within the projected cone 30676
of depression of a surface mining operation established under this 30677
section, the owner may submit a written complaint to the operator 30678
of that operation or to the chief informing the operator or the 30679
chief that there is a diminution, contamination, or interruption 30680
of the owner's water supply. The complaint shall include the 30681

owner's name, address, and telephone number. 30682

If the chief receives a written complaint, the chief 30683
immediately shall send a copy of the complaint to the operator, 30684
and the operator immediately shall respond by sending the chief a 30685
statement that explains how the operator resolved or will resolve 30686
the complaint. If the operator receives a written complaint, the 30687
operator immediately shall send to the chief a copy of the 30688
complaint and include a statement that explains how the operator 30689
resolved or will resolve the complaint. Not later than seventy-two 30690
hours after receipt of the complaint, the operator shall provide 30691
the owner a supply of water that is comparable, in quantity and 30692
quality, to the owner's water supply prior to the diminution, 30693
contamination, or interruption of the owner's water supply. The 30694
operator shall maintain that water supply until the operator 30695
provides a permanent replacement water supply to the owner under 30696
division (B)(3) of this section or until the division of mineral 30697
resources management completes the evaluation under division 30698
(B)(2) of this section, whichever is applicable. 30699

(2) A rebuttable presumption exists that the operation caused 30700
the diminution, contamination, or interruption of the owner's 30701
water supply. However, not later than fourteen days after receipt 30702
of the complaint, the operator may submit to the division 30703
information showing that the operation is not the proximate cause 30704
of the diminution, contamination, or interruption of the owner's 30705
water supply. The division shall evaluate the information 30706
submitted by the operator to determine if the presumption is 30707
rebutted. If the operator fails to rebut the presumption, the 30708
division immediately shall notify the operator that the operator 30709
failed to rebut the presumption. Not later than fourteen days 30710
after receipt of that notice, the operator shall provide the owner 30711
a permanent replacement water supply that is comparable, in 30712
quantity and quality, to the owner's water supply prior to the 30713
diminution, contamination, or interruption of the owner's water 30714

supply. If the operator rebuts the presumption, the division 30715
immediately shall notify the operator that the operator rebutted 30716
the presumption, and, upon receipt of that notice, the operator 30717
may cease providing a supply of water to the owner under division 30718
(B)(1) of this section. 30719

(3) If, within fourteen days after receipt of the complaint, 30720
the operator does not submit to the division information showing 30721
that the operation is not the proximate cause of the diminution, 30722
contamination, or interruption of the owner's water supply, the 30723
operator shall provide the owner, not later than twenty-eight days 30724
after receipt of the complaint, a permanent replacement water 30725
supply that is comparable, in quantity and quality, to the owner's 30726
water supply prior to the diminution, contamination, or 30727
interruption of the owner's water supply. 30728

(4) The division may investigate a complaint under division 30729
(B) of this section. 30730

(C) If an owner of real property who obtains all or part of 30731
the owner's water supply for domestic, agricultural, industrial, 30732
or other legitimate use from ground water has a diminution, 30733
contamination, or interruption of that water supply and the 30734
owner's real property is not located within the projected cone of 30735
depression of a surface mining operation established under this 30736
section, the owner may submit a written complaint to the operator 30737
of that operation or to the chief informing the operator or the 30738
chief that there is a diminution, contamination, or interruption 30739
of the owner's water supply. The complaint shall include the 30740
owner's name, address, and telephone number. 30741

If the operator receives a written complaint, the operator 30742
immediately shall send the chief a copy of the complaint. If the 30743
chief receives a written complaint, the chief immediately shall 30744
send the operator a copy of the complaint. The chief shall 30745
investigate any complaint submitted under this division and, upon 30746

completion of the investigation, immediately shall send the 30747
results of the investigation to the operator and to the owner that 30748
filed the complaint. 30749

An owner that submits a written complaint under this division 30750
may resolve the diminution, contamination, or interruption of the 30751
owner's water supply with the operator of that operation or may 30752
commence a civil action for that purpose. 30753

(D) An operator may request the chief to amend the plan of 30754
mining and reclamation filed with the application under section 30755
1514.02 of the Revised Code when a ground water user may affect 30756
the projected cone of depression established for the operation 30757
under division (A) of this section. The operator shall submit 30758
additional data that reflect the ground water user's impact on the 30759
ground water. The chief shall perform ground water modeling using 30760
the additional data and may establish a revised projected cone of 30761
depression for that operation. 30762

(E) This section shall not be construed as creating, 30763
modifying, or affecting any right, liability, or remedy of surface 30764
riparian owners. 30765

Sec. 1515.08. The supervisors of a soil and water 30766
conservation district have the following powers in addition to 30767
their other powers: 30768

(A) To conduct surveys, investigations, and research relating 30769
to the character of soil erosion, floodwater and sediment damages, 30770
and the preventive and control measures and works of improvement 30771
for flood prevention and the conservation, development, 30772
utilization, and disposal of water needed within the district, and 30773
to publish the results of those surveys, investigations, or 30774
research, provided that no district shall initiate any research 30775
program except in cooperation or after consultation with the Ohio 30776
agricultural research and development center; 30777

(B) To develop plans for the conservation of soil resources,	30778
for the control and prevention of soil erosion, and for works of	30779
improvement for flood prevention and the conservation,	30780
development, utilization, and disposal of water within the	30781
district, and to publish those plans and information;	30782
(C) To implement, construct, repair, maintain, and operate	30783
preventive and control measures and other works of improvement for	30784
natural resource conservation and development and flood	30785
prevention, and the conservation, development, utilization, and	30786
disposal of water within the district on lands owned or controlled	30787
by this state or any of its agencies and on any other lands within	30788
the district, which works may include any facilities authorized	30789
under state or federal programs, and to acquire, by purchase or	30790
gift, to hold, encumber, or dispose of, and to lease real and	30791
personal property or interests in such property for those	30792
purposes;	30793
(D) To cooperate or enter into agreements with any occupier	30794
of lands within the district in the carrying on of natural	30795
resource conservation operations and works of improvement for	30796
flood prevention and the conservation, development, utilization,	30797
and management of natural resources within the district, subject	30798
to such conditions as the supervisors consider necessary;	30799
(E) To accept donations, gifts, grants, and contributions in	30800
money, service, materials, or otherwise, and to use or expend them	30801
according to their terms;	30802
(F) To adopt, amend, and rescind rules to carry into effect	30803
the purposes and powers of the district;	30804
(G) To sue and plead in the name of the district, and be sued	30805
and impleaded in the name of the district, with respect to its	30806
contracts and, as indicated in section 1515.081 of the Revised	30807

Code, certain torts of its officers, employees, or agents acting 30808
within the scope of their employment or official responsibilities, 30809
or with respect to the enforcement of its obligations and 30810
covenants made under this chapter; 30811

(H) To make and enter into all contracts, leases, and 30812
agreements and execute all instruments necessary or incidental to 30813
the performance of the duties and the execution of the powers of 30814
the district under this chapter, provided that all of the 30815
following apply: 30816

(1) Except as provided in section 307.86 of the Revised Code 30817
regarding expenditures by boards of county commissioners, when the 30818
cost under any such contract, lease, or agreement, other than 30819
compensation for personal services or rental of office space, 30820
involves an expenditure of more than the amount established in 30821
that section regarding expenditures by boards of county 30822
commissioners, the supervisors shall make a written contract with 30823
the lowest and best bidder after advertisement, for not less than 30824
two nor more than four consecutive weeks preceding the day of the 30825
opening of bids, in a newspaper of general circulation within the 30826
district and in such other publications as the supervisors 30827
determine. The notice shall state the general character of the 30828
work and materials to be furnished, the place where plans and 30829
specifications may be examined, and the time and place of 30830
receiving bids. 30831

(2) Each bid for a contract shall contain the full name of 30832
every person interested in it. 30833

(3) Each bid for a contract for the construction, demolition, 30834
alteration, repair, or reconstruction of an improvement shall meet 30835
the requirements of section 153.54 of the Revised Code. 30836

(4) Each bid for a contract, other than a contract for the 30837
construction, demolition, alteration, repair, or reconstruction of 30838

an improvement, at the discretion of the supervisors, may be	30839
accompanied by a bond or certified check on a solvent bank in an	30840
amount not to exceed five per cent of the bid, conditioned that,	30841
if the bid is accepted, a contract shall be entered into.	30842
 (5) The supervisors may reject any and all bids.	 30843
 (I) To make agreements with the department of natural	 30844
resources giving it control over lands of the district for the	30845
purpose of construction of improvements by the department under	30846
section 1501.011 of the Revised Code;	30847
 (J) To charge, alter, and collect rentals and other charges	 30848
for the use or services of any works of the district;	30849
 (K) To enter, either in person or by designated	 30850
representatives, upon lands, private or public, in the necessary	30851
discharge of their duties;	30852
 (L) To enter into agreements or contracts with the department	 30853
for the determination, implementation, inspection, and funding of	30854
agricultural pollution abatement and urban sediment pollution	30855
abatement measures whereby landowners, operators, managers, and	30856
developers may meet adopted state standards for a quality	30857
environment, except that failure of a district board of	30858
supervisors to negotiate an agreement or contract with the	30859
department shall authorize the division of soil and water	30860
~~conservation~~ <u>resources</u> to implement the required program;	30861
 (M) To conduct demonstrations and provide information to the	 30862
public regarding practices and methods for natural resource	30863
conservation, development, and utilization;	30864
 (N) ~~Until June 1, 1996, to conduct surveys and investigations~~	 30865
~~relating to the incidence of the multiflora rose within the~~	30866
~~district and of the nature and extent of the adverse effects of~~	30867

the multiflora rose on agriculture, forestry, recreation, and	30868
other beneficial land uses;	30869
~~(O) Until June 1, 1996, to develop plans for the control of~~	30870
~~the multiflora rose within the district and to publish those plans~~	30871
~~and information related to control of the multiflora rose;~~	30872
~~(P) Until June 1, 1996, to enter into contracts or agreements~~	30873
~~with the chief of the division of soil and water conservation to~~	30874
~~implement and administer a program for control of the multiflora~~	30875
~~rose and to receive and expend funds provided by the chief for~~	30876
~~that purpose;~~	30877
~~(Q) Until June 1, 1996, to enter into cost-sharing agreements~~	30878
~~with landowners for control of the multiflora rose. Before~~	30879
~~entering into any such agreement, the board of supervisors shall~~	30880
~~determine that the landowner's application meets the eligibility~~	30881
~~criteria established under division (E)(6) of section 1511.02 of~~	30882
~~the Revised Code. The cost-sharing agreements shall contain the~~	30883
~~contract provisions required by the rules adopted under that~~	30884
~~division and such other provisions as the board of supervisors~~	30885
~~considers appropriate to ensure effective control of the~~	30886
~~multiflora rose.~~	30887
~~(R) To enter into contracts or agreements with the chief of~~	30888
~~<u>the division of soil and water resources</u> to implement and~~	30889
~~administer a program for urban sediment pollution abatement and to~~	30890
~~receive and expend moneys provided by the chief for that purpose;~~	30891
~~(S)(O) To develop operation and management plans, as defined~~	30892
~~in section 1511.01 of the Revised Code, as necessary;~~	30893
~~(T)(P) To determine whether operation and management plans~~	30894
~~developed under division (A) of section 1511.021 of the Revised~~	30895
~~Code comply with the standards established under division (E)(1)~~	30896
~~of section 1511.02 of the Revised Code and to approve or~~	30897

disapprove the plans, based on such compliance. If an operation
and management plan is disapproved, the board shall provide a
written explanation to the person who submitted the plan. The
person may appeal the plan disapproval to the chief, who shall
afford the person a hearing. Following the hearing, the chief
shall uphold the plan disapproval or reverse it. If the chief
reverses the plan disapproval, the plan shall be deemed approved
under this division. In the event that any person operating or
owning agricultural land or a concentrated animal feeding
operation in accordance with an approved operation and management
plan who, in good faith, is following that plan, causes
agricultural pollution, the plan shall be revised in a fashion
necessary to mitigate the agricultural pollution, as determined
and approved by the board of supervisors of the soil and water
conservation district.

~~(U)~~(Q) With regard to composting conducted in conjunction
with agricultural operations, to do all of the following:

(1) Upon request or upon their own initiative, inspect
composting at any such operation to determine whether the
composting is being conducted in accordance with section 1511.022
of the Revised Code;

(2) If the board determines that composting is not being so
conducted, request the chief to issue an order under division (G)
of section 1511.02 of the Revised Code requiring the person who is
conducting the composting to prepare a composting plan in
accordance with rules adopted under division ~~(E)(4)~~(8)(c) of that
section and to operate in accordance with that plan or to operate
in accordance with a previously prepared plan, as applicable;

(3) In accordance with rules adopted under division
~~(E)(4)~~(8)(c) of section 1511.02 of the Revised Code, review and
approve or disapprove any such composting plan. If a plan is
disapproved, the board shall provide a written explanation to the

person who submitted the plan.	30930
As used in division ~~(U)~~ <u>(Q)</u> of this section, "composting" has	30931
the same meaning as in section 1511.01 of the Revised Code.	30932
~~(V)~~ <u>(R)</u> With regard to conservation activities that are	30933
conducted in conjunction with agricultural operations, to assist	30934
the county auditor, upon request, in determining whether a	30935
conservation activity is a conservation practice for purposes of	30936
Chapter 929. or sections 5713.30 to 5713.37 and 5715.01 of the	30937
Revised Code.	30938
As used in this division, "conservation practice" has the	30939
same meaning as in section 5713.30 of the Revised Code.	30940
~~(W)~~ <u>(S)</u> To do all acts necessary or proper to carry out the	30941
powers granted in this chapter.	30942
The director of natural resources shall make recommendations	30943
to reduce the adverse environmental effects of each project that a	30944
soil and water conservation district plans to undertake under	30945
division (A), (B), (C), or (D) of this section and that will be	30946
funded in whole or in part by moneys authorized under section	30947
1515.16 of the Revised Code and shall disapprove any such project	30948
that the director finds will adversely affect the environment	30949
without equal or greater benefit to the public. The director's	30950
disapproval or recommendations, upon the request of the district	30951
filed in accordance with rules adopted by the Ohio soil and water	30952
conservation commission, shall be reviewed by the commission,	30953
which may confirm the director's decision, modify it, or add	30954
recommendations to or approve a project the director has	30955
disapproved.	30956
Any instrument by which real property is acquired pursuant to	30957
this section shall identify the agency of the state that has the	30958
use and benefit of the real property as specified in section	30959

5301.012 of the Revised Code. 30960

Sec. 1515.14. Within the limits of funds appropriated to the 30961
department of natural resources and the soil and water 30962
conservation district assistance fund created in this section, 30963
there shall be paid in each calendar year to each local soil and 30964
water conservation district an amount not to exceed one dollar for 30965
each one dollar received in accordance with section 1515.10 of the 30966
Revised Code, received from tax levies in excess of the ten-mill 30967
levy limitation approved for the benefit of local soil and water 30968
conservation districts, or received from an appropriation by a 30969
municipal corporation or a township to a maximum of eight thousand 30970
dollars, provided that the Ohio soil and water conservation 30971
commission may approve payment to a district in an amount in 30972
excess of eight thousand dollars in any calendar year upon receipt 30973
of a request and justification from the district. The county 30974
auditor shall credit such payments to the special fund established 30975
pursuant to section 1515.10 of the Revised Code for the local soil 30976
and water conservation district. The department may make advances 30977
at least quarterly to each district on the basis of the estimated 30978
contribution of the state to each district. Moneys received by 30979
each district shall be expended for the purposes of the district. 30980

For the purpose of providing money to soil and water 30981
conservation districts under this section, there is hereby created 30982
in the state treasury the soil and water conservation district 30983
assistance fund consisting of money credited to it under section 30984
3714.073 and division (A)(5) of section 3734.57 of the Revised 30985
Code. 30986

Sec. 1515.183. Upon acceptance of a petition requesting the 30987
construction of an improvement, the supervisors of a soil and 30988
water conservation district shall begin to prepare, as a guide to 30989
the board of county commissioners and the petitioners, a 30990
preliminary report regarding the proposed improvement. The 30991

supervisors shall present the completed preliminary report at the 30992
hearing that is held on the proposed improvement. 30993

The preliminary report shall include a preliminary estimate 30994
of cost, comments on the feasibility of the project, and a 30995
statement of the supervisors' opinion as to whether the benefits 30996
from the project are likely to exceed the estimated cost. The 30997
preliminary report shall identify all factors that are apparent to 30998
the supervisors, both favorable and unfavorable to the proposed 30999
improvement, so that the petitioners may be informed concerning 31000
what is involved with the construction of the improvement. 31001

In addition to reporting on the improvement as petitioned, 31002
the supervisors may submit alternate proposals to accomplish the 31003
intent of the petition. The preliminary report and all alternate 31004
proposals shall be reviewed and receive concurrence from an 31005
engineer who is employed by the division of soil and water 31006
~~conservation~~resources or by the natural resources conservation 31007
service in the United States department of agriculture and who is 31008
responsible for providing technical assistance to the district or 31009
from any other registered professional engineer whom the 31010
supervisors choose. 31011

Sec. 1517.02. There is hereby created in the department of 31012
natural resources the division of natural areas and preserves, 31013
which shall be administered by the chief of the division of 31014
natural areas and preserves. The chief shall take an oath of 31015
office and shall file in the office of the secretary of state a 31016
bond signed by the chief and by a surety approved by the governor 31017
for a sum fixed pursuant to section 121.11 of the Revised Code. 31018

The chief shall administer a system of nature preserves ~~and~~ 31019
~~wild, scenic, and recreational river areas.~~ The chief shall 31020
establish a system of nature preserves through acquisition and 31021
dedication of natural areas of state or national significance, 31022
which shall include, but not be limited to, areas that represent 31023

characteristic examples of Ohio's natural landscape types and its 31024
natural vegetation and geological history. The chief shall 31025
encourage landowners to dedicate areas of unusual significance as 31026
nature preserves, and shall establish and maintain a registry of 31027
natural areas of unusual significance. 31028

The chief may ~~supervise, operate, protect, and maintain wild,~~ 31029
~~scenic, and recreational river areas, as designated by the~~ 31030
~~director of natural resources. The chief may cooperate with~~ 31031
participate in watershed planning activities with other states or 31032
federal agencies ~~administering any federal program concerning~~ 31033
~~wild, scenic, or recreational river areas.~~ 31034

The chief shall do the following: 31035

(A) Formulate policies and plans for the acquisition, use, 31036
management, and protection of nature preserves; 31037

(B) Formulate policies for the selection of areas suitable 31038
for registration; 31039

(C) Formulate policies for the dedication of areas as nature 31040
preserves; 31041

(D) Prepare and maintain surveys and inventories of natural 31042
areas, rare and endangered species of plants and animals, and 31043
other unique natural features. The information shall be stored in 31044
the Ohio natural heritage database, established pursuant to this 31045
division, and may be made available to any individual or private 31046
or public agency for research, educational, environmental, land 31047
management, or other similar purposes that are not detrimental to 31048
the conservation of a species or feature. Information regarding 31049
sensitive site locations of species that are listed pursuant to 31050
section 1518.01 of the Revised Code and of unique natural features 31051
that are included in the Ohio natural heritage database is not 31052
subject to section 149.43 of the Revised Code if the chief 31053

determines that the release of the information could be 31054
detrimental to the conservation of a species or unique natural 31055
feature. 31056

(E) Adopt rules for the use, visitation, and protection of 31057
nature preserves;and natural areas owned or managed through 31058
easement, license, or lease by the department and administered by 31059
the division;~~and lands owned or managed through easement,~~ 31060
~~license, or lease by the department and administered by the~~ 31061
~~division that are within or adjacent to any wild, scenic, or~~ 31062
~~recreational river area;~~ in accordance with Chapter 119. of the 31063
Revised Code; 31064

(F) Provide facilities and improvements within the state 31065
system of nature preserves that are necessary for their 31066
visitation, use, restoration, and protection and do not impair 31067
their natural character; 31068

(G) Provide interpretive programs and publish and disseminate 31069
information pertaining to nature preserves and natural areas for 31070
their visitation and use; 31071

(H) Conduct and grant permits to qualified persons for the 31072
conduct of scientific research and investigations within nature 31073
preserves; 31074

(I) Establish an appropriate system for marking nature 31075
preserves; 31076

(J) Publish and submit to the governor and the general 31077
assembly a biennial report of the status and condition of each 31078
nature preserve, activities conducted within each preserve, and 31079
plans and recommendations for natural area preservation. 31080

Sec. 1517.10. (A) As used in this section, "felony" has the 31081
same meaning as in section 109.511 of the Revised Code. 31082

(B)(1) Any person selected by the chief of the division of	31083
natural areas and preserves for custodial or patrol service on the	31084
lands and waters operated or administered by the division shall be	31085
employed in conformity with the law applicable to the classified	31086
civil service of the state. Subject to division (C) of this	31087
section, the chief may designate that person as a preserve	31088
officer. A preserve officer, in any nature preserve, in any	31089
natural area owned or managed through easement, license, or lease	31090
by the department of natural resources and administered by the	31091
division, and on lands owned or managed through easement, license,	31092
or lease by the department and administered by the division that	31093
are ~~within or adjacent to any wild, scenic, or recreational river~~	31094
~~area established under this chapter and~~ along any trail	31095
established under Chapter 1519. of the Revised Code, has the	31096
authority specified under section 2935.03 of the Revised Code for	31097
peace officers of the department of natural resources to keep the	31098
peace, to enforce all laws and rules governing those lands and	31099
waters, and to make arrests for violation of those laws and rules,	31100
provided that the authority shall be exercised on lands or waters	31101
administered by another division of the department only pursuant	31102
to an agreement with the chief of that division or to a request	31103
for assistance by an enforcement officer of that division in an	31104
emergency. A preserve officer, in or along any watercourse within,	31105
abutting, or upstream from the boundary of any area administered	31106
by the department, has the authority to enforce section 3767.32 of	31107
the Revised Code and any other laws prohibiting the dumping of	31108
refuse into or along waters and to make arrests for violation of	31109
those laws. The jurisdiction of a preserve officer shall be	31110
concurrent with that of the peace officers of the county,	31111
township, or municipal corporation in which the violation occurs.	31112
 The governor, upon the recommendation of the chief, shall	31113
issue to each preserve officer a commission indicating authority	31114
to make arrests as provided in this section.	31115

The chief shall furnish a suitable badge to each commissioned preserve officer as evidence of the preserve officer's authority. 31116
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(2) If any person employed under this section is designated 31118
by the chief to act as an agent of the state in the collection of 31119
money resulting from the sale of licenses, fees of any nature, or 31120
other money belonging to the state, the chief shall require a 31121
surety bond from the person in an amount not less than one 31122
thousand dollars. 31123

(3) A preserve officer may render assistance to a state or 31124
local law enforcement officer at the request of the officer or in 31125
the event of an emergency. Preserve officers serving outside the 31126
division of natural areas and preserves under this section or 31127
serving under the terms of a mutual aid compact authorized under 31128
section 1501.02 of the Revised Code shall be considered as 31129
performing services within their regular employment for the 31130
purposes of compensation, pension or indemnity fund rights, 31131
workers' compensation, and other rights or benefits to which they 31132
may be entitled as incidents of their regular employment. 31133

Preserve officers serving outside the division of natural 31134
areas and preserves under this section or under the terms of a 31135
mutual aid compact retain personal immunity from civil liability 31136
as specified in section 9.86 of the Revised Code and shall not be 31137
considered an employee of a political subdivision for purposes of 31138
Chapter 2744. of the Revised Code. A political subdivision that 31139
uses preserve officers under this section or under the terms of a 31140
mutual aid compact authorized under section 1501.02 of the Revised 31141
Code is not subject to civil liability under Chapter 2744. of the 31142
Revised Code as a result of any action or omission of any preserve 31143
officer acting under this section or under a mutual aid compact. 31144

(C)(1) The chief of the division of natural areas and 31145
preserves shall not designate a person as a preserve officer 31146

pursuant to division (B)(1) of this section on a permanent basis, 31147
on a temporary basis, for a probationary term, or on other than a 31148
permanent basis if the person previously has been convicted of or 31149
has pleaded guilty to a felony. 31150

(2)(a) The chief of the division of natural areas and 31151
preserves shall terminate the employment as a preserve officer of 31152
a person designated as a preserve officer under division (B)(1) of 31153
this section if that person does either of the following: 31154

(i) Pleads guilty to a felony; 31155

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 31156
plea agreement as provided in division (D) of section 2929.43 of 31157
the Revised Code in which the preserve officer agrees to surrender 31158
the certificate awarded to the preserve officer under section 31159
109.77 of the Revised Code. 31160

(b) The chief shall suspend from employment as a preserve 31161
officer a person designated as a preserve officer under division 31162
(B)(1) of this section if that person is convicted, after trial, 31163
of a felony. If the preserve officer files an appeal from that 31164
conviction and the conviction is upheld by the highest court to 31165
which the appeal is taken or if the preserve officer does not file 31166
a timely appeal, the chief shall terminate the employment of that 31167
preserve officer. If the preserve officer files an appeal that 31168
results in the preserve officer's acquittal of the felony or 31169
conviction of a misdemeanor, or in the dismissal of the felony 31170
charge against the preserve officer, the chief shall reinstate 31171
that preserve officer. A preserve officer who is reinstated under 31172
division (C)(2)(b) of this section shall not receive any back pay 31173
unless that preserve officer's conviction of the felony was 31174
reversed on appeal, or the felony charge was dismissed, because 31175
the court found insufficient evidence to convict the preserve 31176
officer of the felony. 31177

(3) Division (C) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension from employment, or the termination of the employment, of a preserve officer under division (C)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

Sec. 1517.11. There is hereby created in the state treasury the natural areas and preserves fund, which shall consist of moneys transferred into it under section 5747.113 of the Revised Code and of contributions made directly to it. Any person may contribute directly to the fund in addition to or independently of the income tax refund contribution system established in that section.

Moneys in the fund shall be disbursed pursuant to vouchers approved by the director of natural resources for use by the division of natural areas and preserves solely for the following purposes:

(A) The acquisition of new or expanded natural areas;and nature preserves,~~and wild, scenic, and recreational river areas;~~

(B) Facility development in natural areas;and nature preserves,~~and wild, scenic, and recreational river areas;~~

(C) Special projects, including, but not limited to, biological inventories, research grants, and the production of interpretive material related to natural areas;and nature preserves,~~and wild, scenic, and recreational river areas;~~

(D) Routine maintenance for health and safety purposes.

Moneys appropriated from the fund shall not be used to fund salaries of permanent employees or administrative costs.

All investment earnings of the fund shall be credited to the fund. 31206
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Sec. 1519.03. The director of natural resources, through 31208
the chief of the division of ~~real estate~~parks and ~~land management~~ 31209
recreation, shall prepare and maintain a current inventory of 31210
trails, abandoned or unmaintained roads, streets, and highways, 31211
abandoned railroad rights-of-way, utility easements, canals, and 31212
other scenic or historic corridors or rights-of-way that are 31213
suitable for recreational use. The director shall prepare and 31214
publish a comprehensive plan for development of a statewide trails 31215
system to serve present and future trail recreation needs of the 31216
state. Any state department, agency, political subdivision, or 31217
planning commission shall furnish available maps, descriptions, 31218
and other pertinent information to the director or provide access 31219
to ~~his~~the director's representatives for inspection and 31220
duplication, upon request by the director, for trail inventory and 31221
planning purposes. 31222

Sec. 1520.02. (A) The director of natural resources has 31223
exclusive authority to administer, manage, and establish policies 31224
governing canal lands. 31225

(B)(1) The director may sell, lease, exchange, give, or grant 31226
all or part of the state's interest in any canal lands in 31227
accordance with section 1501.01 of the Revised Code. The director 31228
may stipulate that an appraisal or survey need not be conducted 31229
for, and may establish any terms or conditions that the director 31230
determines appropriate for, any such conveyance. 31231

Prior to proposing the conveyance of any canal lands, the 31232
director shall consider the local government needs and economic 31233
development potential with respect to the canal lands and the 31234
recreational, ecological, and historical value of the canal lands. 31235
In addition, the conveyance of canal lands shall be conducted in 31236

accordance with the director's policies governing the protection 31237
and conservation of canal lands established under this section. 31238

(2) With regard to canal lands, the chief of the division of 31239
~~water~~parks and recreation, with the approval of the director, may 31240
sell, lease, or transfer minerals or mineral rights when the 31241
chief, with the approval of the director, determines that the 31242
sale, lease, or transfer is in the best interest of the state. 31243
Consideration for minerals and mineral rights shall be by rental 31244
or on a royalty basis as prescribed by the chief, with the 31245
approval of the director, and payable as prescribed by contract. 31246
Moneys collected under division (B)(2) of this section shall be 31247
paid into the state treasury to the credit of the canal lands fund 31248
created in section 1520.05 of the Revised Code. 31249

(C) The director may transfer to the Ohio historical society 31250
any equipment, maps, and records used on or related to canal lands 31251
that are of historical interest and that are not needed by the 31252
director to administer this chapter. 31253

(D) If the director determines that any canal lands are a 31254
necessary part of a county's drainage or ditch system and are not 31255
needed for any purpose of the department of natural resources, the 31256
director may sell, grant, or otherwise convey those canal lands to 31257
that county in accordance with division (B) of this section. The 31258
board of county commissioners shall accept the transfer of canal 31259
lands. 31260

(E) Notwithstanding any other section of the Revised Code, 31261
the county auditor shall transfer any canal lands conveyed under 31262
this section, and the county recorder shall record the deed for 31263
those lands in accordance with section 317.12 of the Revised Code. 31264

Sec. 1520.03. (A) The director of natural resources may 31265
appropriate real property in accordance with Chapter 163. of the 31266
Revised Code for the purpose of administering this chapter. 31267

(B)(1) The director shall operate and maintain all canals and canal reservoirs owned by the state except those canals that are operated by the Ohio historical society on July 1, 1989.

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(2) On behalf of the director, the division of waterparks and recreation shall have the care and control of all canals and canal reservoirs owned by the state, the water in them, and canal lands and shall protect, operate, and maintain them and keep them in repair. The chief of the division of waterparks and recreation may remove obstructions from or on them and shall make any alterations or changes in or to them and construct any feeders, dikes, reservoirs, dams, locks, or other works, devices, or improvements in or on them that are necessary in the discharge of the chief's duties.

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In accordance with Chapter 119. of the Revised Code, the chief may adopt, amend, and rescind rules that are necessary for the administration of this division.

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(C) The director may sell or lease water from any canal or canal reservoir that the director operates and maintains only to the extent that the water is in excess of the quantity that is required for navigation, recreation, and wildlife purposes. ~~The~~ With the approval of the director, the chief may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code necessary to administer this division.

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The withdrawal of water from any canal or canal reservoir for domestic use is exempt from this division. However, the director may require water conservation measures for water that is withdrawn from any canal or canal reservoir for domestic use during drought conditions or other emergencies declared by the governor.

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(D) No person shall take or divert water from any canal or

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canal reservoir operated and maintained by the director except in 31298
accordance with division (C) of this section. 31299

(E) At the request of the director, the attorney general may 31300
commence a civil action for civil penalties and injunctions, in a 31301
court of common pleas, against any person who has violated or is 31302
violating division (D) of this section. The court of common pleas 31303
in which an action for injunctive relief is filed has jurisdiction 31304
to and shall grant preliminary and permanent injunctive relief 31305
upon a showing that the person against whom the action is brought 31306
has violated or is violating that division. 31307

Upon a finding of a violation, the court shall assess a civil 31308
penalty of not more than one thousand dollars for each day of each 31309
violation if the violator is an individual who took or diverted 31310
the water in question for residential or agricultural use. The 31311
court shall assess a civil penalty of not more than five thousand 31312
dollars for each day of each violation if the violator is any 31313
other person who took or diverted the water in question for 31314
industrial or commercial use excluding agricultural use. Moneys 31315
from civil penalties assessed under this division shall be paid 31316
into the state treasury to the credit of the canal lands fund 31317
created in section 1520.05 of the Revised Code. 31318

Any action under this division is a civil action, governed by 31319
the rules of civil procedure and other rules of practice and 31320
procedure applicable to civil actions. 31321

(F) As used in this section, "person" means any agency of 31322
this state, any political subdivision of this state or of the 31323
United States, or any legal entity defined as a person under 31324
section 1.59 of the Revised Code. 31325

Sec. 1521.03. The chief of the division of soil and water 31326
resources shall do all of the following: 31327

(A) Assist in an advisory capacity any properly constituted watershed district, conservancy district, or soil and water conservation district or any county, municipal corporation, or other government agency of the state in the planning of works for ground water recharge, flood mitigation, floodplain management, flood control, flow capacity and stability of streams, rivers, and watercourses, or the establishment of water conservation practices, within the limits of the appropriations for those purposes;	31328 31329 31330 31331 31332 31333 31334 31335 31336
(B) Have authority to conduct basic inventories of the water and related natural resources in each drainage basin in the state; to develop a plan on a watershed basis that will recognize the variety of uses to which water may be put and the need for its management for those uses; with the approval of the director of natural resources and the controlling board, to transfer appropriated or other funds, authorized for those inventories and plan, to any division of the department of natural resources or other state agencies for the purpose of developing pertinent data relating to the plan of water management; and to accept and expend moneys contributed by any person for implementing the development of the plan;	31337 31338 31339 31340 31341 31342 31343 31344 31345 31346 31347 31348
(C) Have authority to make detailed investigations of all factors relating to floods, floodplain management, and flood control in the state with particular attention to those factors bearing upon the hydraulic and hydrologic characteristics of rivers, streams, and watercourses, recognizing the variety of uses to which water and watercourses may be put;	31349 31350 31351 31352 31353 31354
(D) Cooperate with the United States or any agency thereof and with any political subdivision of the state in planning and constructing flood control works;	31355 31356 31357
(E) Hold meetings or public hearings, whichever is considered appropriate by the chief, to assist in the resolution of conflicts	31358 31359

between ground water users. Such meetings or hearings shall be 31360
called upon written request from boards of health of city or 31361
general health districts created by or under the authority of 31362
Chapter 3709. of the Revised Code or authorities having the duties 31363
of a board of health as authorized by section 3709.05 of the 31364
Revised Code, boards of county commissioners, boards of township 31365
trustees, legislative authorities of municipal corporations, or 31366
boards of directors of conservancy districts and may be called by 31367
the chief upon the request of any other person or at the chief's 31368
discretion. The chief shall collect and present at such meetings 31369
or hearings the available technical information relevant to the 31370
conflicts and to the ground water resource. The chief shall 31371
prepare a report, and may make recommendations, based upon the 31372
available technical data and the record of the meetings or 31373
hearings, about the use of the ground water resource. In making 31374
the report and any recommendations, the chief also may consider 31375
the factors listed in division (B) of section 1521.17 of the 31376
Revised Code. The technical information presented, the report 31377
prepared, and any recommendations made under this division shall 31378
be presumed to be prima-facie authentic and admissible as evidence 31379
in any court pursuant to Evidence Rule 902. 31380

(F) Perform stream or ground water gauging and may contract 31381
with the United States government or any other agency for the 31382
gauging of any streams or ground water within the state; 31383

(G) Primarily with regard to water quantity, have authority 31384
to collect, study, map, and interpret all available information, 31385
statistics, and data pertaining to the availability, supply, use, 31386
conservation, and replenishment of the ground and surface waters 31387
in the state in coordination with other agencies of this state; 31388

(H) Primarily with regard to water quantity and availability, 31389
be authorized to cooperate with and negotiate for the state with 31390
any agency of the United States government, of this state, or of 31391

any other state pertaining to the water resources of the state; 31392

(I) Provide engineering support for the coastal management 31393
program established under Chapter 1506. of the Revised Code. 31394

Sec. 1521.031. There is hereby created in the department of 31395
natural resources the Ohio water advisory council. The council 31396
shall consist of seven members appointed by the governor with the 31397
advice and consent of the senate. No more than four of the members 31398
shall be of the same political party. Members shall be persons who 31399
have a demonstrated interest in water management and whose 31400
expertise reflects the various responsibilities of the division of 31401
soil and water resources under this chapter and Chapter 1523. of 31402
the Revised Code, including, but not limited to, dam safety, 31403
surface water, groundwater, and flood plain management. The chief 31404
of the division of soil and water resources may participate in the 31405
deliberations of the council, but shall not vote. 31406

Terms of office of members shall be for two years commencing 31407
on the second day of February and ending on the first day of 31408
February. Each member shall hold office from the date of 31409
appointment until the end of the term for which ~~he was~~ appointed. 31410
The governor may remove any member at any time for inefficiency, 31411
neglect of duty, or malfeasance in office. In the event of the 31412
death, removal, resignation, or incapacity of any member, the 31413
governor, with the advice and consent of the senate, shall appoint 31414
a successor to hold office for the remainder of the term for which 31415
~~his~~the member's predecessor was appointed. Any member shall 31416
continue in office following the expiration date of ~~his~~the 31417
member's term until ~~his~~the member's successor takes office or 31418
until sixty days have elapsed, whichever occurs first. Membership 31419
on the council does not constitute holding a public office or 31420
position of employment under the Revised Code and is not grounds 31421
for removal of public officers or employees from their offices or 31422
positions of employment. 31423

The council annually shall select from its members a ~~chairman~~ 31424
chairperson and a ~~vice-chairman~~ vice-chairperson. The council 31425
shall hold at least one meeting each calendar quarter and shall 31426
keep a record of its proceedings, which shall be open to the 31427
public for inspection. Special meetings may be called by the 31428
~~chairman~~ chairperson and shall be called upon the written request 31429
of two or more members. A majority of the members constitutes a 31430
quorum. The division shall furnish clerical, technical, legal, and 31431
other services required by the council in the performance of its 31432
duties. 31433

Members shall receive no compensation, but shall be 31434
reimbursed from the appropriations for the division for the actual 31435
and necessary expenses incurred by them in the performance of 31436
their official duties. 31437

The council shall: 31438

(A) Advise the chief of the division of soil and water 31439
resources in carrying out the duties of the division under this 31440
chapter and Chapter 1523. of the Revised Code; 31441

(B) Recommend such policy and legislation with respect to 31442
water management and conservation as will promote the economic, 31443
industrial, and social development of the state while minimizing 31444
threats to the state's natural environment; 31445

(C) Review and make recommendations on the development of 31446
plans and programs for long-term, comprehensive water management 31447
throughout the state; and 31448

(D) Recommend ways to enhance cooperation among governmental 31449
agencies having an interest in water to encourage wise use and 31450
protection of the state's ground and surface waters. To this end, 31451
the council shall request nonvoting representation from 31452
appropriate governmental agencies. 31453

Sec. 1521.04. The chief of the division of soil and water resources, with the approval of the director of natural resources, may make loans and grants from the water management fund created in section 1501.32 of the Revised Code to governmental agencies for water management, water supply improvements, and planning and may administer grants from the federal government and from other public or private sources for carrying out those functions and for the performance of any acts that may be required by the United States or by any agency or department thereof as a condition for the participation by any governmental agency in any federal financial or technical assistance program. Direct and indirect costs of administration may be paid from the fund.

The chief may use the water management fund for the purposes of administering the water diversion and consumptive use permit programs established in sections 1501.30 to 1501.35 of the Revised Code; to perform watershed and water resources studies for the purposes of water management planning; and to acquire, construct, reconstruct, improve, equip, maintain, operate, and dispose of water management improvements. The chief may fix, alter, charge, and collect rates, fees, rentals, and other charges to be paid into the fund by governmental agencies and persons who are supplied with water by facilities constructed or operated by the department of natural resources in order to amortize and defray the cost of the construction, maintenance, and operation of those facilities.

Sec. 1521.05. (A) As used in this section:

(1) "Construct" or "construction" includes drilling, boring, digging, deepening, altering, and logging.

(2) "Altering" means changing the configuration of a well, including, without limitation, deepening a well, extending or replacing any portion of the inside or outside casing or wall of a

well that extends below ground level, plugging a portion of a well 31485
back to a certain depth, and reaming out a well to enlarge its 31486
original diameter. 31487

(3) "Logging" means describing the lithology, grain size, 31488
color, and texture of the formations encountered during the 31489
drilling, boring, digging, deepening, or altering of a well. 31490

(4) "Grouting" means neat cement; bentonite products in 31491
slurry, granular, or pelletized form, excluding drilling mud or 31492
fluids; or any combination of neat cement and bentonite products 31493
that is placed within a well to seal the annular space or to seal 31494
an abandoned well and that is impervious to and capable of 31495
preventing the movement of water. 31496

(5) "Abandoned well" means a well whose use has been 31497
permanently discontinued and that poses potential health and 31498
safety hazards or that has the potential to transmit surface 31499
contaminants into the aquifer in which the well has been 31500
constructed. 31501

(6) "Sealing" means the complete filling of an abandoned well 31502
with grouting or other approved materials in order to permanently 31503
prevent the vertical movement of water in the well and thus 31504
prevent the contamination of ground water or the intermixing of 31505
water between aquifers. 31506

(B) Any person that constructs a well shall keep a careful 31507
and accurate log of the construction of the well. The log shall 31508
show all of the following: 31509

(1) The character, including, without limitation, the 31510
lithology, color, texture, and grain size, the name, if known, and 31511
the depth of all formations passed through or encountered; 31512

(2) The depths at which water is encountered; 31513

(3) The static water level of the completed well;	31514
(4) A copy of the record of all pumping tests and analyses related to those tests, if any;	31515 31516
(5) Construction details, including lengths, diameters, and thicknesses of casing and screening and the volume, type of material, and method of introducing gravel packing and grouting into the well;	31517 31518 31519 31520
(6) The type of pumping equipment installed, if any;	31521
(7) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;	31522 31523 31524
(8) The signature of the individual who constructed the well and filed the well log;	31525 31526
(9) Any other information required by the chief of the division of <u>soil and water resources</u> .	31527 31528
The log shall be ~~furnished to~~ <u>filed with</u> the division of <u>soil and water resources</u> within thirty days after the completion of construction of the well on forms prescribed and prepared by the division. The log shall be kept on file by the division.	31529 31530 31531 31532
(C) Any person that seals a well shall keep a careful and accurate report of the sealing of the well. The sealing report shall show all of the following:	31533 31534 31535
(1) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;	31536 31537 31538
(2) The depth of the well, the size and length of its casing,	31539

and the static water level of the well;	31540
(3) The sealing procedures, including the volume and type of sealing material or materials and the method and depth of placement of each material;	31541 31542 31543
(4) The date on which the sealing was performed;	31544
(5) The signature of the individual who sealed the well and filed the sealing report;	31545 31546
(6) Any other information required by the chief.	31547
The sealing report shall be ~~furnished to~~ <u>filed with</u> the division within thirty days after the completion of the sealing of the well on forms prescribed and prepared by the division.	31548 31549 31550
(D) In accordance with Chapter 119. of the Revised Code, the chief may adopt, amend, and rescind rules requiring other persons that are involved in the construction or subsequent development of a well to submit well logs under division (B) of this section containing any or all of the information specified in divisions (B)(1) to (9) of this section and specifying additional information to be included in sealing reports required under division (C) of this section. <u>The chief shall adopt rules establishing procedures and requirements governing the payment and collection of water well log filing fees, including the amount of any filing fee to be imposed as an alternative to the twenty-dollar filing fee established in division (G) of this section and including procedures for the quarterly transfer of filing fees by boards of health and the director of environmental protection under that division.</u>	31551 31552 31553 31554 31555 31556 31557 31558 31559 31560 31561 31562 31563 31564 31565
(E)(1) No person shall fail to keep and ~~submit~~ <u>file</u> a well log or a sealing report as required by this section.	31566 31567

(2) No person shall make a false statement in any well log or sealing report required to be kept and ~~submitted~~filed under this section. Violation of division (E)(2) of this section is falsification under section 2921.13 of the Revised Code.

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(F) For the purposes of prosecution of a violation of division (E)(1) of this section, a prima-facie case is established when the division obtains either of the following:

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(1) A certified copy of a permit for a private water system issued in accordance with rules adopted under section 3701.344 of the Revised Code, or a certified copy of the invoice or a canceled check from the owner of a well indicating the construction or sealing services performed;

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(2) A certified copy of any permit issued under Chapter 3734. or 6111. of the Revised Code or plan approval granted under Chapter 6109. of the Revised Code for any activity that includes the construction or sealing of a well as applicable.

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(G) In accordance with rules adopted under this section, a person or entity that constructs a well for the purpose of extracting potable water as part of a private water system that is subject to rules adopted under section 3701.344 of the Revised Code or a public water system that is required to be licensed under Chapter 6109. of the Revised Code shall pay a well log filing fee of twenty dollars per well log or, if the chief has adopted rules establishing an alternative fee amount, the fee amount established under rules. The fee shall be collected by a board of health under section 3701.344 of the Revised Code or the environmental protection agency under section 6109.22 of the Revised Code, as applicable.

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Each calendar quarter, a board of health or the environmental protection agency, as applicable, shall forward all well log filing fees collected during the previous calendar quarter to the

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division of soil and water resources. The fees shall be forwarded 31599
in accordance with procedures established in rules adopted under 31600
this section. 31601

Proceeds of well log filing fees shall be used by the 31602
division of soil and water resources for the purposes of 31603
acquiring, maintaining, and dispensing digital and paper records 31604
of well logs that are filed with the division. 31605

Sec. 1521.06. (A) No dam may be constructed for the purpose 31606
of storing, conserving, or retarding water, or for any other 31607
purpose, nor shall any levee be constructed for the purpose of 31608
diverting or retaining flood water, unless the person or 31609
governmental agency desiring the construction has a construction 31610
permit for the dam or levee issued by the chief of the division of 31611
soil and water resources. 31612

A construction permit is not required under this section for: 31613

(1) A dam that is or will be less than ten feet in height and 31614
that has or will have a storage capacity of not more than fifty 31615
acre-feet at the elevation of the top of the dam, as determined by 31616
the chief. For the purposes of this section, the height of a dam 31617
shall be measured from the natural stream bed or lowest ground 31618
elevation at the downstream or outside limit of the dam to the 31619
elevation of the top of the dam. 31620

(2) A dam, regardless of height, that has or will have a 31621
storage capacity of not more than fifteen acre-feet at the 31622
elevation of the top of the dam, as determined by the chief; 31623

(3) A dam, regardless of storage capacity, that is or will be 31624
six feet or less in height, as determined by the chief; 31625

(4) A dam or levee that belongs to a class exempted by the 31626
chief; 31627

(5) The repair, maintenance, improvement, alteration, or	31628
removal of a dam or levee that is subject to section 1521.062 of	31629
the Revised Code, unless the construction constitutes an	31630
enlargement or reconstruction of the structure as determined by	31631
the chief;	31632
(6) A dam or impoundment constructed under Chapter 1513. of	31633
the Revised Code.	31634
(B) Before a construction permit may be issued, three copies	31635
of the plans and specifications, including a detailed cost	31636
estimate, for the proposed construction, prepared by a registered	31637
professional engineer, together with the filing fee specified by	31638
this section and the bond or other security required by section	31639
1521.061 of the Revised Code, shall be filed with the chief. The	31640
detailed estimate of the cost shall include all costs associated	31641
with the construction of the dam or levee, including supervision	31642
and inspection of the construction by a registered professional	31643
engineer. The filing fee shall be based on the detailed cost	31644
estimate for the proposed construction as filed with and approved	31645
by the chief, and shall be determined by the following schedule	31646
unless otherwise provided by rules adopted under this section:	31647
(1) For the first one hundred thousand dollars of estimated	31648
cost, a fee of four per cent;	31649
(2) For the next four hundred thousand dollars of estimated	31650
cost, a fee of three per cent;	31651
(3) For the next five hundred thousand dollars of estimated	31652
cost, a fee of two per cent;	31653
(4) For all costs in excess of one million dollars, a fee of	31654
one-half of one per cent.	31655

In no case shall the filing fee be less than one thousand 31656
dollars or more than one hundred thousand dollars. If the actual 31657
cost exceeds the estimated cost by more than fifteen per cent, an 31658
additional filing fee shall be required equal to the fee 31659
determined by the preceding schedule less the original filing 31660
fee. All fees collected pursuant to this section, and all fines 31661
collected pursuant to section 1521.99 of the Revised Code, shall 31662
be deposited in the state treasury to the credit of the dam 31663
safety fund, which is hereby created. Expenditures from the fund 31664
shall be made by the chief for the purpose of administering this 31665
section and sections 1521.061 and 1521.062 of the Revised Code. 31666

(C) The chief shall, within thirty days from the date of the 31667
receipt of the application, fee, and bond or other security, issue 31668
or deny a construction permit for the construction or may issue a 31669
construction permit conditioned upon the making of such changes in 31670
the plans and specifications for the construction as the chief 31671
considers advisable if the chief determines that the construction 31672
of the proposed dam or levee, in accordance with the plans and 31673
specifications filed, would endanger life, health, or property. 31674

(D) The chief may deny a construction permit after finding 31675
that a dam or levee built in accordance with the plans and 31676
specifications would endanger life, health, or property, because 31677
of improper or inadequate design, or for such other reasons as the 31678
chief may determine. 31679

In the event the chief denies a permit for the construction 31680
of the dam or levee, or issues a permit conditioned upon a making 31681
of changes in the plans or specifications for the construction, 31682
the chief shall state the reasons therefor and so notify, in 31683
writing, the person or governmental agency making the application 31684
for a permit. If the permit is denied, the chief shall return the 31685
bond or other security to the person or governmental agency making 31686
application for the permit. 31687

The decision of the chief conditioning or denying a construction permit is subject to appeal as provided in Chapter 119. of the Revised Code. A dam or levee built substantially at variance from the plans and specifications upon which a construction permit was issued is in violation of this section. The chief may at any time inspect any dam or levee, or site upon which any dam or levee is to be constructed, in order to determine whether it complies with this section.

(E) A registered professional engineer shall inspect the construction for which the permit was issued during all phases of construction and shall furnish to the chief such regular reports of the engineer's inspections as the chief may require. When the chief finds that construction has been fully completed in accordance with the terms of the permit and the plans and specifications approved by the chief, the chief shall approve the construction. When one year has elapsed after approval of the completed construction, and the chief finds that within this period no fact has become apparent to indicate that the construction was not performed in accordance with the terms of the permit and the plans and specifications approved by the chief, or that the construction as performed would endanger life, health, or property, the chief shall release the bond or other security. No bond or other security shall be released until one year after final approval by the chief, unless the dam or levee has been modified so that it will not retain water and has been approved as nonhazardous after determination by the chief that the dam or levee as modified will not endanger life, health, or property.

(F) When inspections required by this section are not being performed, the chief shall notify the person or governmental agency to which the permit has been issued that inspections are not being performed by the registered professional engineer and that the chief will inspect the remainder of the construction. Thereafter, the chief shall inspect the construction and the cost

of inspection shall be charged against the owner. Failure of the
registered professional engineer to submit required inspection
reports shall be deemed notice that the engineer's inspections are
not being performed.

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(G) The chief may order construction to cease on any dam or
levee that is being built in violation of this section, and may
prohibit the retention of water behind any dam or levee that has
been built in violation of this section. The attorney general,
upon written request of the chief, may bring an action for an
injunction against any person who violates this section or to
enforce an order or prohibition of the chief made pursuant to this
section.

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(H) The chief may adopt rules in accordance with Chapter 119.
of the Revised Code, for the design and construction of dams and
levees for which a construction permit is required by this section
or for which periodic inspection is required by section 1521.062
of the Revised Code, for establishing a filing fee schedule in
lieu of the schedule established under division (B) of this
section, for deposit and forfeiture of bonds and other securities
required by section 1521.061 of the Revised Code, for the
periodic inspection, operation, repair, improvement, alteration,
or removal of all dams and levees, as specified in section
1521.062 of the Revised Code, and for establishing classes of dams
or levees that are exempt from the requirements of this section
and section 1521.062 of the Revised Code as being of a size,
purpose, or situation that does not present a substantial hazard
to life, health, or property. The chief may, by rule, limit the
period during which a construction permit issued under this
section is valid. The rules may allow for the extension of the
period during which a permit is valid upon written request,
provided that the written request includes a revised construction
cost estimate, and may require the payment of an additional
filing fee for the requested extension. If a construction permit

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expires without an extension before construction is completed, 31754
the person or agency shall apply for a new permit, and shall not 31755
continue construction until the new permit is issued. 31756

Sec. 1521.061. Except as otherwise provided in this section, 31757
a construction permit shall not be issued under section 1521.06 of 31758
the Revised Code unless the person or governmental agency applying 31759
for the permit executes and files a surety bond conditioned on 31760
completion of the dam or levee in accordance with the terms of 31761
the permit and the plans and specifications approved by the chief 31762
of the division of soil and water resources, in an amount equal 31763
to fifty per cent of the estimated cost of the project. 31764

If a permittee requests an extension of the time period 31765
during which a construction permit is valid in accordance with 31766
rules adopted under section 1521.06 of the Revised Code, the chief 31767
shall determine whether the revised construction cost estimate 31768
provided with the request exceeds the original construction cost 31769
estimate that was filed with the chief by more than twenty-five 31770
per cent. If the revised construction cost estimate exceeds the 31771
original construction cost estimate by more than twenty-five per 31772
cent, the chief may require an additional surety bond to be filed 31773
so that the total amount of the surety bonds equals at least fifty 31774
per cent of the revised construction cost estimate. 31775

The chief shall not approve any bond until it is personally 31776
signed and acknowledged by both principal and surety, or as to 31777
either by the attorney in fact thereof, with a certified copy of 31778
the power of attorney attached. The chief shall not approve the 31779
bond unless there is attached a certificate of the superintendent 31780
of insurance that the company is authorized to transact a fidelity 31781
and surety business in this state. 31782

All bonds shall be given in a form prescribed by the chief 31783
and shall run to the state as obligee. 31784

The applicant may deposit, in lieu of a bond, cash in an amount equal to the amount of the bond or United States government securities or negotiable certificates of deposit issued by any bank organized or transacting business in this state having a par value equal to or greater than the amount of the bond. Such cash or securities shall be deposited upon the same terms as bonds. If one or more certificates of deposit are deposited in lieu of a bond, the chief shall require the bank that issued any such certificate to pledge securities of the aggregate market value equal to the amount of the certificate that is in excess of the amount insured by the federal deposit insurance corporation. The securities to be pledged shall be those designated as eligible under section 135.18 of the Revised Code. The securities shall be security for the repayment of the certificate of deposit.

Immediately upon a deposit of cash, securities, or certificates of deposit, the chief shall deliver them to the treasurer of state, who shall hold them in trust for the purposes for which they have been deposited. The treasurer of state is responsible for the safekeeping of such deposits. An applicant making a deposit of cash, securities, or certificates of deposit may withdraw and receive from the treasurer of state, on the written order of the chief, all or any portion of the cash, securities, or certificates of deposit, upon depositing with the treasurer of state cash, other United States government securities, or negotiable certificates of deposit issued by any bank organized or transacting business in this state equal in par value to the par value of the cash, securities, or certificates of deposit withdrawn. An applicant may demand and receive from the treasurer of state all interest or other income from any such securities or certificates as it becomes due. If securities so deposited with and in the possession of the treasurer of state mature or are called for payment by the issuer thereof, the treasurer of state, at the request of the applicant who deposited them, shall convert the proceeds of the redemption or payment of

the securities into such other United States government 31819
securities, negotiable certificates of deposit issued by any bank 31820
organized or transacting business in this state, or cash as the 31821
applicant designates. 31822

When the chief finds that a person or governmental agency has 31823
failed to comply with the conditions of the person's or agency's 31824
bond, the chief shall make a finding of that fact and declare the 31825
bond, cash, securities, or certificates of deposit forfeited in 31826
the amount set by rule of the chief. The chief shall thereupon 31827
certify the total forfeiture to the attorney general, who shall 31828
proceed to collect that amount. 31829

In lieu of total forfeiture, the surety, at its option, may 31830
cause the dam or levee to be completed as required by section 31831
1521.06 of the Revised Code and rules of the chief, or otherwise 31832
rendered nonhazardous, or pay to the treasurer of state the cost 31833
thereof. 31834

All moneys collected on account of forfeitures of bonds, 31835
cash, securities, and certificates of deposit under this section 31836
shall be credited to the dam safety fund created in section 31837
1521.06 of the Revised Code. The chief shall make expenditures 31838
from the fund to complete dams and levees for which bonds have 31839
been forfeited or to otherwise render them nonhazardous. 31840

Expenditures from the fund for those purposes shall be made 31841
pursuant to contracts entered into by the chief with persons who 31842
agree to furnish all of the materials, equipment, work, and labor 31843
as specified and provided in the contract. 31844

A surety bond shall not be required for a permit for a dam or 31845
levee that is to be designed and constructed by an agency of the 31846
United States government, if the agency files with the chief 31847
written assurance of the agency's financial responsibility for the 31848
structure during the one-year period following the chief's 31849

approval of the completed construction provided for under division 31850
(E) of section 1521.06 of the Revised Code. 31851

Sec. 1521.062. (A) All dams and levees constructed in this 31852
state and not exempted by this section or by the chief of the 31853
division of soil and water resources under section 1521.06 of the 31854
Revised Code shall be inspected periodically by the chief, except 31855
for classes of dams that, in accordance with rules adopted under 31856
this section, are required to be inspected by registered 31857
professional engineers who have been approved for that purpose by 31858
the chief. The inspection shall ensure that continued operation 31859
and use of the dam or levee does not constitute a hazard to life, 31860
health, or property. Periodic inspections shall not be required of 31861
the following structures: 31862

(1) A dam that is less than ten feet in height and has a 31863
storage capacity of not more than fifty acre-feet at the elevation 31864
of the top of the dam, as determined by the chief. For the 31865
purposes of this section, the height of a dam shall be measured 31866
from the natural stream bed or lowest ground elevation at the 31867
downstream or outside limit of the dam to the elevation of the top 31868
of the dam. 31869

(2) A dam, regardless of height, that has a storage capacity 31870
of not more than fifteen acre-feet at the elevation of the top of 31871
the dam, as determined by the chief; 31872

(3) A dam, regardless of storage capacity, that is six feet 31873
or less in height, as determined by the chief; 31874

(4) A dam or levee belonging to a class exempted by the 31875
chief; 31876

(5) A dam or levee that has been exempted in accordance with 31877
rules adopted under section 1521.064 of the Revised Code. 31878

(B) In accordance with rules adopted under this section, the owner of a dam that is in a class of dams that is designated in the rules for inspection by registered professional engineers shall obtain the services of a registered professional engineer who has been approved by the chief to conduct the periodic inspection of dams pursuant to schedules and other standards and procedures established in the rules. The registered professional engineer shall prepare a report of the inspection in accordance with the rules and provide the inspection report to the dam owner who shall submit it to the chief. A dam that is designated under the rules for inspection by a registered professional engineer, but that is not inspected within a five-year period may be inspected by the chief at the owner's expense.

(C) Intervals between periodic inspections shall be determined by the chief, but shall not exceed five years.

(D) In the case of a dam or levee that the chief inspects, the chief shall furnish a report of the inspection to the owner of the dam or levee. With regard to a dam or levee that has been inspected, either by the chief or by a registered professional engineer, and that is the subject of an inspection report prepared or received by the chief, the chief shall inform the owner of any required repairs, maintenance, investigations, and other remedial and operational measures. The chief shall order the owner to perform such repairs, maintenance, investigations, or other remedial or operational measures as the chief considers necessary to safeguard life, health, or property. The order shall permit the owner a reasonable time in which to perform the needed repairs, maintenance, investigations, or other remedial measures, and the cost thereof shall be borne by the owner. All orders of the chief are subject to appeal as provided in Chapter 119. of the Revised Code. The attorney general, upon written request of the chief, may bring an action for an injunction against any person who violates this section or to enforce an order of the chief made pursuant to

this section. 31912

(E) The owner of a dam or levee shall monitor, maintain, and 31913
operate the structure and its appurtenances safely in accordance 31914
with state rules, terms and conditions of permits, orders, and 31915
other requirements issued pursuant to this section or section 31916
1521.06 of the Revised Code. The owner shall fully and promptly 31917
notify the division of soil and water resources and other 31918
responsible authorities of any condition that threatens the safety 31919
of the structure and shall take all necessary actions to safeguard 31920
life, health, and property. 31921

(F) Before commencing the repair, improvement, alteration, or 31922
removal of a dam or levee, the owner shall file an application 31923
including plans, specifications, and other required information 31924
with the division and shall secure written approval of the 31925
application by the chief. Emergency actions by the owner required 31926
to safeguard life, health, or property are exempt from this 31927
requirement. The chief may, by rule, define maintenance, repairs, 31928
or other remedial measures of a routine nature that are exempt 31929
from this requirement. 31930

(G) The chief may remove or correct, at the expense of the 31931
owner, any unsafe structures found to be constructed or maintained 31932
in violation of this section or section 1521.06 of the Revised 31933
Code. In the case of an owner other than a governmental agency, 31934
the cost of removal or correction of any unsafe structure, 31935
together with a description of the property on which the unsafe 31936
structure is located, shall be certified by the chief to the 31937
county auditor and placed by the county auditor upon the tax 31938
duplicate. This cost is a lien upon the lands from the date of 31939
entry and shall be collected as other taxes and returned to the 31940
division. In the case of an owner that is a governmental agency, 31941
the cost of removal or correction of any unsafe structure shall be 31942
recoverable from the owner by appropriate action in a court of 31943

competent jurisdiction.	31944
(H) If the condition of any dam or levee is found, in the judgment of the chief, to be so dangerous to the safety of life, health, or property as not to permit time for the issuance and enforcement of an order relative to repair, maintenance, or operation, the chief shall employ any of the following remedial means necessary to protect life, health, and property:	31945 31946 31947 31948 31949 31950
(1) Lower the water level of the lake or reservoir by releasing water;	31951 31952
(2) Completely drain the lake or reservoir;	31953
(3) Take such other measures or actions as the chief considers necessary to safeguard life, health, and property.	31954 31955
The chief shall continue in full charge and control of the dam or levee until the structure is rendered safe. The cost of the remedy shall be recoverable from the owner of the structure by appropriate action in a court of competent jurisdiction.	31956 31957 31958 31959
(I) The chief may accept and expend gifts, bequests, and grants from the United States government or from any other public or private source and may contract with the United States government or any other agency or entity for the purpose of carrying out the dam safety functions set forth in this section and section 1521.06 of the Revised Code.	31960 31961 31962 31963 31964 31965
(J) In accordance with Chapter 119. of the Revised Code, the chief may adopt, and may amend or rescind, rules that do all of the following:	31966 31967 31968
(1) Designate classes of dams for which dam owners must obtain the services of a registered professional engineer to periodically inspect the dams and to prepare reports of the	31969 31970 31971

inspections for submittal to the chief;	31972
(2) Establish standards in accordance with which the chief	31973
must approve or disapprove registered professional engineers to	31974
inspect dams together with procedures governing the approval	31975
process;	31976
(3) Establish schedules, standards, and procedures governing	31977
periodic inspections and standards and procedures governing the	31978
preparation and submittal of inspection reports;	31979
(4) Establish provisions regarding the enforcement of this	31980
section and rules adopted under it.	31981
(K) The owner of a dam or levee shall notify the chief in	31982
writing of a change in ownership of the dam or levee prior to the	31983
exchange of the property.	31984
Sec. 1521.063. (A) Except for the federal government, the	31985
owner of ~~any~~ <u>any</u> dam, <u>that is classified as a class I, class II, or</u>	31986
<u>class III dam under rules adopted under section 1521.06 of the</u>	31987
<u>Revised Code and</u> subject to section 1521.062 of the Revised Code	31988
shall pay an annual fee, based upon the height of the dam, <u>the</u>	31989
<u>linear foot length of the dam, and the per-acre foot of volume of</u>	31990
<u>water impounded by the dam. The fee shall be paid</u> to the division	31991
of <u>soil and water</u> ~~on or before June 30, 1988, and~~ <u>resources</u> on or	31992
before the thirtieth day of June of each ~~succeeding~~ year. The	31993
annual fee shall be as follows until otherwise provided by rules	31994
adopted under this section:	31995
(1) For any dam classified as a class I dam under rules	31996
adopted by the chief of the division of <u>soil and water resources</u>	31997
under section 1521.06 of the Revised Code, ~~thirty~~ <u>three hundred</u>	31998
dollars plus ten dollars per foot of height of dam, <u>five cents</u>	31999
<u>per foot of length of the dam and five cents per-acre foot of</u>	32000
<u>water impounded by the dam;</u>	32001

(2) For any dam classified as a class II dam under those	32002
rules, ~~thirty~~ <u>ninety</u> dollars plus ~~one dollar~~ <u>six dollars</u> per foot	32003
of height of dam, <u>five cents per foot of length of the dam and</u>	32004
<u>five cents per-acre foot of water impounded by the dam;</u>	32005
(3) For any dam classified as a class III dam under those	32006
rules, ~~thirty~~ <u>ninety</u> dollars <u>plus four dollars per foot of height</u>	32007
<u>of the dam, five cents per foot of length of the dam, and five</u>	32008
<u>cents per-acre foot of volume of water impounded by the dam.</u>	32009
For purposes of this section, the height of a dam is the	32010
vertical height, to the nearest foot, as determined by the	32011
division under section 1521.062 of the Revised Code.	32012
All fees collected under this section shall be deposited in	32013
the dam safety fund created in section 1521.06 of the Revised	32014
Code. Any owner who fails to pay any annual fee required by this	32015
section within sixty days after the due date shall be assessed a	32016
penalty of ten per cent of the annual fee plus interest at the	32017
rate of one-half per cent per month from the due date until the	32018
date of payment.	32019
<u>There is hereby created the compliant dam discount program</u>	32020
<u>to be administered by the chief. Under the program, the chief may</u>	32021
<u>reduce the amount of the annual fee that an owner of a dam is</u>	32022
<u>required to pay under division (A)(1), (2), or (3) of this</u>	32023
<u>section if the owner is in compliance with section 1521.062 of</u>	32024
<u>the Revised Code and has developed an emergency action plan</u>	32025
<u>pursuant to standards established in rules adopted under this</u>	32026
<u>section. The chief shall not discount an annual fee by more than</u>	32027
<u>twenty-five per cent of the total annual fee that is due. In</u>	32028
<u>addition, the chief shall not discount the annual fee that is due</u>	32029
<u>from the owner of a dam who has been assessed a penalty under this</u>	32030
<u>section.</u>	32031

(B) The chief shall, in accordance with Chapter 119. of the Revised Code and subject to the prior approval of the director of natural resources, adopt, and may amend or rescind, rules for the collection of fees and the administration, implementation, and enforcement of this section and for the establishment of an annual fee schedule in lieu of the schedule established ~~under~~in division (A) of this section.

(C)(1) No person, political subdivision, or state governmental agency shall violate or fail to comply with this section or any rule or order adopted or issued under it.

(2) The attorney general, upon written request of the chief, may commence an action against any such violator. Any action under division (C)(2) of this section is a civil action.

(D) As used in this section, "political subdivision" includes townships, municipal corporations, counties, school districts, municipal universities, park districts, sanitary districts, and conservancy districts and subdivisions thereof.

Sec. 1521.064. The chief of the division of soil and water resources, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend and rescind, rules establishing a program under which dams and levees may be exempted from inspections under section 1521.062 of the Revised Code if the continued operation and use of, and any rupturing of or other structural damage to, the dams and levees will not constitute a hazard to life, health, or property. The rules shall establish, without limitation, all of the following:

(A) A procedure by which the owner of such a dam or levee may apply for an exemption under this section;

(B) The standards that a dam or levee shall meet in order to be exempted under this section;

(C) A procedure by which the chief shall periodically review the status of a dam or levee that has been exempted under this section to determine if the exemption should be rescinded;

(D) A requirement that the owner of any dam or levee exempted under this section shall agree, in writing, to accept liability for any injury, death, or loss to persons or property caused by the rupturing of or other structural damage to the dam or levee.

Sec. 1521.07. The chief of the division of soil and water resources or any employee in the service of the division may enter upon lands to make surveys and inspections in accordance with this chapter, when necessary in the discharge of the duties enumerated in this chapter.

Sec. 1521.10. In order to be entitled to the compensation provided for in section 1521.09 of the Revised Code, the landowner ~~must~~shall have prepared and submit to the division of soil and water resources complete plans for the dam provided for in such section. The plans shall have the approval of the chief of the division of soil and water resources and the dam shall be constructed in accordance with such plans before compensation can be claimed.

Sec. 1521.11. Upon the completion of the dam referred to in section 1521.09 of the Revised Code to the satisfaction of the division of soil and water resources, it shall certify the completion and the capacity thereof to the county auditor who shall thereupon make such reduction in the assessed valuation of the contiguous landowner as ~~he~~the contiguous landowner is entitled to receive under sections 1521.09 to 1521.12, ~~inclusive~~, of the Revised Code.

Sec. 1521.12. In the event that any dam is constructed before plans are submitted to and approved by the division of soil

and water resources as required by section 1521.10 of the Revised Code, the landowner may submit plans of the dam ~~to the landowner~~ has built, showing the area of the drainage basin above the dam, a cross section of the dam site, a cross section, plan, and elevation of the dam, a map of the spillway, a topographic map of the reservoir basin, and such other data and information as the division requires. If the plans receive the approval of the division, and upon examination the dam is found to be satisfactorily completed in accordance with such plans, ~~said the~~ division shall certify the completion and capacity thereof to the county auditor. If the plans fail to meet the requirements of the division, the owner may submit revised plans, and when such revised plans have been approved and the dam rebuilt to conform to such plans, the completion of the dam and its capacity shall then be certified to the auditor who shall thereupon make such reduction in the assessed valuation of the contiguous land as such owner is entitled to receive under sections 1521.09 to 1521.12; ~~inclusive~~, of the Revised Code.

Sec. 1521.13. (A) Development in one-hundred-year floodplain areas shall be protected to at least the one-hundred-year flood level, and flood water conveyance shall be maintained, at a minimum, in accordance with standards established under the national flood insurance program. This division does not preclude a state agency or political subdivision from establishing flood protection standards that are more restrictive than this division.

(B) Prior to the expenditure of money for or the construction of buildings, structures, roads, bridges, or other facilities in locations that may be subject to flooding or flood damage, all state agencies and political subdivisions shall notify and consult with the division of soil and water resources and shall furnish information that the division reasonably requires in order to avoid the uneconomic, hazardous, or unnecessary use of floodplains in connection with such facilities.

(C) The chief of the division of <u>soil and water resources</u>	32125
shall do all of the following:	32126
(1) Coordinate the floodplain management activities of state	32127
agencies and political subdivisions with the floodplain management	32128
activities of the United States, including the national flood	32129
insurance program;	32130
(2) Collect, prepare, and maintain technical data and	32131
information on floods and floodplain management and make the data	32132
and information available to the public, state agencies, political	32133
subdivisions, and agencies of the United States;	32134
(3) Cooperate and enter into agreements with persons for the	32135
preparation of studies and reports on floods and floodplain	32136
management;	32137
(4) Assist any county, municipal corporation, or state agency	32138
in developing comprehensive floodplain management programs;	32139
(5) Provide technical assistance to any county, municipal	32140
corporation, or state agency through engineering assistance, data	32141
collection, preparation of model laws, training, and other	32142
activities relating to floodplain management;	32143
(6) For the purpose of reducing damages and the threat to	32144
life, health, and property in the event of a flood, cooperate with	32145
state agencies, political subdivisions, and the United States in	32146
the development of flood warning systems, evacuation plans, and	32147
flood emergency preparedness plans;	32148
(7) Upon request, assist the emergency management agency	32149
established by section 5502.22 of the Revised Code in the	32150
preparation of flood hazard mitigation reports required as a	32151
condition for receiving federal disaster aid under the "Disaster	32152

Relief Act of 1974," 88 Stat. 143, 42 U.S.C.A. 5121, as amended,	32153
and regulations adopted under it;	32154
(8) Adopt, and may amend or rescind, rules in accordance with	32155
Chapter 119. of the Revised Code for the administration,	32156
implementation, and enforcement of this section and sections	32157
1521.14 and 1521.18 of the Revised Code;	32158
(9) Establish, by rule, technical standards for the	32159
delineation and mapping of floodplains and for the conduct of	32160
engineering studies to determine the vertical and horizontal	32161
limits of floodplains and for the assessment of development	32162
impacts on flood heights and flood conveyance. The standards	32163
established in rules adopted under this division shall be	32164
consistent with and no more stringent than the analogous standards	32165
established under the national flood insurance program.	32166
(10) On behalf of the director of natural resources,	32167
administer section 1506.04 of the Revised Code.	32168
In addition to the duties imposed in divisions (C)(1) to (10)	32169
of this section, and with respect to existing publicly owned	32170
facilities that have suffered flood damage or that may be subject	32171
to flood damage, the chief may conspicuously mark past and	32172
probable flood heights in order to assist in creating public	32173
awareness of and knowledge about flood hazards.	32174
(D)(1) Development that is funded, financed, undertaken, or	32175
preempted by state agencies shall comply with division (A) of this	32176
section and with rules adopted under division (C)(9) of this	32177
section.	32178
(2) State agencies shall apply floodproofing measures in	32179
order to reduce potential additional flood damage of existing	32180
publicly owned facilities that have suffered flood damage.	32181

(3) Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a one-hundred-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with division (A) of this section, rules adopted under division (C)(9) of this section, and any applicable local floodplain management resolution or ordinance.

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(4) Prior to the disbursement of any state disaster assistance money in connection with any incident of flooding to or within a county or municipal corporation that is not listed by the chief as being in compliance under division (D)(1) of section 1521.18 of the Revised Code, a state agency that has authority to disburse such money shall require the county or municipal corporation to establish or reestablish compliance as provided in that division.

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(E)(1) Subject to section 1521.18 of the Revised Code, a county or a municipal corporation may do all of the following:

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(a) Adopt floodplain maps that reflect the best available data and that indicate the areas to be regulated under a floodplain management resolution or ordinance, as applicable;

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(b) Develop and adopt a floodplain management resolution or ordinance, as applicable;

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(c) Adopt floodplain management standards that exceed the standards that are established under the national flood insurance program.

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(2) A county or municipal corporation shall examine and apply, where economically feasible, floodproofing measures in order to reduce potential additional flood damage of existing publicly owned facilities that have suffered flood damage.

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(3) A county that adopts a floodplain management resolution shall do so in accordance with the procedures established in section 307.37 of the Revised Code. The county may enforce the resolution by issuing stop work orders, seeking injunctive relief, or pursuing other civil actions that the county considers necessary to ensure compliance with the resolution. In addition, failure to comply with the floodplain management resolution constitutes a violation of division (D) of section 307.37 of the Revised Code.

(4) No action challenging the validity of a floodplain management resolution adopted by a county or a floodplain management ordinance adopted by a municipal corporation, or an amendment to such a resolution or ordinance, because of a procedural error in the adoption of the resolution, ordinance, or amendment shall be brought more than two years after the adoption of the resolution, ordinance, or amendment.

Sec. 1521.14. Upon the written request of the director of natural resources, the attorney general shall bring an action for appropriate relief in a court of competent jurisdiction against any development that is not in compliance with the standards of the national flood insurance program and that is one of the following:

(A) Located in a county or municipal corporation that is not listed by the chief of the division of soil and water resources as being in compliance under division (D)(1) of section 1521.18 of the Revised Code;

(B) Funded, financed, undertaken, or preempted by a state agency.

Sec. 1521.15. (A) The chief of the division of soil and water resources shall develop and maintain, in cooperation with

local, state, federal, and private agencies and entities, a water 32242
resources inventory for the collection, interpretation, storage, 32243
retrieval, exchange, and dissemination of information concerning 32244
the water resources of this state, including, but not limited to, 32245
information on the location, type, quantity, and use of those 32246
resources and the location, type, and quantity of consumptive use 32247
and diversion of the water resources. The water resources 32248
inventory also shall include, without limitation, information to 32249
assist in determining the reasonableness of water use and sharing 32250
under common law, promoting reasonable use and development of 32251
water resources, and resolving water use conflicts. 32252

All agencies of the state shall cooperate with the chief in 32253
the development and maintenance of the inventory. 32254

(B) The chief shall cooperate with the other great lakes 32255
states and provinces to develop a common base of data regarding 32256
the management of the water resources of the Lake Erie drainage 32257
basin and to establish systematic arrangements for the exchange of 32258
those data. 32259

~~(C) The chief shall prepare and present to the governor no 32260
later than September 1, 1998, a long term water resources plan for 32261
the protection, conservation, and management of the water 32262
resources of the Lake Erie drainage basin. The plan shall include, 32263
without limitation, all of the following: 32264~~

~~(1) An inventory of surface and ground water resources; 32265~~

~~(2) Identification and assessment of existing uses and future 32266
demand for all of the following: 32267~~

~~(a) Withdrawal of water resources for domestic, agricultural, 32268
manufacturing, mining, navigation, power production, recreation, 32269
fish and wildlife, and other uses; 32270~~

(b) Diversion;	32271
(c) Consumptive use.	32272
(3) Guidelines to minimize consumptive use;	32273
(4) Guidelines and procedures to coordinate, conserve,	32274
develop, protect, use, and manage the water resources of the Lake	32275
Erie drainage basin.	32276
Sec. 1521.16. (A) Any person who owns a facility that has	32277
the capacity to withdraw waters of the state in an amount greater	32278
than one hundred thousand gallons per day from all sources and	32279
whose construction is completed before January 1, 1990, shall	32280
register the facility by January 1, 1991, with the chief of the	32281
division of <u>soil and water resources</u> , and any person who owns a	32282
facility that has the capacity to withdraw waters of the state in	32283
such an amount and whose construction is completed on or after	32284
January 1, 1990, shall register the facility with the chief within	32285
three months after the facility is completed. The person shall	32286
register the facility using a form prescribed by the chief that	32287
shall include, without limitation, the name and address of the	32288
registrant and date of registration; the locations and sources of	32289
the facility's water supply; the facility's withdrawal capacity	32290
per day and the amount withdrawn from each source; the uses made	32291
of the water, places of use, and places of discharge; and such	32292
other information as the chief may require by rule.	32293
The registration date of any facility whose construction was	32294
completed prior to January 1, 1990, and that is registered under	32295
this division prior to January 1, 1991, shall be January 1, 1990.	32296
The registration date of any facility whose construction was	32297
completed prior to January 1, 1990, and that is required to	32298
register under this division prior to January 1, 1991, but that is	32299
not registered prior to that date, and the registration date of	32300
any facility whose construction was completed after January 1,	32301

1990, and that is required to register under this division shall 32302
be the date on which the registration is received by the chief. 32303

(B) In accordance with division (D) of this section, the 32304
chief shall adopt rules establishing standards and criteria for 32305
determining when an area of ground water is a ground water stress 32306
area, the geographic limits of such an area, and a threshold 32307
withdrawal capacity for the area below which registration under 32308
this division shall not be required. At any time following the 32309
adoption of those rules, the chief may by order designate an area 32310
of ground water as a ground water stress area and shall establish 32311
in any such order a threshold withdrawal capacity for the area 32312
below which registration under this division shall not be 32313
required. 32314

Following the designation of a ground water stress area, the 32315
chief immediately shall give notice by publication in a newspaper 32316
of general circulation in the designated area that shall include a 32317
map delineating the designated ground water stress area and a 32318
statement of the threshold withdrawal capacity established for the 32319
area below which registration under this division shall not be 32320
required. The notice shall not appear in the legal notices section 32321
of the newspaper. Any person who owns a facility in the designated 32322
ground water stress area that is not registered under division (A) 32323
of this section and that has the capacity to withdraw waters of 32324
the state in an amount greater than the threshold withdrawal 32325
capacity for the area from all sources shall register ~~his~~the 32326
facility with the chief not later than thirty days after 32327
publication of the notice. A person registering a facility under 32328
this division shall do so using a form prescribed by the chief. 32329
The form shall include the information specified in division (A) 32330
of this section. 32331

(C) Any person who owns a facility registered under division 32332
(A) or (B) of this section shall file a report annually with the 32333

chief listing the amount of water withdrawn per day by the 32334
facility, the return flow per day, and any other information the 32335
chief may require by rule. Any person who, under Chapter 6109. of 32336
the Revised Code, provides such information to the Ohio 32337
environmental protection agency is exempt from reporting under 32338
this division. The director of environmental protection shall 32339
provide the chief any such reported information upon his request. 32340

(D) The chief shall adopt, and may amend or rescind, rules in 32341
accordance with Chapter 119. of the Revised Code to carry out this 32342
section. 32343

(E)(1) No person knowingly shall fail to register a facility 32344
or file a report as required under this section. 32345

(2) No person shall file a false report under this section. 32346
Violation of division (E)(2) of this section is falsification 32347
under section 2921.13 of the Revised Code. 32348

(F) At the request of the director of natural resources, the 32349
attorney general may commence a civil action to compel compliance 32350
with this section, in a court of common pleas, against any person 32351
who has violated or is violating division (E)(1) of this section. 32352
The court of common pleas in which a civil action is commenced 32353
under this division has jurisdiction to and shall compel 32354
compliance with this section upon a showing that the person 32355
against whom the action is brought has violated or is violating 32356
that division. 32357

Any action under this division is a civil action, governed by 32358
the rules of civil procedure and other rules of practice and 32359
procedure applicable to civil actions. 32360

Sec. 1521.18. (A) For the purposes of this section, a 32361
one-hundred-year floodplain is limited to an area identified as a 32362
one-hundred-year floodplain in accordance with the "National Flood 32363

Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as
amended.

(B) Each municipal corporation or county that has within its
boundaries a one-hundred-year floodplain and that adopts a
floodplain management ordinance or resolution or any amendments to
such an ordinance or resolution on or after April 11, 1991, after
adopting the ordinance, resolution, or amendments and before
submitting the ordinance, resolution, or amendments to the federal
emergency management agency for final approval for compliance with
applicable standards adopted under the "National Flood Insurance
Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, shall
submit the ordinance, resolution, or amendments to the chief of
the division of soil and water resources for the chief's review
for compliance with those standards. Within forty-five days after
receiving any such ordinance, resolution, or amendments, the chief
shall complete the review and notify the municipal corporation or
county as to whether the ordinance, resolution, or amendments
comply with those standards. If the chief finds that the
ordinance, resolution, or amendments comply with those standards,
the chief shall forward it or them to the federal emergency
management agency for final approval.

(C)(1) If the chief determines that a county or municipal
corporation that has adopted a floodplain management resolution or
ordinance fails to administer or enforce the resolution or
ordinance, the chief shall send a written notice by certified mail
to the board of county commissioners of the county or the chief
executive officer of the municipal corporation stating the nature
of the noncompliance.

(2) In order to maintain its compliance status in accordance
with division (D) of this section, a county or municipal
corporation that has received a notice of noncompliance under
division (C)(1) of this section may submit information to the

chief not later than thirty days after receiving the notice that 32396
demonstrates compliance or indicates the actions that the county 32397
or municipal corporation is taking to administer or enforce the 32398
resolution or ordinance. The chief shall review the information 32399
and shall issue a final determination by certified mail to the 32400
county or municipal corporation of the compliance or noncompliance 32401
status of the county or municipal corporation. If the chief issues 32402
a final determination of noncompliance, the chief shall send a 32403
copy of that determination to the federal emergency management 32404
agency concurrently with mailing the notice to the municipal 32405
corporation or county. 32406

(D)(1) A county or municipal corporation is considered to be 32407
in compliance for the purposes of this section if either of the 32408
following applies: 32409

(a) The county or municipal corporation has adopted a 32410
floodplain management resolution or ordinance that the chief has 32411
determined complies with applicable standards adopted under the 32412
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 32413
4001, as amended, and is adequately administering and enforcing it 32414
as determined under division (C) of this section. 32415

(b) The county or municipal corporation is participating in 32416
the national flood insurance program and has not received a notice 32417
of noncompliance under division (B) or (C) of this section. 32418

(2) The chief shall maintain a list of all counties and 32419
municipal corporations that have one-hundred-year floodplains 32420
within their boundaries. The list shall indicate whether each such 32421
county or municipal corporation is in compliance or noncompliance 32422
as provided in division (D)(1) of this section and whether each 32423
such county or municipal corporation is participating in the 32424
national flood insurance program. The chief shall provide a copy 32425
of the list to the general assembly and all state agencies 32426
annually and shall notify the general assembly and the agencies of 32427

any changes at least quarterly. 32428

(E) Any county or municipal corporation that is adversely 32429
affected by any determination of the chief under this section may 32430
appeal it in accordance with Chapter 119. of the Revised Code not 32431
later than thirty days after the final determination. 32432

Sec. 1521.19. (A) There is hereby created the Ohio water 32433
resources council consisting of the directors of agriculture, 32434
development, environmental protection, health, natural resources, 32435
transportation, and the Ohio public works commission, the 32436
chairperson of the public utilities commission of Ohio, the 32437
executive director of the Ohio water development authority, and an 32438
executive assistant in the office of the governor appointed by the 32439
governor. The governor shall appoint one of the members of the 32440
council to serve as its chairperson. The council may adopt bylaws 32441
that are necessary for the implementation of this section. The 32442
council shall provide a forum for policy development, 32443
collaboration and coordination among state agencies, and strategic 32444
direction with respect to state water resource programs. The 32445
council shall be assisted in its functions by a state agency 32446
coordinating group and an advisory group as provided in this 32447
section. 32448

(B) The state agency coordinating group shall consist of the 32449
executive director of the Ohio Lake Erie commission and a member 32450
or members from each state agency, commission, and authority 32451
represented on the council, to be appointed by the applicable 32452
director, chairperson, or executive director. However, the 32453
environmental protection agency shall be represented on the group 32454
by the chiefs of the divisions within that agency having 32455
responsibility for surface water programs and drinking and ground 32456
water programs, and the department of natural resources shall be 32457
represented on the group by the chief of the division of ~~water and~~ 32458
~~the chief of the division of~~ soil and water conservation 32459

resources. The chairperson of the council shall appoint a leader of the state agency coordinating group. The group shall provide assistance to and perform duties on behalf of the council as directed by the council.

(C) The advisory group shall consist of not more than twenty-four members, each representing an organization or entity with an interest in water resource issues. The council shall appoint the members of the advisory group. Of the initial appointments, not more than ten members shall be appointed for one-year terms, and not more than ten members shall be appointed for two-year terms. Of the four initial appointments made after ~~the effective date of this amendment~~ April 6, 2007, two of the members shall be appointed for one-year terms, and two of the members shall be appointed for two-year terms. Thereafter, all advisory group members shall serve two-year terms. Members may be reappointed. Each member shall hold office from the date of the member's appointment until the end of the member's term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. The council may remove a member for misfeasance, nonfeasance, or malfeasance in office. The council shall appoint members to fill any vacancies on the group. A member appointed to fill a vacancy shall hold office for the remainder of the term for which that member was appointed.

The chairperson of the council shall appoint a chairperson of the advisory group. The advisory group shall advise the council on water resources issues addressed by the council.

(D) There is hereby created in the state treasury the Ohio water resources council fund. The department of natural resources shall serve as the fiscal agent for the fund. The departments of agriculture, development, environmental protection, health,

natural resources, and transportation shall transfer moneys to the fund in equal amounts via intrastate transfer voucher. The public utilities commission of Ohio, Ohio public works commission, and Ohio water development authority may transfer moneys to the fund. If a voluntary transfer of moneys is made to the fund, the portion that is required to be transferred by the departments of agriculture, development, environmental protection, health, natural resources, and transportation may be equally reduced. Moneys in the fund shall be used to pay the operating expenses of the Ohio water resources council, including those specified in division (E) of this section.

(E) The Ohio water resources council may hire staff to support its activities. The council may enter into contracts and agreements with federal agencies, state agencies, political subdivisions, and private entities to assist in accomplishing its objectives. Advisory group members shall be reimbursed for expenses necessarily incurred in the performance of their duties pursuant to section 126.31 of the Revised Code and any applicable rules pertaining to travel reimbursement adopted by the office of budget and management.

Sec. 1523.01. In addition to all other powers granted to and duties devolving upon the chief of the division of soil and water resources, when in the chief's judgment it is for the public welfare and the best interests of the citizens of the state that the surplus, flood, and other waters of any of the watersheds, rivers, streams, watercourses, or public waters should be conserved, impounded, and stored in order to insure and promote the public health, welfare, and safety and to encourage and promote agriculture, commerce, manufacturing, and other public purposes, such chief shall proceed in furtherance of the purposes of sections 1523.01 to 1523.13 of the Revised Code, and for the preservation of the use of such waters for navigation, in case such waters are required for navigation, to construct such

reservoirs, dams, storage basins, dikes, canals, raceways, and 32525
other improvements as are necessary for such purposes, or the 32526
chief may make additions to, enlarge, and make alterations in and 32527
upon such reservoirs, dams, storage basins, dikes, canals, 32528
raceways, and other improvements already in existence and 32529
constituting a part of the public works, as are necessary for such 32530
purposes. Any rights or privileges granted by sections 1523.01 to 32531
1523.13 of the Revised Code, shall not interfere with the control 32532
and maintenance of the state reservoirs or public parks which have 32533
been dedicated to the public for purposes of recreation and 32534
pleasure. 32535

~~Said~~The chief, subject to the written approval of the 32536
director of natural resources and the governor, may acquire by 32537
gift, purchase, or by appropriation proceedings, in the name of 32538
and on behalf of the state, such real and personal property, 32539
rights, privileges, and appurtenances as are necessary in the 32540
chief's judgment for the construction of such reservoirs, dams, 32541
storage basins, dikes, canals, raceways, and other improvements, 32542
or for the alteration, enlargement, or maintenance of existing 32543
reservoirs, dams, and other improvements, together with such 32544
rights of way, drives, and roadways as are necessary for 32545
convenient access thereto. The appropriation proceedings referred 32546
to in this section shall be restricted to private property only. 32547

Before proceeding to purchase or appropriate any such 32548
property or rights, the cost of which, together with the land or 32549
real estate necessary upon which to locate and construct such 32550
improvements, including damages to remaining property, is in 32551
excess of one thousand dollars, the chief shall prepare plans, 32552
specifications, and estimates of such cost, including all material 32553
and labor therefor, together with the cost of such land or real 32554
estate and damages, and shall thereupon submit such plans, 32555
specifications, and estimates to the director, who in turn shall 32556
submit them to the governor for approval. 32557

The governor shall thereupon publish written notice once a week for two consecutive weeks in a newspaper published in and of general circulation in the counties where any such improvements are proposed to be constructed, setting forth the location and character of the proposed improvements, that the plans, specifications, and estimates therefor are on file in the governor's office, and that objections thereto will be heard by the governor on a day to be named in ~~said~~the notice, which day shall be not less than ten nor more than twenty days after the first publication thereof. Within thirty days after the date fixed for ~~said~~the hearing, the governor shall return such plans, specifications, and estimates to the director, with the governor's written approval or rejection thereof indorsed thereon. The director shall immediately return such plans, specifications, and estimates, together with the governor's indorsement thereon, to the chief.

Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

Sec. 1523.02. If the governor approves the plans, specifications, and estimates authorized by section 1523.01 of the Revised Code, the chief of the division of soil and water resources shall thereupon proceed, as provided in sections 1523.02 to 1523.13 of the Revised Code, to construct the improvements or to make alterations in or to enlarge those already existing, in such manner and form as is shown by such plans and specifications. In order to provide the funds for such construction, alteration, or enlargement, the chief shall issue and sell bonds of the state, not in excess of the estimated cost of such improvements. The bonds shall be issued in denominations of not less than one hundred dollars payable as a whole or in

series on or before fifty years from the date thereof, with 32590
interest not to exceed the rate provided in section 9.95 of the 32591
Revised Code, payable either annually or semiannually. 32592

The bonds shall show on their face the purpose for which 32593
issued and shall create no liability upon or be considered an 32594
indebtedness of the state, but both the principal and interest 32595
shall be paid solely out of the proceeds arising from the 32596
improvements constructed, altered, or enlarged by the chief, or 32597
from the proceeds of the sale or foreclosure of the lien securing 32598
the bonds on such improvement or such part thereof as is 32599
constructed from the money realized from the sale of the bonds. 32600

The form of the bonds shall be approved by the attorney 32601
general, and they shall be signed by the governor and attested by 32602
the director of natural resources and the chief. The bonds may be 32603
issued as coupon bonds, payable to bearer only, or upon demand of 32604
the owner or holder thereof as registered bonds. 32605

Such bonds shall be sold by the chief to the highest bidder 32606
therefor, but for not less than the par value thereof, with 32607
accrued interest thereon, after thirty days' notice in at least 32608
two newspapers of general circulation in the county where such 32609
improvements are to be constructed, altered, or enlarged, setting 32610
forth the nature, amount, rate of interest, and length of time the 32611
bonds have to run, with the time and place of sale. 32612

The treasurer of state shall be the treasurer of the fund 32613
realized from the sale of such bonds, and the auditor of state 32614
shall be the auditor of such fund. The proceeds of such sale shall 32615
be turned over to the treasurer of state and shall be deposited by 32616
the treasurer of state in a solvent bank, located either in 32617
Columbus or in the county in which such improvements are located. 32618
Such proceeds shall be kept by such bank in a fund to be known as 32619
the water conservation improvement fund. Such fund shall be used 32620
to acquire the necessary real estate and to construct such new 32621

improvements and for no other purpose, except that the treasurer 32622
of state may pay the interest on the bonds during the period of 32623
condemnation and the construction, alteration, or enlargement of 32624
such improvements out of the proceeds arising from the sale of the 32625
bonds for a term not exceeding three years from the date on which 32626
the bonds are issued. The bank shall give bond to the state in 32627
such amount as the treasurer of state considers advisable, and 32628
with surety to the satisfaction of the treasurer of state, for the 32629
benefit of the holders of the bonds, and for the benefit of any 32630
contractors performing labor or furnishing material for such 32631
improvements, as provided by law, conditioned that it will safely 32632
keep the money and will make no payments or disbursements 32633
therefrom except as provided in sections 1523.01 to 1523.13 of the 32634
Revised Code. 32635

The treasurer of state shall hold such fund as trustee for 32636
the holders of the bonds and for all persons performing labor or 32637
furnishing material for the construction, alteration, or 32638
enlargement of any improvement made under such sections. Such 32639
funds shall not be turned into the state treasury, but shall be 32640
deposited and disbursed by the treasurer of state as provided in 32641
such sections. The interest coupons attached to such bonds shall 32642
bear the signature of the treasurer of state, executed by the 32643
treasurer of state or printed or lithographed thereon. 32644

Both the interest and principal of such bonds shall be made 32645
payable at the office of the treasurer of state in Columbus, and 32646
shall be paid by the treasurer of state, without warrant or 32647
authority of the director of budget and management, to the owner 32648
or holder of such bonds upon presentation by the owner or holder 32649
of matured interest coupons or bonds. 32650

Sec. 1523.03. Immediately after the sale of the bonds 32651
authorized by section 1523.02 of the Revised Code and the payment 32652
of the proceeds thereof to the treasurer of state as provided in 32653

such section, the chief of the division of soil and water 32654
resources shall make a written contract for the construction of 32655
the improvements or for the making of additions to or alterations 32656
in existing improvements with the lowest responsive and 32657
responsible bidder, in accordance with section 9.312 of the 32658
Revised Code, after advertisements once a week for four 32659
consecutive weeks in one newspaper in each of the cities of 32660
Columbus, Cleveland, and Cincinnati having a general circulation 32661
therein, one trade paper having a circulation among contractors 32662
engaged in the construction of public improvement work of like 32663
character, and two newspapers having a general circulation within 32664
the county in which the dam, reservoir, storage basin, or other 32665
improvement is located or is to be located. 32666

All bids shall be filed with the chief, within the time fixed 32667
for the filing of such bids in ~~said~~the advertisement. The bids 32668
shall be opened and publicly read by the chief at twelve noon on 32669
the last day for filing them. Each bid shall contain the full 32670
names of every person or company interested in it, shall 32671
separately state the price of both the labor and material to be 32672
furnished under it, and shall meet the requirements of section 32673
153.54 of the Revised Code. 32674

The chief may reject any bids. If the chief rejects all bids, 32675
the chief shall within sixty days thereafter readvertise for bids 32676
for the construction of such improvements, as provided in this 32677
section, and may continue to readvertise for bids every sixty days 32678
until bids are received which are made to the chief's satisfaction 32679
and in conformity to sections 1523.01 to 1523.13 of the Revised 32680
Code. 32681

The chief may award separate contracts to bidders for each 32682
part of the labor to be done or material to be furnished for the 32683
construction of such improvements, provided that the amount of the 32684
contract, if awarded as a whole, or the aggregate of ~~said~~the 32685

several contracts, if awarded separately, shall not, together with
the cost of the land necessary for such improvements and the
estimated damages to remaining property, be in excess of the
estimated cost of the construction thereof, including such land
and damages. Such contracts shall provide that all payments
thereunder shall be made only from the proceeds of the sale of the
bonds issued for the construction of such improvements. No
contractor shall receive payment for any work or labor performed
or material furnished for such improvements unless the contract
therefor was, at the time of its execution, approved by the
governor by the governor's written indorsement on such contract.

Sec. 1523.04. When estimates or statements for either
material theretofore furnished or labor theretofore performed
under a contract entered into as provided in section 1523.03 of
the Revised Code are presented to the chief of the division of
soil and water ~~of the department of natural resources~~ by the
contractor, certified as to the correctness thereof under oath by
~~him~~the contractor or ~~his~~the contractor's authorized agent and
approved in writing by the chief, the chief shall pay the amount
of such estimates or statements from the water conservation
improvement fund.

Sec. 1523.05. The chief of the division of soil and water
resources shall by contract in writing sell or lease for
agricultural, commercial, manufacturing, or other lawful purposes,
for any term not exceeding fifty years, the water, or any part
thereof, conserved and stored by the improvements then existing,
or that will be conserved and stored by any improvements
thereafter to be constructed by ~~him~~the chief. The chief may lease
the land surrounding ~~said~~the water for a term not exceeding fifty
years, as shown by the plans and specifications prepared by ~~him~~
the chief and approved by the governor as provided in section
1523.01 of the Revised Code. Such agreements shall be for a
certain price or rental for the water or lands furnished to or

used by the grantees, lessees, or their assigns, to be paid 32719
quarterly, semiannually, or annually as the chief deems advisable. 32720

~~Said~~The chief may, for a term not exceeding fifty years, 32721
sell or lease power generated by any head of water raised or 32722
maintained by any such improvement, or ~~he~~the chief may sell or 32723
lease the right to use such head of water for generating power or 32724
other hydraulic purposes. 32725

All such contracts of sale or lease, whether for water or 32726
power, shall contain such reservations or restrictions as the 32727
chief deems necessary and proper in furtherance of the purposes of 32728
sections 1523.01 to 1523.13, ~~inclusive~~, of the Revised Code, and 32729
the preservation of the use of such waters for navigation in case 32730
they are required therefor. 32731

Such contracts or leases ~~must~~shall be approved by the 32732
attorney general as to their general form and legality and, before 32733
becoming binding obligations on the state, they shall be approved 32734
by the governor by ~~his~~the governor's written indorsement thereon. 32735

Sec. 1523.06. (A) The chief of the division of soil and 32736
water resources before selling bonds as provided in section 32737
1523.02 of the Revised Code or before receiving bids for the 32738
construction of improvements as authorized by section 1523.03 of 32739
the Revised Code may enter into tentative agreements for the sale 32740
or lease of water or power to: 32741

(1) Ascertain whether the public interest and welfare 32742
reasonably require the proposed improvements in the proposed 32743
locality; 32744

(2) Determine whether the revenues which the state may derive 32745
from the lease of lands and the lease and sale of the waters which 32746
are estimated will be conserved, impounded, and stored, or from 32747
the sale or lease of the power generated by such improvements, 32748

will be sufficient:	32749
(a) To pay the interest on bonds issued under section 1523.02 of the Revised Code;	32750 32751
(b) To create a sinking fund to retire ~~said~~ <u>the</u> bonds at their maturity;	32752 32753
(c) To maintain and keep ~~said~~ <u>the</u> improvements in repair.	32754
(B) The performance and carrying out of such tentative agreements shall be conditioned upon the ability of such chief to:	32755 32756
(1) Sell ~~said~~ <u>the</u> proposed bonds at not less than par and accrued interest;	32757 32758
(2) Secure bids for the furnishing of all the labor and material necessary in the construction of such improvements, including all real estate required and damages incurred, at such a price that the rentals or compensation to be paid will provide during the terms of such contracts or leases a sum sufficient to pay ~~said~~ <u>the</u> interest, retire ~~said~~ <u>the</u> bonds, and maintain and keep ~~said~~ <u>the</u> improvements in repair.	32759 32760 32761 32762 32763 32764 32765
Sec. 1523.07. The treasurer of state shall be treasurer and the auditor of state shall be auditor of all moneys derived from the use of the improvements authorized by sections 1523.01 to 1523.13, ~~inclusive~~ , of the Revised Code. The treasurer of state shall hold ~~said~~ <u>the</u> moneys as trustee for the maintenance of any improvements constructed under such sections, and for the holders of any bonds issued in accordance with section 1523.02 of the Revised Code. ~~Said~~ <u>The</u> moneys shall not be turned into the state treasury, but shall be deposited and disbursed by the treasurer of state in the manner provided in this section. All such moneys shall be collected by the treasurer of state on statements to be furnished by the chief of the division of <u>soil and water resources</u>	32766 32767 32768 32769 32770 32771 32772 32773 32774 32775 32776 32777

and when so collected shall be deposited in solvent banks in the 32778
state upon the same terms as state funds are now loaned. ~~Said~~The 32779
funds shall be kept by such banks in a fund known as the "water 32780
conservation fund" and shall be used, first, to maintain and keep 32781
in repair the dams, reservoirs, storage basins, and other 32782
improvements, and, second, to pay the interest upon and principal 32783
of the bonds issued and sold pursuant to section 1523.02 of the 32784
Revised Code, as such interest falls due or ~~said~~the bonds mature. 32785

The banks in which the treasurer of state deposits any of the 32786
moneys belonging either to the water conservation improvement fund 32787
provided for in section 1523.02 of the Revised Code or the water 32788
conservation fund provided for in this section shall be state 32789
depository banks as provided for in sections 135.01 to 135.21, 32790
~~inclusive~~, of the Revised Code. An amount not to exceed fifty 32791
thousand dollars of the money on deposit at any one time in the 32792
water conservation improvement fund, and an amount not to exceed 32793
ten thousand dollars in the water conservation fund shall be held 32794
by any of ~~said~~the banks as an active deposit, and ~~said~~the banks 32795
shall pay the treasurer of state on such deposits, both active and 32796
inactive, the same rate of interest then being paid by them upon 32797
the funds of the state then deposited with them by the treasurer 32798
of state. All such payments of interest shall be credited to the 32799
respective funds upon which such interest is paid. 32800

Sec. 1523.08. When the cost of any repairs to the 32801
improvements authorized by section 1523.01 of the Revised Code 32802
does not exceed one thousand dollars, the chief of the division of 32803
soil and water ~~of the department of natural resources~~ either may 32804
make such repairs ~~himself~~ or may let a contract therefor without 32805
advertising for bids. If the cost of any such repairs is in excess 32806
of one thousand dollars, the chief shall advertise for bids for 32807
the making of such repairs and let a contract therefor as provided 32808
in section 1523.03 of the Revised Code. 32809

When itemized statements are presented to the chief showing
the amount of labor performed and material furnished in the making
of such repairs, verified by the person making them and approved
in writing by the chief, the chief shall pay the amount of such
statement from the water conservation fund.

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Sec. 1523.09. If a reservoir, dam, storage basin, or other
improvement constructed or enlarged by the chief of the division
of soil and water resources as provided in sections 1523.01 to
1523.13 of the Revised Code constitutes a part of the canal system
of the state or is located upon any river, stream, or body of
water formerly used as a feeder for the canal system, no water
shall be sold or leased from the improvement ~~by the chief~~ except
in accordance with section 1520.03 of the Revised Code.

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Sec. 1523.10. The funds derived from the sale, use, or lease
of the water impounded and conserved or the power generated by the
improvements constructed pursuant to sections 1523.01 to 1523.13,
~~inclusive~~, of the Revised Code, or from the lease of the lands and
improvements adjacent thereto are hereby expressly pledged for the
purpose of maintaining and keeping ~~said~~the improvements in repair
and for the payment of the interest on and principal of the bonds
issued under section 1523.02 of the Revised Code, as the same fall
due and mature. The owners of such bonds are hereby given a lien
for the payment of the principal and interest of such bonds upon
any dam, reservoir, storage basin, or other improvements, or any
part thereof, with the appurtenances belonging thereto,
constructed by the chief of the division of soil and water
resources with the funds derived from the sale of such bonds.

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If default is made in the payment of the interest on any of
~~said~~the bonds for three or more successive years, or if bonds,
aggregating in par value not less than ten per cent of the total
amount of such bonds then outstanding are not paid at maturity,
then all of ~~said~~the bonds, both principal and interest, shall

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become due and payable, and the owners of any of ~~said~~the bonds, 32842
aggregating in par value not less than ten per cent of the total 32843
amount of such bonds then outstanding, may institute proceedings 32844
to foreclose such lien against the state in the court of common 32845
pleas of the county in which is located any of ~~said~~the 32846
improvements, constructed, altered, or enlarged out of the 32847
proceeds of the sale of such bonds. 32848

~~Said~~The court shall have jurisdiction of such action with 32849
full power to foreclose such lien and to make an order to the 32850
sheriff of ~~said~~the county, acting as a master commissioner, 32851
directing ~~him~~the sheriff to make a sale of such improvements or 32852
part thereof at not less than two-thirds of the appraised value 32853
thereof, and upon such terms and in manner and form as provided 32854
for in ~~said~~the order, and to pay the proceeds of such sale to the 32855
clerk of the court of common pleas. Upon motion of the purchaser 32856
of such improvements at such sale, the court, if such sale is 32857
found to be regular in all respects and according to law, shall 32858
confirm the sale and order the sheriff to execute a deed to such 32859
purchaser and ~~his~~the purchaser's assigns, conveying to ~~him~~the 32860
purchaser and the purchaser's assigns all the right, title, and 32861
interest of the holders of ~~said~~the bonds in and to ~~said~~the 32862
improvements, and all the right, title, and interest of the state, 32863
for a period of not more than fifty years from the date of such 32864
conveyance, in the same, with full right and franchise, for ~~said~~ 32865
the period of not to exceed fifty years, to operate ~~said~~the 32866
improvements and dispose of the water conserved or the power 32867
generated thereby, with the further right, for ~~said~~the period of 32868
fifty years, to flow, transport, and convey ~~said~~the water from 32869
~~said~~the improvements, or to conduct and transmit power generated 32870
thereby through, over, and upon any of the lands of the state or 32871
channels or beds of any of its reservoirs, lakes, canals, races, 32872
aqueducts, or watercourses. In the exercise of such rights, such 32873
purchaser or ~~his~~the purchaser's assigns shall at all times during 32874
the term of ~~said~~the grant maintain the improvements so conveyed 32875

to them in a good state of repair and shall not interfere with the
navigation of the canals of the state or with the control and
maintenance thereof or with the sale of water by the state from
its dams, reservoirs, and improvements other than those so
constructed. The state does not incur any liability by reason of
such sale and the rights granted thereunder to continue to
maintain such canals, races, channels, or watercourses, or to
continue the use thereof. Such conveyance or grant by the sheriff
as such master commissioner shall contain a clause giving the
chief such control of waste gates and wickets as to regulate the
flow of water in the state reservoirs or canals, in such manner as
to maintain the proper level therein and to prevent the flowing
into such reservoirs and canals of such quantities of water as
might impair any of the property of the state or its lessees,
except as otherwise provided in section 1520.03 of the Revised
Code.

Upon the foreclosure of ~~said~~the lien and the sale of ~~said~~
the improvements, all contracts or leases for the sale, use, or
lease of water, the lands and improvements adjacent thereto, or
power rights then outstanding shall become void, and the rights of
the state and the several lessees thereunder, shall cease.

Upon the making of an order by the court for the sale of such
improvements, and before they are offered for sale by the sheriff,
the court shall appoint three disinterested appraisers, one of
whom shall be a water-works or hydraulic engineer with at least
five years' experience in the practice of ~~his~~the engineer's
profession, and two of whom shall be freeholders residing in the
county in which any of such improvements are located. ~~Said~~The
appraisers shall appraise ~~said~~the improvements and shall, within
the time fixed by the court, file such appraisal in writing with
the clerk. If the lien given by this section as security for the
payment of ~~said~~the bonds covers a part only of ~~said~~the
improvements, ~~said~~the appraisers shall appraise ~~said~~the

improvements as an entirety, and shall also appraise separately 32909
the part constructed from the proceeds of the sale of ~~said~~the 32910
bonds, the lien of which is being foreclosed in such proceeding. 32911

In making such appraisal and fixing the value of ~~said~~the 32912
improvements or of such part thereof, ~~said~~the appraisers shall 32913
have access to all papers and documents on file in the office of 32914
the chief relating to such improvements, including the plans and 32915
specifications therefor, and the bids made and contracts entered 32916
into for the construction thereof, and all leases and contracts 32917
for the sale of water impounded therein and power generated 32918
thereby. The order of the court shall direct the sale only of such 32919
part of ~~said~~the improvements as have been constructed from the 32920
proceeds of the sale of ~~said~~the bonds. The purchaser at such 32921
sale, in the operation of such improvements during the term of the 32922
franchise granted to ~~him~~the purchaser by this section, shall draw 32923
from the dam or reservoir impounding such water only such portion 32924
thereof as the appraised value of that part of such improvements, 32925
constructed from the proceeds of the sale of such bonds and sold 32926
to ~~him~~the purchaser under the order of the court, bears to the 32927
entire appraised value of such improvements. 32928

If at any time during the term of the franchise granted to 32929
the purchaser of such improvements at such foreclosure sale any 32930
controversy arises between ~~him~~the purchaser or ~~his~~the 32931
purchaser's assigns and the chief as to the operation of such 32932
improvements, or as to the amount of water which ~~said~~the 32933
purchaser is drawing or is entitled to draw therefrom, either ~~said~~ 32934
the purchaser or ~~said~~the chief may file a petition in ~~said~~the 32935
court, setting forth the facts connected with such controversy. 32936

Notice in writing of the filing of such petition shall be 32937
given to the opposite party to ~~said~~the controversy within thirty 32938
days from the date of the filing thereof, either by service of 32939
such notice personally upon such opposite party by the sheriff of 32940

such county or by service by mail by the clerk. Such notice shall
be mailed to the name and address which the purchaser filed with
~~said~~the clerk at the time of the delivery to the purchaser by the
sheriff of the deed. Within thirty days from the serving or
mailing of such notice, the opposite party to ~~said~~the controversy
shall file ~~his~~an answer in ~~said~~the court, and thereupon the
court shall hear and determine ~~said~~the controversy and make such
order in regard to it as is just and proper, which order shall be
binding upon all the parties to ~~said~~the controversy.

At the termination of ~~said~~the period of not to exceed fifty
years, all of the rights and privileges conveyed to ~~said~~the
purchaser by the deed and grant of such sheriff as master
commissioner shall cease and ~~said~~the improvements, with all the
appurtenances belonging thereto, shall revert to and become the
property of the state, free and clear of any claims whatever
against them.

The clerk shall distribute and pay the money received by ~~him~~
the clerk from the sheriff as such master commissioner from the
sale of such improvements to the holders of ~~said~~the bonds pro
rata, and upon such payment to any of ~~said~~the bondholders, they
shall surrender to the ~~said~~the clerk their bonds, with all unpaid
interest coupons thereon. The clerk shall thereupon cancel the
same and deliver them, so canceled, to the treasurer of the water
conservation improvement fund.

Sec. 1523.11. All appropriations of property made by the
chief of the division of soil and water resources in carrying out
sections 1523.01 to 1523.13, ~~inclusive~~, of the Revised Code, shall
be made in accordance with sections 163.01 to 163.22, ~~inclusive~~,
of the Revised Code, provided that possession of any property so
appropriated shall not be taken by the state or the chief before
the compensation and damages awarded therefor in the appropriation
proceedings have been paid into court.

Sec. 1523.12. Sections 1523.01 to 1523.13,~~inclusive~~, of the Revised Code do not authorize any reduction in the quantity or any impairment in the quality of the water in any watershed, stream, or basin, developed or undeveloped, from which any political subdivision is, at the time the chief of the division of soil and water resources proposes and is proceeding to construct in such watershed, stream, or basin any of the improvements authorized by such sections, taking water for the use of itself or its inhabitants, or has plans under way, or has made or begun appropriation of any property or rights in such watershed, stream, or basin for the purpose of acquiring a water supply for itself or its inhabitants for either domestic, industrial, or other uses. Such sections do not authorize the chief to sell or lease the right to use water at any time for any purpose or to such an extent as to prejudice, abrogate, or supersede any of the water rights granted by the state to the city of Akron as provided in volume 102, Ohio Laws, page 175, sections 1 to 3,~~inclusive~~.

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Sec. 1523.13. If by reason of severe drought or other causes the water supply of any political subdivision is, in the judgment of the chief of the division of soil and water resources, at any time so reduced or impaired as to endanger the property of such political subdivision, or the health, safety, or property of the inhabitants thereof, then the chief, under such regulations as ~~he~~ the chief prescribes, may grant to such political subdivision the right, during the continuance of such emergency, to draw or take such quantity of water as is necessary to protect the property of such political subdivision and the health, safety, or property of its inhabitants from any improvement constructed under sections 1523.01 to 1523.13,~~inclusive~~, of the Revised Code, before any of the lessees or grantees of the state using the water for industrial purposes take water therefrom. Such political subdivision shall pay such price per thousand gallons for the water so taken by it as is fixed by the chief and the governor. The price so fixed shall not exceed the maximum price then being

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paid for water to the state by any of its lessees or grantees. 33007
Such grant by the chief to such political subdivision shall not 33008
modify the terms or impair the validity of any leases then 33009
existing between the state and other persons, firms, or 33010
corporations, except as expressly provided in this section. 33011

Sec. 1523.14. The director of transportation in constructing 33012
highways, bridges, and culverts as provided by law; the board of 33013
county commissioners in constructing highways, bridges, and 33014
culverts as provided by law; the board of township trustees of any 33015
township in constructing highways, bridges, and culverts as 33016
provided by law; and any municipal corporation constructing or 33017
improving viaducts, bridges, and culverts under section 717.01 of 33018
the Revised Code, either severally or jointly, upon request of the 33019
chief of the division of soil and water resources and with the 33020
approval of the director of transportation, may construct and 33021
maintain slack-water dams in connection with ~~said~~the highway, 33022
highway bridge, or culvert so as to create reservoirs, ponds, 33023
water parks, basins, lakes, or other incidental works to conserve 33024
the water supply of the state. 33025

Sec. 1523.15. The chief of the division of soil and water ~~of~~ 33026
~~the department of natural~~ resources may request the public 33027
authority having charge of the construction of state, county, or 33028
township highways, highway bridges, and culverts, or municipal 33029
streets, for the construction of slack-water dams in connection 33030
with the construction of any such highway, street, highway bridge, 33031
or culvert whenever, in ~~his~~the chief's opinion, the construction 33032
of such dam is desirable and feasible for the economical creation 33033
and construction of reservoirs, ponds, water parks, basins, lakes, 33034
or other incidental works for the conservation of the water supply 33035
of the state. 33036

The public authority having charge of such construction may 33037
approve such request when, in its opinion, the construction of 33038

such dams will not unnecessarily delay or hinder the construction 33039
of the highway, street, highway bridge, or culvert, or will not 33040
interfere with its value or use for highway purposes. 33041

If such request is approved, the chief, in cooperation with 33042
the department of transportation and the public authority 33043
participating in the project, shall make a survey and prepare 33044
plans, specifications, and estimates for the construction of such 33045
dams and the reservoir, pond, water park, basin, lake, or other 33046
incidental works in connection therewith. 33047

Upon approval of the plans and specifications and 33048
determination to proceed with the project, the chief shall enter 33049
into an agreement with the public authority on the distribution of 33050
the cost and expense of the construction of such dams and 33051
incidental works in connection therewith. The portion of the cost 33052
to be paid by the division of soil and water resources shall be 33053
paid from any funds appropriated for or paid into the division and 33054
available for such purpose. 33055

Such dams shall be constructed under and subject to any laws 33056
governing the construction of state, county, or township highways, 33057
bridges, or culverts. Any public authority undertaking 33058
construction under sections 1523.14 to 1523.20 of the Revised Code 33059
shall proceed in the same manner as provided for the construction 33060
of highway or street improvements. 33061

Sec. 1523.16. Any department or division of the state 33062
government, or any county, township, municipal corporation, park 33063
board, or district, or any organization, club, corporation, or 33064
private person may petition the chief of the division of soil and 33065
water resources for the construction of dams and reservoir 33066
projects in connection with the construction of any highway, 33067
highway bridge, or culvert. 33068

Upon receipt of such a petition and its approval by the 33069

chief, ~~he~~the chief shall proceed as authorized by section 1523.15 33070
of the Revised Code. If the public authority having charge of the 33071
construction of such highway, street, highway bridge, or culvert 33072
approves the request, then the chief shall enter into an agreement 33073
with the public authority, organization, or person petitioning for 33074
the construction of such dam or reservoir on the apportionment of 33075
the cost and expense of construction. The cost and expense of such 33076
dam project shall include the cost of clearing and grubbing and 33077
the cost of property and damages incidental thereto. Such 33078
agreement shall also contain provisions for the proper maintenance 33079
and repair of such projects after completion, and also apportion 33080
the revenue derived therefrom between the division of soil and 33081
water resources and the petitioner. 33082

Sec. 1523.17. In all cases in which a public authority, 33083
private organization, or person petitions for the construction of 33084
a dam and reservoir project as authorized by ~~section~~sections 33085
1523.14 to 1523.20 of the Revised Code, the chief of the division 33086
of soil and water ~~of the department of natural~~ resources, as a 33087
condition precedent to the construction of such project, shall 33088
require the petitioning authority, organization, or person to pay 33089
~~his~~the petitioning authority's, organization's, or person's share 33090
of the cost and expense of such project. 33091

Any deficiency shall be made up by the parties bearing the 33092
cost before any further work is done. If the deficiency is not 33093
made up within sixty days after it is known, the amount paid in, 33094
less the expense incurred by the chief and the cooperating public 33095
authorities, shall be refunded to the donor. After completion of 33096
the work, any amount remaining to the credit of the project shall 33097
likewise be refunded. 33098

Sec. 1523.18. In the construction of dams, reservoirs, and 33099
other incidental works under sections 1523.14 to 1523.20 of the 33100
Revised Code, the chief of the division of soil and water 33101

resources shall proceed as provided by law, and shall enter into 33102
contracts therefor as provided in sections 153.01 to 153.29 of the 33103
Revised Code. The director of transportation, the chief of the 33104
division of wildlife with the approval of the director of natural 33105
resources, and any county, township, municipal corporation, and 33106
public park board or district may proceed with the letting of 33107
contracts for the construction of such dams or reservoir projects, 33108
approved by the chief of the division of soil and water resources, 33109
under any laws regulating the letting of contracts applicable to 33110
their respective departments, divisions, districts, or political 33111
subdivisions, and the authority of sections 1523.14 to 1523.20 of 33112
the Revised Code. 33113

Sec. 1523.19. The chief of the division of soil and water 33114
resources shall have the supervision, care, and control of all 33115
dams, reservoirs, ponds, water parks, basins, lakes, or other 33116
incidental works constructed under sections 1523.14 to 1523.20, 33117
~~inclusive~~, of the Revised Code, and shall maintain and keep them 33118
in repair. The cost of such maintenance and repair shall be paid 33119
from any funds appropriated to the division of soil and water 33120
resources for that purpose or paid into the state treasury as 33121
agreed upon with the public or contracting authorities 33122
co-operating in the construction of such projects. 33123

Such projects may also be maintained by any department or 33124
division of state government or other public authorities leasing 33125
or operating the projects, through agreements made with ~~said~~the 33126
chief. All rentals derived from the lessees of such projects shall 33127
be used by ~~said~~the chief in the maintenance or repair of all such 33128
projects constructed under such sections. The costs and expenses 33129
of the reconstruction of any such projects shall be distributed, 33130
unless otherwise agreed, on the same basis and pro-rata share of 33131
the costs and expenses as was paid by the contracting authorities 33132
contributing to the cost of the original project. 33133

Sec. 1523.20. When the chief of the division of soil and 33134
water resources and the owners of the lands, waters, or riparian 33135
rights are unable to agree upon the terms, purchase price, and 33136
sale thereof, the chief may acquire the lands by appropriation 33137
proceedings in the manner provided by sections 163.01 to 163.22 of 33138
the Revised Code. 33139

The title or lease to any such lands, waters, or riparian 33140
rights shall be taken by the chief, subject to the approval of the 33141
governor and the attorney general, in the name of the state. The 33142
lease rentals or purchase price of any such lands, waters, or 33143
riparian rights, as well as all costs and expenses of constructing 33144
any such reservoirs, ponds, water parks, basins, lakes, or other 33145
incidental works on those lands, may be paid for from any funds 33146
appropriated for the use of or paid into the division of soil and 33147
water resources and available for that purpose. The chief may 33148
accept contributions to those funds from individuals, 33149
associations, clubs, organizations, and corporations. 33150

Sec. 1533.11. (A) Except as provided in this section, no 33151
person shall hunt deer on lands of another without first obtaining 33152
an annual deer permit. Except as provided in this section, no 33153
person shall hunt wild turkeys on lands of another without first 33154
obtaining an annual wild turkey permit. Each applicant for a deer 33155
or wild turkey permit shall pay an annual fee of twenty-three 33156
dollars for each permit unless the rules adopted under division 33157
(B) of section 1533.12 of the Revised Code provide for issuance of 33158
a deer or wild turkey permit to the applicant free of charge. 33159
Except as provided in rules adopted under division (B)(2) of that 33160
section, each applicant who is a resident of this state and who at 33161
the time of application is sixty-six years of age or older shall 33162
procure a senior deer or wild turkey permit, the fee for which 33163
shall be one-half of the regular deer or wild turkey permit fee. 33164
Each applicant who is under the age of eighteen years shall 33165
procure a youth deer or wild turkey permit, the fee for which 33166

shall be one-half of the regular deer or wild turkey permit fee. 33167
Except as provided in division (A)(2) of section 1533.12 of the 33168
Revised Code, a deer or wild turkey permit shall run concurrently 33169
with the hunting license. The money received shall be paid into 33170
the state treasury to the credit of the wildlife fund, created in 33171
section 1531.17 of the Revised Code, exclusively for the use of 33172
the division of wildlife in the acquisition and development of 33173
land for deer or wild turkey management, for investigating deer or 33174
wild turkey problems, and for the stocking, management, and 33175
protection of deer or wild turkey. Every person, while hunting 33176
deer or wild turkey on lands of another, shall carry the person's 33177
deer or wild turkey permit and exhibit it to any enforcement 33178
officer so requesting. Failure to so carry and exhibit such a 33179
permit constitutes an offense under this section. The chief of the 33180
division of wildlife shall adopt any additional rules the chief 33181
considers necessary to carry out this section and section 1533.10 33182
of the Revised Code. 33183

The owner and the children of the owner of lands in this 33184
state may hunt deer or wild turkey thereon without a deer or wild 33185
turkey permit. The tenant and children of the tenant may hunt deer 33186
or wild turkey on lands where they reside without a deer or wild 33187
turkey permit. 33188

(B) A deer or wild turkey permit is not transferable. No 33189
person shall carry a deer or wild turkey permit issued in the name 33190
of another person. 33191

(C) The wildlife refunds fund is hereby created in the state 33192
treasury. The fund shall consist of money received from 33193
application fees for deer permits that are not issued. Money in 33194
the fund shall be used to make refunds of such application fees. 33195

(D) If the division establishes a system for the electronic 33196
submission of information regarding deer or wild turkey that are 33197
taken, the division shall allow the owner and the children of the 33198

<u>owner of lands in this state to use the owner's name or address</u>	33199
<u>for purposes of submitting that information electronically via</u>	33200
<u>that system.</u>	33201

Sec. 1541.03. All lands and waters dedicated and set apart	33202
for state park purposes shall be under the control and management	33203
of the division of parks and recreation, which shall protect,	33204
maintain, and keep them in repair. The division shall have the	33205
following powers over all such lands and waters:	33206

(A) To make alterations and improvements;	33207

(B) To construct and maintain dikes, wharves, landings,	33208
docks, dams, and other works;	33209

(C) To construct and maintain roads and drives in, around,	33210
upon, and to the lands and waters to make them conveniently	33211
accessible and useful to the public;	33212

(D) Except as otherwise provided in this section, to adopt,	33213
amend, and rescind, in accordance with Chapter 119. of the Revised	33214
Code, rules necessary for the proper management of state parks,	33215
bodies of water, and the lands adjacent to them under its	33216
jurisdiction and control, including the following:	33217

(1) Governing opening and closing times and dates of the	33218
parks;	33219

(2) Establishing fees and charges for use of facilities in	33220
state parks;	33221

(3) Governing camps, camping, and fees for camps and camping;	33222

(4) Governing the application for and rental of, rental fees	33223
for, and the use of cottages;	33224

(5) Relating to public use of state park lands, and governing	33225

the operation of motor vehicles, including speeds, and parking on those lands;	33226 33227
(6) Governing all advertising within state parks and the requirements for the operation of places selling tangible personal property and control of food service sales on lands and waters under the control of the division, which rules shall establish uniform requirements;	33228 33229 33230 33231 33232
(7) Providing uniform standards relating to the size, type, location, construction, and maintenance of structures and devices used for fishing or moorage of watercraft, rowboats, sailboats, and powercraft, as those terms are defined in section 1547.01 of the Revised Code, over waters under the control of the division and establishing reasonable fees for the construction of and annual use permits for those structures and devices;	33233 33234 33235 33236 33237 33238 33239
(8) Governing state beaches, swimming, inflatable devices, and fees for them;	33240 33241
(9) Governing the removal and disposition of any watercraft, rowboat, sailboat, or powercraft, as those terms are defined in section 1547.01 of the Revised Code, left unattended for more than seven days on any lands or waters under the control of the division;	33242 33243 33244 33245 33246
(10) Governing the establishment and collection of check collection charges for checks that are returned to the division or dishonored for any reason.	33247 33248 33249
<u>(E) To coordinate and plan trails in accordance with section 1519.03 of the Revised Code;</u>	33250 33251
<u>(F) To cooperate with the United States and agencies of it and with political subdivisions in administering federal recreation moneys under the "Land and Water Conservation Fund Act</u>	33252 33253 33254

<u>of 1965," 78 Stat. 897, 16 U.S.C. 4601-8, as amended; prepare and</u>	33255
<u>distribute the statewide comprehensive outdoor recreation plan;</u>	33256
<u>and administer the state recreational vehicle fund created in</u>	33257
<u>section 4519.11 of the Revised Code;</u>	33258
<u>(G) To administer any state or federally funded grant program</u>	33259
<u>that is related to natural resources and recreation as considered</u>	33260
<u>necessary by the director of natural resources;</u>	33261
<u>(H) To assist the department of natural resources and its</u>	33262
<u>divisions by providing department-wide planning, capital</u>	33263
<u>improvements planning, and special purpose planning.</u>	33264
<u>With the approval of the director, the chief of the division</u>	33265
<u>of parks and recreation may enter into contracts or agreements</u>	33266
<u>with any agency of the United States government, any other public</u>	33267
<u>agency, or any private entity or organization for the performance</u>	33268
<u>of the duties of the division.</u>	33269
The division shall adopt rules under this section	33270
establishing a discount program for all persons who are issued a	33271
golden buckeye card under section 173.06 of the Revised Code. The	33272
discount program shall provide a discount for all park services	33273
and rentals, but shall not provide a discount for the purchase of	33274
merchandise.	33275
The division shall not adopt rules establishing fees or	33276
charges for parking a motor vehicle in a state park or for	33277
admission to a state park.	33278
Every resident of this state with a disability that has been	33279
determined by the veterans administration to be permanently and	33280
totally disabling, who receives a pension or compensation from the	33281
veterans administration, and who received an honorable discharge	33282
from the armed forces of the United States, and every veteran to	33283
whom the registrar of motor vehicles has issued a set of license	33284

plates under section 4503.41 of the Revised Code, shall be exempt 33285
from the fees for camping, provided that the resident or veteran 33286
carries in the state park such evidence of the resident's or 33287
veteran's disability as the chief of the division of parks and 33288
~~recreation~~ prescribes by rule. 33289

Unless otherwise provided by division rule, every resident of 33290
this state who is sixty-five years of age or older or who is 33291
permanently and totally disabled and who furnishes evidence of 33292
that age or disability in a manner prescribed by division rule 33293
shall be charged one-half of the regular fee for camping, except 33294
on the weekends and holidays designated by the division, and shall 33295
not be charged more than ninety per cent of the regular charges 33296
for state recreational facilities, equipment, services, and food 33297
service operations utilized by the person at any time of year, 33298
whether maintained or operated by the state or leased for 33299
operation by another entity. 33300

As used in this section, "food service operations" means 33301
restaurants that are owned by the department of natural resources 33302
at Hocking Hills, Lake Hope, Malabar Farm, and Rocky Fork state 33303
parks or are part of a state park lodge. "Food service 33304
operations" does not include automatic vending machines, 33305
concession stands, or snack bars. 33306

As used in this section, "prisoner of war" means any 33307
regularly appointed, enrolled, enlisted, or inducted member of the 33308
military forces of the United States who was captured, separated, 33309
and incarcerated by an enemy of the United States. Any person who 33310
has been a prisoner of war, was honorably discharged from the 33311
military forces, and is a resident of this state is exempt from 33312
the fees for camping. To claim this exemption, the person shall 33313
present written evidence in the form of a record of separation, a 33314
letter from one of the military forces of the United States, or 33315
such other evidence as the chief prescribes by rule that satisfies 33316

the eligibility criteria established by this section. 33317

Sec. 1547.01. (A) As used in sections 1541.03, 1547.26, 33318
1547.39, 1547.40, 1547.53, 1547.54, 1547.541, 1547.542, 1547.543, 33319
1547.56, 1547.57, 1547.66, 3733.21, and 5311.01 of the Revised 33320
Code, "watercraft" means any of the following when used or capable 33321
of being used for transportation on the water: 33322

(1) A vessel operated by machinery either permanently or 33323
temporarily affixed; 33324

(2) A sailboat other than a sailboard; 33325

(3) An inflatable, manually propelled boat that is required 33326
by federal law to have a hull identification number meeting the 33327
requirements of the United States coast guard; 33328

(4) A canoe or rowboat. 33329

"Watercraft" does not include ferries as referred to in 33330
Chapter 4583. of the Revised Code. 33331

Watercraft subject to section 1547.54 of the Revised Code 33332
shall be divided into five classes as follows: 33333

Class A: Less than sixteen feet in length; 33334

Class 1: At least sixteen feet, but less than twenty-six feet 33335
in length; 33336

Class 2: At least twenty-six feet, but less than forty feet 33337
in length; 33338

Class 3: At least forty feet, but less than sixty-five feet 33339
in length; 33340

Class 4: At least sixty-five feet in length. 33341

(B) As used in this chapter:	33342
(1) "Vessel" includes every description of craft, including nondisplacement craft and seaplanes, designed to be used as a means of transportation on water.	33343 33344 33345
(2) "Rowboat" means any vessel, except a canoe, that is designed to be rowed and that is propelled by human muscular effort by oars or paddles and upon which no mechanical propulsion device, electric motor, internal combustion engine, or sail has been affixed or is used for the operation of the vessel.	33346 33347 33348 33349 33350
(3) "Sailboat" means any vessel, equipped with mast and sails, dependent upon the wind to propel it in the normal course of operation.	33351 33352 33353
(a) Any sailboat equipped with an inboard engine is deemed a powercraft with auxiliary sail.	33354 33355
(b) Any sailboat equipped with a detachable motor is deemed a sailboat with auxiliary power.	33356 33357
(c) Any sailboat being propelled by mechanical power, whether under sail or not, is deemed a powercraft and subject to all laws and rules governing powercraft operation.	33358 33359 33360
(4) "Powercraft" means any vessel propelled by machinery, fuel, rockets, or similar device.	33361 33362
(5) "Person" includes any legal entity defined as a person in section 1.59 of the Revised Code and any body politic, except the United States and this state, and includes any agent, trustee, executor, receiver, assignee, or other representative thereof.	33363 33364 33365 33366
(6) "Owner" includes any person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein	33367 33368

that entitled the person to that possession.	33369
(7) "Operator" includes any person who navigates or has under the person's control a vessel, or vessel and detachable motor, on the waters in this state.	33370 33371 33372
(8) "Visible" means visible on a dark night with clear atmosphere.	33373 33374
(9) "Waters in this state" means all streams, rivers, lakes, ponds, marshes, watercourses, waterways, and other bodies of water, natural or humanmade, that are situated wholly or partially within this state or within its jurisdiction and are used for recreational boating.	33375 33376 33377 33378 33379
(10) "Navigable waters" means waters that come under the jurisdiction of the department of the army of the United States and any waterways within or adjacent to this state, except inland lakes having neither a navigable inlet nor outlet.	33380 33381 33382 33383
(11) "In operation" in reference to a vessel means that the vessel is being navigated or otherwise used on the waters in this state.	33384 33385 33386
(12) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.	33387 33388 33389
(13) "Canoe" means a narrow vessel of shallow draft, pointed at both ends and propelled by human muscular effort, and includes kayaks, racing shells, and rowing sculls.	33390 33391 33392
(14) "Coast guard approved" means bearing an approval number assigned by the United States coast guard.	33393 33394
(15) "Type one personal flotation device" means a device that	33395

is designed to turn an unconscious person floating in water from a face downward position to a vertical or slightly face upward position and that has at least nine kilograms, approximately twenty pounds, of buoyancy.

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(16) "Type two personal flotation device" means a device that is designed to turn an unconscious person in the water from a face downward position to a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy.

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(17) "Type three personal flotation device" means a device that is designed to keep a conscious person in a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy.

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(18) "Type four personal flotation device" means a device that is designed to be thrown to a person in the water and not worn and that has at least seven and five-tenths kilograms, approximately sixteen and five-tenths pounds, of buoyancy.

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(19) "Type five personal flotation device" means a device that, unlike other personal flotation devices, has limitations on its approval by the United States coast guard, including, without limitation, all of the following:

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(a) The approval label on the type five personal flotation device indicates that the device is approved for the activity in which the vessel is being used or as a substitute for a personal flotation device of the type required on the vessel in use.

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(b) The personal flotation device is used in accordance with any requirements on the approval label.

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(c) The personal flotation device is used in accordance with

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requirements in its owner's manual if the approval label refers to such a manual.	33425 33426
(20) "Inflatable watercraft" means any vessel constructed of rubber, canvas, or other material that is designed to be inflated with any gaseous substance, constructed with two or more air cells, and operated as a vessel. Inflatable watercraft propelled by a motor shall be classified as powercraft and shall be registered by length. Inflatable watercraft propelled by a sail shall be classified as a sailboat and shall be registered by length.	33427 33428 33429 33430 33431 33432 33433 33434
(21) "Idle speed" means the slowest possible speed needed to maintain steerage or maneuverability.	33435 33436
(22) "Diver's flag" means a red flag not less than one foot square having a diagonal white stripe extending from the masthead to the opposite lower corner that when displayed indicates that divers are in the water.	33437 33438 33439 33440
(23) "Muffler" means an acoustical suppression device or system that is designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.	33441 33442 33443 33444
(24) "Law enforcement vessel" means any vessel used in law enforcement and under the command of a law enforcement officer.	33445 33446
(25) "Personal watercraft" means a vessel, less than sixteen feet in length, that is propelled by machinery and designed to be operated by an individual sitting, standing, or kneeling on the vessel rather than by an individual sitting or standing inside the vessel.	33447 33448 33449 33450 33451
(26) "No wake" has the same meaning as "idle speed."	33452

(27) "Watercraft dealer" means any person who is regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in vessels at an established place of business. "Watercraft dealer" does not include a person who is a marine salvage dealer or any other person who dismantles, salvages, or rebuilds vessels using used parts.

(28) "Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

(29) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

(30) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.

(31) "Drug of abuse" has the same meaning as in section 4506.01 of the Revised Code.

~~(C) Unless otherwise provided, this chapter applies to all vessels operating on the waters in this state. Nothing in this chapter shall be construed in contravention of any valid federal act or regulation, but is in addition to the act or regulation where not inconsistent.~~

~~The state reserves to itself the exclusive right to regulate the minimum equipment requirements of watercraft and vessels operated on the waters in this state.~~

(32) "Watercourse" means a substantially natural channel with recognized banks and bottom in which a flow of water occurs, with an average of at least ten feet mean surface water width and at

least five miles of length. 33482

(33) "Impoundment" means the reservoir created by a dam or 33483
other artificial barrier across a watercourse that causes water to 33484
be stored deeper than and generally beyond the banks of the 33485
natural channel of the watercourse during periods of normal flow, 33486
but does not include water stored behind rock piles, rock riffle 33487
dams, and low channel dams where the depth of water is less than 33488
ten feet above the channel bottom and is essentially confined 33489
within the banks of the natural channel during periods of normal 33490
stream flow. 33491

(34) "Wild river area" means an area declared a wild river 33492
area by the director of natural resources under this chapter and 33493
includes those rivers or sections of rivers that are free of 33494
impoundments and generally inaccessible except by trail, with 33495
watersheds or shorelines essentially primitive and waters 33496
unpolluted, representing vestiges of primitive America. 33497

(35) "Scenic river area" means an area declared a scenic 33498
river area by the director under this chapter and includes those 33499
rivers or sections of rivers that are free of impoundments, with 33500
shorelines or watersheds still largely primitive and shorelines 33501
largely undeveloped, but accessible in places by roads. 33502

(36) "Recreational river area" means an area declared a 33503
recreational river area by the director under this chapter and 33504
includes those rivers or sections of rivers that are readily 33505
accessible by road or railroad, that may have some development 33506
along their shorelines, and that may have undergone some 33507
impoundment or diversion in the past. 33508

Sec. 1547.02. Unless otherwise provided, this chapter applies 33509
to all vessels operating on the waters in this state. Nothing in 33510
this chapter shall be construed in contravention of any valid 33511
federal act or regulation, but is in addition to the act or 33512

<u>regulation where not inconsistent.</u>	33513
<u>The state reserves to itself the exclusive right to regulate</u>	33514
<u>the minimum equipment requirements of watercraft and vessels</u>	33515
<u>operated on the waters in this state.</u>	33516
Sec. 1547.51. There is hereby created within the department	33517
of natural resources the division of watercraft. The division	33518
shall ~~administer~~ <u>do all of the following:</u>	33519
<u>(A) Administer</u> and enforce all laws relative to the	33520
identification, numbering, registration, titling, use, and	33521
operation of vessels operated on the waters in this state ~~and,~~	33522
~~with the approval of the director of natural resources, educate;~~	33523
<u>(B) Educate</u> and inform the citizens of the state about, and	33524
promote, conservation, navigation, safety practices, and the	33525
benefits of recreational boating;	33526
<u>(C) Provide wild, scenic, and recreational river area</u>	33527
<u>conservation education and provide for corridor protection,</u>	33528
<u>restoration, habitat enhancement, and clean-up projects in wild</u>	33529
<u>river areas, scenic river areas, and recreational river areas;</u>	33530
<u>(D) Provide for and assist in the development, maintenance,</u>	33531
<u>and operation of marine recreational facilities, docks, launching</u>	33532
<u>facilities, and harbors for the benefit of public navigation,</u>	33533
<u>recreation, or commerce if the chief of the division of watercraft</u>	33534
<u>determines that they are in the best interests of the state.</u>	33535
Sec. 1547.52. (A) The division of watercraft shall be	33536
administered by the chief of the division of watercraft. The chief	33537
may adopt, amend, and rescind:	33538
(1) Rules considered necessary by the chief to supplement the	33539
identification, operation, titling, use, registration, and	33540

numbering of watercraft or vessels as provided in this chapter and Chapter 1548. of the Revised Code;	33541 33542
(2) Rules governing the navigation of vessels on waters in this state, including, but not limited to, rules regarding steering and sailing, the conduct of vessels in sight of one another or in restricted visibility, lights and shapes of lights used on vessels, and sound and light signals. As the chief considers necessary, these navigational rules shall be consistent with and equivalent to the regulations and interpretive rulings governing inland waters adopted or issued under the "Inland Navigational Rules Act of 1980," 94 Stat. 3415, 33 U.S.C.A. 151, 1604, 1605, 1608, 2001 to 2008, and 2071 to 2073.	33543 33544 33545 33546 33547 33548 33549 33550 33551 33552
(3) <u>Rules governing the use, visitation, protection, and administration of wild river areas, scenic river areas, and recreational river areas;</u>	33553 33554 33555
(4) Rules establishing fees and charges for all of the following:	33556 33557
(a) Boating skill development classes and other educational classes;	33558 33559
(b) Law enforcement services provided at special events when the services are in addition to normal enforcement duties;	33560 33561
(c) Inspections of vessels or motors conducted under this chapter or Chapter 1548. of the Revised Code;	33562 33563
(d) <u>The conducting of stream impact reviews of any planned or proposed construction, modification, renovation, or development project that may potentially impact a watercourse within a designated wild, scenic, or recreational river area.</u>	33564 33565 33566 33567
All rules adopted by the chief under division (A) of this	33568

section shall be adopted in accordance with Chapter 119. of the 33569
Revised Code and are subject to the prior approval of the director 33570
of natural resources. 33571

(B) The chief, with the approval of the director, may employ 33572
such clerical and technical help as the chief considers necessary. 33573

(C) The chief may designate license agents with the approval 33574
of the director. 33575

(D) The division is hereby designated as the agency to 33576
administer the Ohio boating safety program and allocated federal 33577
funds under, and the chief shall prepare and submit reports in 33578
such form as may be required by, the "Federal Boat Safety Act of 33579
1971," 85 Stat. 222, 46 U.S.C.A. 1475(a)(6), as amended. 33580

(E) The chief may sell any of the following: 33581

(1) Items related to or that promote boating safety, 33582
including, but not limited to, pins, badges, books, bulletins, 33583
maps, publications, calendars, and other educational articles; 33584

(2) Artifacts pertaining to boating; 33585

(3) Confiscated or forfeited items; 33586

(4) Surplus equipment. 33587

Sec. 1547.531. (A)(1) Except as provided in division (A)(2) 33588
or (B) of this section, no person shall operate or give permission 33589
for the operation of any watercraft on the waters in this state 33590
unless the watercraft is registered in the name of the current 33591
owner in accordance with section 1547.54 of the Revised Code, and 33592
the registration is valid and in effect. 33593

(2) On and after January 1, 1999, if a watercraft that is 33594
required to be issued a certificate of title under Chapter 1548. 33595

of the Revised Code is transferred to a new owner, it need not be 33596
registered under section 1547.54 of the Revised Code for 33597
forty-five days following the date of the transfer, provided that 33598
the new owner purchases a temporary watercraft registration under 33599
division (A) of this section or holds a bill of sale from a 33600
watercraft dealer. 33601

For the purposes of division (A)(2) of this section, a 33602
temporary watercraft registration or a bill of sale from a 33603
watercraft dealer shall contain at least all of the following 33604
information: 33605

(a) The hull identification number or serial number of the 33606
watercraft; 33607

(b) The make of the watercraft; 33608

(c) The length of the watercraft; 33609

(d) The type of propulsion, if any; 33610

(e) The state in which the watercraft principally is 33611
operated; 33612

(f) The name of the owner; 33613

(g) The address of the owner, including the zip code; 33614

(h) The signature of the owner; 33615

(i) The date of purchase; 33616

(j) A notice to the owner that the temporary watercraft 33617
registration expires forty-five days after the date of purchase of 33618
the watercraft or that the watercraft cannot be operated on the 33619
waters in this state solely under the bill of sale beginning 33620
forty-five days after the date of purchase of the watercraft, as 33621

applicable. 33622

(3) A person may purchase a temporary watercraft registration 33623
from the chief of the division of watercraft or from an authorized 33624
agent designated under section 1547.54 of the Revised Code. The 33625
chief shall furnish forms for temporary watercraft registrations 33626
to authorized agents. In addition to completing the registration 33627
form with the information specified in divisions (A)(2)(a) to (i) 33628
of this section, the person shall pay one of the applicable fees 33629
required under divisions (A)(2)(a) to (g) of section 1547.54 of 33630
the Revised Code as provided in that section. 33631

Moneys received for the payment of temporary watercraft 33632
registrations shall be deposited to the credit of the waterways 33633
safety fund created in section 1547.75 of the Revised Code. 33634

(4) In addition to the applicable fee required under division 33635
(A)(3) of this section, the chief or an authorized agent shall 33636
charge an additional writing fee of three dollars for a temporary 33637
watercraft registration that the chief or the authorized agent 33638
issues. When the temporary watercraft registration is issued by 33639
an authorized agent, the agent may retain the additional writing 33640
fee. When the temporary watercraft registration is issued by the 33641
chief, the additional writing fee shall be deposited to the credit 33642
of the waterways safety fund. 33643

(5) A person who purchases a temporary watercraft 33644
registration for a watercraft and who subsequently applies for a 33645
registration certificate under section 1547.54 of the Revised Code 33646
need not pay the fee required under division (A)(2) of that 33647
section for the initial registration certificate issued for that 33648
watercraft, provided that at the time of application for the 33649
registration certificate, the person furnishes proof of payment 33650
for the temporary watercraft registration. 33651

(6) A person who purchases a temporary watercraft 33652

registration, who subsequently applies for a registration 33653
certificate under section 1547.54 of the Revised Code, and who is 33654
exempt from payment for the registration certificate under 33655
division ~~(O)~~(P) of that section may apply to the chief for a 33656
refund of the amount paid for the temporary watercraft 33657
registration at the time that the person applies for a 33658
registration certificate. The chief shall refund that amount upon 33659
issuance to the person of a registration certificate. 33660

(7) All records of the division of watercraft made or 33661
maintained for the purposes of divisions (A)(2) to (8) of this 33662
section are public records. The records shall be available for 33663
inspection at reasonable hours and in a manner that is compatible 33664
with normal operations of the division. 33665

(8) Pursuant to division (A)(1) of section 1547.52 of the 33666
Revised Code, the chief may adopt rules establishing all of the 33667
following: 33668

(a) Record-keeping requirements governing the issuance of 33669
temporary watercraft registrations and the use of bills of sale 33670
from watercraft dealers for the purposes of division (A)(2) of 33671
this section; 33672

(b) Procedures and requirements for the refund of fees under 33673
division (A)(6) of this section; 33674

(c) Any other procedures and requirements necessary for the 33675
administration and enforcement of divisions (A)(2) to (8) of this 33676
section. 33677

(B) All of the following watercraft are exempt from 33678
registration: 33679

(1) Those that are exempt from numbering by the state under 33680
divisions (B) to (G) of section 1547.53 of the Revised Code; 33681

(2) Those that have been issued a commercial documentation by the United States coast guard or its successor and are used exclusively for commercial purposes;	33682 33683 33684
(3) Those that have been documented by the United States coast guard or its successor as temporarily transitting, whose principal use is not on the waters in this state, and that have not been used within this state for more than sixty days.	33685 33686 33687 33688
(C) No person shall operate a watercraft documented by the United States coast guard or its successor unless the certificate of documentation is valid, is on the watercraft for which it has been issued, and is available for inspection whenever the watercraft is in operation. In accordance with 46 C.F.R. part 67, as amended, the watercraft shall display the official number, the vessel name, and the home port listed on the certificate of documentation.	33689 33690 33691 33692 33693 33694 33695 33696
(D)(1) For the purposes of this section and section 1547.53 of the Revised Code, a watercraft is principally using the waters in this state if any of the following applies:	33697 33698 33699
(a) The owner resides in this state and declares that the watercraft principally is using the waters in this state.	33700 33701
(b) The owner resides in another state, but declares that the watercraft principally is using the waters in this state.	33702 33703
(c) The watercraft is registered in another state or documented by the United States coast guard and is used within this state for more than sixty days regardless of whether it has been assigned a seasonal or permanent mooring at any public or private docking facility in this state.	33704 33705 33706 33707 33708
(2) Notwithstanding division (D)(1)(c) of this section, a	33709

person on active duty in the armed forces of the United States may 33710
register a watercraft in the person's state of permanent residence 33711
in lieu of registering it in this state regardless of the number 33712
of days that the watercraft is used in this state. 33713

Sec. 1547.54. (A)(1) Except as otherwise provided in section 33714
1547.542 of the Revised Code, the owner of every watercraft 33715
requiring registration under this chapter shall file an 33716
application for a triennial registration certificate with the 33717
chief of the division of watercraft on forms that shall be 33718
provided by the chief or by an electronic means approved by the 33719
chief. The application shall be signed by the following: 33720

(a) If the watercraft is owned by two persons under joint 33721
ownership with right of survivorship established under section 33722
2131.12 of the Revised Code, by both of those persons as owners of 33723
the watercraft. The signatures may be done by electronic signature 33724
if the owners themselves are renewing the registration and there 33725
are no changes in the registration information since the issuance 33726
of the immediately preceding registration certificate. In all 33727
other instances, the signatures shall be done manually. 33728

(b) If the watercraft is owned by a minor, by the minor and a 33729
parent or legal guardian. The signatures may be done by electronic 33730
signature if the parent or legal guardian and the minor themselves 33731
are renewing the registration and there are no changes in the 33732
registration information since the issuance of the immediately 33733
preceding registration certificate. In all other instances, the 33734
signatures shall be done manually. 33735

(c) In all other cases, by the owner of the watercraft. The 33736
signature may be done by electronic signature if the owner is 33737
renewing the registration personally and there are no changes in 33738
the registration information since the issuance of the immediately 33739
preceding registration certificate. In all other instances, the 33740
signatures shall be done manually. 33741

(2) An application for a triennial registration of a	33742
watercraft filed under division (A)(1) of this section shall be	33743
accompanied by the following fee:	33744
(a) For canoes, rowboats, and inflatable watercraft that are	33745
numbered under section 1547.53 of the Revised Code, twelve	33746
dollars;	33747
(b) For canoes, row boats, and inflatable watercraft that are	33748
not numbered under section 1547.53 of the Revised Code, seventeen	33749
dollars;	33750
(c) For class A watercraft, including motorized canoes,	33751
thirty dollars;	33752
(d) For class 1 watercraft, forty-five dollars;	33753
(e) For class 2 watercraft, sixty dollars;	33754
(f) For class 3 watercraft, seventy-five dollars;	33755
(g) For class 4 watercraft, ninety dollars.	33756
(3) For the purpose of registration, any watercraft operated	33757
by means of power, sail, or any other mechanical or electrical	33758
means of propulsion, except motorized canoes, shall be registered	33759
by length as prescribed in this section.	33760
(4) If an application for registration is filed by two	33761
persons as owners under division (A)(1)(a) of this section, the	33762
person who is listed first on the title shall serve as and perform	33763
the duties of the "owner" and shall be considered the person "in	33764
whose name the watercraft is registered" for purposes of divisions	33765
(B) to ~~(E)~~ <u>(R)</u> of this section and for purposes of all other	33766
sections in this chapter.	33767

(B) All registration certificates issued under this section
are valid for three years and are renewable on a triennial basis
unless sooner terminated or discontinued in accordance with this
chapter. The renewal date shall be printed on the registration
certificate. A registration certificate may be renewed by the
owner in the manner prescribed by the chief. All fees shall be
charged according to a proration of the time remaining in the
registration cycle to the nearest year.

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(C) In addition to the fees set forth in this section, the
chief, or any authorized agent, shall charge an additional writing
fee of three dollars for any registration certificate the chief or
authorized agent issues. When the registration certificate is
issued by an authorized agent, the additional writing fee of three
dollars shall be retained by the issuing agent. When the
registration certificate is issued by the chief, the additional
writing fee of three dollars shall be deposited to the credit of
the waterways safety fund established in section 1547.75 of the
Revised Code.

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(D) In addition to the fees established in this section,
watercraft that are not powercraft shall be charged a waterways
conservation assessment fee of five dollars. The fee shall be
collected at the time of the issuance of a triennial watercraft
registration under division (A)(2) of this section and deposited
in the state treasury and credited to a distinct account in the
waterways safety fund created in section 1547.75 of the Revised
Code.

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(E)(1) Upon receipt of the application in approved form, the
chief shall enter the same upon the records of the office of the
division of watercraft, assign a number to the watercraft if a
number is required under section 1547.53 of the Revised Code, and
issue to the applicant a registration certificate. If a number is
assigned by the chief, it shall be set forth on the certificate.

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The registration certificate shall be on the watercraft for which
it is issued and available at all times for inspection whenever
the watercraft is in operation, except that livery operators may
retain the registration certificate at the livery where it shall
remain available for inspection at all times and except as
otherwise provided in division ~~(D)~~(E)(2) of this section.

(2) A person who is operating on the waters of this state a
canoe, rowboat, or inflatable watercraft that has not been
numbered under section 1547.53 of the Revised Code and who is
stopped by a law enforcement officer in the enforcement of this
chapter or rules adopted under it shall present to the officer,
not later than seventy-two hours after being stopped, a
registration certificate. The registration certificate shall have
been obtained under this section for the canoe, rowboat, or
inflatable watercraft prior to the time that it was stopped.
Failure of the person to present the registration certificate
within seventy-two hours constitutes prima-facie evidence of a
violation of this section.

~~(E)~~(F) No person shall issue or be issued a registration
certificate for a watercraft that is required to be issued a
certificate of title under Chapter 1548. of the Revised Code
except upon presentation of a certificate of title for the
watercraft as provided in that chapter, proof of current
documentation by the United States coast guard, a renewal
registration form provided by the division of watercraft, or a
certificate of registration issued under this section that has
expired if there is no change in the ownership or description of
the watercraft.

~~(F)~~(G) Whenever the ownership of a watercraft changes, a new
application form together with the prescribed fee shall be filed
with the chief or the chief's agent and a new registration
certificate shall be issued. The application shall be signed

manually by the person or persons specified in divisions (A)(1)(a) 33832
to (c) of this section and shall be accompanied by a two-dollar 33833
transfer fee. Any remaining time on the registration shall be 33834
transferred. An authorized agent of the chief shall charge an 33835
additional writing fee of three dollars, which shall be retained 33836
by the issuing agent. If the certificate is issued by the chief, 33837
an additional writing fee of three dollars for each certificate 33838
issued shall be collected and deposited to the credit of the 33839
waterways safety fund. 33840

~~(G)~~(H) If an agency of the United States has in force an 33841
overall system of identification numbering for watercraft or 33842
certain types of watercraft within the United States, the 33843
numbering system employed by the division shall be in conformity 33844
with that system. 33845

~~(H)~~(I)(1) The chief may assign any registration certificates 33846
to any authorized agent for the assignment of the registration 33847
certificates. If a person accepts that authorization, the person 33848
may be assigned a block of numbers and certificates that upon 33849
assignment, in conformity with this chapter and Chapter 1548. of 33850
the Revised Code and with rules of the division, shall be valid as 33851
if assigned directly by the division. Any person so designated as 33852
an agent by the chief shall post with the division security as may 33853
be required by the director of natural resources. The chief may 33854
issue an order temporarily or permanently restricting or 33855
suspending an agent's authorization without a hearing if the chief 33856
finds that the agent has violated this chapter or Chapter 1548. of 33857
the Revised Code, rules adopted under them, or any agreements 33858
prescribed by the chief. 33859

(2) A clerk of the court of common pleas may apply for 33860
designation as an authorized agent of the chief. The division 33861
shall accept the clerk's bond that is required under section 33862
2303.02 of the Revised Code for any security that is required for 33863

agents under this division, provided that the bond includes a 33864
rider or other provision specifically covering the clerk's duties 33865
as an authorized agent of the chief. 33866

~~(H)~~(J) All records of the division made or kept pursuant to 33867
this section shall be public records. Those records shall be 33868
available for inspection at reasonable hours and in a manner 33869
compatible with normal operations of the division. 33870

~~(J)~~(K) The owner shall furnish the division notice within 33871
fifteen days of the following: 33872

(1) The transfer, other than through the creation of a 33873
security interest in any watercraft, of all or any part of the 33874
owner's interest or, if the watercraft is owned by two persons 33875
under joint ownership with right of survivorship established under 33876
section 2131.12 of the Revised Code, of all or any part of the 33877
joint interest of either of the two persons. The transfer shall 33878
not terminate the registration certificate. 33879

(2) Any change in the address appearing on the certificate . 33880
As a part of the notification, the owner shall furnish the chief 33881
with the owner's new address. 33882

(3) The destruction or abandonment of the watercraft. 33883

~~(K)~~(L) The chief may issue duplicate registration 33884
certificates or duplicate tags to owners of currently registered 33885
watercraft, the fee for which shall be four dollars. 33886

~~(L)~~(M) If the chief finds that a registration certificate 33887
previously issued to an owner is in error to a degree that would 33888
impair its basic purpose and use, the chief may issue a corrected 33889
certificate to the owner without charge. 33890

~~(M)~~(N) No authorized agent shall issue and no person shall 33891

receive or accept from an authorized agent a registration 33892
certificate assigned to the authorized agent under division ~~(H)~~(I) 33893
of this section unless the exact month, day, and year of issue are 33894
plainly written on the certificate by the agent. Certificates 33895
issued with incorrect dates of issue are void from the time they 33896
are issued. 33897

~~(N)~~(O) The chief, in accordance with Chapter 119. of the 33898
Revised Code, shall adopt rules governing the renewal of 33899
watercraft registrations by electronic means. 33900

~~(O)~~(P) As used in this section: 33901

(1) "Disabled veteran" means a person who is included in 33902
either of the following categories: 33903

(a) Because of a service-connected disability, has been or is 33904
awarded funds for the purchase of a motor vehicle under the 33905
"Disabled Veterans' and Servicemen's Automobile Assistance Act of 33906
1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 33907

(b) Has a service-connected disability rated at one hundred 33908
per cent by the veterans administration. 33909

(2) "Prisoner of war" means any regularly appointed, 33910
enrolled, enlisted, or inducted member of the military forces of 33911
the United States who was captured, separated, and incarcerated by 33912
an enemy of the United States at any time, and any regularly 33913
appointed, enrolled, or enlisted member of the military forces of 33914
Great Britain, France, Australia, Belgium, Brazil, Canada, China, 33915
Denmark, Greece, the Netherlands, New Zealand, Norway, Poland, 33916
South Africa, or the republics formerly associated with the Union 33917
of Soviet Socialist Republics or Yugoslavia who was a citizen of 33918
the United States at the time of the appointment, enrollment, or 33919
enlistment, and was captured, separated, and incarcerated by an 33920
enemy of this country during World War II. 33921

~~(P)~~(Q) Any disabled veteran, congressional medal of honor
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 awardee, or prisoner of war may apply to the chief for a
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 certificate of registration, or for a renewal of the certificate
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 of registration, without the payment of any fee required by this
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 section. The application for a certificate of registration shall
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 be accompanied by evidence of disability or by documentary
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 evidence in support of a congressional medal of honor that the
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 chief requires by rule. The application for a certificate of
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 registration by any person who has been a prisoner of war shall be
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 accompanied by written evidence in the form of a record of
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 separation, a letter from one of the armed forces of a country
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 listed in division ~~(O)~~(P)(2) of this section, or other evidence
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 that the chief may require by rule, that the person was honorably
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 discharged or is currently residing in this state on active duty
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 with one of the branches of the armed forces of the United States,
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 or was a prisoner of war and was honorably discharged or received
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 an equivalent discharge or release from one of the armed forces of
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 a country listed in division ~~(O)~~(P)(2) of this section. 33939

~~(Q)~~(R) Annually by the fifteenth day of January, the director
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 of natural resources shall determine the amount of fees that would
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 have been collected in the prior calendar year for each
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 certificate of registration issued or renewed pursuant to division
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~~(P)~~(Q) of this section and shall certify the total amount of
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 foregone revenue to the director of budget and management for
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 reimbursement. The director of budget and management shall
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 transfer the amount certified from the general revenue fund to the
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 waterways safety fund ~~created pursuant to section 1547.75 of the~~
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~~Revised Code.~~ 33949

Sec. 1547.542. Any person or organization owning any number
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 of canoes, rowboats, inflatable watercraft, or sailboats for the
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 purpose of rental to the public may apply with the chief of the
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 division of watercraft for and receive an annual certificate of
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livery registration. No watercraft shall be rented to the public 33954
from a livery or other place of business in this state unless it 33955
first has been numbered and registered in accordance with this 33956
section or section 1547.54 of the Revised Code. Certificates of 33957
livery registration shall be issued by an authorized agent who is 33958
selected by the chief from among those designated under section 33959
1547.54 of the Revised Code. The certificate shall display the 33960
name of the owner of the livery, the date of issuance, the date of 33961
expiration, the number of watercraft registered, the fee paid, an 33962
authorized facsimile of the signature of the chief provided by the 33963
authorized agent who is selected to issue the certificate, and the 33964
signature of the livery owner. The certificate shall bear the 33965
livery watercraft registration number assigned to the livery 33966
owner, which shall be displayed in accordance with section 1547.57 33967
of the Revised Code on each watercraft in the fleet for which the 33968
certificate was issued. The owner of a livery shall obtain an 33969
amended certificate of livery registration from the chief whenever 33970
the composition of the fleet changes. 33971

The fee for each watercraft registered under this section 33972
shall be an annual registration fee. The fee shall be one-third of 33973
the triennial registration fees prescribed in section 1547.54 of 33974
the Revised Code. However, if the size of the fleet does not 33975
increase, the fee for an amended certificate of livery 33976
registration shall be the fee prescribed for issuing a duplicate 33977
registration certificate under section 1547.54 of the Revised 33978
Code, and the chief shall not refund to the livery owner all or 33979
any portion of an annual registration fee applicable to a 33980
watercraft transferred or abandoned by the livery owner. If the 33981
size of the fleet increases, the livery owner shall be required to 33982
pay the applicable annual registration fee for each watercraft 33983
registered under an amended certificate of livery registration 33984
that is in excess of the number of watercraft contained in the 33985
annual certificate of livery registration. 33986

In addition to the fees established in this section, 33987
watercraft that are not powercraft shall be charged a waterways 33988
conservation assessment fee. The fee shall be collected at the 33989
time of the issuance of an annual livery registration under this 33990
section and shall be one dollar and fifty cents for each 33991
watercraft included in the registration. The fee shall be 33992
deposited in the state treasury and credited to a distinct account 33993
in the waterways safety fund created in section 1547.75 of the 33994
Revised Code. 33995

The certificate of livery registration, rental receipts, and 33996
required safety equipment are subject to inspection at any time at 33997
the livery's place of business by any authorized representative of 33998
the division of watercraft or any law enforcement officer in 33999
accordance with section 1547.63 of the Revised Code. 34000

Except as provided in this section, all watercraft registered 34001
under this section are subject to this chapter and Chapter 1548. 34002
of the Revised Code. 34003

The chief may issue an order temporarily or permanently 34004
restricting or suspending a livery certificate of registration and 34005
the privileges associated with it without a hearing if the chief 34006
finds that the holder of the certificate has violated this 34007
chapter. 34008

Sec. 1547.73. There is hereby created in the division of 34009
watercraft, a waterways safety council composed of five members 34010
appointed by the governor with the advice and consent of the 34011
senate. Not more than three of such appointees shall belong to the 34012
same political party. Terms of office shall be for five years, 34013
commencing on the first day of February and ending on the 34014
thirty-first day of January, ~~except that upon expiration of the~~ 34015
~~term ending February 4, 1973, the new term which succeeds it shall~~ 34016
~~commence on February 5, 1973 and end on January 31, 1978; upon~~ 34017
~~expiration of the term ending February 3, 1974, the new term which~~ 34018

~~succeeds it shall commence on February 4, 1974 and end on January 31, 1979; upon expiration of the term ending February 2, 1975, the new term which succeeds it shall commence on February 3, 1975 and end on January 31, 1980; and upon expiration of the term ending February 6, 1977, the new term which succeeds it shall commence on February 7, 1977 and end on January 31, 1982.~~ Each member shall hold office from the date of ~~his~~the member appointment until the end of the term for which ~~he~~the member was appointed. The chief of the division of watercraft shall act as secretary of the council. In the event of the death, removal, resignation, or incapacity of a member of the council, the governor, with the advice and consent of the senate, shall appoint a successor to fill the unexpired term who shall hold office for the remainder of the term for which ~~his~~the member's predecessor was appointed. Any member shall continue in office subsequent to the expiration date of ~~his~~the member's term until ~~his~~the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. The governor may remove any appointed member of the council for misfeasance, nonfeasance, or malfeasance in office.

The council may:

(A) Advise with and recommend to the chief as to plans and ~~program~~programs for the construction, maintenance, repair, and operation of refuge harbors and other projects for the harboring, mooring, docking, and storing of light draft vessels as provided in sections 1547.71, 1547.72, and 1547.78 of the Revised Code;

(B) Advise with and recommend to the chief as to the methods of coordinating the shore erosion projects of the department of natural resources with the refuge of light draft vessel harbor projects;

(C) Advise with and recommend to the chief as to plans and programs for the acquisition, protection, construction, maintenance, and administration of wild river areas, scenic river

<u>areas, and recreational river areas;</u>	34051
(D) Consider and make recommendations upon any matter which	34052
is brought to its attention by any person or ~~which~~ <u>that</u> the chief	34053
may submit to it;	34054
(D)(E) Submit to the governor biennially recommendations for	34055
amendments to the laws of the state relative to refuge and light	34056
draft vessel harbor projects.	34057
Before entering upon the discharge of ~~his~~ <u>official</u> duties,	34058
each member of the council shall take and subscribe to an oath of	34059
office, which oath, in writing, shall be filed in the office of	34060
the secretary of state.	34061
The members of the council shall serve without compensation,	34062
but shall be entitled to receive their actual and necessary	34063
expenses incurred in the performance of their official duties from	34064
the waterways safety fund as provided in section 1547.75 of the	34065
Revised Code.	34066
The council shall, by a majority vote of all its members,	34067
adopt and amend bylaws.	34068
To be eligible for appointment as a member of the council, a	34069
person shall be a citizen of the United States; <u>and</u> an elector of	34070
the state; and possess a knowledge of and have an interest in	34071
small boat operations.	34072
The council shall hold at least four regular quarterly	34073
meetings each year. Special meetings shall be held at such times	34074
as the bylaws of the council provide, or at the behest of a	34075
majority of its members. Notices of all meetings shall be given in	34076
such manner as the bylaws provide. The council shall choose	34077
annually from among its members a ~~chairman~~ <u>chairperson</u> to preside	34078
over its meetings. A majority of the members of the council shall	34079

constitute a quorum. No advice shall be given or recommendation
made without a majority of the members of the council concurring
therein.

~~Sec. 1517.14.~~ **Sec. 1547.81.** ~~As used in sections 1517.14 to 1517.18~~
~~of the Revised Code, "watercourse" means a substantially natural~~
~~channel with recognized banks and bottom, in which a flow of~~
~~water occurs, with an average of at least ten feet mean surface~~
~~water width and at least five miles of length. The director of~~
natural resources or the director's representative may create,
supervise, operate, protect, and maintain wild, scenic, and
recreational river areas ~~under the classifications established in~~
~~section 1517.15 of the Revised Code. In creating wild, scenic, and~~
~~recreational river areas, the director shall classify each such~~
~~area as either a wild river area, a scenic river area, or a~~
~~recreational river area.~~ The director or the director's
representative may prepare and maintain a plan for the
establishment, development, use, and administration of those
areas as a part of the comprehensive state plans for water
management and outdoor recreation. The director or the director's
representative may cooperate with federal agencies administering
any federal program concerning wild, scenic, or recreational river
areas.

The director may propose for establishment as a wild, scenic,
or recreational river area a part or parts of any watercourse in
this state, with adjacent lands, that in the director's judgment
possesses water conservation, scenic, fish, wildlife, historic, or
outdoor recreation values that should be preserved, ~~using the~~
~~classifications established in section 1517.15 of the Revised~~
~~Code.~~ The area shall include lands adjacent to the watercourse in
sufficient width to preserve, protect, and develop the natural
character of the watercourse, but shall not include any lands more
than one thousand feet from the normal waterlines of the
watercourse unless an additional width is necessary to preserve

water conservation, scenic, fish, wildlife, historic, or outdoor recreation values. 34113
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The director shall publish the intention to declare an area a 34115
wild, scenic, or recreational river area at least once in a 34116
newspaper of general circulation in each county, any part of which 34117
is within the area, and shall send written notice of the intention 34118
to the legislative authority of each county, township, and 34119
municipal corporation and to each conservancy district established 34120
under Chapter 6101. of the Revised Code, any part of which is 34121
within the area, and to the director of transportation, the 34122
director of development, the director of administrative services, 34123
and the director of environmental protection. The notices shall 34124
include a copy of a map and description of the area. 34125

After thirty days from the last date of publication or 34126
dispatch of written notice as required in this section, the 34127
director shall enter a declaration in the director's journal that 34128
the area is a wild river area, scenic river area, or recreational 34129
river area. When so entered, the area is a wild, scenic, or 34130
recreational river area, as applicable. The director, after 34131
thirty days' notice as prescribed in this section and upon the 34132
approval of the recreation and resources commission created in 34133
section 1501.04 of the Revised Code, may terminate the status of 34134
an area as a wild river area, scenic river area, or recreational 34135
river area by an entry in the director's journal. 34136

Declaration by the director that an area is a wild, scenic, 34137
or recreational river area does not authorize the director or any 34138
governmental agency or political subdivision to restrict the use 34139
of land by the owner thereof or any person acting under the 34140
landowner's authority or to enter upon the land and does not 34141
expand or abridge the regulatory authority of any governmental 34142
agency or political subdivision over the area. 34143

The director may enter into a lease or other agreement with a 34144

political subdivision to administer all or part of a wild, scenic, or recreational river area and may acquire real property or any estate, right, or interest therein in order to provide for the protection and public recreational use of a wild, scenic, or recreational river area.

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The chief of the division of ~~natural areas and preserves~~ watercraft or the chief's representative may participate in watershed-wide planning with federal, state, and local agencies in order to protect the values of wild, scenic, and recreational river areas.

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~~Sec. 1517.16.~~ **Sec. 1547.82.** No state department, state agency, or political subdivision shall build or enlarge any highway, road, or structure or modify or cause the modification of the channel of any watercourse within a wild, scenic, or recreational river area outside the limits of a municipal corporation without first having obtained approval of the plans for the highway, road, or structure or channel modification from the director of natural resources or ~~his~~ the director's representative. The court of common pleas having jurisdiction, upon petition by the director, shall enjoin work on any highway, road, or structure or channel modification for which such approval has not been obtained.

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~~Sec. 1517.17.~~ **Sec. 1547.83.** The chief of the division of ~~natural areas and preserves~~ watercraft shall administer the state programs for wild river areas, scenic river areas, and recreational river areas. The chief may accept and administer state and federal financial assistance ~~programs~~ for the maintenance, protection, and administration of wild, scenic, and recreational river areas and for construction of facilities within those areas. The chief, with the approval of the director of natural resources, may expend for the purpose of administering the state programs for wild, scenic, and recreational river areas money that is appropriated by the general assembly for that

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purpose, money that is in the scenic rivers protection fund 34177
created in section 4501.24 of the Revised Code, and money that is 34178
in the waterways safety fund created in section 1547.75 of the 34179
Revised Code, including money generated by the waterways 34180
conservation assessment fee levied by sections 1547.54 and 34181
1547.542 of the Revised Code, as determined to be necessary by the 34182
division of watercraft not to exceed six hundred fifty thousand 34183
dollars per fiscal year. The chief may condition any expenditures, 34184
maintenance activities, or construction of facilities on the 34185
adoption and enforcement of adequate floodplain zoning or land 34186
use rules. 34187

~~The director of natural resources may make a lease or~~ 34188
~~agreement with a political subdivision to administer all or part~~ 34189
~~of a wild, scenic, or recreational river area.~~ 34190

~~The director may acquire real property or any estate, right,~~ 34191
~~or interest therein for protection and public recreational use as~~ 34192
~~a wild, scenic, or recreational river area.~~ 34193

~~The chief may expend funds for the acquisition, protection,~~ 34194
~~construction, maintenance, and administration of real property and~~ 34195
~~public use facilities in wild, scenic, or recreational river areas~~ 34196
~~when the funds are so appropriated by the general assembly. The~~ 34197
~~chief may condition such expenditures, acquisition of land or~~ 34198
~~easements, or construction of facilities within a wild, scenic, or~~ 34199
~~recreational river area upon adoption and enforcement of adequate~~ 34200
~~floodplain zoning rules.~~ 34201

Any instrument by which real property is acquired pursuant to 34202
this section shall identify the agency of the state that has the 34203
use and benefit of the real property as specified in section 34204
5301.012 of the Revised Code. 34205

The chief may cooperate with federal agencies administering 34206
any federal program concerning wild, scenic, or recreational 34207

river areas. 34208

~~Sec. 1517.18.~~ **Sec. 1547.84.** The director of natural resources 34209
shall appoint an advisory council for each wild, scenic, or 34210
recreational river area, composed of not more than ten persons who 34211
are representative of local government and local organizations and 34212
interests in the vicinity of the wild, scenic, or recreational 34213
river area, who shall serve without compensation. The chief of the 34214
division of ~~natural areas and preserves~~watercraft or ~~his~~the 34215
chief's representative shall serve as an ex officio member of each 34216
council. 34217

~~The terms of all members serving on any advisory council~~ 34218
~~under this section on the effective date of this amendment shall~~ 34219
~~end on January 31, 1995. The director shall appoint new members to~~ 34220
~~serve on each council for terms beginning on February 1, 1995,~~ 34221
~~provided that a member serving on a council on the effective date~~ 34222
~~of this amendment may be appointed to such a new term.~~ The initial 34223
members appointed to each council shall serve for terms of not 34224
more than three years, with the terms of not more than four 34225
members of any council ending in the same year. Thereafter, terms 34226
of office shall be for three years commencing on the first day of 34227
February and ending on the last day of January. 34228

Each council shall advise the chief on the acquisition of 34229
land and easements and on the lands and waters that should be 34230
included in a wild, scenic, or recreational river area or a 34231
proposed wild, scenic, or recreational river area, facilities 34232
therein, and other aspects of establishment and administration of 34233
the area that may affect the local interest. 34234

Sec. 1547.85. The director of natural resources may 34235
participate in the federal program for the protection of certain 34236
selected rivers that are located within the boundaries of the 34237
state as provided in the "Wild and Scenic Rivers Act," 82 Stat. 34238
906 (1968), 16 U.S.C. 1271 et seq., as amended. The director may 34239

authorize the chief of the division of watercraft to participate 34240
in any other federal program established for the purpose of 34241
protecting, conserving, or developing recreational access to 34242
waters in this state that possess outstanding scenic, 34243
recreational, geologic, fish and wildlife, historic, cultural, or 34244
other similar values. 34245

Sec. 1547.86. Any action taken by the chief of the division 34246
of watercraft under sections 1547.81 to 1547.87 of the Revised 34247
Code shall not be deemed in conflict with certain powers and 34248
duties conferred on and delegated to federal agencies and to 34249
municipal corporations under Section 7 of Article XVIII, Ohio 34250
Constitution, or as provided by sections 721.04 to 721.11 of the 34251
Revised Code. 34252

Sec. 1547.87. The division of watercraft, in carrying out 34253
sections 1547.81 to 1547.87 of the Revised Code, may accept, 34254
receive, and expend gifts, devises, or bequests of money, lands, 34255
or other properties under the terms established in section 9.20 of 34256
the Revised Code. 34257

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 34258
Revised Code is guilty of a felony of the fourth degree. 34259

(B) Whoever violates division (F) of section 1547.08, section 34260
1547.10, division (I) of section 1547.111, section 1547.13, or 34261
section 1547.66 of the Revised Code is guilty of a misdemeanor of 34262
the first degree. 34263

(C) Whoever violates a provision of this chapter or a rule 34264
adopted thereunder, for which no penalty is otherwise provided, is 34265
guilty of a minor misdemeanor. 34266

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of 34267
the Revised Code without causing injury to persons or damage to 34268
property is guilty of a misdemeanor of the fourth degree. 34269

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of the Revised Code causing injury to persons or damage to property is guilty of a misdemeanor of the third degree.

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(F) Whoever violates division ~~(M)~~(N) of section 1547.54, division (G) of section 1547.30, or section 1547.131, 1547.25, 1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 of the Revised Code or a rule adopted under division (A)(2) of section 1547.52 of the Revised Code is guilty of a misdemeanor of the fourth degree.

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(G) Whoever violates section 1547.11 of the Revised Code is guilty of a misdemeanor of the first degree and shall be punished as provided in division (G)(1), (2), or (3) of this section.

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(1) Except as otherwise provided in division (G)(2) or (3) of this section, the court shall sentence the offender to a jail term of three consecutive days and may sentence the offender pursuant to section 2929.24 of the Revised Code to a longer jail term. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty nor more than one thousand dollars.

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The court may suspend the execution of the mandatory jail term of three consecutive days that it is required to impose by division (G)(1) of this section if the court, in lieu of the suspended jail term, places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code. The court also may suspend the execution of any part of the mandatory jail term of three consecutive days that it is required to impose by division (G)(1) of this section if the court places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code for part of the three consecutive days; requires the offender to

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attend, for that part of the three consecutive days, a drivers' 34301
intervention program that is certified pursuant to section 3793.10 34302
of the Revised Code; and sentences the offender to a jail term 34303
equal to the remainder of the three consecutive days that the 34304
offender does not spend attending the drivers' intervention 34305
program. The court may require the offender, as a condition of 34306
community control, to attend and satisfactorily complete any 34307
treatment or education programs, in addition to the required 34308
attendance at a drivers' intervention program, that the operators 34309
of the drivers' intervention program determine that the offender 34310
should attend and to report periodically to the court on the 34311
offender's progress in the programs. The court also may impose any 34312
other conditions of community control on the offender that it 34313
considers necessary. 34314

(2) If, within six years of the offense, the offender has 34315
been convicted of or pleaded guilty to one violation of section 34316
1547.11 of the Revised Code or one other equivalent offense, the 34317
court shall sentence the offender to a jail term of ten 34318
consecutive days and may sentence the offender pursuant to 34319
section 2929.24 of the Revised Code to a longer jail term. In 34320
addition, the court shall impose upon the offender a fine of not 34321
less than one hundred fifty nor more than one thousand dollars. 34322

In addition to any other sentence that it imposes upon the 34323
offender, the court may require the offender to attend a drivers' 34324
intervention program that is certified pursuant to section 3793.10 34325
of the Revised Code. 34326

(3) If, within six years of the offense, the offender has 34327
been convicted of or pleaded guilty to more than one violation or 34328
offense identified in division (G)(2) of this section, the court 34329
shall sentence the offender to a jail term of thirty consecutive 34330
days and may sentence the offender to a longer jail term of not 34331
more than one year. In addition, the court shall impose upon the 34332

offender a fine of not less than one hundred fifty nor more than
one thousand dollars.

In addition to any other sentence that it imposes upon the
offender, the court may require the offender to attend a drivers'
intervention program that is certified pursuant to section 3793.10
of the Revised Code.

(4) Upon a showing that serving a jail term would seriously
affect the ability of an offender sentenced pursuant to division
(G)(1), (2), or (3) of this section to continue the offender's
employment, the court may authorize that the offender be granted
work release after the offender has served the mandatory jail term
of three, ten, or thirty consecutive days that the court is
required by division (G)(1), (2), or (3) of this section to
impose. No court shall authorize work release during the mandatory
jail term of three, ten, or thirty consecutive days that the court
is required by division (G)(1), (2), or (3) of this section to
impose. The duration of the work release shall not exceed the time
necessary each day for the offender to commute to and from the
place of employment and the place in which the jail term is served
and the time actually spent under employment.

(5) Notwithstanding any section of the Revised Code that
authorizes the suspension of the imposition or execution of a
sentence or the placement of an offender in any treatment program
in lieu of being imprisoned or serving a jail term, no court shall
suspend the mandatory jail term of ten or thirty consecutive days
required to be imposed by division (G)(2) or (3) of this section
or place an offender who is sentenced pursuant to division (G)(2)
or (3) of this section in any treatment program in lieu of being
imprisoned or serving a jail term until after the offender has
served the mandatory jail term of ten or thirty consecutive days
required to be imposed pursuant to division (G)(2) or (3) of this
section. Notwithstanding any section of the Revised Code that

authorizes the suspension of the imposition or execution of a	34365
sentence or the placement of an offender in any treatment program	34366
in lieu of being imprisoned or serving a jail term, no court,	34367
except as specifically authorized by division (G)(1) of this	34368
section, shall suspend the mandatory jail term of three	34369
consecutive days required to be imposed by division (G)(1) of this	34370
section or place an offender who is sentenced pursuant to division	34371
(G)(1) of this section in any treatment program in lieu of	34372
imprisonment until after the offender has served the mandatory	34373
jail term of three consecutive days required to be imposed	34374
pursuant to division (G)(1) of this section.	34375
 (6) As used in division (G) of this section:	34376
 (a) "Equivalent offense" has the same meaning as in section	34377
4511.181 of the Revised Code.	34378
 (b) "Jail term" and "mandatory jail term" have the same	34379
meanings as in section 2929.01 of the Revised Code.	34380
 (H) Whoever violates section 1547.304 of the Revised Code is	34381
guilty of a misdemeanor of the fourth degree and also shall be	34382
assessed any costs incurred by the state or a county, township,	34383
municipal corporation, or other political subdivision in disposing	34384
of an abandoned junk vessel or outboard motor, less any money	34385
accruing to the state, county, township, municipal corporation, or	34386
other political subdivision from that disposal.	34387
 (I) Whoever violates division (B) or (C) of section 1547.49	34388
of the Revised Code is guilty of a minor misdemeanor.	34389
 (J) Whoever violates section 1547.31 of the Revised Code is	34390
guilty of a misdemeanor of the fourth degree on a first offense.	34391
On each subsequent offense, the person is guilty of a misdemeanor	34392
of the third degree.	34393

(K) Whoever violates section 1547.05 or 1547.051 of the Revised Code is guilty of a misdemeanor of the fourth degree if the violation is not related to a collision, injury to a person, or damage to property and a misdemeanor of the third degree if the violation is related to a collision, injury to a person, or damage to property.

(L) The sentencing court, in addition to the penalty provided under this section for a violation of this chapter or a rule adopted under it that involves a powercraft powered by more than ten horsepower and that, in the opinion of the court, involves a threat to the safety of persons or property, shall order the offender to complete successfully a boating course approved by the national association of state boating law administrators before the offender is allowed to operate a powercraft powered by more than ten horsepower on the waters in this state. Violation of a court order entered under this division is punishable as contempt under Chapter 2705. of the Revised Code.

Sec. 1548.10. (A) The clerk of the court of common pleas shall charge and retain fees as follows:

(1) Fifteen dollars for each duplicate copy of a certificate of title. The clerk shall retain that entire fee.

(2) Fifteen dollars for each certificate of title, which shall include any notation or indication of any lien or security interest on a certificate of title and any memorandum certificate of title or non-negotiable evidence of ownership requested at the time the certificate of title is issued. The clerk shall retain ten dollars and fifty cents of that fee when there is a notation of a lien or security interest on the certificate of title and twelve dollars when there is no lien or security interest noted on the certificate of title.

(3) Five dollars for each certificate of title with no

security interest noted that is issued to a licensed watercraft dealer for resale purposes. The clerk shall retain two dollars of that fee.

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(4) Five dollars for each memorandum certificate of title or non-negotiable evidence of ownership that is applied for separately. The clerk shall retain that entire fee.

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(B) The fees charged for a certificate of title and the notation or indication of any lien or security interest on a certificate of title that are not retained by the clerk shall be paid to the chief of the division of watercraft by monthly returns, which shall be forwarded to the chief not later than the fifth day of the month next succeeding that in which the certificate is forwarded, or that in which the chief is notified of a lien or security interest or cancellation of a lien or security interest.

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The chief shall deposit one dollar of the amount the chief receives for each certificate of title in the automated title processing fund created in section 4505.09 of the Revised Code. Moneys deposited in that fund under this section shall be used for the purpose specified in division (B)(3)(b) of that section.

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Sec. 1707.17. (A)(1) The license of every dealer in and salesperson of securities shall expire on the thirty-first day of December of each year, and may be renewed upon the filing with the division of securities of an application for renewal, and the payment of the fee prescribed in this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal of a dealer's or salesperson's license.

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(2) The license of every investment adviser and investment adviser representative licensed under section 1707.141 or 1707.161 of the Revised Code shall expire on the thirty-first day of December of each year. The licenses may be renewed upon the

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filing with the division of an application for renewal, and the 34456
payment of the fee prescribed in division (B) of this section. The 34457
division shall give notice, without unreasonable delay, of its 34458
action on any application for renewal. 34459

(3) An investment adviser required to make a notice filing 34460
under division (B) of section 1707.141 of the Revised Code 34461
annually shall file with the division the notice filing and the 34462
fee prescribed in division (B) of this section, no later than the 34463
thirty-first day of December of each year. 34464

(4) The license of every state retirement system investment 34465
officer licensed under section 1707.163 of the Revised Code and 34466
the license of a bureau of workers' compensation chief investment 34467
officer issued under section 1707.165 of the Revised Code shall 34468
expire on the thirtieth day of June of each year. The licenses may 34469
be renewed on the filing with the division of an application for 34470
renewal, and the payment of the fee prescribed in division (B) of 34471
this section. The division shall give notice, without unreasonable 34472
delay, of its action on any application for renewal. 34473

(B)(1) The fee for each dealer's license, and for each annual 34474
renewal thereof, shall be ~~one~~two hundred dollars. 34475

(2) The fee for each salesperson's license, and for each 34476
annual renewal thereof, shall be ~~fifty~~sixty dollars. 34477

(3) The fee for each investment adviser's license, and for 34478
each annual renewal thereof, shall be ~~fifty~~one hundred dollars. 34479

(4) The fee for each investment adviser notice filing 34480
required by division (B) of section 1707.141 of the Revised Code 34481
shall be ~~fifty~~one hundred dollars. 34482

(5) The fee for each investment adviser representative's 34483
license, and for each annual renewal thereof, shall be thirty-five 34484

dollars. 34485

(6) The fee for each state retirement system investment 34486
officer's license, and for each annual renewal thereof, shall be 34487
fifty dollars. 34488

(7) The fee for a bureau of workers' compensation chief 34489
investment officer's license, and for each annual renewal thereof, 34490
shall be fifty dollars. 34491

(C) A dealer's, salesperson's, investment adviser's, 34492
investment adviser representative's, bureau of workers' 34493
compensation chief investment officer's, or state retirement 34494
system investment officer's license may be issued at any time for 34495
the remainder of the calendar year. In that event, the annual fee 34496
shall not be reduced. 34497

Sec. 1707.18. (A)(1) If a partnership licensed as a dealer 34498
is terminated under the laws of the state where the partnership is 34499
organized, or by death, resignation, withdrawal, or addition of a 34500
general partner, the license of the partnership shall be 34501
automatically extended for a period of thirty days after the 34502
termination. The license of the partnership and the licenses of 34503
its salespersons may be transferred to the successor partnership 34504
within that period if the division of securities finds that the 34505
successor partnership is substantially similar to its predecessor 34506
partnership, and if an application for transfer of license has 34507
been filed. The fee for such a transfer shall be fifty dollars, 34508
plus ~~ten~~fifteen dollars for every salesperson's license that is 34509
transferred. 34510

(2) If a partnership licensed as an investment adviser is 34511
terminated under the laws of the state where the partnership is 34512
organized, or by death, resignation, withdrawal, or addition of a 34513
general partner, the license of the partnership shall be 34514
automatically extended for a period of thirty days after the 34515

termination. The license of the partnership shall, and the
licenses of its investment adviser representatives may, be
transferred to the successor partnership within that period if the
division finds that the successor partnership is substantially
similar to its predecessor partnership, and if an application for
transfer of license has been filed. The fee for such transfer
shall be fifty dollars, plus ~~ten~~fifteen dollars for every
investment adviser representative's license that is transferred.

(B)(1) If a licensed dealer changes its business form,
reincorporates, or by merger or otherwise becomes a different
person, as person is defined in section 1707.01 of the Revised
Code, upon application the division may transfer the dealer's
license and the licenses of its salespersons to the successor
entity, if the division finds that the successor entity is
substantially similar to the predecessor entity. The fee for such
a transfer shall be fifty dollars plus ~~ten~~fifteen dollars for
every salesperson's license transferred.

(2) If a licensed investment adviser changes its business
form, reincorporates, or by merger or otherwise becomes a
different person, as person is defined in section 1707.01 of the
Revised Code, upon application, the division may transfer the
investment adviser license and the licenses of its investment
adviser representatives to the successor entity, if the division
finds that the successor entity is substantially similar to the
predecessor entity. The fee for the transfer shall be fifty
dollars plus ~~ten~~fifteen dollars for every investment adviser
representative's license transferred.

Sec. 1707.37. (A) All fees and charges collected under
~~Chapter 1707. of the Revised Code~~this chapter shall be paid into
the state treasury to the credit of the division of securities
fund, which is hereby created. All expenses of the division of
securities, other than those specified in division (B) of this

section, shall be paid from the fund. 34548

The fund shall be assessed a proportionate share of the 34549
administrative costs of the department of commerce in accordance 34550
with procedures prescribed by the director of commerce and 34551
approved by the director of budget and management. The 34552
assessments shall be paid from the division of securities fund to 34553
the division of administration fund. 34554

If moneys in the division of securities fund are determined 34555
by the director of budget and management and the director of 34556
commerce to be in excess of those necessary to defray all the 34557
expenses in any fiscal year, the director of budget and management 34558
shall transfer the excess to the general revenue fund. 34559

(B) There is hereby created in the state treasury the 34560
division of securities investor education and enforcement expense 34561
fund, which shall consist of all money received in settlement of 34562
any violation of this chapter and any cash transfers. Money in the 34563
fund shall be used to pay expenses of the division of securities 34564
relating to education or enforcement for the protection of 34565
securities investors and the public. The division may adopt rules 34566
pursuant to section 1707.20 of the Revised Code that establish 34567
what qualifies as such an expense. 34568

Sec. 1710.01. As used in this chapter: 34569

(A) "Special improvement district" means a special 34570
improvement district organized under this chapter. 34571

(B) "Church" means a fellowship of believers, congregation, 34572
society, corporation, convention, or association that is formed 34573
primarily or exclusively for religious purposes and that is not 34574
formed for the private profit of any person. 34575

(C) "Church property" means property that is described as 34576

being exempt from taxation under division (A)(2) of section 5709.07 of the Revised Code and that the county auditor has entered on the exempt list compiled under section 5713.07 of the Revised Code.	34577 34578 34579 34580
(D) "Municipal executive" means the mayor, city manager, or other chief executive officer of the municipal corporation in which a special improvement district is located.	34581 34582 34583
(E) "Participating political subdivision" means the municipal corporation or township, or each of the municipal corporations or townships, that has territory within the boundaries of a special improvement district created under this chapter.	34584 34585 34586 34587
(F) "Legislative authority of a participating political subdivision" means, with reference to a township, the board of township trustees.	34588 34589 34590
(G) "Public improvement" means the planning, design, construction, reconstruction, enlargement, or alteration of any facility or improvement, including the acquisition of land, for which a special assessment may be levied under Chapter 727. of the Revised Code, <u>and includes any special energy improvement project.</u>	34591 34592 34593 34594 34595
(H) "Public service" means any service that can be provided by a municipal corporation or any service for which a special assessment may be levied under Chapter 727. of the Revised Code.	34596 34597 34598
(I) <u>"Special energy improvement project" means any property, device, structure, or equipment necessary for the acquisition, installation, equipping, and improvement of any real or personal property used for the purpose of creating a solar photo voltaic project or a solar thermal energy project, whether such real or personal property is publicly or privately owned.</u>	34599 34600 34601 34602 34603 34604
(J) <u>"Existing qualified nonprofit corporation" means a</u>	34605

nonprofit corporation that existed before the creation of the 34606
corresponding district under this chapter, that is composed of 34607
members located within or adjacent to the district, that has 34608
established a police department under section 1702.80 of the 34609
Revised Code, and that is organized for purposes that include 34610
acquisition of real property within an area specified by its 34611
articles for the subsequent transfer of such property to its 34612
members exclusively for charitable, scientific, literary, or 34613
educational purposes, or holding and maintaining and leasing such 34614
property; planning for and assisting in the development of its 34615
members; providing for the relief of the poor and distressed or 34616
underprivileged in the area and adjacent areas; combating 34617
community deterioration and lessening the burdens of government; 34618
providing or assisting others in providing housing for low- or 34619
moderate-income persons; and assisting its members by the 34620
provision of public safety and security services, parking 34621
facilities, transit service, landscaping, and parks. 34622

Sec. 1710.02. (A) A special improvement district may be 34623
created within the boundaries of any one municipal corporation, 34624
any one township, or any combination of contiguous municipal 34625
corporations and townships ~~by a petition of the property owners~~ 34626
~~within the proposed district,~~ for the purpose of developing and 34627
implementing plans for public improvements and public services 34628
that benefit the district. A district may be created by petition 34629
of the owners of real property within the proposed district, or by 34630
an existing qualified nonprofit corporation. If the district is 34631
created by an existing qualified nonprofit corporation, the 34632
purposes for which the district is created may be supplemental to 34633
the other purposes for which the corporation is organized. All 34634
territory in a special improvement district shall be contiguous; 34635
except that the territory in a special improvement district may 34636
be noncontiguous if at least one special energy improvement 34637
project is designated for each parcel of real property included 34638
within the special improvement district. Additional territory may 34639

be added to a special improvement district created under this 34640
chapter for the purpose of developing and implementing plans for 34641
special energy improvement projects if at least one special 34642
energy improvement project is designated for each parcel of real 34643
property included within such additional territory and the 34644
addition of territory is authorized by the initial plan proposed 34645
under division (F) of this section or a plan adopted by the board 34646
of directors of the special improvement district under section 34647
1710.06 of the Revised Code. 34648

The district shall be governed by the board of trustees of a 34649
nonprofit corporation. This board shall be known as the board of 34650
directors of the special improvement district. No special 34651
improvement district shall include any church property, or 34652
property of the federal or state government or a county, township, 34653
or municipal corporation, unless the church or the county, 34654
township, or municipal corporation specifically requests in 34655
writing that the property be included within the district, or 34656
unless the church is a member of the existing qualified nonprofit 34657
corporation creating the district at the time the district is 34658
created. More than one district may be created within a 34659
participating political subdivision, but no real property may be 34660
included within more than one district unless the owner of the 34661
property files a written consent with the clerk of the legislative 34662
authority, the township fiscal officer, or the village clerk, as 34663
appropriate. The area of each district shall be contiguous; except 34664
that the area of a special improvement district may be 34665
noncontiguous if all parcels of real property included within 34666
such area contain at least one special energy improvement 34667
thereon. 34668

(B) Except as provided in division (C) of this section, a 34669
district created under this chapter is not a political 34670
subdivision. A district created under this chapter shall be 34671
considered a public agency under section 102.01 and a public 34672

authority under section 4115.03 of the Revised Code. Each member
of the board of directors of a district, each member's designee or
proxy, and each officer and employee of a district shall be
considered a public official or employee under section 102.01 of
the Revised Code and a public official and public servant under
section 2921.42 of the Revised Code. Districts created under this
chapter are not subject to section ~~121.24~~121.251 of the Revised
Code. Districts created under this chapter are subject to sections
121.22 and 121.23 of the Revised Code.

(C) Each district created under this chapter shall be
considered a political subdivision for purposes of section 4905.34
of the Revised Code.

Membership on the board of directors of the district shall
not be considered as holding a public office. Directors and their
designees shall be entitled to the immunities provided by Chapter
1702. and to the same immunity as an employee under division
(A)(6) of section 2744.03 of the Revised Code, except that
directors and their designees shall not be entitled to the
indemnification provided in section 2744.07 of the Revised Code
unless the director or designee is an employee or official of a
participating political subdivision of the district and is acting
within the scope of the director's or designee's employment or
official responsibilities.

District officers and district members and directors and
their designees or proxies shall not be required to file a
statement with the Ohio ethics commission under section 102.02 of
the Revised Code. All records of the district shall be treated as
public records under section 149.43 of the Revised Code, except
that records of organizations contracting with a district shall
not be considered to be public records under section 149.43 or
section 149.431 of the Revised Code solely by reason of any
contract with a district.

(D) Except as otherwise provided in this section, the nonprofit corporation that governs a district shall be organized in the manner described in Chapter 1702. of the Revised Code. ~~The~~ Except in the case of a district created by an existing qualified nonprofit corporation, the corporation's articles of incorporation are required to be approved, as provided in division (E) of this section, by resolution of the legislative authority of each participating political subdivision of the district. A copy of that resolution shall be filed along with the articles of incorporation in the secretary of state's office.

In addition to meeting the requirements for articles of incorporation set forth in Chapter 1702. of the Revised Code, the articles of incorporation for the nonprofit corporation governing a district formed under this chapter shall provide all the following:

(1) The name for the district, which shall include the name of each participating political subdivision of the district;

(2) A description of the territory within the district, which may be all or part of each participating political subdivision. The description shall be specific enough to enable real property owners to determine if their property is located within the district.

(3) A description of the procedure by which the articles of incorporation may be amended. The procedure shall include receiving approval of the amendment, by resolution, from the legislative authority of each participating political subdivision and filing the approved amendment and resolution with the secretary of state.

(4) The reasons for creating the district, plus an explanation of how the district will be conducive to the public health, safety, peace, convenience, and welfare of the district.

(E) The articles of incorporation for a nonprofit corporation governing a district created under this chapter and amendments to them shall be submitted to the municipal executive, if any, and the legislative authority of each municipal corporation or township in which the proposed district is to be located~~;~~. Except in the case of a district created by an existing qualified nonprofit corporation, the articles or amendments shall be accompanied by a petition signed either by the owners of at least sixty per cent of the front footage of all real property located in the proposed district that abuts upon any street, alley, public road, place, boulevard, parkway, park entrance, easement, or other existing public improvement within the proposed district, excluding church property or property owned by the state, county, township, municipal, or federal government, unless a church, county, township, or municipal corporation has specifically requested in writing that the property be included in the district, or by the owners of at least seventy-five per cent of the area of all real property located within the proposed district, excluding church property or property owned by the state, county, township, municipal, or federal government, unless a church, county, township, or municipal corporation has specifically requested in writing that the property be included in the district. Pursuant to Section 2o of Article VIII, Ohio Constitution, the petition required under this division may be for the purpose of developing and implementing plans for special energy improvement projects, and, in such case, is determined to be in furtherance of the purposes set forth in Section 2o of Article VIII, Ohio Constitution. If a special improvement district is being created under this chapter for the purpose of developing and implementing plans for special energy improvement projects, the petition required under this division shall be signed by one hundred per cent of the owners of the area of all real property located within the proposed special improvement district, at least one special energy improvement project shall

be designated for each parcel of real property within the special 34770
improvement district, and the special improvement district may 34771
include any number of parcels of real property as determined by 34772
the legislative authority of each participating political 34773
subdivision in which the proposed special improvement district is 34774
to be located. For purposes of determining compliance with these 34775
requirements, the area of the district, or the front footage and 34776
ownership of property, shall be as shown in the most current 34777
records available at the county recorder's office and the county 34778
engineer's office sixty days prior to the date on which the 34779
petition is filed. 34780

Each municipal corporation or township with which the 34781
petition is filed has sixty days to approve or disapprove, by 34782
resolution, the petition, including the articles of incorporation. 34783
In the case of a district created by an existing qualified 34784
nonprofit corporation, each municipal corporation or township has 34785
sixty days to approve or disapprove the creation of the district 34786
after the corporation submits the articles of incorporation or 34787
amendments thereto. This chapter does not prohibit or restrict the 34788
rights of municipal corporations under Article XVIII of the Ohio 34789
Constitution or the right of the municipal legislative authority 34790
to impose reasonable conditions in a resolution of approval. The 34791
acquisition, installation, equipping, and improvement of a 34792
special energy improvement project under this chapter shall not 34793
supersede any local zoning, environmental, or similar law or 34794
regulation. 34795

(F) Persons proposing creation and operation of the district 34796
may propose an initial plan for public services or public 34797
improvements that benefit all or any part of the district. Any 34798
initial plan shall be submitted as part of the petition proposing 34799
creation of the district or, in the case of a district created by 34800
an existing qualified nonprofit corporation, shall be submitted 34801
with the articles of incorporation or amendments thereto. 34802

An initial plan may include provisions for the following:	34803
(1) Creation and operation of the district and of the nonprofit corporation to govern the district under this chapter;	34804
(2) Hiring employees and professional services;	34805
(3) Contracting for insurance;	34806
(4) Purchasing or leasing office space and office equipment;	34807
(5) Other actions necessary initially to form, operate, or organize the district and the nonprofit corporation to govern the district;	34808
(6) A plan for public improvements or public services that benefit all or part of the district, which plan shall comply with the requirements of division (A) of section 1710.06 of the Revised Code and may include, but is not limited to, any of the permissive provisions described in the fourth sentence of that division or listed in divisions (A)(1) to ~~(5)~~ (6) of that section;	34809
(7) <u>If the special improvement district is being created under this chapter for the purpose of developing and implementing plans for special energy improvement projects, provision for the addition of territory to the special improvement district.</u>	34810
After the initial plan is approved by all municipal corporations and townships to which it is submitted for approval and the district is created, each participating subdivision shall levy a special assessment within its boundaries to pay for the costs of the initial plan. The levy shall be for no more than ten years from the date of the approval of the initial plan; <u>except that if the proceeds of the levy are to be used to pay the costs of a special energy improvement project, the levy of a special</u>	34811
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assessment shall be for no more than twenty-five years from the 34830
date of approval of the initial plan. In the event that 34831
additional territory is added to a special improvement district, 34832
the special assessment to be levied with respect to such 34833
additional territory shall commence not earlier than the date 34834
such territory is added and shall be for no more than twenty-five 34835
years from such date. For purposes of levying an assessment for 34836
this initial plan, the services or improvements included in the 34837
initial plan shall be deemed a special benefit to property owners 34838
within the district. 34839

(G) Each nonprofit corporation governing a district under 34840
this chapter may do the following: 34841

(1) Exercise all powers of nonprofit corporations granted 34842
under Chapter 1702. of the Revised Code that do not conflict with 34843
this chapter; 34844

(2) Develop, adopt, revise, implement, and repeal plans for 34845
public improvements and public services for all or any part of the 34846
district; 34847

(3) Contract with any person, political subdivision as 34848
defined in section 2744.01 of the Revised Code, or state agency as 34849
defined in section 1.60 of the Revised Code to develop and 34850
implement plans for public improvements or public services within 34851
the district; 34852

(4) Contract and pay for insurance for the district and for 34853
directors, officers, agents, contractors, employees, or members of 34854
the district for any consequences of the implementation of any 34855
plan adopted by the district or any actions of the district. 34856

The board of directors of a special improvement district 34857
may, acting as agent and on behalf of a participating political 34858
subdivision, sell, transfer, lease, or convey any special energy 34859

improvement project owned by the participating political 34860
subdivision upon a determination by the legislative authority 34861
thereof that the project is not required to be owned exclusively 34862
by the participating political subdivision for its purposes, for 34863
uses determined by the legislative authority thereof as those that 34864
will promote the welfare of the people of such participating 34865
political subdivision; to improve the quality of life and the 34866
general and economic well-being of the people of the participating 34867
political subdivision; better ensure the public health, safety, 34868
and welfare; protect water and other natural resources; provide 34869
for the conservation and preservation of natural and open areas 34870
and farmlands, including by making urban areas more desirable or 34871
suitable for development and revitalization; control, prevent, 34872
minimize, clean up, or mediate certain contamination of or 34873
pollution from lands in the state and water contamination or 34874
pollution; or provide for safe and natural areas and resources. 34875
The legislative authority of each participating political 34876
subdivision shall specify the consideration for such sale, 34877
transfer, lease, or conveyance and any other terms thereof. Any 34878
determinations made by a legislative authority of a participating 34879
political subdivision under this division shall be conclusive. 34880

Any sale, transfer, lease, or conveyance of a special energy 34881
improvement project by a participating political subdivision or 34882
the board of directors of the special improvement district may be 34883
made without advertising, receipt of bids, or other competitive 34884
bidding procedures applicable to the participating political 34885
subdivision or the special improvement district under Chapter 153, 34886
or 735, or section 1710.11 of the Revised Code or other 34887
representative provisions of the Revised Code. 34888

Sec. 1710.03. ~~(A) Each owner, other than a church or the~~ 34889
~~state, county, township, municipal, or federal government, unless~~ 34890
~~a church or county, township, or municipal corporation has~~ 34891
~~specifically requested in writing that the property be included in~~ 34892

~~the district,~~Except as otherwise provided in this division, each 34893
owner of real property within a special improvement district other 34894
than the state or federal government is a member of the district, 34895
and the real property of each member of the district is subject to 34896
special assessment under division (C) of section 1710.06 of the 34897
Revised Code. ~~The~~A church is not a member of the district unless 34898
the church specifically requested in writing that its property be 34899
included in the district or unless, in the case of a district 34900
created by an existing qualified nonprofit corporation, the church 34901
is a member of the corporation at the time the district is 34902
created. A county, township, or municipal corporation owning real 34903
property in the district is not a member of the district unless 34904
such entity specifically requested in writing that its property 34905
be included in the district. 34906

The identity and address of the owners shall be determined 34907
for any particular action of the nonprofit corporation that 34908
governs the district, including notice of meetings of the 34909
district, no more than sixty days prior to the date of the 34910
action, from the most current records available at the county 34911
auditor's office. For purposes of this chapter, the persons shown 34912
on such records as having common or joint ownership interests in 34913
a parcel of real property collectively shall constitute the owner 34914
of the real property. 34915

(B) A member may file a written statement with the district's 34916
secretary at least three days prior to any meeting of the entire 34917
membership of the district to appoint a proxy to carry out the 34918
member's rights and responsibilities under this chapter at that 34919
meeting. 34920

(C) A member also may appoint a designee to carry out the 34921
member's rights and responsibilities under this chapter by filing 34922
a written designation form with the district's secretary. This 34923
form shall include the name and address of the member, the name 34924

and address of the designee, and the expiration date, if any, of 34925
the designation and may authorize the designee to vote at any 34926
meeting of the district. 34927

(D) A proxy or designee need not be an elector or resident of 34928
any participating political subdivision of the district or a 34929
member of the district. The appointment of a proxy or a designee 34930
may be changed by filing a new form with the district's secretary. 34931
The most current form filed with the secretary is the valid 34932
appointment. Service of any notice upon a proxy or designee at the 34933
proxy's or designee's address as shown on that form satisfies any 34934
requirements for notification of the member. 34935

Sec. 1710.04. (A) A special improvement district created 34936
under this chapter shall be governed by the board of directors of 34937
the special improvement district. The board shall consist of at 34938
least five directors. The board shall include a person appointed 34939
by the legislative authority of each participating political 34940
subdivision and the municipal executive of each municipal 34941
corporation with territory within the boundaries of the special 34942
improvement district. The remainder of the board's members shall 34943
be members of the district. Except for the municipal executives 34944
and the appointees of the legislative authorities, and except as 34945
otherwise provided in this division, members of the board of 34946
directors shall be elected at a meeting of the entire membership 34947
of the district. The initial election of directors may occur at 34948
the first meeting of the entire membership of the district after 34949
its creation. All subsequent elections shall be held at a November 34950
meeting of the membership. 34951

Each municipal executive may designate one person who is an 34952
employee of the municipal corporation involved with its planning 34953
or economic development functions to serve in the municipal 34954
executive's stead. This designee shall serve at the pleasure of 34955
the municipal executive. 34956

In the case of a district created by an existing qualified nonprofit corporation, the corporation's board of trustees or other governing board, however denominated, shall be the board of directors of the special improvement district for the purposes of this chapter. The election of directors otherwise required by this division shall not be required, and the requirement that municipal executives and appointees of the legislative authorities be members of the district's board of directors may be satisfied by the membership on the corporation's governing board of representatives of such participating political subdivisions, or may be waived if approved by resolution of the legislative authorities of the participating political subdivisions.

(B) A director may file a written statement with the district's secretary at least three days prior to any meeting of the board to have a person act as proxy to carry out the director's rights and responsibilities under this chapter at that meeting.

A director may also appoint a designee to carry out the director's rights and responsibilities under this chapter by filing a written designation form with the district's secretary. This form shall include the name and address of the director, the name and address of the designee, and the expiration date, if any, of the designation.

A proxy or designee need not be an elector or resident of a participating political subdivision of the district or a member of the district. The appointment of a proxy or designee may be changed by filing a new form with the district's secretary. The most current form filed with the secretary is the valid appointment. Service of any notice upon a proxy or designee at the proxy's or designee's address as shown on that form satisfies any requirements for notification of the director.

(C) Notice of the time, date, place, and agenda for any

meeting of the board of directors shall be by written notice to 34989
each director, transmitted by certified mail, personal service, or 34990
electronic device prior to the meeting. If possible, the notice 34991
shall be served at least one week prior to the meeting. 34992

The board shall act by a majority vote of those present and 34993
authorized to vote at any meeting where proper notice has been 34994
served. 34995

(D) The board shall elect a chairperson, vice-chairperson, 34996
secretary, and treasurer of the board. These officers shall serve 34997
at the board's pleasure. A director may be elected to more than 34998
one office, except that the director elected as treasurer shall 34999
not be elected to any other office of the board. 35000

By the first day of March of each year, the treasurer shall 35001
submit to each member of the district and to the municipal 35002
executive, chief fiscal officer, and legislative authority of each 35003
municipal corporation with territory within the boundaries of the 35004
special improvement district and the board of township trustees of 35005
each township with territory within the boundaries of the special 35006
improvement district, a report of the district's activities and 35007
financial condition for the previous year. 35008

(E) Divisions (B), (C), and (D) of this section do not apply 35009
to a district created by an existing qualified nonprofit 35010
corporation to the extent those divisions are not consistent with 35011
the regulations of the corporation, in which case the regulations 35012
of the corporation shall govern. 35013

Sec. 1710.06. (A) The board of directors of a special 35014
improvement district may develop and adopt one or more written 35015
plans for public improvements or public services that benefit all 35016
or any part of the district. Each plan shall set forth the 35017
specific public improvements or public services that are to be 35018
provided, identify the area in which they will be provided, and 35019

specify the method of assessment to be used. Each plan for public	35020
improvements or public services shall indicate the period of time	35021
the assessments are to be levied for the improvements and services	35022
and, if public services are included in the plan, the period of	35023
time the services are to remain in effect. Plans for public	35024
improvements may include the planning, design, construction,	35025
reconstruction, enlargement, or alteration of any public	35026
improvements and the acquisition of land for the improvements.	35027
Plans for public improvements or public services may also include,	35028
but are not limited to, provisions for the following:	35029
 (1) Creating and operating the district and the nonprofit	35030
corporation under this chapter, including hiring employees and	35031
professional services, contracting for insurance, and purchasing	35032
or leasing office space and office equipment and other	35033
requirements of the district;	35034
 (2) Planning, designing, and implementing a public	35035
improvements or public services plan, including hiring	35036
architectural, engineering, legal, appraisal, insurance, and	35037
planning services, and, for public services, managing, protecting,	35038
and maintaining public and private facilities, including public	35039
improvements;	35040
 (3) Conducting court proceedings to carry out this chapter;	35041
 (4) Paying damages resulting from the provision of public	35042
improvements or public services and implementing the plans;	35043
 (5) Paying the costs of issuing, paying interest on, and	35044
redeeming notes and bonds issued for funding public improvements	35045
and public services plans; <u>and</u>	35046
 (6) <u>Sale, lease, lease with an option to purchase, conveyance</u>	35047
<u>of other interests in, or other contracts for the acquisition,</u>	35048
<u>construction, maintenance, repair, furnishing, equipping,</u>	35049

operation, or improvement of any special energy improvement project by the special improvement district, between a participating political subdivision and the special improvement district, and between the special improvement district and any owner of real property in the special improvement district on which a special energy improvement project has been acquired, installed, equipped, or improved.

(B) Once the board of directors of the special improvement district adopts a plan, it shall submit the plan to the legislative authority of each participating political subdivision and the municipal executive of each municipal corporation in which the district is located, if any. The legislative authorities and municipal executives shall review the plan and, within sixty days after receiving it, may submit their comments and recommendations about it to the district. After reviewing these comments and recommendations, the board of directors may amend the plan. It may then submit the plan, amended or otherwise, in the form of a petition to members of the district whose property may be assessed for the plan. Once the petition is signed by those members who own at least sixty per cent of the front footage of property that is to be assessed and that abuts upon a street, alley, public road, place, boulevard, parkway, park entrance, easement, or other public improvement, or those members who own at least seventy-five per cent of the area to be assessed for the improvement or service, the petition may be submitted to each legislative authority for approval. If the special improvement district was created for the purpose of developing and implementing plans for special energy improvement projects, the petition required under this division shall be signed by one hundred per cent of the owners of the area of all real property located within the area to be assessed for the special energy improvement project.

Each legislative authority shall, by resolution, approve or

reject the petition within sixty days after receiving it. If the
petition is approved by the legislative authority of each
participating political subdivision, the plan contained in the
petition shall be effective at the earliest date on which a
nonemergency resolution of the legislative authority with the
latest effective date may become effective. A plan may not be
resubmitted to the legislative authorities and municipal
executives more than three times in any twelve-month period.

(C) Each participating political subdivision shall levy, by
special assessment upon specially benefited property located
within the district, the costs of any public improvements or
public services plan contained in a petition approved by the
participating political subdivisions under this section or
division (F) of section 1710.02 of the Revised Code. The levy
shall be made in accordance with the procedures set forth in
Chapter 727. of the Revised Code, except that:

(1) The assessment for each improvements or services plan may
be levied by any one or any combination of the methods of
assessment listed in section 727.01 of the Revised Code, provided
that the assessment is uniformly applied.

(2) For the purpose of levying an assessment, the board of
directors may combine one or more improvements or services plans
or parts of plans and levy a single assessment against specially
benefited property.

(3) For purposes of special assessments levied by a township
pursuant to this chapter, references in Chapter 727. of the
Revised Code to the municipal corporation shall be deemed to refer
to the township, and references to the legislative authority of
the municipal corporation shall be deemed to refer to the board of
township trustees.

Church property or property owned by a political subdivision,

including any participating political subdivision in which a 35114
special improvement district is located, shall be included in and 35115
be subject to special assessments made pursuant to a plan adopted 35116
under this section or division (F) of section 1710.02 of the 35117
Revised Code, if the church or political subdivision has 35118
specifically requested in writing that its property be included 35119
within the special improvement district and the church or 35120
political subdivision is a member of the district or, in the case 35121
of a district created by an existing qualified nonprofit 35122
corporation, if the church is a member of the corporation. 35123

(D) All rights and privileges of property owners who are 35124
assessed under Chapter 727. of the Revised Code shall be granted 35125
to property owners assessed under this chapter, including those 35126
rights and privileges specified in sections 727.15 to 727.17 and 35127
727.18 to 727.22 of the Revised Code and the right to notice of 35128
the resolution of necessity and the filing of the estimated 35129
assessment under section 727.13 of the Revised Code. Property 35130
owners assessed for public services under this chapter shall have 35131
the same rights and privileges as property owners assessed for 35132
public improvements under this chapter. 35133

Sec. 1710.07. The cost of any public improvements or public 35134
services plan of a special improvement district may include, but 35135
is not limited to, the following: 35136

(A) The cost of creating and operating the district under 35137
this chapter, including creating and operating a nonprofit 35138
organization organized under this chapter, hiring employees and 35139
professional services, contracting for insurance, and purchasing 35140
or leasing office space or office equipment; 35141

(B) The cost of planning, designing, and implementing the 35142
public improvements or public services plan, including payment of 35143
architectural, engineering, legal, appraisal, insurance, and 35144
planning fees and expenses, and, for public services, the 35145

management, protection, and maintenance costs of public or private facilities; 35146
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(C) Any court costs incurred by the district in implementing the public improvements or public services plan; 35148
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(D) Any damages resulting from implementing the public improvements or public services plan; 35150
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(E) The costs of issuing, paying interest on, and redeeming notes and bonds issued for funding the public improvements or public services plan; and 35152
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(F) The costs associated with the sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of any special energy improvement project by the district, between a participating political subdivision and the special improvement district, or between the special improvement district and any owner of real property in the special improvement district on which a special energy improvement project has been acquired, installed, equipped, or improved. 35155
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Sec. 1710.10. (A) When a participating political subdivision contracts to provide improvements or services to a special improvement district, the participating political subdivision shall charge only its additional cost of providing the improvement or service, without any allocation of overhead costs, fixed costs, or assignment of costs at rates higher than those at which the participating political subdivision assigns costs for similar improvements or services for political subdivision purposes. 35165
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(B) ~~Any~~ Except in the case of a district created by an existing qualified nonprofit corporation, any law enforcement or fire protection service to be provided under a district's public 35173
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service plan shall be provided only by contract with a 35176
participating political subdivision of the district. ~~The~~In the 35177
case of a district created by an existing qualified nonprofit 35178
corporation, the corporation may provide law enforcement service 35179
as provided under section 1702.80 of the Revised Code. 35180

The district shall reimburse the participating political 35181
subdivision for any additional cost incurred in providing that 35182
law enforcement or fire protection service. This additional cost 35183
shall not include any overhead, fixed costs, or assignment of 35184
costs at rates higher than those at which the political 35185
subdivision assigns costs for these services for political 35186
subdivision purposes. 35187

(C) Any liability for providing fire or police services under 35188
this section by a participating political subdivision shall remain 35189
with the participating political subdivision and shall not be 35190
assumed by the district. 35191

Sec. 1710.13. ~~The~~This section does not apply to a special 35192
improvement district created by an existing qualified nonprofit 35193
corporation. 35194

The process for dissolving a special improvement district or 35195
repealing an improvements or services plan may be initiated by a 35196
petition signed by members of the district who own at least twenty 35197
per cent of the appraised value of the real property located in 35198
the district, excluding church property or real property owned by 35199
the federal government, the state, or a county, township, or 35200
municipal corporation, unless the church, county, township, or 35201
municipal corporation has specifically requested in writing that 35202
the property be included in the district, and filed with the 35203
municipal executive, if any, and the legislative authorities of 35204
all the participating political subdivisions of the district. As 35205
used in this section, "appraised value" means the taxable value 35206
established by the county auditor for purposes of real estate 35207

taxation. 35208

No later than forty-five days after such a petition is filed, 35209
the members of the district shall meet to consider it. Notice of 35210
the meeting shall be given as provided in section 1710.05 of the 35211
Revised Code. Upon the affirmative vote of members who 35212
collectively own more than fifty per cent of the appraised value 35213
of the real property in the district that may be subject to 35214
assessment under division (C) of section 1710.06 of the Revised 35215
Code, the district shall be dissolved, or the plan shall be 35216
repealed, as applicable. 35217

No rights or obligations of any person under any contract, or 35218
in relation to any bonds, notes, or assessments made under this 35219
chapter, shall be affected by the dissolution of the district or 35220
the repeal of a plan, except with the consent of that person or by 35221
order of a court with jurisdiction over the matter. Upon 35222
dissolution of a district, any assets or rights of the district, 35223
after payment of all bonds, notes, or other obligations of the 35224
district, shall be deposited in a special account in the treasury 35225
of each participating political subdivision, prorated among all 35226
participating political subdivisions to reflect the percentage of 35227
the district's territory within that political subdivision, to be 35228
used for the benefit of the territory that made up the district. 35229

Once the members have approved the repeal of a plan, all 35230
bonds, notes, and other obligations of the district associated 35231
with the plan shall be paid. Thereafter, the plan shall be 35232
repealed. Upon receipt of proof that all bonds, notes, and other 35233
obligations have been paid and that the plan has been repealed, 35234
the participating political subdivisions shall terminate any 35235
levies imposed to pay for costs of the plan. 35236

Sec. 1721.211. (A) As used in this section, "preneed 35237
cemetery merchandise and services contract" means a written 35238
agreement, contract, or series of contracts to sell or otherwise 35239

provide an outer burial container, monument, marker, urn, other
type of merchandise customarily sold by cemeteries, or opening and
closing services to be used or provided in connection with the
final disposition of a dead human body, where payment for the
container, monument, marker, urn, other type of merchandise
customarily sold by cemeteries, or opening and closing services is
made either outright or on an installment basis, prior to the
death of the person so purchasing or for whom so purchased.
"Preneed cemetery merchandise and services contract" does not
include any preneed funeral contract or any agreement, contract,
or series of contracts pertaining to the sale of any burial lot,
burial or interment right, entombment right, or columbarium right
with respect to which an endowment care trust is established or is
exempt from establishment pursuant to section 1721.21 of the
Revised Code.

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(B) Subject to the limitations and restrictions contained in
Chapters 1101. to 1127. of the Revised Code, a trust company
licensed under Chapter 1111. of the Revised Code or a national
bank or federal savings association that pledges securities in
accordance with section 1111.04 of the Revised Code or the
individuals described in division (C)(2) of this section have the
power as trustee to receive and to hold and invest in accordance
with sections 2109.37 and 2109.371 of the Revised Code moneys
under a preneed cemetery merchandise and services contract.

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(C)(1) The greater of one hundred ten per cent of the
seller's actual cost or thirty per cent of the seller's retail
price of the merchandise and seventy per cent of the seller's
retail price of the services to be provided under a preneed
cemetery merchandise and services contract shall remain intact as
a fund until the death of the person for whose benefit the
contract is made or the merchandise is delivered as set forth in
division (K) of this section. However, any moneys held pursuant to
this section shall be released upon demand of the person for whose

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benefit the contract was made or upon the demand of the seller for 35273
its share of the moneys held and earned interest if the contract 35274
has been canceled as set forth in division (G) of this section. 35275

(2) The trustee of the fund described in division (C)(1) of 35276
this section shall be a trust company licensed under Chapter 1111. 35277
of the Revised Code or a national bank or federal savings 35278
association that pledges securities in accordance with section 35279
1111.04 of the Revised Code or at least three individuals who have 35280
been residents of the county in which the seller is located for at 35281
least one year, each of whom shall be bonded by a corporate surety 35282
in an amount that is at least equal to the amount deposited in the 35283
fund of which those persons serve as trustee. Amounts in the fund 35284
shall be held and invested in the manner in which trust funds are 35285
permitted to be held and invested pursuant to sections 2109.37 and 35286
2109.371 of the Revised Code. 35287

(3) Every preneed cemetery and merchandise contract entered 35288
into on or after the effective date of this amendment shall 35289
include a provision in substantially the following form: 35290

NOTICE: Under Ohio law, the person holding the right of 35291
disposition of the remains of the beneficiary of this contract 35292
pursuant to section 2108.70 or 2108.81 of the Revised Code will 35293
have the right to purchase cemetery merchandise and services 35294
inconsistent with the merchandise and services set forth in this 35295
contract. However, the beneficiary is encouraged to state his or 35296
her preferences as to the manner of final disposition in a 35297
declaration of the right of disposition pursuant to section 35298
2108.72 of the Revised Code, including that the arrangements set 35299
forth in this contract shall be followed. 35300

(D) Within thirty days after the last business day of the 35301
month in which the seller of cemetery merchandise or services 35302
receives final contractual payment under a preneed cemetery 35303
merchandise and services contract, the seller shall deliver the 35304

greater of one hundred ten per cent of the seller's actual cost or 35305
thirty per cent of the seller's retail price of the merchandise 35306
and seventy per cent of the seller's current retail price of the 35307
services as of the date of the contract to a trustee or to 35308
trustees as described in division (C)(2) of this section, and the 35309
moneys and accruals or income on the moneys shall be held in a 35310
fund and designated for the person for whose benefit the fund was 35311
established as a preneed cemetery merchandise and services 35312
contract fund. 35313

(E) The moneys received from more than one preneed cemetery 35314
merchandise and services contract may, at the option of the 35315
persons for whose benefit the contracts are made, be placed in a 35316
common or pooled trust fund in this state under a single trust 35317
instrument. If three individuals are designated as the trustees as 35318
provided in division (C)(2) of this section, they shall be bonded 35319
by a corporate surety or fidelity bond in an aggregate amount of 35320
not less than one hundred per cent of the funds held by them as 35321
trustees. The trustees or their agent shall, on a continuous 35322
basis, keep exact records as to the amount of funds under a single 35323
trust instrument being held for the individual beneficiaries 35324
showing the amount paid, the amount deposited and invested, and 35325
accruals and income. 35326

(F) ~~The~~ (1) Except as provided in division (F)(2) of this 35327
section, the seller of merchandise or services under a preneed 35328
cemetery merchandise and services contract shall annually submit 35329
to the division of real estate of the department of commerce an 35330
affidavit in a form prescribed by the division, sworn under oath, 35331
specifying each of the following: 35332

~~(1)~~ (a) That, within the time specified in division (D) of 35333
this section, the amounts required by that division were deposited 35334
in an appropriate fund; 35335

~~(2)~~ (b) That the fund has not been used to collateralize or 35336

guarantee loans and has not otherwise been subjected to any 35337
consensual lien; 35338

~~(3)~~(c) That the fund is invested in compliance with the 35339
investing standards set forth in sections 2109.37 and 2109.371 of 35340
the Revised Code; 35341

~~(4)~~(d) That no moneys have been removed from the fund, except 35342
as provided for in this section. 35343

(2) A licensed funeral director who sells preneed funeral 35344
contracts and who also sells merchandise or services under a 35345
preneed cemetery merchandise and services contract shall be deemed 35346
to have met the requirement in division (F)(1) of this section by 35347
submitting the annual preneed cemetery merchandise and services 35348
contract affidavit to the board of embalmers and funeral directors 35349
along with or as part of the annual preneed funeral contract 35350
report required under divisions (I) and (J) of section 4717.31 of 35351
the Revised Code. 35352

(G) This division is subject to division (I) of this section. 35353

Any person upon initially entering into a preneed cemetery 35354
merchandise and services contract may, within seven days, cancel 35355
the contract and request and receive from the seller one hundred 35356
per cent of all payments made under the contract. After the 35357
expiration of the above period, any person who has entered into a 35358
preneed cemetery merchandise and services contract may, on not 35359
less than fifteen days' notice, cancel the contract and request 35360
and receive from the seller sixty per cent of the payments made 35361
under the contract which have been paid up to the time of 35362
cancellation; except that, if a preneed cemetery merchandise and 35363
services contract stipulates a firm or fixed or guaranteed price 35364
for the merchandise or services for future use at a time 35365
determined by the death of the person on behalf of whom payments 35366
are made, the person who has entered into the contract may, if the 35367

merchandise has not been delivered or the services have not been performed as set forth in division (K) or (L) of this section, on not less than fifteen days' notice, cancel the contract and receive from the seller sixty per cent of the principal paid pursuant to the contract and not less than eighty per cent of any interest paid, up to the time of cancellation, and not less than eighty per cent of any accrual or income earned while the moneys have been held pursuant to divisions (C) and (D) of this section, up to the time of cancellation. Upon cancellation, after the moneys have been distributed to the beneficiary pursuant to this division, all remaining moneys being held pursuant to divisions (C) and (D) of this section shall be paid to the seller. If more than one person enters into the contract, all of those persons must request cancellation for it to be effective under this division. In such a case, the seller shall refund to each person only those moneys that each person has paid under the contract.

(H) Upon receipt of a certified copy of the certificate of death or evidence of delivery of the merchandise or performance of the services pursuant to division (K) or (L) of this section, the trustee described in division (C)(2) of this section or its agent, shall forthwith pay the fund and accumulated interest, if any, to the person entitled to them under the preneed cemetery merchandise and services contract. The payment of the fund and accumulated interest pursuant to this section, either to a seller or person making the payments, shall relieve the trustee of any further liability on the fund or accumulated interest.

(I) Notwithstanding any other provision of this section, any preneed cemetery merchandise and services contract may specify that it is irrevocable. All irrevocable preneed cemetery merchandise and services contracts shall include a clear and conspicuous disclosure of irrevocability in the contract and any person entering into an irrevocable preneed cemetery merchandise and services contract shall sign a separate acknowledgment of the

person's waiver of the right to revoke. If a contract satisfies	35401
the requirements of this division, division (G) of this section	35402
does not apply to that contract.	35403
 (J) Any preneed cemetery merchandise and services contract	35404
that involves the payment of money shall be in writing and in	35405
compliance with the laws and rules of this state.	35406
 (K) For purposes of this section, the seller is considered to	35407
have delivered merchandise pursuant to a preneed cemetery	35408
merchandise and services contract when either of the following	35409
occur:	35410
 (1) The seller makes actual delivery of the merchandise to	35411
the beneficiary, or the seller pays for the merchandise and	35412
identifies it as being stored for the benefit of the beneficiary	35413
at a manufacturer's warehouse.	35414
 (2) The seller receives delivery of the merchandise on behalf	35415
of the beneficiary, and all of the following occur:	35416
 (a) The merchandise is permanently affixed to or stored upon	35417
the real property of a cemetery located in this state.	35418
 (b) The seller notifies the beneficiary of receipt of the	35419
merchandise and identifies the specific location of the	35420
merchandise.	35421
 (c) The seller at the time of the beneficiary's final payment	35422
provides the beneficiary with evidence of ownership in the	35423
beneficiary's name showing the merchandise to be free and clear of	35424
any liens or other encumbrances.	35425
 (L) For purposes of this section, a seller is considered to	35426
have performed services pursuant to a preneed cemetery merchandise	35427
and services contract when the beneficiary's next of kin signs a	35428

written statement that the services have been performed or, if no
next of kin of the beneficiary can be located through reasonable
diligence, when the owner or other person responsible for the
operation of the cemetery signs a statement of that nature.

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(M) Notwithstanding any other provision of this chapter, any
trust may be charged a trustee's fee, which is to be deducted from
the earned income or accruals on that trust. The fee shall not
exceed the amount that is regularly or usually charged for similar
services rendered by the trustee described in division (C)(2) of
this section when serving as a trustee.

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(N) The general assembly intends that this section be
construed as a limitation upon the manner in which a person is
permitted to accept moneys in prepayment for merchandise and
services to be delivered or provided in the future, or merchandise
and services to be used or provided in connection with the final
disposition of human remains, to the end that at all times members
of the public may have an opportunity to arrange and pay for
merchandise and services for themselves and their families in
advance of need while at the same time providing all possible
safeguards whereunder the prepaid moneys cannot be dissipated,
whether intentionally or not, so as to be available for the
payment for merchandise and services and the providing of
merchandise and services used or provided in connection with the
final disposition of dead human bodies.

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(O) This section does not apply to the seller or provider of
merchandise or services under a preneed cemetery merchandise and
services contract if the contract pertains to a cemetery that is
owned and operated entirely and exclusively by an established and
legally cognizable church or denomination that is exempt from
federal income taxation under section 501(c)(3) of the "Internal
Revenue Code of 1954," 26 U.S.C.A. 501, an established fraternal
organization, or a municipal corporation or other political

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subdivision of the state, to a cemetery that is a national 35461
cemetery, or to a cemetery that is a family cemetery as defined in 35462
section 4767.02 of the Revised Code; provided that, on a voluntary 35463
basis, rules and other measures are adopted to safeguard and 35464
secure all moneys received under a preneed cemetery merchandise 35465
and services contract. 35466

(P) This section does not prohibit persons other than 35467
cemetery corporations or associations from selling outer burial 35468
containers, monuments, markers, urns, or other types of 35469
merchandise customarily sold by cemeteries pursuant to a preneed 35470
cemetery merchandise and services contract; however all sellers of 35471
merchandise pursuant to a preneed cemetery merchandise and 35472
services contract shall comply with this section unless the seller 35473
is specifically exempt from this section. 35474

(Q) Any contract for preneed services or merchandise entered 35475
into with a cemetery not registered under section 4767.03 of the 35476
Revised Code is voidable. 35477

Sec. 1724.02. In furtherance of the purposes set forth in 35478
section 1724.01 of the Revised Code, a community improvement 35479
corporation shall have the following powers: 35480

(A)(1) To borrow money for any of the purposes of the 35481
community improvement corporation by means of loans, lines of 35482
credit, or any other financial instruments or securities, 35483
including the issuance of its bonds, debentures, notes, or other 35484
evidences of indebtedness, whether secured or unsecured, and to 35485
secure the same by mortgage, pledge, deed of trust, or other 35486
lien on its property, franchises, rights, and privileges of 35487
every kind and nature or any part thereof or interest therein; 35488
and 35489

(2) If the community improvement corporation is a county land 35490
reutilization corporation, the corporation may request, by 35491

resolution:	35492
(a) That the board of county commissioners of the county served by the corporation pledge a specifically identified source or sources of revenue pursuant to division (C) of section 307.78 of the Revised Code as security for such borrowing by the corporation; and	35493 35494 35495 35496 35497
(b)(i) If the land subject to reutilization is located within an unincorporated area of the county, that the board of county commissioners issue notes under section 307.082 of the Revised Code for the purpose of constructing public infrastructure improvements and take other actions as the board determines are in the interest of the county and are authorized under sections 5709.78 to 5709.81 of the Revised Code or bonds or notes under section 5709.81 of the Revised Code for the refunding purposes set forth in that section; or	35498 35499 35500 35501 35502 35503 35504 35505 35506
(ii) If the land subject to reutilization is located within the corporate boundaries of a municipal corporation, that the municipal corporation issue bonds for the purpose of constructing public infrastructure improvements and take such other actions as the municipal corporation determines are in its interest and are authorized under sections 5709.40 to 5709.43 of the Revised Code.	35507 35508 35509 35510 35511 35512
(B) To make loans to any person, firm, partnership, corporation, joint stock company, association, or trust, and to establish and regulate the terms and conditions with respect to any such loans; provided that an economic development corporation shall not approve any application for a loan unless and until the person applying for said loan shows that the person has applied for the loan through ordinary banking or commercial channels and that the loan has been refused by at least one bank or other financial institution. Nothing in this division shall preclude a county land reutilization corporation from making revolving loans to community development corporations or groups for the purposes	35513 35514 35515 35516 35517 35518 35519 35520 35521 35522 35523

contained in the corporation's plan under section 1724.10 of the Revised Code. 35524
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(C) To purchase, receive, hold, manage, lease, 35526
lease-purchase, or otherwise acquire and to sell, convey, 35527
transfer, lease, sublease, or otherwise dispose of real and 35528
personal property, together with such rights and privileges as may 35529
be incidental and appurtenant thereto and the use thereof, 35530
including but not restricted to, any real or personal property 35531
acquired by the community improvement corporation from time to 35532
time in the satisfaction of debts or enforcement of obligations, 35533
and to enter into contracts with third parties, including the 35534
federal government, the state, any political subdivision, or any 35535
other entity. A county land reutilization corporation shall not 35536
acquire an interest in real property if such acquisition causes 35537
the percentage of unoccupied real property held by the corporation 35538
to become less than seventy-five per cent of all real property 35539
held by the corporation for reutilization, reclamation, or 35540
rehabilitation. For the purposes of this division, "unoccupied" 35541
has the same meaning as in section 323.65 of the Revised Code. ~~No~~ 35542
~~interest in real property shall be acquired by a county land~~ 35543
~~reutilization corporation after two years following the filing of~~ 35544
~~its articles of incorporation by the secretary of state.~~ 35545

(D) To acquire the good will, business, rights, real and 35546
personal property, and other assets, or any part thereof, or 35547
interest therein, of any persons, firms, partnerships, 35548
corporations, joint stock companies, associations, or trusts, and 35549
to assume, undertake, or pay the obligations, debts, and 35550
liabilities of any such person, firm, partnership, corporation, 35551
joint stock company, association, or trust; to acquire, reclaim, 35552
manage, or contract for the management of improved or unimproved 35553
and underutilized real estate for the purpose of constructing 35554
industrial plants, other business establishments, or housing 35555
thereon, or causing the same to occur, for the purpose of 35556

assembling and enhancing utilization of the real estate, or for 35557
the purpose of disposing of such real estate to others in whole 35558
or in part for the construction of industrial plants, other 35559
business establishments, or housing; and to acquire, reclaim, 35560
manage, contract for the management of, construct or reconstruct, 35561
alter, repair, maintain, operate, sell, convey, transfer, lease, 35562
sublease, or otherwise dispose of industrial plants, business 35563
establishments, or housing. ~~No interest in real property shall be~~ 35564
~~acquired by a county land reutilization corporation after two~~ 35565
~~years following the filing of its articles of incorporation by the~~ 35566
~~secretary of state.~~ 35567

(E) To acquire, subscribe for, own, hold, sell, assign, 35568
transfer, mortgage, pledge, or otherwise dispose of the stock, 35569
shares, bonds, debentures, notes, or other securities and 35570
evidences of interest in, or indebtedness of, any person, firm, 35571
corporation, joint stock company, association, or trust, and while 35572
the owner or holder thereof, to exercise all the rights, powers, 35573
and privileges of ownership, including the right to vote therein, 35574
provided that no tax revenue, if any, received by a community 35575
improvement corporation shall be used for such acquisition or 35576
subscription. 35577

(F) To mortgage, pledge, or otherwise encumber any property 35578
acquired pursuant to the powers contained in divisions (C), (D), 35579
or (E) of this section. 35580

(G) Nothing in this section shall limit the right of a 35581
community improvement corporation to become a member of or a 35582
stockholder in a corporation formed under Chapter 1726. of the 35583
Revised Code. 35584

(H) To serve as an agent for grant applications and for the 35585
administration of grants, or to make applications as principal 35586
for grants for county land reutilization corporations. 35587

(I) To exercise the powers enumerated under Chapter 5722. of the Revised Code on behalf of a county that organizes or contracts with a county land reutilization corporation.	35588 35589 35590
(J) To engage in code enforcement and nuisance abatement, including, but not limited to, cutting grass and weeds, boarding up vacant or abandoned structures, and demolishing condemned structures on properties that are subject to a delinquent tax or assessment lien, or property for which a municipal corporation or township has contracted with a county land reutilization corporation to provide code enforcement or nuisance abatement assistance.	35591 35592 35593 35594 35595 35596 35597 35598
(K) To charge fees or exchange in-kind goods or services for services rendered to political subdivisions and other persons or entities for whom services are rendered.	35599 35600 35601
(L) To employ and provide compensation for an executive director who shall manage the operations of a county land reutilization corporation and employ others for the benefit of the corporation as approved and funded by the board of directors. No employee of the corporation is or shall be deemed to be an employee of the political subdivision for whose benefit the corporation is organized solely because the employee is employed by the corporation;	35602 35603 35604 35605 35606 35607 35608 35609
(M) To purchase tax certificates at auction, negotiated sale, or from a third party who purchased and is a holder of one or more tax certificates issued pursuant to sections 5721.30 to 5721.43 of the Revised Code;	35610 35611 35612 35613
(N) To be assigned a mortgage on real property from a mortgagee in lieu of acquiring such real property subject to a mortgage. ~~No mortgage shall be transferred or assigned to a county land reutilization corporation after two years following the filing of its articles of incorporation by the secretary of state.~~	35614 35615 35616 35617 35618

(O) To do all acts and things necessary or convenient to carry out the purposes of section 1724.01 of the Revised Code and the powers especially created for a community improvement corporation in Chapter 1724. of the Revised Code, including, but not limited to, contracting with the federal government, the state or any political subdivision, and any other party, whether nonprofit or for-profit.

The powers enumerated in this chapter shall not be construed to limit the general powers of a community improvement corporation. The powers granted under this chapter are in addition to those powers granted by any other chapter of the Revised Code, but, as to a county land reutilization corporation, shall be used only for the purposes enumerated under division (B)(2) of section 1724.01 of the Revised Code. ~~Notwithstanding any other provision in the Revised Code granting such authority, a county land reutilization corporation may not acquire any interest in real property after two years following the filing of its articles of incorporation by the secretary of state.~~

Sec. 1724.04. A county having a population of more than one million two hundred thousand as of the most recent decennial census that elects under section 5722.02 of the Revised Code to adopt and implement the procedures set forth in sections 5722.02 to 5722.15 of the Revised Code may organize a county land reutilization corporation under this chapter and Chapter 1702. of the Revised Code for the purpose of exercising the powers granted to a county under Chapter 5722. of the Revised Code. The county treasurer of the county for the benefit of which the corporation is being organized shall be the incorporator of the county land reutilization corporation. The form of the articles of incorporation of the corporation shall be approved by resolution of the board of county commissioners of the county. ~~A county land reutilization corporation may not be organized under~~

~~this chapter after the day that is one year after the effective~~ 35651
~~date of the amendment of this section by S.B. 353 of the 127th~~ 35652
~~General Assembly.~~ 35653

When the articles of incorporation of any community 35654
improvement corporation, or any amendment, amended articles, 35655
merger, or consolidation which provides for the creation of such a 35656
corporation, are deposited for filing and recording in the office 35657
of the secretary of state, the secretary of state shall submit 35658
them to the attorney general for examination. If such articles, 35659
amendment, amended articles, merger, or consolidation, are found 35660
by the attorney general to be in accordance with Chapter 1724. of 35661
the Revised Code, and not inconsistent with the constitution and 35662
laws of the United States and of this state, the attorney general 35663
shall endorse thereon the attorney general's approval and deliver 35664
them to the secretary of state, who shall file and record them 35665
pursuant to section 1702.07 of the Revised Code. 35666

Sec. 1733.252. (A) As used in this section, "nationwide 35667
mortgage licensing system and registry" has the same meaning as in 35668
section 1322.01 of the Revised Code. 35669

(B) Subject to division (C) of this section, each credit 35670
union, the subsidiaries of the credit union, and the loan 35671
originators employed by the credit union, shall comply with the 35672
"Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 35673
122 Stat. 2810, 12 U.S.C. 5101, and register with the nationwide 35674
mortgage licensing system and registry. 35675

(C) Compliance by a credit union insured by a credit union 35676
share guaranty corporation established under Chapter 1761. of the 35677
Revised Code, the subsidiaries of the credit union, and the loan 35678
originators employed by the credit union shall be determined by 35679
rules adopted by the superintendent of financial institutions in 35680
accordance with Chapter 119. of the Revised Code. At a minimum, 35681
the rules shall require loan originators to furnish to the 35682

nationwide mortgage licensing system and registry information 35683
concerning the loan originator's identity and be consistent with 35684
the requirements for federally insured credit unions adopted by 35685
the national credit union administration pursuant to the "Secure 35686
and Fair Enforcement for Mortgage Licensing Act of 2008. 35687

Sec. 1733.26. (A) The credit committee may be delegated the 35688
authority to appoint one or more loan officers, and delegate to 35689
them power to approve loans within limits fixed by the 35690
regulations, bylaws, or resolutions of the board of directors. If 35691
the regulations so provide, the board may appoint one or more loan 35692
officers, and delegate to them the power to approve loans within 35693
limits fixed by the regulations, bylaws, or resolutions of the 35694
board. The authority of loan officers may also be further 35695
restricted by policies established by the credit committee or the 35696
board. Such loan officers also may be loan originators registered 35697
with the nationwide mortgage licensing system and registry as 35698
provided in section 1733.252 of the Revised Code. 35699

(B) Each loan officer appointed pursuant to division (A) of 35700
this section shall, within seven days of the filing of each loan 35701
application received by ~~him~~the loan officer from a member or by 35702
referral from another officer, furnish to the credit committee or 35703
to the board, whichever is applicable, a record of such 35704
application and ~~his~~the loan officer's disposition or 35705
recommendation for disposition of it. No person shall have 35706
authority to disburse funds of the credit union for any loan which 35707
has been approved by ~~him~~the loan officer in ~~his~~the capacity as a 35708
loan officer. 35709

(C) If the regulations provide for a credit committee, all 35710
applications for loans not approved by a loan officer may be 35711
reviewed by the credit committee, and the approval of the majority 35712
of the members of the committee who are present at the meeting 35713
when the review is undertaken shall be required to reverse the 35714

decision of the loan officer, provided that a majority of the full
committee is present.

In the absence of a credit committee, the board shall, upon
the written request of a member, review a loan application denied
by a loan officer.

Sec. 1739.05. (A) A multiple employer welfare arrangement
that is created pursuant to sections 1739.01 to 1739.22 of the
Revised Code and that operates a group self-insurance program may
be established only if any of the following applies:

(1) The arrangement has and maintains a minimum enrollment of
three hundred employees of two or more employers.

(2) The arrangement has and maintains a minimum enrollment of
three hundred self-employed individuals.

(3) The arrangement has and maintains a minimum enrollment of
three hundred employees or self-employed individuals in any
combination of divisions (A)(1) and (2) of this section.

(B) A multiple employer welfare arrangement that is created
pursuant to sections 1739.01 to 1739.22 of the Revised Code and
that operates a group self-insurance program shall comply with all
laws applicable to self-funded programs in this state, including
sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381
to 3901.3814, 3901.40, 3901.45, 3901.46, 3902.01 to 3902.14,
3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 3923.581,
3923.63, 3923.80, 3924.031, 3924.032, and 3924.27 of the
Revised Code.

(C) A multiple employer welfare arrangement created pursuant
to sections 1739.01 to 1739.22 of the Revised Code shall solicit
enrollments only through agents or solicitors licensed pursuant to
Chapter 3905. of the Revised Code to sell or solicit sickness and

accident insurance. 35744

(D) A multiple employer welfare arrangement created pursuant 35745
to sections 1739.01 to 1739.22 of the Revised Code shall provide 35746
benefits only to individuals who are members, employees of 35747
members, or the dependents of members or employees, or are 35748
eligible for continuation of coverage under section 1751.53 or 35749
3923.38 of the Revised Code or under Title X of the "Consolidated 35750
Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 35751
U.S.C.A. 1161, as amended. 35752

Sec. 1751.03. (A) Each application for a certificate of 35753
authority under this chapter shall be verified by an officer or 35754
authorized representative of the applicant, shall be in a format 35755
prescribed by the superintendent of insurance, and shall set forth 35756
or be accompanied by the following: 35757

(1) A certified copy of the applicant's articles of 35758
incorporation and all amendments to the articles of incorporation; 35759

(2) A copy of any regulations adopted for the government of 35760
the corporation, any bylaws, and any similar documents, and a copy 35761
of all amendments to these regulations, bylaws, and documents. The 35762
corporate secretary shall certify that these regulations, bylaws, 35763
documents, and amendments have been properly adopted or approved. 35764

(3) A list of the names, addresses, and official positions of 35765
the persons responsible for the conduct of the applicant, 35766
including all members of the board, the principal officers, and 35767
the person responsible for completing or filing financial 35768
statements with the department of insurance, accompanied by a 35769
completed original biographical affidavit and release of 35770
information for each of these persons on forms acceptable to the 35771
department; 35772

(4) A full and complete disclosure of the extent and nature 35773

of any contractual or other financial arrangement between the	35774
applicant and any provider or a person listed in division (A)(3)	35775
of this section, including, but not limited to, a full and	35776
complete disclosure of the financial interest held by any such	35777
provider or person in any health care facility, provider, or	35778
insurer that has entered into a financial relationship with the	35779
health insuring corporation;	35780
 (5) A description of the applicant, its facilities, and its	35781
personnel, including, but not limited to, the location, hours of	35782
operation, and telephone numbers of all contracted facilities;	35783
 (6) The applicant's projected annual enrollee population over	35784
a three-year period;	35785
 (7) A clear and specific description of the health care plan	35786
or plans to be used by the applicant, including a description of	35787
the proposed providers, procedures for accessing care, and the	35788
form of all proposed and existing contracts relating to the	35789
administration, delivery, or financing of health care services;	35790
 (8) A copy of each type of evidence of coverage and	35791
identification card or similar document to be issued to	35792
subscribers;	35793
 (9) A copy of each type of individual or group policy,	35794
contract, or agreement to be used;	35795
 (10) The schedule of the proposed contractual periodic	35796
prepayments or premium rates, or both, accompanied by appropriate	35797
supporting data;	35798
 (11) A financial plan which provides a three-year projection	35799
of operating results, including the projected expenses, income,	35800
and sources of working capital;	35801

(12) The enrollee complaint procedure to be utilized as required under section 1751.19 of the Revised Code;	35802 35803
(13) A description of the procedures and programs to be implemented on an ongoing basis to assure the quality of health care services delivered to enrollees, including, if applicable, a description of a quality assurance program complying with the requirements of sections 1751.73 to 1751.75 of the Revised Code;	35804 35805 35806 35807 35808
(14) A statement describing the geographic area or areas to be served, by county;	35809 35810
(15) A copy of all solicitation documents;	35811
(16) A balance sheet and other financial statements showing the applicant's assets, liabilities, income, and other sources of financial support;	35812 35813 35814
(17) A description of the nature and extent of any reinsurance program to be implemented, and a demonstration that errors and omission insurance and, if appropriate, fidelity insurance, will be in place upon the applicant's receipt of a certificate of authority;	35815 35816 35817 35818 35819
(18) Copies of all proposed or in force related-party or intercompany agreements with an explanation of the financial impact of these agreements on the applicant. If the applicant intends to enter into a contract for managerial or administrative services, with either an affiliated or an unaffiliated person, the applicant shall provide a copy of the contract and a detailed description of the person to provide these services. The description shall include that person's experience in managing or administering health care plans, a copy of that person's most recent audited financial statement, and a completed biographical affidavit on a form acceptable to the superintendent for each of that person's principal officers and board members and for any	35820 35821 35822 35823 35824 35825 35826 35827 35828 35829 35830 35831

additional employee to be directly involved in providing	35832
managerial or administrative services to the health insuring	35833
corporation. If the person to provide managerial or administrative	35834
services is affiliated with the health insuring corporation, the	35835
contract must provide for payment for services based on actual	35836
costs.	35837
 (19) A statement from the applicant's board that the admitted	35838
assets of the applicant have not been and will not be pledged or	35839
hypothecated;	35840
 (20) A statement from the applicant's board that the	35841
applicant will submit monthly financial statements during the	35842
first year of operations;	35843
 (21) The name and address of the applicant's Ohio statutory	35844
agent for service of process, notice, or demand;	35845
 (22) Copies of all documents the applicant filed with the	35846
secretary of state;	35847
 (23) The location of those books and records of the applicant	35848
that must be maintained, which books and records shall be	35849
maintained in Ohio if the applicant is a domestic corporation, and	35850
which may be maintained either in the applicant's state of	35851
domicile or in Ohio if the applicant is a foreign corporation;	35852
 (24) The applicant's federal identification number, corporate	35853
address, and mailing address;	35854
 (25) An internal and external organizational chart;	35855
 (26) A list of the assets representing the initial net worth	35856
of the applicant;	35857
 (27) If the applicant has a parent company, the parent	35858

company's guaranty, on a form acceptable to the superintendent,	35859
that the applicant will maintain Ohio's minimum net worth. If no	35860
parent company exists, a statement regarding the availability of	35861
future funds if needed.	35862
 (28) The names and addresses of the applicant's actuary and	35863
external auditors;	35864
 (29) If the applicant is a foreign corporation, a copy of the	35865
most recent financial statements filed with the insurance	35866
regulatory agency in the applicant's state of domicile;	35867
 (30) If the applicant is a foreign corporation, a statement	35868
from the insurance regulatory agency of the applicant's state of	35869
domicile stating that the regulatory agency has no objection to	35870
the applicant applying for an Ohio license and that the applicant	35871
is in good standing in the applicant's state of domicile;	35872
 (31) Any other information that the superintendent may	35873
require;	35874
 (32) Documentation acceptable to the superintendent of the	35875
bond or securities required by section 1751.271 of the Revised	35876
Code.	35877
 (B)(1) A health insuring corporation, unless otherwise	35878
provided for in this chapter or in section 3901.321 of the Revised	35879
Code, shall file a timely notice with the superintendent	35880
describing any change to the corporation's articles of	35881
incorporation or regulations, or any major modification to its	35882
operations as set out in the information required by division (A)	35883
of this section that affects any of the following:	35884
 (a) The solvency of the health insuring corporation;	35885
 (b) The health insuring corporation's continued provision of	35886

services that it has contracted to provide; 35887

(c) The manner in which the health insuring corporation 35888
conducts its business. 35889

(2) If the change or modification is to be the result of an 35890
action to be taken by the health insuring corporation, the notice 35891
shall be filed with the superintendent prior to the health 35892
insuring corporation taking the action. The action shall be deemed 35893
approved if the superintendent does not disapprove it within sixty 35894
days of filing. 35895

(3) The filing of a notice pursuant to division (B)(1) or (2) 35896
of this section shall also serve as the submission of a notice 35897
when required for the superintendent's review for purposes of 35898
section 3901.341 of the Revised Code, if the notice contains all 35899
of the information that section 3901.341 of the Revised Code 35900
requires for such submissions and a copy of any written agreement. 35901
The filing of such a notice, for the purpose of satisfying this 35902
division and section 3901.341 of the Revised Code, shall be 35903
subject to the sixty-day review period of division (B)(2) of this 35904
section. 35905

(C)(1) No health insuring corporation shall expand its 35906
approved service area until a copy of the request for expansion, 35907
accompanied by documentation of the network of providers, forms of 35908
all proposed or existing provider contracts relating to the 35909
delivery of health care services, a schedule of proposed 35910
contractual periodic prepayments and premium rates for group 35911
contracts accompanied by appropriate supporting data, enrollment 35912
projections, plan of operation, and any other changes have been 35913
filed with the superintendent. 35914

(2) ~~Within ten calendar days after receipt of a complete 35915~~
~~filing under division (C)(1) of this section, the superintendent 35916~~
~~shall refer the appropriate jurisdictional issues to the director 35917~~

of health if required pursuant to section 1751.04 of the Revised Code. 35918
35919

(3) Within seventy-five days after the superintendent's 35920
receipt of a complete filing under division (C)(1) of this 35921
section, the superintendent shall determine whether the plan for 35922
expansion is lawful, fair, and reasonable. If a referral is 35923
required pursuant to section 1751.04 of the Revised Code, the 35924
superintendent may not make a determination until the 35925
superintendent has received the director's certification of 35926
compliance, which the director shall furnish within forty-five 35927
days after the referral under division (C)(2) of this section. The 35928
director shall not certify that the requirements of section 35929
1751.04 of the Revised Code are not met, unless the applicant has 35930
been given an opportunity for a hearing as provided in division 35931
(D) of section 1751.04 of the Revised Code. The forty-five-day and 35932
seventy-five-day review periods provided for in division (C)(3) of 35933
this section shall cease to run as of the date on which the notice 35934
of the applicant's right to request a hearing is mailed and shall 35935
remain suspended until the director issues a final certification. 35936

(4) If the superintendent has not approved or disapproved all 35937
or a portion of a service area expansion within the 35938
seventy-five-day period provided for in division (C)(3) of this 35939
section, the filing shall be deemed approved. 35940

(5)(3) Disapproval of all or a portion of the filing shall be 35941
effected by written notice, which shall state the grounds for the 35942
order of disapproval and shall be given in accordance with Chapter 35943
119. of the Revised Code. 35944

Sec. 1751.04. (A) Except as provided by division (F)(D) of 35945
this section, upon the receipt by the superintendent of insurance 35946
of a complete application for a certificate of authority to 35947
establish or operate a health insuring corporation, which 35948
application sets forth or is accompanied by the information and 35949

documents required by division (A) of section 1751.03 of the Revised Code, the superintendent shall ~~transmit copies of the application and accompanying documents to the director of health.~~

~~(B) The director shall~~ review the application and accompanying documents and make findings as to whether the applicant for a certificate of authority has done all of the following with respect to any basic health care services and supplemental health care services to be furnished:

(1) Demonstrated the willingness and potential ability to ensure that all basic health care services and supplemental health care services described in the evidence of coverage will be provided to all its enrollees as promptly as is appropriate and in a manner that assures continuity;

(2) Made effective arrangements to ensure that its enrollees have reliable access to qualified providers in those specialties that are generally available in the geographic area or areas to be served by the applicant and that are necessary to provide all basic health care services and supplemental health care services described in the evidence of coverage;

(3) Made appropriate arrangements for the availability of short-term health care services in emergencies within the geographic area or areas to be served by the applicant, twenty-four hours per day, seven days per week, and for the provision of adequate coverage whenever an out-of-area emergency arises;

(4) Made appropriate arrangements for an ongoing evaluation and assurance of the quality of health care services provided to enrollees, including, if applicable, the development of a quality assurance program complying with the requirements of sections 1751.73 to 1751.75 of the Revised Code, and the adequacy of the personnel, facilities, and equipment by or through which the

services are rendered; 35981

(5) Developed a procedure to gather and report statistics 35982
relating to the cost and effectiveness of its operations, the 35983
pattern of utilization of its services, and the quality, 35984
availability, and accessibility of its services. 35985

~~(C) Within ninety days of the director's receipt of~~ (B) Based 35986
upon the information provided in the application for issuance of a 35987
certificate of authority, the ~~director shall certify to the~~ 35988
superintendent shall determine whether or not the applicant meets 35989
the requirements of division ~~(B)~~(A) of this section ~~and sections~~ 35990
~~3702.51 to 3702.62 of the Revised Code~~. If the ~~director certifies~~ 35991
superintendent determines that the applicant does not meet these 35992
requirements, the ~~director~~superintendent shall specify in what 35993
respects it is deficient. However, the ~~director~~superintendent 35994
shall not ~~certify that~~deny an application because the 35995
requirements of this section are not met unless the applicant has 35996
been given an opportunity for a hearing on that issue. 35997

~~(D)~~(C) If the applicant requests a hearing, the ~~director~~ 35998
superintendent shall hold a hearing before ~~certifying that~~ 35999
denying an application because the applicant does not meet the 36000
requirements of this section. The hearing shall be held in 36001
accordance with Chapter 119. of the Revised Code. 36002

~~(E) The ninety-day review period provided for under division~~ 36003
~~(C) of this section shall cease to run as of the date on which the~~ 36004
~~notice of the applicant's right to request a hearing is mailed and~~ 36005
~~shall remain suspended until the director issues a final~~ 36006
~~certification order.~~ 36007

~~(F)~~(D) Nothing in this section requires the ~~director~~ 36008
superintendent to review or make findings with regard to an 36009
application and accompanying documents to establish or operate 36010
any of the following: 36011

(1) A health insuring corporation to cover solely medicaid recipients;	36012 36013
(2) A health insuring corporation to cover solely medicare beneficiaries;	36014 36015
(3) A health insuring corporation to cover solely medicaid recipients and medicare beneficiaries;	36016 36017
(4) A health insuring corporation to cover solely participants of the children's buy-in program;	36018 36019
(5) A health insuring corporation to cover solely medicaid recipients and participants of the children's buy-in program;	36020 36021
(6) A health insuring corporation to cover solely medicaid recipients, medicare beneficiaries, and participants of the children's buy-in program.	36022 36023 36024
Sec. 1751.05. (A) The superintendent of insurance shall issue or deny a certificate of authority to ~~health insuring corporations within the deadlines specified as follows:~~	36025 36026 36027
~~(1) For a health insuring corporation filing an application pursuant to section 1751.03 of the Revised Code, forty-five days from the superintendent's receipt of the certification from the director of health under division (C) of section 1751.04 of the Revised Code;~~	36028 36029 36030 36031 36032
~~(2) <u>One</u>one hundred thirty-five days from the superintendent's receipt of a complete application and accompanying documents if the health insuring corporation is to cover solely the following:~~	36033 36034 36035 36036
~~(a) Medicaid recipients;~~	36037

(b) Medicare beneficiaries;	36038
(c) Medicaid recipients and medicare beneficiaries;	36039
(d) Participants of the children's buy-in program;	36040
(e) Medicaid recipients and participants of the children's buy-in program;	36041 36042
(f) Medicaid recipients, medicare beneficiaries, and participants of the children's buy-in program.	36043 36044
(B) A certificate of authority shall be issued upon payment of the application fee prescribed in section 1751.44 of the Revised Code if the superintendent is satisfied that the following conditions are met:	36045 36046 36047 36048
(1) The persons responsible for the conduct of the affairs of the applicant are competent, trustworthy, and possess good reputations.	36049 36050 36051
(2) The ~~director certifies~~ <u>superintendent determines</u> , in accordance with division ~~(C)~~ <u>(B)</u> of section 1751.04 of the Revised Code, that the organization's proposed plan of operation meets the requirements of division ~~(B)~~ <u>(A)</u> of that section and sections ~~3702.51 to 3702.62 of the Revised Code. If, after the director~~ ~~has certified compliance, the application is amended in a manner~~ ~~that affects its approval under section 1751.04 of the Revised~~ ~~Code, the superintendent shall request the director to review and~~ ~~recertify the amended plan of operation. Within forty-five days~~ ~~of receipt of the amended plan from the superintendent, the~~ ~~director shall certify to the superintendent, pursuant to section~~ ~~1751.04 of the Revised Code, whether or not the amended plan~~ ~~meets the requirements of section 1751.04 of the Revised Code.~~ ~~The superintendent's forty-five-day review period shall cease to~~ ~~run as of the date on which the amended plan is transmitted to~~	36052 36053 36054 36055 36056 36057 36058 36059 36060 36061 36062 36063 36064 36065 36066

~~the director and shall remain suspended until the superintendent receives a new certification from the director.~~

(3) The applicant constitutes an appropriate mechanism to effectively provide or arrange for the provision of the basic health care services, supplemental health care services, or specialty health care services to be provided to enrollees.

(4) The applicant is financially responsible, complies with section 1751.28 of the Revised Code, and may reasonably be expected to meet its obligations to enrollees and prospective enrollees. In making this determination, the superintendent may consider:

(a) The financial soundness of the applicant's arrangements for health care services, including the applicant's proposed contractual periodic prepayments or premiums and the use of copayments and deductibles;

(b) The adequacy of working capital;

(c) Any agreement with an insurer, a government, or any other person for insuring the payment of the cost of health care services or providing for automatic applicability of an alternative coverage in the event of discontinuance of the health insuring corporation's operations;

(d) Any agreement with providers or health care facilities for the provision of health care services;

(e) Any deposit of securities submitted in accordance with section 1751.27 of the Revised Code as a guarantee that the obligations will be performed.

(5) The applicant has submitted documentation of an arrangement to provide health care services to its enrollees until

the expiration of the enrollees' contracts with the applicant if a	36095
health care plan or the operations of the health insuring	36096
corporation are discontinued prior to the expiration of the	36097
enrollees' contracts. An arrangement to provide health care	36098
services may be made by using any one, or any combination, of the	36099
following methods:	36100
(a) The maintenance of insolvency insurance;	36101
(b) A provision in contracts with providers and health care	36102
facilities, but no health insuring corporation shall rely solely	36103
on such a provision for more than thirty days;	36104
(c) An agreement with other health insuring corporations or	36105
insurers, providing enrollees with automatic conversion rights	36106
upon the discontinuation of a health care plan or the health	36107
insuring corporation's operations;	36108
(d) Such other methods as approved by the superintendent.	36109
(6) Nothing in the applicant's proposed method of operation,	36110
as shown by the information submitted pursuant to section 1751.03	36111
of the Revised Code or by independent investigation, will cause	36112
harm to an enrollee or to the public at large, as determined by	36113
the superintendent.	36114
(7) Any deficiencies ~~certified~~ <u>identified</u> by the ~~director~~	36115
<u>superintendent under section 1751.04 of the Revised Code</u> have been	36116
corrected.	36117
(8) The applicant has deposited securities as set forth in	36118
section 1751.27 of the Revised Code.	36119
(C) If an applicant elects to fulfill the requirements of	36120
division ~~(A)~~ <u>(B)</u> (5) of this section through an agreement with other	36121
health insuring corporations or insurers, the agreement shall	36122

require those health insuring corporations or insurers to give 36123
thirty days' notice to the superintendent prior to cancellation or 36124
discontinuation of the agreement for any reason. 36125

(D) A certificate of authority shall be denied only after 36126
compliance with the requirements of section 1751.36 of the Revised 36127
Code. 36128

Sec. 1751.14. (A) ~~Any~~Notwithstanding section 3901.71 of 36129
the Revised Code, any policy, contract, or agreement for health 36130
care services authorized by this chapter that is issued, 36131
delivered, or renewed in this state and that provides that 36132
coverage of an unmarried dependent child will terminate upon 36133
attainment of the limiting age for dependent children specified 36134
in the policy, contract, or agreement, shall also provide in 36135
substance ~~that~~both of the following: 36136

(1) Once an unmarried child has attained the limiting age for 36137
dependent children, as provided in the policy, contract, or 36138
agreement, upon the request of the subscriber, the health insuring 36139
corporation shall offer to cover the unmarried child until the 36140
child attains twenty-eight years of age if all of the following 36141
are true: 36142

(a) The child is the natural child, stepchild, or adopted 36143
child of the subscriber. 36144

(b) The child is a resident of this state or a full-time 36145
student at an accredited public or private institution of higher 36146
education. 36147

(c) The child is not employed by an employer that offers any 36148
health benefit plan under which the child is eligible for 36149
coverage. 36150

(d) After having attained the limiting age, the child has 36151

<u>been continuously covered under any health benefit plan.</u>	36152
<u>(e) The child is not eligible for coverage under the medicaid</u>	36153
<u>program established under Chapter 5111. of the Revised Code or the</u>	36154
<u>medicare program established under Title XVIII of the "Social</u>	36155
<u>Security Act," 42 U.S.C. 1395.</u>	36156
<u>(2) That attainment of the limiting age for dependent</u>	36157
<u>children shall not operate to terminate the coverage of thea</u>	36158
<u>dependent child if the child is and continues to be both of the</u>	36159
<u>following:</u>	36160
<u>(1)(a) Incapable of self-sustaining employment by reason of</u>	36161
<u>mental retardation or physical handicap;</u>	36162
<u>(2)(b) Primarily dependent upon the subscriber for support</u>	36163
<u>and maintenance.</u>	36164
<u>(B) Proof of incapacity and dependence for purposes of</u>	36165
<u>division (A)(2) of this section shall be furnished to the health</u>	36166
<u>insuring corporation within thirty-one days of the child's</u>	36167
<u>attainment of the limiting age. Upon request, but not more</u>	36168
<u>frequently than annually, the health insuring corporation may</u>	36169
<u>require proof satisfactory to it of the continuance of such</u>	36170
<u>incapacity and dependency.</u>	36171
<u>(C) Nothing in this section shall do any of the following:</u>	36172
<u>(1) Require that any policy, contract, or agreement offer</u>	36173
<u>coverage for dependent children or provide coverage for an</u>	36174
<u>unmarried dependent child's children as dependents on the</u>	36175
<u>policy, contract, or agreement;</u>	36176
<u>(2) Require an employer to pay for any part of the premium</u>	36177
<u>for an unmarried dependent child that has attained the limiting</u>	36178
<u>age for dependents, as provided in the policy, contract, or</u>	36179

<u>agreement;</u>	36180
<u>(3) Require an employer to offer health insurance coverage to the dependents of any employee.</u>	36181 36182
<u>(D) This section does not apply to any health insuring corporation policy, contract, or agreement offering only supplemental health care services or specialty health care services.</u>	36183 36184 36185 36186
<u>(E) As used in this section, "health benefit plan" has the same meaning as in section 3924.01 of the Revised Code and also includes both of the following:</u>	36187 36188 36189
<u>(1) A public employee benefit plan;</u>	36190
<u>(2) A health benefit plan as regulated under the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq.</u>	36191 36192
Sec. 1751.15. ~~(A) After a health insuring corporation has furnished, directly or indirectly, basic health care services for a period of twenty four months, and if it currently meets the financial requirements set forth in section 1751.28 of the Revised Code and had net income as reported to the superintendent of insurance for at least one of the preceeding four calendar quarters, it shall hold an annual open enrollment period of not less than thirty days during its month of licensure for individuals who are not federally eligible individuals at the time they apply for enrollment.~~	36193 36194 36195 36196 36197 36198 36199 36200 36201 36202
~~(B) During the open enrollment period described in division (A) of this section, the health insuring corporation shall accept applicants and their dependents in the order in which they apply for enrollment and in accordance with any of the following:~~	36203 36204 36205 36206
~~(1) Up to its capacity, as determined by the health insuring~~	36207

corporation subject to review by the superintendent;	36208
(2) If less than its capacity, one per cent of the health	36209
insuring corporation's total number of subscribers residing in	36210
this state as of the immediately preceding thirty-first day of	36211
December.	36212
(C) Where a health insuring corporation demonstrates to the	36213
satisfaction of the superintendent that such open enrollment would	36214
jeopardize its economic viability, the superintendent may do any	36215
of the following:	36216
(1) Waive the requirement for open enrollment;	36217
(2) Impose a limit on the number of applicants and their	36218
dependents that must be enrolled;	36219
(3) Authorize such underwriting restrictions upon open	36220
enrollment as are necessary to do any of the following:	36221
(a) Preserve its financial stability;	36222
(b) Prevent excessive adverse selection;	36223
(c) Avoid unreasonably high or unmarketable charges for	36224
coverage of health care services.	36225
(D)(1) A request to the superintendent under division (C) of	36226
this section for any restriction, limit, or waiver during an open	36227
enrollment period must be accompanied by supporting documentation,	36228
including financial data. In reviewing the request, the	36229
superintendent may consider various factors, including the size of	36230
the health insuring corporation, the health insuring corporation's	36231
net worth and profitability, the health insuring corporation's	36232
delivery system structure, and the effect on profitability of	36233
prior open enrollments.	36234

(2) Any action taken by the superintendent under division (C)	36235
of this section shall be effective for a period of not more than	36236
one year. At the expiration of such time, a new demonstration of	36237
the health insuring corporation's need for the restriction, limit,	36238
or waiver shall be made before a new restriction, limit, or waiver	36239
is granted by the superintendent.	36240
(3) Irrespective of the granting of any restriction, limit,	36241
or waiver by the superintendent, a health insuring corporation may	36242
reject an applicant or a dependent of the applicant during its	36243
open enrollment period if the applicant or dependent:	36244
(a) Was eligible for and was covered under any	36245
employer-sponsored health care coverage, or if employer-sponsored	36246
health care coverage was available at the time of open enrollment;	36247
(b) Is eligible for continuation coverage under state or	36248
federal law;	36249
(c) Is eligible for medicare, and the health insuring	36250
corporation does not have an agreement on appropriate payment	36251
mechanisms with the governmental agency administering the medicare	36252
program.	36253
(E) A health insuring corporation shall not be required	36254
either to enroll applicants or their dependents who are confined	36255
to a health care facility because of chronic illness, permanent	36256
injury, or other infirmity that would cause economic impairment to	36257
the health insuring corporation if such applicants or their	36258
dependents were enrolled or to make the effective date of benefits	36259
for applicants or their dependents enrolled under this section	36260
earlier than ninety days after the date of enrollment.	36261
(F) A health insuring corporation shall not be required to	36262
cover the fees or costs, or both, for any basic health care	36263
service related to a transplant of a body organ if the transplant	36264

occurs within one year after the effective date of an enrollee's 36265
coverage under this section. This limitation on coverage does not 36266
apply to a newly born child who meets the requirements for 36267
coverage under section 1751.61 of the Revised Code. 36268

(G) Each health insuring corporation required to hold an open 36269
enrollment pursuant to division (A) of this section shall file 36270
with the superintendent, not later than sixty days prior to the 36271
commencement of the proposed open enrollment period, the following 36272
documents: 36273

(1) The proposed public notice of open enrollment; 36274

(2) The evidence of coverage approved pursuant to section 36275
1751.11 of the Revised Code that will be used during open 36276
enrollment; 36277

(3) The contractual periodic prepayment and premium rate 36278
approved pursuant to section 1751.12 of the Revised Code that will 36279
be applicable during open enrollment; 36280

(4) Any solicitation document approved pursuant to section 36281
1751.31 of the Revised Code to be sent to applicants, including 36282
the application form that will be used during open enrollment; 36283

(5) A list of the proposed dates of publication of the public 36284
notice, and the names of the newspapers in which the notice will 36285
appear; 36286

(6) Any request for a restriction, limit, or waiver with 36287
respect to the open enrollment period, along with any supporting 36288
documentation. 36289

(H)(1) An open enrollment period shall not satisfy the 36290
requirements of this section unless the health insuring 36291
corporation provides adequate public notice in accordance with 36292

~~divisions (H)(2) and (3) of this section. No public notice shall be used until the form of the public notice has been filed by the health insuring corporation with the superintendent. If the superintendent does not disapprove the public notice within sixty days after it is filed, it shall be deemed approved, unless the superintendent sooner gives approval for the public notice. If the superintendent determines within this sixty-day period that the public notice fails to meet the requirements of this section, the superintendent shall so notify the health insuring corporation and it shall be unlawful for the health insuring corporation to use the public notice. Such disapproval shall be effected by a written order, which shall state the grounds for disapproval and shall be issued in accordance with Chapter 119. of the Revised Code.~~

~~(2) A public notice pursuant to division (H)(1) of this section shall be published in at least one newspaper of general circulation in each county in the health insuring corporation's service area, at least once in each of the two weeks immediately preceding the month in which the open enrollment is to occur and in each week of that month, or until the enrollment limitation is reached, whichever occurs first. The notice published during the last week of open enrollment shall appear not less than five days before the end of the open enrollment period. It shall be at least two newspaper columns wide or two and one-half inches wide, whichever is larger. The first two lines of the text shall be published in not less than twelve-point, boldface type. The remainder of the text of the notice shall be published in not less than eight-point type. The entire public notice shall be surrounded by a continuous black line not less than one-eighth of an inch wide.~~

~~(3) The following information shall be included in the public notice provided under division (H)(2) of this section:~~

~~(a) The dates that open enrollment will be held and the date~~

coverage obtained under the open enrollment will become effective;	36325
(b) Notice that an applicant or the applicant's dependents will not be denied coverage during open enrollment because of a preexisting health condition, but that some limitations and restrictions may apply;	36326 36327 36328 36329
(c) The address where a person may obtain an application;	36330
(d) The telephone number that a person may call to request an application or to ask questions;	36331 36332
(e) The date the first payment will be due;	36333
(f) The actual rates or range of rates that will be applicable for applicants;	36334 36335
(g) Any limitation granted by the superintendent on the number of applications that will be accepted by the health insuring corporation.	36336 36337 36338
(4) Within thirty days after the end of an open enrollment period, the health insuring corporation shall submit to the superintendent proof of publication for the public notices, and shall report the total number of applicants and their dependents enrolled during the open enrollment period.	36339 36340 36341 36342 36343
(I)(1) No health insuring corporation may employ any scheme, plan, or device that restricts the ability of any person to enroll during open enrollment.	36344 36345 36346
(2) No health insuring corporation may require enrollment to be made in person. Every health insuring corporation shall permit application for coverage by mail. A representative of the health insuring corporation may visit an applicant who has submitted an application by mail, in order to explain the operations of the	36347 36348 36349 36350 36351

health insuring corporation and to answer any questions the	36352
applicant may have. Every health insuring corporation shall make	36353
open enrollment applications and solicitation documents readily	36354
available to any potential applicant who requests such material.	36355
 (J) An application postmarked on the last day of an open	36356
enrollment period shall qualify as a valid application, regardless	36357
of the date on which it is received by the health insuring	36358
corporation.	36359
 (K) This section does not apply to any of the following:	36360
 (1) Any health insuring corporation that offers only	36361
supplemental health care services or specialty health care	36362
services;	36363
 (2) Any health insuring corporation that offers plans only	36364
through medicare, medicaid, or the children's buy in program and	36365
that has no other commercial enrollment;	36366
 (3) Any health insuring corporation that offers plans only	36367
through other federal health care programs regulated by federal	36368
regulatory bodies and that has no other commercial enrollment;	36369
 (4) Any health insuring corporation that offers plans only	36370
through contracts covering officers or employees of the state that	36371
have been entered into by the department of administrative	36372
services and that has no other commercial enrollment.	36373
 (L) Each health insuring corporation shall accept federally	36374
eligible individuals for open enrollment coverage as provided in	36375
sectionsections 3923.58 and 3923.581 of the Revised Code. A	36376
health insuring corporation may reinsure coverage of any federally	36377
eligible individual acquired under that sectionthose sections	36378
with the open enrollment reinsurance program in accordance with	36379
division (G) of section 3924.11 of the Revised Code. Fixed	36380

periodic prepayment rates charged for coverage reinsured by the 36381
program shall be established in accordance with section 3924.12 36382
of the Revised Code. 36383

~~(M) As used in this section, "federally eligible individual"~~ 36384
~~means an eligible individual as defined in 45 C.F.R. 148.103.~~ 36385

(B) This section does not apply to any of the following: 36386

(1) Any health insuring corporation that offers only 36387
supplemental health care services or specialty health care 36388
services; 36389

(2) Any health insuring corporation that offers plans only 36390
through medicare, medicaid, or the children's buy-in program and 36391
that has no other commercial enrollment; 36392

(3) Any health insuring corporation that offers plans only 36393
through other federal health care programs regulated by federal 36394
regulatory bodies and that has no other commercial enrollment; 36395

(4) Any health insuring corporation that offers plans only 36396
through contracts covering officers or employees of the state that 36397
have been entered into by the department of administrative 36398
services and that has no other commercial enrollment. 36399

Sec. 1751.16. (A) Except as provided in division (F) of this 36400
section, every group contract issued by a health insuring 36401
corporation shall provide an option for conversion to an 36402
individual contract issued on a direct-payment basis to any 36403
subscriber covered by the group contract who terminates employment 36404
or membership in the group, unless: 36405

(1) Termination of the conversion option or contract is based 36406
upon nonpayment of premium after reasonable notice in writing has 36407
been given by the health insuring corporation to the subscriber. 36408

(2) The subscriber is, or is eligible to be, covered for	36409
benefits at least comparable to the group contract under any of	36410
the following:	36411
(a) Medicare;	36412
(b) Any act of congress or law under this or any other state	36413
of the United States providing coverage at least comparable to the	36414
benefits under division (A)(2)(a) of this section;	36415
(c) Any policy of insurance or health care plan providing	36416
coverage at least comparable to the benefits under division	36417
(A)(2)(a) of this section.	36418
(B)(1) The direct-payment contract offered by the health	36419
insuring corporation pursuant to division (A) of this section	36420
shall provide the following:	36421
(a) In the case of an individual who is not a federally	36422
eligible individual, benefits comparable to benefits in any of the	36423
individual contracts then being issued to individual subscribers	36424
by the health insuring corporation;	36425
(b) In the case of a federally eligible individual, a basic	36426
and standard plan established by the board of directors of the	36427
~~Ohio health reinsurance program~~ under section 3924.10 of the	36428
<u>Revised Code</u> or plans substantially similar to the basic and	36429
standard plan in benefit design and scope of covered services. For	36430
purposes of division (B)(1)(b) of this section, the	36431
superintendent of insurance shall determine whether a plan is	36432
substantially similar to the basic or standard plan in benefit	36433
design and scope of covered services. The contractual periodic	36434
prepayments charged for such plans may not exceed ~~an amount that~~	36435
~~is two times the midpoint of the standard~~ <u>the amounts specified</u>	36436
<u>below:</u>	36437

<u>(i) For calendar years 2010 and 2011, an amount that is two</u>	36438
<u>times the base rate charged any other individual of a group to</u>	36439
<u>which the organization is currently accepting new business and</u>	36440
<u>for which similar copayments and deductibles are applied;</u>	36441
<u>(ii) For calendar year 2012 and every calendar year</u>	36442
<u>thereafter, an amount that is one and one-half times the base</u>	36443
<u>rate charged any other individual of a group to which the health</u>	36444
<u>insuring corporation is currently accepting new business and for</u>	36445
<u>which similar copayments and deductibles are applied, unless the</u>	36446
<u>superintendent of insurance determines that the amendments by</u>	36447
<u>this act to sections 3923.58 and 3923.581 of the Revised Code,</u>	36448
<u>have resulted in the market-wide average medical loss ratio for</u>	36449
<u>coverage sold to individual insureds and nonemployer group</u>	36450
<u>insureds in this state, including open enrollment insureds, to</u>	36451
<u>increase by more than five and one quarter percentage points</u>	36452
<u>during calendar year 2010. If the superintendent makes that</u>	36453
<u>determination, the premium limit established by division</u>	36454
<u>(B)(1)(b)(i) of this section shall remain in effect.</u>	36455
(2) The direct payment contract offered pursuant to division	36456
(A) of this section may include a coordination of benefits	36457
provision as approved by the superintendent.	36458
(3) For purposes of division (B) of this section ~~"federally;~~	36459
<u>(a) "Federally eligible individual" means an eligible</u>	36460
<u>individual as defined in 45 C.F.R. 148.103.</u>	36461
<u>(b) "Base rate" means, as to any health benefit plan that is</u>	36462
<u>issued by a health insuring corporation, the lowest premium rate</u>	36463
<u>for new or existing business prescribed by the health insuring</u>	36464
<u>corporation for the same or similar coverage under a plan or</u>	36465
<u>arrangement covering any individual in a group with similar case</u>	36466
<u>characteristics.</u>	36467

(C) The option for conversion shall be available:	36468
(1) Upon the death of the subscriber, to the surviving spouse	36469
with respect to such of the spouse and dependents as are then	36470
covered by the group contract;	36471
(2) To a child solely with respect to the child upon the	36472
child's attaining the limiting age of coverage under the group	36473
contract while covered as a dependent under the contract;	36474
(3) Upon the divorce, dissolution, or annulment of the	36475
marriage of the subscriber, to the divorced spouse, or, in the	36476
event of annulment, to the former spouse of the subscriber.	36477
(D) No health insuring corporation shall use age <u>or health</u>	36478
<u>status</u> as the basis for refusing to renew a converted contract.	36479
(E) Written notice of the conversion option provided by this	36480
section shall be given to the subscriber by the health insuring	36481
corporation by mail. The notice shall be sent to the subscriber's	36482
address in the records of the employer upon receipt of notice from	36483
the employer of the event giving rise to the conversion option. If	36484
the subscriber has not received notice of the conversion privilege	36485
at least fifteen days prior to the expiration of the thirty-day	36486
conversion period, then the subscriber shall have an additional	36487
period within which to exercise the privilege. This additional	36488
period shall expire fifteen days after the subscriber receives	36489
notice, but in no event shall the period extend beyond sixty days	36490
after the expiration of the thirty-day conversion period.	36491
(F) This section does not apply to any group contract	36492
offering only supplemental health care services or specialty	36493
health care services.	36494
Sec. 1751.18. (A)(1) No health insuring corporation shall	36495

cancel or fail to renew the coverage of a subscriber or enrollee 36496
because of any health status-related factor in relation to the 36497
subscriber or enrollee, the subscriber's or enrollee's 36498
requirements for health care services, or for any other reason 36499
designated under rules adopted by the superintendent of insurance. 36500

(2) Unless otherwise required by state or federal law, no 36501
health insuring corporation, or health care facility or provider 36502
through which the health insuring corporation has made 36503
arrangements to provide health care services, shall discriminate 36504
against any individual with regard to enrollment, disenrollment, 36505
or the quality of health care services rendered, on the basis of 36506
the individual's race, color, sex, age, religion, military status 36507
as defined in section 4112.01 of the Revised Code, or status as a 36508
recipient of medicare or medicaid, or any health status-related 36509
factor in relation to the individual. However, a health insuring 36510
corporation shall not be required to accept a recipient of 36511
medicare or medical assistance, if an agreement has not been 36512
reached on appropriate payment mechanisms between the health 36513
insuring corporation and the governmental agency administering 36514
these programs. Further, except ~~during a period of~~ open 36515
enrollment coverage under section 1751.15 sections 3923.58 and 36516
3923.581 of the Revised Code, a health insuring corporation may 36517
reject an applicant for nongroup enrollment on the basis of any 36518
health status-related factor in relation to the applicant. 36519

(B) A health insuring corporation may cancel or decide not to 36520
renew the coverage of an enrollee if the enrollee has performed an 36521
act or practice that constitutes fraud or intentional 36522
misrepresentation of material fact under the terms of the coverage 36523
and if the cancellation or nonrenewal is not based, either 36524
directly or indirectly, on any health status-related factor in 36525
relation to the enrollee. 36526

(C) An enrollee may appeal any action or decision of a health 36527

insuring corporation taken pursuant to section 2742(b) to (e) of 36528
the "Health Insurance Portability and Accountability Act of 1996," 36529
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as 36530
amended. To appeal, the enrollee may submit a written complaint 36531
to the health insuring corporation pursuant to section 1751.19 of 36532
the Revised Code. The enrollee may, within thirty days after 36533
receiving a written response from the health insuring corporation, 36534
appeal the health insuring corporation's action or decision to the 36535
superintendent. 36536

(D) As used in this section, "health status-related factor" 36537
means any of the following: 36538

(1) Health status; 36539

(2) Medical condition, including both physical and mental 36540
illnesses; 36541

(3) Claims experience; 36542

(4) Receipt of health care; 36543

(5) Medical history; 36544

(6) Genetic information; 36545

(7) Evidence of insurability, including conditions arising 36546
out of acts of domestic violence; 36547

(8) Disability. 36548

Sec. 1751.19. (A) A health insuring corporation shall 36549
establish and maintain a complaint system that has been approved 36550
by the superintendent of insurance to provide adequate and 36551
reasonable procedures for the expeditious resolution of written 36552
complaints initiated by subscribers or enrollees concerning any 36553
matter relating to services provided, directly or indirectly, by 36554

the health insuring corporation, including, but not limited to, 36555
complaints regarding cancellations or nonrenewals of coverage. 36556
Complaints regarding a health insuring corporation's decision to 36557
deny, reduce, or terminate coverage for health care services are 36558
subject to section 1751.83 of the Revised Code. 36559

(B) A health insuring corporation shall provide a timely 36560
written response to each written complaint it receives. 36561

(C)(1) Copies of complaints and responses, including medical 36562
records related to those complaints, shall be available to the 36563
superintendent ~~and the director of health~~ for inspection for three 36564
years. Any document or information provided to the superintendent 36565
pursuant to this division that contains a medical record is 36566
confidential, and is not a public record subject to section 149.43 36567
of the Revised Code. 36568

(2) Notwithstanding division (C)(1) of this section, the 36569
superintendent may share documents and information that contain a 36570
medical record in connection with the investigation or prosecution 36571
of any illegal or criminal activity with the chief deputy 36572
rehabilitator, the chief deputy liquidator, other deputy 36573
rehabilitators and liquidators, and any other person employed by, 36574
or acting on behalf of, the superintendent pursuant to Chapter 36575
3901. or 3903. of the Revised Code, with other local, state, 36576
federal, and international regulatory and law enforcement 36577
agencies, with local, state, and federal prosecutors, and with the 36578
national association of insurance commissioners and its affiliates 36579
and subsidiaries, provided that the recipient agrees to maintain 36580
the confidential or privileged status of the confidential or 36581
privileged document or information and has authority to do so. 36582

(3) Nothing in this section shall prohibit the superintendent 36583
from receiving documents and information in accordance with 36584
section 3901.045 of the Revised Code. 36585

(4) The superintendent may enter into agreements governing the sharing and use of documents and information consistent with the requirements of this section.

(5) No waiver of any applicable privilege or claim of confidentiality in the documents and information described in division (C)(1) of this section occurs as a result of sharing or receiving documents and information as authorized in divisions (C)(2) and (3) of this section.

(D) A health insuring corporation shall establish and maintain a procedure to accept complaints over the telephone or in person. These complaints are not subject to the reporting requirement under division (C) of section 1751.32 of the Revised Code.

(E) A health insuring corporation may comply with this section and section 1751.83 of the Revised Code by establishing one system for receiving and reviewing complaints and requests for internal review from enrollees and subscribers if the system meets the requirements of both sections.

Sec. 1751.32. Each health insuring corporation, annually, on or before the first day of March, shall file a report with the superintendent of insurance ~~and the director of health~~, covering the preceding calendar year.

The report shall be verified by an officer of the health insuring corporation, shall be in the form the superintendent prescribes, and shall include:

(A) A financial statement of the health insuring corporation, including its balance sheet and receipts and disbursements for the preceding year, which reflect, at a minimum:

(1) All premium rate and other payments received for health

care services rendered;	36615
(2) Expenditures with respect to all categories of providers, facilities, insurance companies, and other persons engaged to fulfill obligations of the health insuring corporation arising out of its health care policies, contracts, certificates, and agreements;	36616 36617 36618 36619 36620
(3) Expenditures for capital improvements or additions thereto, including, but not limited to, construction, renovation, or purchase of facilities and equipment.	36621 36622 36623
(B) A description of the enrollee population and composition, group and nongroup;	36624 36625
(C) A summary of enrollee written complaints and their disposition;	36626 36627
(D) A statement of the number of subscriber policies, contracts, certificates, and agreements that have been terminated by action of the health insuring corporation, including the number of enrollees affected;	36628 36629 36630 36631
(E) A summary of the information compiled pursuant to division (B)(5) of section 1751.04 of the Revised Code;	36632 36633
(F) A current report of the names and addresses of the persons responsible for the conduct of the affairs of the health insuring corporation as required by section 1751.03 of the Revised Code. Additionally, the report shall include the amount of wages, expense reimbursements, and other payments to these persons for services to the health insuring corporation, and shall include a full disclosure of the financial interests related to the operations of the health insuring corporation acquired by these persons during the preceding year.	36634 36635 36636 36637 36638 36639 36640 36641 36642

(G) An actuarial opinion in the form prescribed by the 36643
superintendent by rule; 36644

(H) Any other information relating to the performance of the 36645
health insuring corporation that is necessary to enable the 36646
superintendent to carry out the superintendent's duties under this 36647
chapter. 36648

Sec. 1751.321. Each health insuring corporation, annually, 36649
on or before the first day of June, shall file with the 36650
superintendent of insurance ~~and the director of health~~ an audit 36651
report certified by an independent certified public accountant 36652
covering the preceding calendar year. The report shall be verified 36653
by an officer of the health insuring corporation and shall be in 36654
the form prescribed by the superintendent by rule. 36655

Sec. 1751.34. (A) Each health insuring corporation and each 36656
applicant for a certificate of authority under this chapter shall 36657
be subject to examination by the superintendent of insurance in 36658
accordance with section 3901.07 of the Revised Code. Section 36659
3901.07 of the Revised Code shall govern every aspect of the 36660
examination, including the circumstances under and frequency with 36661
which it is conducted, the authority of the superintendent and any 36662
examiner or other person appointed by the superintendent, the 36663
liability for the assessment of expenses incurred in conducting 36664
the examination, and the remittance of the assessment to the 36665
superintendent's examination fund. 36666

(B) The ~~director of health~~superintendent shall make an 36667
examination concerning the matters subject to the ~~director's~~ 36668
superintendent's consideration in section 1751.04 of the Revised 36669
Code as often as the ~~director~~superintendent considers it 36670
necessary for the protection of the interests of the people of 36671
this state, ~~but not less frequently than once every three years.~~ 36672
The expenses of such examinations shall be assessed against the 36673
health insuring corporation being examined in the manner in which 36674

expenses of examinations are assessed against an insurance	36675
company under section 3901.07 of the Revised Code. Nothing in	36676
this division requires the ~~director~~ <u>superintendent</u> to make an	36677
examination of any of the following:	36678
(1) A health insuring corporation that covers solely medicaid	36679
recipients;	36680
(2) A health insuring corporation that covers solely	36681
medicare beneficiaries;	36682
(3) A health insuring corporation that covers solely	36683
medicaid recipients and medicare beneficiaries;	36684
(4) A health insuring corporation that covers solely	36685
participants of the children's buy-in program;	36686
(5) A health insuring corporation that covers solely medicaid	36687
recipients and participants of the children's buy-in program;	36688
(6) A health insuring corporation that covers solely medicaid	36689
recipients, medicare beneficiaries, and participants of the	36690
children's buy-in program.	36691
(C) An examination, pursuant to section 3901.07 of the	36692
Revised Code, of an insurance company holding a certificate of	36693
authority under this chapter to organize and operate a health	36694
insuring corporation shall include an examination of the health	36695
insuring corporation pursuant to this section and the examination	36696
shall satisfy the requirements of divisions (A) and (B) of this	36697
section.	36698
(D) The superintendent may conduct market conduct	36699
examinations pursuant to section 3901.011 of the Revised Code of	36700
any health insuring corporation as often as the superintendent	36701
considers it necessary for the protection of the interests of	36702

subscribers and enrollees. The expenses of such market conduct examinations shall be assessed against the health insuring corporation being examined. All costs, assessments, or fines collected under this division shall be paid into the state treasury to the credit of the department of insurance operating fund.

Sec. 1751.35. (A) The superintendent of insurance may suspend or revoke any certificate of authority issued to a health insuring corporation under this chapter if the superintendent finds that:

(1) The health insuring corporation is operating in contravention of its articles of incorporation, its health care plan or plans, or in a manner contrary to that described in and reasonably inferred from any other information submitted under section 1751.03 of the Revised Code, unless amendments to such submissions have been filed and have taken effect in compliance with this chapter.

(2) The health insuring corporation fails to issue evidences of coverage in compliance with the requirements of section 1751.11 of the Revised Code.

(3) The contractual periodic prepayments or premium rates used do not comply with the requirements of section 1751.12 of the Revised Code.

(4) The health insuring corporation enters into a contract, agreement, or other arrangement with any health care facility or provider, that does not comply with the requirements of section 1751.13 of the Revised Code, or the corporation fails to provide an annual certificate as required by section 1751.13 of the Revised Code.

(5) The ~~director of health has certified~~ superintendent

<u>determines</u> , after a hearing conducted in accordance with Chapter 119. of the Revised Code, that the health insuring corporation no longer meets the requirements of section 1751.04 of the Revised Code.	36733 36734 36735 36736
(6) The health insuring corporation is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees.	36737 36738 36739
(7) The health insuring corporation has failed to implement the complaint system that complies with the requirements of section 1751.19 of the Revised Code.	36740 36741 36742
(8) The health insuring corporation, or any agent or representative of the corporation, has advertised, merchandised, or solicited on its behalf in contravention of the requirements of section 1751.31 of the Revised Code.	36743 36744 36745 36746
(9) The health insuring corporation has unlawfully discriminated against any enrollee or prospective enrollee with respect to enrollment, disenrollment, or price or quality of health care services.	36747 36748 36749 36750
(10) The continued operation of the health insuring corporation would be hazardous or otherwise detrimental to its enrollees.	36751 36752 36753
(11) The health insuring corporation has submitted false information in any filing or submission required under this chapter or any rule adopted under this chapter.	36754 36755 36756
(12) The health insuring corporation has otherwise failed to substantially comply with this chapter or any rule adopted under this chapter.	36757 36758 36759
(13) The health insuring corporation is not operating a	36760

health care plan. 36761

(14) The health insuring corporation has failed to comply 36762
with any of the requirements of sections 1751.77 to 1751.88 of the 36763
Revised Code. 36764

(B) A certificate of authority shall be suspended or revoked 36765
only after compliance with the requirements of Chapter 119. of the 36766
Revised Code. 36767

(C) When the certificate of authority of a health insuring 36768
corporation is suspended, the health insuring corporation, during 36769
the period of suspension, shall not enroll any additional 36770
subscribers or enrollees except newborn children or other newly 36771
acquired dependents of existing subscribers or enrollees, and 36772
shall not engage in any advertising or solicitation whatsoever. 36773

(D) When the certificate of authority of a health insuring 36774
corporation is revoked, the health insuring corporation, following 36775
the effective date of the order of revocation, shall conduct no 36776
further business except as may be essential to the orderly 36777
conclusion of the affairs of the health insuring corporation. The 36778
health insuring corporation shall engage in no further advertising 36779
or solicitation whatsoever. The superintendent, by written order, 36780
may permit such further operation of the health insuring 36781
corporation as the superintendent may find to be in the best 36782
interest of enrollees, to the end that enrollees will be afforded 36783
the greatest practical opportunity to obtain continuing health 36784
care coverage. 36785

Sec. 1751.36. (A) When the superintendent of insurance has 36786
cause to believe that grounds for the denial of an application for 36787
a certificate of authority exist, or that grounds for the 36788
suspension or revocation of a certificate of authority exist, the 36789
superintendent shall notify the applicant or health insuring 36790
corporation ~~and the director of health~~ in writing, specifically 36791

stating the grounds for the denial, suspension, or revocation and 36792
setting a date of at least thirty days after the notification for 36793
a hearing on the matter. 36794

~~(B) The recommendations and findings of the director of 36795
health with respect to matters subject to the director's 36796
consideration under section 1751.04 of the Revised Code, provided 36797
in connection with any decision regarding the denial, suspension, 36798
or revocation of a certificate of authority, shall be reviewed and 36799
considered by the superintendent. After the hearing authorized by 36800
division (A) of this section, or upon the failure of the applicant 36801
or health insuring corporation to appear at the hearing, the 36802
superintendent shall take such action as in accordance with law 36803
and the evidence. The action shall be set out in written findings 36804
which shall be mailed to the applicant or health insuring 36805
corporation with a copy to the director of health. The action of 36806
the superintendent is subject to review in accordance with Chapter 36807
119. of the Revised Code, except that a certification by the 36808
director under division (D) of section 1751.04 or division (A)(5) 36809
of section 1751.35 of the Revised Code that was made in accordance 36810
with Chapter 119. of the Revised Code shall be final as to the 36811
matters certified. 36812~~

(C) Chapter 119. of the Revised Code applies to proceedings 36813
under this section to the extent that it is not in conflict with 36814
divisions (A) and (B) of this section. 36815

Sec. 1751.45. (A) In lieu of the suspension or revocation of 36816
a certificate of authority under section 1751.35 of the Revised 36817
Code, the superintendent of insurance, pursuant to an adjudication 36818
hearing initiated and conducted in accordance with Chapter 119. of 36819
the Revised Code, or by consent of the health insuring corporation 36820
without an adjudication hearing, may levy an administrative 36821
penalty. The administrative penalty shall be in an amount 36822
determined by the superintendent, but the administrative penalty 36823

shall not exceed one hundred thousand dollars per violation. 36824
Additionally, the superintendent may require the health insuring 36825
corporation to correct any deficiency that may be the basis for 36826
the suspension or revocation of the health insuring corporation's 36827
certificate of authority. All penalties collected shall be paid 36828
into the state treasury to the credit of the department of 36829
insurance operating fund. 36830

(B) If the superintendent ~~or the director of health~~ for any 36831
reason has cause to believe that any violation of this chapter has 36832
occurred or is threatened, the superintendent ~~or the director~~ may 36833
give notice to the health insuring corporation and to the 36834
representatives or other persons who appear to be involved in the 36835
suspected violation to arrange a conference with the suspected 36836
violators or their authorized representatives for the purpose of 36837
attempting to ascertain the facts relating to the suspected 36838
violation, and, if it appears that any violation has occurred or 36839
is threatened, to arrive at an adequate and effective means of 36840
correcting or preventing the violation. 36841

Proceedings under this division shall not be covered by any 36842
formal procedural requirements, and may be conducted in the manner 36843
the superintendent ~~or the director of health~~ may consider 36844
appropriate under the circumstances. 36845

(C)(1) The superintendent may issue an order directing a 36846
health insuring corporation or a representative of the health 36847
insuring corporation to cease and desist from engaging in any act 36848
or practice in violation of this chapter. Within thirty days after 36849
service of the order to cease and desist, the respondent may 36850
request a hearing on the question of whether acts or practices in 36851
violation of this chapter have occurred. Such hearings shall be 36852
conducted in accordance with Chapter 119. of the Revised Code and 36853
judicial review shall be available as provided by that chapter. 36854

(2) If the superintendent has reasonable cause to believe 36855

that an order issued pursuant to this division has been violated 36856
in whole or in part, the superintendent may request the attorney 36857
general to commence and prosecute any appropriate action or 36858
proceeding in the name of the state against the violators in the 36859
court of common pleas of Franklin county. The court in any such 36860
action or proceeding may levy civil penalties, not to exceed one 36861
hundred thousand dollars per violation, in addition to any other 36862
appropriate relief, including requiring a violator to pay the 36863
expenses reasonably incurred by the superintendent in enforcing 36864
the order. The penalties and fees collected under this division 36865
shall be paid into the state treasury to the credit of the 36866
department of insurance operating fund. 36867

Sec. 1751.46. (A) The superintendent of insurance ~~and the~~ 36868
~~director of health~~ may contract with qualified persons to make 36869
recommendations concerning the determinations required to be made 36870
by the superintendent ~~or the director~~ relative to an expansion of 36871
a service area pursuant to division (C) of section 1751.03 of the 36872
Revised Code, an application for a certificate of authority 36873
pursuant to sections 1751.04 and 1751.05 of the Revised Code, a 36874
contractual periodic prepayment or premium rate pursuant to 36875
section 1751.12 of the Revised Code, and an examination pursuant 36876
to division (B) of section 1751.34 of the Revised Code. The 36877
recommendations may be accepted in full or in part, or may be 36878
rejected, by the superintendent ~~or director~~. 36879

The total cost of a contract with a qualified person pursuant 36880
to this division shall represent the fair market value of the 36881
services provided and shall be borne by the health insuring 36882
corporation that is the subject of the determination required to 36883
be made by the superintendent ~~or the director~~. 36884

(B) No qualified person placed on contract by the 36885
superintendent ~~or the director~~ pursuant to division (A) of this 36886
section shall have a conflict of interest with the department of 36887

insurance, ~~the department of health,~~ or the health insuring
corporation.

Sec. 1751.48. ~~(A)~~ The superintendent of insurance may adopt
rules as are necessary to carry out the provisions of this
chapter. These rules shall be adopted in accordance with Chapter
119. of the Revised Code.

~~(B) The director of health may make recommendations to the
superintendent for rules that are necessary to enable the director
to carry out the director's responsibilities under this chapter,
including rules that prescribe standards relating to the
requirements set forth in division (B) of section 1751.04 of the
Revised Code. In adopting any rules pertaining to the director's
responsibilities, the superintendent shall consider the
recommendations of the director.~~

Sec. 1751.831. The superintendent of insurance shall
establish and maintain a system for receiving and reviewing
requests for review from or on behalf of enrollees who, under
section 1751.83 of the Revised Code, have been denied coverage of
a health care service or had coverage reduced or terminated when
the grounds for the denial, reduction, or termination is that the
service is not a service covered under the terms of the enrollee's
policy, contract, or agreement.

On receipt of a written request from an enrollee or
authorized person, the superintendent shall consider whether the
health care service is a service covered under the terms of the
enrollee's policy, contract, or agreement, except that the
superintendent shall not conduct a review under this section
unless the enrollee has exhausted the health insuring
corporation's internal review process established pursuant to
section 1751.83 of the Revised Code. The health insuring
corporation and the enrollee or authorized person shall provide
the superintendent with any information required by the

superintendent that is in their possession and is germane to the review.

Unless the superintendent is not able to do so because making the determination requires resolution of a medical issue, the superintendent shall determine whether the health care service at issue is a service covered under the terms of the enrollee's contract, policy, or agreement. The superintendent shall notify the enrollee, or authorized person, and the health insuring corporation of the superintendent's determination or that the superintendent is not able to make a determination.

If the superintendent notifies the health insuring corporation that making the determination requires the resolution of a medical issue, the health insuring corporation shall ~~afford the enrollee an opportunity for~~ initiate an external review under section 1751.84 or 1751.85 of the Revised Code. If the superintendent notifies the health insuring corporation that the health service is a covered service, the health insuring corporation shall ~~either cover the service or afford the enrollee an opportunity for an external review under section 1751.84 or 1751.85 of the Revised Code~~. If the superintendent notifies the health insuring corporation that the health care service is not a covered service, the health insuring corporation is not required to cover the service or afford the enrollee an external review.

Sec. 1751.84. (A) Except as provided in divisions (B) and (C) of this section, a health insuring corporation shall afford an enrollee an opportunity for an external review if both of the following are the case:

(1) The health insuring corporation has denied, reduced, or terminated coverage for what would be a covered health care service except for the fact that the health insuring corporation has determined that the health care service is not medically necessary;

(2) Except in the case of an expedited review, the service, 36952
plus any ancillary services and follow-up care, will cost the 36953
enrollee more than five hundred dollars if the proposed service is 36954
not covered by the health insuring corporation. 36955

External review shall be conducted in accordance with this 36956
section, except that if an enrollee with a terminal condition 36957
meets all of the criteria of division (A) of section 1751.85 of 36958
the Revised Code, an external review shall be conducted under that 36959
section. 36960

(B) An enrollee need not be afforded a review under this 36961
section in any of the following circumstances: 36962

(1) The superintendent of insurance has determined under 36963
section 1751.831 of the Revised Code that the health care service 36964
is not a service covered under the terms of the enrollee's policy, 36965
contract, or agreement. 36966

(2) Except as provided in section 1751.811 of the Revised 36967
Code, the enrollee has failed to exhaust the health insuring 36968
corporation's internal review process established pursuant to 36969
section 1751.83 of the Revised Code. 36970

(3) The enrollee has previously been afforded an external 36971
review for the same adverse determination and no new clinical 36972
information has been submitted to the health insuring corporation. 36973

(C)(1) A health insuring corporation may deny a request for 36974
an external review of an adverse determination if it is requested 36975
later than ~~sixty~~ one hundred eighty days after the enrollee's 36976
receipt of notice of the result of an internal review brought 36977
under section 1751.83 of the Revised Code. An external review may 36978
be requested by the enrollee, an authorized person, the enrollee's 36979
provider, or a health care facility rendering health care service 36980

to the enrollee. The enrollee may request a review without the approval of the provider or the health care facility rendering the health care service. The provider or health care facility may not request a review without the prior consent of the enrollee.

(2) An external review must be requested in writing, except that if the enrollee has a condition that requires expedited review, the review may be requested orally or by electronic means. When an oral or electronic request for review is made, written confirmation of the request shall be submitted to the health insuring corporation not later than five days after the oral or written request is submitted.

Except in the case of an expedited review, a request for an external review must be accompanied by written certification from the enrollee's provider or the health care facility rendering the health care service to the enrollee that the proposed service, plus any ancillary services and follow-up care, will cost the enrollee more than five hundred dollars if the proposed service is not covered by the health insuring corporation.

(3) For an expedited review, the enrollee's provider must certify that the enrollee's condition could, in the absence of immediate medical attention, result in any of the following:

(a) Placing the health of the enrollee or, with respect to a pregnant woman, the health of the enrollee or the unborn child, in serious jeopardy;

(b) Serious impairment to bodily functions;

(c) Serious dysfunction of any bodily organ or part.

(D) The procedures used in conducting an external review of an adverse determination shall include all of the following:

(1) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code.	37009 37010 37011
(2) Except as provided in division (D)(3) and (4) of this section, neither the clinical peer nor any health care facility with which the clinical peer is affiliated shall have any professional, familial, or financial affiliation with any of the following:	37012 37013 37014 37015 37016
(a) The health insuring corporation or any officer, director, or managerial employee of the health insuring corporation;	37017 37018
(b) The enrollee, the enrollee's provider, or the practice group of the enrollee's provider;	37019 37020
(c) The health care facility at which the health care service requested by the enrollee would be provided;	37021 37022
(d) The development or manufacture of the principal drug, device, procedure, or therapy proposed for the enrollee.	37023 37024
(3) Division (D)(2) of this section does not prohibit a clinical peer from conducting a review under any of the following circumstances:	37025 37026 37027
(a) The clinical peer is affiliated with an academic medical center that provides health care services to enrollees of the health insuring corporation.	37028 37029 37030
(b) The clinical peer has staff privileges at a health care facility that provides health care services to enrollees of the health insuring corporation.	37031 37032 37033
(c) The clinical peer is a participating provider but was not involved with the health insuring corporation's adverse	37034 37035

determination. 37036

(4) Division (D)(2) of this section does not prohibit the 37037
health insuring corporation from paying the independent review 37038
organization for the conduct of the review. 37039

(5) An enrollee shall not be required to pay for any part of 37040
the cost of the review. The cost of the review shall be borne by 37041
the health insuring corporation. 37042

(6)(a) The health insuring corporation shall provide to the 37043
independent review organization conducting the review a copy of 37044
those records in its possession that are relevant to the 37045
enrollee's medical condition and the review. The records shall be 37046
used solely for the purpose of this division. 37047

At the request of the independent review organization, the 37048
health insuring corporation, enrollee, or the provider or health 37049
care facility rendering health care services to the enrollee shall 37050
provide any additional information the independent review 37051
organization requests to complete the review. A request for 37052
additional information may be made in writing, orally, or by 37053
electronic means. The independent review organization shall submit 37054
the request to the enrollee and health insuring corporation. If a 37055
request is submitted orally or by electronic means to an enrollee 37056
or health insuring corporation, not later than five days after the 37057
request is submitted, the independent review organization shall 37058
provide written confirmation of the request. If the review was 37059
initiated by a provider or health care facility, a copy of the 37060
request shall be submitted to the provider or health care 37061
facility. 37062

(b) An independent review organization is not required to 37063
make a decision if it has not received any requested information 37064
that it considers necessary to complete a review. An independent 37065
review organization that does not make a decision for this reason 37066

shall notify the enrollee and the health insuring corporation that
a decision is not being made. The notice may be made in writing,
orally, or by electronic means. An oral or electronic notice shall
be confirmed in writing not later than five days after the oral or
electronic notice is made. If the review was initiated by a
provider or health care facility, a copy of the notice shall be
submitted to the provider or health care facility.

(7) The health insuring corporation may elect to cover the
service requested and terminate the review. The health insuring
corporation shall notify the enrollee and all other parties
involved with the decision by mail or, with the consent or
approval of the enrollee, by electronic means.

(8) In making its decision, an independent review
organization conducting the review shall take into account all of
the following:

(a) Information submitted by the health insuring corporation,
the enrollee, the enrollee's provider, and the health care
facility rendering the health care service, including the
following:

(i) The enrollee's medical records;

(ii) The standards, criteria, and clinical rationale used by
the health insuring corporation to make its decision.

(b) Findings, studies, research, and other relevant documents
of government agencies and nationally recognized organizations,
including the national institutes of health or any board
recognized by the national institutes of health, the national
cancer institute, the national academy of sciences, the United
States food and drug administration, the health care financing
administration of the United States department of health and human
services, and the agency for health care policy and research;

(c) Relevant findings in peer-reviewed medical or scientific literature, published opinions of nationally recognized medical experts, and clinical guidelines adopted by relevant national medical societies.

(9)(a) In the case of an expedited review, the independent review organization shall issue a written decision not later than seven days after the filing of the request for review. In all other cases, the independent review organization shall issue a written decision not later than thirty days after the filing of the request. The independent review organization shall send a copy of its decision to the health insuring corporation and the enrollee. If the enrollee's provider or the health care facility rendering health care services to the enrollee requested the review, the independent review organization shall also send a copy of its decision to the enrollee's provider or the health care facility.

(b) The independent review organization's decision shall include a description of the enrollee's condition and the principal reasons for the decision and an explanation of the clinical rationale for the decision.

(E) The independent review organization shall base its decision on the information submitted under division (D)(8) of this section. In making its decision, the independent review organization shall consider safety, efficacy, appropriateness, and cost effectiveness.

(F) The health insuring corporation shall provide any coverage determined by the independent review organization's decision to be medically necessary, subject to the other terms, limitations, and conditions of the enrollee's contract. The decision shall apply only to the individual enrollee's external review.

Sec. 1751.85. (A) Each health insuring corporation shall	37128
establish a reasonable external, independent review process to	37129
examine the health insuring corporation's coverage decisions for	37130
enrollees who meet all of the following criteria:	37131
 (1) The enrollee has a terminal condition that, according to	37132
the current diagnosis of the enrollee's physician, has a high	37133
probability of causing death within two years.	37134
 (2) The enrollee requests a review not later than ~~sixtyone~~	37135
<u>hundred eighty</u> days after receipt by the enrollee of notice of the	37136
result of an internal review under section 1751.83 of the Revised	37137
Code.	37138
 (3) The enrollee's physician certifies that the enrollee has	37139
the condition described in division (A)(1) of this section and any	37140
of the following situations are applicable:	37141
 (a) Standard therapies have not been effective in improving	37142
the condition of the enrollee;	37143
 (b) Standard therapies are not medically appropriate for the	37144
enrollee;	37145
 (c) There is no standard therapy covered by the health	37146
insuring corporation that is more beneficial than therapy	37147
described in division (A)(4) of this section.	37148
 (4) The enrollee's physician has recommended a drug, device,	37149
procedure, or other therapy that the physician certifies, in	37150
writing, is likely to be more beneficial to the enrollee, in the	37151
physician's opinion, than standard therapies, or, the enrollee has	37152
requested a therapy that has been found in a preponderance of	37153
peer-reviewed published studies to be associated with effective	37154
clinical outcomes for the same condition.	37155

(5) The enrollee has been denied coverage by the health insuring corporation for a drug, device, procedure, or other therapy recommended or requested pursuant to division (A)(4) of this section, and has exhausted the health insuring corporation's internal review process established pursuant to section 1751.83 of the Revised Code.

(6) The drug, device, procedure, or other therapy, for which coverage has been denied would be a covered health care service except for the health insuring corporation's determination that the drug, device, procedure, or other therapy is experimental or investigational.

(B) A review shall be requested in writing, except that if the enrollee's physician determines that a therapy would be significantly less effective if not promptly initiated, the review may be requested orally or by electronic means. When an oral or electronic request for review is made, written confirmation of the request shall be submitted to the health insuring corporation not later than five days after the oral or written request is submitted.

(C) The external, independent review process established by a health insuring corporation shall meet all of the following criteria:

(1) Except as provided in division (E) of this section, the process shall afford all enrollees who meet the criteria set forth in division (A) of this section the opportunity to have the health insuring corporation's decision to deny coverage of the recommended or requested therapy reviewed under the process.

(2) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code.

The independent review organization shall select a panel to
conduct the review, which panel shall be composed of at least
three physicians or other providers who, through clinical
experience in the past three years, are experts in the treatment
of the enrollee's medical condition and knowledgeable about the
recommended or requested therapy.

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In either of the following circumstances, an exception may be
made to the requirement that the review be conducted by an expert
panel composed of a minimum of three physicians or other
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(a) A review may be conducted by an expert panel composed of
only two physicians or other providers if an enrollee has
consented in writing to a review by the smaller panel;

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(b) A review may be conducted by a single expert physician or
other provider if only one expert physician or other provider is
available for the review.

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(3) Neither the health insuring corporation nor the enrollee
shall choose, or control the choice of, the physician or other
provider experts.

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(4) The selected experts, any health care facility with which
an expert is affiliated, and the independent review organization
arranging for the experts' review, shall not have any
professional, familial, or financial affiliation with any of the
following:

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(a) The health insuring corporation or any officer, director,
or managerial employee of the health insuring corporation;

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(b) The enrollee, the enrollee's physician, or the practice
group of the enrollee's physician;

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(c) The health care facility at which the recommended or requested therapy would be provided; 37214
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(d) The development or manufacture of the principal drug, device, procedure, or therapy involved in the recommended or requested therapy. 37216
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However, experts affiliated with academic medical centers who provide health care services to enrollees of the health insuring corporation may serve as experts on the review panel. Further, experts with staff privileges at a health care facility that provides health care services to enrollees of the health insuring corporation, as well as experts who are participating providers, but who were not involved with the health insuring corporation's denial of coverage for the therapy under review, may serve as experts on the review panel. These nonaffiliation provisions do not preclude a health insuring corporation from paying for the experts' review, as specified in division (C)(5) of this section. 37219
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(5) Enrollees shall not be required to pay for any part of the cost of the review. The cost of the review shall be borne by the health insuring corporation. 37230
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(6) The health insuring corporation shall provide to the independent review organization arranging for the experts' review a copy of those records in the health insuring corporation's possession that are relevant to the enrollee's medical condition and the review. The records shall be disclosed solely to the expert reviewers and shall be used solely for the purpose of this section. At the request of the expert reviewers, the health insuring corporation or the physician recommending the therapy shall provide any additional information that the expert reviewers request to complete the review. An expert reviewer is not required to render an opinion if the reviewer has not received any requested information that the reviewer considers necessary to 37233
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complete the review.	37245
(7)(a) The opinions of the experts on the panel shall be rendered within thirty days after the enrollee's request for review. If the enrollee's physician determines that a therapy would be significantly less effective if not promptly initiated, the opinions shall be rendered within seven days after the enrollee's request for review.	37246 37247 37248 37249 37250 37251
(b) In conducting the review, the experts on the panel shall take into account all of the following:	37252 37253
(i) Information submitted by the health insuring corporation, the enrollee, and the enrollee's physician, including the enrollee's medical records and the standards, criteria, and clinical rationale used by the health insuring corporation to reach its coverage decision;	37254 37255 37256 37257 37258
(ii) Findings, studies, research, and other relevant documents of government agencies and nationally recognized organizations;	37259 37260 37261
(iii) Relevant findings in peer-reviewed medical or scientific literature and published opinions of nationally recognized medical experts;	37262 37263 37264
(iv) Clinical guidelines adopted by relevant national medical societies;	37265 37266
(v) Safety, efficacy, appropriateness, and cost effectiveness.	37267 37268
(8) Each expert on the panel shall provide the independent review organization with a professional opinion as to whether there is sufficient evidence to demonstrate that the recommended or requested therapy is likely to be more beneficial to the	37269 37270 37271 37272

enrollee than standard therapies.	37273
(9) Each expert's opinion shall be presented in written form	37274
and shall include the following information:	37275
(a) A description of the enrollee's condition;	37276
(b) A description of the indicators relevant to determining	37277
whether there is sufficient evidence to demonstrate that the	37278
recommended or requested therapy is more likely than not to be	37279
more beneficial to the enrollee than standard therapies;	37280
(c) A description and analysis of any relevant findings	37281
published in peer-reviewed medical or scientific literature or the	37282
published opinions of medical experts or specialty societies;	37283
(d) A description of the enrollee's suitability to receive	37284
the recommended or requested therapy according to a treatment	37285
protocol in a clinical trial, if applicable.	37286
(10) The independent review organization shall provide the	37287
health insuring corporation with the opinions of the experts. The	37288
health insuring corporation shall make the experts' opinions	37289
available to the enrollee and the enrollee's physician, upon	37290
request.	37291
(11) The opinion of the majority of the experts on the panel,	37292
rendered pursuant to division (C)(8) of this section, is binding	37293
on the health insuring corporation with respect to that enrollee.	37294
If the opinions of the experts on the panel are evenly divided as	37295
to whether the therapy should be covered, then the health insuring	37296
corporation's final decision shall be in favor of coverage. If	37297
less than a majority of the experts on the panel recommend	37298
coverage of the therapy, the health insuring corporation may, in	37299
its discretion, cover the therapy. However, any coverage provided	37300
pursuant to division (C)(11) of this section is subject to the	37301

terms, limitations, and conditions of the enrollee's contract with the health insuring corporation. 37302
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(12) The health insuring corporation shall have written policies describing the external, independent review process. 37304
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(D) At any time during the external, independent review process, the health insuring corporation may elect to cover the recommended or requested health care service and terminate the review. The health insuring corporation shall notify the enrollee and all other parties involved by mail or, with the consent or approval of the enrollee, by electronic means. 37306
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(E) If a health insuring corporation's initial denial of coverage for a therapy recommended or requested pursuant to division (A)(4) of this section is based upon an external, independent review of that therapy meeting the requirements of division (C) of this section, this section shall not be a basis for requiring a second external, independent review of the recommended or requested therapy. 37312
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(F) The health insuring corporation shall annually file a certificate with the superintendent of insurance certifying its compliance with the requirements of this section. 37319
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Sec. 1753.09. (A) Except as provided in division (D) of this section, prior to terminating the participation of a provider on the basis of the participating provider's failure to meet the health insuring corporation's standards for quality or utilization in the delivery of health care services, a health insuring corporation shall give the participating provider notice of the reason or reasons for its decision to terminate the provider's participation and an opportunity to take corrective action. The health insuring corporation shall develop a performance improvement plan in conjunction with the participating provider. If after being afforded the opportunity to comply with the 37322
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performance improvement plan, the participating provider fails to 37333
do so, the health insuring corporation may terminate the 37334
participation of the provider. 37335

(B)(1) A participating provider whose participation has been 37336
terminated under division (A) of this section may appeal the 37337
termination to the appropriate medical director of the health 37338
insuring corporation. The medical director shall give the 37339
participating provider an opportunity to discuss with the medical 37340
director the reason or reasons for the termination. 37341

(2) If a satisfactory resolution of a participating 37342
provider's appeal cannot be reached under division (B)(1) of this 37343
section, the participating provider may appeal the termination to 37344
a panel composed of participating providers who have comparable or 37345
higher levels of education and training than the participating 37346
provider making the appeal. A representative of the participating 37347
provider's specialty shall be a member of the panel, if possible. 37348
This panel shall hold a hearing, and shall render its 37349
recommendation in the appeal within thirty days after holding the 37350
hearing. The recommendation shall be presented to the medical 37351
director and to the participating provider. 37352

(3) The medical director shall review and consider the 37353
panel's recommendation before making a decision. The decision 37354
rendered by the medical director shall be final. 37355

(C) A provider's status as a participating provider shall 37356
remain in effect during the appeal process set forth in division 37357
(B) of this section unless the termination was based on any of the 37358
reasons listed in division (D) of this section. 37359

(D) Notwithstanding division (A) of this section, a 37360
provider's participation may be immediately terminated if the 37361
participating provider's conduct presents an imminent risk of harm 37362
to an enrollee or enrollees; or if there has occurred unacceptable 37363

quality of care, fraud, patient abuse, loss of clinical 37364
privileges, loss of professional liability coverage, incompetence, 37365
or loss of authority to practice in the participating provider's 37366
field; or if a governmental action has impaired the participating 37367
provider's ability to practice. 37368

(E) Divisions (A) to (D) of this section apply only to 37369
providers who are natural persons. 37370

(F)(1) Nothing in this section prohibits a health insuring 37371
corporation from rejecting a provider's application for 37372
participation, or from terminating a participating provider's 37373
contract, if the health insuring corporation determines that the 37374
health care needs of its enrollees are being met and no need 37375
exists for the provider's or participating provider's services. 37376

(2) Nothing in this section shall be construed as prohibiting 37377
a health insuring corporation from terminating a participating 37378
provider who does not meet the terms and conditions of the 37379
participating provider's contract. 37380

(3) Nothing in this section shall be construed as prohibiting 37381
a health insuring corporation from terminating a participating 37382
provider's contract pursuant to any provision of the contract 37383
described in division (E)(2) of section 3963.02 of the Revised 37384
Code, except that, notwithstanding any provision of a contract 37385
described in that division, this section applies to the 37386
termination of a participating provider's contract for any of the 37387
causes described in divisions (A), (D), and (F)(1) and (2) of 37388
this section. 37389

(G) The superintendent of insurance may adopt rules as 37390
necessary to implement and enforce sections 1753.06, 1753.07, 37391
and 1753.09 of the Revised Code. Such rules shall be adopted in 37392
accordance with Chapter 119. of the Revised Code. ~~The director of~~ 37393
~~health may make recommendations to the superintendent for rules~~ 37394

~~necessary to implement and enforce sections 1753.06, 1753.07, and 37395~~
~~1753.09 of the Revised Code. In adopting any rules pursuant to 37396~~
~~this division, the superintendent shall consider the 37397~~
~~recommendations of the director. 37398~~

Sec. 1901.121. (A)(1)(a) Subject to division (A)(2) of this 37399
section and in accordance with the payment procedures specified in 37400
division (B) of this section, a judge specified in division 37401
(A)(1)(b) of this section is entitled, on a per diem basis, to the 37402
compensation paid to the incumbent judge of the municipal court in 37403
which the judge is appointed or designated to serve. If the 37404
incumbent judge is compensated as described in division (A)(5) of 37405
section 141.04 of the Revised Code, the appointed or designated 37406
judge is entitled to compensation at that rate. If the incumbent 37407
judge is compensated as described in division (A)(6) of section 37408
141.04 of the Revised Code, the appointed or designated judge is 37409
entitled to compensation at that rate. 37410

(b) The following judges shall receive compensation as 37411
described in division (A)(1)(a) of this section: 37412

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(i) An acting judge appointed pursuant to division (B) of 37414
section 1901.10 of the Revised Code as a substitute judge because 37415
of the volume of cases pending in the municipal court and the 37416
report of the chief justice of the supreme court that no judge of 37417
another municipal court or county court is available to serve by 37418
designation; 37419

(ii) A judge of another municipal court or county court 37420
designated by the chief justice of the supreme court pursuant to 37421
division (B) of section 1901.10 of the Revised Code because of the 37422
volume of cases pending in the municipal court; 37423

(iii) An acting judge authorized by division (B) of section 37424

1901.12 of the Revised Code and appointed pursuant to division	37425
(A)(2) of section 1901.10 of the Revised Code as a substitute for	37426
the judge of a municipal court that has only one judge, who is on	37427
vacation;	37428
 (iv) An acting judge authorized by division (B) of section	37429
1901.12 of the Revised Code and appointed by the presiding judge	37430
of the municipal court pursuant to that division as a substitute	37431
judge because an incumbent judge is on vacation or not in	37432
attendance;	37433
 (v) A retired judge who has been assigned to active duty on	37434
the municipal court.	37435
 (c) An acting judge appointed pursuant to division (A)(2) of	37436
section 1901.10 of the Revised Code as a substitute for a judge	37437
who is the judge of a municipal court that has only one judge and	37438
who is temporarily absent, incapacitated, or otherwise unavailable	37439
is entitled to compensation in an amount established by the	37440
incumbent judge pursuant to division (A)(2) of section 1901.10 of	37441
the Revised Code.	37442
 (2) Division (A)(1) of this section does not include any	37443
acting judge, judge, or retired judge who, at the time of the	37444
judge's appointment, designation, or assignment, is receiving	37445
compensation under division (A)(5) or (6) of section 141.04 of the	37446
Revised Code, except that division (A)(1) of this section includes	37447
a judge who is receiving compensation under division (A)(6) of	37448
section 141.04 of the Revised Code and who is appointed or	37449
designated to serve in a municipal court in which the incumbent	37450
judge receives compensation as described in division (A)(5) of	37451
that section.	37452
 (B) Subject to reimbursement under division (C) of this	37453
section, the treasury of the county in which a county-operated	37454
municipal court or other municipal court is located shall pay, on	37455

a per diem basis, the compensation to which an acting judge,
judge, or retired judge as described in division (A)(1) of this
section is entitled.

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(C) The treasurer of a county that, pursuant to division (B)
of this section, is required to pay any compensation to which ~~the~~
an acting judge, judge, or retired judge
described in division (A)(1) of this section ~~are~~ and appointed or
designated by the chief justice is entitled under division (A)(5)
or (6) of section 141.04 of the Revised Code, shall submit to the
administrative director of the supreme court quarterly requests
for reimbursements of the per diem amounts so paid. The reports
shall include verifications of the payment of those amounts. The
administrative director shall cause reimbursements of those
amounts to be issued to the county if the administrative director
verifies that those amounts were, in fact, so paid.

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Sec. 1901.26. (A) Subject to division (E) of this section,
costs in a municipal court shall be fixed and taxed as follows:

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(1)(a) The municipal court shall require an advance deposit
for the filing of any new civil action or proceeding when required
by division (C) of this section, and in all other cases, by rule,
shall establish a schedule of fees and costs to be taxed in any
civil or criminal action or proceeding.

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(b)(i) The legislative authority of a municipal corporation
may by ordinance establish a schedule of fees to be taxed as costs
in any civil, criminal, or traffic action or proceeding in a
municipal court for the performance by officers or other employees
of the municipal corporation's police department or marshal's
office of any of the services specified in sections 311.17 and
509.15 of the Revised Code. No fee in the schedule shall be higher
than the fee specified in section 311.17 of the Revised Code for
the performance of the same service by the sheriff. If a fee
established in the schedule conflicts with a fee for the same

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service established in another section of the Revised Code or a 37488
rule of court, the fee established in the other section of the 37489
Revised Code or the rule of court shall apply. 37490

(ii) When an officer or employee of a municipal police 37491
department or marshal's office performs in a civil, criminal, or 37492
traffic action or proceeding in a municipal court a service 37493
specified in section 311.17 or 509.15 of the Revised Code for 37494
which a taxable fee has been established under this or any other 37495
section of the Revised Code, the applicable legal fees and any 37496
other extraordinary expenses, including overtime, provided for the 37497
service shall be taxed as costs in the case. The clerk of the 37498
court shall pay those legal fees and other expenses, when 37499
collected, into the general fund of the municipal corporation that 37500
employs the officer or employee. 37501

(iii) If a bailiff of a municipal court performs in a civil, 37502
criminal, or traffic action or proceeding in that court a service 37503
specified in section 311.17 or 509.15 of the Revised Code for 37504
which a taxable fee has been established under this section or any 37505
other section of the Revised Code, the fee for the service is the 37506
same and is taxable to the same extent as if the service had been 37507
performed by an officer or employee of the police department or 37508
marshal's office of the municipal corporation in which the court 37509
is located. The clerk of that court shall pay the fee, when 37510
collected, into the general fund of the entity or entities that 37511
fund the bailiff's salary, in the same prorated amount as the 37512
salary is funded. 37513

(iv) Division (A)(1)(b) of this section does not authorize or 37514
require any officer or employee of a police department or 37515
marshal's office of a municipal corporation or any bailiff of a 37516
municipal court to perform any service not otherwise authorized by 37517
law. 37518

(2) The municipal court, by rule, may require an advance 37519

deposit for the filing of any civil action or proceeding and 37520
publication fees as provided in section 2701.09 of the Revised 37521
Code. The court may waive the requirement for advance deposit upon 37522
affidavit or other evidence that a party is unable to make the 37523
required deposit. 37524

(3) When a jury trial is demanded in any civil action or 37525
proceeding, the party making the demand may be required to make an 37526
advance deposit as fixed by rule of court, unless, upon affidavit 37527
or other evidence, the court concludes that the party is unable to 37528
make the required deposit. If a jury is called, the fees of a jury 37529
shall be taxed as costs. 37530

(4) In any civil or criminal action or proceeding, each 37531
witness shall receive twelve dollars for each full day's 37532
attendance and six dollars for each half day's attendance. Each 37533
witness in a municipal court that is not a county-operated 37534
municipal court also shall receive fifty and one-half cents for 37535
each mile necessarily traveled to and from the witness's place of 37536
residence to the action or proceeding. 37537

(5) A reasonable charge for driving, towing, carting, 37538
storing, keeping, and preserving motor vehicles and other personal 37539
property recovered or seized in any proceeding may be taxed as 37540
part of the costs in a trial of the cause, in an amount that shall 37541
be fixed by rule of court. 37542

(6) Chattel property seized under any writ or process issued 37543
by the court shall be preserved pending final disposition for the 37544
benefit of all persons interested and may be placed in storage 37545
when necessary or proper for that preservation. The custodian of 37546
any chattel property so stored shall not be required to part with 37547
the possession of the property until a reasonable charge, to be 37548
fixed by the court, is paid. 37549

(7) The municipal court, as it determines, may refund all 37550

deposits and advance payments of fees and costs, including those 37551
for jurors and summoning jurors, when they have been paid by the 37552
losing party. 37553

(8) Charges for the publication of legal notices required by 37554
statute or order of court may be taxed as part of the costs, as 37555
provided by section 7.13 of the Revised Code. 37556

(B)(1) The municipal court may determine that, for the 37557
efficient operation of the court, additional funds are necessary 37558
to acquire and pay for special projects of the court including, 37559
but not limited to, the acquisition of additional facilities or 37560
the rehabilitation of existing facilities, the acquisition of 37561
equipment, the hiring and training of staff, community service 37562
programs, mediation or dispute resolution services, the employment 37563
of magistrates, the training and education of judges, acting 37564
judges, and magistrates, and other related services. Upon that 37565
determination, the court by rule may charge a fee, in addition to 37566
all other court costs, on the filing of each criminal cause, civil 37567
action or proceeding, or judgment by confession. 37568

If the municipal court offers a special program or service in 37569
cases of a specific type, the municipal court by rule may assess 37570
an additional charge in a case of that type, over and above court 37571
costs, to cover the special program or service. The municipal 37572
court shall adjust the special assessment periodically, but not 37573
retroactively, so that the amount assessed in those cases does not 37574
exceed the actual cost of providing the service or program. 37575

All moneys collected under division (B) of this section shall 37576
be paid to the county treasurer if the court is a county-operated 37577
municipal court or to the city treasurer if the court is not a 37578
county-operated municipal court for deposit into either a general 37579
special projects fund or a fund established for a specific special 37580
project. Moneys from a fund of that nature shall be disbursed upon 37581
an order of the court in an amount no greater than the actual cost 37582

to the court of a project. If a specific fund is terminated 37583
because of the discontinuance of a program or service established 37584
under division (B) of this section, the municipal court may order 37585
that moneys remaining in the fund be transferred to an account 37586
established under this division for a similar purpose. 37587

(2) As used in division (B) of this section: 37588

(a) "Criminal cause" means a charge alleging the violation of 37589
a statute or ordinance, or subsection of a statute or ordinance, 37590
that requires a separate finding of fact or a separate plea before 37591
disposition and of which the defendant may be found guilty, 37592
whether filed as part of a multiple charge on a single summons, 37593
citation, or complaint or as a separate charge on a single 37594
summons, citation, or complaint. "Criminal cause" does not include 37595
separate violations of the same statute or ordinance, or 37596
subsection of the same statute or ordinance, unless each charge is 37597
filed on a separate summons, citation, or complaint. 37598

(b) "Civil action or proceeding" means any civil litigation 37599
that must be determined by judgment entry. 37600

(C) The municipal court shall collect in all its divisions 37601
except the small claims division the sum of twenty-six dollars as 37602
additional filing fees in each new civil action or proceeding for 37603
the charitable public purpose of providing financial assistance 37604
to legal aid societies that operate within the state and to 37605
support the office of the state public defender. The municipal 37606
court shall collect in its small claims division the sum of 37607
eleven dollars as additional filing fees in each new civil action 37608
or proceeding for the charitable public purpose of providing 37609
financial assistance to legal aid societies that operate within 37610
the state and to support the office of the state public 37611
defender. This division does not apply to any execution on a 37612
judgment, proceeding in aid of execution, or other post-judgment 37613
proceeding arising out of a civil action. The filing fees required 37614

to be collected under this division shall be in addition to any 37615
other court costs imposed in the action or proceeding and shall 37616
be collected at the time of the filing of the action or 37617
proceeding. The court shall not waive the payment of the 37618
additional filing fees in a new civil action or proceeding unless 37619
the court waives the advanced payment of all filing fees in the 37620
action or proceeding. All such moneys collected during a month 37621
except for an amount equal to up to one per cent of those moneys 37622
retained to cover administrative costs shall be transmitted on or 37623
before the twentieth day of the following month by the clerk of 37624
the court to the treasurer of state in a manner prescribed by the 37625
treasurer of state or by the Ohio legal assistance foundation. 37626
The treasurer of state shall deposit four per cent of the funds 37627
collected under this division to the credit of the civil case 37628
filing fee fund established under section 120.07 of the Revised 37629
Code and ninety-six per cent of the funds collected under this 37630
division to the credit of the legal aid fund established under 37631
section 120.52 of the Revised Code. 37632

The court may retain up to one per cent of the moneys it 37633
collects under this division to cover administrative costs, 37634
including the hiring of any additional personnel necessary to 37635
implement this division. If the court fails to transmit to the 37636
treasurer of state the moneys the court collects under this 37637
division in a manner prescribed by the treasurer of state or by 37638
the Ohio legal assistance foundation, the court shall forfeit the 37639
moneys the court retains under this division to cover 37640
administrative costs, including the hiring of any additional 37641
personnel necessary to implement this division, and shall transmit 37642
to the treasurer of state all moneys collected under this 37643
division, including the forfeited amount retained for 37644
administrative costs, for deposit in the legal aid fund. 37645

(D) In the Cleveland municipal court, reasonable charges for 37646
investigating titles of real estate to be sold or disposed of 37647

under any writ or process of the court may be taxed as part of the costs. 37648
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(E) Under the circumstances described in sections 2969.21 to 37650
2969.27 of the Revised Code, the clerk of the municipal court 37651
shall charge the fees and perform the other duties specified in 37652
those sections. 37653

(F) As used in this section: 37654

(1) "Full day's attendance" means a day on which a witness is 37655
required or requested to be present at an action or proceeding 37656
before and after twelve noon, regardless of whether the witness 37657
actually testifies. 37658

(2) "Half day's attendance" means a day on which a witness is 37659
required or requested to be present at an action or proceeding 37660
either before or after twelve noon, but not both, regardless of 37661
whether the witness actually testifies. 37662

Sec. 1901.31. The clerk and deputy clerks of a municipal 37663
court shall be selected, be compensated, give bond, and have 37664
powers and duties as follows: 37665

(A) There shall be a clerk of the court who is appointed or 37666
elected as follows: 37667

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 37668
county, Portage county, and Wayne county municipal courts and 37669
through December 31, 2008, the Cuyahoga Falls municipal court, if 37670
the population of the territory equals or exceeds one hundred 37671
thousand at the regular municipal election immediately preceding 37672
the expiration of the term of the present clerk, the clerk shall 37673
be nominated and elected by the qualified electors of the 37674
territory in the manner that is provided for the nomination and 37675
election of judges in section 1901.07 of the Revised Code. 37676

The clerk so elected shall hold office for a term of six
years, which term shall commence on the first day of January
following the clerk's election and continue until the clerk's
successor is elected and qualified.

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(b) In the Hamilton county municipal court, the clerk of
courts of Hamilton county shall be the clerk of the municipal
court and may appoint an assistant clerk who shall receive the
compensation, payable out of the treasury of Hamilton county in
semimonthly installments, that the board of county commissioners
prescribes. The clerk of courts of Hamilton county, acting as the
clerk of the Hamilton county municipal court and assuming the
duties of that office, shall receive compensation at one-fourth
the rate that is prescribed for the clerks of courts of common
pleas as determined in accordance with the population of the
county and the rates set forth in sections 325.08 and 325.18 of
the Revised Code. This compensation shall be paid from the county
treasury in semimonthly installments and is in addition to the
annual compensation that is received for the performance of the
duties of the clerk of courts of Hamilton county, as provided in
sections 325.08 and 325.18 of the Revised Code.

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(c) In the Portage county and Wayne county municipal courts,
the clerks of courts of Portage county and Wayne county shall be
the clerks, respectively, of the Portage county and Wayne county
municipal courts and may appoint a chief deputy clerk for each
branch that is established pursuant to section 1901.311 of the
Revised Code and assistant clerks as the judges of the municipal
court determine are necessary, all of whom shall receive the
compensation that the legislative authority prescribes. The clerks
of courts of Portage county and Wayne county, acting as the clerks
of the Portage county and Wayne county municipal courts and
assuming the duties of these offices, shall receive compensation
payable from the county treasury in semimonthly installments at

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one-fourth the rate that is prescribed for the clerks of courts 37709
of common pleas as determined in accordance with the population 37710
of the county and the rates set forth in sections 325.08 and 37711
325.18 of the Revised Code. 37712

(d) Except as otherwise provided in division (A)(1)(d) of 37713
this section, in the Akron municipal court, candidates for 37714
election to the office of clerk of the court shall be nominated by 37715
primary election. The primary election shall be held on the day 37716
specified in the charter of the city of Akron for the nomination 37717
of municipal officers. Notwithstanding any contrary provision of 37718
section 3513.05 or 3513.257 of the Revised Code, the declarations 37719
of candidacy and petitions of partisan candidates and the 37720
nominating petitions of independent candidates for the office of 37721
clerk of the Akron municipal court shall be signed by at least 37722
fifty qualified electors of the territory of the court. 37723

The candidates shall file a declaration of candidacy and 37724
petition, or a nominating petition, whichever is applicable, not 37725
later than four p.m. of the seventy-fifth day before the day of 37726
the primary election, in the form prescribed by section 3513.07 or 37727
3513.261 of the Revised Code. The declaration of candidacy and 37728
petition, or the nominating petition, shall conform to the 37729
applicable requirements of section 3513.05 or 3513.257 of the 37730
Revised Code. 37731

If no valid declaration of candidacy and petition is filed by 37732
any person for nomination as a candidate of a particular political 37733
party for election to the office of clerk of the Akron municipal 37734
court, a primary election shall not be held for the purpose of 37735
nominating a candidate of that party for election to that office. 37736
If only one person files a valid declaration of candidacy and 37737
petition for nomination as a candidate of a particular political 37738
party for election to that office, a primary election shall not be 37739
held for the purpose of nominating a candidate of that party for 37740

election to that office, and the candidate shall be issued a 37741
certificate of nomination in the manner set forth in section 37742
3513.02 of the Revised Code. 37743

Declarations of candidacy and petitions, nominating 37744
petitions, and certificates of nomination for the office of clerk 37745
of the Akron municipal court shall contain a designation of the 37746
term for which the candidate seeks election. At the following 37747
regular municipal election, all candidates for the office shall be 37748
submitted to the qualified electors of the territory of the court 37749
in the manner that is provided in section 1901.07 of the Revised 37750
Code for the election of the judges of the court. The clerk so 37751
elected shall hold office for a term of six years, which term 37752
shall commence on the first day of January following the clerk's 37753
election and continue until the clerk's successor is elected and 37754
qualified. 37755

(e) Except as otherwise provided in division (A)(1)(e) of 37756
this section, in the Barberton municipal court, candidates for 37757
election to the office of clerk of the court shall be nominated by 37758
primary election. The primary election shall be held on the day 37759
specified in the charter of the city of Barberton for the 37760
nomination of municipal officers. Notwithstanding any contrary 37761
provision of section 3513.05 or 3513.257 of the Revised Code, the 37762
declarations of candidacy and petitions of partisan candidates and 37763
the nominating petitions of independent candidates for the office 37764
of clerk of the Barberton municipal court shall be signed by at 37765
least fifty qualified electors of the territory of the court. 37766

The candidates shall file a declaration of candidacy and 37767
petition, or a nominating petition, whichever is applicable, not 37768
later than four p.m. of the seventy-fifth day before the day of 37769
the primary election, in the form prescribed by section 3513.07 or 37770
3513.261 of the Revised Code. The declaration of candidacy and 37771
petition, or the nominating petition, shall conform to the 37772

applicable requirements of section 3513.05 or 3513.257 of the
Revised Code.

If no valid declaration of candidacy and petition is filed by
any person for nomination as a candidate of a particular political
party for election to the office of clerk of the Barberton
municipal court, a primary election shall not be held for the
purpose of nominating a candidate of that party for election to
that office. If only one person files a valid declaration of
candidacy and petition for nomination as a candidate of a
particular political party for election to that office, a primary
election shall not be held for the purpose of nominating a
candidate of that party for election to that office, and the
candidate shall be issued a certificate of nomination in the
manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating
petitions, and certificates of nomination for the office of clerk
of the Barberton municipal court shall contain a designation of
the term for which the candidate seeks election. At the following
regular municipal election, all candidates for the office shall be
submitted to the qualified electors of the territory of the court
in the manner that is provided in section 1901.07 of the Revised
Code for the election of the judges of the court. The clerk so
elected shall hold office for a term of six years, which term
shall commence on the first day of January following the clerk's
election and continue until the clerk's successor is elected and
qualified.

(f)(i) Through December 31, 2008, except as otherwise
provided in division (A)(1)(f)(i) of this section, in the Cuyahoga
Falls municipal court, candidates for election to the office of
clerk of the court shall be nominated by primary election. The
primary election shall be held on the day specified in the charter
of the city of Cuyahoga Falls for the nomination of municipal

officers. Notwithstanding any contrary provision of section 37805
3513.05 or 3513.257 of the Revised Code, the declarations of 37806
candidacy and petitions of partisan candidates and the nominating 37807
petitions of independent candidates for the office of clerk of the 37808
Cuyahoga Falls municipal court shall be signed by at least fifty 37809
qualified electors of the territory of the court. 37810

The candidates shall file a declaration of candidacy and 37811
petition, or a nominating petition, whichever is applicable, not 37812
later than four p.m. of the seventy-fifth day before the day of 37813
the primary election, in the form prescribed by section 3513.07 or 37814
3513.261 of the Revised Code. The declaration of candidacy and 37815
petition, or the nominating petition, shall conform to the 37816
applicable requirements of section 3513.05 or 3513.257 of the 37817
Revised Code. 37818

If no valid declaration of candidacy and petition is filed by 37819
any person for nomination as a candidate of a particular political 37820
party for election to the office of clerk of the Cuyahoga Falls 37821
municipal court, a primary election shall not be held for the 37822
purpose of nominating a candidate of that party for election to 37823
that office. If only one person files a valid declaration of 37824
candidacy and petition for nomination as a candidate of a 37825
particular political party for election to that office, a primary 37826
election shall not be held for the purpose of nominating a 37827
candidate of that party for election to that office, and the 37828
candidate shall be issued a certificate of nomination in the 37829
manner set forth in section 3513.02 of the Revised Code. 37830

Declarations of candidacy and petitions, nominating 37831
petitions, and certificates of nomination for the office of clerk 37832
of the Cuyahoga Falls municipal court shall contain a designation 37833
of the term for which the candidate seeks election. At the 37834
following regular municipal election, all candidates for the 37835
office shall be submitted to the qualified electors of the 37836

territory of the court in the manner that is provided in section 37837
1901.07 of the Revised Code for the election of the judges of the 37838
court. The clerk so elected shall hold office for a term of six 37839
years, which term shall commence on the first day of January 37840
following the clerk's election and continue until the clerk's 37841
successor is elected and qualified. 37842

(ii) Division (A)(1)(f)(i) of this section shall have no 37843
effect after December 31, 2008. 37844

(g) Except as otherwise provided in division (A)(1)(g) of 37845
this section, in the Toledo municipal court, candidates for 37846
election to the office of clerk of the court shall be nominated by 37847
primary election. The primary election shall be held on the day 37848
specified in the charter of the city of Toledo for the nomination 37849
of municipal officers. Notwithstanding any contrary provision of 37850
section 3513.05 or 3513.257 of the Revised Code, the declarations 37851
of candidacy and petitions of partisan candidates and the 37852
nominating petitions of independent candidates for the office of 37853
clerk of the Toledo municipal court shall be signed by at least 37854
fifty qualified electors of the territory of the court. 37855

The candidates shall file a declaration of candidacy and 37856
petition, or a nominating petition, whichever is applicable, not 37857
later than four p.m. of the seventy-fifth day before the day of 37858
the primary election, in the form prescribed by section 3513.07 or 37859
3513.261 of the Revised Code. The declaration of candidacy and 37860
petition, or the nominating petition, shall conform to the 37861
applicable requirements of section 3513.05 or 3513.257 of the 37862
Revised Code. 37863

If no valid declaration of candidacy and petition is filed by 37864
any person for nomination as a candidate of a particular political 37865
party for election to the office of clerk of the Toledo municipal 37866
court, a primary election shall not be held for the purpose of 37867
nominating a candidate of that party for election to that office. 37868

If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Toledo municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(2)(a) Except for the Alliance, Auglaize county, Brown county, Columbiana county, Holmes county, Lorain, Massillon, and Youngstown municipal courts, in a municipal court for which the population of the territory is less than one hundred thousand, the clerk shall be appointed by the court, and the clerk shall hold office until the clerk's successor is appointed and qualified.

(b) In the Alliance, Lorain, Massillon, and Youngstown municipal courts, the clerk shall be elected for a term of office as described in division (A)(1)(a) of this section.

(c) In the Auglaize county, Brown county, and Holmes county municipal courts, the clerks of courts of Auglaize county, Brown county, and Holmes county shall be the clerks, respectively, of the Auglaize county, Brown county, and Holmes county municipal

courts and may appoint a chief deputy clerk for each branch office that is established pursuant to section 1901.311 of the Revised Code, and assistant clerks as the judge of the court determines are necessary, all of whom shall receive the compensation that the legislative authority prescribes. The clerks of courts of Auglaize county, Brown county, and Holmes county, acting as the clerks of the Auglaize county, Brown county, and Holmes county municipal courts and assuming the duties of these offices, shall receive compensation payable from the county treasury in semimonthly installments at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code.

(d) In the Columbiana county municipal court, the clerk of courts of Columbiana county shall be the clerk of the municipal court, may appoint a chief deputy clerk for each branch office that is established pursuant to section 1901.311 of the Revised Code, and may appoint any assistant clerks that the judges of the court determine are necessary. All of the chief deputy clerks and assistant clerks shall receive the compensation that the legislative authority prescribes. The clerk of courts of Columbiana county, acting as the clerk of the Columbiana county municipal court and assuming the duties of that office, shall receive in either biweekly installments or semimonthly installments, as determined by the payroll administrator, compensation payable from the county treasury at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code.

(3) During the temporary absence of the clerk due to illness, vacation, or other proper cause, the court may appoint a temporary clerk, who shall be paid the same compensation, have the same

authority, and perform the same duties as the clerk. 37934

(B) Except in the Hamilton county, Portage county, and Wayne 37935
county municipal courts, if a vacancy occurs in the office of the 37936
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal 37937
court or occurs in the office of the clerk of a municipal court 37938
for which the population of the territory equals or exceeds one 37939
hundred thousand because the clerk ceases to hold the office 37940
before the end of the clerk's term or because a clerk-elect fails 37941
to take office, the vacancy shall be filled, until a successor is 37942
elected and qualified, by a person chosen by the residents of the 37943
territory of the court who are members of the county central 37944
committee of the political party by which the last occupant of 37945
that office or the clerk-elect was nominated. Not less than five 37946
nor more than fifteen days after a vacancy occurs, those members 37947
of that county central committee shall meet to make an appointment 37948
to fill the vacancy. At least four days before the date of the 37949
meeting, the chairperson or a secretary of the county central 37950
committee shall notify each such member of that county central 37951
committee by first class mail of the date, time, and place of the 37952
meeting and its purpose. A majority of all such members of that 37953
county central committee constitutes a quorum, and a majority of 37954
the quorum is required to make the appointment. If the office so 37955
vacated was occupied or was to be occupied by a person not 37956
nominated at a primary election, or if the appointment was not 37957
made by the committee members in accordance with this division, 37958
the court shall make an appointment to fill the vacancy. A 37959
successor shall be elected to fill the office for the unexpired 37960
term at the first municipal election that is held more than one 37961
hundred twenty days after the vacancy occurred. 37962

(C)(1) In a municipal court, other than the Auglaize county, 37963
the Brown county, the Columbiana county, the Holmes county, and 37964
the Lorain municipal courts, for which the population of the 37965
territory is less than one hundred thousand, the clerk of the 37966

municipal court shall receive the annual compensation that the
presiding judge of the court prescribes, if the revenue of the
court for the preceding calendar year, as certified by the auditor
or chief fiscal officer of the municipal corporation in which the
court is located or, in the case of a county-operated municipal
court, the county auditor, is equal to or greater than the
expenditures, including any debt charges, for the operation of the
court payable under this chapter from the city treasury or, in the
case of a county-operated municipal court, the county treasury for
that calendar year, as also certified by the auditor or chief
fiscal officer. If the revenue of a municipal court, other than
the Auglaize county, the Brown county, the Columbiana county, and
the Lorain municipal courts, for which the population of the
territory is less than one hundred thousand for the preceding
calendar year as so certified is not equal to or greater than
those expenditures for the operation of the court for that
calendar year as so certified, the clerk of a municipal court
shall receive the annual compensation that the legislative
authority prescribes. As used in this division, "revenue" means
the total of all costs and fees that are collected and paid to the
city treasury or, in a county-operated municipal court, the county
treasury by the clerk of the municipal court under division (F) of
this section and all interest received and paid to the city
treasury or, in a county-operated municipal court, the county
treasury in relation to the costs and fees under division (G) of
this section.

(2) In a municipal court, other than the Hamilton county,
Portage county, and Wayne county municipal courts, for which the
population of the territory is one hundred thousand or more, and
in the Lorain municipal court, the clerk of the municipal court
shall receive annual compensation in a sum equal to eighty-five
per cent of the salary of a judge of the court.

(3) The compensation of a clerk described in division (C)(1)

or (2) of this section and of the clerk of the Columbiana county 38000
municipal court is payable in either semimonthly installments or 38001
biweekly installments, as determined by the payroll 38002
administrator, from the same sources and in the same manner as 38003
provided in section 1901.11 of the Revised Code, except that the 38004
compensation of the clerk of the Carroll county municipal court 38005
is payable in biweekly installments. 38006

(D) Before entering upon the duties of the clerk's office, 38007
the clerk of a municipal court shall give bond of not less than 38008
six thousand dollars to be determined by the judges of the court, 38009
conditioned upon the faithful performance of the clerk's duties. 38010

(E) The clerk of a municipal court may do all of the 38011
following: administer oaths, take affidavits, and issue executions 38012
upon any judgment rendered in the court, including a judgment for 38013
unpaid costs; issue, sign, and attach the seal of the court to all 38014
writs, process, subpoenas, and papers issuing out of the court; 38015
and approve all bonds, sureties, recognizances, and undertakings 38016
fixed by any judge of the court or by law. The clerk may refuse to 38017
accept for filing any pleading or paper submitted for filing by a 38018
person who has been found to be a vexatious litigator under 38019
section 2323.52 of the Revised Code and who has failed to obtain 38020
leave to proceed under that section. The clerk shall do all of the 38021
following: file and safely keep all journals, records, books, and 38022
papers belonging or appertaining to the court; record the 38023
proceedings of the court; perform all other duties that the judges 38024
of the court may prescribe; and keep a book showing all receipts 38025
and disbursements, which book shall be open for public inspection 38026
at all times. 38027

The clerk shall prepare and maintain a general index, a 38028
docket, and other records that the court, by rule, requires, all 38029
of which shall be the public records of the court. In the docket, 38030
the clerk shall enter, at the time of the commencement of an 38031

action, the names of the parties in full, the names of the
counsel, and the nature of the proceedings. Under proper dates,
the clerk shall note the filing of the complaint, issuing of
summons or other process, returns, and any subsequent pleadings.
The clerk also shall enter all reports, verdicts, orders,
judgments, and proceedings of the court, clearly specifying the
relief granted or orders made in each action. The court may order
an extended record of any of the above to be made and entered,
under the proper action heading, upon the docket at the request of
any party to the case, the expense of which record may be taxed as
costs in the case or may be required to be prepaid by the party
demanding the record, upon order of the court.

(F) The clerk of a municipal court shall receive, collect,
and issue receipts for all costs, fees, fines, bail, and other
moneys payable to the office or to any officer of the court. The
clerk shall each month disburse to the proper persons or officers,
and take receipts for, all costs, fees, fines, bail, and other
moneys that the clerk collects. Subject to sections 3375.50 and
4511.193 of the Revised Code and to any other section of the
Revised Code that requires a specific manner of disbursement of
any moneys received by a municipal court and except for the
Hamilton county, Lawrence county, and Ottawa county municipal
courts, the clerk shall pay all fines received for violation of
municipal ordinances into the treasury of the municipal
corporation the ordinance of which was violated and shall pay all
fines received for violation of township resolutions adopted
pursuant to section 503.52 or 503.53 or Chapter 504. of the
Revised Code into the treasury of the township the resolution of
which was violated. Subject to sections 1901.024 and 4511.193 of
the Revised Code, in the Hamilton county, Lawrence county, and
Ottawa county municipal courts, the clerk shall pay fifty per cent
of the fines received for violation of municipal ordinances and
fifty per cent of the fines received for violation of township
resolutions adopted pursuant to section 503.52 or 503.53 or

Chapter 504. of the Revised Code into the treasury of the county. 38066
Subject to sections 3375.50, 3375.53, 4511.19, and 5503.04 of the 38067
Revised Code and to any other section of the Revised Code that 38068
requires a specific manner of disbursement of any moneys received 38069
by a municipal court, the clerk shall pay all fines collected for 38070
the violation of state laws into the county treasury. Except in a 38071
county-operated municipal court, the clerk shall pay all costs and 38072
fees the disbursement of which is not otherwise provided for in 38073
the Revised Code into the city treasury. The clerk of a 38074
county-operated municipal court shall pay the costs and fees the 38075
disbursement of which is not otherwise provided for in the Revised 38076
Code into the county treasury. Moneys deposited as security for 38077
costs shall be retained pending the litigation. The clerk shall 38078
keep a separate account of all receipts and disbursements in civil 38079
and criminal cases, which shall be a permanent public record of 38080
the office. On the expiration of the term of the clerk, the clerk 38081
shall deliver the records to the clerk's successor. The clerk 38082
shall have other powers and duties as are prescribed by rule or 38083
order of the court. 38084

(G) All moneys paid into a municipal court shall be noted on 38085
the record of the case in which they are paid and shall be 38086
deposited in a state or national bank, or a domestic savings and 38087
loan association, as defined in section 1151.01 of the Revised 38088
Code, that is selected by the clerk. Any interest received upon 38089
the deposits shall be paid into the city treasury, except that, in 38090
a county-operated municipal court, the interest shall be paid into 38091
the treasury of the county in which the court is located. 38092

On the first Monday in January of each year, the clerk shall 38093
make a list of the titles of all cases in the court that were 38094
finally determined more than one year past in which there remains 38095
unclaimed in the possession of the clerk any funds, or any part of 38096
a deposit for security of costs not consumed by the costs in the 38097
case. The clerk shall give notice of the moneys to the parties who 38098

are entitled to the moneys or to their attorneys of record. All 38099
the moneys remaining unclaimed on the first day of April of each 38100
year shall be paid by the clerk to the city treasurer, except 38101
that, in a county-operated municipal court, the moneys shall be 38102
paid to the treasurer of the county in which the court is located. 38103
The treasurer shall pay any part of the moneys at any time to the 38104
person who has the right to the moneys upon proper certification 38105
of the clerk. 38106

(H) Deputy clerks of a municipal court other than the Carroll 38107
county municipal court may be appointed by the clerk and shall 38108
receive the compensation, payable in either biweekly installments 38109
or semimonthly installments, as determined by the payroll 38110
administrator, out of the city treasury, that the clerk may 38111
prescribe, except that the compensation of any deputy clerk of a 38112
county-operated municipal court shall be paid out of the treasury 38113
of the county in which the court is located. The judge of the 38114
Carroll county municipal court may appoint deputy clerks for the 38115
court, and the deputy clerks shall receive the compensation, 38116
payable in biweekly installments out of the county treasury, that 38117
the judge may prescribe. Each deputy clerk shall take an oath of 38118
office before entering upon the duties of the deputy clerk's 38119
office and, when so qualified, may perform the duties appertaining 38120
to the office of the clerk. The clerk may require any of the 38121
deputy clerks to give bond of not less than three thousand 38122
dollars, conditioned for the faithful performance of the deputy 38123
clerk's duties. 38124

(I) For the purposes of this section, whenever the population 38125
of the territory of a municipal court falls below one hundred 38126
thousand but not below ninety thousand, and the population of the 38127
territory prior to the most recent regular federal census exceeded 38128
one hundred thousand, the legislative authority of the municipal 38129
corporation may declare, by resolution, that the territory shall 38130
be considered to have a population of at least one hundred 38131

thousand. 38132

(J) The clerk or a deputy clerk shall be in attendance at all 38133
sessions of the municipal court, although not necessarily in the 38134
courtroom, and may administer oaths to witnesses and jurors and 38135
receive verdicts. 38136

Sec. 1907.14. (A) A judge of a county court shall take an 38137
oath of office as provided in section 3.23 of the Revised Code, 38138
the office of judge of a county court is subject to forfeiture, 38139
and a judge may be removed from office, for the causes and by the 38140
procedure provided in sections 3.07 to 3.10 of the Revised Code. 38141

When a judge of a county court is temporarily absent, 38142
incapacitated, or otherwise unavailable, the judge may appoint a 38143
substitute having the qualifications required by section 1907.13 38144
of the Revised Code or may appoint a retired judge of a court of 38145
record in the state who is a qualified elector and a resident of 38146
the county court district. If the judge is unable to make the 38147
appointment, the administrative judge of the county court district 38148
or the administrative judge of the court of common pleas of the 38149
county shall appoint the substitute. The appointee shall serve 38150
during the absence, incapacity, or unavailability of the 38151
incumbent, shall have the jurisdiction and powers conferred upon 38152
the judge of the county court, and shall be styled "acting judge." 38153
During that term of service, the acting judge shall sign all 38154
process and records and perform all acts pertaining to the office 38155
except that of removal and appointment of officers of the court. 38156
All courts shall take judicial notice of the selection and powers 38157
of the acting judge. The incumbent judge shall establish the 38158
amount of the compensation of an acting judge on a per diem, 38159
hourly, or other basis, and the compensation shall not exceed the 38160
per diem compensation paid to the incumbent judge based upon a 38161
work year of one hundred thirty days. The compensation shall be 38162
payable in the same manner as the compensation paid to the 38163

incumbent judge during the same period. 38164

~~(B) The treasurer of a county that, pursuant to division (A) 38165
of this section, is required to pay any compensation to which the 38166
acting judges, judges, or retired judges described in that 38167
division are entitled under division (A)(6) of section 141.04 of 38168
the Revised Code, shall submit to the administrative director of 38169
the supreme court quarterly requests for reimbursements of the per 38170
diem amounts so paid. The reports shall include verifications of 38171
the payment of those amounts. The administrative director shall 38172
cause reimbursements of those amounts to be issued to the county 38173
if the administrative director verifies that those amounts were, 38174
in fact, so paid. 38175~~

Sec. 1907.24. (A) Subject to division (C) of this section, a 38176
county court shall fix and tax fees and costs as follows: 38177

(1) The county court shall require an advance deposit for the 38178
filing of any new civil action or proceeding when required by 38179
division (C) of this section and, in all other cases, shall 38180
establish a schedule of fees and costs to be taxed in any civil or 38181
criminal action or proceeding. 38182

(2) The county court by rule may require an advance deposit 38183
for the filing of a civil action or proceeding and publication 38184
fees as provided in section 2701.09 of the Revised Code. The court 38185
may waive an advance deposit requirement upon the presentation of 38186
an affidavit or other evidence that establishes that a party is 38187
unable to make the requisite deposit. 38188

(3) When a party demands a jury trial in a civil action or 38189
proceeding, the county court may require the party to make an 38190
advance deposit as fixed by rule of court, unless the court 38191
concludes, on the basis of an affidavit or other evidence 38192
presented by the party, that the party is unable to make the 38193
requisite deposit. If a jury is called, the county court shall tax 38194

the fees of a jury as costs.	38195
(4) In a civil or criminal action or proceeding, the county court shall fix the fees of witnesses in accordance with sections 2335.06 and 2335.08 of the Revised Code.	38196 38197 38198
(5) A county court may tax as part of the costs in a trial of the cause, in an amount fixed by rule of court, a reasonable charge for driving, towing, carting, storing, keeping, and preserving motor vehicles and other personal property recovered or seized in a proceeding.	38199 38200 38201 38202 38203
(6) The court shall preserve chattel property seized under a writ or process issued by the court pending final disposition for the benefit of all interested persons. The court may place the chattel property in storage when necessary or proper for its preservation. The custodian of chattel property so stored shall not be required to part with the possession of the property until a reasonable charge, to be fixed by the court, is paid.	38204 38205 38206 38207 38208 38209 38210
(7) The county court, as it determines, may refund all deposits and advance payments of fees and costs, including those for jurors and summoning jurors, when they have been paid by the losing party.	38211 38212 38213 38214
(8) The court may tax as part of costs charges for the publication of legal notices required by statute or order of court, as provided by section 7.13 of the Revised Code.	38215 38216 38217
(B)(1) The county court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment	38218 38219 38220 38221 38222 38223 38224

of magistrates, the training and education of judges, acting 38225
judges, and magistrates, and other related services. Upon that 38226
determination, the court by rule may charge a fee, in addition to 38227
all other court costs, on the filing of each criminal cause, civil 38228
action or proceeding, or judgment by confession. 38229

If the county court offers a special program or service in 38230
cases of a specific type, the county court by rule may assess an 38231
additional charge in a case of that type, over and above court 38232
costs, to cover the special program or service. The county court 38233
shall adjust the special assessment periodically, but not 38234
retroactively, so that the amount assessed in those cases does not 38235
exceed the actual cost of providing the service or program. 38236

All moneys collected under division (B) of this section shall 38237
be paid to the county treasurer for deposit into either a general 38238
special projects fund or a fund established for a specific special 38239
project. Moneys from a fund of that nature shall be disbursed upon 38240
an order of the court in an amount no greater than the actual cost 38241
to the court of a project. If a specific fund is terminated 38242
because of the discontinuance of a program or service established 38243
under division (B) of this section, the county court may order 38244
that moneys remaining in the fund be transferred to an account 38245
established under this division for a similar purpose. 38246

(2) As used in division (B) of this section: 38247

(a) "Criminal cause" means a charge alleging the violation of 38248
a statute or ordinance, or subsection of a statute or ordinance, 38249
that requires a separate finding of fact or a separate plea before 38250
disposition and of which the defendant may be found guilty, 38251
whether filed as part of a multiple charge on a single summons, 38252
citation, or complaint or as a separate charge on a single 38253
summons, citation, or complaint. "Criminal cause" does not include 38254
separate violations of the same statute or ordinance, or 38255
subsection of the same statute or ordinance, unless each charge is 38256

filed on a separate summons, citation, or complaint.	38257
(b) "Civil action or proceeding" means any civil litigation	38258
that must be determined by judgment entry.	38259
(C) Subject to division (E) of this section, the county court	38260
shall collect in all its divisions except the small claims	38261
division the sum of twenty-six dollars as additional filing fees	38262
in each new civil action or proceeding for the charitable public	38263
purpose of providing financial assistance to legal aid societies	38264
that operate within the state and to support the office of the	38265
state public defender. Subject to division (E) of this section,	38266
the county court shall collect in its small claims division the	38267
sum of eleven dollars as additional filing fees in each new civil	38268
action or proceeding for the charitable public purpose of	38269
providing financial assistance to legal aid societies that operate	38270
within the state and to support the office of the state public	38271
defender. This division does not apply to any execution on a	38272
judgment, proceeding in aid of execution, or other post-judgment	38273
proceeding arising out of a civil action. The filing fees	38274
required to be collected under this division shall be in addition	38275
to any other court costs imposed in the action or proceeding and	38276
shall be collected at the time of the filing of the action or	38277
proceeding. The court shall not waive the payment of the	38278
additional filing fees in a new civil action or proceeding unless	38279
the court waives the advanced payment of all filing fees in the	38280
action or proceeding. All such moneys collected during a month	38281
<u>except for an amount equal to up to one per cent of those moneys</u>	38282
<u>retained to cover administrative costs</u> shall be transmitted on or	38283
before the twentieth day of the following month by the clerk of	38284
the court to the treasurer of state in a manner prescribed by the	38285
treasurer of state or by the Ohio legal assistance foundation. The	38286
treasurer of state shall deposit four per cent of the funds	38287
collected under this division to the credit of the civil case	38288
filing fee fund established under section 120.07 of the Revised	38289

Code and ninety-six per cent of the funds collected under this 38290
division to the credit of the legal aid fund established under 38291
section 120.52 of the Revised Code. 38292

The court may retain up to one per cent of the moneys it 38293
collects under this division to cover administrative costs, 38294
including the hiring of any additional personnel necessary to 38295
implement this division. If the court fails to transmit to the 38296
treasurer of state the moneys the court collects under this 38297
division in a manner prescribed by the treasurer of state or by 38298
the Ohio legal assistance foundation, the court shall forfeit the 38299
moneys the court retains under this division to cover 38300
administrative costs, including the hiring of any additional 38301
personnel necessary to implement this division, and shall transmit 38302
to the treasurer of state all moneys collected under this 38303
division, including the forfeited amount retained for 38304
administrative costs, for deposit in the legal aid fund. 38305

(D) The county court shall establish by rule a schedule of 38306
fees for miscellaneous services performed by the county court or 38307
any of its judges in accordance with law. If judges of the court 38308
of common pleas perform similar services, the fees prescribed in 38309
the schedule shall not exceed the fees for those services 38310
prescribed by the court of common pleas. 38311

(E) Under the circumstances described in sections 2969.21 to 38312
2969.27 of the Revised Code, the clerk of the county court shall 38313
charge the fees and perform the other duties specified in those 38314
sections. 38315

Sec. 2101.01. (A) A probate division of the court of common 38316
pleas shall be held at the county seat in each county in an office 38317
furnished by the board of county commissioners, in which the 38318
books, records, and papers pertaining to the probate division 38319
shall be deposited and safely kept by the probate judge. The board 38320
shall provide suitable cases or other necessary items for the 38321

safekeeping and preservation of the books, records, and papers of 38322
the court and shall furnish any blankbooks, blanks, and 38323
stationery, and any machines, equipment, and materials for the 38324
keeping or examining of records, that the probate judge requires 38325
in the discharge of official duties. The board also shall 38326
authorize expenditures for accountants, financial consultants, and 38327
other agents required for auditing or financial consulting by the 38328
probate division whenever the probate judge considers these 38329
services and expenditures necessary for the efficient performance 38330
of the division's duties. The probate judge shall employ and 38331
supervise all clerks, deputies, magistrates, and other employees 38332
of the probate division. The probate judge shall supervise all 38333
probate court investigators and assessors in the performance of 38334
their duties as investigators and assessors and shall employ, 38335
appoint, or designate all probate court investigators and 38336
assessors in the manner described in divisions (A)(2) and (3) of 38337
section 2101.11 of the Revised Code. 38338

(B) As used in the Revised Code: 38339

(1) Except as provided in division (B)(2) of this section, 38340
"probate court" means the probate division of the court of common 38341
pleas, and "probate judge" means the judge of the court of common 38342
pleas who is judge of the probate division. 38343

(2) With respect to Lorain county: 38344

(a) From ~~January 1, 2006, through February 8, 2009~~, "probate 38345
court" ~~means both the probate division and the domestic relations~~ 38346
~~division of the court of common pleas, and "probate judge" means~~ 38347
~~both the judge of the court of common pleas who is judge of the~~ 38348
~~probate division and each of the judges of the court of common~~ 38349
~~pleas who are judges of the domestic relations division.~~ 38350

~~(b) On and after February 9, 2009, through September 28,~~ 38351
2009, "probate court" means the domestic relations division of 38352

the court of common pleas, and "probate judge" means each of the
judges of the court of common pleas who are judges of the
domestic relations division.

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(b) The judge of the court of common pleas, division of
domestic relations, whose term begins on February 9, 2009, and
successors, shall be the probate judge beginning September 29,
2009, and shall be elected and designated as judge of the court
of common pleas, probate division.

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(C) Except as otherwise provided in this division, all
pleadings, forms, journals, and other records filed or used in the
probate division shall be entitled "In the Court of Common Pleas,
Probate Division," but are not defective if entitled "In the
Probate Court." In Lorain county, ~~on and after~~from February 9,
2009, through September 28, 2009, all pleadings, forms, journals,
and other records filed or used in probate matters shall be
entitled "In the Court of Common Pleas, Domestic Relations
Division," but are not defective if entitled "In the Probate
Division" or "In the Probate Court."

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Sec. 2301.02. The number of judges of the court of common
pleas for each county, the time for the next election of the
judges in the several counties, and the beginning of their terms
shall be as follows:

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(A) In Adams, Ashland, Fayette, and Pike counties, one judge,
elected in 1956, term to begin February 9, 1957;

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In Brown, Crawford, Defiance, Highland, Holmes, Morgan,
Ottawa, and Union counties, one judge, to be elected in 1954, term
to begin February 9, 1955;

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In Auglaize county, one judge, to be elected in 1956, term to
begin January 9, 1957;

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In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin,	38382
Jackson, Knox, Madison, Mercer, Monroe, Paulding, Vinton, and	38383
Wyandot counties, one judge, to be elected in 1956, term to begin	38384
January 1, 1957;	38385
In Morrow county, two judges, one to be elected in 1956, term	38386
to begin January 1, 1957, and one to be elected in 2006, term to	38387
begin January 1, 2007;	38388
In Logan county, two judges, one to be elected in 1956, term	38389
to begin January 1, 1957, and one to be elected in 2004, term to	38390
begin January 2, 2005;	38391
In Carroll, Clinton, Hocking, Meigs, Pickaway, Preble,	38392
Shelby, Van Wert, and Williams counties, one judge, to be elected	38393
in 1952, term to begin January 1, 1953;	38394
In Champaign county, two judges, one to be elected in 1952,	38395
term to begin January 1, 1953, and one to be elected in 2008, term	38396
to begin February 10, 2009.	38397
In Harrison and Noble counties, one judge, to be elected in	38398
1954, term to begin April 18, 1955;	38399
In Henry county, two judges, one to be elected in 1956, term	38400
to begin May 9, 1957, and one to be elected in 2004, term to begin	38401
January 1, 2005;	38402
In Putnam county, one judge, to be elected in 1956, term to	38403
begin May 9, 1957;	38404
In Huron county, one judge, to be elected in 1952, term to	38405
begin May 14, 1953;	38406
In Perry county, one judge, to be elected in 1954, term to	38407
begin July 6, 1956;	38408

In Sandusky county, two judges, one to be elected in 1954,	38409
term to begin February 10, 1955, and one to be elected in 1978,	38410
term to begin January 1, 1979;	38411
(B) In Allen county, three judges, one to be elected in 1956,	38412
term to begin February 9, 1957, the second to be elected in 1958,	38413
term to begin January 1, 1959, and the third to be elected in	38414
1992, term to begin January 1, 1993;	38415
In Ashtabula county, three judges, one to be elected in 1954,	38416
term to begin February 9, 1955, one to be elected in 1960, term to	38417
begin January 1, 1961, and one to be elected in 1978, term to	38418
begin January 2, 1979;	38419
In Athens county, two judges, one to be elected in 1954, term	38420
to begin February 9, 1955, and one to be elected in 1990, term to	38421
begin July 1, 1991;	38422
In Erie county, four judges, one to be elected in 1956, term	38423
to begin January 1, 1957, the second to be elected in 1970, term	38424
to begin January 2, 1971, the third to be elected in 2004, term to	38425
begin January 2, 2005, and the fourth to be elected in 2008, term	38426
to begin February 9, 2009;	38427
In Fairfield county, three judges, one to be elected in 1954,	38428
term to begin February 9, 1955, the second to be elected in 1970,	38429
term to begin January 1, 1971, and the third to be elected in	38430
1994, term to begin January 2, 1995;	38431
In Geauga county, two judges, one to be elected in 1956, term	38432
to begin January 1, 1957, and the second to be elected in 1976,	38433
term to begin January 6, 1977;	38434
In Greene county, four judges, one to be elected in 1956,	38435
term to begin February 9, 1957, the second to be elected in 1960,	38436
term to begin January 1, 1961, the third to be elected in 1978,	38437

term to begin January 2, 1979, and the fourth to be elected in	38438
1994, term to begin January 1, 1995;	38439
In Hancock county, two judges, one to be elected in 1952,	38440
term to begin January 1, 1953, and the second to be elected in	38441
1978, term to begin January 1, 1979;	38442
In Lawrence county, two judges, one to be elected in 1954,	38443
term to begin February 9, 1955, and the second to be elected in	38444
1976, term to begin January 1, 1977;	38445
In Marion county, three judges, one to be elected in 1952,	38446
term to begin January 1, 1953, the second to be elected in 1976,	38447
term to begin January 2, 1977, and the third to be elected in	38448
1998, term to begin February 9, 1999;	38449
In Medina county, three judges, one to be elected in 1956,	38450
term to begin January 1, 1957, the second to be elected in 1966,	38451
term to begin January 1, 1967, and the third to be elected in	38452
1994, term to begin January 1, 1995;	38453
In Miami county, two judges, one to be elected in 1954, term	38454
to begin February 9, 1955, and one to be elected in 1970, term to	38455
begin on January 1, 1971;	38456
In Muskingum county, three judges, one to be elected in 1968,	38457
term to begin August 9, 1969, one to be elected in 1978, term to	38458
begin January 1, 1979, and one to be elected in 2002, term to	38459
begin January 2, 2003;	38460
In Portage county, three judges, one to be elected in 1956,	38461
term to begin January 1, 1957, the second to be elected in 1960,	38462
term to begin January 1, 1961, and the third to be elected in	38463
1986, term to begin January 2, 1987;	38464
In Ross county, two judges, one to be elected in 1956, term	38465

to begin February 9, 1957, and the second to be elected in 1976, 38466
term to begin January 1, 1977; 38467

In Scioto county, three judges, one to be elected in 1954, 38468
term to begin February 10, 1955, the second to be elected in 1960, 38469
term to begin January 1, 1961, and the third to be elected in 38470
1994, term to begin January 2, 1995; 38471

In Seneca county, two judges, one to be elected in 1956, term 38472
to begin January 1, 1957, and the second to be elected in 1986, 38473
term to begin January 2, 1987; 38474

In Warren county, four judges, one to be elected in 1954, 38475
term to begin February 9, 1955, the second to be elected in 1970, 38476
term to begin January 1, 1971, the third to be elected in 1986, 38477
term to begin January 1, 1987, and the fourth to be elected in 38478
2004, term to begin January 2, 2005; 38479

In Washington county, two judges, one to be elected in 1952, 38480
term to begin January 1, 1953, and one to be elected in 1986, term 38481
to begin January 1, 1987; 38482

In Wood county, three judges, one to be elected in 1968, term 38483
beginning January 1, 1969, the second to be elected in 1970, term 38484
to begin January 2, 1971, and the third to be elected in 1990, 38485
term to begin January 1, 1991; 38486

In Belmont and Jefferson counties, two judges, to be elected 38487
in 1954, terms to begin January 1, 1955, and February 9, 1955, 38488
respectively; 38489

In Clark county, four judges, one to be elected in 1952, term 38490
to begin January 1, 1953, the second to be elected in 1956, term 38491
to begin January 2, 1957, the third to be elected in 1986, term to 38492
begin January 3, 1987, and the fourth to be elected in 1994, term 38493
to begin January 2, 1995. 38494

In Clermont county, five judges, one to be elected in 1956,	38495
term to begin January 1, 1957, the second to be elected in 1964,	38496
term to begin January 1, 1965, the third to be elected in 1982,	38497
term to begin January 2, 1983, the fourth to be elected in 1986,	38498
term to begin January 2, 1987; and the fifth to be elected in	38499
2006, term to begin January 3, 2007;	38500

In Columbiana county, two judges, one to be elected in 1952,	38501
term to begin January 1, 1953, and the second to be elected in	38502
1956, term to begin January 1, 1957;	38503

In Delaware county, two judges, one to be elected in 1990,	38504
term to begin February 9, 1991, the second to be elected in 1994,	38505
term to begin January 1, 1995;	38506

In Lake county, six judges, one to be elected in 1958, term	38507
to begin January 1, 1959, the second to be elected in 1960, term	38508
to begin January 2, 1961, the third to be elected in 1964, term to	38509
begin January 3, 1965, the fourth and fifth to be elected in 1978,	38510
terms to begin January 4, 1979, and January 5, 1979, respectively,	38511
and the sixth to be elected in 2000, term to begin January 6,	38512
2001;	38513

In Licking county, four judges, one to be elected in 1954,	38514
term to begin February 9, 1955, one to be elected in 1964, term to	38515
begin January 1, 1965, one to be elected in 1990, term to begin	38516
January 1, 1991, and one to be elected in 2004, term to begin	38517
January 1, 2005;	38518

In Lorain county, ~~ten~~ <u>nine</u> judges, two to be elected in 1952,	38519
terms to begin January 1, 1953, and January 2, 1953, respectively,	38520
one to be elected in 1958, term to begin January 3, 1959, one to	38521
be elected in 1968, term to begin January 1, 1969, two to be	38522
elected in 1988, terms to begin January 4, 1989, and January 5,	38523
1989, respectively, two to be elected in 1998, terms to begin	38524

January 2, 1999, and January 3, 1999, respectively; and one to be
elected in 2006, term to begin January 6, 2007; ~~and one to be~~
~~elected in 2008, term to begin February 9, 2009, as described in~~
~~division (C)(1)(c) of section 2301.03 of the Revised Code;~~

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In Butler county, eleven judges, one to be elected in 1956,
term to begin January 1, 1957; two to be elected in 1954, terms to
begin January 1, 1955, and February 9, 1955, respectively; one to
be elected in 1968, term to begin January 2, 1969; one to be
elected in 1986, term to begin January 3, 1987; two to be elected
in 1988, terms to begin January 1, 1989, and January 2, 1989,
respectively; one to be elected in 1992, term to begin January 4,
1993; two to be elected in 2002, terms to begin January 2, 2003,
and January 3, 2003, respectively; and one to be elected in 2006,
term to begin January 3, 2007;

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In Richland county, four judges, one to be elected in 1956,
term to begin January 1, 1957, the second to be elected in 1960,
term to begin February 9, 1961, the third to be elected in 1968,
term to begin January 2, 1969, and the fourth to be elected in
2004, term to begin January 3, 2005;

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In Tuscarawas county, two judges, one to be elected in 1956,
term to begin January 1, 1957, and the second to be elected in
1960, term to begin January 2, 1961;

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In Wayne county, two judges, one to be elected in 1956, term
beginning January 1, 1957, and one to be elected in 1968, term to
begin January 2, 1969;

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In Trumbull county, six judges, one to be elected in 1952,
term to begin January 1, 1953, the second to be elected in 1954,
term to begin January 1, 1955, the third to be elected in 1956,
term to begin January 1, 1957, the fourth to be elected in 1964,
term to begin January 1, 1965, the fifth to be elected in 1976,
term to begin January 2, 1977, and the sixth to be elected in

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1994, term to begin January 3, 1995; 38556

(C) In Cuyahoga county, thirty-nine judges; eight to be 38557
elected in 1954, terms to begin on successive days beginning from 38558
January 1, 1955, to January 7, 1955, and February 9, 1955, 38559
respectively; eight to be elected in 1956, terms to begin on 38560
successive days beginning from January 1, 1957, to January 8, 38561
1957; three to be elected in 1952, terms to begin from January 1, 38562
1953, to January 3, 1953; two to be elected in 1960, terms to 38563
begin on January 8, 1961, and January 9, 1961, respectively; two 38564
to be elected in 1964, terms to begin January 4, 1965, and January 38565
5, 1965, respectively; one to be elected in 1966, term to begin on 38566
January 10, 1967; four to be elected in 1968, terms to begin on 38567
successive days beginning from January 9, 1969, to January 12, 38568
1969; two to be elected in 1974, terms to begin on January 18, 38569
1975, and January 19, 1975, respectively; five to be elected in 38570
1976, terms to begin on successive days beginning January 6, 1977, 38571
to January 10, 1977; two to be elected in 1982, terms to begin 38572
January 11, 1983, and January 12, 1983, respectively; and two to 38573
be elected in 1986, terms to begin January 13, 1987, and January 38574
14, 1987, respectively; 38575

In Franklin county, twenty-two judges; two to be elected in 38576
1954, terms to begin January 1, 1955, and February 9, 1955, 38577
respectively; four to be elected in 1956, terms to begin January 38578
1, 1957, to January 4, 1957; four to be elected in 1958, terms to 38579
begin January 1, 1959, to January 4, 1959; three to be elected in 38580
1968, terms to begin January 5, 1969, to January 7, 1969; three to 38581
be elected in 1976, terms to begin on successive days beginning 38582
January 5, 1977, to January 7, 1977; one to be elected in 1982, 38583
term to begin January 8, 1983; one to be elected in 1986, term to 38584
begin January 9, 1987; two to be elected in 1990, terms to begin 38585
July 1, 1991, and July 2, 1991, respectively; one to be elected in 38586
1996, term to begin January 2, 1997; and one to be elected in 38587
2004, term to begin July 1, 2005; 38588

In Hamilton county, twenty-one judges; eight to be elected in	38589
1966, terms to begin January 1, 1967, January 2, 1967, and from	38590
February 9, 1967, to February 14, 1967, respectively; five to be	38591
elected in 1956, terms to begin from January 1, 1957, to January	38592
5, 1957; one to be elected in 1964, term to begin January 1, 1965;	38593
one to be elected in 1974, term to begin January 15, 1975; one to	38594
be elected in 1980, term to begin January 16, 1981; two to be	38595
elected at large in the general election in 1982, terms to begin	38596
April 1, 1983; one to be elected in 1990, term to begin July 1,	38597
1991; and two to be elected in 1996, terms to begin January 3,	38598
1997, and January 4, 1997, respectively;	38599

In Lucas county, fourteen judges; two to be elected in 1954,	38600
terms to begin January 1, 1955, and February 9, 1955,	38601
respectively; two to be elected in 1956, terms to begin January 1,	38602
1957, and October 29, 1957, respectively; two to be elected in	38603
1952, terms to begin January 1, 1953, and January 2, 1953,	38604
respectively; one to be elected in 1964, term to begin January 3,	38605
1965; one to be elected in 1968, term to begin January 4, 1969;	38606
two to be elected in 1976, terms to begin January 4, 1977, and	38607
January 5, 1977, respectively; one to be elected in 1982, term to	38608
begin January 6, 1983; one to be elected in 1988, term to begin	38609
January 7, 1989; one to be elected in 1990, term to begin January	38610
2, 1991; and one to be elected in 1992, term to begin January 2,	38611
1993;	38612

In Mahoning county, seven judges; three to be elected in	38613
1954, terms to begin January 1, 1955, January 2, 1955, and	38614
February 9, 1955, respectively; one to be elected in 1956, term to	38615
begin January 1, 1957; one to be elected in 1952, term to begin	38616
January 1, 1953; one to be elected in 1968, term to begin January	38617
2, 1969; and one to be elected in 1990, term to begin July 1,	38618
1991;	38619

In Montgomery county, fifteen judges; three to be elected in	38620

1954, terms to begin January 1, 1955, January 2, 1955, and January	38621
3, 1955, respectively; four to be elected in 1952, terms to begin	38622
January 1, 1953, January 2, 1953, July 1, 1953, and July 2, 1953,	38623
respectively; one to be elected in 1964, term to begin January 3,	38624
1965; one to be elected in 1968, term to begin January 3, 1969;	38625
three to be elected in 1976, terms to begin on successive days	38626
beginning January 4, 1977, to January 6, 1977; two to be elected	38627
in 1990, terms to begin July 1, 1991, and July 2, 1991,	38628
respectively; and one to be elected in 1992, term to begin January	38629
1, 1993.	38630

In Stark county, eight judges; one to be elected in 1958,	38631
term to begin on January 2, 1959; two to be elected in 1954, terms	38632
to begin on January 1, 1955, and February 9, 1955, respectively;	38633
two to be elected in 1952, terms to begin January 1, 1953, and	38634
April 16, 1953, respectively; one to be elected in 1966, term to	38635
begin on January 4, 1967; and two to be elected in 1992, terms to	38636
begin January 1, 1993, and January 2, 1993, respectively;	38637

In Summit county, thirteen judges; four to be elected in	38638
1954, terms to begin January 1, 1955, January 2, 1955, January 3,	38639
1955, and February 9, 1955, respectively; three to be elected in	38640
1958, terms to begin January 1, 1959, January 2, 1959, and May 17,	38641
1959, respectively; one to be elected in 1966, term to begin	38642
January 4, 1967; one to be elected in 1968, term to begin January	38643
5, 1969; one to be elected in 1990, term to begin May 1, 1991; one	38644
to be elected in 1992, term to begin January 6, 1993; and two to	38645
be elected in 2008, terms to begin January 5, 2009, and January 6,	38646
2009, respectively.	38647

Notwithstanding the foregoing provisions, in any county	38648
having two or more judges of the court of common pleas, in which	38649
more than one-third of the judges plus one were previously elected	38650
at the same election, if the office of one of those judges so	38651
elected becomes vacant more than forty days prior to the second	38652

general election preceding the expiration of that judge's term, 38653
the office that that judge had filled shall be abolished as of the 38654
date of the next general election, and a new office of judge of 38655
the court of common pleas shall be created. The judge who is to 38656
fill that new office shall be elected for a six-year term at the 38657
next general election, and the term of that judge shall commence 38658
on the first day of the year following that general election, on 38659
which day no other judge's term begins, so that the number of 38660
judges that the county shall elect shall not be reduced. 38661

Judges of the probate division of the court of common pleas 38662
are judges of the court of common pleas but shall be elected 38663
pursuant to sections 2101.02 and 2101.021 of the Revised Code, 38664
except in Adams, Harrison, Henry, Morgan, Noble, and Wyandot 38665
counties in which the judge of the court of common pleas elected 38666
pursuant to this section also shall serve as judge of the probate 38667
division, except in Lorain county in which the judges of the 38668
domestic relations division of the Lorain county court of common 38669
pleas elected pursuant to this section also shall perform the 38670
duties and functions of the judge of the probate division from 38671
February 9, 2009, through September 28, 2009, and except in 38672
Morrow county in which the judges of the court of common pleas 38673
elected pursuant to this section also shall perform the duties 38674
and functions of the judge of the probate division. 38675

Sec. 2301.03. (A) In Franklin county, the judges of the 38676
court of common pleas whose terms begin on January 1, 1953, 38677
January 2, 1953, January 5, 1969, January 5, 1977, and January 2, 38678
1997, and successors, shall have the same qualifications, exercise 38679
the same powers and jurisdiction, and receive the same 38680
compensation as other judges of the court of common pleas of 38681
Franklin county and shall be elected and designated as judges of 38682
the court of common pleas, division of domestic relations. They 38683
shall have all the powers relating to juvenile courts, and all 38684
cases under Chapters 2151. and 2152. of the Revised Code, all 38685

parentage proceedings under Chapter 3111. of the Revised Code over 38686
which the juvenile court has jurisdiction, and all divorce, 38687
dissolution of marriage, legal separation, and annulment cases 38688
shall be assigned to them. In addition to the judge's regular 38689
duties, the judge who is senior in point of service shall serve on 38690
the children services board and the county advisory board and 38691
shall be the administrator of the domestic relations division and 38692
its subdivisions and departments. 38693

(B) In Hamilton county: 38694

(1) The judge of the court of common pleas, whose term begins 38695
on January 1, 1957, and successors, and the judge of the court of 38696
common pleas, whose term begins on February 14, 1967, and 38697
successors, shall be the juvenile judges as provided in Chapters 38698
2151. and 2152. of the Revised Code, with the powers and 38699
jurisdiction conferred by those chapters. 38700

(2) The judges of the court of common pleas whose terms begin 38701
on January 5, 1957, January 16, 1981, and July 1, 1991, and 38702
successors, shall be elected and designated as judges of the court 38703
of common pleas, division of domestic relations, and shall have 38704
assigned to them all divorce, dissolution of marriage, legal 38705
separation, and annulment cases coming before the court. On or 38706
after the first day of July and before the first day of August of 38707
1991 and each year thereafter, a majority of the judges of the 38708
division of domestic relations shall elect one of the judges of 38709
the division as administrative judge of that division. If a 38710
majority of the judges of the division of domestic relations are 38711
unable for any reason to elect an administrative judge for the 38712
division before the first day of August, a majority of the judges 38713
of the Hamilton county court of common pleas, as soon as possible 38714
after that date, shall elect one of the judges of the division of 38715
domestic relations as administrative judge of that division. The 38716
term of the administrative judge shall begin on the earlier of the 38717

first day of August of the year in which the administrative judge 38718
is elected or the date on which the administrative judge is 38719
elected by a majority of the judges of the Hamilton county court 38720
of common pleas and shall terminate on the date on which the 38721
administrative judge's successor is elected in the following year. 38722

In addition to the judge's regular duties, the administrative 38723
judge of the division of domestic relations shall be the 38724
administrator of the domestic relations division and its 38725
subdivisions and departments and shall have charge of the 38726
employment, assignment, and supervision of the personnel of the 38727
division engaged in handling, servicing, or investigating divorce, 38728
dissolution of marriage, legal separation, and annulment cases, 38729
including any referees considered necessary by the judges in the 38730
discharge of their various duties. 38731

The administrative judge of the division of domestic 38732
relations also shall designate the title, compensation, expense 38733
allowances, hours, leaves of absence, and vacations of the 38734
personnel of the division, and shall fix the duties of its 38735
personnel. The duties of the personnel, in addition to those 38736
provided for in other sections of the Revised Code, shall include 38737
the handling, servicing, and investigation of divorce, dissolution 38738
of marriage, legal separation, and annulment cases and counseling 38739
and conciliation services that may be made available to persons 38740
requesting them, whether or not the persons are parties to an 38741
action pending in the division. 38742

The board of county commissioners shall appropriate the sum 38743
of money each year as will meet all the administrative expenses of 38744
the division of domestic relations, including reasonable expenses 38745
of the domestic relations judges and the division counselors and 38746
other employees designated to conduct the handling, servicing, and 38747
investigation of divorce, dissolution of marriage, legal 38748
separation, and annulment cases, conciliation and counseling, and 38749

all matters relating to those cases and counseling, and the 38750
expenses involved in the attendance of division personnel at 38751
domestic relations and welfare conferences designated by the 38752
division, and the further sum each year as will provide for the 38753
adequate operation of the division of domestic relations. 38754

The compensation and expenses of all employees and the salary 38755
and expenses of the judges shall be paid by the county treasurer 38756
from the money appropriated for the operation of the division, 38757
upon the warrant of the county auditor, certified to by the 38758
administrative judge of the division of domestic relations. 38759

The summonses, warrants, citations, subpoenas, and other 38760
writs of the division may issue to a bailiff, constable, or staff 38761
investigator of the division or to the sheriff of any county or 38762
any marshal, constable, or police officer, and the provisions of 38763
law relating to the subpoenaing of witnesses in other cases shall 38764
apply insofar as they are applicable. When a summons, warrant, 38765
citation, subpoena, or other writ is issued to an officer, other 38766
than a bailiff, constable, or staff investigator of the division, 38767
the expense of serving it shall be assessed as a part of the costs 38768
in the case involved. 38769

(3) The judge of the court of common pleas of Hamilton county 38770
whose term begins on January 3, 1997, and the successors to that 38771
judge shall each be elected and designated as the drug court 38772
judge of the court of common pleas of Hamilton county. The drug 38773
court judge may accept or reject any case referred to the drug 38774
court judge under division (B)(3) of this section. After the drug 38775
court judge accepts a referred case, the drug court judge has 38776
full authority over the case, including the authority to conduct 38777
arraignment, accept pleas, enter findings and dispositions, 38778
conduct trials, order treatment, and if treatment is not 38779
successfully completed pronounce and enter sentence. 38780

A judge of the general division of the court of common pleas 38781

of Hamilton county and a judge of the Hamilton county municipal
court may refer to the drug court judge any case, and any
companion cases, the judge determines meet the criteria described
under divisions (B)(3)(a) and (b) of this section. If the drug
court judge accepts referral of a referred case, the case, and any
companion cases, shall be transferred to the drug court judge. A
judge may refer a case meeting the criteria described in divisions
(B)(3)(a) and (b) of this section that involves a violation of a
condition of a community control sanction to the drug court judge,
and, if the drug court judge accepts the referral, the referring
judge and the drug court judge have concurrent jurisdiction over
the case.

A judge of the general division of the court of common pleas
of Hamilton county and a judge of the Hamilton county municipal
court may refer a case to the drug court judge under division
(B)(3) of this section if the judge determines that both of the
following apply:

(a) One of the following applies:

(i) The case involves a drug abuse offense, as defined in
section 2925.01 of the Revised Code, that is a felony of the third
or fourth degree if the offense is committed prior to July 1,
1996, a felony of the third, fourth, or fifth degree if the
offense is committed on or after July 1, 1996, or a misdemeanor.

(ii) The case involves a theft offense, as defined in section
2913.01 of the Revised Code, that is a felony of the third or
fourth degree if the offense is committed prior to July 1, 1996, a
felony of the third, fourth, or fifth degree if the offense is
committed on or after July 1, 1996, or a misdemeanor, and the
defendant is drug or alcohol dependent or in danger of becoming
drug or alcohol dependent and would benefit from treatment.

(b) All of the following apply:

(i) The case involves an offense for which a community control sanction may be imposed or is a case in which a mandatory prison term or a mandatory jail term is not required to be imposed.	38813 38814 38815 38816
(ii) The defendant has no history of violent behavior.	38817
(iii) The defendant has no history of mental illness.	38818
(iv) The defendant's current or past behavior, or both, is drug or alcohol driven.	38819 38820
(v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.	38821 38822
(vi) The defendant has no acute health condition.	38823
(vii) If the defendant is incarcerated, the county prosecutor approves of the referral.	38824 38825
(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge.	38826 38827 38828 38829 38830 38831 38832 38833 38834 38835 38836
(5) As used in division (B) of this section, "community control sanction," "mandatory prison term," and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised	38837 38838 38839

Code.	38840
(C)(1) In Lorain county:	38841
(a) The judges of the court of common pleas whose terms begin	38842
on January 3, 1959, January 4, 1989, ~~and~~ January 2, 1999, ~~and~~	38843
~~February 9, 2009,~~ and successors, <u>and the judge of the court of</u>	38844
<u>common pleas whose term begins on February 9, 2009,</u> shall have the	38845
same qualifications, exercise the same powers and jurisdiction,	38846
and receive the same compensation as the other judges of the court	38847
of common pleas of Lorain county and shall be elected and	38848
designated as the judges of the court of common pleas, division of	38849
domestic relations. ~~They~~ <u>The judges of the court of common pleas</u>	38850
<u>whose terms begin on January 3, 1959, January 4, 1989, and January</u>	38851
<u>2, 1999, and successors,</u> shall have all of the powers relating to	38852
juvenile courts, and all cases under Chapters 2151. and 2152. of	38853
the Revised Code, all parentage proceedings over which the	38854
juvenile court has jurisdiction, and all divorce, dissolution of	38855
marriage, legal separation, and annulment cases shall be assigned	38856
to them, except cases that for some special reason are assigned to	38857
some other judge of the court of common pleas. <u>From February 9,</u>	38858
<u>2009, through September 28, 2009, the judge of the court of common</u>	38859
<u>pleas whose term begins on February 9, 2009, shall have all the</u>	38860
<u>powers relating to juvenile courts, and cases under Chapters 2151.</u>	38861
<u>and 2152. of the Revised Code, parentage proceedings over which</u>	38862
<u>the juvenile court has jurisdiction, and divorce, dissolution of</u>	38863
<u>marriage, legal separation, and annulment cases shall be assigned</u>	38864
<u>to that judge, except cases that for some special reason are</u>	38865
<u>assigned to some other judge of the court of common pleas.</u>	38866
(b) ~~On and after~~ <u>From</u> January 1, 2006, <u>through September 28,</u>	38867
<u>2009,</u> the judges of the court of common pleas, division of	38868
domestic relations, in addition to the powers and jurisdiction	38869
set forth in division (C)(1)(a) of this section, shall have	38870
jurisdiction over matters that are within the jurisdiction of the	38871

probate court under Chapter 2101. and other provisions of the 38872
Revised Code. ~~From January 1, 2006, through February 8, 2009, the~~ 38873
~~judges of the court of common pleas, division of domestic~~ 38874
~~relations, shall exercise probate jurisdiction concurrently with~~ 38875
~~the probate judge.~~ 38876

(c) The judge of the court of common pleas, division of 38877
domestic relations, whose term begins on February 9, 2009, is the 38878
successor to the probate judge who was elected in 2002 for a term 38879
that began on February 9, 2003. After September 28, 2009, the 38880
judge of the court of common pleas, division of domestic 38881
relations, whose term begins on February 9, 2009, shall be the 38882
probate judge. 38883

(2)(a) ~~From January 1, 2006, through February 8, 2009, with~~ 38884
~~respect to Lorain county, all references in law to the probate~~ 38885
~~court shall be construed as references to both the probate court~~ 38886
~~and the court of common pleas, division of domestic relations, and~~ 38887
~~all references in law to the probate judge shall be construed as~~ 38888
~~references to both the probate judge and the judges of the court~~ 38889
~~of common pleas, division of domestic relations. On and after~~From 38890
February 9, 2009, through September 28, 2009, with respect to 38891
Lorain county, all references in law to the probate court shall 38892
be construed as references to the court of common pleas, 38893
division of domestic relations, and all references to the 38894
probate judge shall be construed as references to the judges of 38895
the court of common pleas, division of domestic relations. 38896

(b) ~~On and after~~From February 9, 2009, through September 28, 38897
2009, with respect to Lorain county, all references in law to the 38898
clerk of the probate court shall be construed as references to 38899
the judge who is serving pursuant to Rule 4 of the Rules of 38900
Superintendence for the Courts of Ohio as the administrative 38901
judge of the court of common pleas, division of domestic 38902
relations. 38903

(D) In Lucas county: 38904

(1) The judges of the court of common pleas whose terms begin 38905
on January 1, 1955, and January 3, 1965, and successors, shall 38906
have the same qualifications, exercise the same powers and 38907
jurisdiction, and receive the same compensation as other judges of 38908
the court of common pleas of Lucas county and shall be elected and 38909
designated as judges of the court of common pleas, division of 38910
domestic relations. All divorce, dissolution of marriage, legal 38911
separation, and annulment cases shall be assigned to them. 38912

The judge of the division of domestic relations, senior in 38913
point of service, shall be considered as the presiding judge of 38914
the court of common pleas, division of domestic relations, and 38915
shall be charged exclusively with the assignment and division of 38916
the work of the division and the employment and supervision of all 38917
other personnel of the domestic relations division. 38918

(2) The judges of the court of common pleas whose terms begin 38919
on January 5, 1977, and January 2, 1991, and successors shall have 38920
the same qualifications, exercise the same powers and 38921
jurisdiction, and receive the same compensation as other judges of 38922
the court of common pleas of Lucas county, shall be elected and 38923
designated as judges of the court of common pleas, juvenile 38924
division, and shall be the juvenile judges as provided in Chapters 38925
2151. and 2152. of the Revised Code with the powers and 38926
jurisdictions conferred by those chapters. In addition to the 38927
judge's regular duties, the judge of the court of common pleas, 38928
juvenile division, senior in point of service, shall be the 38929
administrator of the juvenile division and its subdivisions and 38930
departments and shall have charge of the employment, assignment, 38931
and supervision of the personnel of the division engaged in 38932
handling, servicing, or investigating juvenile cases, including 38933
any referees considered necessary by the judges of the division in 38934
the discharge of their various duties. 38935

The judge of the court of common pleas, juvenile division, 38936
senior in point of service, also shall designate the title, 38937
compensation, expense allowance, hours, leaves of absence, and 38938
vacation of the personnel of the division and shall fix the duties 38939
of the personnel of the division. The duties of the personnel, in 38940
addition to other statutory duties include the handling, 38941
servicing, and investigation of juvenile cases and counseling and 38942
conciliation services that may be made available to persons 38943
requesting them, whether or not the persons are parties to an 38944
action pending in the division. 38945

(3) If one of the judges of the court of common pleas, 38946
division of domestic relations, or one of the judges of the 38947
juvenile division is sick, absent, or unable to perform that 38948
judge's judicial duties or the volume of cases pending in that 38949
judge's division necessitates it, the duties shall be performed by 38950
the judges of the other of those divisions. 38951

(E) In Mahoning county: 38952

(1) The judge of the court of common pleas whose term began 38953
on January 1, 1955, and successors, shall have the same 38954
qualifications, exercise the same powers and jurisdiction, and 38955
receive the same compensation as other judges of the court of 38956
common pleas of Mahoning county, shall be elected and designated 38957
as judge of the court of common pleas, division of domestic 38958
relations, and shall be assigned all the divorce, dissolution of 38959
marriage, legal separation, and annulment cases coming before the 38960
court. In addition to the judge's regular duties, the judge of the 38961
court of common pleas, division of domestic relations, shall be 38962
the administrator of the domestic relations division and its 38963
subdivisions and departments and shall have charge of the 38964
employment, assignment, and supervision of the personnel of the 38965
division engaged in handling, servicing, or investigating divorce, 38966
dissolution of marriage, legal separation, and annulment cases, 38967

including any referees considered necessary in the discharge of 38968
the various duties of the judge's office. 38969

The judge also shall designate the title, compensation, 38970
expense allowances, hours, leaves of absence, and vacations of the 38971
personnel of the division and shall fix the duties of the 38972
personnel of the division. The duties of the personnel, in 38973
addition to other statutory duties, include the handling, 38974
servicing, and investigation of divorce, dissolution of marriage, 38975
legal separation, and annulment cases and counseling and 38976
conciliation services that may be made available to persons 38977
requesting them, whether or not the persons are parties to an 38978
action pending in the division. 38979

(2) The judge of the court of common pleas whose term began 38980
on January 2, 1969, and successors, shall have the same 38981
qualifications, exercise the same powers and jurisdiction, and 38982
receive the same compensation as other judges of the court of 38983
common pleas of Mahoning county, shall be elected and designated 38984
as judge of the court of common pleas, juvenile division, and 38985
shall be the juvenile judge as provided in Chapters 2151. and 38986
2152. of the Revised Code, with the powers and jurisdictions 38987
conferred by those chapters. In addition to the judge's regular 38988
duties, the judge of the court of common pleas, juvenile division, 38989
shall be the administrator of the juvenile division and its 38990
subdivisions and departments and shall have charge of the 38991
employment, assignment, and supervision of the personnel of the 38992
division engaged in handling, servicing, or investigating juvenile 38993
cases, including any referees considered necessary by the judge in 38994
the discharge of the judge's various duties. 38995

The judge also shall designate the title, compensation, 38996
expense allowances, hours, leaves of absence, and vacation of the 38997
personnel of the division and shall fix the duties of the 38998
personnel of the division. The duties of the personnel, in 38999

addition to other statutory duties, include the handling, 39000
servicing, and investigation of juvenile cases and counseling and 39001
conciliation services that may be made available to persons 39002
requesting them, whether or not the persons are parties to an 39003
action pending in the division. 39004

(3) If a judge of the court of common pleas, division of 39005
domestic relations or juvenile division, is sick, absent, or 39006
unable to perform that judge's judicial duties, or the volume of 39007
cases pending in that judge's division necessitates it, that 39008
judge's duties shall be performed by another judge of the court of 39009
common pleas. 39010

(F) In Montgomery county: 39011

(1) The judges of the court of common pleas whose terms begin 39012
on January 2, 1953, and January 4, 1977, and successors, shall 39013
have the same qualifications, exercise the same powers and 39014
jurisdiction, and receive the same compensation as other judges of 39015
the court of common pleas of Montgomery county and shall be 39016
elected and designated as judges of the court of common pleas, 39017
division of domestic relations. These judges shall have assigned 39018
to them all divorce, dissolution of marriage, legal separation, 39019
and annulment cases. 39020

The judge of the division of domestic relations, senior in 39021
point of service, shall be charged exclusively with the assignment 39022
and division of the work of the division and shall have charge of 39023
the employment and supervision of the personnel of the division 39024
engaged in handling, servicing, or investigating divorce, 39025
dissolution of marriage, legal separation, and annulment cases, 39026
including any necessary referees, except those employees who may 39027
be appointed by the judge, junior in point of service, under this 39028
section and sections 2301.12, 2301.18, and 2301.19 of the Revised 39029
Code. The judge of the division of domestic relations, senior in 39030
point of service, also shall designate the title, compensation, 39031

expense allowances, hours, leaves of absence, and vacation of the 39032
personnel of the division and shall fix their duties. 39033

(2) The judges of the court of common pleas whose terms begin 39034
on January 1, 1953, and January 1, 1993, and successors, shall 39035
have the same qualifications, exercise the same powers and 39036
jurisdiction, and receive the same compensation as other judges of 39037
the court of common pleas of Montgomery county, shall be elected 39038
and designated as judges of the court of common pleas, juvenile 39039
division, and shall be, and have the powers and jurisdiction of, 39040
the juvenile judge as provided in Chapters 2151. and 2152. of the 39041
Revised Code. 39042

In addition to the judge's regular duties, the judge of the 39043
court of common pleas, juvenile division, senior in point of 39044
service, shall be the administrator of the juvenile division and 39045
its subdivisions and departments and shall have charge of the 39046
employment, assignment, and supervision of the personnel of the 39047
juvenile division, including any necessary referees, who are 39048
engaged in handling, servicing, or investigating juvenile cases. 39049
The judge, senior in point of service, also shall designate the 39050
title, compensation, expense allowances, hours, leaves of absence, 39051
and vacation of the personnel of the division and shall fix their 39052
duties. The duties of the personnel, in addition to other 39053
statutory duties, shall include the handling, servicing, and 39054
investigation of juvenile cases and of any counseling and 39055
conciliation services that are available upon request to persons, 39056
whether or not they are parties to an action pending in the 39057
division. 39058

If one of the judges of the court of common pleas, division 39059
of domestic relations, or one of the judges of the court of common 39060
pleas, juvenile division, is sick, absent, or unable to perform 39061
that judge's duties or the volume of cases pending in that judge's 39062
division necessitates it, the duties of that judge may be 39063

performed by the judge or judges of the other of those divisions. 39064

(G) In Richland county: 39065

(1) The judge of the court of common pleas whose term begins 39066
on January 1, 1957, and successors, shall have the same 39067
qualifications, exercise the same powers and jurisdiction, and 39068
receive the same compensation as the other judges of the court of 39069
common pleas of Richland county and shall be elected and 39070
designated as judge of the court of common pleas, division of 39071
domestic relations. That judge shall be assigned and hear all 39072
divorce, dissolution of marriage, legal separation, and annulment 39073
cases, all domestic violence cases arising under section 3113.31 39074
of the Revised Code, and all post-decree proceedings arising from 39075
any case pertaining to any of those matters. The division of 39076
domestic relations has concurrent jurisdiction with the juvenile 39077
division of the court of common pleas of Richland county to 39078
determine the care, custody, or control of any child not a ward of 39079
another court of this state, and to hear and determine a request 39080
for an order for the support of any child if the request is not 39081
ancillary to an action for divorce, dissolution of marriage, 39082
annulment, or legal separation, a criminal or civil action 39083
involving an allegation of domestic violence, or an action for 39084
support brought under Chapter 3115. of the Revised Code. Except in 39085
cases that are subject to the exclusive original jurisdiction of 39086
the juvenile court, the judge of the division of domestic 39087
relations shall be assigned and hear all cases pertaining to 39088
paternity or parentage, the care, custody, or control of children, 39089
parenting time or visitation, child support, or the allocation of 39090
parental rights and responsibilities for the care of children, all 39091
proceedings arising under Chapter 3111. of the Revised Code, all 39092
proceedings arising under the uniform interstate family support 39093
act contained in Chapter 3115. of the Revised Code, and all 39094
post-decree proceedings arising from any case pertaining to any of 39095
those matters. 39096

In addition to the judge's regular duties, the judge of the court of common pleas, division of domestic relations, shall be the administrator of the domestic relations division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the domestic relations division, including any magistrates the judge considers necessary for the discharge of the judge's duties. The judge shall also designate the title, compensation, expense allowances, hours, leaves of absence, vacation, and other employment-related matters of the personnel of the division and shall fix their duties.

(2) The judge of the court of common pleas whose term begins on January 3, 2005, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Richland county, shall be elected and designated as judge of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any case pertaining to paternity or parentage, the care, custody, or control of children, parenting time or visitation, child support, or the allocation of parental rights and responsibilities for the care of children or any post-decree proceeding arising from any case pertaining to any of those matters. The judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any proceeding under the uniform interstate family support act contained in Chapter 3115. of the Revised Code.

In addition to the judge's regular duties, the judge of the

juvenile division shall be the administrator of the juvenile 39129
division and its subdivisions and departments. The judge shall 39130
have charge of the employment, assignment, and supervision of the 39131
personnel of the juvenile division who are engaged in handling, 39132
servicing, or investigating juvenile cases, including any 39133
magistrates whom the judge considers necessary for the discharge 39134
of the judge's various duties. 39135

The judge of the juvenile division also shall designate the 39136
title, compensation, expense allowances, hours, leaves of absence, 39137
and vacation of the personnel of the division and shall fix their 39138
duties. The duties of the personnel, in addition to other 39139
statutory duties, include the handling, servicing, and 39140
investigation of juvenile cases and providing any counseling, 39141
conciliation, and mediation services that the court makes 39142
available to persons, whether or not the persons are parties to an 39143
action pending in the court, who request the services. 39144

(H) In Stark county, the judges of the court of common pleas 39145
whose terms begin on January 1, 1953, January 2, 1959, and January 39146
1, 1993, and successors, shall have the same qualifications, 39147
exercise the same powers and jurisdiction, and receive the same 39148
compensation as other judges of the court of common pleas of Stark 39149
county and shall be elected and designated as judges of the court 39150
of common pleas, division of domestic relations. They shall have 39151
all the powers relating to juvenile courts, and all cases under 39152
Chapters 2151. and 2152. of the Revised Code, all parentage 39153
proceedings over which the juvenile court has jurisdiction, and 39154
all divorce, dissolution of marriage, legal separation, and 39155
annulment cases, except cases that are assigned to some other 39156
judge of the court of common pleas for some special reason, shall 39157
be assigned to the judges. 39158

The judge of the division of domestic relations, second most 39159
senior in point of service, shall have charge of the employment 39160

and supervision of the personnel of the division engaged in 39161
handling, servicing, or investigating divorce, dissolution of 39162
marriage, legal separation, and annulment cases, and necessary 39163
referees required for the judge's respective court. 39164

The judge of the division of domestic relations, senior in 39165
point of service, shall be charged exclusively with the 39166
administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 39167
of the Revised Code and with the assignment and division of the 39168
work of the division and the employment and supervision of all 39169
other personnel of the division, including, but not limited to, 39170
that judge's necessary referees, but excepting those employees who 39171
may be appointed by the judge second most senior in point of 39172
service. The senior judge further shall serve in every other 39173
position in which the statutes permit or require a juvenile judge 39174
to serve. 39175

(I) In Summit county: 39176

(1) The judges of the court of common pleas whose terms begin 39177
on January 4, 1967, and January 6, 1993, and successors, shall 39178
have the same qualifications, exercise the same powers and 39179
jurisdiction, and receive the same compensation as other judges of 39180
the court of common pleas of Summit county and shall be elected 39181
and designated as judges of the court of common pleas, division of 39182
domestic relations. The judges of the division of domestic 39183
relations shall have assigned to them and hear all divorce, 39184
dissolution of marriage, legal separation, and annulment cases 39185
that come before the court. Except in cases that are subject to 39186
the exclusive original jurisdiction of the juvenile court, the 39187
judges of the division of domestic relations shall have assigned 39188
to them and hear all cases pertaining to paternity, custody, 39189
visitation, child support, or the allocation of parental rights 39190
and responsibilities for the care of children and all post-decree 39191
proceedings arising from any case pertaining to any of those 39192

matters. The judges of the division of domestic relations shall 39193
have assigned to them and hear all proceedings under the uniform 39194
interstate family support act contained in Chapter 3115. of the 39195
Revised Code. 39196

The judge of the division of domestic relations, senior in 39197
point of service, shall be the administrator of the domestic 39198
relations division and its subdivisions and departments and shall 39199
have charge of the employment, assignment, and supervision of the 39200
personnel of the division, including any necessary referees, who 39201
are engaged in handling, servicing, or investigating divorce, 39202
dissolution of marriage, legal separation, and annulment cases. 39203
That judge also shall designate the title, compensation, expense 39204
allowances, hours, leaves of absence, and vacations of the 39205
personnel of the division and shall fix their duties. The duties 39206
of the personnel, in addition to other statutory duties, shall 39207
include the handling, servicing, and investigation of divorce, 39208
dissolution of marriage, legal separation, and annulment cases and 39209
of any counseling and conciliation services that are available 39210
upon request to all persons, whether or not they are parties to an 39211
action pending in the division. 39212

(2) The judge of the court of common pleas whose term begins 39213
on January 1, 1955, and successors, shall have the same 39214
qualifications, exercise the same powers and jurisdiction, and 39215
receive the same compensation as other judges of the court of 39216
common pleas of Summit county, shall be elected and designated as 39217
judge of the court of common pleas, juvenile division, and shall 39218
be, and have the powers and jurisdiction of, the juvenile judge as 39219
provided in Chapters 2151. and 2152. of the Revised Code. Except 39220
in cases that are subject to the exclusive original jurisdiction 39221
of the juvenile court, the judge of the juvenile division shall 39222
not have jurisdiction or the power to hear, and shall not be 39223
assigned, any case pertaining to paternity, custody, visitation, 39224
child support, or the allocation of parental rights and 39225

responsibilities for the care of children or any post-decree
proceeding arising from any case pertaining to any of those
matters. The judge of the juvenile division shall not have
jurisdiction or the power to hear, and shall not be assigned, any
proceeding under the uniform interstate family support act
contained in Chapter 3115. of the Revised Code.

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The juvenile judge shall be the administrator of the juvenile
division and its subdivisions and departments and shall have
charge of the employment, assignment, and supervision of the
personnel of the juvenile division, including any necessary
referees, who are engaged in handling, servicing, or investigating
juvenile cases. The judge also shall designate the title,
compensation, expense allowances, hours, leaves of absence, and
vacation of the personnel of the division and shall fix their
duties. The duties of the personnel, in addition to other
statutory duties, shall include the handling, servicing, and
investigation of juvenile cases and of any counseling and
conciliation services that are available upon request to persons,
whether or not they are parties to an action pending in the
division.

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(J) In Trumbull county, the judges of the court of common
pleas whose terms begin on January 1, 1953, and January 2, 1977,
and successors, shall have the same qualifications, exercise the
same powers and jurisdiction, and receive the same compensation as
other judges of the court of common pleas of Trumbull county and
shall be elected and designated as judges of the court of common
pleas, division of domestic relations. They shall have all the
powers relating to juvenile courts, and all cases under Chapters
2151. and 2152. of the Revised Code, all parentage proceedings
over which the juvenile court has jurisdiction, and all divorce,
dissolution of marriage, legal separation, and annulment cases
shall be assigned to them, except cases that for some special
reason are assigned to some other judge of the court of common

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pleas. 39259

(K) In Butler county: 39260

(1) The judges of the court of common pleas whose terms begin 39261
on January 1, 1957, and January 4, 1993, and successors, shall 39262
have the same qualifications, exercise the same powers and 39263
jurisdiction, and receive the same compensation as other judges of 39264
the court of common pleas of Butler county and shall be elected 39265
and designated as judges of the court of common pleas, division of 39266
domestic relations. The judges of the division of domestic 39267
relations shall have assigned to them all divorce, dissolution of 39268
marriage, legal separation, and annulment cases coming before the 39269
court, except in cases that for some special reason are assigned 39270
to some other judge of the court of common pleas. The judge senior 39271
in point of service shall be charged with the assignment and 39272
division of the work of the division and with the employment and 39273
supervision of all other personnel of the domestic relations 39274
division. 39275

The judge senior in point of service also shall designate the 39276
title, compensation, expense allowances, hours, leaves of absence, 39277
and vacations of the personnel of the division and shall fix their 39278
duties. The duties of the personnel, in addition to other 39279
statutory duties, shall include the handling, servicing, and 39280
investigation of divorce, dissolution of marriage, legal 39281
separation, and annulment cases and providing any counseling and 39282
conciliation services that the division makes available to 39283
persons, whether or not the persons are parties to an action 39284
pending in the division, who request the services. 39285

(2) The judges of the court of common pleas whose terms begin 39286
on January 3, 1987, and January 2, 2003, and successors, shall 39287
have the same qualifications, exercise the same powers and 39288
jurisdiction, and receive the same compensation as other judges of 39289
the court of common pleas of Butler county, shall be elected and 39290

designated as judges of the court of common pleas, juvenile division, and shall be the juvenile judges as provided in Chapters 2151. and 2152. of the Revised Code, with the powers and jurisdictions conferred by those chapters. The judge of the court of common pleas, juvenile division, who is senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments. The judge, senior in point of service, shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of the judge's various duties.

The judge, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by the other judges of the domestic relations and juvenile divisions.

(L)(1) In Cuyahoga county, the judges of the court of common pleas whose terms begin on January 8, 1961, January 9, 1961, January 18, 1975, January 19, 1975, and January 13, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as

other judges of the court of common pleas of Cuyahoga county and 39323
shall be elected and designated as judges of the court of common 39324
pleas, division of domestic relations. They shall have all the 39325
powers relating to all divorce, dissolution of marriage, legal 39326
separation, and annulment cases, except in cases that are assigned 39327
to some other judge of the court of common pleas for some special 39328
reason. 39329

(2) The administrative judge is administrator of the domestic 39330
relations division and its subdivisions and departments and has 39331
the following powers concerning division personnel: 39332

(a) Full charge of the employment, assignment, and 39333
supervision; 39334

(b) Sole determination of compensation, duties, expenses, 39335
allowances, hours, leaves, and vacations. 39336

(3) "Division personnel" include persons employed or referees 39337
engaged in hearing, servicing, investigating, counseling, or 39338
conciliating divorce, dissolution of marriage, legal separation 39339
and annulment matters. 39340

(M) In Lake county: 39341

(1) The judge of the court of common pleas whose term begins 39342
on January 2, 1961, and successors, shall have the same 39343
qualifications, exercise the same powers and jurisdiction, and 39344
receive the same compensation as the other judges of the court of 39345
common pleas of Lake county and shall be elected and designated as 39346
judge of the court of common pleas, division of domestic 39347
relations. The judge shall be assigned all the divorce, 39348
dissolution of marriage, legal separation, and annulment cases 39349
coming before the court, except in cases that for some special 39350
reason are assigned to some other judge of the court of common 39351
pleas. The judge shall be charged with the assignment and division 39352

of the work of the division and with the employment and 39353
supervision of all other personnel of the domestic relations 39354
division. 39355

The judge also shall designate the title, compensation, 39356
expense allowances, hours, leaves of absence, and vacations of the 39357
personnel of the division and shall fix their duties. The duties 39358
of the personnel, in addition to other statutory duties, shall 39359
include the handling, servicing, and investigation of divorce, 39360
dissolution of marriage, legal separation, and annulment cases and 39361
providing any counseling and conciliation services that the 39362
division makes available to persons, whether or not the persons 39363
are parties to an action pending in the division, who request the 39364
services. 39365

(2) The judge of the court of common pleas whose term begins 39366
on January 4, 1979, and successors, shall have the same 39367
qualifications, exercise the same powers and jurisdiction, and 39368
receive the same compensation as other judges of the court of 39369
common pleas of Lake county, shall be elected and designated as 39370
judge of the court of common pleas, juvenile division, and shall 39371
be the juvenile judge as provided in Chapters 2151. and 2152. of 39372
the Revised Code, with the powers and jurisdictions conferred by 39373
those chapters. The judge of the court of common pleas, juvenile 39374
division, shall be the administrator of the juvenile division and 39375
its subdivisions and departments. The judge shall have charge of 39376
the employment, assignment, and supervision of the personnel of 39377
the juvenile division who are engaged in handling, servicing, or 39378
investigating juvenile cases, including any referees whom the 39379
judge considers necessary for the discharge of the judge's various 39380
duties. 39381

The judge also shall designate the title, compensation, 39382
expense allowances, hours, leaves of absence, and vacation of the 39383
personnel of the division and shall fix their duties. The duties 39384

of the personnel, in addition to other statutory duties, include 39385
the handling, servicing, and investigation of juvenile cases and 39386
providing any counseling and conciliation services that the 39387
division makes available to persons, whether or not the persons 39388
are parties to an action pending in the division, who request the 39389
services. 39390

(3) If a judge of the court of common pleas, division of 39391
domestic relations or juvenile division, is sick, absent, or 39392
unable to perform that judge's judicial duties or the volume of 39393
cases pending in the judge's division necessitates it, the duties 39394
of that judge shall be performed by the other judges of the 39395
domestic relations and juvenile divisions. 39396

(N) In Erie county: 39397

(1) The judge of the court of common pleas whose term begins 39398
on January 2, 1971, and the successors to that judge whose terms 39399
begin before January 2, 2007, shall have the same qualifications, 39400
exercise the same powers and jurisdiction, and receive the same 39401
compensation as the other judge of the court of common pleas of 39402
Erie county and shall be elected and designated as judge of the 39403
court of common pleas, division of domestic relations. The judge 39404
shall have all the powers relating to juvenile courts, and shall 39405
be assigned all cases under Chapters 2151. and 2152. of the 39406
Revised Code, parentage proceedings over which the juvenile court 39407
has jurisdiction, and divorce, dissolution of marriage, legal 39408
separation, and annulment cases, except cases that for some 39409
special reason are assigned to some other judge. 39410

On or after January 2, 2007, the judge of the court of common 39411
pleas who is elected in 2006 shall be the successor to the judge 39412
of the domestic relations division whose term expires on January 39413
1, 2007, shall be designated as judge of the court of common 39414
pleas, juvenile division, and shall be the juvenile judge as 39415
provided in Chapters 2151. and 2152. of the Revised Code with the 39416

powers and jurisdictions conferred by those chapters. 39417

(2) The judge of the court of common pleas, general division, 39418
whose term begins on January 1, 2005, and successors, the judge of 39419
the court of common pleas, general division whose term begins on 39420
January 2, 2005, and successors, and the judge of the court of 39421
common pleas, general division, whose term begins February 9, 39422
2009, and successors, shall have assigned to them, in addition to 39423
all matters that are within the jurisdiction of the general 39424
division of the court of common pleas, all divorce, dissolution of 39425
marriage, legal separation, and annulment cases coming before the 39426
court, and all matters that are within the jurisdiction of the 39427
probate court under Chapter 2101., and other provisions, of the 39428
Revised Code. 39429

(O) In Greene county: 39430

(1) The judge of the court of common pleas whose term begins 39431
on January 1, 1961, and successors, shall have the same 39432
qualifications, exercise the same powers and jurisdiction, and 39433
receive the same compensation as the other judges of the court of 39434
common pleas of Greene county and shall be elected and designated 39435
as the judge of the court of common pleas, division of domestic 39436
relations. The judge shall be assigned all divorce, dissolution of 39437
marriage, legal separation, annulment, uniform reciprocal support 39438
enforcement, and domestic violence cases and all other cases 39439
related to domestic relations, except cases that for some special 39440
reason are assigned to some other judge of the court of common 39441
pleas. 39442

The judge shall be charged with the assignment and division 39443
of the work of the division and with the employment and 39444
supervision of all other personnel of the division. The judge also 39445
shall designate the title, compensation, hours, leaves of absence, 39446
and vacations of the personnel of the division and shall fix their 39447
duties. The duties of the personnel of the division, in addition 39448

to other statutory duties, shall include the handling, servicing, 39449
and investigation of divorce, dissolution of marriage, legal 39450
separation, and annulment cases and the provision of counseling 39451
and conciliation services that the division considers necessary 39452
and makes available to persons who request the services, whether 39453
or not the persons are parties in an action pending in the 39454
division. The compensation for the personnel shall be paid from 39455
the overall court budget and shall be included in the 39456
appropriations for the existing judges of the general division of 39457
the court of common pleas. 39458

(2) The judge of the court of common pleas whose term begins 39459
on January 1, 1995, and successors, shall have the same 39460
qualifications, exercise the same powers and jurisdiction, and 39461
receive the same compensation as the other judges of the court of 39462
common pleas of Greene county, shall be elected and designated as 39463
judge of the court of common pleas, juvenile division, and, on or 39464
after January 1, 1995, shall be the juvenile judge as provided in 39465
Chapters 2151. and 2152. of the Revised Code with the powers and 39466
jurisdiction conferred by those chapters. The judge of the court 39467
of common pleas, juvenile division, shall be the administrator of 39468
the juvenile division and its subdivisions and departments. The 39469
judge shall have charge of the employment, assignment, and 39470
supervision of the personnel of the juvenile division who are 39471
engaged in handling, servicing, or investigating juvenile cases, 39472
including any referees whom the judge considers necessary for the 39473
discharge of the judge's various duties. 39474

The judge also shall designate the title, compensation, 39475
expense allowances, hours, leaves of absence, and vacation of the 39476
personnel of the division and shall fix their duties. The duties 39477
of the personnel, in addition to other statutory duties, include 39478
the handling, servicing, and investigation of juvenile cases and 39479
providing any counseling and conciliation services that the court 39480
makes available to persons, whether or not the persons are parties 39481

to an action pending in the court, who request the services. 39482

(3) If one of the judges of the court of common pleas, 39483
general division, is sick, absent, or unable to perform that 39484
judge's judicial duties or the volume of cases pending in the 39485
general division necessitates it, the duties of that judge of the 39486
general division shall be performed by the judge of the division 39487
of domestic relations and the judge of the juvenile division. 39488

(P) In Portage county, the judge of the court of common 39489
pleas, whose term begins January 2, 1987, and successors, shall 39490
have the same qualifications, exercise the same powers and 39491
jurisdiction, and receive the same compensation as the other 39492
judges of the court of common pleas of Portage county and shall be 39493
elected and designated as judge of the court of common pleas, 39494
division of domestic relations. The judge shall be assigned all 39495
divorce, dissolution of marriage, legal separation, and annulment 39496
cases coming before the court, except in cases that for some 39497
special reason are assigned to some other judge of the court of 39498
common pleas. The judge shall be charged with the assignment and 39499
division of the work of the division and with the employment and 39500
supervision of all other personnel of the domestic relations 39501
division. 39502

The judge also shall designate the title, compensation, 39503
expense allowances, hours, leaves of absence, and vacations of the 39504
personnel of the division and shall fix their duties. The duties 39505
of the personnel, in addition to other statutory duties, shall 39506
include the handling, servicing, and investigation of divorce, 39507
dissolution of marriage, legal separation, and annulment cases and 39508
providing any counseling and conciliation services that the 39509
division makes available to persons, whether or not the persons 39510
are parties to an action pending in the division, who request the 39511
services. 39512

(Q) In Clermont county, the judge of the court of common 39513

pleas, whose term begins January 2, 1987, and successors, shall 39514
have the same qualifications, exercise the same powers and 39515
jurisdiction, and receive the same compensation as the other 39516
judges of the court of common pleas of Clermont county and shall 39517
be elected and designated as judge of the court of common pleas, 39518
division of domestic relations. The judge shall be assigned all 39519
divorce, dissolution of marriage, legal separation, and annulment 39520
cases coming before the court, except in cases that for some 39521
special reason are assigned to some other judge of the court of 39522
common pleas. The judge shall be charged with the assignment and 39523
division of the work of the division and with the employment and 39524
supervision of all other personnel of the domestic relations 39525
division. 39526

The judge also shall designate the title, compensation, 39527
expense allowances, hours, leaves of absence, and vacations of the 39528
personnel of the division and shall fix their duties. The duties 39529
of the personnel, in addition to other statutory duties, shall 39530
include the handling, servicing, and investigation of divorce, 39531
dissolution of marriage, legal separation, and annulment cases and 39532
providing any counseling and conciliation services that the 39533
division makes available to persons, whether or not the persons 39534
are parties to an action pending in the division, who request the 39535
services. 39536

(R) In Warren county, the judge of the court of common pleas, 39537
whose term begins January 1, 1987, and successors, shall have the 39538
same qualifications, exercise the same powers and jurisdiction, 39539
and receive the same compensation as the other judges of the court 39540
of common pleas of Warren county and shall be elected and 39541
designated as judge of the court of common pleas, division of 39542
domestic relations. The judge shall be assigned all divorce, 39543
dissolution of marriage, legal separation, and annulment cases 39544
coming before the court, except in cases that for some special 39545
reason are assigned to some other judge of the court of common 39546

pleas. The judge shall be charged with the assignment and division 39547
of the work of the division and with the employment and 39548
supervision of all other personnel of the domestic relations 39549
division. 39550

The judge also shall designate the title, compensation, 39551
expense allowances, hours, leaves of absence, and vacations of the 39552
personnel of the division and shall fix their duties. The duties 39553
of the personnel, in addition to other statutory duties, shall 39554
include the handling, servicing, and investigation of divorce, 39555
dissolution of marriage, legal separation, and annulment cases and 39556
providing any counseling and conciliation services that the 39557
division makes available to persons, whether or not the persons 39558
are parties to an action pending in the division, who request the 39559
services. 39560

(S) In Licking county, the judges of the court of common 39561
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 39562
and successors, shall have the same qualifications, exercise the 39563
same powers and jurisdiction, and receive the same compensation as 39564
the other judges of the court of common pleas of Licking county 39565
and shall be elected and designated as judges of the court of 39566
common pleas, division of domestic relations. The judges shall be 39567
assigned all divorce, dissolution of marriage, legal separation, 39568
and annulment cases, all cases arising under Chapter 3111. of the 39569
Revised Code, all proceedings involving child support, the 39570
allocation of parental rights and responsibilities for the care of 39571
children and the designation for the children of a place of 39572
residence and legal custodian, parenting time, and visitation, and 39573
all post-decree proceedings and matters arising from those cases 39574
and proceedings, except in cases that for some special reason are 39575
assigned to another judge of the court of common pleas. The 39576
administrative judge of the division of domestic relations shall 39577
be charged with the assignment and division of the work of the 39578
division and with the employment and supervision of the personnel 39579

of the division. 39580

The administrative judge of the division of domestic 39581
relations shall designate the title, compensation, expense 39582
allowances, hours, leaves of absence, and vacations of the 39583
personnel of the division and shall fix the duties of the 39584
personnel of the division. The duties of the personnel of the 39585
division, in addition to other statutory duties, shall include the 39586
handling, servicing, and investigation of divorce, dissolution of 39587
marriage, legal separation, and annulment cases, cases arising 39588
under Chapter 3111. of the Revised Code, and proceedings involving 39589
child support, the allocation of parental rights and 39590
responsibilities for the care of children and the designation for 39591
the children of a place of residence and legal custodian, 39592
parenting time, and visitation and providing any counseling and 39593
conciliation services that the division makes available to 39594
persons, whether or not the persons are parties to an action 39595
pending in the division, who request the services. 39596

(T) In Allen county, the judge of the court of common pleas, 39597
whose term begins January 1, 1993, and successors, shall have the 39598
same qualifications, exercise the same powers and jurisdiction, 39599
and receive the same compensation as the other judges of the court 39600
of common pleas of Allen county and shall be elected and 39601
designated as judge of the court of common pleas, division of 39602
domestic relations. The judge shall be assigned all divorce, 39603
dissolution of marriage, legal separation, and annulment cases, 39604
all cases arising under Chapter 3111. of the Revised Code, all 39605
proceedings involving child support, the allocation of parental 39606
rights and responsibilities for the care of children and the 39607
designation for the children of a place of residence and legal 39608
custodian, parenting time, and visitation, and all post-decree 39609
proceedings and matters arising from those cases and proceedings, 39610
except in cases that for some special reason are assigned to 39611
another judge of the court of common pleas. The judge shall be 39612

charged with the assignment and division of the work of the 39613
division and with the employment and supervision of the personnel 39614
of the division. 39615

The judge shall designate the title, compensation, expense 39616
allowances, hours, leaves of absence, and vacations of the 39617
personnel of the division and shall fix the duties of the 39618
personnel of the division. The duties of the personnel of the 39619
division, in addition to other statutory duties, shall include the 39620
handling, servicing, and investigation of divorce, dissolution of 39621
marriage, legal separation, and annulment cases, cases arising 39622
under Chapter 3111. of the Revised Code, and proceedings involving 39623
child support, the allocation of parental rights and 39624
responsibilities for the care of children and the designation for 39625
the children of a place of residence and legal custodian, 39626
parenting time, and visitation, and providing any counseling and 39627
conciliation services that the division makes available to 39628
persons, whether or not the persons are parties to an action 39629
pending in the division, who request the services. 39630

(U) In Medina county, the judge of the court of common pleas 39631
whose term begins January 1, 1995, and successors, shall have the 39632
same qualifications, exercise the same powers and jurisdiction, 39633
and receive the same compensation as other judges of the court of 39634
common pleas of Medina county and shall be elected and designated 39635
as judge of the court of common pleas, division of domestic 39636
relations. The judge shall be assigned all divorce, dissolution of 39637
marriage, legal separation, and annulment cases, all cases arising 39638
under Chapter 3111. of the Revised Code, all proceedings involving 39639
child support, the allocation of parental rights and 39640
responsibilities for the care of children and the designation for 39641
the children of a place of residence and legal custodian, 39642
parenting time, and visitation, and all post-decree proceedings 39643
and matters arising from those cases and proceedings, except in 39644
cases that for some special reason are assigned to another judge 39645

of the court of common pleas. The judge shall be charged with the 39646
assignment and division of the work of the division and with the 39647
employment and supervision of the personnel of the division. 39648

The judge shall designate the title, compensation, expense 39649
allowances, hours, leaves of absence, and vacations of the 39650
personnel of the division and shall fix the duties of the 39651
personnel of the division. The duties of the personnel, in 39652
addition to other statutory duties, include the handling, 39653
servicing, and investigation of divorce, dissolution of marriage, 39654
legal separation, and annulment cases, cases arising under Chapter 39655
3111. of the Revised Code, and proceedings involving child 39656
support, the allocation of parental rights and responsibilities 39657
for the care of children and the designation for the children of a 39658
place of residence and legal custodian, parenting time, and 39659
visitation, and providing counseling and conciliation services 39660
that the division makes available to persons, whether or not the 39661
persons are parties to an action pending in the division, who 39662
request the services. 39663

(V) In Fairfield county, the judge of the court of common 39664
pleas whose term begins January 2, 1995, and successors, shall 39665
have the same qualifications, exercise the same powers and 39666
jurisdiction, and receive the same compensation as the other 39667
judges of the court of common pleas of Fairfield county and shall 39668
be elected and designated as judge of the court of common pleas, 39669
division of domestic relations. The judge shall be assigned all 39670
divorce, dissolution of marriage, legal separation, and annulment 39671
cases, all cases arising under Chapter 3111. of the Revised Code, 39672
all proceedings involving child support, the allocation of 39673
parental rights and responsibilities for the care of children and 39674
the designation for the children of a place of residence and legal 39675
custodian, parenting time, and visitation, and all post-decree 39676
proceedings and matters arising from those cases and proceedings, 39677
except in cases that for some special reason are assigned to 39678

another judge of the court of common pleas. The judge also has 39679
concurrent jurisdiction with the probate-juvenile division of the 39680
court of common pleas of Fairfield county with respect to and may 39681
hear cases to determine the custody of a child, as defined in 39682
section 2151.011 of the Revised Code, who is not the ward of 39683
another court of this state, cases that are commenced by a parent, 39684
guardian, or custodian of a child, as defined in section 2151.011 39685
of the Revised Code, to obtain an order requiring a parent of the 39686
child to pay child support for that child when the request for 39687
that order is not ancillary to an action for divorce, dissolution 39688
of marriage, annulment, or legal separation, a criminal or civil 39689
action involving an allegation of domestic violence, an action for 39690
support under Chapter 3115. of the Revised Code, or an action that 39691
is within the exclusive original jurisdiction of the 39692
probate-juvenile division of the court of common pleas of 39693
Fairfield county and that involves an allegation that the child is 39694
an abused, neglected, or dependent child, and post-decree 39695
proceedings and matters arising from those types of cases. 39696

The judge of the domestic relations division shall be charged 39697
with the assignment and division of the work of the division and 39698
with the employment and supervision of the personnel of the 39699
division. 39700

The judge shall designate the title, compensation, expense 39701
allowances, hours, leaves of absence, and vacations of the 39702
personnel of the division and shall fix the duties of the 39703
personnel of the division. The duties of the personnel of the 39704
division, in addition to other statutory duties, shall include the 39705
handling, servicing, and investigation of divorce, dissolution of 39706
marriage, legal separation, and annulment cases, cases arising 39707
under Chapter 3111. of the Revised Code, and proceedings involving 39708
child support, the allocation of parental rights and 39709
responsibilities for the care of children and the designation for 39710
the children of a place of residence and legal custodian, 39711

parenting time, and visitation, and providing any counseling and 39712
conciliation services that the division makes available to 39713
persons, regardless of whether the persons are parties to an 39714
action pending in the division, who request the services. When the 39715
judge hears a case to determine the custody of a child, as defined 39716
in section 2151.011 of the Revised Code, who is not the ward of 39717
another court of this state or a case that is commenced by a 39718
parent, guardian, or custodian of a child, as defined in section 39719
2151.011 of the Revised Code, to obtain an order requiring a 39720
parent of the child to pay child support for that child when the 39721
request for that order is not ancillary to an action for divorce, 39722
dissolution of marriage, annulment, or legal separation, a 39723
criminal or civil action involving an allegation of domestic 39724
violence, an action for support under Chapter 3115. of the Revised 39725
Code, or an action that is within the exclusive original 39726
jurisdiction of the probate-juvenile division of the court of 39727
common pleas of Fairfield county and that involves an allegation 39728
that the child is an abused, neglected, or dependent child, the 39729
duties of the personnel of the domestic relations division also 39730
include the handling, servicing, and investigation of those types 39731
of cases. 39732

(W)(1) In Clark county, the judge of the court of common 39733
pleas whose term begins on January 2, 1995, and successors, shall 39734
have the same qualifications, exercise the same powers and 39735
jurisdiction, and receive the same compensation as other judges of 39736
the court of common pleas of Clark county and shall be elected and 39737
designated as judge of the court of common pleas, domestic 39738
relations division. The judge shall have all the powers relating 39739
to juvenile courts, and all cases under Chapters 2151. and 2152. 39740
of the Revised Code and all parentage proceedings under Chapter 39741
3111. of the Revised Code over which the juvenile court has 39742
jurisdiction shall be assigned to the judge of the division of 39743
domestic relations. All divorce, dissolution of marriage, legal 39744
separation, annulment, uniform reciprocal support enforcement, and 39745

other cases related to domestic relations shall be assigned to the
domestic relations division, and the presiding judge of the court
of common pleas shall assign the cases to the judge of the
domestic relations division and the judges of the general
division.

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(2) In addition to the judge's regular duties, the judge of
the division of domestic relations shall serve on the children
services board and the county advisory board.

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(3) If the judge of the court of common pleas of Clark
county, division of domestic relations, is sick, absent, or unable
to perform that judge's judicial duties or if the presiding judge
of the court of common pleas of Clark county determines that the
volume of cases pending in the division of domestic relations
necessitates it, the duties of the judge of the division of
domestic relations shall be performed by the judges of the general
division or probate division of the court of common pleas of Clark
county, as assigned for that purpose by the presiding judge of
that court, and the judges so assigned shall act in conjunction
with the judge of the division of domestic relations of that
court.

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(X) In Scioto county, the judge of the court of common pleas
whose term begins January 2, 1995, and successors, shall have the
same qualifications, exercise the same powers and jurisdiction,
and receive the same compensation as other judges of the court of
common pleas of Scioto county and shall be elected and designated
as judge of the court of common pleas, division of domestic
relations. The judge shall be assigned all divorce, dissolution of
marriage, legal separation, and annulment cases, all cases arising
under Chapter 3111. of the Revised Code, all proceedings involving
child support, the allocation of parental rights and
responsibilities for the care of children and the designation for
the children of a place of residence and legal custodian,

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parenting time, visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and providing counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(Y) In Auglaize county, the judge of the probate and juvenile divisions of the Auglaize county court of common pleas also shall be the administrative judge of the domestic relations division of the court and shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court. The judge shall have all powers as administrator of the domestic relations division and shall have charge of the personnel engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any referees considered necessary for the discharge of the judge's various duties.

(Z)(1) In Marion county, the judge of the court of common 39810
pleas whose term begins on February 9, 1999, and the successors to 39811
that judge, shall have the same qualifications, exercise the same 39812
powers and jurisdiction, and receive the same compensation as the 39813
other judges of the court of common pleas of Marion county and 39814
shall be elected and designated as judge of the court of common 39815
pleas, domestic relations-juvenile-probate division. Except as 39816
otherwise specified in this division, that judge, and the 39817
successors to that judge, shall have all the powers relating to 39818
juvenile courts, and all cases under Chapters 2151. and 2152. of 39819
the Revised Code, all cases arising under Chapter 3111. of the 39820
Revised Code, all divorce, dissolution of marriage, legal 39821
separation, and annulment cases, all proceedings involving child 39822
support, the allocation of parental rights and responsibilities 39823
for the care of children and the designation for the children of a 39824
place of residence and legal custodian, parenting time, and 39825
visitation, and all post-decree proceedings and matters arising 39826
from those cases and proceedings shall be assigned to that judge 39827
and the successors to that judge. Except as provided in division 39828
(Z)(2) of this section and notwithstanding any other provision of 39829
any section of the Revised Code, on and after February 9, 2003, 39830
the judge of the court of common pleas of Marion county whose term 39831
begins on February 9, 1999, and the successors to that judge, 39832
shall have all the powers relating to the probate division of the 39833
court of common pleas of Marion county in addition to the powers 39834
previously specified in this division, and shall exercise 39835
concurrent jurisdiction with the judge of the probate division of 39836
that court over all matters that are within the jurisdiction of 39837
the probate division of that court under Chapter 2101., and other 39838
provisions, of the Revised Code in addition to the jurisdiction of 39839
the domestic relations-juvenile-probate division of that court 39840
otherwise specified in division (Z)(1) of this section. 39841

(2) The judge of the domestic relations-juvenile-probate 39842
division of the court of common pleas of Marion county or the 39843

judge of the probate division of the court of common pleas of 39844
Marion county, whichever of those judges is senior in total length 39845
of service on the court of common pleas of Marion county, 39846
regardless of the division or divisions of service, shall serve as 39847
the clerk of the probate division of the court of common pleas of 39848
Marion county. 39849

(3) On and after February 9, 2003, all references in law to 39850
"the probate court," "the probate judge," "the juvenile court," or 39851
"the judge of the juvenile court" shall be construed, with respect 39852
to Marion county, as being references to both "the probate 39853
division" and "the domestic relations-juvenile-probate division" 39854
and as being references to both "the judge of the probate 39855
division" and "the judge of the domestic relations- 39856
juvenile-probate division." On and after February 9, 2003, all 39857
references in law to "the clerk of the probate court" shall be 39858
construed, with respect to Marion county, as being references to 39859
the judge who is serving pursuant to division (Z)(2) of this 39860
section as the clerk of the probate division of the court of 39861
common pleas of Marion county. 39862

(AA) In Muskingum county, the judge of the court of common 39863
pleas whose term begins on January 2, 2003, and successors, shall 39864
have the same qualifications, exercise the same powers and 39865
jurisdiction, and receive the same compensation as the other 39866
judges of the court of common pleas of Muskingum county and shall 39867
be elected and designated as the judge of the court of common 39868
pleas, division of domestic relations. The judge shall be assigned 39869
all divorce, dissolution of marriage, legal separation, and 39870
annulment cases, all cases arising under Chapter 3111. of the 39871
Revised Code, all proceedings involving child support, the 39872
allocation of parental rights and responsibilities for the care of 39873
children and the designation for the children of a place of 39874
residence and legal custodian, parenting time, and visitation, and 39875
all post-decree proceedings and matters arising from those cases 39876

and proceedings, except in cases that for some special reason are 39877
assigned to another judge of the court of common pleas. The judge 39878
shall be charged with the assignment and division of the work of 39879
the division and with the employment and supervision of the 39880
personnel of the division. 39881

The judge shall designate the title, compensation, expense 39882
allowances, hours, leaves of absence, and vacations of the 39883
personnel of the division and shall fix the duties of the 39884
personnel of the division. The duties of the personnel of the 39885
division, in addition to other statutory duties, shall include the 39886
handling, servicing, and investigation of divorce, dissolution of 39887
marriage, legal separation, and annulment cases, cases arising 39888
under Chapter 3111. of the Revised Code, and proceedings involving 39889
child support, the allocation of parental rights and 39890
responsibilities for the care of children and the designation for 39891
the children of a place of residence and legal custodian, 39892
parenting time, and visitation and providing any counseling and 39893
conciliation services that the division makes available to 39894
persons, whether or not the persons are parties to an action 39895
pending in the division, who request the services. 39896

(BB) In Henry county, the judge of the court of common pleas 39897
whose term begins on January 1, 2005, and successors, shall have 39898
the same qualifications, exercise the same powers and 39899
jurisdiction, and receive the same compensation as the other judge 39900
of the court of common pleas of Henry county and shall be elected 39901
and designated as the judge of the court of common pleas, division 39902
of domestic relations. The judge shall have all of the powers 39903
relating to juvenile courts, and all cases under Chapter 2151. or 39904
2152. of the Revised Code, all parentage proceedings arising under 39905
Chapter 3111. of the Revised Code over which the juvenile court 39906
has jurisdiction, all divorce, dissolution of marriage, legal 39907
separation, and annulment cases, all proceedings involving child 39908
support, the allocation of parental rights and responsibilities 39909

for the care of children and the designation for the children of a
place of residence and legal custodian, parenting time, and
visitation, and all post-decree proceedings and matters arising
from those cases and proceedings shall be assigned to that judge,
except in cases that for some special reason are assigned to the
other judge of the court of common pleas.

(CC)(1) In Logan county, the judge of the court of common
pleas whose term begins January 2, 2005, and the successors to
that judge, shall have the same qualifications, exercise the same
powers and jurisdiction, and receive the same compensation as the
other judges of the court of common pleas of Logan county and
shall be elected and designated as judge of the court of common
pleas, domestic relations-juvenile-probate division. Except as
otherwise specified in this division, that judge, and the
successors to that judge, shall have all the powers relating to
juvenile courts, and all cases under Chapters 2151. and 2152. of
the Revised Code, all cases arising under Chapter 3111. of the
Revised Code, all divorce, dissolution of marriage, legal
separation, and annulment cases, all proceedings involving child
support, the allocation of parental rights and responsibilities
for the care of children and designation for the children of a
place of residence and legal custodian, parenting time, and
visitation, and all post-decree proceedings and matters arising
from those cases and proceedings shall be assigned to that judge
and the successors to that judge. Notwithstanding any other
provision of any section of the Revised Code, on and after January
2, 2005, the judge of the court of common pleas of Logan county
whose term begins on January 2, 2005, and the successors to that
judge, shall have all the powers relating to the probate division
of the court of common pleas of Logan county in addition to the
powers previously specified in this division and shall exercise
concurrent jurisdiction with the judge of the probate division of
that court over all matters that are within the jurisdiction of
the probate division of that court under Chapter 2101., and other

provisions, of the Revised Code in addition to the jurisdiction of 39944
the domestic relations-juvenile-probate division of that court 39945
otherwise specified in division (CC)(1) of this section. 39946

(2) The judge of the domestic relations-juvenile-probate 39947
division of the court of common pleas of Logan county or the 39948
probate judge of the court of common pleas of Logan county who is 39949
elected as the administrative judge of the probate division of the 39950
court of common pleas of Logan county pursuant to Rule 4 of the 39951
Rules of Superintendence shall be the clerk of the probate 39952
division and juvenile division of the court of common pleas of 39953
Logan county. The clerk of the court of common pleas who is 39954
elected pursuant to section 2303.01 of the Revised Code shall keep 39955
all of the journals, records, books, papers, and files pertaining 39956
to the domestic relations cases. 39957

(3) On and after January 2, 2005, all references in law to 39958
"the probate court," "the probate judge," "the juvenile court," or 39959
"the judge of the juvenile court" shall be construed, with respect 39960
to Logan county, as being references to both "the probate 39961
division" and the "domestic relations-juvenile-probate division" 39962
and as being references to both "the judge of the probate 39963
division" and the "judge of the domestic 39964
relations-juvenile-probate division." On and after January 2, 39965
2005, all references in law to "the clerk of the probate court" 39966
shall be construed, with respect to Logan county, as being 39967
references to the judge who is serving pursuant to division 39968
(CC)(2) of this section as the clerk of the probate division of 39969
the court of common pleas of Logan county. 39970

(DD)(1) In Champaign county, the judge of the court of common 39971
pleas whose term begins February 9, 2003, and the judge of the 39972
court of common pleas whose term begins February 10, 2009, and the 39973
successors to those judges, shall have the same qualifications, 39974
exercise the same powers and jurisdiction, and receive the same 39975

compensation as the other judges of the court of common pleas of 39976
 Champaign county and shall be elected and designated as judges of 39977
 the court of common pleas, domestic relations-juvenile-probate 39978
 division. Except as otherwise specified in this division, those 39979
 judges, and the successors to those judges, shall have all the 39980
 powers relating to juvenile courts, and all cases under Chapters 39981
 2151. and 2152. of the Revised Code, all cases arising under 39982
 Chapter 3111. of the Revised Code, all divorce, dissolution of 39983
 marriage, legal separation, and annulment cases, all proceedings 39984
 involving child support, the allocation of parental rights and 39985
 responsibilities for the care of children and the designation for 39986
 the children of a place of residence and legal custodian, 39987
 parenting time, and visitation, and all post-decree proceedings 39988
 and matters arising from those cases and proceedings shall be 39989
 assigned to those judges and the successors to those judges. 39990
 Notwithstanding any other provision of any section of the Revised 39991
 Code, on and after February 9, 2009, the judges designated by this 39992
 division as judges of the court of common pleas of Champaign 39993
 county, domestic relations-juvenile-probate division, and the 39994
 successors to those judges, shall have all the powers relating to 39995
 probate courts in addition to the powers previously specified in 39996
 this division and shall exercise jurisdiction over all matters 39997
 that are within the jurisdiction of probate courts under Chapter 39998
 2101., and other provisions, of the Revised Code in addition to 39999
 the jurisdiction of the domestic relations-juvenile-probate 40000
 division otherwise specified in division (DD)(1) of this section. 40001

(2) On and after February 9, 2009, all references in law to 40002
 "the probate court," "the probate judge," "the juvenile court," or 40003
 "the judge of the juvenile court" shall be construed with respect 40004
 to Champaign county as being references to the "domestic 40005
 relations-juvenile-probate division" and as being references to 40006
 the "judge of the domestic relations-juvenile-probate division." 40007
 On and after February 9, 2009, all references in law to "the clerk 40008
 of the probate court" shall be construed with respect to Champaign 40009

county as being references to the judge who is serving pursuant to 40010
Rule 4 of the Rules of Superintendence for the Courts of Ohio as 40011
the administrative judge of the court of common pleas, domestic 40012
relations-juvenile-probate division. 40013

(EE) If a judge of the court of common pleas, division of 40014
domestic relations, or juvenile judge, of any of the counties 40015
mentioned in this section is sick, absent, or unable to perform 40016
that judge's judicial duties or the volume of cases pending in the 40017
judge's division necessitates it, the duties of that judge shall 40018
be performed by another judge of the court of common pleas of that 40019
county, assigned for that purpose by the presiding judge of the 40020
court of common pleas of that county to act in place of or in 40021
conjunction with that judge, as the case may require. 40022

Sec. 2303.201. (A)(1) The court of common pleas of any 40023
county may determine that for the efficient operation of the court 40024
additional funds are required to computerize the court, to make 40025
available computerized legal research services, or to do both. 40026
Upon making a determination that additional funds are required for 40027
either or both of those purposes, the court shall authorize and 40028
direct the clerk of the court of common pleas to charge one 40029
additional fee, not to exceed three dollars, on the filing of each 40030
cause of action or appeal under divisions (A), (Q), and (U) of 40031
section 2303.20 of the Revised Code. 40032

(2) All fees collected under division (A)(1) of this section 40033
shall be paid to the county treasurer. The treasurer shall place 40034
the funds from the fees in a separate fund to be disbursed, upon 40035
an order of the court, in an amount not greater than the actual 40036
cost to the court of procuring and maintaining computerization of 40037
the court, computerized legal research services, or both. 40038

(3) If the court determines that the funds in the fund 40039
described in division (A)(2) of this section are more than 40040
sufficient to satisfy the purpose for which the additional fee 40041

described in division (A)(1) of this section was imposed, the 40042
court may declare a surplus in the fund and expend those surplus 40043
funds for other appropriate technological expenses of the court. 40044

(B)(1) The court of common pleas of any county may determine 40045
that, for the efficient operation of the court, additional funds 40046
are required to computerize the office of the clerk of the court 40047
of common pleas and, upon that determination, authorize and direct 40048
the clerk of the court of common pleas to charge an additional 40049
fee, not to exceed ten dollars, on the filing of each cause of 40050
action or appeal, on the filing, docketing, and endorsing of each 40051
certificate of judgment, or on the docketing and indexing of each 40052
aid in execution or petition to vacate, revive, or modify a 40053
judgment under divisions (A), (P), (Q), (T), and (U) of section 40054
2303.20 of the Revised Code. Subject to division (B)(2) of this 40055
section, all moneys collected under division (B)(1) of this 40056
section shall be paid to the county treasurer to be disbursed, 40057
upon an order of the court of common pleas and subject to 40058
appropriation by the board of county commissioners, in an amount 40059
no greater than the actual cost to the court of procuring and 40060
maintaining computer systems for the office of the clerk of the 40061
court of common pleas. 40062

(2) If the court of common pleas of a county makes the 40063
determination described in division (B)(1) of this section, the 40064
board of county commissioners of that county may issue one or more 40065
general obligation bonds for the purpose of procuring and 40066
maintaining the computer systems for the office of the clerk of 40067
the court of common pleas. In addition to the purposes stated in 40068
division (B)(1) of this section for which the moneys collected 40069
under that division may be expended, the moneys additionally may 40070
be expended to pay debt charges on and financing costs related to 40071
any general obligation bonds issued pursuant to division (B)(2) of 40072
this section as they become due. General obligation bonds issued 40073
pursuant to division (B)(2) of this section are Chapter 133. 40074

securities. 40075

(C) The court of common pleas shall collect the sum of 40076
twenty-six dollars as additional filing fees in each new civil 40077
action or proceeding for the charitable public purpose of 40078
providing financial assistance to legal aid societies that 40079
operate within the state and to support the office of the state 40080
public defender. This division does not apply to proceedings 40081
concerning annulments, dissolutions of marriage, divorces, legal 40082
separation, spousal support, marital property or separate property 40083
distribution, support, or other domestic relations matters; to a 40084
juvenile division of a court of common pleas; to a probate 40085
division of a court of common pleas, except that the additional 40086
filing fees shall apply to name change, guardianship, adoption, 40087
and decedents' estate proceedings; or to an execution on a 40088
judgment, proceeding in aid of execution, or other post-judgment 40089
proceeding arising out of a civil action. The filing fees required 40090
to be collected under this division shall be in addition to any 40091
other filing fees imposed in the action or proceeding and shall be 40092
collected at the time of the filing of the action or proceeding. 40093
The court shall not waive the payment of the additional filing 40094
fees in a new civil action or proceeding unless the court waives 40095
the advanced payment of all filing fees in the action or 40096
proceeding. All such moneys collected during a month except for an 40097
amount equal to up to one per cent of those moneys retained to 40098
cover administrative costs shall be transmitted on or before the 40099
twentieth day of the following month by the clerk of the court to 40100
the treasurer of state in a manner prescribed by the treasurer of 40101
state or by the Ohio legal assistance foundation. The treasurer of 40102
state shall deposit four per cent of the funds collected under 40103
this division to the credit of the civil case filing fee fund 40104
established under section 120.07 of the Revised Code and 40105
ninety-six per cent of the funds collected under this division to 40106
the credit of the legal aid fund established under section 120.52 40107
of the Revised Code. 40108

The court may retain up to one per cent of the moneys it
collects under this division to cover administrative costs,
including the hiring of any additional personnel necessary to
implement this division. If the court fails to transmit to the
treasurer of state the moneys the court collects under this
division in a manner prescribed by the treasurer of state or by
the Ohio legal assistance foundation, the court shall forfeit the
moneys the court retains under this division to cover
administrative costs, including the hiring of any additional
personnel necessary to implement this division, and shall transmit
to the treasurer of state all moneys collected under this
division, including the forfeited amount retained for
administrative costs, for deposit in the legal aid fund.

(D) On and after the thirtieth day after December 9, 1994,
the court of common pleas shall collect the sum of thirty-two
dollars as additional filing fees in each new action or proceeding
for annulment, divorce, or dissolution of marriage for the purpose
of funding shelters for victims of domestic violence pursuant to
sections 3113.35 to 3113.39 of the Revised Code. The filing fees
required to be collected under this division shall be in addition
to any other filing fees imposed in the action or proceeding and
shall be collected at the time of the filing of the action or
proceeding. The court shall not waive the payment of the
additional filing fees in a new action or proceeding for
annulment, divorce, or dissolution of marriage unless the court
waives the advanced payment of all filing fees in the action or
proceeding. On or before the twentieth day of each month, all
moneys collected during the immediately preceding month pursuant
to this division shall be deposited by the clerk of the court into
the county treasury in the special fund used for deposit of
additional marriage license fees as described in section 3113.34
of the Revised Code. Upon their deposit into the fund, the moneys
shall be retained in the fund and expended only as described in

section 3113.34 of the Revised Code. 40142

(E)(1) The court of common pleas may determine that, for the 40143
efficient operation of the court, additional funds are necessary 40144
to acquire and pay for special projects of the court, including, 40145
but not limited to, the acquisition of additional facilities or 40146
the rehabilitation of existing facilities, the acquisition of 40147
equipment, the hiring and training of staff, community service 40148
programs, mediation or dispute resolution services, the employment 40149
of magistrates, the training and education of judges, acting 40150
judges, and magistrates, and other related services. Upon that 40151
determination, the court by rule may charge a fee, in addition to 40152
all other court costs, on the filing of each criminal cause, civil 40153
action or proceeding, or judgment by confession. 40154

If the court of common pleas offers a special program or 40155
service in cases of a specific type, the court by rule may assess 40156
an additional charge in a case of that type, over and above court 40157
costs, to cover the special program or service. The court shall 40158
adjust the special assessment periodically, but not retroactively, 40159
so that the amount assessed in those cases does not exceed the 40160
actual cost of providing the service or program. 40161

All moneys collected under division (E) of this section shall 40162
be paid to the county treasurer for deposit into either a general 40163
special projects fund or a fund established for a specific special 40164
project. Moneys from a fund of that nature shall be disbursed upon 40165
an order of the court in an amount no greater than the actual cost 40166
to the court of a project. If a specific fund is terminated 40167
because of the discontinuance of a program or service established 40168
under division (E) of this section, the court may order that 40169
moneys remaining in the fund be transferred to an account 40170
established under this division for a similar purpose. 40171

(2) As used in division (E) of this section: 40172

(a) "Criminal cause" means a charge alleging the violation of	40173
a statute or ordinance, or subsection of a statute or ordinance,	40174
that requires a separate finding of fact or a separate plea before	40175
disposition and of which the defendant may be found guilty,	40176
whether filed as part of a multiple charge on a single summons,	40177
citation, or complaint or as a separate charge on a single	40178
summons, citation, or complaint. "Criminal cause" does not include	40179
separate violations of the same statute or ordinance, or	40180
subsection of the same statute or ordinance, unless each charge is	40181
filed on a separate summons, citation, or complaint.	40182
 (b) "Civil action or proceeding" means any civil litigation	40183
that must be determined by judgment entry.	40184
 Sec. 2305.234. (A) As used in this section:	40185
 (1) "Chiropractic claim," "medical claim," and "optometric	40186
claim" have the same meanings as in section 2305.113 of the	40187
Revised Code.	40188
 (2) "Dental claim" has the same meaning as in section	40189
2305.113 of the Revised Code, except that it does not include any	40190
claim arising out of a dental operation or any derivative claim	40191
for relief that arises out of a dental operation.	40192
 (3) "Governmental health care program" has the same meaning	40193
as in section 4731.65 of the Revised Code.	40194
 (4) "Health care facility or location" means a hospital,	40195
clinic, ambulatory surgical facility, office of a health care	40196
professional or associated group of health care professionals,	40197
training institution for health care professionals, or any other	40198
place where medical, dental, or other health-related diagnosis,	40199
care, or treatment is provided to a person.	40200
 (5) "Health care professional" means any of the following who	40201

provide medical, dental, or other health-related diagnosis, care, or treatment:	40202 40203
(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	40204 40205 40206
(b) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code and individuals who hold a certificate of authority issued under that chapter that authorizes the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;	40207 40208 40209 40210 40211 40212
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	40213 40214
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	40215 40216
(e) Physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants licensed under Chapter 4755. of the Revised Code;	40217 40218 40219
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	40220 40221
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	40222 40223
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	40224 40225
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	40226 40227
(j) Pharmacists licensed under Chapter 4729. of the Revised	40228

Code;	40229
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	40230 40231 40232 40233
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	40234 40235
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code.	40236 40237
(6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.	40238 40239 40240 40241 40242 40243 40244
(7) "Indigent and uninsured person" means a person who meets all of the following requirements:	40245 40246
(a) The person's income is not greater than two hundred per cent of the current poverty line as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended.	40247 40248 40249 40250 40251
(b) The person is not eligible to receive medical assistance under Chapter 5111. ~~disability medical assistance under Chapter 5115.~~ of the Revised Code or assistance under any other governmental health care program.	40252 40253 40254 40255
(c) Either of the following applies:	40256

(i) The person is not a policyholder, certificate holder,	40257
insured, contract holder, subscriber, enrollee, member,	40258
beneficiary, or other covered individual under a health insurance	40259
or health care policy, contract, or plan.	40260
(ii) The person is a policyholder, certificate holder,	40261
insured, contract holder, subscriber, enrollee, member,	40262
beneficiary, or other covered individual under a health insurance	40263
or health care policy, contract, or plan, but the insurer, policy,	40264
contract, or plan denies coverage or is the subject of insolvency	40265
or bankruptcy proceedings in any jurisdiction.	40266
(8) "Nonprofit health care referral organization" means an	40267
entity that is not operated for profit and refers patients to, or	40268
arranges for the provision of, health-related diagnosis, care, or	40269
treatment by a health care professional or health care worker.	40270
(9) "Operation" means any procedure that involves cutting or	40271
otherwise infiltrating human tissue by mechanical means, including	40272
surgery, laser surgery, ionizing radiation, therapeutic	40273
ultrasound, or the removal of intraocular foreign bodies.	40274
"Operation" does not include the administration of medication by	40275
injection, unless the injection is administered in conjunction	40276
with a procedure infiltrating human tissue by mechanical means	40277
other than the administration of medicine by injection.	40278
"Operation" does not include routine dental restorative	40279
procedures, the scaling of teeth, or extractions of teeth that are	40280
not impacted.	40281
(10) "Tort action" means a civil action for damages for	40282
injury, death, or loss to person or property other than a civil	40283
action for damages for a breach of contract or another agreement	40284
between persons or government entities.	40285
(11) "Volunteer" means an individual who provides any	40286

medical, dental, or other health-care related diagnosis, care, or 40287
treatment without the expectation of receiving and without receipt 40288
of any compensation or other form of remuneration from an indigent 40289
and uninsured person, another person on behalf of an indigent and 40290
uninsured person, any health care facility or location, any 40291
nonprofit health care referral organization, or any other person 40292
or government entity. 40293

(12) "Community control sanction" has the same meaning as in 40294
section 2929.01 of the Revised Code. 40295

(13) "Deep sedation" means a drug-induced depression of 40296
consciousness during which a patient cannot be easily aroused but 40297
responds purposefully following repeated or painful stimulation, a 40298
patient's ability to independently maintain ventilatory function 40299
may be impaired, a patient may require assistance in maintaining a 40300
patent airway and spontaneous ventilation may be inadequate, and 40301
cardiovascular function is usually maintained. 40302

(14) "General anesthesia" means a drug-induced loss of 40303
consciousness during which a patient is not arousable, even by 40304
painful stimulation, the ability to independently maintain 40305
ventilatory function is often impaired, a patient often requires 40306
assistance in maintaining a patent airway, positive pressure 40307
ventilation may be required because of depressed spontaneous 40308
ventilation or drug-induced depression of neuromuscular function, 40309
and cardiovascular function may be impaired. 40310

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 40311
health care professional who is a volunteer and complies with 40312
division (B)(2) of this section is not liable in damages to any 40313
person or government entity in a tort or other civil action, 40314
including an action on a medical, dental, chiropractic, 40315
optometric, or other health-related claim, for injury, death, or 40316
loss to person or property that allegedly arises from an action or 40317
omission of the volunteer in the provision to an indigent and 40318

uninsured person of medical, dental, or other health-related	40319
diagnosis, care, or treatment, including the provision of samples	40320
of medicine and other medical products, unless the action or	40321
omission constitutes willful or wanton misconduct.	40322
 (2) To qualify for the immunity described in division (B)(1)	40323
of this section, a health care professional shall do all of the	40324
following prior to providing diagnosis, care, or treatment:	40325
 (a) Determine, in good faith, that the indigent and uninsured	40326
person is mentally capable of giving informed consent to the	40327
provision of the diagnosis, care, or treatment and is not subject	40328
to duress or under undue influence;	40329
 (b) Inform the person of the provisions of this section,	40330
including notifying the person that, by giving informed consent to	40331
the provision of the diagnosis, care, or treatment, the person	40332
cannot hold the health care professional liable for damages in a	40333
tort or other civil action, including an action on a medical,	40334
dental, chiropractic, optometric, or other health-related claim,	40335
unless the action or omission of the health care professional	40336
constitutes willful or wanton misconduct;	40337
 (c) Obtain the informed consent of the person and a written	40338
waiver, signed by the person or by another individual on behalf of	40339
and in the presence of the person, that states that the person is	40340
mentally competent to give informed consent and, without being	40341
subject to duress or under undue influence, gives informed consent	40342
to the provision of the diagnosis, care, or treatment subject to	40343
the provisions of this section. A written waiver under division	40344
(B)(2)(c) of this section shall state clearly and in conspicuous	40345
type that the person or other individual who signs the waiver is	40346
signing it with full knowledge that, by giving informed consent to	40347
the provision of the diagnosis, care, or treatment, the person	40348
cannot bring a tort or other civil action, including an action on	40349
a medical, dental, chiropractic, optometric, or other	40350

health-related claim, against the health care professional unless 40351
the action or omission of the health care professional constitutes 40352
willful or wanton misconduct. 40353

(3) A physician or podiatrist who is not covered by medical 40354
malpractice insurance, but complies with division (B)(2) of this 40355
section, is not required to comply with division (A) of section 40356
4731.143 of the Revised Code. 40357

(C) Subject to divisions (F) and (G)(3) of this section, 40358
health care workers who are volunteers are not liable in damages 40359
to any person or government entity in a tort or other civil 40360
action, including an action upon a medical, dental, chiropractic, 40361
optometric, or other health-related claim, for injury, death, or 40362
loss to person or property that allegedly arises from an action or 40363
omission of the health care worker in the provision to an indigent 40364
and uninsured person of medical, dental, or other health-related 40365
diagnosis, care, or treatment, unless the action or omission 40366
constitutes willful or wanton misconduct. 40367

(D) Subject to divisions (F) and (G)(3) of this section, a 40368
nonprofit health care referral organization is not liable in 40369
damages to any person or government entity in a tort or other 40370
civil action, including an action on a medical, dental, 40371
chiropractic, optometric, or other health-related claim, for 40372
injury, death, or loss to person or property that allegedly arises 40373
from an action or omission of the nonprofit health care referral 40374
organization in referring indigent and uninsured persons to, or 40375
arranging for the provision of, medical, dental, or other 40376
health-related diagnosis, care, or treatment by a health care 40377
professional described in division (B)(1) of this section or a 40378
health care worker described in division (C) of this section, 40379
unless the action or omission constitutes willful or wanton 40380
misconduct. 40381

(E) Subject to divisions (F) and (G)(3) of this section and 40382

to the extent that the registration requirements of section 40383
3701.071 of the Revised Code apply, a health care facility or 40384
location associated with a health care professional described in 40385
division (B)(1) of this section, a health care worker described in 40386
division (C) of this section, or a nonprofit health care referral 40387
organization described in division (D) of this section is not 40388
liable in damages to any person or government entity in a tort or 40389
other civil action, including an action on a medical, dental, 40390
chiropractic, optometric, or other health-related claim, for 40391
injury, death, or loss to person or property that allegedly arises 40392
from an action or omission of the health care professional or 40393
worker or nonprofit health care referral organization relative to 40394
the medical, dental, or other health-related diagnosis, care, or 40395
treatment provided to an indigent and uninsured person on behalf 40396
of or at the health care facility or location, unless the action 40397
or omission constitutes willful or wanton misconduct. 40398

(F)(1) Except as provided in division (F)(2) of this section, 40399
the immunities provided by divisions (B), (C), (D), and (E) of 40400
this section are not available to a health care professional, 40401
health care worker, nonprofit health care referral organization, 40402
or health care facility or location if, at the time of an alleged 40403
injury, death, or loss to person or property, the health care 40404
professionals or health care workers involved are providing one of 40405
the following: 40406

(a) Any medical, dental, or other health-related diagnosis, 40407
care, or treatment pursuant to a community service work order 40408
entered by a court under division (B) of section 2951.02 of the 40409
Revised Code or imposed by a court as a community control 40410
sanction; 40411

(b) Performance of an operation to which any one of the 40412
following applies: 40413

(i) The operation requires the administration of deep 40414

sedation or general anesthesia.	40415
(ii) The operation is a procedure that is not typically performed in an office.	40416 40417
(iii) The individual involved is a health care professional, and the operation is beyond the scope of practice or the education, training, and competence, as applicable, of the health care professional.	40418 40419 40420 40421
(c) Delivery of a baby or any other purposeful termination of a human pregnancy.	40422 40423
(2) Division (F)(1) of this section does not apply when a health care professional or health care worker provides medical, dental, or other health-related diagnosis, care, or treatment that is necessary to preserve the life of a person in a medical emergency.	40424 40425 40426 40427 40428
(G)(1) This section does not create a new cause of action or substantive legal right against a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location.	40429 40430 40431 40432
(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location may be entitled in connection with the provision of emergency or other medical, dental, or other health-related diagnosis, care, or treatment.	40433 40434 40435 40436 40437 40438 40439
(3) This section does not grant an immunity from tort or other civil liability to a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location for actions that are outside the scope	40440 40441 40442 40443

of authority of health care professionals or health care workers. 40444

(4) This section does not affect any legal responsibility of 40445
a health care professional, health care worker, or nonprofit 40446
health care referral organization to comply with any applicable 40447
law of this state or rule of an agency of this state. 40448

(5) This section does not affect any legal responsibility of 40449
a health care facility or location to comply with any applicable 40450
law of this state, rule of an agency of this state, or local code, 40451
ordinance, or regulation that pertains to or regulates building, 40452
housing, air pollution, water pollution, sanitation, health, fire, 40453
zoning, or safety. 40454

Sec. 2317.422. (A) Notwithstanding sections 2317.40 and 40455
2317.41 of the Revised Code but subject to division (B) of this 40456
section, the records, or copies or photographs of the records, of 40457
a hospital, homes required to be licensed pursuant to section 40458
3721.01 of the Revised Code, and of adult care facilities required 40459
to be licensed pursuant to Chapter 3722. of the Revised Code, ~~and~~ 40460
~~community alternative homes licensed pursuant to section 3724.03~~ 40461
~~of the Revised Code,~~ in lieu of the testimony in open court of 40462
their custodian, person who made them, or person under whose 40463
supervision they were made, may be qualified as authentic evidence 40464
if any such person endorses thereon the person's verified 40465
certification identifying such records, giving the mode and time 40466
of their preparation, and stating that they were prepared in the 40467
usual course of the business of the institution. Such records, 40468
copies, or photographs may not be qualified by certification as 40469
provided in this section unless the party intending to offer them 40470
delivers a copy of them, or of their relevant portions, to the 40471
attorney of record for each adverse party not less than five days 40472
before trial. Nothing in this section shall be construed to limit 40473
the right of any party to call the custodian, person who made such 40474
records, or person under whose supervision they were made, as a 40475

witness. 40476

(B) Division (A) of this section does not apply to any 40477
certified copy of the results of any test given to determine the 40478
presence or concentration of alcohol, a drug of abuse, a 40479
combination of them, a controlled substance, or a metabolite of a 40480
controlled substance in a patient's whole blood, blood serum or 40481
plasma, breath, or urine at any time relevant to a criminal 40482
offense that is submitted in a criminal action or proceeding in 40483
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 40484
of the Revised Code. 40485

Sec. 2503.17. ~~(A) Except as provided in division (B) and~~ 40486
~~subject to division (C) of this section, the~~ The clerk of the 40487
supreme court shall charge and collect ~~forty~~one hundred dollars, 40488
as a filing fee, for each case entered upon the ~~minute book,~~ 40489
~~including, but not limited to, original actions in the court,~~ 40490
~~appeals filed as of right, and cases certified by the courts of~~ 40491
~~appeals for review on the ground of conflict of decisions; and for~~ 40492
~~each motion to certify the record of a court of appeals or for~~ 40493
~~leave to file a notice of appeal in criminal cases~~docket. The 40494
filing fees so charged and collected shall be in full for 40495
~~docketing the cases or motions, making dockets from term to term,~~ 40496
~~indexing and entering appearances, issuing process, filing papers,~~ 40497
~~entering rules, motions, orders, continuances, decrees, and~~ 40498
~~judgments, making lists of causes on the regular docket for~~ 40499
~~publication each year, making and certifying orders, decrees, and~~ 40500
~~judgments of the court to other tribunals, and the issuing of~~ 40501
~~mandates. Except as provided in division (B) of this section, the~~ 40502
each case filed in the supreme court under the Rules of Practice 40503
of the Supreme Court. The party invoking the action of the court 40504
shall pay the filing fee to the clerk before the case ~~or motion~~ is 40505
docketed, and it shall be taxed as costs and recovered from the 40506
other party if the party invoking the action of the court 40507
succeeds, unless the court otherwise directs. 40508

~~(B)(1) As used in this division, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.~~

~~(2) The clerk of the supreme court shall not charge to and collect from a prosecutor the forty-dollar filing fee prescribed by division (A) of this section when all of the following circumstances apply:~~

~~(a) In accordance with the Rules of Practice of the Supreme Court of Ohio, an indigent defendant in a criminal action or proceeding files in the appropriate court of appeals a notice of appeal within thirty days from the date of the entry of the judgment or final order that is the subject of the appeal.~~

~~(b) The indigent defendant fails to file or offer for filing in the supreme court within thirty days from the date of the filing of the notice of appeal in the court of appeals, a copy of the notice of appeal supported by a memorandum in support of jurisdiction and other documentation and information as required by the Rules of Practice of the Supreme Court of Ohio.~~

~~(c) The prosecutor or a representative of the prosecutor associated with the criminal action or proceeding files a motion to docket and dismiss the appeal of the indigent defendant for lack of prosecution as authorized by the Rules of Practice of the Supreme Court of Ohio.~~

~~(d) The prosecutor states in the motion that the forty-dollar filing fee does not accompany the motion because of the applicability of this division, and the clerk of the supreme court determines that this division applies. No filing fee or security deposit shall be charged to an indigent party upon determination of indigency by the supreme court pursuant to the Rules of Practice of the Supreme Court.~~

Sec. 2505.09. Except as provided in section 2505.11 or 2505.12 or another section of the Revised Code or in applicable rules governing courts, the perfection of an appeal, including an administrative-related appeal, does not operate as a stay of execution until a stay of execution has been obtained pursuant to the Rules of Appellate Procedure or in another applicable manner, and a supersedeas bond is executed by the appellant to the appellee, with sufficient sureties and, subject to section 2505.122 of the Revised Code, in a sum that is not less than, if applicable, the cumulative total for all claims covered by the final order, judgment, or decree and interest involved, except that the bond shall not exceed fifty million dollars excluding interest and costs, as directed by the court that rendered the final order, judgment, or decree that is sought to be superseded or by the court to which the appeal is taken. That bond shall be conditioned as provided in section 2505.14 of the Revised Code.

Sec. 2505.12. An appellant is not required to give a supersedeas bond in connection with any of the following:

(A) ~~An~~ Perfection of an appeal by any of the following:

(1) An executor, administrator, guardian, receiver, trustee, or trustee in bankruptcy who is acting in that person's trust capacity and who has given bond in this state, with surety according to law;

(2) The state or any political subdivision of the state;

(3) Any public officer of the state or of any of its political subdivisions who is suing or is sued solely in the public officer's representative capacity as that officer.

(B) ~~An~~ Perfection of an administrative-related appeal of a final order that is not for the payment of money.

Sec. 2505.122. An appellant who obtains a stay of execution pending the appeal of a final order, adjudication, or decision pursuant to section 2506.01 of the Revised Code shall simultaneously execute a supersedeas bond to the appellee, with sufficient sureties and in a sum that is equal to the cost of delay, increased cost of construction, legal expenses, loss of anticipated revenues, or the reasonable value of the matter at issue in the final order, adjudication, or decision, including any reasonable investment-backed expectations of the appellee. That bond shall be conditioned as provided in section 2505.14 of the Revised Code.

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the Revised Code:

(A) "Claimant" means both of the following categories of persons:

(1) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:

(a) A victim who was one of the following at the time of the criminally injurious conduct:

(i) A resident of the United States;

(ii) A resident of a foreign country the laws of which permit residents of this state to recover compensation as victims of offenses committed in that country.

(b) A dependent of a deceased victim who is described in division (A)(1)(a) of this section;

(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division

(A)(1)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;	40595 40596 40597 40598
(d) A person who is authorized to act on behalf of any person who is described in division (A)(1)(a), (b), or (c) of this section;	40599 40600 40601
(e) The estate of a deceased victim who is described in division (A)(1)(a) of this section.	40602 40603
(2) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	40604 40605
(a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, complied with any one of the following:	40606 40607 40608 40609
(i) Had a permanent place of employment in this state;	40610
(ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve;	40611 40612 40613 40614
(iii) Was retired and receiving social security or any other retirement income;	40615 40616
(iv) Was sixty years of age or older;	40617
(v) Was temporarily in another state for the purpose of receiving medical treatment;	40618 40619
(vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer	40620 40621

located within this state as an express condition of employment or	40622
employee benefits;	40623
(vii) Was temporarily in another state for the purpose of	40624
receiving occupational, vocational, or other job-related training	40625
or instruction required by an employer located within this state	40626
as an express condition of employment or employee benefits;	40627
(viii) Was a full-time student at an academic institution,	40628
college, or university located in another state;	40629
(ix) Had not departed the geographical boundaries of this	40630
state for a period exceeding thirty days or with the intention of	40631
becoming a citizen of another state or establishing a permanent	40632
place of residence in another state.	40633
(b) A dependent of a deceased victim who is described in	40634
division (A)(2)(a) of this section;	40635
(c) A third person, other than a collateral source, who	40636
legally assumes or voluntarily pays the obligations of a victim,	40637
or of a dependent of a victim, who is described in division	40638
(A)(2)(a) of this section, which obligations are incurred as a	40639
result of the criminally injurious conduct that is the subject of	40640
the claim and may include, but are not limited to, medical or	40641
burial expenses;	40642
(d) A person who is authorized to act on behalf of any person	40643
who is described in division (A)(2)(a), (b), or (c) of this	40644
section;	40645
(e) The estate of a deceased victim who is described in	40646
division (A)(2)(a) of this section.	40647
(B) "Collateral source" means a source of benefits or	40648
advantages for economic loss otherwise reparable that the victim	40649

or claimant has received, or that is readily available to the	40650
victim or claimant, from any of the following sources:	40651
(1) The offender;	40652
(2) The government of the United States or any of its	40653
agencies, a state or any of its political subdivisions, or an	40654
instrumentality of two or more states, unless the law providing	40655
for the benefits or advantages makes them excess or secondary to	40656
benefits under sections 2743.51 to 2743.72 of the Revised Code;	40657
(3) Social security, medicare, and medicaid;	40658
(4) State-required, temporary, nonoccupational disability	40659
insurance;	40660
(5) Workers' compensation;	40661
(6) Wage continuation programs of any employer;	40662
(7) Proceeds of a contract of insurance payable to the victim	40663
for loss that the victim sustained because of the criminally	40664
injurious conduct;	40665
(8) A contract providing prepaid hospital and other health	40666
care services, or benefits for disability;	40667
(9) That portion of the proceeds of all contracts of	40668
insurance payable to the claimant on account of the death of the	40669
victim that exceeds fifty thousand dollars;	40670
(10) Any compensation recovered or recoverable under the laws	40671
of another state, district, territory, or foreign country because	40672
the victim was the victim of an offense committed in that state,	40673
district, territory, or country.	40674
"Collateral source" does not include any money, or the	40675

monetary value of any property, that is subject to sections 40676
2969.01 to 2969.06 of the Revised Code or that is received as a 40677
benefit from the Ohio public safety officers death benefit fund 40678
created by section 742.62 of the Revised Code. 40679

(C) "Criminally injurious conduct" means one of the 40680
following: 40681

(1) For the purposes of any person described in division 40682
(A)(1) of this section, any conduct that occurs or is attempted in 40683
this state; poses a substantial threat of personal injury or 40684
death; and is punishable by fine, imprisonment, or death, or would 40685
be so punishable but for the fact that the person engaging in the 40686
conduct lacked capacity to commit the crime under the laws of this 40687
state. Criminally injurious conduct does not include conduct 40688
arising out of the ownership, maintenance, or use of a motor 40689
vehicle, except when any of the following applies: 40690

(a) The person engaging in the conduct intended to cause 40691
personal injury or death; 40692

(b) The person engaging in the conduct was using the vehicle 40693
to flee immediately after committing a felony or an act that would 40694
constitute a felony but for the fact that the person engaging in 40695
the conduct lacked the capacity to commit the felony under the 40696
laws of this state; 40697

(c) The person engaging in the conduct was using the vehicle 40698
in a manner that constitutes an OVI violation; 40699

(d) The conduct occurred on or after July 25, 1990, and the 40700
person engaging in the conduct was using the vehicle in a manner 40701
that constitutes a violation of section 2903.08 of the Revised 40702
Code; 40703

(e) The person engaging in the conduct acted in a manner that 40704

caused serious physical harm to a person and that constituted a violation of section 4549.02 or 4549.021 of the Revised Code.

(2) For the purposes of any person described in division (A)(2) of this section, any conduct that occurs or is attempted in another state, district, territory, or foreign country; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies:

(a) The person engaging in the conduct intended to cause personal injury or death;

(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted;

(c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OVI violation;

(d) The conduct occurred on or after July 25, 1990, the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of any law of the state, district, territory, or foreign country in which the conduct occurred, and that law is substantially similar to a violation of section 2903.08 of the Revised Code;

(e) The person engaging in the conduct acted in a manner that

caused serious physical harm to a person and that constituted a 40735
violation of any law of the state, district, territory, or foreign 40736
country in which the conduct occurred, and that law is 40737
substantially similar to section 4549.02 or 4549.021 of the 40738
Revised Code. 40739

(3) For the purposes of any person described in division 40740
(A)(1) or (2) of this section, terrorism that occurs within or 40741
outside the territorial jurisdiction of the United States. 40742

(D) "Dependent" means an individual wholly or partially 40743
dependent upon the victim for care and support, and includes a 40744
child of the victim born after the victim's death. 40745

(E) "Economic loss" means economic detriment consisting only 40746
of allowable expense, work loss, funeral expense, unemployment 40747
benefits loss, replacement services loss, cost of crime scene 40748
cleanup, and cost of evidence replacement. If criminally injurious 40749
conduct causes death, economic loss includes a dependent's 40750
economic loss and a dependent's replacement services loss. 40751
Noneconomic detriment is not economic loss; however, economic loss 40752
may be caused by pain and suffering or physical impairment. 40753

(F)(1) "Allowable expense" means reasonable charges incurred 40754
for reasonably needed products, services, and accommodations, 40755
including those for medical care, rehabilitation, rehabilitative 40756
occupational training, and other remedial treatment and care and 40757
including replacement costs for eyeglasses and other corrective 40758
lenses. It does not include that portion of a charge for a room in 40759
a hospital, clinic, convalescent home, nursing home, or any other 40760
institution engaged in providing nursing care and related services 40761
in excess of a reasonable and customary charge for semiprivate 40762
accommodations, unless accommodations other than semiprivate 40763
accommodations are medically required. 40764

(2) An immediate family member of a victim of criminally 40765

injurious conduct that consists of a homicide, a sexual assault, 40766
domestic violence, or a severe and permanent incapacitating injury 40767
resulting in paraplegia or a similar life-altering condition, who 40768
requires psychiatric care or counseling as a result of the 40769
criminally injurious conduct, may be reimbursed for that care or 40770
counseling as an allowable expense through the victim's 40771
application. The cumulative allowable expense for care or 40772
counseling of that nature shall not exceed two thousand five 40773
hundred dollars for each immediate family member of a victim of 40774
that type and seven thousand five hundred dollars in the aggregate 40775
for all immediate family members of a victim of that type. 40776

(3) A family member of a victim who died as a proximate 40777
result of criminally injurious conduct may be reimbursed as an 40778
allowable expense through the victim's application for wages lost 40779
and travel expenses incurred in order to attend criminal justice 40780
proceedings arising from the criminally injurious conduct. The 40781
cumulative allowable expense for wages lost and travel expenses 40782
incurred by a family member to attend criminal justice proceedings 40783
shall not exceed five hundred dollars for each family member of 40784
the victim and two thousand dollars in the aggregate for all 40785
family members of the victim. 40786

(4) "Allowable expense" includes attorney's fees not 40787
exceeding ~~two~~one thousand ~~five~~three hundred ~~twenty~~ dollars, at a 40788
rate not exceeding ~~one hundred fifty~~sixty dollars per hour, 40789
incurred to successfully obtain a restraining order, custody 40790
order, or other order to physically separate a victim from an 40791
offender, if the attorney has not received payment under section 40792
2743.65 of the Revised Code for assisting a claimant with an 40793
application for an award of reparations under sections 2743.51 to 40794
2743.72 of the Revised Code and provided that, except as otherwise 40795
provided in this division, the attorney or the attorney's law firm 40796
may only receive attorney's fees as an allowable expense for the 40797
services described in this division in an amount that does not 40798

exceed a cumulative total of thirty thousand dollars in any 40799
calendar year. The thirty thousand-dollar maximum specified in 40800
this division does not apply to an attorney who is an employee of 40801
a legal aid society regarding the services described in this 40802
division that the attorney performs while so employed and does not 40803
apply to a legal aid society. Attorney's fees for the services 40804
described in this division may include an amount for reasonable 40805
travel time incurred while performing those services, assessed at 40806
a rate not exceeding thirty dollars per hour. 40807

(G) "Work loss" means loss of income from work that the 40808
injured person would have performed if the person had not been 40809
injured and expenses reasonably incurred by the person to obtain 40810
services in lieu of those the person would have performed for 40811
income, reduced by any income from substitute work actually 40812
performed by the person, or by income the person would have earned 40813
in available appropriate substitute work that the person was 40814
capable of performing but unreasonably failed to undertake. 40815

(H) "Replacement services loss" means expenses reasonably 40816
incurred in obtaining ordinary and necessary services in lieu of 40817
those the injured person would have performed, not for income, but 40818
for the benefit of the person's self or family, if the person had 40819
not been injured. 40820

(I) "Dependent's economic loss" means loss after a victim's 40821
death of contributions of things of economic value to the victim's 40822
dependents, not including services they would have received from 40823
the victim if the victim had not suffered the fatal injury, less 40824
expenses of the dependents avoided by reason of the victim's 40825
death. If a minor child of a victim is adopted after the victim's 40826
death, the minor child continues after the adoption to incur a 40827
dependent's economic loss as a result of the victim's death. If 40828
the surviving spouse of a victim remarries, the surviving spouse 40829
continues after the remarriage to incur a dependent's economic 40830

loss as a result of the victim's death. 40831

(J) "Dependent's replacement services loss" means loss 40832
reasonably incurred by dependents after a victim's death in 40833
obtaining ordinary and necessary services in lieu of those the 40834
victim would have performed for their benefit if the victim had 40835
not suffered the fatal injury, less expenses of the dependents 40836
avoided by reason of the victim's death and not subtracted in 40837
calculating the dependent's economic loss. If a minor child of a 40838
victim is adopted after the victim's death, the minor child 40839
continues after the adoption to incur a dependent's replacement 40840
services loss as a result of the victim's death. If the surviving 40841
spouse of a victim remarries, the surviving spouse continues after 40842
the remarriage to incur a dependent's replacement services loss as 40843
a result of the victim's death. 40844

(K) "Noneconomic detriment" means pain, suffering, 40845
inconvenience, physical impairment, or other nonpecuniary damage. 40846

(L) "Victim" means a person who suffers personal injury or 40847
death as a result of any of the following: 40848

(1) Criminally injurious conduct; 40849

(2) The good faith effort of any person to prevent criminally 40850
injurious conduct; 40851

(3) The good faith effort of any person to apprehend a person 40852
suspected of engaging in criminally injurious conduct. 40853

(M) "Contributory misconduct" means any conduct of the 40854
claimant or of the victim through whom the claimant claims an 40855
award of reparations that is unlawful or intentionally tortious 40856
and that, without regard to the conduct's proximity in time or 40857
space to the criminally injurious conduct, has a causal 40858
relationship to the criminally injurious conduct that is the basis 40859

of the claim. 40860

(N)(1) "Funeral expense" means any reasonable charges that 40861
are not in excess of seven thousand five hundred dollars per 40862
funeral and that are incurred for expenses directly related to a 40863
victim's funeral, cremation, or burial and any wages lost or 40864
travel expenses incurred by a family member of a victim in order 40865
to attend the victim's funeral, cremation, or burial. 40866

(2) An award for funeral expenses shall be applied first to 40867
expenses directly related to the victim's funeral, cremation, or 40868
burial. An award for wages lost or travel expenses incurred by a 40869
family member of the victim shall not exceed five hundred dollars 40870
for each family member and shall not exceed in the aggregate the 40871
difference between seven thousand five hundred dollars and 40872
expenses that are reimbursed by the program and that are directly 40873
related to the victim's funeral, cremation, or burial. 40874

(O) "Unemployment benefits loss" means a loss of unemployment 40875
benefits pursuant to Chapter 4141. of the Revised Code when the 40876
loss arises solely from the inability of a victim to meet the able 40877
to work, available for suitable work, or the actively seeking 40878
suitable work requirements of division (A)(4)(a) of section 40879
4141.29 of the Revised Code. 40880

(P) "OVI violation" means any of the following: 40881

(1) A violation of section 4511.19 of the Revised Code, of 40882
any municipal ordinance prohibiting the operation of a vehicle 40883
while under the influence of alcohol, a drug of abuse, or a 40884
combination of them, or of any municipal ordinance prohibiting the 40885
operation of a vehicle with a prohibited concentration of alcohol, 40886
a controlled substance, or a metabolite of a controlled substance 40887
in the whole blood, blood serum or plasma, breath, or urine; 40888

(2) A violation of division (A)(1) of section 2903.06 of the 40889

Revised Code;	40890
(3) A violation of division (A)(2), (3), or (4) of section 2903.06 of the Revised Code or of a municipal ordinance substantially similar to any of those divisions, if the offender was under the influence of alcohol, a drug of abuse, or a combination of them, at the time of the commission of the offense;	40891 40892 40893 40894 40895
(4) For purposes of any person described in division (A)(2) of this section, a violation of any law of the state, district, territory, or foreign country in which the criminally injurious conduct occurred, if that law is substantially similar to a violation described in division (P)(1) or (2) of this section or if that law is substantially similar to a violation described in division (P)(3) of this section and the offender was under the influence of alcohol, a drug of abuse, or a combination of them, at the time of the commission of the offense.	40896 40897 40898 40899 40900 40901 40902 40903 40904
(Q) "Pendency of the claim" for an original reparations application or supplemental reparations application means the period of time from the date the criminally injurious conduct upon which the application is based occurred until the date a final decision, order, or judgment concerning that original reparations application or supplemental reparations application is issued.	40905 40906 40907 40908 40909 40910
(R) "Terrorism" means any activity to which all of the following apply:	40911 40912
(1) The activity involves a violent act or an act that is dangerous to human life.	40913 40914
(2) The act described in division (R)(1) of this section is committed within the territorial jurisdiction of the United States and is a violation of the criminal laws of the United States, this state, or any other state or the act described in division (R)(1) of this section is committed outside the territorial jurisdiction	40915 40916 40917 40918 40919

of the United States and would be a violation of the criminal laws	40920
of the United States, this state, or any other state if committed	40921
within the territorial jurisdiction of the United States.	40922
(3) The activity appears to be intended to do any of the	40923
following:	40924
(a) Intimidate or coerce a civilian population;	40925
(b) Influence the policy of any government by intimidation or	40926
coercion;	40927
(c) Affect the conduct of any government by assassination or	40928
kidnapping.	40929
(4) The activity occurs primarily outside the territorial	40930
jurisdiction of the United States or transcends the national	40931
boundaries of the United States in terms of the means by which the	40932
activity is accomplished, the person or persons that the activity	40933
appears intended to intimidate or coerce, or the area or locale in	40934
which the perpetrator or perpetrators of the activity operate or	40935
seek asylum.	40936
(S) "Transcends the national boundaries of the United States"	40937
means occurring outside the territorial jurisdiction of the United	40938
States in addition to occurring within the territorial	40939
jurisdiction of the United States.	40940
(T) "Cost of crime scene cleanup" means reasonable and	40941
necessary costs of cleaning the scene and repairing, for the	40942
purpose of personal security, property damaged at the scene where	40943
the criminally injurious conduct occurred, not to exceed seven	40944
hundred fifty dollars in the aggregate per claim.	40945
(U) "Cost of evidence replacement" means costs for	40946
replacement of property confiscated for evidentiary purposes	40947

related to the criminally injurious conduct, not to exceed seven 40948
hundred fifty dollars in the aggregate per claim. 40949

(V) "Provider" means any person who provides a victim or 40950
claimant with a product, service, or accommodations that are an 40951
allowable expense or a funeral expense. 40952

(W) "Immediate family member" means an individual who resided 40953
in the same permanent household as a victim at the time of the 40954
criminally injurious conduct and who is related to the victim by 40955
affinity or consanguinity. 40956

(X) "Family member" means an individual who is related to a 40957
victim by affinity or consanguinity. 40958

Sec. 2744.05. Notwithstanding any other provisions of the 40959
Revised Code or rules of a court to the contrary, in an action 40960
against a political subdivision to recover damages for injury, 40961
death, or loss to person or property caused by an act or omission 40962
in connection with a governmental or proprietary function: 40963

(A) Punitive or exemplary damages shall not be awarded. 40964

(B)(1) If a claimant receives or is entitled to receive 40965
benefits for injuries or loss allegedly incurred from a policy or 40966
policies of insurance or any other source, the benefits shall be 40967
disclosed to the court, and the amount of the benefits shall be 40968
deducted from any award against a political subdivision recovered 40969
by that claimant. No insurer or other person is entitled to bring 40970
an action under a subrogation provision in an insurance or other 40971
contract against a political subdivision with respect to those 40972
benefits. 40973

The amount of the benefits shall be deducted from an award 40974
against a political subdivision under division (B)(1) of this 40975
section regardless of whether the claimant may be under an 40976

obligation to pay back the benefits upon recovery, in whole or in part, for the claim. A claimant whose benefits have been deducted from an award under division (B)(1) of this section is not considered fully compensated and shall not be required to reimburse a subrogated claim for benefits deducted from an award pursuant to division (B)(1) of this section.

(2) Nothing in division (B)(1) of this section shall be construed to do either of the following:

(a) Limit the rights of a beneficiary under a life insurance policy or the rights of sureties under fidelity or surety bonds;

(b) Prohibit the department of job and family services from recovering from the political subdivision, pursuant to section 5101.58 of the Revised Code, the cost of medical assistance benefits provided under sections 5101.5211 to 5101.5216 or Chapter 5107., or 5111.~~or 5115.~~ of the Revised Code.

(C)(1) There shall not be any limitation on compensatory damages that represent the actual loss of the person who is awarded the damages. However, except in wrongful death actions brought pursuant to Chapter 2125. of the Revised Code, damages that arise from the same cause of action, transaction or occurrence, or series of transactions or occurrences and that do not represent the actual loss of the person who is awarded the damages shall not exceed two hundred fifty thousand dollars in favor of any one person. The limitation on damages that do not represent the actual loss of the person who is awarded the damages provided in this division does not apply to court costs that are awarded to a plaintiff, or to interest on a judgment rendered in favor of a plaintiff, in an action against a political subdivision.

(2) As used in this division, "the actual loss of the person who is awarded the damages" includes all of the following:

(a) All wages, salaries, or other compensation lost by the person injured as a result of the injury, including wages,	41008
salaries, or other compensation lost as of the date of a judgment	41009
and future expected lost earnings of the person injured;	41010
	41011
(b) All expenditures of the person injured or another person on behalf of the person injured for medical care or treatment, for rehabilitation services, or for other care, treatment, services,	41012
products, or accommodations that were necessary because of the injury;	41013
	41014
	41015
	41016
(c) All expenditures to be incurred in the future, as determined by the court, by the person injured or another person on behalf of the person injured for medical care or treatment, for rehabilitation services, or for other care, treatment, services,	41017
products, or accommodations that will be necessary because of the injury;	41018
	41019
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	41022
(d) All expenditures of a person whose property was injured or destroyed or of another person on behalf of the person whose property was injured or destroyed in order to repair or replace the property that was injured or destroyed;	41023
	41024
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	41026
(e) All expenditures of the person injured or of the person whose property was injured or destroyed or of another person on behalf of the person injured or of the person whose property was injured or destroyed in relation to the actual preparation or presentation of the claim involved;	41027
	41028
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	41031
(f) Any other expenditures of the person injured or of the person whose property was injured or destroyed or of another person on behalf of the person injured or of the person whose property was injured or destroyed that the court determines represent an actual loss experienced because of the personal or property injury or property loss.	41032
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"The actual loss of the person who is awarded the damages" 41038
does not include any fees paid or owed to an attorney for any 41039
services rendered in relation to a personal or property injury or 41040
property loss, and does not include any damages awarded for pain 41041
and suffering, for the loss of society, consortium, companionship, 41042
care, assistance, attention, protection, advice, guidance, 41043
counsel, instruction, training, or education of the person 41044
injured, for mental anguish, or for any other intangible loss. 41045

Sec. 2903.214. (A) As used in this section: 41046

(1) "Court" means the court of common pleas of the county in 41047
which the person to be protected by the protection order resides. 41048

(2) "Victim advocate" means a person who provides support and 41049
assistance for a person who files a petition under this section. 41050

(3) "Family or household member" has the same meaning as in 41051
section 3113.31 of the Revised Code. 41052

(4) "Protection order issued by a court of another state" has 41053
the same meaning as in section 2919.27 of the Revised Code. 41054

(5) "Sexually oriented offense" has the same meaning as in 41055
section 2950.01 of the Revised Code. 41056

(6) "Electronic monitoring" has the same meaning as in 41057
section 2929.01 of the Revised Code. 41058

(B) The court has jurisdiction over all proceedings under 41059
this section. 41060

(C) A person may seek relief under this section for the 41061
person, or any parent or adult household member may seek relief 41062
under this section on behalf of any other family or household 41063
member, by filing a petition with the court. The petition shall 41064

contain or state all of the following: 41065

(1) An allegation that the respondent engaged in a violation 41066
of section 2903.211 of the Revised Code against the person to be 41067
protected by the protection order or committed a sexually oriented 41068
offense against the person to be protected by the protection 41069
order, including a description of the nature and extent of the 41070
violation; 41071

(2) If the petitioner seeks relief in the form of electronic 41072
monitoring of the respondent, an allegation that at any time 41073
preceding the filing of the petition the respondent engaged in 41074
conduct that would cause a reasonable person to believe that the 41075
health, welfare, or safety of the person to be protected was at 41076
risk, a description of the nature and extent of that conduct, and 41077
an allegation that the respondent presents a continuing danger to 41078
the person to be protected; 41079

(3) A request for relief under this section. 41080

(D)(1) If a person who files a petition pursuant to this 41081
section requests an ex parte order, the court shall hold an ex 41082
parte hearing as soon as possible after the petition is filed, but 41083
not later than the next day that the court is in session after the 41084
petition is filed. The court, for good cause shown at the ex 41085
parte hearing, may enter any temporary orders, with or without 41086
bond, that the court finds necessary for the safety and protection 41087
of the person to be protected by the order. Immediate and present 41088
danger to the person to be protected by the protection order 41089
constitutes good cause for purposes of this section. Immediate and 41090
present danger includes, but is not limited to, situations in 41091
which the respondent has threatened the person to be protected by 41092
the protection order with bodily harm or in which the respondent 41093
previously has been convicted of or pleaded guilty to a violation 41094
of section 2903.211 of the Revised Code or a sexually oriented 41095
offense against the person to be protected by the protection 41096

order. 41097

(2)(a) If the court, after an ex parte hearing, issues a 41098
protection order described in division (E) of this section, the 41099
court shall schedule a full hearing for a date that is within ten 41100
court days after the ex parte hearing. The court shall give the 41101
respondent notice of, and an opportunity to be heard at, the full 41102
hearing. The court shall hold the full hearing on the date 41103
scheduled under this division unless the court grants a 41104
continuance of the hearing in accordance with this division. Under 41105
any of the following circumstances or for any of the following 41106
reasons, the court may grant a continuance of the full hearing to 41107
a reasonable time determined by the court: 41108

(i) Prior to the date scheduled for the full hearing under 41109
this division, the respondent has not been served with the 41110
petition filed pursuant to this section and notice of the full 41111
hearing. 41112

(ii) The parties consent to the continuance. 41113

(iii) The continuance is needed to allow a party to obtain 41114
counsel. 41115

(iv) The continuance is needed for other good cause. 41116

(b) An ex parte order issued under this section does not 41117
expire because of a failure to serve notice of the full hearing 41118
upon the respondent before the date set for the full hearing under 41119
division (D)(2)(a) of this section or because the court grants a 41120
continuance under that division. 41121

(3) If a person who files a petition pursuant to this section 41122
does not request an ex parte order, or if a person requests an ex 41123
parte order but the court does not issue an ex parte order after 41124
an ex parte hearing, the court shall proceed as in a normal civil 41125

action and grant a full hearing on the matter. 41126

(E)(1)(a) After an ex parte or full hearing, the court may 41127
issue any protection order, with or without bond, that contains 41128
terms designed to ensure the safety and protection of the person 41129
to be protected by the protection order, including, but not 41130
limited to, a requirement that the respondent refrain from 41131
entering the residence, school, business, or place of employment 41132
of the petitioner or family or household member. If the court 41133
includes a requirement that the respondent refrain from entering 41134
the residence, school, business, or place of employment of the 41135
petitioner or family or household member in the order, it also 41136
shall include in the order provisions of the type described in 41137
division (E)(5) of this section. 41138

(b) After a full hearing, if the court considering a petition 41139
that includes an allegation of the type described in division 41140
(C)(2) of this section, or the court upon its own motion, finds 41141
upon clear and convincing evidence that the petitioner reasonably 41142
believed that the respondent's conduct at any time preceding the 41143
filing of the petition endangered the health, welfare, or safety 41144
of the person to be protected and that the respondent presents a 41145
continuing danger to the person to be protected, the court may 41146
order that the respondent be electronically monitored for a period 41147
of time and under the terms and conditions that the court 41148
determines are appropriate. Electronic monitoring shall be in 41149
addition to any other relief granted to the petitioner. 41150

(2)(a) Any protection order issued pursuant to this section 41151
shall be valid until a date certain but not later than five years 41152
from the date of its issuance. 41153

(b) Any protection order issued pursuant to this section may 41154
be renewed in the same manner as the original order was issued. 41155

(3) A court may not issue a protection order that requires a 41156

petitioner to do or to refrain from doing an act that the court	41157
may require a respondent to do or to refrain from doing under	41158
division (E)(1) of this section unless all of the following apply:	41159
(a) The respondent files a separate petition for a protection	41160
order in accordance with this section.	41161
(b) The petitioner is served with notice of the respondent's	41162
petition at least forty-eight hours before the court holds a	41163
hearing with respect to the respondent's petition, or the	41164
petitioner waives the right to receive this notice.	41165
(c) If the petitioner has requested an ex parte order	41166
pursuant to division (D) of this section, the court does not delay	41167
any hearing required by that division beyond the time specified in	41168
that division in order to consolidate the hearing with a hearing	41169
on the petition filed by the respondent.	41170
(d) After a full hearing at which the respondent presents	41171
evidence in support of the request for a protection order and the	41172
petitioner is afforded an opportunity to defend against that	41173
evidence, the court determines that the petitioner has committed a	41174
violation of section 2903.211 of the Revised Code against the	41175
person to be protected by the protection order issued pursuant to	41176
this section, has committed a sexually oriented offense against	41177
the person to be protected by the protection order, or has	41178
violated a protection order issued pursuant to section 2903.213 of	41179
the Revised Code relative to the person to be protected by the	41180
protection order issued pursuant to this section.	41181
(4) No protection order issued pursuant to this section shall	41182
in any manner affect title to any real property.	41183
(5)(a) If the court issues a protection order under this	41184
section that includes a requirement that the alleged offender	41185
refrain from entering the residence, school, business, or place of	41186

employment of the petitioner or a family or household member, the 41187
order shall clearly state that the order cannot be waived or 41188
nullified by an invitation to the alleged offender from the 41189
complainant to enter the residence, school, business, or place of 41190
employment or by the alleged offender's entry into one of those 41191
places otherwise upon the consent of the petitioner or family or 41192
household member. 41193

(b) Division (E)(5)(a) of this section does not limit any 41194
discretion of a court to determine that an alleged offender 41195
charged with a violation of section 2919.27 of the Revised Code, 41196
with a violation of a municipal ordinance substantially equivalent 41197
to that section, or with contempt of court, which charge is based 41198
on an alleged violation of a protection order issued under this 41199
section, did not commit the violation or was not in contempt of 41200
court. 41201

(F)(1) The court shall cause the delivery of a copy of any 41202
protection order that is issued under this section to the 41203
petitioner, to the respondent, and to all law enforcement agencies 41204
that have jurisdiction to enforce the order. The court shall 41205
direct that a copy of the order be delivered to the respondent on 41206
the same day that the order is entered. 41207

(2) Upon the issuance of a protection order under this 41208
section, the court shall provide the parties to the order with the 41209
following notice orally or by form: 41210

"NOTICE 41211

As a result of this order, it may be unlawful for you to 41212
possess or purchase a firearm, including a rifle, pistol, or 41213
revolver, or ammunition pursuant to federal law under 18 U.S.C. 41214
922(g)(8). If you have any questions whether this law makes it 41215
illegal for you to possess or purchase a firearm or ammunition, 41216

you should consult an attorney." 41217

(3) All law enforcement agencies shall establish and maintain 41218
an index for the protection orders delivered to the agencies 41219
pursuant to division (F)(1) of this section. With respect to each 41220
order delivered, each agency shall note on the index the date and 41221
time that it received the order. 41222

(4) Regardless of whether the petitioner has registered the 41223
protection order in the county in which the officer's agency has 41224
jurisdiction pursuant to division (M) of this section, any 41225
officer of a law enforcement agency shall enforce a protection 41226
order issued pursuant to this section by any court in this state 41227
in accordance with the provisions of the order, including removing 41228
the respondent from the premises, if appropriate. 41229

(G) Any proceeding under this section shall be conducted in 41230
accordance with the Rules of Civil Procedure, except that a 41231
protection order may be obtained under this section with or 41232
without bond. An order issued under this section, other than an 41233
ex parte order, that grants a protection order, or that refuses to 41234
grant a protection order, is a final, appealable order. The 41235
remedies and procedures provided in this section are in addition 41236
to, and not in lieu of, any other available civil or criminal 41237
remedies. 41238

(H) The filing of proceedings under this section does not 41239
excuse a person from filing any report or giving any notice 41240
required by section 2151.421 of the Revised Code or by any other 41241
law. 41242

(I) Any law enforcement agency that investigates an alleged 41243
violation of section 2903.211 of the Revised Code or an alleged 41244
commission of a sexually oriented offense shall provide 41245
information to the victim and the family or household members of 41246
the victim regarding the relief available under this section and 41247

section 2903.213 of the Revised Code. 41248

(J) Notwithstanding any provision of law to the contrary and 41249
regardless of whether a protection order is issued or a consent 41250
agreement is approved by a court of another county or by a court 41251
of another state, no court or unit of state or local government 41252
shall charge any fee, cost, deposit, or money in connection with 41253
the filing of a petition pursuant to this section, in connection 41254
with the filing, issuance, registration, or service of a 41255
protection order or consent agreement, or for obtaining a 41256
certified copy of a protection order or consent agreement. 41257

(K)(1) A person who violates a protection order issued under 41258
this section is subject to the following sanctions: 41259

(a) Criminal prosecution for a violation of section 2919.27 41260
of the Revised Code, if the violation of the protection order 41261
constitutes a violation of that section; 41262

(b) Punishment for contempt of court. 41263

(2) The punishment of a person for contempt of court for 41264
violation of a protection order issued under this section does not 41265
bar criminal prosecution of the person for a violation of section 41266
2919.27 of the Revised Code. However, a person punished for 41267
contempt of court is entitled to credit for the punishment imposed 41268
upon conviction of a violation of that section, and a person 41269
convicted of a violation of that section shall not subsequently be 41270
punished for contempt of court arising out of the same activity. 41271

(L) In all stages of a proceeding under this section, a 41272
petitioner may be accompanied by a victim advocate. 41273

(M)(1) A petitioner who obtains a protection order under this 41274
section or a protection order under section 2903.213 of the 41275
Revised Code may provide notice of the issuance or approval of the 41276

order to the judicial and law enforcement officials in any county 41277
other than the county in which the order is issued by registering 41278
that order in the other county pursuant to division (M)(2) of this 41279
section and filing a copy of the registered order with a law 41280
enforcement agency in the other county in accordance with that 41281
division. A person who obtains a protection order issued by a 41282
court of another state may provide notice of the issuance of the 41283
order to the judicial and law enforcement officials in any county 41284
of this state by registering the order in that county pursuant to 41285
section 2919.272 of the Revised Code and filing a copy of the 41286
registered order with a law enforcement agency in that county. 41287

(2) A petitioner may register a protection order issued 41288
pursuant to this section or section 2903.213 of the Revised Code 41289
in a county other than the county in which the court that issued 41290
the order is located in the following manner: 41291

(a) The petitioner shall obtain a certified copy of the order 41292
from the clerk of the court that issued the order and present that 41293
certified copy to the clerk of the court of common pleas or the 41294
clerk of a municipal court or county court in the county in which 41295
the order is to be registered. 41296

(b) Upon accepting the certified copy of the order for 41297
registration, the clerk of the court of common pleas, municipal 41298
court, or county court shall place an endorsement of registration 41299
on the order and give the petitioner a copy of the order that 41300
bears that proof of registration. 41301

(3) The clerk of each court of common pleas, municipal court, 41302
or county court shall maintain a registry of certified copies of 41303
protection orders that have been issued by courts in other 41304
counties pursuant to this section or section 2903.213 of the 41305
Revised Code and that have been registered with the clerk. 41306

(N) If the court orders electronic monitoring of the 41307

respondent under this section, the court shall direct the
sheriff's office or any other appropriate law enforcement agency
to install the electronic monitoring device and to monitor the
respondent. Unless the court determines that the respondent is
indigent, the court shall order the respondent to pay the cost of
the installation and monitoring of the electronic monitoring
device. If the court determines that the respondent is indigent,
the cost of the installation and monitoring of the electronic
monitoring device ~~shall~~may be paid out of funds from the
reparations fund created pursuant to section 2743.191 of the
Revised Code. The total amount of costs for the installation and
monitoring of electronic monitoring devices paid pursuant to this
division from the reparations fund shall not exceed three hundred
thousand dollars per year. The attorney general may promulgate
rules pursuant to section 111.15 of the Revised Code to govern
payments made from the reparations fund pursuant to this division.
The rules may include reasonable limits on the total cost paid
pursuant to this division per respondent, the amount of the three
hundred thousand dollars allocated to each county, and how
invoices may be submitted by a county, court, or other entity.

Sec. 2903.33. As used in sections 2903.33 to 2903.36 of the
Revised Code:

(A) "Care facility" means any of the following:

(1) Any "home" as defined in section 3721.10 or 5111.20 of
the Revised Code;

(2) Any "residential facility" as defined in section 5123.19
of the Revised Code;

(3) Any institution or facility operated or provided by the
department of mental health or by the department of mental
retardation and developmental disabilities pursuant to sections
5119.02 and 5123.03 of the Revised Code;

(4) Any "residential facility" as defined in section 5119.22 of the Revised Code;	41339 41340
(5) Any unit of any hospital, as defined in section 3701.01 of the Revised Code, that provides the same services as a nursing home, as defined in section 3721.01 of the Revised Code;	41341 41342 41343
(6) Any institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to one individual or two unrelated individuals who are dependent upon the services of others;	41344 41345 41346 41347 41348
(7) Any "adult care facility" as defined in section 3722.01 of the Revised Code;	41349 41350
(8) Any adult foster home certified by the department of aging or its designee under section 173.36 of the Revised Code;	41351 41352
~~(9) Any "community alternative home" as defined in section 3724.01 of the Revised Code.~~	41353 41354
(B) "Abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a person by physical contact with the person or by the inappropriate use of a physical or chemical restraint, medication, or isolation on the person.	41355 41356 41357 41358
(C)(1) "Gross neglect" means knowingly failing to provide a person with any treatment, care, goods, or service that is necessary to maintain the health or safety of the person when the failure results in physical harm or serious physical harm to the person.	41359 41360 41361 41362 41363
(2) "Neglect" means recklessly failing to provide a person with any treatment, care, goods, or service that is necessary to	41364 41365

maintain the health or safety of the person when the failure
results in serious physical harm to the person.

(D) "Inappropriate use of a physical or chemical restraint,
medication, or isolation" means the use of physical or chemical
restraint, medication, or isolation as punishment, for staff
convenience, excessively, as a substitute for treatment, or in
quantities that preclude habilitation and treatment.

Sec. 2907.27. (A)(1) If a person is charged with a violation
of section 2907.02, 2907.03, 2907.04, 2907.24, 2907.241, or
2907.25 of the Revised Code or with a violation of a municipal
ordinance that is substantially equivalent to any of those
sections, the arresting authorities or a court, upon the request
of the prosecutor in the case or upon the request of the victim,
shall cause the accused to submit to one or more appropriate tests
to determine if the accused is suffering from a venereal disease.

(2) If the accused is found to be suffering from a venereal
disease in an infectious stage, the accused shall be required to
submit to medical treatment for that disease. The cost of the
medical treatment shall be charged to and paid by the accused who
undergoes the treatment. If the accused is indigent, the court
shall order the accused to report to a facility operated by a city
health district or a general health district for treatment. If the
accused is convicted of or pleads guilty to the offense with which
the accused is charged and is placed under a community control
sanction, a condition of community control shall be that the
offender submit to and faithfully follow a course of medical
treatment for the venereal disease. If the offender does not seek
the required medical treatment, the court may revoke the
offender's community control and order the offender to undergo
medical treatment during the period of the offender's
incarceration and to pay the cost of that treatment.

(B)(1)(a) ~~Notwithstanding the requirements for informed~~

~~consent in section 3701.242 of the Revised Code, if~~ a person is 41398
charged with a violation of division (B) of section 2903.11 or of 41399
section 2907.02, 2907.03, 2907.04, 2907.05, 2907.12, 2907.24, 41400
2907.241, or 2907.25 of the Revised Code or with a violation of a 41401
municipal ordinance that is substantially equivalent to that 41402
division or any of those sections, the court, upon the request of 41403
the prosecutor in the case, upon the request of the victim, or 41404
upon the request of any other person whom the court reasonably 41405
believes had contact with the accused in circumstances related to 41406
the violation that could have resulted in the transmission to that 41407
person ~~of a virus that causes acquired immunodeficiency syndrome~~ 41408
the human immunodeficiency virus, shall cause the accused to 41409
submit to one or more tests designated by the director of health 41410
under section 3701.241 of the Revised Code to determine if the 41411
accused is ~~a carrier of a virus that causes acquired~~ 41412
~~immunodeficiency syndrome~~infected with HIV. The court, upon the 41413
request of the prosecutor in the case, upon the request of the 41414
victim with the agreement of the prosecutor, or upon the request 41415
of any other person with the agreement of the prosecutor, may 41416
cause an accused who is charged with a violation of any other 41417
section of the Revised Code or with a violation of any other 41418
municipal ordinance to submit to one or more tests so designated 41419
by the director of health if the circumstances of the violation 41420
indicate probable cause to believe that the accused, if the 41421
accused is infected with ~~the virus that causes acquired~~ 41422
~~immunodeficiency syndrome~~HIV, might have transmitted ~~the virus~~ 41423
HIV to any of the following persons in committing the violation: 41424

(i) In relation to a request made by the prosecuting 41425
attorney, to the victim or to any other person; 41426

(ii) In relation to a request made by the victim, to the 41427
victim making the request; 41428

(iii) In relation to a request made by any other person, to 41429

the person making the request. 41430

(b) The results of a test performed under division (B)(1)(a) 41431
of this section shall be communicated in confidence to the court, 41432
and the court shall inform the accused of the result. The court 41433
shall inform the victim that the test was performed and that the 41434
victim has a right to receive the results on request. If the test 41435
was performed upon the request of a person other than the 41436
prosecutor in the case and other than the victim, the court shall 41437
inform the person who made the request that the test was performed 41438
and that the person has a right to receive the results upon 41439
request. Additionally, regardless of who made the request that was 41440
the basis of the test being performed, if the court reasonably 41441
believes that, in circumstances related to the violation, a person 41442
other than the victim had contact with the accused that could have 41443
resulted in the transmission of ~~the virus~~HIV to that person, the 41444
court may inform that person that the test was performed and that 41445
the person has a right to receive the results of the test on 41446
request. If the accused tests positive for ~~a virus that causes~~ 41447
~~acquired immunodeficiency syndrome~~HIV, the test results shall be 41448
reported to the department of health in accordance with section 41449
3701.24 of the Revised Code and to the sheriff, head of the state 41450
correctional institution, or other person in charge of any jail or 41451
prison in which the accused is incarcerated. If the accused tests 41452
positive for ~~a virus that causes acquired immunodeficiency~~ 41453
~~syndrome~~HIV and the accused was charged with, and was convicted 41454
of or pleaded guilty to, a violation of section 2907.24, 2907.241, 41455
or 2907.25 of the Revised Code or a violation of a municipal 41456
ordinance that is substantially equivalent to any of those 41457
sections, the test results also shall be reported to the law 41458
enforcement agency that arrested the accused, and the law 41459
enforcement agency may use the test results as the basis for any 41460
future charge of a violation of division (B) of any of those 41461
sections or a violation of a municipal ordinance that is 41462
substantially equivalent to division (B) of any of those sections. 41463

No other disclosure of the test results or the fact that a test
was performed shall be made, other than as evidence in a grand
jury proceeding or as evidence in a judicial proceeding in
accordance with the Rules of Evidence. If the test result is
negative, and the charge has not been dismissed or if the accused
has been convicted of the charge or a different offense arising
out of the same circumstances as the offense charged, the court
shall order that the test be repeated not earlier than three
months nor later than six months after the original test.

(2) If an accused who is free on bond refuses to submit to a
test ordered by the court pursuant to division (B)(1) of this
section, the court may order that the accused's bond be revoked
and that the accused be incarcerated until the test is performed.
If an accused who is incarcerated refuses to submit to a test
ordered by the court pursuant to division (B)(1) of this section,
the court shall order the person in charge of the jail or prison
in which the accused is incarcerated to take any action necessary
to facilitate the performance of the test, including the forcible
restraint of the accused for the purpose of drawing blood to be
used in the test.

(3) A state agency, a political subdivision of the state, or
an employee of a state agency or of a political subdivision of the
state is immune from liability in a civil action to recover
damages for injury, death, or loss to person or property allegedly
caused by any act or omission in connection with the performance
of the duties required under division (B)(2) of this section
unless the acts or omissions are with malicious purpose, in bad
faith, or in a wanton or reckless manner.

(C) As used in this section, ~~"community~~; 41492

(1) "Community control sanction" has the same meaning as in
section 2929.01 of the Revised Code. 41493
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<u>(2) "HIV" means the human immunodeficiency virus.</u>	41495
Sec. 2911.21. (A) No person, without privilege to do so,	41496
shall do any of the following:	41497
(1) Knowingly enter or remain on the land or premises of	41498
another;	41499
(2) Knowingly enter or remain on the land or premises of	41500
another, the use of which is lawfully restricted to certain	41501
persons, purposes, modes, or hours, when the offender knows the	41502
offender is in violation of any such restriction or is reckless in	41503
that regard;	41504
(3) Recklessly enter or remain on the land or premises of	41505
another, as to which notice against unauthorized access or	41506
presence is given by actual communication to the offender, or in a	41507
manner prescribed by law, or by posting in a manner reasonably	41508
calculated to come to the attention of potential intruders, or by	41509
fencing or other enclosure manifestly designed to restrict access;	41510
(4) Being on the land or premises of another, negligently	41511
fail or refuse to leave upon being notified by signage posted in a	41512
conspicuous place or otherwise being notified to do so by the	41513
owner or occupant, or the agent or servant of either.	41514
(B) It is no defense to a charge under this section that the	41515
land or premises involved was owned, controlled, or in custody of	41516
a public agency.	41517
(C) It is no defense to a charge under this section that the	41518
offender was authorized to enter or remain on the land or premises	41519
involved, when such authorization was secured by deception.	41520
(D)(1) Whoever violates this section is guilty of criminal	41521
trespass, a misdemeanor of the fourth degree.	41522

(2) Notwithstanding section 2929.28 of the Revised Code, if the person, in committing the violation of this section, used ~~an~~ a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court shall impose a fine of two times the usual amount imposed for the violation.

(3) If an offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, and the offender, in committing each violation, used ~~an~~ a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impound the certificate of registration of that snowmobile or off-highway motorcycle or the certificate of registration and license plate of that all-purpose vehicle for not less than sixty days. In such a case, section 4519.47 of the Revised Code applies.

(E) Notwithstanding any provision of the Revised Code, if the offender, in committing the violation of this section, used an all-purpose vehicle, the clerk of the court shall pay the fine imposed pursuant to this section to the state recreational vehicle fund created by section 4519.11 of the Revised Code.

(F) As used in this section:

(1) "All-purpose vehicle," ~~has~~ "off-highway motorcycle," and "snowmobile" have the same ~~meaning~~ meanings as in section 4519.01 of the Revised Code.

(2) "Land or premises" includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof.

Sec. 2913.46. (A)(1) As used in this section:

(a) "Electronically transferred benefit" means the transfer	41551
of ~~food stamps~~ <u>supplemental nutrition assistance</u> program benefits	41552
or WIC program benefits through the use of an access device.	41553
(b) "WIC program benefits" includes money, coupons, delivery	41554
verification receipts, other documents, food, or other property	41555
received directly or indirectly pursuant to section 17 of the	41556
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as	41557
amended.	41558
(c) "Access device" means any card, plate, code, account	41559
number, or other means of access that can be used, alone or in	41560
conjunction with another access device, to obtain payments,	41561
allotments, benefits, money, goods, or other things of value or	41562
that can be used to initiate a transfer of funds pursuant to	41563
section 5101.33 of the Revised Code and the "Food Stamp and	41564
Nutrition Act of 1977," ~~91 Stat. 958, 2008~~ (7 U.S.C.A. 2011 et	41565
seq.), or any supplemental food program administered by any	41566
department of this state or any county or local agency pursuant to	41567
section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42	41568
U.S.C.A. 1786, as amended. An "access device" may include any	41569
electronic debit card or other means authorized by section 5101.33	41570
of the Revised Code.	41571
~~(e)~~ (d) "Aggregate value of the ~~food stamp coupons~~	41572
<u>supplemental nutrition assistance</u> program benefits, WIC program	41573
benefits, and electronically transferred benefits involved in the	41574
violation" means the total face value of any ~~food stamps~~	41575
<u>supplemental nutrition assistance</u> program benefits, plus the total	41576
face value of WIC program coupons or delivery verification	41577
receipts, plus the total value of other WIC program benefits, plus	41578
the total value of any electronically transferred benefit or other	41579
access device, involved in the violation.	41580
~~(d)~~ (e) "Total value of any electronically transferred benefit	41581
or other access device" means the total value of the payments,	41582

allotments, benefits, money, goods, or other things of value that 41583
may be obtained, or the total value of funds that may be 41584
transferred, by use of any electronically transferred benefit or 41585
other access device at the time of violation. 41586

(2) If ~~food stamp coupons~~supplemental nutrition assistance 41587
program benefits, WIC program benefits, or electronically 41588
transferred benefits or other access devices of various values are 41589
used, transferred, bought, acquired, altered, purchased, 41590
possessed, presented for redemption, or transported in violation 41591
of this section over a period of twelve months, the course of 41592
conduct may be charged as one offense and the values of ~~food stamp~~
~~coupons~~supplemental nutrition assistance program benefits, WIC 41593
program benefits, or any electronically transferred benefits or 41594
other access devices may be aggregated in determining the degree 41595
of the offense. 41596
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(B) No individual shall knowingly possess, buy, sell, use, 41598
alter, accept, or transfer ~~food stamp coupons~~supplemental 41599
nutrition assistance program benefits, WIC program benefits, or 41600
any electronically transferred benefit in any manner not 41601
authorized by the "Food Stamp and Nutrition Act of 1977," 91 Stat. 41602
~~958,2008~~ (7 U.S.C.A. 2011, ~~as amended, et seq.~~) or section 17 of 41603
the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, 41604
as amended. 41605

(C) No organization, as defined in division (D) of section 41606
2901.23 of the Revised Code, shall do either of the following: 41607

(1) Knowingly allow an employee or agent to sell, transfer, 41608
or trade items or services, the purchase of which is prohibited by 41609
the "Food Stamp and Nutrition Act of 1977," 91 Stat. ~~958,2008~~ (7 41610
U.S.C.A. 2011, ~~as amended, et seq.~~ or section 17 of the "Child 41611
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 41612
amended, in exchange for ~~food stamp coupons~~supplemental nutrition 41613
assistance program benefits, WIC program benefits, or any 41614

electronically transferred benefit; 41615

(2) Negligently allow an employee or agent to sell, transfer, 41616
or exchange ~~food stamp coupons~~supplemental nutrition assistance 41617
program benefits, WIC program benefits, or any electronically 41618
transferred benefit for anything of value. 41619

(D) Whoever violates this section is guilty of illegal use of 41620
~~food stamps~~supplemental nutrition assistance program benefits or 41621
WIC program benefits. Except as otherwise provided in this 41622
division, illegal use of ~~food stamps~~supplemental nutrition 41623
assistance program benefits or WIC program benefits is a felony of 41624
the fifth degree. If the aggregate value of the ~~food stamp coupons~~ 41625
supplemental nutrition assistance program benefits, WIC program 41626
benefits, and electronically transferred benefits involved in the 41627
violation is five hundred dollars or more and is less than five 41628
thousand dollars, illegal use of ~~food stamps~~supplemental 41629
nutrition assistance program benefits or WIC program benefits is 41630
a felony of the fourth degree. If the aggregate value of the 41631
~~food stamp coupons~~supplemental nutrition assistance program 41632
benefits, WIC program benefits, and electronically transferred 41633
benefits involved in the violation is five thousand dollars or 41634
more and is less than one hundred thousand dollars, illegal use 41635
of ~~food stamps~~supplemental nutrition assistance program 41636
benefits or WIC program benefits is a felony of the third 41637
degree. If the aggregate value of the ~~food stamp coupons~~ 41638
supplemental nutrition assistance program benefits, WIC program 41639
benefits, and electronically transferred benefits involved in 41640
the violation is one hundred thousand dollars or more, illegal 41641
use of ~~food stamps~~supplemental nutrition assistance program 41642
benefits or WIC program benefits is a felony of the second 41643
degree. 41644

Sec. 2915.01. As used in this chapter: 41645

(A) "Bookmaking" means the business of receiving or paying 41646

off bets.	41647
(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.	41648 41649 41650
(C) "Scheme of chance" means a slot machine, lottery, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit.	41651 41652 41653 41654 41655
(D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.	41656 41657 41658 41659
(E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.	41660 41661 41662
(F) "Gambling device" means any of the following:	41663
(1) A book, totalizer, or other equipment for recording bets;	41664
(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;	41665 41666
(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;	41667 41668 41669
(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;	41670 41671
(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.	41672 41673

(G) "Gambling offense" means any of the following:	41674
(1) A violation of section 2915.02, 2915.03, 2915.04,	41675
2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09,	41676
2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;	41677
(2) A violation of an existing or former municipal ordinance	41678
or law of this or any other state or the United States	41679
substantially equivalent to any section listed in division (G)(1)	41680
of this section or a violation of section 2915.06 of the Revised	41681
Code as it existed prior to July 1, 1996;	41682
(3) An offense under an existing or former municipal	41683
ordinance or law of this or any other state or the United States,	41684
of which gambling is an element;	41685
(4) A conspiracy or attempt to commit, or complicity in	41686
committing, any offense under division (G)(1), (2), or (3) of this	41687
section.	41688
(H) Except as otherwise provided in this chapter, "charitable	41689
organization" means any tax exempt religious, educational,	41690
veteran's, fraternal, sporting, service, nonprofit medical,	41691
volunteer rescue service, volunteer firefighter's, senior	41692
citizen's, historic railroad educational, youth athletic, amateur	41693
athletic, or youth athletic park organization. An organization is	41694
tax exempt if the organization is, and has received from the	41695
internal revenue service a determination letter that currently is	41696
in effect stating that the organization is, exempt from federal	41697
income taxation under subsection 501(a) and described in	41698
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or	41699
501(c)(19) of the Internal Revenue Code, or if the organization is	41700
a sporting organization that is exempt from federal income	41701
taxation under subsection 501(a) and is described in subsection	41702
501(c)(7) of the Internal Revenue Code. To qualify as a charitable	41703

organization, an organization, except a volunteer rescue service 41704
or volunteer firefighter's organization, shall have been in 41705
continuous existence as such in this state for a period of two 41706
years immediately preceding either the making of an application 41707
for a bingo license under section 2915.08 of the Revised Code or 41708
the conducting of any game of chance as provided in division (D) 41709
of section 2915.02 of the Revised Code. A charitable organization 41710
that is exempt from federal income taxation under subsection 41711
501(a) and described in subsection 501(c)(3) of the Internal 41712
Revenue Code and that is created by a veteran's organization, a 41713
fraternal organization, or a sporting organization does not have 41714
to have been in continuous existence as such in this state for a 41715
period of two years immediately preceding either the making of an 41716
application for a bingo license under section 2915.08 of the 41717
Revised Code or the conducting of any game of chance as provided 41718
in division (D) of section 2915.02 of the Revised Code. 41719

(I) "Religious organization" means any church, body of 41720
communicants, or group that is not organized or operated for 41721
profit and that gathers in common membership for regular worship 41722
and religious observances. 41723

(J) "Educational organization" means any organization within 41724
this state that is not organized for profit, the primary purpose 41725
of which is to educate and develop the capabilities of individuals 41726
through instruction by means of operating or contributing to the 41727
support of a school, academy, college, or university. 41728

(K) "Veteran's organization" means any individual post or 41729
state headquarters of a national veteran's association or an 41730
auxiliary unit of any individual post of a national veteran's 41731
association, which post, state headquarters, or auxiliary unit has 41732
been in continuous existence in this state for at least two years 41733
and incorporated as a nonprofit corporation and either has 41734
received a letter from the state headquarters of the national 41735

veteran's association indicating that the individual post or
auxiliary unit is in good standing with the national veteran's
association or has received a letter from the national veteran's
association indicating that the state headquarters is in good
standing with the national veteran's association. As used in this
division, "national veteran's association" means any veteran's
association that has been in continuous existence as such for a
period of at least five years and either is incorporated by an act
of the United States congress or has a national dues-paying
membership of at least five thousand persons.

(L) "Volunteer firefighter's organization" means any
organization of volunteer firefighters, as defined in section
146.01 of the Revised Code, that is organized and operated
exclusively to provide financial support for a volunteer fire
department or a volunteer fire company and that is recognized or
ratified by a county, municipal corporation, or township.

(M) "Fraternal organization" means any society, order, state
headquarters, or association within this state, except a college
or high school fraternity, that is not organized for profit, that
is a branch, lodge, or chapter of a national or state
organization, that exists exclusively for the common business or
sodality of its members, and that has been in continuous existence
in this state for a period of five years.

(N) "Volunteer rescue service organization" means any
organization of volunteers organized to function as an emergency
medical service organization, as defined in section 4765.01 of the
Revised Code.

(O) "Service organization" means either of the following:

(1) Any organization, not organized for profit, that is
organized and operated exclusively to provide, or to contribute to
the support of organizations or institutions organized and

operated exclusively to provide, medical and therapeutic services 41767
for persons who are crippled, born with birth defects, or have any 41768
other mental or physical defect or those organized and operated 41769
exclusively to protect, or to contribute to the support of 41770
organizations or institutions organized and operated exclusively 41771
to protect, animals from inhumane treatment or provide immediate 41772
shelter to victims of domestic violence; 41773

(2) Any organization that is described in subsection 41774
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 41775
and is either a governmental unit or an organization that is tax 41776
exempt under subsection 501(a) and described in subsection 41777
501(c)(3) of the Internal Revenue Code and that is an 41778
organization, not organized for profit, that is organized and 41779
operated primarily to provide, or to contribute to the support of 41780
organizations or institutions organized and operated primarily to 41781
provide, medical and therapeutic services for persons who are 41782
crippled, born with birth defects, or have any other mental or 41783
physical defect. 41784

(P) "Nonprofit medical organization" means either of the 41785
following: 41786

(1) Any organization that has been incorporated as a 41787
nonprofit corporation for at least five years and that has 41788
continuously operated and will be operated exclusively to provide, 41789
or to contribute to the support of organizations or institutions 41790
organized and operated exclusively to provide, hospital, medical, 41791
research, or therapeutic services for the public; 41792

(2) Any organization that is described and qualified under 41793
subsection 501(c)(3) of the Internal Revenue Code, that has been 41794
incorporated as a nonprofit corporation for at least five years, 41795
and that has continuously operated and will be operated primarily 41796
to provide, or to contribute to the support of organizations or 41797
institutions organized and operated primarily to provide, 41798

hospital, medical, research, or therapeutic services for the 41799
public. 41800

(Q) "Senior citizen's organization" means any private 41801
organization, not organized for profit, that is organized and 41802
operated exclusively to provide recreational or social services 41803
for persons who are fifty-five years of age or older and that is 41804
described and qualified under subsection 501(c)(3) of the Internal 41805
Revenue Code. 41806

(R) "Charitable bingo game" means any bingo game described in 41807
division (S)(1) or (2) of this section that is conducted by a 41808
charitable organization that has obtained a license pursuant to 41809
section 2915.08 of the Revised Code and the proceeds of which are 41810
used for a charitable purpose. 41811

(S) "Bingo" means either of the following: 41812

(1) A game with all of the following characteristics: 41813

(a) The participants use bingo cards or sheets, including 41814
paper formats and electronic representation or image formats, that 41815
are divided into twenty-five spaces arranged in five horizontal 41816
and five vertical rows of spaces, with each space, except the 41817
central space, being designated by a combination of a letter and a 41818
number and with the central space being designated as a free 41819
space. 41820

(b) The participants cover the spaces on the bingo cards or 41821
sheets that correspond to combinations of letters and numbers that 41822
are announced by a bingo game operator. 41823

(c) A bingo game operator announces combinations of letters 41824
and numbers that appear on objects that a bingo game operator 41825
selects by chance, either manually or mechanically, from a 41826
receptacle that contains seventy-five objects at the beginning of 41827

each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.

(d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in division (S)(1)(c) of this section, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by the participant.

(2) Instant bingo, punch boards, and raffles.

(T) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance.

(U) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.

(V) "Participant" means any person who plays bingo.

(W) "Bingo session" means a period that includes both of the following:

(1) Not to exceed five continuous hours for the conduct of one or more games described in division (S)(1) of this section, instant bingo, and seal cards;	41857 41858 41859
(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (W)(1) of this section.	41860 41861 41862
(X) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:	41863 41864 41865 41866 41867 41868 41869 41870
(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.	41871 41872 41873
(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.	41874 41875 41876
(3) The food and beverages are sold at customary and reasonable prices.	41877 41878
(Y) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of the Revised Code and who is hired to provide security for the premises on which bingo is conducted.	41879 41880 41881 41882 41883 41884 41885

(Z) "Charitable purpose" means that the net profit of bingo,
other than instant bingo, is used by, or is given, donated, or
otherwise transferred to, any of the following:

(1) Any organization that is described in subsection
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code
and is either a governmental unit or an organization that is tax
exempt under subsection 501(a) and described in subsection
501(c)(3) of the Internal Revenue Code;

(2) A veteran's organization that is a post, chapter, or
organization of veterans, or an auxiliary unit or society of, or a
trust or foundation for, any such post, chapter, or organization
organized in the United States or any of its possessions, at least
seventy-five per cent of the members of which are veterans and
substantially all of the other members of which are individuals
who are spouses, widows, or widowers of veterans, or such
individuals, provided that no part of the net earnings of such
post, chapter, or organization inures to the benefit of any
private shareholder or individual, and further provided that the
net profit is used by the post, chapter, or organization for the
charitable purposes set forth in division (B)(12) of section
5739.02 of the Revised Code, is used for awarding scholarships to
or for attendance at an institution mentioned in division (B)(12)
of section 5739.02 of the Revised Code, is donated to a
governmental agency, or is used for nonprofit youth activities,
the purchase of United States or Ohio flags that are donated to
schools, youth groups, or other bona fide nonprofit organizations,
promotion of patriotism, or disaster relief;

(3) A fraternal organization that has been in continuous
existence in this state for fifteen years and that uses the net
profit exclusively for religious, charitable, scientific,
literary, or educational purposes, or for the prevention of
cruelty to children or animals, if contributions for such use

would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code;	41918 41919
(4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in division (L) of this section.	41920 41921
(AA) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.	41922 41923 41924
(BB) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.	41925 41926 41927 41928 41929 41930 41931
(CC) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:	41932 41933 41934
(1) It owns, operates, and maintains playing fields that satisfy both of the following:	41935 41936
(a) The playing fields are used at least one hundred days per year for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.	41937 41938 41939 41940 41941 41942 41943 41944
(b) The playing fields are not used for any profit-making activity at any time during the year.	41945 41946

(2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (CC)(1) of this section.

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(DD) "Amateur athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are training for amateur athletic competition that is sanctioned by a national governing body as defined in the "Amateur Sports Act of 1978," 90 Stat. 3045, 36 U.S.C.A. 373.

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(EE) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.

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(FF) "Instant bingo" means a form of bingo that uses folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners. "Instant bingo" includes seal cards. "Instant bingo" does not include any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.

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(GG) "Seal card" means a form of instant bingo that uses

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instant bingo tickets in conjunction with a board or placard that 41978
contains one or more seals that, when removed or opened, reveal 41979
predesignated winning numbers, letters, or symbols. 41980

(HH) "Raffle" means a form of bingo in which the one or more 41981
prizes are won by one or more persons who have purchased a raffle 41982
ticket. The one or more winners of the raffle are determined by 41983
drawing a ticket stub or other detachable section from a 41984
receptacle containing ticket stubs or detachable sections 41985
corresponding to all tickets sold for the raffle. 41986

(II) "Punch board" means a board containing a number of holes 41987
or receptacles of uniform size in which are placed, mechanically 41988
and randomly, serially numbered slips of paper that may be punched 41989
or drawn from the hole or receptacle when used in conjunction with 41990
instant bingo. A player may punch or draw the numbered slips of 41991
paper from the holes or receptacles and obtain the prize 41992
established for the game if the number drawn corresponds to a 41993
winning number or, if the punch board includes the use of a seal 41994
card, a potential winning number. 41995

(JJ) "Gross profit" means gross receipts minus the amount 41996
actually expended for the payment of prize awards. 41997

(KK) "Net profit" means gross profit minus expenses. 41998

(LL) "Expenses" means the reasonable amount of gross profit 41999
actually expended for all of the following: 42000

(1) The purchase or lease of bingo supplies; 42001

(2) The annual license fee required under section 2915.08 of 42002
the Revised Code; 42003

(3) Bank fees and service charges for a bingo session or game 42004
account described in section 2915.10 of the Revised Code; 42005

(4) Audits and accounting services;	42006
(5) Safes;	42007
(6) Cash registers;	42008
(7) Hiring security personnel;	42009
(8) Advertising bingo;	42010
(9) Renting premises in which to conduct a bingo session;	42011
(10) Tables and chairs;	42012
(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;	42013 42014 42015 42016
(12) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B)(1) of section 2915.08 of the Revised Code.	42017 42018 42019 42020
(MM) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.	42021 42022 42023
(NN) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	42024 42025 42026 42027
(OO) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable	42028 42029 42030

gaming license issued by another jurisdiction.	42031
(PP) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:	42032
	42033
(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;	42034
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(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.	42037
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(QQ) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.	42040
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(RR) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (S)(1) of this section plus the annual net profit derived from the conduct of bingo described in division (S)(2) of this section.	42044
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(SS) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:	42048
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(1) It is activated upon the insertion of United States currency.	42052
	42053
(2) It performs no gaming functions.	42054
(3) It does not contain a video display monitor or generate noise.	42055
	42056
(4) It is not capable of displaying any numbers, letters,	42057

symbols, or characters in winning or losing combinations.	42058
(5) It does not simulate or display rolling or spinning reels.	42059 42060
(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.	42061 42062 42063 42064
(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.	42065 42066
(8) It is not part of an electronic network and is not interactive.	42067 42068
(TT)(1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:	42069 42070 42071 42072
(a) It provides a means for a participant to input numbers and letters announced by a bingo caller.	42073 42074
(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.	42075 42076 42077
(c) It identifies a winning bingo pattern.	42078
(2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.	42079 42080 42081
(UU) "Deal of instant bingo tickets" means a single game of instant bingo tickets all with the same serial number.	42082 42083

(VV)(1) "Slot machine" means either of the following:	42084
(a) Any mechanical, electronic, video, or digital device that	42085
is capable of accepting anything of value, directly or indirectly,	42086
from or on behalf of a player who gives the thing of value in the	42087
hope of gain;	42088
(b) Any mechanical, electronic, video, or digital device that	42089
is capable of accepting anything of value, directly or indirectly,	42090
from or on behalf of a player to conduct or dispense bingo or a	42091
scheme or game of chance.	42092
(2) "Slot machine" does not include a skill-based amusement	42093
machine.	42094
(WW) "Net profit from the proceeds of the sale of instant	42095
bingo" means gross profit minus the ordinary, necessary, and	42096
reasonable expense expended for the purchase of instant bingo	42097
supplies.	42098
(XX) "Charitable instant bingo organization" means an	42099
organization that is exempt from federal income taxation under	42100
subsection 501(a) and described in subsection 501(c)(3) of the	42101
Internal Revenue Code and is a charitable organization as defined	42102
in this section. A "charitable instant bingo organization" does	42103
not include a charitable organization that is exempt from federal	42104
income taxation under subsection 501(a) and described in	42105
subsection 501(c)(3) of the Internal Revenue Code and that is	42106
created by a veteran's organization, a fraternal organization, or	42107
a sporting organization in regards to bingo conducted or assisted	42108
by a veteran's organization, a fraternal organization, or a	42109
sporting organization pursuant to section 2915.13 of the Revised	42110
Code.	42111
(YY) "Game flare" means the board or placard that accompanies	42112
each deal of instant bingo tickets and that has printed on or	42113

affixed to it the following information for the game:	42114
(1) The name of the game;	42115
(2) The manufacturer's name or distinctive logo;	42116
(3) The form number;	42117
(4) The ticket count;	42118
(5) The prize structure, including the number of winning	42119
instant bingo tickets by denomination and the respective winning	42120
symbol or number combinations for the winning instant bingo	42121
tickets;	42122
(6) The cost per play;	42123
(7) The serial number of the game.	42124
(ZZ) "Historic railroad educational organization" means an	42125
organization that is exempt from federal income taxation under	42126
subsection 501(a) and described in subsection 501(c)(3) of the	42127
Internal Revenue Code, that owns in fee simple the tracks and the	42128
right of way of a historic railroad that the organization restores	42129
or maintains and on which the organization provides excursions as	42130
part of a program to promote tourism and educate visitors	42131
regarding the role of railroad transportation in Ohio history, and	42132
that received as donations from a charitable organization that	42133
holds a license to conduct bingo under this chapter an amount	42134
equal to at least fifty per cent of that licensed charitable	42135
organization's net proceeds from the conduct of bingo during each	42136
of the five years preceding June 30, 2003. "Historic railroad"	42137
means all or a portion of the tracks and right-of-way of a	42138
railroad that was owned and operated by a for-profit common	42139
carrier in this state at any time prior to January 1, 1950.	42140

(AAA)(1) "Skill-based amusement machine" means a mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:

(a) The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;

(b) Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars;

(c) Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and

(d) Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.

A card for the purchase of gasoline is a redeemable voucher for purposes of division (AAA)(1) of this section even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

(2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:

(a) The ability of a player to succeed at the game is	42170
impacted by the number or ratio of prior wins to prior losses of	42171
players playing the game.	42172
(b) Any reward of redeemable vouchers is not based solely on	42173
the player achieving the object of the game or the ~~players~~	42174
<u>player's</u> score;	42175
(c) The outcome of the game, or the value of the redeemable	42176
voucher or merchandise prize awarded for winning the game, can be	42177
controlled by a source other than any player playing the game.	42178
(d) The success of any player is or may be determined by a	42179
chance event that cannot be altered by player actions.	42180
(e) The ability of any player to succeed at the game is	42181
determined by game features not visible or known to the player.	42182
(f) The ability of the player to succeed at the game is	42183
impacted by the exercise of a skill that no reasonable player	42184
could exercise.	42185
(3) All of the following apply to any machine that is	42186
operated as described in division (AAA)(1) of this section:	42187
(a) As used in this section, "game" and "play" mean one	42188
event from the initial activation of the machine until the	42189
results of play are determined without payment of additional	42190
consideration. An individual utilizing a machine that involves a	42191
single game, play, contest, competition, or tournament may be	42192
awarded redeemable vouchers or merchandise prizes based on the	42193
results of play.	42194
(b) Advance play for a single game, play, contest,	42195
competition, or tournament participation may be purchased. The	42196
cost of the contest, competition, or tournament participation may	42197

be greater than a single noncontest, competition, or tournament play. 42198
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(c) To the extent that the machine is used in a contest, 42200
competition, or tournament, that contest, competition, or 42201
tournament has a defined starting and ending date and is open to 42202
participants in competition for scoring and ranking results toward 42203
the awarding of redeemable vouchers or merchandise prizes that are 42204
stated prior to the start of the contest, competition, or 42205
tournament. 42206

(4) For purposes of division (AAA)(1) of this section, the 42207
mere presence of a device, such as a pin-setting, ball-releasing, 42208
or scoring mechanism, that does not contribute to or affect the 42209
outcome of the play of the game does not make the device a 42210
skill-based amusement machine. 42211

(BBB) "Merchandise prize" means any item of value, but shall 42212
not include any of the following: 42213

(1) Cash, gift cards, or any equivalent thereof; 42214

(2) Plays on games of chance, state lottery tickets, bingo, 42215
or instant bingo; 42216

(3) Firearms, tobacco, or alcoholic beverages; or 42217

(4) A redeemable voucher that is redeemable for any of the 42218
items listed in division (BBB)(1), (2), or (3) of this section. 42219

(CCC) "Redeemable voucher" means any ticket, token, coupon, 42220
receipt, or other noncash representation of value. 42221

(DDD) "Pool not conducted for profit" means a scheme in which 42222
a participant gives a valuable consideration for a chance to win a 42223
prize and the total amount of consideration wagered is distributed 42224

to a participant or participants. 42225

(EEE) "Sporting organization" means a hunting, fishing, or 42226
trapping organization, other than a college or high school 42227
fraternity or sorority, that is not organized for profit, that is 42228
affiliated with a state or national sporting organization, 42229
including but not limited to, the Ohio league of sportsmen, and 42230
that has been in continuous existence in this state for a period 42231
of three years. 42232

(FFF) "Community action agency" has the same meaning as in 42233
section 122.66 of the Revised Code. 42234

Sec. 2921.13. (A) No person shall knowingly make a false 42235
statement, or knowingly swear or affirm the truth of a false 42236
statement previously made, when any of the following applies: 42237

(1) The statement is made in any official proceeding. 42238

(2) The statement is made with purpose to incriminate 42239
another. 42240

(3) The statement is made with purpose to mislead a public 42241
official in performing the public official's official function. 42242

(4) The statement is made with purpose to secure the payment 42243
of unemployment compensation; Ohio works first; prevention, 42244
retention, and contingency benefits and services; disability 42245
financial assistance; retirement benefits; economic development 42246
assistance, as defined in section 9.66 of the Revised Code; or 42247
other benefits administered by a governmental agency or paid out 42248
of a public treasury. 42249

(5) The statement is made with purpose to secure the issuance 42250
by a governmental agency of a license, permit, authorization, 42251
certificate, registration, release, or provider agreement. 42252

(6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.	42253 42254
(7) The statement is in writing on or in connection with a report or return that is required or authorized by law.	42255 42256
(8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.	42257 42258 42259 42260 42261 42262 42263
(9) The statement is made with purpose to commit or facilitate the commission of a theft offense.	42264 42265
(10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint, or other pleading, or an inventory, account, or report.	42266 42267 42268 42269 42270
(11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law.	42271 42272
(12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.	42273 42274 42275 42276 42277 42278 42279
(13) The statement is made in a document or instrument of	42280

writing that purports to be a judgment, lien, or claim of 42281
indebtedness and is filed or recorded with the secretary of state, 42282
a county recorder, or the clerk of a court of record. 42283

~~(14) The statement is made with purpose to obtain an Ohio's 42284
best Rx program enrollment card under section 173.773 of the 42285
Revised Code or a payment under section 173.801 of the Revised 42286
Code. 42287~~

~~(15)~~ The statement is made in an application filed with a 42288
county sheriff pursuant to section 2923.125 of the Revised Code in 42289
order to obtain or renew a license to carry a concealed handgun or 42290
is made in an affidavit submitted to a county sheriff to obtain a 42291
temporary emergency license to carry a concealed handgun under 42292
section 2923.1213 of the Revised Code. 42293

~~(16)~~(15) The statement is required under section 5743.71 of 42294
the Revised Code in connection with the person's purchase of 42295
cigarettes or tobacco products in a delivery sale. 42296

(B) No person, in connection with the purchase of a firearm, 42297
as defined in section 2923.11 of the Revised Code, shall knowingly 42298
furnish to the seller of the firearm a fictitious or altered 42299
driver's or commercial driver's license or permit, a fictitious or 42300
altered identification card, or any other document that contains 42301
false information about the purchaser's identity. 42302

(C) No person, in an attempt to obtain a license to carry a 42303
concealed handgun under section 2923.125 of the Revised Code, 42304
shall knowingly present to a sheriff a fictitious or altered 42305
document that purports to be certification of the person's 42306
competence in handling a handgun as described in division (B)(3) 42307
of section 2923.125 of the Revised Code. 42308

(D) It is no defense to a charge under division (A)(6) of 42309
this section that the oath or affirmation was administered or 42310

taken in an irregular manner.	42311
(E) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false but only that one or the other was false.	42312 42313 42314 42315 42316
(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), (6), (7), (8), (10), (11), (13), ~~(14)~~ , or ~~(16)~~ <u>(15)</u> of this section is guilty of falsification, a misdemeanor of the first degree.	42317 42318 42319
(2) Whoever violates division (A)(9) of this section is guilty of falsification in a theft offense. Except as otherwise provided in this division, falsification in a theft offense is a misdemeanor of the first degree. If the value of the property or services stolen is five hundred dollars or more and is less than five thousand dollars, falsification in a theft offense is a felony of the fifth degree. If the value of the property or services stolen is five thousand dollars or more and is less than one hundred thousand dollars, falsification in a theft offense is a felony of the fourth degree. If the value of the property or services stolen is one hundred thousand dollars or more, falsification in a theft offense is a felony of the third degree.	42320 42321 42322 42323 42324 42325 42326 42327 42328 42329 42330 42331
(3) Whoever violates division (A)(12) or (B) of this section is guilty of falsification to purchase a firearm, a felony of the fifth degree.	42332 42333 42334
(4) Whoever violates division (A) ~~(15)~~ <u>(14)</u> or (C) of this section is guilty of falsification to obtain a concealed handgun license, a felony of the fourth degree.	42335 42336 42337
(G) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission	42338 42339 42340

of the offense and for reasonable attorney's fees, court costs, 42341
and other expenses incurred as a result of prosecuting the civil 42342
action commenced under this division. A civil action under this 42343
division is not the exclusive remedy of a person who incurs 42344
injury, death, or loss to person or property as a result of a 42345
violation of this section. 42346

Sec. 2921.51. (A) As used in this section: 42347

(1) "Peace officer" means a sheriff, deputy sheriff, marshal, 42348
deputy marshal, member of the organized police department of a 42349
municipal corporation, or township constable, who is employed by a 42350
political subdivision of this state; a member of a police force 42351
employed by a metropolitan housing authority under division (D) of 42352
section 3735.31 of the Revised Code; a member of a police force 42353
employed by a regional transit authority under division (Y) of 42354
section 306.35 of the Revised Code; a state university law 42355
enforcement officer appointed under section 3345.04 of the Revised 42356
Code; a veterans' home police officer appointed under section 42357
5907.02 of the Revised Code; a special police officer employed by 42358
a port authority under section 4582.04 or 4582.28 of the Revised 42359
Code; an officer, agent, or employee of the state or any of its 42360
agencies, instrumentalities, or political subdivisions, upon whom, 42361
by statute, a duty to conserve the peace or to enforce all or 42362
certain laws is imposed and the authority to arrest violators is 42363
conferred, within limits of that statutory duty and authority; or 42364
a state highway patrol trooper ~~and~~ whose primary duties are to 42365
preserve the peace, to protect life and property, and to enforce 42366
the laws, ordinances, or rules of the state or any of its 42367
political subdivisions. 42368

(2) "Private police officer" means any security guard, 42369
special police officer, private detective, or other person who is 42370
privately employed in a police capacity. 42371

(3) "Federal law enforcement officer" means an employee of 42372

the United States who serves in a position the duties of which are
primarily the investigation, apprehension, or detention of
individuals suspected or convicted of offenses under the criminal
laws of the United States.

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(4) "Impersonate" means to act the part of, assume the
identity of, wear the uniform or any part of the uniform of, or
display the identification of a particular person or of a member
of a class of persons with purpose to make another person believe
that the actor is that particular person or is a member of that
class of persons.

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(5) "Investigator of the bureau of criminal identification
and investigation" has the same meaning as in section 2903.11 of
the Revised Code.

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(B) No person shall impersonate a peace officer, private
police officer, ~~or a~~ federal law enforcement officer, or
investigator of the bureau of criminal identification and
investigation.

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(C) No person, by impersonating a peace officer, private
police officer, ~~or a~~ federal law enforcement officer, or
investigator of the bureau of criminal identification and
investigation, shall arrest or detain any person, search any
person, or search the property of any person.

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(D) No person, with purpose to commit or facilitate the
commission of an offense, shall impersonate a peace officer,
private police officer, a federal law enforcement officer,
officer, agent, or employee of the state, or investigator of the
bureau of criminal identification and investigation.

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(E) No person shall commit a felony while impersonating a
peace officer, private police officer, a federal law enforcement
officer, officer, agent, or employee of the state, or

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investigator of the bureau of criminal identification and 42403
investigation. 42404

(F) It is an affirmative defense to a charge under division 42405
(B) of this section that the impersonation of the peace officer, 42406
private police officer, or investigator of the bureau of criminal 42407
identification and investigation was for a lawful purpose. 42408

(G) Whoever violates division (B) of this section is guilty 42409
of a misdemeanor of the fourth degree. Whoever violates division 42410
(C) or (D) of this section is guilty of a misdemeanor of the first 42411
degree. If the purpose of a violation of division (D) of this 42412
section is to commit or facilitate the commission of a felony, a 42413
violation of division (D) is a felony of the fourth degree. 42414
Whoever violates division (E) of this section is guilty of a 42415
felony of the third degree. 42416

Sec. 2923.125. (A) Upon the request of a person who wishes 42417
to obtain a license to carry a concealed handgun or to renew a 42418
license to carry a concealed handgun, a sheriff, as provided in 42419
division (I) of this section, shall provide to the person free of 42420
charge an application form and ~~a copy of the web site address at~~ 42421
which the pamphlet described in division (B) of section 109.731 42422
of the Revised Code may be found. A sheriff shall accept a 42423
completed application form and the fee, items, materials, and 42424
information specified in divisions (B)(1) to (5) of this section 42425
at the times and in the manners described in division (I) of this 42426
section. 42427

(B) An applicant for a license to carry a concealed handgun 42428
shall submit a completed application form and all of the following 42429
to the sheriff of the county in which the applicant resides or to 42430
the sheriff of any county adjacent to the county in which the 42431
applicant resides: 42432

(1)(a) A nonrefundable license fee ~~prescribed by the Ohio~~ 42433

~~peace officer training commission pursuant to division (C) of~~ 42434
~~section 109.731 of the Revised Code, except that the sheriff shall~~ 42435
~~waive the payment of the license fee in connection with an initial~~ 42436
~~or renewal application for a license that is submitted by an~~ 42437
~~applicant who is a retired peace officer, a retired person~~ 42438
~~described in division (B)(1)(b) of section 109.77 of the Revised~~ 42439
~~Code, or a retired federal law enforcement officer who, prior to~~ 42440
~~retirement, was authorized under federal law to carry a firearm in~~ 42441
~~the course of duty, unless the retired peace officer, person, or~~ 42442
~~federal law enforcement officer retired as the result of a mental~~ 42443
~~disability; as described in either of the following:~~ 42444

(i) For an applicant who has been a resident of this state 42445
for five or more years, a fee of sixty-seven dollars; 42446

(ii) For an applicant who has been a resident of this state 42447
for less than five years, a fee of sixty-seven dollars plus the 42448
actual cost of having a background check performed by the federal 42449
bureau of investigation. 42450

(b) No sheriff shall require an applicant to pay for the cost 42451
of a background check performed by the bureau of criminal 42452
identification and investigation. 42453

(c) A sheriff shall waive the payment of the license fee 42454
described in division (B)(1)(a) of this section in connection with 42455
an initial or renewal application for a license that is submitted 42456
by an applicant who is a retired peace officer, a retired person 42457
described in division (B)(1)(b) of section 109.77 of the Revised 42458
Code, or a retired federal law enforcement officer who, prior to 42459
retirement, was authorized under federal law to carry a firearm in 42460
the course of duty, unless the retired peace officer, person, or 42461
federal law enforcement officer retired as the result of a mental 42462
disability. 42463

(d) The sheriff shall deposit all fees paid by an applicant 42464

under division (B)(1)(a) of this section into the sheriff's 42465
concealed handgun license issuance fund established pursuant to 42466
section 311.42 of the Revised Code. The county shall distribute 42467
the fees in accordance with section 311.42 of the Revised Code. 42468

(2) A color photograph of the applicant that was taken within 42469
thirty days prior to the date of the application; 42470

(3) One or more of the following competency certifications, 42471
each of which shall reflect that, regarding a certification 42472
described in division (B)(3)(a), (b), (c), (e), or (f) of this 42473
section, within the three years immediately preceding the 42474
application the applicant has performed that to which the 42475
competency certification relates and that, regarding a 42476
certification described in division (B)(3)(d) of this section, the 42477
applicant currently is an active or reserve member of the armed 42478
forces of the United States or within the six years immediately 42479
preceding the application the honorable discharge or retirement to 42480
which the competency certification relates occurred: 42481

(a) An original or photocopy of a certificate of completion 42482
of a firearms safety, training, or requalification or firearms 42483
safety instructor course, class, or program that was offered by or 42484
under the auspices of the national rifle association and that 42485
complies with the requirements set forth in division (G) of this 42486
section; 42487

(b) An original or photocopy of a certificate of completion 42488
of a firearms safety, training, or requalification or firearms 42489
safety instructor course, class, or program that satisfies all of 42490
the following criteria: 42491

(i) It was open to members of the general public. 42492

(ii) It utilized qualified instructors who were certified by 42493
the national rifle association, the executive director of the Ohio 42494

peace officer training commission pursuant to section 109.75 or 42495
109.78 of the Revised Code, or a governmental official or entity 42496
of another state. 42497

(iii) It was offered by or under the auspices of a law 42498
enforcement agency of this or another state or the United States, 42499
a public or private college, university, or other similar 42500
postsecondary educational institution located in this or another 42501
state, a firearms training school located in this or another 42502
state, or another type of public or private entity or organization 42503
located in this or another state. 42504

(iv) It complies with the requirements set forth in division 42505
(G) of this section. 42506

(c) An original or photocopy of a certificate of completion 42507
of a state, county, municipal, or department of natural resources 42508
peace officer training school that is approved by the executive 42509
director of the Ohio peace officer training commission pursuant to 42510
section 109.75 of the Revised Code and that complies with the 42511
requirements set forth in division (G) of this section, or the 42512
applicant has satisfactorily completed and been issued a 42513
certificate of completion of a basic firearms training program, a 42514
firearms requalification training program, or another basic 42515
training program described in section 109.78 or 109.801 of the 42516
Revised Code that complies with the requirements set forth in 42517
division (G) of this section; 42518

(d) A document that evidences both of the following: 42519

(i) That the applicant is an active or reserve member of the 42520
armed forces of the United States, was honorably discharged from 42521
military service in the active or reserve armed forces of the 42522
United States, is a retired trooper of the state highway patrol, 42523
or is a retired peace officer or federal law enforcement officer 42524
described in division (B)(1) of this section or a retired person 42525

described in division (B)(1)(b) of section 109.77 of the Revised Code and division (B)(1) of this section;

(ii) That, through participation in the military service or through the former employment described in division (B)(3)(d)(i) of this section, the applicant acquired experience with handling handguns or other firearms, and the experience so acquired was equivalent to training that the applicant could have acquired in a course, class, or program described in division (B)(3)(a), (b), or (c) of this section.

(e) A certificate or another similar document that evidences satisfactory completion of a firearms training, safety, or requalification or firearms safety instructor course, class, or program that is not otherwise described in division (B)(3)(a), (b), (c), or (d) of this section, that was conducted by an instructor who was certified by an official or entity of the government of this or another state or the United States or by the national rifle association, and that complies with the requirements set forth in division (G) of this section;

(f) An affidavit that attests to the applicant's satisfactory completion of a course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section and that is subscribed by the applicant's instructor or an authorized representative of the entity that offered the course, class, or program or under whose auspices the course, class, or program was offered.

(4) A certification by the applicant that the applicant has read the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters.

(5) A set of fingerprints of the applicant provided as described in section 311.41 of the Revised Code through use of an

electronic fingerprint reading device or, if the sheriff to whom
the application is submitted does not possess and does not have
ready access to the use of such a reading device, on a standard
impression sheet prescribed pursuant to division (C)(2) of section
109.572 of the Revised Code.

(C) Upon receipt of an applicant's completed application
form, supporting documentation, and, if not waived, license fee, a
sheriff, in the manner specified in section 311.41 of the Revised
Code, shall conduct or cause to be conducted the criminal records
check and the incompetency records check described in section
311.41 of the Revised Code.

(D)(1) Except as provided in division (D)(3) or (4) of this
section, within forty-five days after a sheriff's receipt of an
applicant's completed application form for a license to carry a
concealed handgun, the supporting documentation, and, if not
waived, the license fee, the sheriff shall make available through
the law enforcement automated data system in accordance with
division (H) of this section the information described in that
division and, upon making the information available through the
system, shall issue to the applicant a license to carry a
concealed handgun that shall expire as described in division
(D)(2)(a) of this section if all of the following apply:

(a) The applicant is legally living in the United States, has
been a resident of this state for at least forty-five days, and
has been a resident of the county in which the person seeks the
license or a county adjacent to the county in which the person
seeks the license for at least thirty days. For purposes of
division (D)(1)(a) of this section:

(i) If a person is absent from the United States, from this
state, or from a particular county in this state in compliance
with military or naval orders as an active or reserve member of
the armed forces of the United States and if prior to leaving this

state in compliance with those orders the person was legally 42589
living in the United States and was a resident of this state, the 42590
person, solely by reason of that absence, shall not be considered 42591
to have lost the person's status as living in the United States or 42592
the person's residence in this state or in the county in which the 42593
person was a resident prior to leaving this state in compliance 42594
with those orders, without regard to whether or not the person 42595
intends to return to this state or to that county, shall not be 42596
considered to have acquired a residence in any other state, and 42597
shall not be considered to have become a resident of any other 42598
state. 42599

(ii) If a person is present in this state in compliance with 42600
military or naval orders as an active or reserve member of the 42601
armed forces of the United States for at least forty-five days, 42602
the person shall be considered to have been a resident of this 42603
state for that period of at least forty-five days, and, if a 42604
person is present in a county of this state in compliance with 42605
military or naval orders as an active or reserve member of the 42606
armed forces of the United States for at least thirty days, the 42607
person shall be considered to have been a resident of that county 42608
for that period of at least thirty days. 42609

(b) The applicant is at least twenty-one years of age. 42610

(c) The applicant is not a fugitive from justice. 42611

(d) The applicant is not under indictment for or otherwise 42612
charged with a felony; an offense under Chapter 2925., 3719., or 42613
4729. of the Revised Code that involves the illegal possession, 42614
use, sale, administration, or distribution of or trafficking in a 42615
drug of abuse; a misdemeanor offense of violence; or a violation 42616
of section 2903.14 or 2923.1211 of the Revised Code. 42617

(e) Except as otherwise provided in division (D)(5) of this 42618
section, the applicant has not been convicted of or pleaded 42619

guilty to a felony or an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a felony or would be an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; and has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, regardless of whether the applicant was sentenced under division (C)(3) of that section.

(f) Except as otherwise provided in division (D)(5) of this section, the applicant, within three years of the date of the application, has not been convicted of or pleaded guilty to a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, or a misdemeanor violation of section 2923.1211 of the Revised Code; and has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer or for committing an act that if committed by an adult would be a misdemeanor violation of section 2923.1211 of the Revised Code.

(g) Except as otherwise provided in division (D)(1)(e) of this section, the applicant, within five years of the date of the application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing two or more violations of section 2903.13 or 2903.14 of the Revised Code.

(h) Except as otherwise provided in division (D)(5) of this section, the applicant, within ten years of the date of the application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2921.33 of the Revised Code.

(i) The applicant has not been adjudicated as a mental defective, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been found by a court to be a mentally ill person subject to hospitalization by court order, and is not an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to hospitalization by court order" and "patient" have the same meanings as in section 5122.01 of the Revised Code.

(j) The applicant is not currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state.

(k) The applicant certifies that the applicant desires a legal means to carry a concealed handgun for defense of the applicant or a member of the applicant's family while engaged in lawful activity.

(l) The applicant submits a competency certification of the type described in division (B)(3) of this section and submits a certification of the type described in division (B)(4) of this section regarding the applicant's reading of the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code.

(m) The applicant currently is not subject to a suspension imposed under division (A)(2) of section 2923.128 of the Revised Code of a license to carry a concealed handgun, or a temporary

emergency license to carry a concealed handgun, that previously
was issued to the applicant under this section or section
2923.1213 of the Revised Code.

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(2)(a) A license to carry a concealed handgun that a sheriff
issues under division (D)(1) of this section on or after March 14,
2007, shall expire five years after the date of issuance. A
license to carry a concealed handgun that a sheriff issued under
division (D)(1) of this section prior to March 14, 2007, shall
expire four years after the date of issuance.

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If a sheriff issues a license under this section, the sheriff
shall place on the license a unique combination of letters and
numbers identifying the license in accordance with the procedure
prescribed by the Ohio peace officer training commission pursuant
to section 109.731 of the Revised Code.

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(b) If a sheriff denies an application under this section
because the applicant does not satisfy the criteria described in
division (D)(1) of this section, the sheriff shall specify the
grounds for the denial in a written notice to the applicant. The
applicant may appeal the denial pursuant to section 119.12 of the
Revised Code in the county served by the sheriff who denied the
application. If the denial was as a result of the criminal records
check conducted pursuant to section 311.41 of the Revised Code and
if, pursuant to section 2923.127 of the Revised Code, the
applicant challenges the criminal records check results using the
appropriate challenge and review procedure specified in that
section, the time for filing the appeal pursuant to section 119.12
of the Revised Code and this division is tolled during the
pendency of the request or the challenge and review. If the court
in an appeal under section 119.12 of the Revised Code and this
division enters a judgment sustaining the sheriff's refusal to
grant to the applicant a license to carry a concealed handgun, the
applicant may file a new application beginning one year after the

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judgment is entered. If the court enters a judgment in favor of 42715
the applicant, that judgment shall not restrict the authority of a 42716
sheriff to suspend or revoke the license pursuant to section 42717
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 42718
the license for any proper cause that may occur after the date the 42719
judgment is entered. In the appeal, the court shall have full 42720
power to dispose of all costs. 42721

(3) If the sheriff with whom an application for a license to 42722
carry a concealed handgun was filed under this section becomes 42723
aware that the applicant has been arrested for or otherwise 42724
charged with an offense that would disqualify the applicant from 42725
holding the license, the sheriff shall suspend the processing of 42726
the application until the disposition of the case arising from the 42727
arrest or charge. 42728

(4) If the sheriff determines that the applicant is legally 42729
living in the United States and is a resident of the county in 42730
which the applicant seeks the license or of an adjacent county but 42731
does not yet meet the residency requirements described in division 42732
(D)(1)(a) of this section, the sheriff shall not deny the license 42733
because of the residency requirements but shall not issue the 42734
license until the applicant meets those residency requirements. 42735

(5) If an applicant has been convicted of or pleaded guilty 42736
to an offense identified in division (D)(1)(e), (f), or (h) of 42737
this section or has been adjudicated a delinquent child for 42738
committing an act or violation identified in any of those 42739
divisions, and if a court has ordered the sealing or expungement 42740
of the records of that conviction, guilty plea, or adjudication 42741
pursuant to sections 2151.355 to 2151.358 or sections 2953.31 to 42742
2953.36 of the Revised Code or a court has granted the applicant 42743
relief pursuant to section 2923.14 of the Revised Code from the 42744
disability imposed pursuant to section 2923.13 of the Revised Code 42745
relative to that conviction, guilty plea, or adjudication, the 42746

sheriff with whom the application was submitted shall not consider
the conviction, guilty plea, or adjudication in making a
determination under division (D)(1) or (F) of this section or, in
relation to an application for a temporary emergency license to
carry a concealed handgun submitted under section 2923.1213 of the
Revised Code, in making a determination under division (B)(2) of
that section.

(E) If a license to carry a concealed handgun issued under
this section is lost or is destroyed, the licensee may obtain from
the sheriff who issued that license a duplicate license upon the
payment of a fee of fifteen dollars and the submission of an
affidavit attesting to the loss or destruction of the license. The
sheriff, in accordance with the procedures prescribed in section
109.731 of the Revised Code, shall place on the replacement
license a combination of identifying numbers different from the
combination on the license that is being replaced.

(F)(1) A licensee who wishes to renew a license to carry a
concealed handgun issued under this section shall do so not
earlier than ninety days before the expiration date of the license
or at any time after the expiration date of the license by
filing with the sheriff of the county in which the applicant
resides or with the sheriff of an adjacent county an application
for renewal of the license obtained pursuant to division (D) of
this section, a certification by the applicant that, subsequent
to the issuance of the license, the applicant has reread the
pamphlet prepared by the Ohio peace officer training commission
pursuant to section 109.731 of the Revised Code that reviews
firearms, dispute resolution, and use of deadly force matters, a
nonrefundable license renewal fee in an amount determined pursuant
to division (F)(4) of this section unless the fee is waived, and
one of the following:

(a) If the licensee previously has not renewed a license to

carry a concealed handgun issued under this section, proof that
the licensee at one time had a competency certification of the
type described in division (B)(3) of this section. A valid
license, expired license, or any other previously issued license
that has not been revoked is prima-facie evidence that the
licensee at one time had a competency certification of the type
described in division (B)(3) of this section.

(b) If the licensee previously has renewed a license to carry
a concealed handgun issued under this section, a renewed
competency certification of the type described in division (G)(4)
of this section.

(2) A sheriff shall accept a completed renewal application,
the license renewal fee, and information specified in division
(F)(1) of this section at the times and in the manners described
in division (I) of this section. Upon receipt of a completed
renewal application, of certification that the applicant has
reread the specified pamphlet prepared by the Ohio peace
officer training commission, of proof of a prior competency
certification for an initial renewal or of a renewed competency
certification for a second or subsequent renewal, and of a
license renewal fee unless the fee is waived, a sheriff, in the
manner specified in section 311.41 of the Revised Code shall
conduct or cause to be conducted the criminal records check and
the incompetency records check described in section 311.41 of
the Revised Code. The sheriff shall renew the license if the
sheriff determines that the applicant continues to satisfy the
requirements described in division (D)(1) of this section, except
that the applicant is not required to meet the requirements of
division (D)(1)(l) of this section. A renewed license that is
renewed on or after March 14, 2007, shall expire five years
after the date of issuance, and a renewed license that is
renewed prior to March 14, 2007, shall expire four years after
the date of issuance. A renewed license is subject to division

(E) of this section and sections 2923.126 and 2923.128 of the Revised Code. A sheriff shall comply with divisions (D)(2) to (4) of this section when the circumstances described in those divisions apply to a requested license renewal. If a sheriff denies the renewal of a license to carry a concealed handgun, the applicant may appeal the denial, or challenge the criminal record check results that were the basis of the denial if applicable, in the same manner as specified in division (D)(2)(b) of this section and in section 2923.127 of the Revised Code, regarding the denial of a license under this section.

(3) A renewal application submitted pursuant to division (F) of this section shall only require the licensee to list on the application form information and matters occurring since the date of the licensee's last application for a license pursuant to division (B) or (F) of this section. A sheriff conducting the criminal records check and the incompetency records check described in section 311.41 of the Revised Code shall conduct the check only from the date of the licensee's last application for a license pursuant to division (B) or (F) of this section through the date of the renewal application submitted pursuant to division (F) of this section.

(4) An applicant for a renewal license to carry a concealed handgun shall submit to the sheriff of the county in which the applicant resides or to the sheriff of any county adjacent to the county in which the applicant resides a nonrefundable license fee as described in either of the following:

(a) For an applicant who has been a resident of this state for five or more years, a fee of fifty dollars;

(b) For an applicant who has been a resident of this state for less than five years, a fee of fifty dollars plus the actual cost of having a background check performed by the federal bureau of investigation.

(G)(1) Each course, class, or program described in division	42844
(B)(3)(a), (b), (c), or (e) of this section shall provide to each	42845
person who takes the course, class, or program ~~a copy of the web~~	42846
<u>site address at which</u> the pamphlet prepared by the Ohio peace	42847
officer training commission pursuant to section 109.731 of the	42848
Revised Code that reviews firearms, dispute resolution, and use	42849
of deadly force matters <u>may be found</u> . Each such course, class, or	42850
program described in one of those divisions shall include at	42851
least twelve hours of training in the safe handling and use of a	42852
firearm that shall include all of the following:	42853
 (a) At least ten hours of training on the following matters:	42854
 (i) The ability to name, explain, and demonstrate the rules	42855
for safe handling of a handgun and proper storage practices for	42856
handguns and ammunition;	42857
 (ii) The ability to demonstrate and explain how to handle	42858
ammunition in a safe manner;	42859
 (iii) The ability to demonstrate the knowledge, skills, and	42860
attitude necessary to shoot a handgun in a safe manner;	42861
 (iv) Gun handling training.	42862
 (b) At least two hours of training that consists of range	42863
time and live-fire training.	42864
 (2) To satisfactorily complete the course, class, or program	42865
described in division (B)(3)(a), (b), (c), or (e) of this section,	42866
the applicant shall pass a competency examination that shall	42867
include both of the following:	42868
 (a) A written section on the ability to name and explain the	42869
rules for the safe handling of a handgun and proper storage	42870

practices for handguns and ammunition; 42871

(b) A physical demonstration of competence in the use of a 42872
handgun and in the rules for safe handling and storage of a 42873
handgun and a physical demonstration of the attitude necessary to 42874
shoot a handgun in a safe manner. 42875

(3) The competency certification described in division 42876
(B)(3)(a), (b), (c), or (e) of this section shall be dated and 42877
shall attest that the course, class, or program the applicant 42878
successfully completed met the requirements described in division 42879
(G)(1) of this section and that the applicant passed the 42880
competency examination described in division (G)(2) of this 42881
section. 42882

(4) A person who previously has received a competency 42883
certification as described in division (B)(3) of this section, or 42884
who previously has received a renewed competency certification as 42885
described in this division, may obtain a renewed competency 42886
certification pursuant to this division. If the person previously 42887
has received a competency certification or previously has 42888
received a renewed competency certification, the person may 42889
obtain a renewed competency certification from an entity that 42890
offers a course, class, or program described in division 42891
(B)(3)(a), (b), (c), or (e) of this section by passing a test 42892
that demonstrates that the person is range competent. In these 42893
circumstances, the person is not required to attend the course, 42894
class, or program or to take the competency examination described 42895
in division (G)(2) of this section for the renewed competency 42896
certification in order to be eligible to receive a renewed 42897
competency certification. A renewed competency certification 42898
issued under this division shall be dated and shall attest that 42899
the person has demonstrated range competency. 42900

(H) Upon deciding to issue a license, deciding to issue a 42901
replacement license, or deciding to renew a license to carry a 42902

concealed handgun pursuant to this section, and before actually
issuing or renewing the license, the sheriff shall make available
through the law enforcement automated data system all information
contained on the license. If the license subsequently is suspended
under division (A)(1) or (2) of section 2923.128 of the Revised
Code, revoked pursuant to division (B)(1) of section 2923.128 of
the Revised Code, or lost or destroyed, the sheriff also shall
make available through the law enforcement automated data system a
notation of that fact. The superintendent of the state highway
patrol shall ensure that the law enforcement automated data system
is so configured as to permit the transmission through the system
of the information specified in this division.

(I) A sheriff shall accept a completed application form or
renewal application, and the fee, items, materials, and
information specified in divisions (B)(1) to (5) or division (F)
of this section, whichever is applicable, and shall provide an
application form or renewal application ~~and a copy of the pamphlet~~
~~described in division (B) of section 109.731 of the Revised Code~~
to any person during at least fifteen hours a week and shall
provide the web site address at which the pamphlet described in
division (B) of section 109.731 of the Revised Code may be found
at any time, upon request. The sheriff shall post notice of the
hours during which the sheriff is available to accept or provide
the information described in this division.

Sec. 2923.1210. The application for a license to carry a
concealed handgun or for the renewal of a license of that nature
that is to be used under section 2923.125 of the Revised Code
shall conform substantially to the following ~~form~~forms:

"Ohio Peace Officer Training Commission	APPLICATION FOR A LICENSE TO CARRY A CONCEALED HANDGUN	42931
	Please Type or Print in Ink	42932

SECTION I. 42933

This application will not be processed unless all applicable questions have been answered and until all required supporting documents as described in division (B) or (F) of section 2923.125 of the Ohio Revised Code and, unless waived, a cashier's check, certified check, or money order in the amount of the applicable license fee or license renewal fee have been submitted. FEES ARE NONREFUNDABLE.

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SECTION II. 42935

Name: 42936

Last	First	Middle	42937
			42938

Social Security Number: 42939

Current Residence: 42940

Street	City	State	County	Zip	42941
.....	.....	.....	.....	.....	42942

Mailing Address (If Different From Above): 42943

Street	City	State	Zip	42944
.....	.....	.....	.....	42945

Date of Birth	Place of Birth	Sex	Race	Residence Telephone	42946
....../....../....	.....	....	....	(...).....	42947

SECTION III. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED YES OR NO 42948

(1)(a) Are you legally living in the United States?	 YES	 NO	42949
(b) Have you been a resident of Ohio for at least forty-five days and have you been a resident for thirty days of the county with whose sheriff you are filing this application or of a county adjacent to that county?	 YES	 NO	42950
(2) Are you at least twenty-one years of age?	 YES	 NO	42951
(3) Are you a fugitive from justice?	 YES	 NO	42952
(4) Are you under indictment for a felony, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of or pleaded guilty to a felony, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be a felony if committed by an adult?	 YES	 NO	42953
(5) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of or pleaded guilty to, an offense under Chapter 2925., 3719., or 4729. of the Ohio Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be an offense of that nature if committed by an adult?	 YES	 NO	42954

(6) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been convicted of or pleaded guilty to within three years of the date of this application, a misdemeanor that is an offense of violence or the offense of possessing a revoked or suspended concealed handgun license, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been adjudicated a delinquent child within three years of the date of this application for committing an act that would be a misdemeanor of that nature if committed by an adult?	 YES	 NO	42955
(7) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been convicted of or pleaded guilty to within ten years of the date of this application, resisting arrest, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been adjudicated a delinquent child for committing, within ten years of the date of this application an act that if committed by an adult would be the offense of resisting arrest?	 YES	 NO	42956
(8)(a) Are you under indictment for or otherwise charged with assault or negligent assault?	 YES	 NO	42957
(b) Have you been convicted of, pleaded guilty to, or adjudicated a delinquent child two or more times for committing assault or negligent assault within five years of the date of this application?	 YES	 NO	42958
(c) Except for a conviction, guilty plea, or delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code.	 YES	 NO	42959

have you ever been convicted of, pleaded guilty to,
or adjudicated a delinquent child for assaulting a
peace officer?

(9)(a) Have you ever been adjudicated as a mental
defective? YES NO 42960

(b) Have you ever been committed to a mental
institution? YES NO 42961

(10) Are you currently subject to a civil protection
order, a temporary protection order, or a protection
order issued by a court of another state? YES NO 42962

(11) Are you currently subject to a suspension
imposed under division (A)(2) of section 2923.128
of the Revised Code of a license to carry a
concealed handgun, or a temporary emergency
license to carry a concealed handgun, that
previously was issued to you? YES NO 42963

SECTION IV. YOU MUST COMPLETE THIS SECTION OF THE
APPLICATION BY 42964

PROVIDING, TO THE BEST OF YOUR KNOWLEDGE, THE ADDRESS
OF EACH 42965

PLACE OF RESIDENCE AT WHICH YOU RESIDED AT ANY TIME
AFTER YOU 42966

ATTAINED EIGHTEEN YEARS OF AGE AND UNTIL YOU
COMMENCED YOUR 42967

RESIDENCE AT THE LOCATION IDENTIFIED IN SECTION II OF THIS
FORM, 42968

AND THE DATES OF RESIDENCE AT EACH OF THOSE ADDRESSES.
IF YOU NEED 42969

MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE
RELEVANT 42970

INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE
ATTACHMENT 42971

AT THE END OF THIS SECTION. 42972

Residence 1: 42973

Street City State County Zip 42974

.....	.....	.....	.....	.....	42975
Dates of residence at this address					42976
Residence 2:					42977
Street	City	State	County	Zip	42978
.....	.....	.....	.....	.....	42979
Dates of residence at this address					42980
Residence 3:					42981
Street	City	State	County	Zip	42982
.....	.....	.....	.....	.....	42983
Dates of residence at this address					42984
Residence 4:					42985
Street	City	State	County	Zip	42986
.....	.....	.....	.....	.....	42987
Dates of residence at this address					42988
SECTION V.					42989
YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY					42990
ANSWERING THE					
QUESTION POSED IN PART (1) AND, IF THE ANSWER TO THE					42991
QUESTION IS					
"YES," BY PROVIDING IN PART (2) THE INFORMATION SPECIFIED. IF					42992
YOU					
NEED MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE					42993
RELEVANT					
INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE					42994
ATTACHMENT					

AT THE END OF THIS SECTION. 42995

(1) Have you previously applied in any county in Ohio or in any other state for a license to carry a concealed handgun or a temporary emergency license to carry a concealed handgun? YES NO 42996

(2) If your answer to the question in part (1) of this section of the application is "yes," you must complete this part by listing each county in Ohio, and each other state, in which you previously applied for either type of license and, to the best of your knowledge, the date on which you made the application. 42997
42998
42999
43000
43001

Previous application made in (insert name of Ohio county or other state) on (insert date of application.) 43002
43003
43004

Previous application made in (insert name of Ohio county or other state) on (insert date of application.) 43005
43006
43007

Previous application made in (insert name of Ohio county or other state) on (insert date of application.) 43008
43009
43010

Previous application made in (insert name of Ohio county or other state) on (insert date of application.) 43011
43012
43013

SECTION VI. 43014

AN APPLICANT WHO KNOWINGLY GIVES A FALSE ANSWER TO ANY QUESTION OR	43015
SUBMITS FALSE INFORMATION ON, OR A FALSE DOCUMENT WITH THE	43016
APPLICATION MAY BE PROSECUTED FOR FALSIFICATION TO OBTAIN A	43017
CONCEALED HANDGUN LICENSE, A FELONY OF THE FOURTH DEGREE, IN	43018
VIOLATION OF SECTION 2921.13 OF THE OHIO REVISED CODE.	43019
(1) I have ~~been furnished, and have~~ read ~~5~~ the pamphlet that	43020
explains the Ohio firearms laws, that provides instruction in	43021
dispute resolution and explains the Ohio laws related to that	43022
matter, and that provides information regarding all aspects	43023
of the use of deadly force with a firearm, and I am	43024
knowledgeable of the provisions of those laws and of the	43025
information on those matters.	43026
(2) I desire a legal means to carry a concealed handgun for	43027
defense of myself or a member of my family while engaged in	43028
lawful activity.	43029
(3) I have never been convicted of or pleaded guilty to a crime of	43030
violence in the state of Ohio or elsewhere (if you have been	43031
convicted of or pleaded guilty to such a crime, but the	43032
records of that conviction or guilty plea have been sealed or	43033
expunged by court order or a court has granted relief	43034
pursuant to section 2923.14 of the Revised Code from the	43035
disability imposed pursuant to section 2923.13 of the Revised	43036
Code relative to that conviction or guilty plea, you may	43037
treat the conviction or guilty plea for purposes of this	43038
paragraph as if it never had occurred). I am of sound mind. I	43039
hereby certify that the statements contained herein are true	43040

Social Security Number: 43059

Current Residence: 43060

<u>Street</u>	<u>City</u>	<u>State</u>	<u>County</u>	<u>Zip</u>	43061
.....	.....	.....	.....	.....	43062

Mailing Address (If Different From Above): 43063

<u>Street</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	43064
.....	.....	.....	.....	43065

<u>Date of Birth</u>	<u>Place of Birth</u>	<u>Sex</u>	<u>Race</u>	<u>Residence Telephone</u>	43066
..../..../....	.....	....	....	(... ).....	43067

SECTION III. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED YES OR NO 43068

(1)(a) Are you legally living in the United States? YES NO 43069

(b) Have you been a resident of Ohio for at least forty-five days and have you been a resident for thirty days of the county with whose sheriff you are filing this application or of a county adjacent to that county? YES NO 43070

(2) Are you at least twenty-one years of age? YES NO 43071

(3) Are you a fugitive from justice? YES NO 43072

(4) Are you under indictment for a felony, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of or pleaded guilty to a felony, or, except for a delinquent child YES NO 43073

adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be a felony if committed by an adult?

(5) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of or pleaded guilty to, an offense under Chapter 2925., 3719., or 4729. of the Ohio Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be an offense of that nature if committed by an adult?

.... YES

.... NO

43074

(6) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been convicted of or pleaded guilty to within three years of the date of this application, a misdemeanor that is an offense of violence or the offense of possessing a revoked or suspended concealed handgun license, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been adjudicated a delinquent child within three years of the date of this application for committing an act that would be a misdemeanor of that nature if committed by an adult?

.... YES

.... NO

43075

(7) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty

.... YES

.... NO

43076

plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been convicted of or pleaded guilty to within ten years of the date of this application, resisting arrest, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been adjudicated a delinquent child for committing, within ten years of the date of this application an act that if committed by an adult would be the offense of resisting arrest?

<u>(8)(a) Are you under indictment for or otherwise charged with assault or negligent assault?</u>	<u>.... YES</u>	<u>.... NO</u>	43077

<u>(b) Have you been convicted of, pleaded guilty to, or adjudicated a delinquent child two or more times for committing assault or negligent assault within five years of the date of this application?</u>	<u>.... YES</u>	<u>.... NO</u>	43078

<u>(c) Except for a conviction, guilty plea, or delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of, pleaded guilty to, or adjudicated a delinquent child for assaulting a peace officer?</u>	<u>.... YES</u>	<u>.... NO</u>	43079

<u>(9)(a) Have you ever been adjudicated as a mental defective?</u>	<u>.... YES</u>	<u>.... NO</u>	43080

<u>(b) Have you ever been committed to a mental institution?</u>	<u>.... YES</u>	<u>.... NO</u>	43081

<u>(10) Are you currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state?</u>	<u>.... YES</u>	<u>.... NO</u>	43082

<u>(11) Are you currently subject to a suspension imposed under division (A)(2) of section 2923.128 of the Revised Code of a license to carry a concealed handgun, or a temporary emergency license to carry a concealed handgun, that previously was issued to you?</u>	<u>.... YES</u>	<u>.... NO</u>	43083

SECTION IV. YOU MUST COMPLETE THIS SECTION OF THE			43084

APPLICATION BY
PROVIDING, TO THE BEST OF YOUR KNOWLEDGE, THE ADDRESS 43085
OF EACH
PLACE OF RESIDENCE AT WHICH YOU RESIDED AT ANY TIME 43086
AFTER YOU
LAST APPLIED FOR AN OHIO CONCEALED HANDGUN LICENSE 43087
THROUGH THE
TIME YOU COMMENCED YOUR RESIDENCE AT THE LOCATION 43088
IDENTIFIED IN
SECTION II OF THIS FORM, AND THE DATES OF RESIDENCE AT 43089
EACH OF
THOSE ADDRESSES. IF YOU NEED MORE SPACE, COMPLETE AN 43090
ADDITIONAL
SHEET WITH THE RELEVANT INFORMATION, ATTACH IT TO THE 43091
APPLICATION, AND NOTE THE ATTACHMENT AT THE END OF THIS 43092
SECTION.

Residence 1: 43093

<u>Street</u>	<u>City</u>	<u>State</u>	<u>County</u>	<u>Zip</u>	
.....					43094
.....					43095
<u>Dates of residence at this address</u>					43096

Residence 2: 43097

<u>Street</u>	<u>City</u>	<u>State</u>	<u>County</u>	<u>Zip</u>	
.....					43098
.....					43099
<u>Dates of residence at this address</u>					43100

Residence 3: 43101

<u>Street</u>	<u>City</u>	<u>State</u>	<u>County</u>	<u>Zip</u>	
.....					43102
.....					43103
<u>Dates of residence at this address</u>					43104

Residence 4: 43105

Street City State County Zip 43106

..... 43107

Dates of residence at this address 43108

SECTION V. 43109

YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY
ANSWERING THE 43110

QUESTION POSED IN PART (1) AND, IF THE ANSWER TO THE
QUESTION IS 43111

"YES," BY PROVIDING IN PART (2) THE INFORMATION SPECIFIED. IF
YOU 43112

NEED MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE
RELEVANT 43113

INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE
ATTACHMENT 43114

AT THE END OF THIS SECTION. 43115

(1) Have you previously applied in any county in
Ohio or in any other state for a license to carry a
concealed handgun or a temporary emergency YES NO 43116
license to carry a concealed handgun?

(2) If your answer to the question in part (1) of this section of 43117
the application is "yes," you must complete this part by listing 43118
each county in Ohio, and each other state, in which you previously 43119
applied for either type of license and, to the best of your 43120
knowledge, the date on which you made the application. 43121

Previous application made in (insert name of Ohio 43122

county or other state) on (insert date of 43123

<u>application.)</u>	43124
<u>Previous application made in (insert name of Ohio</u>	43125
<u>county or other state) on (insert date of</u>	43126
<u>application.)</u>	43127
<u>Previous application made in (insert name of Ohio</u>	43128
<u>county or other state) on (insert date of</u>	43129
<u>application.)</u>	43130
<u>Previous application made in (insert name of Ohio</u>	43131
<u>county or other state) on (insert date of</u>	43132
<u>application.)</u>	43133
<u>SECTION VI.</u>	43134
<u>AN APPLICANT WHO KNOWINGLY GIVES A FALSE ANSWER TO</u>	43135
<u>ANY QUESTION OR</u>	
<u>SUBMITS FALSE INFORMATION ON, OR A FALSE DOCUMENT WITH</u>	43136
<u>THE</u>	
<u>APPLICATION MAY BE PROSECUTED FOR FALSIFICATION TO</u>	43137
<u>OBTAIN A</u>	
<u>CONCEALED HANDGUN LICENSE, A FELONY OF THE FOURTH</u>	43138
<u>DEGREE, IN</u>	
<u>VIOLATION OF SECTION 2921.13 OF THE OHIO REVISED CODE.</u>	43139
<u>(1) I have read the pamphlet that explains the Ohio firearms</u>	43140
<u>laws, that provides instruction in dispute resolution and</u>	43141
<u>explains the Ohio laws related to that matter, and that</u>	43142
<u>provides information regarding all aspects of the use of</u>	43143
<u>deadly force with a firearm, and I am knowledgeable of the</u>	43144

<u>provisions of those laws and of the information on those</u>	43145
<u>matters.</u>	43146
<u>(2) I desire a legal means to carry a concealed handgun for</u>	43147
<u>defense of myself or a member of my family while engaged in</u>	43148
<u>lawful activity.</u>	43149
<u>(3) I have never been convicted of or pleaded guilty to a crime of</u>	43150
<u>violence in the state of Ohio or elsewhere (if you have been</u>	43151
<u>convicted of or pleaded guilty to such a crime, but the</u>	43152
<u>records of that conviction or guilty plea have been sealed or</u>	43153
<u>expunged by court order or a court has granted relief</u>	43154
<u>pursuant to section 2923.14 of the Revised Code from the</u>	43155
<u>disability imposed pursuant to section 2923.13 of the Revised</u>	43156
<u>Code relative to that conviction or guilty plea, you may</u>	43157
<u>treat the conviction or guilty plea for purposes of this</u>	43158
<u>paragraph as if it never had occurred). I am of sound mind. I</u>	43159
<u>hereby certify that the statements contained herein are true</u>	43160
<u>and correct to the best of my knowledge and belief. I</u>	43161
<u>understand that if I knowingly make any false statements</u>	43162
<u>herein I am subject to penalties prescribed by law. I</u>	43163
<u>authorize the sheriff or the sheriff's designee to inspect</u>	43164
<u>only those records or documents relevant to information</u>	43165
<u>required for this application.</u>	43166
<u>(4) The information contained in this application and all attached</u>	43167
<u>documents are true and correct to the best of my knowledge.</u>	43168
	43169
<u>Signature of Applicant"</u>	43170
Sec. 2923.1213. (A) As used in this section:	43171

(1) "Evidence of imminent danger" means any of the following:	43172
(a) A statement sworn by the person seeking to carry a	43173
concealed handgun that is made under threat of perjury and that	43174
states that the person has reasonable cause to fear a criminal	43175
attack upon the person or a member of the person's family, such as	43176
would justify a prudent person in going armed;	43177
(b) A written document prepared by a governmental entity or	43178
public official describing the facts that give the person seeking	43179
to carry a concealed handgun reasonable cause to fear a criminal	43180
attack upon the person or a member of the person's family, such as	43181
would justify a prudent person in going armed. Written documents	43182
of this nature include, but are not limited to, any temporary	43183
protection order, civil protection order, protection order issued	43184
by another state, or other court order, any court report, and any	43185
report filed with or made by a law enforcement agency or	43186
prosecutor.	43187
(2) "Prosecutor" has the same meaning as in section 2935.01	43188
of the Revised Code.	43189
(B)(1) A person seeking a temporary emergency license to	43190
carry a concealed handgun shall submit to the sheriff of the	43191
county in which the person resides all of the following:	43192
(a) Evidence of imminent danger to the person or a member of	43193
the person's family;	43194
(b) A sworn affidavit that contains all of the information	43195
required to be on the license and attesting that the person is	43196
legally living in the United States; is at least twenty-one years	43197
of age; is not a fugitive from justice; is not under indictment	43198
for or otherwise charged with an offense identified in division	43199
(D)(1)(d) of section 2923.125 of the Revised Code; has not been	43200

convicted of or pleaded guilty to an offense, and has not been 43201
adjudicated a delinquent child for committing an act, identified 43202
in division (D)(1)(e) of that section and to which division (B)(3) 43203
of this section does not apply; within three years of the date of 43204
the submission, has not been convicted of or pleaded guilty to an 43205
offense, and has not been adjudicated a delinquent child for 43206
committing an act, identified in division (D)(1)(f) of that 43207
section and to which division (B)(3) of this section does not 43208
apply; within five years of the date of the submission, has not 43209
been convicted of, pleaded guilty, or adjudicated a delinquent 43210
child for committing two or more violations identified in division 43211
(D)(1)(g) of that section; within ten years of the date of the 43212
submission, has not been convicted of, pleaded guilty, or 43213
adjudicated a delinquent child for committing a violation 43214
identified in division (D)(1)(h) of that section and to which 43215
division (B)(3) of this section does not apply; has not been 43216
adjudicated as a mental defective, has not been committed to any 43217
mental institution, is not under adjudication of mental 43218
incompetence, has not been found by a court to be a mentally ill 43219
person subject to hospitalization by court order, and is not an 43220
involuntary patient other than one who is a patient only for 43221
purposes of observation, as described in division (D)(1)(i) of 43222
that section; is not currently subject to a civil protection 43223
order, a temporary protection order, or a protection order issued 43224
by a court of another state, as described in division (D)(1)(j) of 43225
that section; and is not currently subject to a suspension imposed 43226
under division (A)(2) of section 2923.128 of the Revised Code of a 43227
license to carry a concealed handgun, or a temporary emergency 43228
license to carry a concealed handgun, that previously was issued 43229
to the person; 43230

(c) A nonrefundable temporary emergency license fee 43231
~~established by the Ohio peace officer training commission for an~~ 43232
~~amount that does not exceed the actual cost of conducting the~~ 43233
~~criminal background check or thirty dollars; as described in~~ 43234

<u>either of the following:</u>	43235
<u>(i) For an applicant who has been a resident of this state</u>	43236
<u>for five or more years, a fee of fifteen dollars plus the actual</u>	43237
<u>cost of having a background check performed by the bureau of</u>	43238
<u>criminal identification and investigation pursuant to section</u>	43239
<u>311.41 of the Revised Code;</u>	43240
<u>(ii) For an applicant who has been a resident of this state</u>	43241
<u>for less than five years, a fee of fifteen dollars plus the actual</u>	43242
<u>cost of having background checks performed by the federal bureau</u>	43243
<u>of investigation and the bureau of criminal identification and</u>	43244
<u>investigation pursuant to section 311.41 of the Revised Code.</u>	43245
(d) A set of fingerprints of the applicant provided as	43246
described in section 311.41 of the Revised Code through use of an	43247
electronic fingerprint reading device or, if the sheriff to whom	43248
the application is submitted does not possess and does not have	43249
ready access to the use of an electronic fingerprint reading	43250
device, on a standard impression sheet prescribed pursuant to	43251
division (C)(2) of section 109.572 of the Revised Code. If the	43252
fingerprints are provided on a standard impression sheet, the	43253
person also shall provide the person's social security number to	43254
the sheriff.	43255
(2) A sheriff shall accept the evidence of imminent danger,	43256
the sworn affidavit, the fee, and the set of fingerprints required	43257
under division (B)(1) of this section at the times and in the	43258
manners described in division (I) of this section. Upon receipt of	43259
the evidence of imminent danger, the sworn affidavit, the fee, and	43260
the set of fingerprints required under division (B)(1) of this	43261
section, the sheriff, in the manner specified in section 311.41 of	43262
the Revised Code, immediately shall conduct or cause to be	43263
conducted the criminal records check and the incompetency records	43264
check described in section 311.41 of the Revised Code. Immediately	43265
upon receipt of the results of the records checks, the sheriff	43266

shall review the information and shall determine whether the 43267
criteria set forth in divisions (D)(1)(a) to (j) and (m) of 43268
section 2923.125 of the Revised Code apply regarding the person. 43269
If the sheriff determines that all of criteria set forth in 43270
divisions (D)(1)(a) to (j) and (m) of section 2923.125 of the 43271
Revised Code apply regarding the person, the sheriff shall 43272
immediately make available through the law enforcement automated 43273
data system all information that will be contained on the 43274
temporary emergency license for the person if one is issued, and 43275
the superintendent of the state highway patrol shall ensure that 43276
the system is so configured as to permit the transmission through 43277
the system of that information. Upon making that information 43278
available through the law enforcement automated data system, the 43279
sheriff shall immediately issue to the person a temporary 43280
emergency license to carry a concealed handgun. 43281

If the sheriff denies the issuance of a temporary emergency 43282
license to the person, the sheriff shall specify the grounds for 43283
the denial in a written notice to the person. The person may 43284
appeal the denial, or challenge criminal records check results 43285
that were the basis of the denial if applicable, in the same 43286
manners specified in division (D)(2) of section 2923.125 and in 43287
section 2923.127 of the Revised Code, regarding the denial of an 43288
application for a license to carry a concealed handgun under that 43289
section. 43290

The temporary emergency license under this division shall be 43291
in the form, and shall include all of the information, described 43292
in divisions (A)(2) and (5) of section 109.731 of the Revised 43293
Code, and also shall include a unique combination of identifying 43294
letters and numbers in accordance with division (A)(4) of that 43295
section. 43296

The temporary emergency license issued under this division is 43297
valid for ninety days and may not be renewed. A person who has 43298

been issued a temporary emergency license under this division 433299
shall not be issued another temporary emergency license unless at 433300
least four years has expired since the issuance of the prior 433301
temporary emergency license. 433302

(3) If a person seeking a temporary emergency license to 433303
carry a concealed handgun has been convicted of or pleaded guilty 433304
to an offense identified in division (D)(1)(e), (f), or (h) of 433305
section 2923.125 of the Revised Code or has been adjudicated a 433306
delinquent child for committing an act or violation identified in 433307
any of those divisions, and if a court has ordered the sealing or 433308
expungement of the records of that conviction, guilty plea, or 433309
adjudication pursuant to sections 2151.355 to 2151.358 or sections 433310
2953.31 to 2953.36 of the Revised Code or a court has granted the 433311
applicant relief pursuant to section 2923.14 of the Revised Code 433312
from the disability imposed pursuant to section 2923.13 of the 433313
Revised Code relative to that conviction, guilty plea, or 433314
adjudication, the conviction, guilty plea, or adjudication shall 433315
not be relevant for purposes of the sworn affidavit described in 433316
division (B)(1)(b) of this section, and the person may complete, 433317
and swear to the truth of, the affidavit as if the conviction, 433318
guilty plea, or adjudication never had occurred. 433319

(4) The sheriff shall waive the payment pursuant to division 433320
(B)(1)(c) of this section of the license fee in connection with an 433321
application that is submitted by an applicant who is a retired 433322
peace officer, a retired person described in division (B)(1)(b) of 433323
section 109.77 of the Revised Code, or a retired federal law 433324
enforcement officer who, prior to retirement, was authorized under 433325
federal law to carry a firearm in the course of duty, unless the 433326
retired peace officer, person, or federal law enforcement officer 433327
retired as the result of a mental disability. 433328

The sheriff shall deposit all fees paid by an applicant under 433329
division (B)(1)(c) of this section into the sheriff's concealed 433330

handgun license issuance fund established pursuant to section 43331
311.42 of the Revised Code. 43332

(C) A person who holds a temporary emergency license to carry 43333
a concealed handgun has the same right to carry a concealed 43334
handgun as a person who was issued a license to carry a concealed 43335
handgun under section 2923.125 of the Revised Code, and any 43336
exceptions to the prohibitions contained in section 1547.69 and 43337
sections 2923.12 to 2923.16 of the Revised Code for a licensee 43338
under section 2923.125 of the Revised Code apply to a licensee 43339
under this section. The person is subject to the same 43340
restrictions, and to all other procedures, duties, and sanctions, 43341
that apply to a person who carries a license issued under section 43342
2923.125 of the Revised Code, other than the license renewal 43343
procedures set forth in that section. 43344

(D) A sheriff who issues a temporary emergency license to 43345
carry a concealed handgun under this section shall not require a 43346
person seeking to carry a concealed handgun in accordance with 43347
this section to submit a competency certificate as a prerequisite 43348
for issuing the license and shall comply with division (H) of 43349
section 2923.125 of the Revised Code in regards to the license. 43350
The sheriff shall suspend or revoke the license in accordance with 43351
section 2923.128 of the Revised Code. In addition to the 43352
suspension or revocation procedures set forth in section 2923.128 43353
of the Revised Code, the sheriff may revoke the license upon 43354
receiving information, verifiable by public documents, that the 43355
person is not eligible to possess a firearm under either the laws 43356
of this state or of the United States or that the person committed 43357
perjury in obtaining the license; if the sheriff revokes a license 43358
under this additional authority, the sheriff shall notify the 43359
person, by certified mail, return receipt requested, at the 43360
person's last known residence address that the license has been 43361
revoked and that the person is required to surrender the license 43362
at the sheriff's office within ten days of the date on which the 43363

notice was mailed. Division (H) of section 2923.125 of the
Revised Code applies regarding any suspension or revocation of a
temporary emergency license to carry a concealed handgun.

(E) A sheriff who issues a temporary emergency license to
carry a concealed handgun under this section shall retain, for the
entire period during which the temporary emergency license is in
effect, the evidence of imminent danger that the person submitted
to the sheriff and that was the basis for the license, or a copy
of that evidence, as appropriate.

(F) If a temporary emergency license to carry a concealed
handgun issued under this section is lost or is destroyed, the
licensee may obtain from the sheriff who issued that license a
duplicate license upon the payment of a fee of fifteen dollars and
the submission of an affidavit attesting to the loss or
destruction of the license. The sheriff, in accordance with the
procedures prescribed in section 109.731 of the Revised Code,
shall place on the replacement license a combination of
identifying numbers different from the combination on the license
that is being replaced.

(G) The Ohio peace officer training commission shall
prescribe, and shall make available to sheriffs, a standard form
to be used under division (B) of this section by a person who
applies for a temporary emergency license to carry a concealed
handgun on the basis of imminent danger of a type described in
division (A)(1)(a) of this section.

(H) A sheriff who receives any fees paid by a person under
this section shall deposit all fees so paid into the sheriff's
concealed handgun license issuance expense fund established under
section 311.42 of the Revised Code.

(I) A sheriff shall accept evidence of imminent danger, a
sworn affidavit, the fee, and the set of fingerprints specified in

division (B)(1) of this section at any time during normal business 43395
hours. In no case shall a sheriff require an appointment, or 43396
designate a specific period of time, for the submission or 43397
acceptance of evidence of imminent danger, a sworn affidavit, the 43398
fee, and the set of fingerprints specified in division (B)(1) of 43399
this section, or for the provision to any person of a standard 43400
form to be used for a person to apply for a temporary emergency 43401
license to carry a concealed handgun. 43402

Sec. 2923.16. (A) No person shall knowingly discharge a 43403
firearm while in or on a motor vehicle. 43404

(B) No person shall knowingly transport or have a loaded 43405
firearm in a motor vehicle in such a manner that the firearm is 43406
accessible to the operator or any passenger without leaving the 43407
vehicle. 43408

(C) No person shall knowingly transport or have a firearm in 43409
a motor vehicle, unless the person may lawfully possess that 43410
firearm under applicable law of this state or the United States, 43411
the firearm is unloaded, and the firearm is carried in one of the 43412
following ways: 43413

(1) In a closed package, box, or case; 43414

(2) In a compartment that can be reached only by leaving the 43415
vehicle; 43416

(3) In plain sight and secured in a rack or holder made for 43417
the purpose; 43418

(4) If the firearm is at least twenty-four inches in overall 43419
length as measured from the muzzle to the part of the stock 43420
furthest from the muzzle and if the barrel is at least eighteen 43421
inches in length, either in plain sight with the action open or 43422
the weapon stripped, or, if the firearm is of a type on which the 43423

action will not stay open or which cannot easily be stripped, in 43424
plain sight. 43425

(D) No person shall knowingly transport or have a loaded 43426
handgun in a motor vehicle if, at the time of that transportation 43427
or possession, any of the following applies: 43428

(1) The person is under the influence of alcohol, a drug of 43429
abuse, or a combination of them. 43430

(2) The person's whole blood, blood serum or plasma, breath, 43431
or urine contains a concentration of alcohol, a listed controlled 43432
substance, or a listed metabolite of a controlled substance 43433
prohibited for persons operating a vehicle, as specified in 43434
division (A) of section 4511.19 of the Revised Code, regardless 43435
of whether the person at the time of the transportation or 43436
possession as described in this division is the operator of or a 43437
passenger in the motor vehicle. 43438

(E) No person who has been issued a license or temporary 43439
emergency license to carry a concealed handgun under section 43440
2923.125 or 2923.1213 of the Revised Code shall do any of the 43441
following: 43442

(1) Knowingly transport or have a loaded handgun in a motor 43443
vehicle unless one of the following applies: 43444

(a) The loaded handgun is in a holster on the person's 43445
person. 43446

(b) The loaded handgun is in a closed case, bag, box, or 43447
other container that is in plain sight and that has a lid, a 43448
cover, or a closing mechanism with a zipper, snap, or buckle, 43449
which lid, cover, or closing mechanism must be opened for a person 43450
to gain access to the handgun. 43451

(c) The loaded handgun is securely encased by being stored in a closed glove compartment or vehicle console or in a case that is locked.

(2) If the person is transporting or has a loaded handgun in a motor vehicle in a manner authorized under division (E)(1) of this section, knowingly remove or attempt to remove the loaded handgun from the holster, case, bag, box, container, or glove compartment, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers while the motor vehicle is being operated on a street, highway, or public property unless the person removes, attempts to remove, grasps, holds, or has the contact with the loaded handgun pursuant to and in accordance with directions given by a law enforcement officer;

(3) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in section 5503.34 of the Revised Code, and if the person is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, fail to do any of the following that is applicable:

(a) If the person is the driver or an occupant of a motor vehicle stopped as a result of a traffic stop or a stop for another law enforcement purpose, fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a license or temporary emergency license to carry a concealed handgun and that the person then possesses or has a loaded handgun in the motor vehicle;

(b) If the person is the driver or an occupant of a commercial motor vehicle stopped by an employee of the motor

carrier enforcement unit for any of the defined purposes, fail to 43484
promptly inform the employee of the unit who approaches the 43485
vehicle while stopped that the person has been issued a license or 43486
temporary emergency license to carry a concealed handgun and that 43487
the person then possesses or has a loaded handgun in the 43488
commercial motor vehicle. 43489

(4) If the person is the driver or an occupant of a motor 43490
vehicle that is stopped as a result of a traffic stop or a stop 43491
for another law enforcement purpose and if the person is 43492
transporting or has a loaded handgun in the motor vehicle in any 43493
manner, knowingly fail to remain in the motor vehicle while 43494
stopped or knowingly fail to keep the person's hands in plain 43495
sight at any time after any law enforcement officer begins 43496
approaching the person while stopped and before the law 43497
enforcement officer leaves, unless the failure is pursuant to and 43498
in accordance with directions given by a law enforcement officer; 43499

(5) If the person is the driver or an occupant of a motor 43500
vehicle that is stopped as a result of a traffic stop or a stop 43501
for another law enforcement purpose, if the person is transporting 43502
or has a loaded handgun in the motor vehicle in a manner 43503
authorized under division (E)(1) of this section, and if the 43504
person is approached by any law enforcement officer while stopped, 43505
knowingly remove or attempt to remove the loaded handgun from the 43506
holster, case, bag, box, container, or glove compartment, 43507
knowingly grasp or hold the loaded handgun, or knowingly have 43508
contact with the loaded handgun by touching it with the person's 43509
hands or fingers in the motor vehicle at any time after the law 43510
enforcement officer begins approaching and before the law 43511
enforcement officer leaves, unless the person removes, attempts to 43512
remove, grasps, holds, or has contact with the loaded handgun 43513
pursuant to and in accordance with directions given by the law 43514
enforcement officer; 43515

(6) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and if the person is transporting or has a loaded handgun in the motor vehicle in any manner, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(F)(1) Divisions (A), (B), (C), and (E) of this section do not apply to any of the following:

(a) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division (F)(1)(b) of this section does not apply to the person.

(2) Division (A) of this section does not apply to a person if all of the following circumstances apply:

(a) The person discharges a firearm from a motor vehicle at a coyote or groundhog, the discharge is not during the deer gun hunting season as set by the chief of the division of wildlife of the department of natural resources, and the discharge at the coyote or groundhog, but for the operation of this section, is lawful.

(b) The motor vehicle from which the person discharges the firearm is on real property that is located in an unincorporated area of a township and that either is zoned for agriculture or is used for agriculture.	43546 43547 43548 43549
(c) The person owns the real property described in division (F)(2)(b) of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property.	43550 43551 43552 43553 43554
(d) The person does not discharge the firearm in any of the following manners:	43555 43556
(i) While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;	43557 43558
(ii) In the direction of a street, highway, or other public or private property used by the public for vehicular traffic or parking;	43559 43560 43561
(iii) At or into an occupied structure that is a permanent or temporary habitation;	43562 43563
(iv) In the commission of any violation of law, including, but not limited to, a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle.	43564 43565 43566 43567 43568
(3) Division (A) of this section does not apply to a person if all of the following apply:	43569 43570
(a) The person possesses a valid electric-powered all-purpose vehicle permit issued under section 1533.103 of the Revised Code by the chief of the division of wildlife.	43571 43572 43573

(b) The person discharges a firearm at a wild quadruped or game bird as defined in section 1531.01 of the Revised Code during the open hunting season for the applicable wild quadruped or game bird.	43574 43575 43576 43577
(c) The person discharges a firearm from a stationary electric-powered all-purpose vehicle as defined in section 1531.01 of the Revised Code or a motor vehicle that is parked on a road that is owned or administered by the division of wildlife, provided that the road is identified by an electric-powered all-purpose vehicle sign.	43578 43579 43580 43581 43582 43583
(d) The person does not discharge the firearm in any of the following manners:	43584 43585
(i) While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;	43586 43587
(ii) In the direction of a street, a highway, or other public or private property that is used by the public for vehicular traffic or parking;	43588 43589 43590
(iii) At or into an occupied structure that is a permanent or temporary habitation;	43591 43592
(iv) In the commission of any violation of law, including, but not limited to, a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle.	43593 43594 43595 43596 43597
(4) Divisions (B) and (C) of this section do not apply to a person if all of the following circumstances apply:	43598 43599
(a) At the time of the alleged violation of either of those	43600

divisions, the person is the operator of or a passenger in a motor vehicle.	43601 43602
(b) The motor vehicle is on real property that is located in an unincorporated area of a township and that either is zoned for agriculture or is used for agriculture.	43603 43604 43605
(c) The person owns the real property described in division (D)(4)(b) of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property.	43606 43607 43608 43609 43610
(d) The person, prior to arriving at the real property described in division (D)(4)(b) of this section, did not transport or possess a firearm in the motor vehicle in a manner prohibited by division (B) or (C) of this section while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic or parking.	43611 43612 43613 43614 43615 43616 43617
(5) Divisions (B) and (C) of this section do not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, all of the following apply:	43618 43619 43620 43621
(a) The person transporting or possessing the handgun is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code.	43622 43623 43624 43625 43626 43627 43628
(b) The person transporting or possessing the handgun is not knowingly in a place described in division (B) of section 2923.126	43629 43630

of the Revised Code.	43631
(c) One of the following applies:	43632
(i) The handgun is in a holster on the person's person.	43633
(ii) The handgun is in a closed case, bag, box, or other	43634
container that is in plain sight and that has a lid, a cover, or a	43635
closing mechanism with a zipper, snap, or buckle, which lid,	43636
cover, or closing mechanism must be opened for a person to gain	43637
access to the handgun.	43638
(iii) The handgun is securely encased by being stored in a	43639
closed glove compartment or vehicle console or in a case that is	43640
locked.	43641
(6) Divisions (B) and (C) of this section do not apply to a	43642
person if all of the following apply:	43643
(a) The person possesses a valid electric-powered all-purpose	43644
vehicle permit issued under section 1533.103 of the Revised Code	43645
by the chief of the division of wildlife.	43646
(b) The person is on or in an electric-powered all-purpose	43647
vehicle as defined in section 1531.01 of the Revised Code or a	43648
motor vehicle during the open hunting season for a wild quadruped	43649
or game bird.	43650
(c) The person is on or in an electric-powered all-purpose	43651
vehicle as defined in section 1531.01 of the Revised Code or a	43652
motor vehicle that is parked on a road that is owned or	43653
administered by the division of wildlife, provided that the road	43654
is identified by an electric-powered all-purpose vehicle sign.	43655
(G)(1) The affirmative defenses authorized in divisions	43656
(D)(1) and (2) of section 2923.12 of the Revised Code are	43657

affirmative defenses to a charge under division (B) or (C) of this section that involves a firearm other than a handgun. 43658
43659

(2) It is an affirmative defense to a charge under division 43660
(B) or (C) of this section of improperly handling firearms in a 43661
motor vehicle that the actor transported or had the firearm in the 43662
motor vehicle for any lawful purpose and while the motor vehicle 43663
was on the actor's own property, provided that this affirmative 43664
defense is not available unless the person, immediately prior to 43665
arriving at the actor's own property, did not transport or 43666
possess the firearm in a motor vehicle in a manner prohibited by 43667
division (B) or (C) of this section while the motor vehicle was 43668
being operated on a street, highway, or other public or private 43669
property used by the public for vehicular traffic. 43670

(H) No person who is charged with a violation of division 43671
(B), (C), or (D) of this section shall be required to obtain a 43672
license or temporary emergency license to carry a concealed 43673
handgun under section 2923.125 or 2923.1213 of the Revised Code as 43674
a condition for the dismissal of the charge. 43675

(I) Whoever violates this section is guilty of improperly 43676
handling firearms in a motor vehicle. Violation of division (A) of 43677
this section is a felony of the fourth degree. Violation of 43678
division (C) of this section is a misdemeanor of the fourth 43679
degree. A violation of division (D) of this section is a felony of 43680
the fifth degree or, if the loaded handgun is concealed on the 43681
person's person, a felony of the fourth degree. Except as 43682
otherwise provided in this division, a violation of division 43683
(E)(3) of this section is a misdemeanor of the first degree, and, 43684
in addition to any other penalty or sanction imposed for the 43685
violation, the offender's license or temporary emergency license 43686
to carry a concealed handgun shall be suspended pursuant to 43687
division (A)(2) of section 2923.128 of the Revised Code. If at the 43688
time of the stop of the offender for a traffic stop, for another 43689

law enforcement purpose, or for a purpose defined in section 43690
5503.34 of the Revised Code that was the basis of the violation 43691
any law enforcement officer involved with the stop or the employee 43692
of the motor carrier enforcement unit who made the stop had 43693
actual knowledge of the offender's status as a licensee, a 43694
violation of division (E)(3) of this section is a minor 43695
misdemeanor, and the offender's license or temporary emergency 43696
license to carry a concealed handgun shall not be suspended 43697
pursuant to division (A)(2) of section 2923.128 of the Revised 43698
Code. A violation of division (E)(1), (2), or (5) of this section 43699
is a felony of the fifth degree. A violation of division (E)(4) 43700
or (6) of this section is a misdemeanor of the first degree or, 43701
if the offender previously has been convicted of or pleaded 43702
guilty to a violation of division (E)(4) or (6) of this section, 43703
a felony of the fifth degree. In addition to any other penalty or 43704
sanction imposed for a misdemeanor violation of division (E)(4) 43705
or (6) of this section, the offender's license or temporary 43706
emergency license to carry a concealed handgun shall be suspended 43707
pursuant to division (A)(2) of section 2923.128 of the Revised 43708
Code. A violation of division (B) of this section is whichever of 43709
the following is applicable: 43710

(1) If, at the time of the transportation or possession in 43711
violation of division (B) of this section, the offender was 43712
carrying a valid license or temporary emergency license to carry a 43713
concealed handgun issued to the offender under section 2923.125 or 43714
2923.1213 of the Revised Code or a license to carry a concealed 43715
handgun that was issued by another state with which the attorney 43716
general has entered into a reciprocity agreement under section 43717
109.69 of the Revised Code and the offender was not knowingly in a 43718
place described in division (B) of section 2923.126 of the Revised 43719
Code, the violation is a misdemeanor of the first degree or, if 43720
the offender previously has been convicted of or pleaded guilty to 43721
a violation of division (B) of this section, a felony of the 43722
fourth degree. 43723

(2) If division (I)(1) of this section does not apply, a 43724
felony of the fourth degree. 43725

(J) If a law enforcement officer stops a motor vehicle for a 43726
traffic stop or any other purpose, if any person in the motor 43727
vehicle surrenders a firearm to the officer, either voluntarily or 43728
pursuant to a request or demand of the officer, and if the officer 43729
does not charge the person with a violation of this section or 43730
arrest the person for any offense, the person is not otherwise 43731
prohibited by law from possessing the firearm, and the firearm is 43732
not contraband, the officer shall return the firearm to the person 43733
at the termination of the stop. If a court orders a law 43734
enforcement officer to return a firearm to a person pursuant to 43735
the requirement set forth in this division, division (B) of 43736
section 2923.163 of the Revised Code applies. 43737

(K) As used in this section: 43738

(1) "Motor vehicle," "street," and "highway" have the same 43739
meanings as in section 4511.01 of the Revised Code. 43740

(2) "Occupied structure" has the same meaning as in section 43741
2909.01 of the Revised Code. 43742

(3) "Agriculture" has the same meaning as in section 519.01 43743
of the Revised Code. 43744

(4) "Tenant" has the same meaning as in section 1531.01 of 43745
the Revised Code. 43746

(5) "Unloaded" means any of the following: 43747

(a) No ammunition is in the firearm in question, and no 43748
ammunition is loaded into a magazine or speed loader that may be 43749
used with the firearm in question and that is located anywhere 43750

within the vehicle in question, without regard to where 43751
ammunition otherwise is located within the vehicle in question. 43752
For the purposes of division (K)(5)(a) of this section, ammunition 43753
held in stripper-clips or in en-bloc clips is not considered 43754
ammunition that is loaded into a magazine or speed loader. 43755

(b) With respect to a firearm employing a percussion cap, 43756
flintlock, or other obsolete ignition system, when the weapon is 43757
uncapped or when the priming charge is removed from the pan. 43758

(6) "Commercial motor vehicle" has the same meaning as in 43759
division (A) of section 4506.25 of the Revised Code. 43760

(7) "Motor carrier enforcement unit" means the motor carrier 43761
enforcement unit in the department of public safety, division of 43762
state highway patrol, that is created by section 5503.34 of the 43763
Revised Code. 43764

Sec. 2937.22. (A) Bail is security for the appearance of an 43765
accused to appear and answer to a specific criminal or 43766
quasi-criminal charge in any court or before any magistrate at a 43767
specific time or at any time to which a case may be continued, and 43768
not depart without leave. It may take any of the following forms: 43769

~~(A)~~(1) The deposit of cash by the accused or by some other 43770
person for ~~him~~the accused; 43771

~~(B)~~(2) The deposit by the accused or by some other person for 43772
~~him~~the accused in form of bonds of the United States, this state, 43773
or any political subdivision thereof in a face amount equal to the 43774
sum set by the court or magistrate. In case of bonds not 43775
negotiable by delivery such bonds shall be properly endorsed for 43776
transfer. 43777

~~(C)~~(3) The written undertaking by one or more persons to 43778
forfeit the sum of money set by the court or magistrate, if the 43779

accused is in default for appearance, which shall be known as a
recognizance.

(B) Whenever a person is charged with any offense other than
a traffic offense that is not a moving violation and posts bail,
the person shall pay a surcharge of twenty-five dollars. The clerk
of the court shall retain the twenty-five dollars until the person
is convicted, pleads guilty, forfeits bail, is found not guilty,
or has the charges dismissed. If the person is convicted, pleads
guilty, or forfeits bail, the clerk shall transmit the twenty-five
dollars on or before the twentieth day of the month following the
month in which the person was convicted, pleaded guilty, or
forfeited bail to the treasurer of state, and the treasurer of
state shall deposit it into the indigent defense support fund
created under section 120.08 of the Revised Code. If the person is
found not guilty or the charges are dismissed, the clerk shall
return the twenty-five dollars to the person.

(C) All bail shall be received by the clerk of the court,
deputy clerk of court, or by the magistrate, or by a special
referee appointed by the supreme court pursuant to section 2937.46
of the Revised Code, and, except in cases of recognizances,
receipt shall be given therefor by him.

(D) As used in this section, "moving violation" has the same
meaning as in section 2743.70 of the Revised Code.

Sec. 2949.091. (A)(1)(a) The court, in which any person is
convicted of or pleads guilty to any offense ~~other than a traffic
offense that is not a moving violation~~, shall impose one of the
sum of fifteen dollars following sums as costs in the case in
addition to any other court costs that the court is required by
law to impose upon the offender;

(i) Thirty dollars if the offense is a felony;

<u>(ii) Twenty dollars if the offense is a misdemeanor other</u>	43810
<u>than a traffic offense that is not a moving violation;</u>	43811
<u>(iii) Ten dollars if the offense is a traffic offense that</u>	43812
<u>is not a moving violation, excluding parking violations. All such</u>	43813
<u>(b) All moneys collected pursuant to division (A)(1)(a) of</u>	43814
<u>this section</u> during a month shall be transmitted on or before the	43815
twentieth day of the following month by the clerk of the court to	43816
the treasurer of state and deposited by the treasurer of state	43817
~~into the credit of the general revenue~~ <u>indigent defense support</u>	43818
<u>fund established under section 120.08 of the Revised Code.</u> The	43819
court shall not waive the payment of the additional ~~fifteen~~	43820
~~dollars~~ <u>thirty-, twenty-, or ten-dollar</u> court costs, unless the	43821
court determines that the offender is indigent and waives the	43822
payment of all court costs imposed upon the indigent offender.	43823
<u>(2)(a) The juvenile court, in which a child is found to be a</u>	43824
<u>delinquent child or a juvenile traffic offender for an act which</u>	43825
<u>that, if committed by an adult, would be an offense other than a</u>	43826
<u>traffic offense that is not a moving violation, shall impose one</u>	43827
<u>of the sum of fifteen dollars</u> <u>following sums</u> as costs in the case	43828
in addition to any other court costs that the court is required	43829
or permitted by law to impose upon the delinquent child or	43830
juvenile traffic offender;	43831
<u>(i) Thirty dollars if the offense is a felony;</u>	43832
<u>(ii) Twenty dollars if the offense is a misdemeanor other</u>	43833
<u>than a traffic offense that is not a moving violation;</u>	43834
<u>(iii) Ten dollars if the offense is a traffic offense that</u>	43835
<u>is not a moving violation, excluding parking violations. All such</u>	43836
<u>(b) All moneys collected pursuant to division (A)(2)(a) of</u>	43837
<u>this section</u> during a month shall be transmitted on or before the	43838

twentieth day of the following month by the clerk of the court to 43839
the treasurer of state and deposited by the treasurer of state 43840
~~into the credit of the general revenue~~indigent defense support 43841
fund established under section 120.08 of the Revised Code. The 43842
~~fifteen-dollar~~thirty-, twenty-, or ten-dollar court costs shall 43843
be collected in all cases unless the court determines the juvenile 43844
is indigent and waives the payment of all court costs, or enters 43845
an order on its journal stating that it has determined that the 43846
juvenile is indigent, that no other court costs are to be taxed in 43847
the case, and that the payment of the ~~fifteen-dollar~~thirty-, 43848
twenty-, or ten-dollar court costs is waived. 43849

(B) Whenever a person is charged with any offense ~~other than~~ 43850
~~a traffic offense that is not a moving violation and posts bail~~ 43851
described in division (A)(1) of this section, the court shall add 43852
to the amount of the bail the ~~fifteen~~thirty-, twenty-, or ten 43853
dollars required to be paid by division (A)(1) of this section. 43854
The ~~fifteen~~thirty-, twenty-, or ten dollars shall be retained by 43855
the clerk of the court until the person is convicted, pleads 43856
guilty, forfeits bail, is found not guilty, or has the charges 43857
dismissed. If the person is convicted, pleads guilty, or forfeits 43858
bail, the clerk shall transmit the ~~fifteen~~thirty-, twenty-, or ten 43859
dollars on or before the twentieth day of the month following the 43860
month in which the person was convicted, pleaded guilty, or 43861
forfeited bail to the treasurer of state, who shall deposit it 43862
~~into the credit of the general revenue~~indigent defense 43863
support fund established under section 120.08 of the Revised 43864
Code. If the person is found not guilty or the charges are 43865
dismissed, the clerk shall return the ~~fifteen~~thirty-, twenty-, or 43866
ten dollars to the person. 43867

(C) No person shall be placed or held in a detention facility 43868
for failing to pay the additional ~~fifteen-dollar~~thirty-, 43869
twenty-, or ten-dollar court costs or bail that are required to 43870
be paid by this section. 43871

(D) As used in this section:	43872
(1) "Moving violation" and "bail" have the same meanings as in section 2743.70 of the Revised Code.	43873 43874
(2) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.	43875 43876
Sec. 2949.111. (A) As used in this section:	43877
(1) "Court costs" means any assessment that the court requires an offender to pay to defray the costs of operating the court.	43878 43879 43880
(2) "State fines or costs" means any costs imposed or forfeited bail collected by the court under section 2743.70 of the Revised Code for deposit into the reparations fund or under section 2949.091 of the Revised Code for deposit into the ~~general revenue~~ <u>indigent defense support fund established under section 120.08 of the Revised Code</u> and all fines, penalties, and forfeited bail collected by the court and paid to a law library association under sections 3375.50 to 3375.53 of the Revised Code.	43881 43882 43883 43884 43885 43886 43887 43888
(3) "Reimbursement" means any reimbursement for the costs of confinement that the court orders an offender to pay pursuant to section 2929.28 of the Revised Code, any supervision fee, any fee for the costs of house arrest with electronic monitoring that an offender agrees to pay, any reimbursement for the costs of an investigation or prosecution that the court orders an offender to pay pursuant to section 2929.71 of the Revised Code, or any other costs that the court orders an offender to pay.	43889 43890 43891 43892 43893 43894 43895 43896
(4) "Supervision fees" means any fees that a court, pursuant to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, requires an offender who is under a community control sanction to	43897 43898 43899

pay for supervision services. 43900

(5) "Community control sanction" has the same meaning as in 43901
section 2929.01 of the Revised Code. 43902

(B) Unless the court, in accordance with division (C) of this 43903
section, enters in the record of the case a different method of 43904
assigning payments, if a person who is charged with a misdemeanor 43905
is convicted of or pleads guilty to the offense, if the court 43906
orders the offender to pay any combination of court costs, state 43907
fines or costs, restitution, a conventional fine, or any 43908
reimbursement, and if the offender makes any payment of any of 43909
them to a clerk of court, the clerk shall assign the offender's 43910
payment in the following manner: 43911

(1) If the court ordered the offender to pay any court costs, 43912
the offender's payment shall be assigned toward the satisfaction 43913
of those court costs until they have been entirely paid. 43914

(2) If the court ordered the offender to pay any state fines 43915
or costs and if all of the court costs that the court ordered the 43916
offender to pay have been paid, the remainder of the offender's 43917
payment shall be assigned on a pro rata basis toward the 43918
satisfaction of the state fines or costs until they have been 43919
entirely paid. 43920

(3) If the court ordered the offender to pay any restitution 43921
and if all of the court costs and state fines or costs that the 43922
court ordered the offender to pay have been paid, the remainder of 43923
the offender's payment shall be assigned toward the satisfaction 43924
of the restitution until it has been entirely paid. 43925

(4) If the court ordered the offender to pay any fine and if 43926
all of the court costs, state fines or costs, and restitution that 43927
the court ordered the offender to pay have been paid, the 43928
remainder of the offender's payment shall be assigned toward the 43929

satisfaction of the fine until it has been entirely paid. 43930

(5) If the court ordered the offender to pay any 43931
reimbursement and if all of the court costs, state fines or costs, 43932
restitution, and fines that the court ordered the offender to pay 43933
have been paid, the remainder of the offender's payment shall be 43934
assigned toward the satisfaction of the reimbursements until they 43935
have been entirely paid. 43936

(C) If a person who is charged with a misdemeanor is 43937
convicted of or pleads guilty to the offense and if the court 43938
orders the offender to pay any combination of court costs, state 43939
fines or costs, restitution, fines, or reimbursements, the court, 43940
at the time it orders the offender to make those payments, may 43941
prescribe an order of payments that differs from the order set 43942
forth in division (B) of this section by entering in the record of 43943
the case the order so prescribed. If a different order is entered 43944
in the record, on receipt of any payment, the clerk of the court 43945
shall assign the payment in the manner prescribed by the court. 43946

Sec. 2949.17. (A) The sheriff may take one guard for every 43947
two convicted felons to be transported to a correctional 43948
institution. The trial judge may authorize a larger number of 43949
guards upon written application of the sheriff, in which case a 43950
transcript of the order of the judge shall be certified by the 43951
clerk of the court of common pleas under the seal of the court, 43952
and the sheriff shall deliver the order with the convict to the 43953
person in charge of the correctional institution. 43954

(B) In order to obtain reimbursement for the county for the 43955
expenses of transportation for indigent convicted felons, the 43956
clerk of the court of common pleas shall prepare a transportation 43957
cost bill for each indigent convicted felon transported pursuant 43958
to this section for an amount equal to ~~ten cents~~ not less than one 43959
dollar a mile from the county seat to the state correctional 43960
institution and return for ~~the sheriff and each of the guards and~~ 43961

~~five cents a mile from the county seat to the state correctional institution for each prisoner.~~ The number of miles shall be computed by the usual route of travel. The clerk's duties under this division are subject to division (B) of section 2949.19 of the Revised Code.

Sec. 2981.13. (A) Except as otherwise provided in this section, property ordered forfeited as contraband, proceeds, or an instrumentality pursuant to this chapter shall be disposed of, used, or sold pursuant to section 2981.12 of the Revised Code. If the property is to be sold under that section, the prosecutor shall cause notice of the proposed sale to be given in accordance with law.

(B) If the contraband or instrumentality forfeited under this chapter is sold, any moneys acquired from a sale and any proceeds forfeited under this chapter shall be applied in the following order:

(1) First, to pay costs incurred in the seizure, storage, maintenance, security, and sale of the property and in the forfeiture proceeding;

(2) Second, in a criminal forfeiture case, to satisfy any restitution ordered to the victim of the offense or, in a civil forfeiture case, to satisfy any recovery ordered for the person harmed, unless paid from other assets;

(3) Third, to pay the balance due on any security interest preserved under this chapter;

(4) Fourth, apply the remaining amounts as follows:

(a) If the forfeiture was ordered by a juvenile court, ten per cent to one or more certified alcohol and drug addiction treatment programs as provided in division (D) of section 2981.12

of the Revised Code; 43991

(b) If the forfeiture was ordered in a juvenile court, ninety 43992
per cent, and if the forfeiture was ordered in a court other than 43993
a juvenile court, one hundred per cent to the law enforcement 43994
trust fund of the prosecutor and to the following fund supporting 43995
the law enforcement agency that substantially conducted the 43996
investigation: the law enforcement trust fund of the county 43997
sheriff, municipal corporation, township, or park district created 43998
under section 511.18 or 1545.01 of the Revised Code; the state 43999
highway patrol contraband, forfeiture, and other fund; the 44000
department of public safety investigative unit contraband, 44001
forfeiture, and other fund; the department of taxation enforcement 44002
fund; the board of pharmacy drug law enforcement fund created by 44003
division (B)(1) of section 4729.65 of the Revised Code; the 44004
medicaid fraud investigation and prosecution fund; or the 44005
treasurer of state for deposit into the peace officer training 44006
commission fund if any other state law enforcement agency 44007
substantially conducted the investigation. In the case of property 44008
forfeited for medicaid fraud, any remaining amount shall be used 44009
by the attorney general to investigate and prosecute medicaid 44010
fraud offenses. 44011

If the prosecutor declines to accept any of the remaining 44012
amounts, the amounts shall be applied to the fund of the agency 44013
that substantially conducted the investigation. 44014

(c) If more than one law enforcement agency is substantially 44015
involved in the seizure of property forfeited under this chapter, 44016
the court ordering the forfeiture shall equitably divide the 44017
amounts, after calculating any distribution to the law enforcement 44018
trust fund of the prosecutor pursuant to division (B)(4) of this 44019
section, among the entities that the court determines were 44020
substantially involved in the seizure. 44021

(C)(1) A law enforcement trust fund shall be established by 44022

the prosecutor of each county who intends to receive any remaining 44023
amounts pursuant to this section, by the sheriff of each county, 44024
by the legislative authority of each municipal corporation, by the 44025
board of township trustees of each township that has a township 44026
police department, township police district police force, or 44027
office of the constable, and by the board of park commissioners of 44028
each park district created pursuant to section 511.18 or 1545.01 44029
of the Revised Code that has a park district police force or law 44030
enforcement department, for the purposes of this section. 44031

There is hereby created in the state treasury the state 44032
highway patrol contraband, forfeiture, and other fund, the 44033
department of public safety investigative unit contraband, 44034
forfeiture, and other fund, the medicaid fraud investigation and 44035
prosecution fund, the department of taxation enforcement fund, and 44036
the peace officer training commission fund, for the purposes of 44037
this section. 44038

Amounts distributed to any municipal corporation, township, 44039
or park district law enforcement trust fund shall be allocated 44040
from the fund by the legislative authority only to the police 44041
department of the municipal corporation, by the board of township 44042
trustees only to the township police department, township police 44043
district police force, or office of the constable, and by the 44044
board of park commissioners only to the park district police force 44045
or law enforcement department. 44046

(2)(a) No amounts shall be allocated to a fund created under 44047
this section or used by an agency unless the agency has adopted a 44048
written internal control policy that addresses the use of moneys 44049
received from the appropriate fund. The appropriate fund shall be 44050
expended only in accordance with that policy and, subject to the 44051
requirements specified in this section, only for the following 44052
purposes: 44053

(i) To pay the costs of protracted or complex investigations 44054

or prosecutions;	44055
(ii) To provide reasonable technical training or expertise;	44056
(iii) To provide matching funds to obtain federal grants to	44057
aid law enforcement, in the support of DARE programs or other	44058
programs designed to educate adults or children with respect to	44059
the dangers associated with the use of drugs of abuse;	44060
(iv) To pay the costs of emergency action taken under section	44061
3745.13 of the Revised Code relative to the operation of an	44062
illegal methamphetamine laboratory if the forfeited property or	44063
money involved was that of a person responsible for the operation	44064
of the laboratory;	44065
(v) For other law enforcement purposes that the	44066
superintendent of the state highway patrol, department of public	44067
safety, prosecutor, county sheriff, legislative authority,	44068
<u>department of taxation</u> , board of township trustees, or board of	44069
park commissioners determines to be appropriate.	44070
(b) The board of pharmacy drug law enforcement fund shall be	44071
expended only in accordance with the written internal control	44072
policy so adopted by the board and only in accordance with section	44073
4729.65 of the Revised Code, except that it also may be expended	44074
to pay the costs of emergency action taken under section 3745.13	44075
of the Revised Code relative to the operation of an illegal	44076
methamphetamine laboratory if the forfeited property or money	44077
involved was that of a person responsible for the operation of the	44078
laboratory.	44079
(c) The state highway patrol contraband, forfeiture, and	44080
other fund, the department of public safety investigative unit	44081
contraband, forfeiture, and other fund, the department of taxation	44082
enforcement fund, the board of pharmacy drug law enforcement fund,	44083
and a law enforcement trust fund shall not be used to meet the	44084

operating costs of the state highway patrol, of the investigative	44085
unit of the department of public safety, of the state board of	44086
pharmacy, of any political subdivision, or of any office of a	44087
prosecutor or county sheriff that are unrelated to law	44088
enforcement.	44089
(d) Forfeited moneys that are paid into the state treasury to	44090
be deposited into the peace officer training commission fund shall	44091
be used by the commission only to pay the costs of peace officer	44092
training.	44093
(3) Any of the following offices or agencies that receive	44094
amounts under this section during any calendar year shall file a	44095
report with the specified entity, not later than the thirty-first	44096
day of January of the next calendar year, verifying that the	44097
moneys were expended only for the purposes authorized by this	44098
section or other relevant statute and specifying the amounts	44099
expended for each authorized purpose:	44100
(a) Any sheriff or prosecutor shall file the report with the	44101
county auditor.	44102
(b) Any municipal corporation police department shall file	44103
the report with the legislative authority of the municipal	44104
corporation.	44105
(c) Any township police department, township police district	44106
police force, or office of the constable shall file the report	44107
with the board of township trustees of the township.	44108
(d) Any park district police force or law enforcement	44109
department shall file the report with the board of park	44110
commissioners of the park district.	44111
(e) The superintendent of the state highway patrol and the	44112
tax commissioner shall file the report with the attorney general.	44113

(f) The executive director of the state board of pharmacy shall file the report with the attorney general, verifying that cash and forfeited proceeds paid into the board of pharmacy drug law enforcement fund were used only in accordance with section 4729.65 of the Revised Code.

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(g) The peace officer training commission shall file a report with the attorney general, verifying that cash and forfeited proceeds paid into the peace officer training commission fund pursuant to this section during the prior calendar year were used by the commission during the prior calendar year only to pay the costs of peace officer training.

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(D) The written internal control policy of a county sheriff, prosecutor, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department shall provide that at least ten per cent of the first one hundred thousand dollars of amounts deposited during each calendar year in the agency's law enforcement trust fund under this section, and at least twenty per cent of the amounts exceeding one hundred thousand dollars that are so deposited, shall be used in connection with community preventive education programs. The manner of use shall be determined by the sheriff, prosecutor, department, police force, or office of the constable after receiving and considering advice on appropriate community preventive education programs from the county's board of alcohol, drug addiction, and mental health services, from the county's alcohol and drug addiction services board, or through appropriate community dialogue.

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The financial records kept under the internal control policy shall specify the amount deposited during each calendar year in the portion of that amount that was used pursuant to this division, and the programs in connection with which the portion of

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that amount was so used. 44146

As used in this division, "community preventive education 44147
programs" include, but are not limited to, DARE programs and other 44148
programs designed to educate adults or children with respect to 44149
the dangers associated with using drugs of abuse. 44150

(E) Upon the sale, under this section or section 2981.12 of 44151
the Revised Code, of any property that is required by law to be 44152
titled or registered, the state shall issue an appropriate 44153
certificate of title or registration to the purchaser. If the 44154
state is vested with title and elects to retain property that is 44155
required to be titled or registered under law, the state shall 44156
issue an appropriate certificate of title or registration. 44157

(F) Any failure of a law enforcement officer or agency, 44158
prosecutor, court, or the attorney general to comply with this 44159
section in relation to any property seized does not affect the 44160
validity of the seizure and shall not be considered to be the 44161
basis for suppressing any evidence resulting from the seizure, 44162
provided the seizure itself was lawful. 44163

Sec. 3105.87. The court may order a public retirement 44164
program or the Ohio public employees deferred compensation program 44165
to provide information from a participant's personal history 44166
record necessary to determine the amounts described in division 44167
(D) of section 3105.82 of the Revised Code. 44168

Sec. 3111.04. (A) An action to determine the existence or 44169
nonexistence of the father and child relationship may be brought 44170
by the child or the child's personal representative, the child's 44171
mother or her personal representative, a man alleged or alleging 44172
himself to be the child's father, the child support enforcement 44173
agency of the county in which the child resides if the child's 44174
mother, father, or alleged father is a recipient of public 44175
assistance or of services under Title IV-D of the "Social Security 44176

Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the
alleged father's personal representative.

(B) An agreement does not bar an action under this section.

(C) If an action under this section is brought before the
birth of the child and if the action is contested, all
proceedings, except service of process and the taking of
depositions to perpetuate testimony, may be stayed until after the
birth.

(D) A recipient of public assistance or of services under
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42
U.S.C.A. 651, as amended, shall cooperate with the child support
enforcement agency of the county in which a child resides to
obtain an administrative determination pursuant to sections
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court
determination pursuant to sections 3111.01 to 3111.18 of the
Revised Code, of the existence or nonexistence of a parent and
child relationship between the father and the child. If the
recipient fails to cooperate, the agency may commence an action to
determine the existence or nonexistence of a parent and child
relationship between the father and the child pursuant to sections
3111.01 to 3111.18 of the Revised Code.

(E) As used in this section, "public assistance" means all
of the following:

(1) Medicaid under Chapter 5111. of the Revised Code;

(2) Ohio works first under Chapter 5107. of the Revised Code;

(3) Disability financial assistance under Chapter 5115. of
the Revised Code;

(4) ~~Disability medical assistance under Chapter 5115. of the~~

~~Revised Code;~~	44205
(~~5~~) Children's buy-in program under sections 5101.5211 to 5101.5216 of the Revised Code.	44206 44207
Sec. 3119.01. (A) As used in the Revised Code, "child support enforcement agency" means a child support enforcement agency designated under former section 2301.35 of the Revised Code prior to October 1, 1997, or a private or government entity designated as a child support enforcement agency under section 307.981 of the Revised Code.	44208 44209 44210 44211 44212 44213
(B) As used in this chapter and Chapters 3121., 3123., and 3125. of the Revised Code:	44214 44215
(1) "Administrative child support order" means any order issued by a child support enforcement agency for the support of a child pursuant to section 3109.19 or 3111.81 of the Revised Code or former section 3111.211 of the Revised Code, section 3111.21 of the Revised Code as that section existed prior to January 1, 1998, or section 3111.20 or 3111.22 of the Revised Code as those sections existed prior to March 22, 2001.	44216 44217 44218 44219 44220 44221 44222
(2) "Child support order" means either a court child support order or an administrative child support order.	44223 44224
(3) "Obligee" means the person who is entitled to receive the support payments under a support order.	44225 44226
(4) "Obligor" means the person who is required to pay support under a support order.	44227 44228
(5) "Support order" means either an administrative child support order or a court support order.	44229 44230
(C) As used in this chapter:	44231

(1) "Combined gross income" means the combined gross income of both parents.	44232 44233
(2) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	44234 44235 44236 44237 44238 44239 44240
(3) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	44241 44242 44243 44244 44245
(4) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed one hundred dollars.	44246 44247 44248
(5) "Income" means either of the following:	44249
(a) For a parent who is employed to full capacity, the gross income of the parent;	44250 44251
(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent.	44252 44253 44254
(6) "Insurer" means any person authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this state, any health insuring corporation, and any legal entity that is self-insured and provides benefits to its employees or members.	44255 44256 44257 44258
(7) "Gross income" means, except as excluded in division	44259

(C)(7) of this section, the total of all earned and unearned 44260
income from all sources during a calendar year, whether or not the 44261
income is taxable, and includes income from salaries, wages, 44262
overtime pay, and bonuses to the extent described in division (D) 44263
of section 3119.05 of the Revised Code; commissions; royalties; 44264
tips; rents; dividends; severance pay; pensions; interest; trust 44265
income; annuities; social security benefits, including retirement, 44266
disability, and survivor benefits that are not means-tested; 44267
workers' compensation benefits; unemployment insurance benefits; 44268
disability insurance benefits; benefits that are not means-tested 44269
and that are received by and in the possession of the veteran who 44270
is the beneficiary for any service-connected disability under a 44271
program or law administered by the United States department of 44272
veterans' affairs or veterans' administration; spousal support 44273
actually received; and all other sources of income. "Gross income" 44274
includes income of members of any branch of the United States 44275
armed services or national guard, including, amounts representing 44276
base pay, basic allowance for quarters, basic allowance for 44277
subsistence, supplemental subsistence allowance, cost of living 44278
adjustment, specialty pay, variable housing allowance, and pay for 44279
training or other types of required drills; self-generated income; 44280
and potential cash flow from any source. 44281

"Gross income" does not include any of the following: 44282

(a) Benefits received from means-tested government 44283
administered programs, including Ohio works first; prevention, 44284
retention, and contingency; means-tested veterans' benefits; 44285
supplemental security income; ~~food stamps~~ supplemental nutrition 44286
assistance program; disability financial assistance; or other 44287
assistance for which eligibility is determined on the basis of 44288
income or assets; 44289

(b) Benefits for any service-connected disability under a 44290
program or law administered by the United States department of 44291

veterans' affairs or veterans' administration that are not	44292
means-tested, that have not been distributed to the veteran who is	44293
the beneficiary of the benefits, and that are in the possession of	44294
the United States department of veterans' affairs or veterans'	44295
administration;	44296
 (c) Child support received for children who were not born or	44297
adopted during the marriage at issue;	44298
 (d) Amounts paid for mandatory deductions from wages such as	44299
union dues but not taxes, social security, or retirement in lieu	44300
of social security;	44301
 (e) Nonrecurring or unsustainable income or cash flow items;	44302
 (f) Adoption assistance and foster care maintenance payments	44303
made pursuant to Title IV-E of the "Social Security Act," 94 Stat.	44304
501, 42 U.S.C.A. 670 (1980), as amended.	44305
 (8) "Nonrecurring or unsustainable income or cash flow item"	44306
means an income or cash flow item the parent receives in any year	44307
or for any number of years not to exceed three years that the	44308
parent does not expect to continue to receive on a regular basis.	44309
"Nonrecurring or unsustainable income or cash flow item" does not	44310
include a lottery prize award that is not paid in a lump sum or	44311
any other item of income or cash flow that the parent receives or	44312
expects to receive for each year for a period of more than three	44313
years or that the parent receives and invests or otherwise uses to	44314
produce income or cash flow for a period of more than three years.	44315
 (9)(a) "Ordinary and necessary expenses incurred in	44316
generating gross receipts" means actual cash items expended by the	44317
parent or the parent's business and includes depreciation expenses	44318
of business equipment as shown on the books of a business entity.	44319
 (b) Except as specifically included in "ordinary and	44320

necessary expenses incurred in generating gross receipts" by 44321
division (C)(9)(a) of this section, "ordinary and necessary 44322
expenses incurred in generating gross receipts" does not include 44323
depreciation expenses and other noncash items that are allowed as 44324
deductions on any federal tax return of the parent or the parent's 44325
business. 44326

(10) "Personal earnings" means compensation paid or payable 44327
for personal services, however denominated, and includes wages, 44328
salary, commissions, bonuses, draws against commissions, profit 44329
sharing, vacation pay, or any other compensation. 44330

(11) "Potential income" means both of the following for a 44331
parent who the court pursuant to a court support order, or a child 44332
support enforcement agency pursuant to an administrative child 44333
support order, determines is voluntarily unemployed or voluntarily 44334
underemployed: 44335

(a) Imputed income that the court or agency determines the 44336
parent would have earned if fully employed as determined from the 44337
following criteria: 44338

(i) The parent's prior employment experience; 44339

(ii) The parent's education; 44340

(iii) The parent's physical and mental disabilities, if any; 44341

(iv) The availability of employment in the geographic area in 44342
which the parent resides; 44343

(v) The prevailing wage and salary levels in the geographic 44344
area in which the parent resides; 44345

(vi) The parent's special skills and training; 44346

(vii) Whether there is evidence that the parent has the 44347

ability to earn the imputed income;	44348
(viii) The age and special needs of the child for whom child support is being calculated under this section;	44349
(ix) The parent's increased earning capacity because of experience;	44351
(x) Any other relevant factor.	44352
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	44353
(12) "Schedule" means the basic child support schedule set forth in section 3119.021 of the Revised Code.	44354
(13) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.	44355
(14) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each parent is the residential parent and legal custodian of at least one of those children.	44356
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(15) "Worksheet" means the applicable worksheet that is used
to calculate a parent's child support obligation as set forth in
sections 3119.022 and 3119.023 of the Revised Code.

Sec. 3119.371. (A) As used in this section:

(1) "Health insurance provider" means:

(a) A person authorized to engage in the business of sickness
and accident insurance under Title XXXIX of the Revised Code;

(b) A person or government entity providing coverage for
medical services or items to individuals on a self-insurance
basis;

(c) A health insuring corporation as defined in section
1751.01 of the Revised Code;

(d) A group health plan as defined in 29 U.S.C. 1167;

(e) Any organization, business, or association described in
42 U.S.C. 1396a(a)(25); or

(f) A managed care organization.

(2) "Information" means all of the following:

(a) An individual's name, address, date of birth, and social
security number;

(b) The group or plan number or other identifier assigned by
a health insurance provider to a policy held by an individual or a
plan in which the individual participates and the nature of the
coverage; and

(c) Any other data specified by the director of job and
family services in rules adopted under section 3119.51 of the

Revised Code. 44401

(B) Upon request of the office of child support in the 44402
department of job and family services and for the purpose of 44403
establishing and enforcing orders to provide health insurance 44404
coverage, a health insurance provider shall provide the 44405
information described in division (A)(2) of this section to the 44406
office of child support. 44407

Sec. 3119.54. A party to a child support order issued in 44408
accordance with section 3119.30 of the Revised Code shall notify 44409
any physician, hospital, or other provider of medical services 44410
that provides medical services to the child who is the subject of 44411
the child support order of the number of any health insurance or 44412
health care policy, contract, or plan that covers the child if the 44413
child is eligible for medical assistance under sections 5101.5211 44414
to 5101.5216 or Chapter 5111. ~~or 5115.~~ of the Revised Code. The 44415
party shall include in the notice the name and address of the 44416
insurer. Any physician, hospital, or other provider of medical 44417
services for which medical assistance is available under sections 44418
5101.5211 to 5101.5216 or Chapter 5111. ~~or 5115.~~ of the Revised 44419
Code who is notified under this section of the existence of a 44420
health insurance or health care policy, contract, or plan with 44421
coverage for children who are eligible for medical assistance 44422
shall first bill the insurer for any services provided for those 44423
children. If the insurer fails to pay all or any part of a claim 44424
filed under this section and the services for which the claim is 44425
filed are covered by sections 5101.5211 to 5101.5216 or Chapter 44426
5111. ~~or 5115.~~ of the Revised Code, the physician, hospital, or 44427
other medical services provider shall bill the remaining unpaid 44428
costs of the services in accordance with sections 5101.5211 to 44429
5101.5216 or Chapter 5111. ~~or 5115.~~ of the Revised Code. 44430

Sec. 3121.03. If a court or child support enforcement 44431
agency that issued or modified a support order, or the agency 44432

administering the support order, is required by the Revised Code 44433
to issue one or more withholding or deduction notices described in 44434
this section or other orders described in this section, the court 44435
or agency shall issue one or more of the following types of 44436
notices or orders, as appropriate, for payment of the support and 44437
also, if required by the Revised Code or the court, to pay any 44438
arrearages: 44439

(A)(1) If the court or the child support enforcement agency 44440
determines that the obligor is receiving income from a payor, the 44441
court or agency shall require the payor to do all of the 44442
following: 44443

(a) Withhold from the obligor's income a specified amount for 44444
support in satisfaction of the support order and begin the 44445
withholding no later than fourteen business days following the 44446
date the notice is mailed or transmitted to the payor under 44447
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 44448
division (A)(2) of this section or, if the payor is an employer, 44449
no later than the first pay period that occurs after fourteen 44450
business days following the date the notice is mailed or 44451
transmitted; 44452

(b) Send the amount withheld to the office of child support 44453
in the department of job and family services pursuant to section 44454
3121.43 of the Revised Code immediately but not later than seven 44455
business days after the date the obligor is paid; 44456

(c) Continue the withholding at intervals specified in the 44457
notice until further notice from the court or child support 44458
enforcement agency. 44459

To the extent possible, the amount specified to be withheld 44460
shall satisfy the amount ordered for support in the support order 44461
plus any arrearages owed by the obligor under any prior support 44462
order that pertained to the same child or spouse, notwithstanding 44463

any applicable limitations of sections 2329.66, 2329.70, 2716.02, 2716.041, and 2716.05 of the Revised Code. However, in no case shall the sum of the amount to be withheld and any fee withheld by the payor as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(2) A court or agency that imposes an income withholding requirement shall, within the applicable time specified in section 3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised Code, send to the obligor's payor by regular mail or via secure federally managed data transmission interface a notice that contains all of the information applicable to withholding notices set forth in section 3121.037 of the Revised Code. The notice is final and is enforceable by the court.

(B)(1) If the court or child support enforcement agency determines that the obligor has funds that are not exempt under the laws of this state or the United States from execution, attachment, or other legal process and are on deposit in an account in a financial institution under the jurisdiction of the court that issued the court support order, or in the case of an administrative child support order, under the jurisdiction of the common pleas court of the county in which the agency that issued or is administering the order is located, the court or agency may require any financial institution in which the obligor's funds are on deposit to do all of the following:

(a) Deduct from the obligor's account a specified amount for support in satisfaction of the support order and begin the deduction no later than fourteen business days following the date the notice was mailed or transmitted to the financial institution under section 3121.035 or 3123.06 of the Revised Code and division (B)(2) of this section;

(b) Send the amount deducted to the office of child support

in the department of job and family services pursuant to section 44496
3121.43 of the Revised Code immediately but not later than seven 44497
business days after the date the latest deduction was made; 44498

(c) Provide the date on which the amount was deducted; 44499

(d) Continue the deduction at intervals specified in the 44500
notice until further notice from the court or child support 44501
enforcement agency. 44502

To the extent possible, the amount to be deducted shall 44503
satisfy the amount ordered for support in the support order plus 44504
any arrearages that may be owed by the obligor under any prior 44505
support order that pertained to the same child or spouse, 44506
notwithstanding the limitations of sections 2329.66, 2329.70, and 44507
2716.13 of the Revised Code. 44508

(2) A court or agency that imposes a deduction requirement 44509
shall, within the applicable period of time specified in section 44510
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 44511
to the financial institution by regular mail or via secure 44512
federally managed data transmission interface a notice that 44513
contains all of the information applicable to deduction notices 44514
set forth in section 3121.037 of the Revised Code. The notice is 44515
final and is enforceable by the court. 44516

(C) With respect to any court support order it issues, a 44517
court may issue an order requiring the obligor to enter into a 44518
cash bond with the court. The court shall issue the order as part 44519
of the court support order or, if the court support order has 44520
previously been issued, as a separate order. The cash bond shall 44521
be in a sum fixed by the court at not less than five hundred nor 44522
more than ten thousand dollars, conditioned that the obligor will 44523
make payment as previously ordered and will pay any arrearages 44524
under any prior court support order that pertained to the same 44525
child or spouse. 44526

The order, along with an additional order requiring the obligor to immediately notify the child support enforcement agency, in writing, if the obligor begins to receive income from a payor, shall be attached to and served on the obligor at the same time as service of the court support order or, if the court support order has previously been issued, as soon as possible after the issuance of the order under this section. The additional order requiring notice by the obligor shall state all of the following:

(1) That when the obligor begins to receive income from a payor the obligor may request that the court cancel its bond order and instead issue a notice requiring the withholding of an amount from income for support in accordance with this section;

(2) That when the obligor begins to receive income from a payor the court will proceed to collect on the bond if the court determines that payments due under the court support order have not been made and that the amount that has not been paid is at least equal to the support owed for one month under the court support order and will issue a notice requiring the withholding of an amount from income for support in accordance with this section. The notice required of the obligor shall include a description of the nature of any new employment, the name and business address of any new employer, and any other information reasonably required by the court.

The court shall not order an obligor to post a cash bond under this section unless the court determines that the obligor has the ability to do so.

A child support enforcement agency may not issue a cash bond order. If a child support enforcement agency is required to issue a withholding or deduction notice under this section with respect to a court support order but the agency determines that no

withholding or deduction notice would be appropriate, the agency 44558
may request that the court issue a cash bond order under this 44559
section, and upon the request, the court may issue the order. 44560

(D)(1) If the obligor under a court support order is 44561
unemployed, has no income, and does not have an account at any 44562
financial institution, or on request of a child support 44563
enforcement agency under division (D)(1) or (2) of this section, 44564
the court shall issue an order requiring the obligor, if able to 44565
engage in employment, to seek employment or participate in a work 44566
activity to which a recipient of assistance under Title IV-A of 44567
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 44568
as amended, may be assigned as specified in section 407(d) of the 44569
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 44570
shall include in the order a requirement that the obligor notify 44571
the child support enforcement agency on obtaining employment, 44572
obtaining any income, or obtaining ownership of any asset with a 44573
value of five hundred dollars or more. The court may issue the 44574
order regardless of whether the obligee to whom the obligor owes 44575
support is a recipient of assistance under Title IV-A of the 44576
"Social Security Act." The court shall issue the order as part of 44577
a court support order or, if a court support order has previously 44578
been issued, as a separate order. If a child support enforcement 44579
agency is required to issue a withholding or deduction notice 44580
under this section with respect to a court support order but 44581
determines that no withholding or deduction notice would be 44582
appropriate, the agency may request that the court issue a court 44583
order under division (D)(1) of this section, and, on the request, 44584
the court may issue the order. 44585

(2) If the obligor under an administrative child support 44586
order is unemployed, has no income, and does not have an account 44587
at any financial institution, the agency shall issue an 44588
administrative order requiring the obligor, if able to engage in 44589
employment, to seek employment or participate in a work activity 44590

to which a recipient of assistance under Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, may be assigned as specified in section 407(d) of the "Social Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall include in the order a requirement that the obligor notify the agency on obtaining employment or income, or ownership of any asset with a value of five hundred dollars or more. The agency may issue the order regardless of whether the obligee to whom the obligor owes support is a recipient of assistance under Title IV-A of the "Social Security Act." If an obligor fails to comply with an administrative order issued pursuant to division (D)(2) of this section, the agency shall submit a request to a court for the court to issue an order under division (D)(1) of this section.

Sec. 3121.035. Within fifteen days after an obligor under a support order is located following issuance or modification of the support order, the court or child support enforcement agency that issued or modified the support order, or the agency, pursuant to an agreement with the court with respect to a court support order, shall do either of the following:

(A) If a withholding or deduction notice described in section 3121.03 of the Revised Code is appropriate, send the notice by regular mail or via secure federally managed data transmission interface to each person required to comply with it;

(B) If an order described in section 3121.03, 3121.04 to 3121.08, or 3121.12 of the Revised Code is appropriate, issue and send the appropriate order.

Sec. 3121.037. (A) A withholding notice sent under section 3121.03 of the Revised Code shall contain all of the following:

(1) Notice of the amount to be withheld from the obligor's income and a statement that, notwithstanding that amount, the payor may not withhold an amount for support and other purposes,

including the fee described in division (A)~~(11)~~(12) of this 44622
section, that exceeds the maximum amounts permitted under section 44623
303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b); 44624

(2) A statement that the payor is required to send the amount 44625
withheld to the office of child support immediately, but not later 44626
than seven business days, after the obligor is paid and is 44627
required to report to the agency the date the amount was withheld; 44628

(3) A statement that the withholding shall be submitted to 44629
the state via electronic means if the employer employs more than 44630
fifty employees; 44631

(4) A statement that the withholding is binding on the payor 44632
until further notice from the court or agency; 44633

~~(4)~~(5) A statement that if the payor is an employer, the 44634
payor is subject to a fine to be determined under the law of this 44635
state for discharging the obligor from employment, refusing to 44636
employ the obligor, or taking any disciplinary action against the 44637
obligor because of the withholding requirement; 44638

~~(5)~~(6) A statement that, if the payor fails to withhold in 44639
accordance with the notice, the payor is liable for the 44640
accumulated amount the payor should have withheld from the 44641
obligor's income; 44642

~~(6)~~(7) A statement that, except for deductions from lump sum 44643
payments made in accordance with section 3121.0311 of the Revised 44644
Code, the withholding in accordance with the notice has priority 44645
over any other legal process under the law of this state against 44646
the same income; 44647

~~(7)~~(8) The date on which the notice was mailed and a 44648
statement that the payor is required to implement the withholding 44649
no later than fourteen business days following the date the notice 44650

was mailed or, if the payor is an employer, no later than the 44651
first pay period that occurs after fourteen business days 44652
following the date the notice was mailed, and is required to 44653
continue the withholding at the intervals specified in the notice. 44654

~~(8)~~(9) A requirement that the payor do the following: 44655

(a) Promptly notify the child support enforcement agency 44656
administering the support order, in writing, within ten business 44657
days after the date of any situation that occurs in which the 44658
payor ceases to pay income to the obligor in an amount sufficient 44659
to comply with the order, including termination of employment, 44660
layoff of the obligor from employment, any leave of absence of the 44661
obligor from employment without pay, termination of workers' 44662
compensation benefits, or termination of any pension, annuity, 44663
allowance, or retirement benefit; 44664

(b) Provide the agency with the obligor's last known address 44665
and, with respect to a court support order and if known, notify 44666
the agency of any new employer or income source and the name, 44667
address, and telephone number of the new employer or income 44668
source. 44669

~~(9)~~(10) A requirement that, if the payor is an employer, the 44670
payor do both of the following: 44671

(a) Identify in the notice given under division (A)~~(8)~~(9) of 44672
this section any types of benefits other than personal earnings 44673
the obligor is receiving or is eligible to receive as a benefit of 44674
employment or as a result of the obligor's termination of 44675
employment, including, but not limited to, unemployment 44676
compensation, workers' compensation benefits, severance pay, sick 44677
leave, lump sum payments of retirement benefits or contributions, 44678
and bonuses or profit-sharing payments or distributions, and the 44679
amount of the benefits; 44680

(b) Include in the notice the obligor's last known address
and telephone number, date of birth, social security number, and
case number and, if known, the name and business address of any
new employer of the obligor.

~~(10)~~(11) Subject to section 3121.0311 of the Revised Code, a
requirement that, no later than the earlier of forty-five days
before a lump sum payment is to be made or, if the obligor's right
to the lump sum payment is determined less than forty-five days
before it is to be made, the date on which that determination is
made, the payor notify the child support enforcement agency
administering the support order of any lump sum payment of any
kind of one hundred fifty dollars or more that is to be paid to
the obligor, hold each lump sum payment of one hundred fifty
dollars or more for thirty days after the date on which it would
otherwise be paid to the obligor and, on order of the court or
agency that issued the support order, pay all or a specified
amount of the lump sum payment to the office of child support;

~~(11)~~(12) A statement that, in addition to the amount withheld
for support, the payor may withhold a fee from the obligor's
income as a charge for its services in complying with the notice
and a specification of the amount that may be withheld.

(B) A deduction notice sent under section 3121.03 of the
Revised Code shall contain all of the following:

(1) Notice of the amount to be deducted from the obligor's
account;

(2) A statement that the financial institution is required to
send the amount deducted to the office of child support
immediately, but not later than seven business days, after the
date the last deduction was made and to report to the child
support enforcement agency the date on which the amount was
deducted;

(3) A statement that the deduction is binding on the financial institution until further notice from the court or agency;

(4) A statement that the deduction in accordance with the notice has priority over any other legal process under the law of this state against the same account;

(5) The date on which the notice was mailed and a statement that the financial institution is required to implement the deduction no later than fourteen business days following that date and to continue the deduction at the intervals specified in the notice;

(6) A requirement that the financial institution promptly notify the child support enforcement agency administering the support order, in writing, within ten days after the date of any termination of the account from which the deduction is being made and notify the agency, in writing, of the opening of a new account at that financial institution, the account number of the new account, the name of any other known financial institutions in which the obligor has any accounts, and the numbers of those accounts;

(7) A requirement that the financial institution include in all notices the obligor's last known mailing address, last known residence address, and social security number;

(8) A statement that, in addition to the amount deducted for support, the financial institution may deduct a fee from the obligor's account as a charge for its services in complying with the notice and a specification of the amount that may be deducted.

Sec. 3121.0311. (A) If a lump sum payment referred to in division (A)~~(10)~~(11) of section 3121.037 of the Revised Code

consists of workers' compensation benefits and the obligor is 44741
represented by an attorney with respect to the obligor's workers' 44742
compensation claim, prior to issuing the notice to the child 44743
support enforcement agency required by that division, the 44744
administrator of workers' compensation, for claims involving state 44745
fund employers, or a self-insuring employer, for that employer's 44746
claims, shall notify the obligor and the obligor's attorney in 44747
writing that the obligor is subject to a support order and that 44748
the administrator or self-insuring employer, as appropriate, shall 44749
hold the lump sum payment for a period of thirty days after the 44750
administrator or self-insuring employer sends this written notice, 44751
pending receipt of the information referred to in division (B) of 44752
this section. 44753

(B) The administrator or self-insuring employer, as 44754
appropriate, shall instruct the obligor's attorney in writing to 44755
file a copy of the fee agreement signed by the obligor, along with 44756
an affidavit signed by the attorney setting forth the amount of 44757
the attorney's fee with respect to the lump sum payment award to 44758
the obligor and the amount of all necessary expenses, along with 44759
documentation of those expenses, incurred by the attorney with 44760
respect to obtaining the lump sum award. The obligor's attorney 44761
shall file the fee agreement and attorney affidavit with the 44762
administrator or self-insuring employer, as appropriate, within 44763
thirty days after the date the administrator or self-insuring 44764
employer sends the notice required by division (A) of this 44765
section. 44766

(C) Upon receipt of the fee agreement and attorney affidavit, 44767
the administrator or self-insuring employer, as appropriate, shall 44768
deduct from the lump sum payment the amount of the attorney's fee 44769
and necessary expenses and pay that amount directly to and solely 44770
in the name of the attorney within fourteen days after the fee 44771
agreement and attorney affidavit have been filed with the 44772
administrator or self-insuring employer. 44773

(D) After deducting any attorney's fee and necessary expenses, if the lump sum payment is one hundred fifty dollars or more, the administrator or self-insuring employer, as appropriate, shall hold the balance of the lump sum award in accordance with division (A)~~(10)~~(11) of section 3121.037 of the Revised Code.

Sec. 3121.19. (A) The entire amount withheld or deducted pursuant to a withholding or deduction notice described in section 3121.03 of the Revised Code shall be forwarded to the office of child support in the department of job and family services immediately, but not later than seven business days, after the withholding or deduction, as directed in the withholding or deduction notice.

(B) An employer who employs more than fifty employees shall submit the entire amount withheld pursuant to a withholding notice described in section 3121.03 of the Revised Code by electronic transfer to the office of child support in the department of job and family services immediately, but not later than seven business days, after the withholding, as directed in the withholding notice.

Sec. 3121.20. (A) A payor or financial institution required to withhold or deduct a specified amount from the income or savings of more than one obligor under a withholding or deduction notice described in section 3121.03 of the Revised Code and to forward the amounts withheld or deducted to the office of child support may combine all of the amounts to be forwarded in one payment if the payment is accompanied by a list that clearly identifies ~~each~~ each of the following:

(1) Each obligor covered by the payment and the;

(2) Each child support case, numbered as provided on the withholding or deduction notice, that is covered by the payment;

(3) The portion of the payment attributable to each obligor 44804
and each case number. 44805

(B) A payor who employs more than fifty employees and who is 44806
required to submit the withholding by electronic transfer pursuant 44807
to sections 3121.037 and 3121.19 of the Revised Code shall combine 44808
all of the amounts to be forwarded in one payment. The payment 44809
shall be accompanied by information that clearly identifies all of 44810
the following: 44811

(1) Each obligor that is covered by the payment; 44812

(2) Each child support case, numbered as provided on the 44813
withholding notice issued pursuant to section 3121.03 of the 44814
Revised Code, that is covered by the payment; 44815

(3) The portion of the payment attributable to each obligor 44816
and each case number. 44817

Sec. 3121.898. The department of job and family services 44818
shall use the new hire reports it receives for any of the 44819
following purposes set forth in 42 U.S.C. 653a, as amended, 44820
including: 44821

(A) To locate individuals for the purposes of establishing 44822
paternity and for establishing, modifying, and enforcing child 44823
support orders. 44824

(B) As used in this division, "state agency" means every 44825
department, bureau, board, commission, office, or other organized 44826
body established by the constitution or laws of this state for the 44827
exercise of state government; every entity of county government 44828
that is subject to the rules of a state agency; and every 44829
contractual agent of a state agency. 44830

To make available to any state agency responsible for administering any of the following programs for purposes of verifying program eligibility:	44831 44832 44833
(1) Any Title IV-A program as defined in section 5101.80 of the Revised Code;	44834 44835
(2) The medicaid program authorized by Chapter 5111. of the Revised Code;	44836 44837
(3) The unemployment compensation program authorized by Chapter 4141. of the Revised Code;	44838 44839
(4) The ~~food stamp~~ <u>supplemental nutrition assistance</u> program authorized by section 5101.54 of the Revised Code;	44840 44841
(5) Any other program authorized in 42 U.S.C. 1320b-7(b), as amended.	44842 44843
(C) The administration of the employment security program under the director of job and family services.	44844 44845
Sec. 3123.952. A child support enforcement agency may submit the name of a delinquent obligor to the office of child support for inclusion on a poster only if all of the following apply:	44846 44847 44848
(A) The obligor is subject to a support order and there has been an attempt to enforce the order through a public notice, a wage withholding order, a lien on property, a financial institution deduction order, or other court-ordered procedures.	44849 44850 44851 44852
(B) The department of job and family services reviewed the obligor's records and confirms the child support enforcement agency's finding that the obligor's name and photograph may be submitted to be displayed on a poster.	44853 44854 44855 44856
(C) The agency does not know or is unable to verify the	44857

obligor's whereabouts.	44858
(D) The obligor is not a participant in Ohio works first or	44859
the prevention, retention, and contingency program or a recipient	44860
of disability financial assistance, supplemental security income,	44861
or ~~food stamps~~ <u>supplemental nutrition assistance program benefits.</u>	44862
(E) The child support enforcement agency does not have	44863
evidence that the obligor has filed for protection under the	44864
federal Bankruptcy Code, 11 U.S.C.A. 101, as amended.	44865
(F) The obligee gave written authorization to the agency to	44866
display the obligor on a poster.	44867
(G) A legal representative of the agency and a child support	44868
enforcement administrator reviewed the case.	44869
(H) The agency is able to submit to the department a	44870
description and photograph of the obligor, a statement of the	44871
possible locations of the obligor, and any other information	44872
required by the department.	44873
Sec. 3125.25. The director of job and family services shall	44874
adopt rules under Chapter 119. of the Revised Code governing the	44875
operation of support enforcement by child support enforcement	44876
agencies. The rules shall include, but shall not be limited to,	44877
~~provisions~~ <u>the following:</u>	44878
(A) <u>Provisions</u> relating to plans of cooperation between the	44879
agencies and boards of county commissioners entered into under	44880
section 3125.12 of the Revised Code, ~~requirements;~~	44881
(B) <u>Provisions for the compromise and waiver of child support</u>	44882
<u>arrears owed to the state and federal government, consistent</u>	44883
<u>with Title IV-D of the "Social Security Act," 88 Stat. 2351</u>	44884
<u>(1975), 42 U.S.C. 651 et seq., as amended;</u>	44885

(C) Requirements for public hearings by the agencies, and 44886
provisions; 44887

(D) Provisions for appeals of agency decisions under 44888
procedures established by the director. 44889

Sec. 3301.041. The state board of education shall make 44890
available via the internet an audio recording of each regular and 44891
special business meeting of the state board conducted on or after 44892
the effective date of this section. The state board shall make the 44893
audio recording available not later than five business days after 44894
the conclusion of each such meeting. The state board shall not 44895
make available audio recordings of executive sessions conducted 44896
in accordance with division (G) of section 121.22 of the Revised 44897
Code. 44898

The state board may contract or consult with the Ohio 44899
government telecommunications service, and the Ohio government 44900
telecommunications service may provide technical assistance, in 44901
implementing and complying with this section. 44902

Sec. 3301.07. The state board of education shall exercise 44903
under the acts of the general assembly general supervision of the 44904
system of public education in the state. In addition to the powers 44905
otherwise imposed on the state board under the provisions of law, 44906
the board shall have the ~~following~~ powers:described in this 44907
section. 44908

~~(A) Exercise~~The state board shall exercise policy forming, 44909
planning, and evaluative functions for the public schools of the 44910
state,~~and for adult education,~~ except as otherwise provided by 44911
law;; 44912

~~(B) Exercise~~(1) The state board shall exercise leadership in 44913
the improvement of public education in this state, and administer 44914

the educational policies of this state relating to public schools, 44915
and relating to instruction and instructional material, building 44916
and equipment, transportation of pupils, administrative 44917
responsibilities of school officials and personnel, and finance 44918
and organization of school districts, educational service centers, 44919
and territory. Consultative and advisory services in such matters 44920
shall be provided by the board to school districts and educational 44921
service centers of this state. ~~The~~ 44922

(2) ~~The state~~ board also shall develop a standard of 44923
financial reporting which shall be used by ~~at each~~ school 44924
~~districts~~district board of education and educational service 44925
~~centers~~center governing board to make ~~their~~its financial 44926
information and annual budgets for each school building under its 44927
control available to the public in a format understandable by the 44928
average citizen ~~and provide year-to-year comparisons for at least~~ 44929
~~five years~~. The format shall show, among other things, at the 44930
district and educational service center level or at the school 44931
building level, as determined appropriate by the department of 44932
education, revenue by source; expenditures for salaries, wages, 44933
and benefits of employees, showing such amounts separately for 44934
classroom teachers, other employees required to hold licenses 44935
issued pursuant to sections 3319.22 to 3319.31 of the Revised 44936
Code, and all other employees; expenditures other than for 44937
personnel, by category, including utilities, textbooks and other 44938
educational materials, equipment, permanent improvements, pupil 44939
transportation, extracurricular athletics, and other 44940
extracurricular activities; and per pupil expenditures. 44941

(C) ~~Administer~~The state board shall administer and supervise 44942
the allocation and distribution of all state and federal funds for 44943
public school education under the provisions of law, and may 44944
prescribe such systems of accounting as are necessary and proper 44945
to this function. It may require county auditors and treasurers, 44946
boards of education, educational service center governing boards, 44947

treasurers of such boards, teachers, and other school officers and 44948
employees, or other public officers or employees, to file with it 44949
such reports as it may prescribe relating to such funds, or to the 44950
management and condition of such funds. 44951

(D) ~~Formulate~~(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, 44952
XXXVII, XLVII, and LI of the Revised Code a reference is made to 44953
standards prescribed under this section or division (D) of this 44954
section, that reference shall be construed to refer to the 44955
standards prescribed under division (D)(2) of this section, unless 44956
the context specifically indicates a different meaning or intent. 44957

(2) The state board shall formulate and prescribe minimum 44958
standards to be applied to all elementary and secondary schools in 44959
this state for the purpose of requiring a general education of 44960
high quality. Such standards shall provide adequately for: the 44961
licensing of teachers, administrators, and other professional 44962
personnel and their assignment according to training and 44963
qualifications; efficient and effective instructional materials 44964
and equipment, including library facilities; the proper 44965
organization, administration, and supervision of each school, 44966
including regulations for preparing all necessary records and 44967
reports and the preparation of a statement of policies and 44968
objectives for each school; buildings, grounds, health and 44969
sanitary facilities and services; admission of pupils, and such 44970
requirements for their promotion from grade to grade as will 44971
assure that they are capable and prepared for the level of study 44972
to which they are certified; requirements for graduation; and such 44973
other factors as the board finds necessary. 44974

In the formulation and administration of such standards for 44975
nonpublic schools the board shall also consider the particular 44976
needs, methods and objectives of those schools, provided they do 44977
not conflict with the provision of a general education of a high 44978
quality and provided that regular procedures shall be followed for 44979

promotion from grade to grade of pupils who have met the 44980
educational requirements prescribed. 44981

~~(E) May~~In the formulation and administration of such 44982
standards as they relate to instructional materials and equipment 44983
in public schools, including library materials, the board shall 44984
require that the material and equipment be aligned with and 44985
promote skills expected under the statewide academic standards 44986
adopted under section 3301.079 of the Revised Code. 44987

(3) In addition to the minimum standards required by 44988
division (D)(2) of this section, the state board shall formulate 44989
and prescribe the following additional minimum operating 44990
standards for school districts: 44991

(a) Standards for the effective and efficient organization, 44992
administration, and supervision of each school district so that it 44993
becomes a thinking and learning organization according to 44994
principles of systems design and collaborative professional 44995
learning communities research as defined by the superintendent of 44996
public instruction, including a focus on the personalized and 44997
individualized needs of each student; a shared responsibility 44998
among school boards, administrators, faculty, and staff to develop 44999
a common vision, mission, and set of guiding principles; a shared 45000
responsibility among school boards, administrators, faculty, and 45001
staff to engage in a process of collective inquiry, action 45002
orientation, and experimentation to ensure the academic success of 45003
all students; commitment to teaching and learning strategies that 45004
utilize technological tools and emphasize inter-disciplinary, 45005
real-world, project-based, and technology-oriented learning 45006
experiences to meet the individual needs of every student; 45007
commitment to high expectations for every student and commitment 45008
to closing the achievement gap so that all students achieve core 45009
knowledge and skills in accordance with the statewide academic 45010
standards adopted under section 3301.079 of the Revised Code; 45011

commitment to the use of assessments to diagnose the needs of 45012
each student; effective connections and relationships with 45013
families and others that support student success; and commitment 45014
to the use of positive behavior intervention supports throughout 45015
a district to ensure a safe and secure learning environment for 45016
all students; 45017

(b) Standards for the establishment of business advisory 45018
councils and family and civic engagement teams by school 45019
districts under sections 3313.82, 3313.821, and 3313.822 of the 45020
Revised Code; 45021

(c) Standards incorporating the classifications for the 45022
components of the adequacy amount under Chapter 3306. of the 45023
Revised Code into core academic strategy components and academic 45024
improvement components, as specified in rules adopted under 45025
section 3306.25 of the Revised Code; 45026

(d) Standards for school district organizational units, as 45027
defined in sections 3306.02 and 3306.04 of the Revised Code, that 45028
require; 45029

(i) The effective and efficient organization, administration, 45030
and supervision of each school district organizational unit so 45031
that it becomes a thinking and learning organization according to 45032
principles of systems design and collaborative professional 45033
learning communities research as defined by the state 45034
superintendent, including a focus on the personalized and 45035
individualized needs of each student; a shared responsibility 45036
among organizational unit administrators, faculty, and staff to 45037
develop a common vision, mission, and set of guiding principles; a 45038
shared responsibility among organizational unit administrators, 45039
faculty, and staff to engage in a process of collective inquiry, 45040
action orientation, and experimentation to ensure the academic 45041
success of all students; commitment to job embedded professional 45042
development and professional mentoring and coaching; established 45043

periods of time for teachers to pursue planning time for the 45044
development of lesson plans, professional development, and shared 45045
learning; commitment to effective management strategies that 45046
allow administrators reasonable access to classrooms for 45047
observation and professional development experiences; commitment 45048
to teaching and learning strategies that utilize technological 45049
tools and emphasize inter-disciplinary, real-world, 45050
project-based, and technology-oriented learning experiences to 45051
meet the individual needs of every student; commitment to high 45052
expectations for every student and commitment to closing the 45053
achievement gap so that all students achieve core knowledge and 45054
skills in accordance with the statewide academic standards 45055
adopted under section 3301.079 of the Revised Code; commitment to 45056
the use of assessments to diagnose the needs of each student; 45057
effective connections and relationships with families and others 45058
that support student success; commitment to the use of positive 45059
behavior intervention supports throughout the organizational unit 45060
to ensure a safe and secure learning environment for all 45061
students; 45062

(ii) A school organizational unit leadership team to 45063
coordinate positive behavior intervention supports, family and 45064
civic engagement services, learning environments, thinking and 45065
learning systems, collaborative planning, planning time, student 45066
academic interventions, student extended learning opportunities, 45067
and other activities identified by the team and approved by the 45068
district board of education. The team shall include the building 45069
principal, representatives from each collective bargaining unit, 45070
the building lead teacher, parents, business representatives, and 45071
others that support student success. 45072

(E) The state board may require as part of the health 45073
curriculum information developed under section 2108.34 of the 45074
Revised Code promoting the donation of anatomical gifts pursuant 45075
to Chapter 2108. of the Revised Code and may provide the 45076

information to high schools, educational service centers, and 45077
joint vocational school district boards of education; 45078

(F) ~~Prepare~~The state board shall prepare and submit annually 45079
to the governor and the general assembly a report on the status, 45080
needs, and major problems of the public schools of the state, with 45081
recommendations for necessary legislative action and a ten-year 45082
projection of the state's public and nonpublic school enrollment, 45083
by year and by grade level; 45084

(G) ~~Prepare~~The state board shall prepare and submit to the 45085
director of budget and management the biennial budgetary requests 45086
of the state board of education, for its agencies and for the 45087
public schools of the state; 45088

(H) ~~Cooperate~~The state board shall cooperate with federal, 45089
state, and local agencies concerned with the health and welfare of 45090
children and youth of the state; 45091

(I) ~~Require~~The state board shall require such reports from 45092
school districts and educational service centers, school officers, 45093
and employees as are necessary and desirable. The superintendents 45094
and treasurers of school districts and educational service centers 45095
shall certify as to the accuracy of all reports required by law or 45096
state board or state department of education rules to be submitted 45097
by the district or educational service center and which contain 45098
information necessary for calculation of state funding. Any 45099
superintendent who knowingly falsifies such report shall be 45100
subject to license revocation pursuant to section 3319.31 of the 45101
Revised Code. 45102

(J) In accordance with Chapter 119. of the Revised Code, the 45103
state board shall adopt procedures, standards, and guidelines for 45104
the education of children with disabilities pursuant to Chapter 45105
3323. of the Revised Code, including procedures, standards, and 45106
guidelines governing programs and services operated by county 45107

boards of mental retardation and developmental disabilities 45108
pursuant to section 3323.09 of the Revised Code; 45109

(K) For the purpose of encouraging the development of special 45110
programs of education for academically gifted children, the state 45111
board shall employ competent persons to analyze and publish data, 45112
promote research, advise and counsel with boards of education, 45113
and encourage the training of teachers in the special instruction 45114
of gifted children. The board may provide financial assistance 45115
out of any funds appropriated for this purpose to boards of 45116
education and educational service center governing boards for 45117
developing and conducting programs of education for academically 45118
gifted children. 45119

(L) ~~Require~~ The state board shall require that all public 45120
schools emphasize and encourage, within existing units of study, 45121
the teaching of energy and resource conservation as recommended 45122
to each district board of education by leading business persons 45123
involved in energy production and conservation, beginning in the 45124
primary grades; 45125

(M) ~~Formulate~~ The state board shall formulate and prescribe 45126
minimum standards requiring the use of phonics as a technique in 45127
the teaching of reading in grades kindergarten through three. In 45128
addition, the state board shall provide in-service training 45129
programs for teachers on the use of phonics as a technique in the 45130
teaching of reading in grades kindergarten through three. 45131

~~(N) Develop and modify as necessary a state plan for~~ 45132
~~technology to encourage and promote the use of technological~~ 45133
~~advancements in educational settings.~~ 45134

The board may adopt rules necessary for carrying out any 45135
function imposed on it by law, and may provide rules as are 45136
necessary for its government and the government of its employees, 45137
and may delegate to the superintendent of public instruction the 45138

management and administration of any function imposed on it by 45139
law. It may provide for the appointment of board members to serve 45140
on temporary committees established by the board for such purposes 45141
as are necessary. Permanent or standing committees shall not be 45142
created. 45143

Compliance with the standards adopted under divisions (B)(2) 45144
and (D) of this section, as they relate to the operation of a 45145
school operated by a school district, may be waived by the state 45146
superintendent pursuant to section 3306.40 of the Revised Code. 45147

Sec. 3301.075. The state board of education shall adopt 45148
rules governing the purchasing and leasing of data processing 45149
services and equipment for all local, exempted village, city, and 45150
joint vocational school districts and all educational service 45151
centers. Such rules shall include provisions for the 45152
establishment of an Ohio education computer network under 45153
procedures, guidelines, and specifications of the department of 45154
education. 45155

The department shall administer funds appropriated for the 45156
Ohio education computer network to ensure its efficient and 45157
economical operation and shall approve no more than twenty-seven 45158
information technology centers to operate concurrently. Such 45159
centers shall be approved for funding in accordance with rules of 45160
the state board adopted under this section that shall provide for 45161
the superintendent of public instruction to require the membership 45162
of each information technology center to be composed of 45163
combinations of school districts and educational service centers 45164
having sufficient students to support an efficient, economical 45165
comprehensive program of computer services to member districts and 45166
educational service centers. However, no such rule shall prohibit 45167
a school district or educational service center from receiving 45168
computer services from any information technology center 45169
established under this section or from any other public or private 45170

vendor. Each information technology center shall be organized in 45171
accordance with section 3313.92 or Chapter 167. of the Revised 45172
Code. 45173

~~The department of education may contract with an independent 45174
for profit or nonprofit entity to provide current and historical 45175
information on Ohio government through the Ohio education computer 45176
network to school district libraries operating in accordance with 45177
section 3375.14 of the Revised Code in order to assist school 45178
teachers in social studies course instruction and support student 45179
research projects. Any such contract shall be awarded in 45180
accordance with Chapter 125. of the Revised Code. 45181~~

The department may approve and administer funding for 45182
programs to provide technical support, maintenance, consulting, 45183
and group purchasing services for information technology centers, 45184
school districts, educational service centers, and other client 45185
entities or governmental entities served in accordance with rules 45186
adopted by the department or as otherwise authorized by law, and 45187
to deliver to schools programs operated by the infOhio network and 45188
the technology solutions group of the management council of the 45189
Ohio education computer network. 45190

Sec. 3301.076. No information technology center established 45191
under section 3301.075 of the Revised Code shall be required to 45192
maintain an operating reserve account or fund or minimum cash 45193
balance. This section does not affect any sinking fund or other 45194
capital improvement fund the center may be required to maintain as 45195
a condition by law or contract relative to the issuance of 45196
securities. Any rule of the state board of education or other 45197
regulation or guideline of the department of education that 45198
conflicts with this section is void. 45199

Sec. 3301.079. (A)(1) Not later than ~~December 31, 2001~~June 45200
30, 2010, and at least once every five years thereafter, the state 45201
board of education shall adopt statewide academic standards with 45202

<u>emphasis on coherence, focus, and rigor for each of grades</u>	45203
<u>kindergarten through twelve in reading, writing, and mathematics.</u>	45204
<u>Not later than December 31, 2002, the state board shall adopt</u>	45205
<u>statewide academic standards for each of grades kindergarten</u>	45206
<u>through twelve in science and social studies. The English language</u>	45207
<u>arts, mathematics, science, and social studies.</u>	45208
 <u>The standards shall specify the following:</u>	45209
 <u>(a) The core academic content and skills that students are</u>	45210
<u>expected to know and be able to do at each grade level:</u>	45211
 <u>(2)that will allow each student to be prepared for</u>	45212
<u>postsecondary instruction and the workplace for success in the</u>	45213
<u>twenty-first century:</u>	45214
 <u>(b) The development of skill sets as they relate to</u>	45215
<u>creativity and innovation, critical thinking and problem solving,</u>	45216
<u>and communication and collaboration;</u>	45217
 <u>(c) The development of skill sets that promote information,</u>	45218
<u>media, and technological literacy;</u>	45219
 <u>(d) The development of skill sets that promote personal</u>	45220
<u>management, productivity and accountability, and leadership and</u>	45221
<u>responsibility;</u>	45222
 <u>(e) Interdisciplinary, project-based, real-world learning</u>	45223
<u>opportunities.</u>	45224
 <u>(2) After completing the standards required by division</u>	45225
<u>(A)(1) of this section, the state board shall adopt standards and</u>	45226
<u>model curricula for instruction in computer literacy, financial</u>	45227
<u>literacy and entrepreneurship, fine arts, and foreign language</u>	45228
<u>for grades kindergarten through twelve. The standards shall meet</u>	45229
<u>the same requirements prescribed in divisions (A)(1)(a) to (e) of</u>	45230

this section. 45231

(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically. 45232
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The department shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience. 45237
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(4) When academic standards have been completed for any subject area required by this divisionsection, the state board shall inform all school districts, all community schools established under Chapter 3314. of the Revised Code, all STEM schools established under Chapter 3326. of the Revised Code, and all nonpublic schools required to administer the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code of the content of those standards. 45245
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(B) ~~Not later than eighteen months after the completion of academic standards for any subject area required by division (A) of this section~~ March 31, 2011, the state board shall adopt a model curriculum for instruction in ~~that each~~ subject area for which updated academic standards are required by division (A)(1) of this section and for each of grades kindergarten through twelve that is sufficient to meet the needs of students in every community. The model curriculum shall be aligned with the standards, to ensure that the academic content and skills specified for each grade level are taught to students, and shall 45253
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demonstrate vertical articulation and emphasize coherence, focus, 45263
and rigor. When any model curriculum has been completed, the state 45264
board shall inform all school districts, community schools, and 45265
STEM schools of the content of that model curriculum. 45266

All school districts, community schools, and STEM schools may 45267
utilize the state standards and the model curriculum established 45268
by the state board, together with other relevant resources, 45269
examples, or models to ensure that students have the opportunity 45270
to attain the academic standards. Upon request, the department of 45271
education shall provide technical assistance to any district, 45272
community school, or STEM school in implementing the model 45273
curriculum. 45274

Nothing in this section requires any school district to 45275
utilize all or any part of a model curriculum developed under this 45276
division. 45277

(C) The state board shall develop achievement ~~tests~~ 45278
assessments aligned with the academic standards and model 45279
curriculum for each of the subject areas and grade levels required 45280
by divisions (A)(1) and (B)(1) of section 3301.0710 of the Revised 45281
Code. 45282

When any achievement ~~test~~assessment has been completed, the 45283
state board shall inform all school districts, community schools, 45284
STEM schools, and nonpublic schools required to administer the 45285
assessment of its completion, and the department of education 45286
shall make the achievement ~~test~~assessment available to the 45287
districts and schools. ~~School districts shall administer the~~ 45288
~~achievement test beginning in the school year indicated in section~~ 45289
~~3301.0712 of the Revised Code.~~ 45290

(D)(1) The state board shall adopt a diagnostic assessment 45291
aligned with the academic standards and model curriculum for each 45292
of grades kindergarten through two in ~~reading, writing, English~~ 45293

language arts and mathematics and for grade three in ~~writing~~ 45294
English language arts. The diagnostic assessment shall be 45295
designed to measure student comprehension of academic content and 45296
mastery of related skills for the relevant subject area and grade 45297
level. Any diagnostic assessment shall not include components to 45298
identify gifted students. Blank copies of diagnostic ~~tests~~ 45299
assessments shall be public records. 45300

(2) When each diagnostic assessment has been completed, the 45301
state board shall inform all school districts of its completion 45302
and the department of education shall make the diagnostic 45303
assessment available to the districts at no cost to the district. 45304
School districts shall administer the diagnostic assessment 45305
pursuant to section 3301.0715 of the Revised Code beginning the 45306
first school year following the development of the assessment. 45307

(E) The state board shall not adopt a diagnostic or 45308
achievement assessment for any grade level or subject area other 45309
than those specified in this section. 45310

(F) Whenever the state board or the department of education 45311
consults with persons for the purpose of drafting or reviewing any 45312
standards, diagnostic assessments, achievement ~~tests~~assessments, 45313
or model curriculum required under this section, the state board 45314
or the department shall first consult with parents of students in 45315
kindergarten through twelfth grade and with active Ohio classroom 45316
teachers, other school personnel, and administrators with 45317
expertise in the appropriate subject area. Whenever practicable, 45318
the state board and department shall consult with teachers 45319
recognized as outstanding in their fields. 45320

If the department contracts with more than one outside entity 45321
for the development of the achievement ~~tests~~assessments required 45322
by this section, the department shall ensure the 45323
interchangeability of those ~~tests~~assessments. 45324

~~(F)~~(G) The fairness sensitivity review committee, established
by rule of the state board of education, shall not allow any
question on any achievement ~~test~~ or diagnostic assessment
developed under this section or any proficiency test prescribed by
former section 3301.0710 of the Revised Code, as it existed prior
to September 11, 2001, to include, be written to promote, or
inquire as to individual moral or social values or beliefs. The
decision of the committee shall be final. This section does not
create a private cause of action.

(H) Not later than forty-five days prior to the initial
deadline established under division (A)(1) of this section and the
deadline established under division (B) of this section, the
superintendent of public instruction shall present the academic
standards or model curricula, as applicable, to the respective
committees of the house of representatives and senate that
consider education legislation.

(I) As used in this section:

(1) "Coherence" means a reflection of the structure of the
discipline being taught.

(2) "Focus" means limiting the number of items included in a
curriculum to allow for deeper exploration of the subject matter.

(3) "Rigor" means more challenging and demanding when
compared to international standards.

(4) "Vertical articulation" means key academic concepts and
skills associated with mastery in particular content areas should
be articulated and reinforced in a developmentally appropriate
manner at each grade level so that over time students acquire a
depth of knowledge and understanding in the core academic
disciplines.

Sec. 3301.0710. The state board of education shall adopt rules establishing a statewide program to ~~test~~assess student achievement. The state board shall ensure that all ~~tests~~ assessments administered under the ~~testing~~ program are aligned with the academic standards and model curricula adopted by the state board and are created with input from Ohio parents, Ohio classroom teachers, Ohio school administrators, and other Ohio school personnel pursuant to section 3301.079 of the Revised Code.

The ~~testing~~assessment program shall be designed to ensure that students who receive a high school diploma demonstrate at least high school levels of achievement in ~~reading, writing~~ English language arts, mathematics, science, and social studies, and other skills necessary in the twenty-first century.

(A)(1) The state board shall prescribe all of the following:

(a) Two statewide achievement ~~tests~~assessments, one each designed to measure the level of ~~reading~~English language arts and mathematics skill expected at the end of third grade;

(b) ~~Three~~Two statewide achievement ~~tests~~assessments, one each designed to measure the level of ~~reading, writing, English~~ language arts and mathematics skill expected at the end of fourth grade;

(c) Four statewide achievement ~~tests~~assessments, one each designed to measure the level of ~~reading~~English language arts, mathematics, science, and social studies skill expected at the end of fifth grade;

(d) Two statewide achievement ~~tests~~assessments, one each designed to measure the level of ~~reading~~English language arts and mathematics skill expected at the end of sixth grade;

(e) ~~Three~~Two statewide achievement ~~tests~~assessments, one

each designed to measure the level of ~~reading, writing, English~~	45383
<u>language arts</u> and mathematics skill expected at the end of seventh	45384
grade;	45385
(f) Four statewide achievement ~~tests~~ <u>assessments</u> , one each	45386
designed to measure the level of ~~reading~~ <u>English language arts</u> ,	45387
mathematics, science, and social studies skill expected at the	45388
end of eighth grade.	45389
(2) The state board shall determine and designate at least	45390
~~five~~ <u>three</u> ranges of scores on each of the achievement ~~tests~~	45391
<u>assessments</u> described in divisions (A)(1) and (B)(<u>1</u>) of this	45392
section. Each range of scores shall be deemed to demonstrate a	45393
level of achievement so that any student attaining a score within	45394
such range has achieved one of the following:	45395
(a) An advanced level of skill;	45396
(b) ~~An accelerated level of skill;~~	45397
(~~e~~) A proficient level of skill;	45398
(~~d~~) ~~A basic level of skill;~~	45399
(~~e~~)(<u>c</u>) A limited level of skill.	45400
(B)(<u>1</u>) The ~~tests~~ <u>assessments</u> prescribed under ~~this~~ division	45401
(B)(<u>1</u>) of this section shall collectively be known as the Ohio	45402
graduation tests. The state board shall prescribe five statewide	45403
high school achievement ~~tests~~ <u>assessments</u> , one each designed to	45404
measure the level of reading, writing, mathematics, science, and	45405
social studies skill expected at the end of tenth grade. The	45406
state board shall designate a score in at least the range	45407
designated under division (A)(2)(~~e~~)(<u>b</u>) of this section on each	45408
such ~~test~~ <u>assessment</u> that shall be deemed to be a passing score	45409
on the ~~test~~ <u>assessment</u> as a condition toward granting high school	45410

diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 45411
of the Revised Code until the assessment system prescribed by 45412
section 3301.0712 of the Revised Code is implemented in 45413
accordance with rules adopted by the state board under division 45414
(E) of that section. 45415

(2) The state board shall prescribe an assessment system in 45416
accordance with section 3301.0712 of the Revised Code that shall 45417
replace the Ohio graduation tests in the manner prescribed by 45418
rules adopted by the state board under division (E) of that 45419
section. 45420

(3) The state board may enter into a reciprocal agreement 45421
with the appropriate body or agency of any other state that has 45422
similar statewide achievement ~~testing~~assessment requirements for 45423
receiving high school diplomas, under which any student who has 45424
met an achievement ~~testing~~assessment requirement of one state is 45425
recognized as having met the similar ~~achievement testing~~ 45426
requirement of the other state for purposes of receiving a high 45427
school diploma. For purposes of this section and sections 45428
3301.0711 and 3313.61 of the Revised Code, any student enrolled in 45429
any public high school in this state who has met an achievement 45430
~~testing~~assessment requirement specified in a reciprocal agreement 45431
entered into under this division shall be deemed to have attained 45432
at least the applicable score designated under this division on 45433
each ~~test~~assessment required by this division (B)(1) or (2) of 45434
this section that is specified in the agreement. 45435

~~(C) Except as provided in division (H) of this section, the~~ 45436
~~state board shall annually designate as follows the dates on which~~ 45437
~~the tests prescribed under this section shall be administered:~~ 45438

~~(1) For the reading test prescribed under division (A)(1)(a)~~ 45439
~~of this section, as follows:~~ 45440

~~(a) One date prior to the thirty first day of December each~~ 45441

school year;	45442
~~(b) At least one date of each school year that is not earlier than Monday of the week containing the twenty-fourth day of April.~~	45443 45444 45445
~~(2) For the mathematics test prescribed under division (A)(1)(a) of this section and the tests prescribed under divisions (A)(1)(b), (c), (d), (e), and (f) of this section, at least one date of each school year that is not earlier than Monday of the week containing the twenty-fourth day of April;~~	45446 45447 45448 45449 45450
~~(3) For the tests prescribed under division (B) of this section, at least one date in each school year that is not earlier than Monday of the week containing the fifteenth day of March for all tenth grade students and at least one date prior to the thirty-first day of December and at least one date subsequent to that date but prior to the thirty-first day of March of each school year for eleventh and twelfth grade students.~~	45451 45452 45453 45454 45455 45456 45457
~~(D) In prescribing test dates pursuant to division (C)(3) of this section, the state board shall, to the greatest extent practicable, provide options to school districts in the case of tests administered under that division to eleventh and twelfth grade students and in the case of tests administered to students pursuant to division (C)(2) of section 3301.0711 of the Revised Code. Such options shall include at least an opportunity for school districts to give such tests outside of regular school hours.~~	45458 45459 45460 45461 45462 45463 45464 45465 45466
~~(E) In~~ <u>The superintendent of public instruction shall designate dates and times for the administration of the assessments prescribed by divisions (A) and (B) of this section.</u>	45467 45468 45469
<u>In prescribing test</u> ~~administration~~ dates pursuant to this section <u>division</u> , the state board of education <u>superintendent</u>	45470 45471

shall designate the dates in such a way as to allow a reasonable
length of time between the administration of ~~tests~~assessments
prescribed under this section and any administration of the
~~National Assessment~~national assessment of ~~Education Progress~~
~~Test~~educational progress given to students in the same grade
level pursuant to section 3301.27 of the Revised Code or federal
law.

~~(F)~~(D) The state board shall prescribe a practice version of
each Ohio graduation test described in division (B)(1) of this
section that is of comparable length to the actual test.

~~(G)~~(E) Any committee established by the department of
education for the purpose of making recommendations to the state
board regarding the state board's designation of scores on the
~~tests~~assessments described by this section shall inform the
state board of the probable percentage of students who would
score in each of the ranges established under division (A)(2) of
this section on the ~~tests~~assessments if the committee's
recommendations are adopted by the state board. To the extent
possible, these percentages shall be disaggregated by gender,
major racial and ethnic groups, limited English proficient
students, economically disadvantaged students, students with
disabilities, and migrant students.

If the state board intends to make any change to the
committee's recommendations, the state board shall explain the
intended change to the Ohio accountability task force established
by section 3302.021 of the Revised Code. The task force shall
recommend whether the state board should proceed to adopt the
intended change. Nothing in this division shall require the state
board to designate ~~test~~assessment scores based upon the
recommendations of the task force.

~~(H)~~(1) ~~The state board shall require any alternate assessment
administered to a student under division (C)~~(1) of section

3301.0711 of the Revised Code to be completed and submitted to the
entity with which the department contracts for the scoring of the
test not later than the first day of April of the school year in
which the test is administered.

(2) For any test prescribed by this section, the state board
may designate a date one week earlier than the applicable date
designated under division (C) of this section for the
administration of the test to limited English proficient students.

(3) In designating days for the administration of the tests
prescribed by division (A) of this section, the state board shall
require the tests for each grade level to be administered over a
period of two weeks.

Sec. 3301.0711. (A) The department of education shall:

(1) Annually furnish to, grade, and score all tests
assessments required by divisions (A)(1) and (B)(1) of section
3301.0710 of the Revised Code to be administered by city, local,
exempted village, and joint vocational school districts, except
that each district shall score any ~~test~~assessment administered
pursuant to division (B)(10) of this section. Each ~~test~~
assessment so furnished shall include the data verification code
of the student to whom the ~~test~~assessment will be administered,
as assigned pursuant to division (D)(2) of section 3301.0714 of
the Revised Code. In furnishing the practice versions of Ohio
graduation tests prescribed by division ~~(F)~~(D) of section
3301.0710 of the Revised Code, the department shall make the
tests available on its web site for reproduction by districts. In
awarding contracts for grading ~~tests~~assessments, the department
shall give preference to Ohio-based entities employing Ohio
residents.

(2) Adopt rules for the ethical use of ~~tests~~assessments and
prescribing the manner in which the ~~tests~~assessments prescribed

by section 3301.0710 of the Revised Code shall be administered to students. 45535
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(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section: 45537
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(1) Administer the ~~reading test~~English language arts assessments prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that ~~test~~assessment under division (A)(2)(~~e~~)(b) of section 3301.0710 of the Revised Code. 45541
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(2) Administer the mathematics ~~test~~assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade. 45547
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(3) Administer the ~~tests~~assessments prescribed under division (A)(1)(b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade. 45550
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(4) Administer the ~~tests~~assessments prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade. 45553
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(5) Administer the ~~tests~~assessments prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade. 45556
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(6) Administer the ~~tests~~assessments prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade. 45559
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(7) Administer the ~~tests~~assessments prescribed under 45562

division (A)(1)(f) of section 3301.0710 of the Revised Code at 45563
least once annually to all students in the eighth grade. 45564

(8) Except as provided in division (B)(9) of this section, 45565
administer any ~~test~~assessment prescribed under division (B)(1) of 45566
section 3301.0710 of the Revised Code as follows: 45567

(a) At least once annually to all tenth grade students and at 45568
least twice annually to all students in eleventh or twelfth grade 45569
who have not yet attained the score on that ~~test~~assessment 45570
designated under that division; 45571

(b) To any person who has successfully completed the 45572
curriculum in any high school or the individualized education 45573
program developed for the person by any high school pursuant to 45574
section 3323.08 of the Revised Code but has not received a high 45575
school diploma and who requests to take such ~~test~~assessment, at 45576
any time such ~~test~~assessment is administered in the district. 45577

(9) In lieu of the board of education of any city, local, or 45578
exempted village school district in which the student is also 45579
enrolled, the board of a joint vocational school district shall 45580
administer any ~~test~~assessment prescribed under division (B)(1) of 45581
section 3301.0710 of the Revised Code at least twice annually to 45582
any student enrolled in the joint vocational school district who 45583
has not yet attained the score on that ~~test~~assessment designated 45584
under that division. A board of a joint vocational school district 45585
may also administer such a ~~test~~an assessment to any student 45586
described in division (B)(8)(b) of this section. 45587

(10) If the district has been declared to be under an 45588
academic watch or in a state of academic emergency pursuant to 45589
section 3302.03 of the Revised Code or has a three-year average 45590
graduation rate of not more than seventy-five per cent, administer 45591
each ~~test~~assessment prescribed by division (F)(D) of section 45592
3301.0710 of the Revised Code in September to all ninth grade 45593

students, beginning in the school year that starts July 1, 2005. 45594

Except as provided in section 3313.614 of the Revised Code 45595
for administration of an assessment to a person who has fulfilled 45596
the curriculum requirement for a high school diploma but has not 45597
passed one or more of the required assessments, the assessments 45598
prescribed under division (B)(1) of section 3301.0710 of the 45599
Revised Code and the practice assessments prescribed under 45600
division (D) of that section and required to be administered under 45601
divisions (B)(8), (9), and (10) of this section shall not be 45602
administered after the assessment system prescribed by division 45603
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 45604
Code is implemented under rule of the state board adopted under 45605
division (E)(1) of section 3301.0712 of the Revised Code. 45606

(11) Administer the assessments prescribed by division (B)(2) 45607
of section 3301.0710 and section 3301.0712 of the Revised Code in 45608
accordance with the timeline and plan for implementation of those 45609
assessments prescribed by rule of the state board adopted under 45610
division (E)(1) of section 3301.0712 of the Revised Code. 45611

(C)(1)(a) Any student receiving special education services 45612
under Chapter 3323. of the Revised Code may be excused from taking 45613
any particular ~~test~~assessment required to be administered under 45614
this section if the individualized education program developed 45615
for the student pursuant to section 3323.08 of the Revised Code 45616
excuses the student from taking that ~~test~~assessment and instead 45617
specifies an alternate assessment method approved by the 45618
department of education as conforming to requirements of federal 45619
law for receipt of federal funds for disadvantaged pupils. To the 45620
extent possible, the individualized education program shall not 45621
excuse the student from taking a ~~test~~an assessment unless no 45622
reasonable accommodation can be made to enable the student to 45623
take the ~~test~~assessment. 45624

(b) Any alternate assessment approved by the department for a 45625

student under this division shall produce measurable results 45626
comparable to those produced by the ~~tests which the alternate~~ 45627
~~assessments are replacing~~assessment it replaces in order to allow 45628
for the student's ~~assessment~~ results to be included in the data 45629
compiled for a school district or building under section 3302.03 45630
of the Revised Code. 45631

(c) Any student enrolled in a chartered nonpublic school who 45632
has been identified, based on an evaluation conducted in 45633
accordance with section 3323.03 of the Revised Code or section 504 45634
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 45635
794, as amended, as a child with a disability shall be excused 45636
from taking any particular ~~test~~assessment required to be 45637
administered under this section if a plan developed for the 45638
student pursuant to rules adopted by the state board excuses the 45639
student from taking that ~~test~~assessment. In the case of any 45640
student so excused from taking a ~~test~~an assessment, the chartered 45641
nonpublic school shall not prohibit the student from taking the 45642
~~test~~assessment. 45643

(2) A district board may, for medical reasons or other good 45644
cause, excuse a student from taking a ~~test~~an assessment 45645
administered under this section on the date scheduled, but ~~any~~ 45646
~~such test~~that assessment shall be administered to ~~such the~~ 45647
excused student not later than nine days following the scheduled 45648
date. The district board shall annually report the number of 45649
students who have not taken one or more of the ~~tests~~assessments 45650
required by this section to the state board of education not later 45651
than the thirtieth day of June. 45652

(3) As used in this division, "limited English proficient 45653
student" has the same meaning as in 20 U.S.C. 7801. 45654

No school district board shall excuse any limited English 45655
proficient student from taking any particular ~~test~~assessment 45656
required to be administered under this section, except that any 45657

limited English proficient student who has been enrolled in 45658
United States schools for less than one full school year shall 45659
not be required to take any ~~such~~ reading or writing ~~test~~, or 45660
English language arts assessment. However, no board shall prohibit 45661
a limited English proficient student who is not required to take a 45662
~~test~~ an assessment under this division from taking the ~~test~~ 45663
assessment. A board may permit any limited English proficient 45664
student to take ~~any test~~ an assessment required to be 45665
administered under this section with appropriate accommodations, 45666
as determined by the department. For each limited English 45667
proficient student, each school district shall annually assess 45668
that student's progress in learning English, in accordance with 45669
procedures approved by the department. 45670

The governing authority of a chartered nonpublic school may 45671
excuse a limited English proficient student from taking any ~~test~~ 45672
assessment administered under this section. However, no governing 45673
authority shall prohibit a limited English proficient student 45674
from taking the ~~test~~ assessment. 45675

(D)(1) In the school year next succeeding the school year in 45676
which the ~~tests~~ assessments prescribed by division (A)(1) or 45677
(B)(1) of section 3301.0710 of the Revised Code or former division 45678
(A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code 45679
as it existed prior to September 11, 2001, are administered to 45680
any student, the board of education of any school district in 45681
which the student is enrolled in that year shall provide to the 45682
student intervention services commensurate with the student's ~~test~~ 45683
performance, including any intensive intervention required under 45684
section 3313.608 of the Revised Code, in any skill in which the 45685
student failed to demonstrate at least a score at the proficient 45686
level on the ~~test~~ assessment. 45687

(2) Following any administration of the ~~tests~~ assessments 45688
prescribed by division ~~(F)~~ (D) of section 3301.0710 of the Revised 45689

Code to ninth grade students, each school district that has a
three-year average graduation rate of not more than seventy-five
per cent shall determine for each high school in the district
whether the school shall be required to provide intervention
services to any students who took the ~~tests~~assessments. In
determining which high schools shall provide intervention
services based on the resources available, the district shall
consider each school's graduation rate and scores on the practice
~~tests~~assessments. The district also shall consider the scores
received by ninth grade students on the ~~reading~~English language
arts and mathematics ~~tests~~assessments prescribed under division
(A)(1)(f) of section 3301.0710 of the Revised Code in the eighth
grade in determining which high schools shall provide
intervention services.

Each high school selected to provide intervention services
under this division shall provide intervention services to any
student whose ~~test~~ results indicate that the student is failing to
make satisfactory progress toward being able to attain scores at
the proficient level on the Ohio graduation tests. Intervention
services shall be provided in any skill in which a student
demonstrates unsatisfactory progress and shall be commensurate
with the student's ~~test~~ performance. Schools shall provide the
intervention services prior to the end of the school year, during
the summer following the ninth grade, in the next succeeding
school year, or at any combination of those times.

(E) Except as provided in section 3313.608 of the Revised
Code and division (M) of this section, no school district board of
education shall utilize any student's failure to attain a
specified score on ~~any test~~an assessment administered under this
section as a factor in any decision to deny the student promotion
to a higher grade level. However, a district board may choose not
to promote to the next grade level any student who does not take
~~any test~~an assessment administered under this section or make up

~~such test~~ an assessment as provided by division (C)(2) of this 45723
section and who is not exempt from the requirement to take the 45724
~~test~~ assessment under division (C)(3) of this section. 45725

(F) No person shall be charged a fee for taking any ~~test~~ 45726
assessment administered under this section. 45727

(G)(1) Each school district board shall designate one 45728
location for the collection of ~~tests~~ assessments administered in 45729
the spring under division (B)(1) of this section and ~~the tests~~ 45730
those administered under divisions (B)(2) to (7) of this section. 45731
Each district board shall submit the ~~tests~~ assessments to the 45732
entity with which the department contracts for the scoring of the 45733
~~tests~~ assessments as follows: 45734

(a) If the district's total enrollment in grades kindergarten 45735
through twelve during the first full school week of October was 45736
less than two thousand five hundred, not later than the Friday 45737
after all of the ~~tests~~ assessments have been administered; 45738

(b) If the district's total enrollment in grades kindergarten 45739
through twelve during the first full school week of October was 45740
two thousand five hundred or more, but less than seven thousand, 45741
not later than the Monday after all of the ~~tests~~ assessments have 45742
been administered; 45743

(c) If the district's total enrollment in grades kindergarten 45744
through twelve during the first full school week of October was 45745
seven thousand or more, not later than the Tuesday after all of 45746
the ~~tests~~ assessments have been administered. 45747

However, any ~~such test~~ assessment that a student takes during 45748
the make-up period described in division (C)(2) of this section 45749
shall be submitted not later than the Friday following the day 45750
the student takes the ~~test~~ assessment. 45751

(2) The department or an entity with which the department contracts for the scoring of the ~~test~~assessment shall send to each school district board a list of the individual ~~test~~ scores of all persons taking ~~any test~~an assessment prescribed by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code within sixty days after its administration, but in no case shall the scores be returned later than the fifteenth day of June following the administration. For ~~any tests~~assessments administered under this section by a joint vocational school district, the department or entity shall also send to each city, local, or exempted village school district a list of the individual ~~test~~ scores of any students of such city, local, or exempted village school district who are attending school in the joint vocational school district.

(H) Individual ~~test~~ scores on any ~~tests~~assessments administered under this section shall be released by a district board only in accordance with section 3319.321 of the Revised Code and the rules adopted under division (A) of this section. No district board or its employees shall utilize individual or aggregate ~~test~~ results in any manner that conflicts with rules for the ethical use of ~~tests~~assessments adopted pursuant to division (A) of this section.

(I) Except as provided in division (G) of this section, the department or an entity with which the department contracts for the scoring of the ~~test~~assessment shall not release any individual ~~test~~ scores on any ~~test~~assessment administered under this section. The state board of education shall adopt rules to ensure the protection of student confidentiality at all times. The rules may require the use of the data verification codes assigned to students pursuant to division (D)(2) of section 3301.0714 of the Revised Code to protect the confidentiality of student ~~test~~ scores.

(J) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to the board of education of any cooperative education school district except as provided under rules adopted pursuant to this division.

(1) In accordance with rules that the state board of education shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code may enter into an agreement with the board of education of the cooperative education school district for administering any ~~test~~ assessment prescribed under this section to students of the city, exempted village, or local school district who are attending school in the cooperative education school district.

(2) In accordance with rules that the state board of education shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to section 3311.521 of the Revised Code shall enter into an agreement with the cooperative district that provides for the administration of any ~~test~~ assessment prescribed under this section to both of the following:

(a) Students who are attending school in the cooperative district and who, if the cooperative district were not established, would be entitled to attend school in the city, local, or exempted village school district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(b) Persons described in division (B)(8)(b) of this section.

Any ~~testing~~ assessment of students pursuant to such an agreement shall be in lieu of any ~~testing~~ assessment of such students or persons pursuant to this section.

(K)(1) As a condition of compliance with section 3313.612 of the Revised Code, each chartered nonpublic school that educates students in grades nine through twelve shall administer the assessments prescribed by divisions (B)(1) and (2) of section 3301.0710 of the Revised Code. Any chartered nonpublic school may participate in the ~~testing~~assessment program by administering any of the ~~tests~~assessments prescribed by division (A) of section 3301.0710 or 3301.0712 of the Revised Code if the. The chief administrator of the school ~~specifies~~shall specify which ~~tests~~assessments the school ~~wishes to~~will administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which ~~tests~~assessments are administered and shall include a pledge that the nonpublic school will administer the specified ~~tests~~assessments in the same manner as public schools are required to do under this section and rules adopted by the department.

(2) The department of education shall furnish the ~~tests~~assessments prescribed by section 3301.0710 or 3301.0712 of the Revised Code to ~~any~~each chartered nonpublic school ~~electing to participate~~that participates under this division.

(L)(1) The superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the ~~tests~~assessments described by ~~section~~sections 3301.0710 and 3301.0712 of the Revised Code. Each superintendent shall administer the ~~tests~~assessments in the same manner as district boards are required to do under this section and rules adopted by the department of education and in conformity with division (C)(1)(a) of this section.

(2) The department of education shall furnish the ~~tests~~assessments described by ~~section~~sections 3301.0710 and 3301.0712 of the Revised Code to each superintendent.

(M) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at least the basic/proficient range on the mathematics ~~test~~assessment described by division (A)(1)(a) of section 3301.0710 of the Revised Code or on ~~any of the tests~~an assessment described by division (A)(1)(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

(N)(1) In the manner specified in divisions (N)(3) ~~to (5)~~and (4) of this section, the ~~tests~~assessments required by division (A)(1) of section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on the first day of July following the school year that the ~~test~~was assessments were administered.

(2) The department may field test proposed ~~test~~ questions with samples of students to determine the validity, reliability, or appropriateness of ~~test~~ questions for possible inclusion in a future year's ~~test~~assessment. The department also may use anchor questions on ~~tests~~assessments to ensure that different versions of the same ~~test~~assessment are of comparable difficulty.

Field test questions and anchor questions shall not be considered in computing ~~test~~ scores for individual students. Field test questions and anchor questions may be included as part of the administration of any ~~test~~assessment required by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code.

(3) Any field test question or anchor question administered under division (N)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any ~~tests~~assessments which are released as a public record pursuant to division (N)(1) of this section.

(4) This division applies to the ~~test~~assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

(a) The first administration of each ~~test~~assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record.

(b) For subsequent administrations of each ~~test~~assessment, not less than forty per cent of the questions on the ~~test~~assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future ~~test~~assessment and those questions shall not be public records and shall be redacted from the ~~test~~assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board of education under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (N)(3) of this section.

(5) Each ~~test~~assessment prescribed by division (B)(1) of section 3301.0710 of the Revised Code ~~that is administered in the spring shall be a public record. Each test prescribed by that division that is administered in the fall or summer shall not be a public record.~~

(O) As used in this section:

(1) "Three-year average" means the average of the most recent consecutive three school years of data.

(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board

of education or an education program outside the state. "Dropout" 45907
does not include a student who has departed the country. 45908

(3) "Graduation rate" means the ratio of students receiving a 45909
diploma to the number of students who entered ninth grade four 45910
years earlier. Students who transfer into the district are added 45911
to the calculation. Students who transfer out of the district for 45912
reasons other than dropout are subtracted from the calculation. If 45913
a student who was a dropout in any previous year returns to the 45914
same school district, that student shall be entered into the 45915
calculation as if the student had entered ninth grade four years 45916
before the graduation year of the graduating class that the 45917
student joins. 45918

Sec. 3301.0712. (A) The state board of education, the 45919
superintendent of public instruction, and the chancellor of the 45920
Ohio board of regents shall develop a system of college and work 45921
ready assessments as described in divisions (B)(1) to (3) of this 45922
section to assess whether each student upon graduating from high 45923
school is ready to enter college or the workforce. The system 45924
shall replace the Ohio graduation tests prescribed in division 45925
(B)(1) of section 3301.0710 of the Revised Code as a measure of 45926
student academic performance and a prerequisite for eligibility 45927
for a high school diploma in the manner prescribed by rule of the 45928
state board adopted under division (E) of this section. 45929

(B) The college and work ready assessment system shall 45930
consist of the following: 45931

(1) A nationally standardized assessment that measures 45932
competencies in science, mathematics, and English language arts 45933
selected jointly by the state superintendent and the chancellor. 45934

(2) A series of end-of-course examinations in the areas of 45935
science, mathematics, English language arts, and social studies 45936
selected jointly by the state superintendent and the chancellor in 45937

<u>consultation with faculty in the appropriate subject areas at</u>	45938
<u>institutions of higher education of the university system of Ohio.</u>	45939
<u>(3) A senior project completed by a student or a group of</u>	45940
<u>students. The purpose of the senior project is to assess the</u>	45941
<u>student's:</u>	45942
<u>(a) Mastery of core knowledge in a subject area chosen by the</u>	45943
<u>student;</u>	45944
<u>(b) Written and verbal communication skills;</u>	45945
<u>(c) Critical thinking and problem-solving skills;</u>	45946
<u>(d) Real-world and interdisciplinary learning;</u>	45947
<u>(e) Creative and innovative thinking;</u>	45948
<u>(f) Acquired technology, information, and media skills;</u>	45949
<u>(g) Personal management skills such as self-direction, time</u>	45950
<u>management, work ethic, enthusiasm, and the desire to produce a</u>	45951
<u>high quality product.</u>	45952
<u>The state superintendent and the chancellor jointly shall</u>	45953
<u>develop standards for the senior project for students</u>	45954
<u>participating in dual enrollment programs.</u>	45955
<u>(C)(1) The state superintendent and the chancellor jointly</u>	45956
<u>shall designate the scoring rubrics and the required overall</u>	45957
<u>composite score for the assessment system to assess whether each</u>	45958
<u>student is college or work ready.</u>	45959
<u>(2) Each senior project shall be judged by the student's high</u>	45960
<u>school in accordance with rubrics designated by the state</u>	45961
<u>superintendent and the chancellor.</u>	45962

(D) Not later than thirty days after the state board adopts the model curricula required by division (B) of section 3301.079 of the Revised Code, the state board shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations and scoring rubrics prescribed by this section.

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(E) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following:

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(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted;

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(2) The date after which a person entering ninth grade shall attain at least the composite score for the entire assessment system as a prerequisite for a high school diploma under sections 3313.61, 3313.612, or 3325.08 of the Revised Code;

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(3) The date after which a person shall attain at least the composite score for the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code;

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(4) Whether and the extent to which a person may be excused from a social studies end-of-course examination under division (H) of section 3313.61 and division (B)(2) of section 3313.612 of the Revised Code;

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(5) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall attain at least the composite

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score for the entire assessment system as a prerequisite for a 45993
high school diploma under division (B) of section 3313.614 of the 45994
Revised Code; 45995

(6) The extent to which the assessment system applies to 45996
students enrolled in a dropout recovery and prevention program for 45997
purposes of division (F) of section 3313.603 and section 3314.36 45998
of the Revised Code. 45999

No rule adopted under this division shall be effective 46000
earlier than one year after the date the rule is filed in final 46001
form pursuant to Chapter 119. of the Revised Code. 46002

(F) Not later than forty-five days prior to the state board's 46003
adoption of a resolution directing the department of education to 46004
file the rules prescribed by division (E) of this section in final 46005
form under section 119.04 of the Revised Code, the superintendent 46006
of public instruction shall present the assessment system 46007
developed under this section to the respective committees of the 46008
house of representatives and senate that consider education 46009
legislation. 46010

Sec. 3301.0714. (A) The state board of education shall adopt 46011
rules for a statewide education management information system. The 46012
rules shall require the state board to establish guidelines for 46013
the establishment and maintenance of the system in accordance with 46014
this section and the rules adopted under this section. The 46015
guidelines shall include: 46016

(1) Standards identifying and defining the types of data in 46017
the system in accordance with divisions (B) and (C) of this 46018
section; 46019

(2) Procedures for annually collecting and reporting the data 46020
to the state board in accordance with division (D) of this 46021
section; 46022

(3) Procedures for annually compiling the data in accordance with division (G) of this section;	46023 46024
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section.	46025 46026
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	46027 46028 46029
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	46030 46031 46032
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.	46033 46034 46035 46036 46037 46038 46039 46040 46041 46042 46043 46044 46045 46046 46047 46048 46049 46050
(b) The numbers of students receiving support or extracurricular services for each of the support services or	46051 46052

extracurricular programs offered by the school district, such as	46053
counseling services, health services, and extracurricular sports	46054
and fine arts programs. The categories of services required by the	46055
guidelines under this division shall be the same as the categories	46056
of services used in determining cost units pursuant to division	46057
(C)(4)(a) of this section.	46058
(c) Average student grades in each subject in grades nine	46059
through twelve;	46060
(d) Academic achievement levels as assessed ~~by the testing of~~	46061
~~student achievement~~ under sections 3301.0710 ~~and~~ , 3301.0711, <u>and</u>	46062
<u>3301.0712</u> of the Revised Code;	46063
(e) The number of students designated as having a disabling	46064
condition pursuant to division (C)(1) of section 3301.0711 of the	46065
Revised Code;	46066
(f) The numbers of students reported to the state board	46067
pursuant to division (C)(2) of section 3301.0711 of the Revised	46068
Code;	46069
(g) Attendance rates and the average daily attendance for the	46070
year. For purposes of this division, a student shall be counted as	46071
present for any field trip that is approved by the school	46072
administration.	46073
(h) Expulsion rates;	46074
(i) Suspension rates;	46075
(j) ~~The percentage of students receiving corporal punishment;~~	46076
~~(k)~~ Dropout rates;	46077
~~(l)~~ <u>(k)</u> Rates of retention in grade;	46078

~~(m)~~(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;

~~(n)~~(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;

~~(o)~~(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.

(2) Personnel and classroom enrollment data for each school district, including:

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and

the numbers of full-time equivalent licensed employees and 46110
nonlicensed employees providing each category used pursuant to 46111
division (C)(4)(c) of this section. The guidelines adopted under 46112
this section shall require these categories of data to be 46113
maintained for the school district as a whole and, wherever 46114
applicable, for each grade in the school district as a whole, for 46115
each school building as a whole, and for each grade in each school 46116
building. 46117

(c) The total number of regular classroom teachers teaching 46118
classes of regular education and the average number of pupils 46119
enrolled in each such class, in each of grades kindergarten 46120
through five in the district as a whole and in each school 46121
building in the school district. 46122

(d) The number of ~~master~~lead teachers employed by each 46123
school district and each school building, ~~once a definition of~~ 46124
~~master teacher has been developed by the educator standards board~~ 46125
~~pursuant to section 3319.61 of the Revised Code.~~ 46126

(3)(a) Student demographic data for each school district, 46127
including information regarding the gender ratio of the school 46128
district's pupils, the racial make-up of the school district's 46129
pupils, the number of limited English proficient students in the 46130
district, and an appropriate measure of the number of the school 46131
district's pupils who reside in economically disadvantaged 46132
households. The demographic data shall be collected in a manner to 46133
allow correlation with data collected under division (B)(1) of 46134
this section. Categories for data collected pursuant to division 46135
(B)(3) of this section shall conform, where appropriate, to 46136
standard practices of agencies of the federal government. 46137

(b) With respect to each student entering kindergarten, 46138
whether the student previously participated in a public preschool 46139
program, a private preschool program, or a head start program, and 46140
the number of years the student participated in each of these 46141

programs.	46142
(4) Any data required to be collected pursuant to federal law.	46143 46144
(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:	46145 46146 46147 46148 46149 46150 46151 46152 46153
(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.	46154 46155 46156 46157 46158 46159
(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.	46160 46161 46162 46163 46164 46165
(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole	46166 46167 46168 46169 46170 46171 46172

and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category;

(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel supervising or coordinating the delivery of the instructional services category.

(4) Support or extracurricular services costs for each category of service directly provided to students and required by guidelines adopted pursuant to division (B)(1)(b) of this section. The guidelines shall require the cost units under division (C)(4) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each support or extracurricular services category required by guidelines adopted under division (B)(1)(b) of this section that is provided directly to students by a licensed employee, such as services provided by a guidance

counselor or any services provided by a licensed employee under a supplemental contract;	46204 46205
(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;	46206 46207 46208
(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.	46209 46210 46211 46212 46213
(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department	46214 46215 46216 46217 46218 46219 46220 46221 46222 46223 46224 46225 46226 46227 46228 46229 46230 46231 46232 46233 46234 46235

contracts for the scoring of ~~tests~~assessments administered under 46236
section 3301.0711 ~~or 3301.0712~~ of the Revised Code. The 46237
guidelines may require school districts to provide the social 46238
security numbers of individual staff members. 46239

(2) The guidelines shall provide for each school district or 46240
community school to assign a data verification code that is unique 46241
on a statewide basis over time to each student whose initial Ohio 46242
enrollment is in that district or school and to report all 46243
required individual student data for that student utilizing such 46244
code. The guidelines shall also provide for assigning data 46245
verification codes to all students enrolled in districts or 46246
community schools on the effective date of the guidelines 46247
established under this section. 46248

Individual student data shall be reported to the department 46249
through the information technology centers utilizing the code but, 46250
except as provided in sections 3310.11, 3310.42, 3313.978, and 46251
3317.20 of the Revised Code, at no time shall the state board or 46252
the department have access to information that would enable any 46253
data verification code to be matched to personally identifiable 46254
student data. 46255

Each school district shall ensure that the data verification 46256
code is included in the student's records reported to any 46257
subsequent school district or community school in which the 46258
student enrolls. Any such subsequent district or school shall 46259
utilize the same identifier in its reporting of data under this 46260
section. 46261

The director of health shall request and receive, pursuant to 46262
sections 3301.0723 and 3701.62 of the Revised Code, a data 46263
verification code for a child who is receiving services under 46264
division (A)(2) of section 3701.61 of the Revised Code. 46265

(E) The guidelines adopted under this section may require 46266

school districts to collect and report data, information, or
reports other than that described in divisions (A), (B), and (C)
of this section for the purpose of complying with other reporting
requirements established in the Revised Code. The other data,
information, or reports may be maintained in the education
management information system but are not required to be compiled
as part of the profile formats required under division (G) of this
section or the annual statewide report required under division (H)
of this section.

(F) Beginning with the school year that begins July 1, 1991,
the board of education of each school district shall annually
collect and report to the state board, in accordance with the
guidelines established by the board, the data required pursuant to
this section. A school district may collect and report these data
notwithstanding section 2151.357 or 3319.321 of the Revised Code.

(G) The state board shall, in accordance with the procedures
it adopts, annually compile the data reported by each school
district pursuant to division (D) of this section. The state board
shall design formats for profiling each school district as a whole
and each school building within each district and shall compile
the data in accordance with these formats. These profile formats
shall:

(1) Include all of the data gathered under this section in a
manner that facilitates comparison among school districts and
among school buildings within each school district;

(2) Present the data on academic achievement levels as
assessed by the testing of student achievement maintained pursuant
to division (B)(1)(d) of this section.

(H)(1) The state board shall, in accordance with the
procedures it adopts, annually prepare a statewide report for all
school districts and the general public that includes the profile

of each of the school districts developed pursuant to division (G) 46298
of this section. Copies of the report shall be sent to each school 46299
district. 46300

(2) The state board shall, in accordance with the procedures 46301
it adopts, annually prepare an individual report for each school 46302
district and the general public that includes the profiles of each 46303
of the school buildings in that school district developed pursuant 46304
to division (G) of this section. Copies of the report shall be 46305
sent to the superintendent of the district and to each member of 46306
the district board of education. 46307

(3) Copies of the reports received from the state board under 46308
divisions (H)(1) and (2) of this section shall be made available 46309
to the general public at each school district's offices. Each 46310
district board of education shall make copies of each report 46311
available to any person upon request and payment of a reasonable 46312
fee for the cost of reproducing the report. The board shall 46313
annually publish in a newspaper of general circulation in the 46314
school district, at least twice during the two weeks prior to the 46315
week in which the reports will first be available, a notice 46316
containing the address where the reports are available and the 46317
date on which the reports will be available. 46318

(I) Any data that is collected or maintained pursuant to this 46319
section and that identifies an individual pupil is not a public 46320
record for the purposes of section 149.43 of the Revised Code. 46321

(J) As used in this section: 46322

(1) "School district" means any city, local, exempted 46323
village, or joint vocational school district and, in accordance 46324
with section 3314.17 of the Revised Code, any community school. As 46325
used in division (L) of this section, "school district" also 46326
includes any educational service center or other educational 46327
entity required to submit data using the system established under 46328

this section.	46329
(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.	46330 46331 46332 46333 46334
(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.	46335 46336 46337 46338 46339
(L)(1) In accordance with division (L)(2) of this section and the rules adopted under division (L)(10) of this section, the department of education may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.	46340 46341 46342 46343 46344 46345 46346 46347
(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:	46348 46349 46350
(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.	46351 46352 46353 46354 46355 46356 46357 46358

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;	46359 46360 46361 46362 46363
(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;	46364 46365 46366
(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:	46367 46368 46369 46370
(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;	46371 46372
(ii) Conduct a site visit and evaluation of the district;	46373
(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	46374 46375 46376
(iv) Continue monitoring the district's data reporting;	46377
(v) Assign department staff to supervise the district's data management system;	46378 46379
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	46380 46381 46382
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as	46383 46384 46385

required by this section; 46386

(viii) If the district is issued a report card under section 46387
3302.03 of the Revised Code and incomplete or inaccurate data 46388
submitted by the district likely caused the district to receive a 46389
higher performance rating than it deserved under that section, 46390
issue a revised report card for the district; 46391

(ix) Any other action designed to correct the district's data 46392
reporting problems. 46393

(3) Any time the department takes an action against a school 46394
district under division (L)(2) of this section, the department 46395
shall make a report of the circumstances that prompted the action. 46396
The department shall send a copy of the report to the district 46397
superintendent or chief administrator and maintain a copy of the 46398
report in its files. 46399

(4) If any action taken under division (L)(2) of this section 46400
resolves a school district's data reporting problems to the 46401
department's satisfaction, the department shall not take any 46402
further actions described by that division. If the department 46403
withheld funds from the district under that division, the 46404
department may release those funds to the district, except that if 46405
the department withheld funding under division (L)(2)(c) of this 46406
section, the department shall not release the funds withheld under 46407
division (L)(2)(b) of this section and, if the department withheld 46408
funding under division (L)(2)(d) of this section, the department 46409
shall not release the funds withheld under division (L)(2)(b) or 46410
(c) of this section. 46411

(5) Notwithstanding anything in this section to the contrary, 46412
the department may use its own staff or an outside entity to 46413
conduct an audit of a school district's data reporting practices 46414
any time the department has reason to believe the district has not 46415
made a good faith effort to report data as required by this 46416

section. If any audit conducted by an outside entity under 46417
division (L)(2)(d)(i) or (5) of this section confirms that a 46418
district has not made a good faith effort to report data as 46419
required by this section, the district shall reimburse the 46420
department for the full cost of the audit. The department may 46421
withhold state funds due to the district for this purpose. 46422

(6) Prior to issuing a revised report card for a school 46423
district under division (L)(2)(d)(viii) of this section, the 46424
department may hold a hearing to provide the district with an 46425
opportunity to demonstrate that it made a good faith effort to 46426
report data as required by this section. The hearing shall be 46427
conducted by a referee appointed by the department. Based on the 46428
information provided in the hearing, the referee shall recommend 46429
whether the department should issue a revised report card for the 46430
district. If the referee affirms the department's contention that 46431
the district did not make a good faith effort to report data as 46432
required by this section, the district shall bear the full cost of 46433
conducting the hearing and of issuing any revised report card. 46434

(7) If the department determines that any inaccurate data 46435
reported under this section caused a school district to receive 46436
excess state funds in any fiscal year, the district shall 46437
reimburse the department an amount equal to the excess funds, in 46438
accordance with a payment schedule determined by the department. 46439
The department may withhold state funds due to the district for 46440
this purpose. 46441

(8) Any school district that has funds withheld under 46442
division (L)(2) of this section may appeal the withholding in 46443
accordance with Chapter 119. of the Revised Code. 46444

(9) In all cases of a disagreement between the department and 46445
a school district regarding the appropriateness of an action taken 46446
under division (L)(2) of this section, the burden of proof shall 46447
be on the district to demonstrate that it made a good faith effort 46448

to report data as required by this section. 46449

(10) The state board of education shall adopt rules under 46450
Chapter 119. of the Revised Code to implement division (L) of this 46451
section. 46452

(M) No information technology center or school district shall 46453
acquire, change, or update its student administration software 46454
package to manage and report data required to be reported to the 46455
department unless it converts to a student software package that 46456
is certified by the department. 46457

(N) The state board of education, in accordance with sections 46458
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 46459
license as defined under division (A) of section 3319.31 of the 46460
Revised Code that has been issued to any school district employee 46461
found to have willfully reported erroneous, inaccurate, or 46462
incomplete data to the education management information system. 46463

(O) No person shall release or maintain any information about 46464
any student in violation of this section. Whoever violates this 46465
division is guilty of a misdemeanor of the fourth degree. 46466

(P) The department shall disaggregate the data collected 46467
under division (B)(1)(~~e~~)(n) of this section according to the race 46468
and socioeconomic status of the students assessed. No data 46469
collected under that division shall be included on the report 46470
cards required by section 3302.03 of the Revised Code. 46471

(Q) If the department cannot compile any of the information 46472
required by division (C)(5) of section 3302.03 of the Revised Code 46473
based upon the data collected under this section, the department 46474
shall develop a plan and a reasonable timeline for the collection 46475
of any data necessary to comply with that division. 46476

Sec. 3301.0715. (A) Except as provided in division (E) of 46477

this section, the board of education of each city, local, and
exempted village school district shall administer each applicable
diagnostic assessment developed and provided to the district in
accordance with section 3301.079 of the Revised Code to the
following:

(1) Each student enrolled in a building that has failed to
make adequate yearly progress for two or more consecutive school
years;

(2) Any student who transfers into the district or to a
different school within the district if each applicable diagnostic
assessment was not administered by the district or school the
student previously attended in the current school year, within
thirty days after the date of transfer. If the district or school
into which the student transfers cannot determine whether the
student has taken any applicable diagnostic assessment in the
current school year, the district or school may administer the
diagnostic assessment to the student.

(3) Each kindergarten student, not earlier than four weeks
prior to the first day of school and not later than the first day
of October. For the purpose of division (A)(3) of this section,
the district shall administer the kindergarten readiness
assessment provided by the department of education. In no case
shall the results of the readiness assessment be used to prohibit
a student from enrolling in kindergarten.

(4) Each student enrolled in first or second grade.

(B) Each district board shall administer each diagnostic
assessment as the board deems appropriate. However, the board
shall administer any diagnostic assessment at least once annually
to all students in the appropriate grade level. A district board
may administer any diagnostic assessment in the fall and spring of
a school year to measure the amount of academic growth

attributable to the instruction received by students during that school year.

(C) Each district board shall utilize and score any diagnostic assessment administered under division (A) of this section in accordance with rules established by the department. Except as required by division (B)(1)(~~e~~)(n) of section 3301.0714 of the Revised Code, neither the state board of education nor the department shall require school districts to report the results of diagnostic assessments for any students to the department or to make any such results available in any form to the public. After the administration of any diagnostic assessment, each district shall provide a student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the parent of that student upon the parent's request.

(D) Each district board shall provide intervention services to students whose diagnostic assessments show that they are failing to make satisfactory progress toward attaining the academic standards for their grade level.

(E) Any district that made adequate yearly progress in the immediately preceding school year may assess student progress in grades one through three using a diagnostic assessment other than the diagnostic assessment required by division (A) of this section.

(F) A district board may administer the third grade ~~writing~~ English language arts diagnostic assessment provided to the district in accordance with section 3301.079 of the Revised Code to any student enrolled in a building that is not subject to division (A)(1) of this section. Any district electing to administer the diagnostic assessment to students under this division shall provide intervention services to any such student whose diagnostic assessment shows unsatisfactory progress toward

attaining the academic standards for the student's grade level. 46541

(G) As used in this section, "adequate yearly progress" has 46542
the same meaning as in section 3302.01 of the Revised Code. 46543

Sec. 3301.0716. Notwithstanding division (D) of section 46544
3301.0714 of the Revised Code, the department of education may 46545
have access to personally identifiable information about any 46546
student under the following circumstances: 46547

(A) An entity with which the department contracts for the 46548
scoring of ~~tests~~assessments administered under section 3301.0711 46549
or 3301.0712 of the Revised Code has notified the department that 46550
the student's written response to a question on ~~such a test~~an 46551
assessment included threats or descriptions of harm to another 46552
person or the student's self and the information is necessary to 46553
enable the department to identify the student for purposes of 46554
notifying the school district or school in which the student is 46555
enrolled of the potential for harm. 46556

(B) The department requests the information to respond to an 46557
appeal from a school district or school for verification of the 46558
accuracy of the student's score on ~~a test~~an assessment 46559
administered under section 3301.0711 or 3301.0712 of the Revised 46560
Code. 46561

(C) The department requests the information to determine 46562
whether the student satisfies the alternative conditions for a 46563
high school diploma prescribed in section 3313.615 of the Revised 46564
Code. 46565

Sec. 3301.0718. ~~(A) After completing the required standards~~ 46566
~~specified in section 3301.079 of the Revised Code, the state board~~ 46567
~~of education shall adopt standards and model curricula for~~ 46568
~~instruction in computer literacy for grades three through twelve~~ 46569
~~and in fine arts and foreign language for grades kindergarten~~ 46570

through twelve. 46571

~~(B) Not later than December 31, 2007, the state board shall 46572
adopt the most recent standards developed by the national 46573
association for sport and physical education for physical 46574
education in grades kindergarten through twelve or shall adopt its 46575
own standards for physical education in those grades. The 46576
department of education shall provide the standards, and any 46577
revisions of the standards, to all school districts and community 46578
schools established under Chapter 3314. of the Revised Code. Any 46579
school district or community school may utilize the standards. 46580~~

~~The department shall employ a full-time physical education 46581
coordinator to provide guidance and technical assistance to 46582
districts and community schools in implementing the standards 46583
adopted under this division. The superintendent of public 46584
instruction shall determine that the person employed as 46585
coordinator is qualified for the position, as demonstrated by 46586
possessing an adequate combination of education, license, and 46587
experience. The department shall hire a coordinator not later than 46588
October 31, 2007. 46589~~

~~(C) The state board of education shall not adopt or revise 46590
any standards or curriculum in the area of health unless, by 46591
concurrent resolution, the standards, curriculum, or revisions 46592
are approved by both houses of the general assembly. Before the 46593
house of representatives or senate votes on a concurrent 46594
resolution approving health standards, curriculum, or revisions, 46595
its standing committee having jurisdiction over education 46596
legislation shall conduct at least one public hearing on the 46597
standards, curriculum, or revisions. 46598~~

~~(D) The state board shall not adopt a diagnostic assessment 46599
or achievement test for any grade level or subject area other 46600
than those specified in section 3301.079 of the Revised Code. 46601~~

Sec. 3301.0719. (A) As used in this section, "business education" includes, but is not limited to, accounting, career development, economics and personal finance, entrepreneurship, information technology, management, and marketing.

(B) Not later than July 1, 2010, the state board of education shall adopt standards for business education in grades seven through twelve. The standards shall incorporate existing business education standards as appropriate to help guide instruction in the state's schools. The department shall provide the standards, and any revisions of the standards, to all school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code. Any school district, community school or STEM school may utilize the standards. Standards adopted under this division shall supplement, and not supersede, academic content standards adopted under section 3301.079 of the Revised Code.

Sec. 3301.0721. The superintendent of public instruction shall develop a model curriculum for instruction in college and career readiness and financial literacy. The curriculum shall focus on grades seven through twelve, but the superintendent may include other grade levels. When the model curriculum has been developed, the department of education shall notify all school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code of the content of the curriculum. Any district or school may utilize the model curriculum.

Sec. 3301.12. (A) The superintendent of public instruction in addition to the authority otherwise imposed on the superintendent, shall perform the following duties:

(1) The superintendent shall provide technical and professional assistance and advice to all school districts in reference to all aspects of education, including finance,

buildings and equipment, administration, organization of school districts, curriculum and instruction, transportation of pupils, personnel problems, and the interpretation of school laws and state regulations.

(2) The superintendent shall prescribe and require the preparation and filing of such financial and other reports from school districts, officers, and employees as are necessary or proper. The superintendent shall prescribe and require the installation by school districts of such standardized reporting forms and accounting procedures as are essential to the businesslike operations of the public schools of the state.

(3) The superintendent shall conduct such studies and research projects as are necessary or desirable for the improvement of public school education in Ohio, and such as may be assigned to the superintendent by the state board of education. Such studies and projects may include analysis of data contained in the education management information system established under section 3301.0714 of the Revised Code. For any study or project that requires the analysis of individual student data, the department of education or any entity with which the superintendent or department contracts to conduct the study or project shall maintain the confidentiality of student data at all times. For this purpose, the department or contracting entity shall use the data verification code assigned pursuant to division (D)(2) of section 3301.0714 of the Revised Code for each student whose data is analyzed. Except as otherwise provided in division (D)(1) of section 3301.0714 of the Revised Code, at no time shall the superintendent, the department, the state board of education, or any entity conducting a study or research project on the superintendent's behalf have access to a student's name, address, or social security number while analyzing individual student data.

(4) The superintendent shall prepare and submit annually to

the state board of education a report of the activities of the
department of education and the status, problems, and needs of
education in the state of Ohio.

(5) The superintendent shall supervise all agencies over
which the board exercises administrative control, including
schools for education of persons with disabilities.

(6) In accordance with section 3333.048 of the Revised Code,
the superintendent, jointly with the chancellor of the Ohio board
of regents, shall establish metrics and courses of study for
institutions of higher education that prepare educators and other
school personnel and shall provide for inspection of those
institutions.

(B) The superintendent of public instruction may annually
inspect and analyze the expenditures of each school district and
make a determination as to the efficiency of each district's
costs, relative to other school districts in the state, for
instructional, administrative, and student support services. The
superintendent shall notify each school district as to the nature
of, and reasons for, the determination. The state board of
education shall adopt rules in accordance with Chapter 119. of the
Revised Code setting forth the procedures and standards for the
performance of the inspection and analysis.

Sec. 3301.122. Not later than December 1, 2009, the
superintendent of public instruction shall develop a ten-year
strategic plan aligned with the strategic plan for higher
education developed by the chancellor of the Ohio board of regents
under division (D) of Section 375.30.25 of Am. Sub. H.B. 119 of
the 127th general assembly. The superintendent may consult with
the chancellor in developing the plan. The superintendent shall
submit the plan to the general assembly, in accordance with
section 101.68 of the Revised Code, and to the governor. The plan
shall include recommendations for:

(A) A framework for collaborative, professional, innovative,
and thinking twenty-first century learning environments; 46698
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(B) Ways to prepare and support Ohio's educators for
successful instructional careers; 46700
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(C) Enhancement of the current financial and resource
management accountability systems; 46702
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(D) Implementation of an effective school funding system. 46704

Sec. 3301.16. Pursuant to standards prescribed by the state 46705
board of education as provided in division (D) of section 3301.07 46706
of the Revised Code, the state board shall classify and charter 46707
school districts and individual schools within each district 46708
except that no charter shall be granted to a nonpublic school 46709
unless ~~pursuant to division (K) of section 3301.0711 of the~~ 46710
~~Revised Code the school elects to administer the tests prescribed~~ 46711
~~by division (B) of~~ complies with section 3301.07103313.612 of the 46712
Revised Code ~~beginning July 1, 1995.~~ 46713

In the course of considering the charter of a new school 46714
district created under section 3311.26 or 3311.38 of the Revised 46715
Code, the state board shall require the party proposing creation 46716
of the district to submit to the board a map, certified by the 46717
county auditor of the county in which the proposed new district is 46718
located, showing the boundaries of the proposed new district. In 46719
the case of a proposed new district located in more than one 46720
county, the map shall be certified by the county auditor of each 46721
county in which the proposed district is located. 46722

The state board shall revoke the charter of any school 46723
district or school which fails to meet the standards for 46724
elementary and high schools as prescribed by the board. The state 46725
board shall also revoke the charter of any nonpublic school that 46726

does not comply with section 3313.612 of the Revised Code ~~or, on~~ 46727
~~or after July 1, 1995, does not participate in the testing program~~ 46728
~~prescribed by division (B) of section 3301.0710 of the Revised~~ 46729
~~Code.~~ 46730

In the issuance and revocation of school district or school 46731
charters, the state board shall be governed by the provisions of 46732
Chapter 119. of the Revised Code. 46733

No school district, or individual school operated by a school 46734
district, shall operate without a charter issued by the state 46735
board under this section. 46736

In case a school district charter is revoked pursuant to this 46737
section, the state board may dissolve the school district and 46738
transfer its territory to one or more adjacent districts. An 46739
equitable division of the funds, property, and indebtedness of the 46740
school district shall be made by the state board among the 46741
receiving districts. The board of education of a receiving 46742
district shall accept such territory pursuant to the order of the 46743
state board. Prior to dissolving the school district, the state 46744
board shall notify the appropriate educational service center 46745
governing board and all adjacent school district boards of 46746
education of its intention to do so. Boards so notified may make 46747
recommendations to the state board regarding the proposed 46748
dissolution and subsequent transfer of territory. Except as 46749
provided in section 3301.161 of the Revised Code, the transfer 46750
ordered by the state board shall become effective on the date 46751
specified by the state board, but the date shall be at least 46752
thirty days following the date of issuance of the order. 46753

A high school is one of higher grade than an elementary 46754
school, in which instruction and training are given in accordance 46755
with sections 3301.07 and 3313.60 of the Revised Code and which 46756
also offers other subjects of study more advanced than those 46757
taught in the elementary schools and such other subjects as may be 46758

approved by the state board of education. 46759

An elementary school is one in which instruction and training 46760
are given in accordance with sections 3301.07 and 3313.60 of the 46761
Revised Code and which offers such other subjects as may be 46762
approved by the state board of education. In districts wherein a 46763
junior high school is maintained, the elementary schools in that 46764
district may be considered to include only the work of the first 46765
six school years inclusive, plus the kindergarten year. 46766

A high school or an elementary school may consist of less 46767
than one or more than one organizational unit, as defined in 46768
sections 3306.02 and 3306.04 of the Revised Code. 46769

Sec. 3301.42. The partnership for continued learning shall 46770
promote systemic approaches to education by supporting regional 46771
efforts to foster collaboration among providers of preschool 46772
through postsecondary education, identifying the workforce needs 46773
of private sector employers in the state, and making 46774
recommendations for facilitating collaboration among providers of 46775
preschool through postsecondary education and for maintaining a 46776
high-quality workforce in the state. Copies of the recommendations 46777
shall be provided to the governor, the president and minority 46778
leader of the senate, the speaker and minority leader of the house 46779
of representatives, the chairpersons and ranking minority members 46780
of the standing committees of the senate and the house of 46781
representatives that consider education legislation, the 46782
~~chairperson~~chancellor of the Ohio board of regents, and the 46783
president of the state board of education. The recommendations 46784
shall address at least the following issues: 46785

(A) Expansion of access to preschool and other learning 46786
opportunities for children under five years old; 46787

(B) Increasing opportunities for students to earn credit 46788
toward a degree from an institution of higher education while 46789

enrolled in high school, including expanded opportunities for 46790
students to earn that credit on their high school campuses; a 46791
definition of "in good standing" for purposes of section 3313.6013 46792
of the Revised Code; and legislative changes that the partnership, 46793
in consultation with the Ohio board of regents and the state board 46794
of education, determines would improve the operation of the 46795
post-secondary enrollment options program established under 46796
Chapter 3365. of the Revised Code and other dual enrollment 46797
programs. The recommendations for legislative changes required by 46798
this division shall be issued not later than May 31, 2007. 46799

(C) Expansion of access to workforce development programs 46800
administered by school districts, institutions of higher 46801
education, and other providers of career-technical education; 46802

(D) Alignment of the statewide academic standards for grades 46803
nine through twelve adopted under section 3301.079 of the Revised 46804
Code, the Ohio graduation tests prescribed by division (B)(1) of 46805
section 3301.0710 of the Revised Code and the assessment system 46806
prescribed by division (B)(2) of that section, and the curriculum 46807
requirements for a high school diploma prescribed by section 46808
3313.603 of the Revised Code with the expectations of employers 46809
and institutions of higher education regarding the knowledge and 46810
skills that high school graduates should attain prior to entering 46811
the workforce or enrolling in an institution of higher education; 46812

(E) Improving the science and mathematics skills of students 46813
and employees to meet the needs of a knowledge-intensive economy; 46814

(F) Reducing the number of students who need academic 46815
remediation after enrollment in an institution of higher 46816
education; 46817

(G) Expansion of school counseling career and educational 46818
programs, access programs, and other strategies to overcome 46819
financial, cultural, and organizational barriers that interfere 46820

with students' planning for postsecondary education and that	46821
prevent students from obtaining a postsecondary education;	46822
(H) Alignment of teacher preparation programs approved by the	46823
~~state board of education~~ <u>chancellor of the Ohio board of regents</u>	46824
pursuant to section ~~3319.23~~ <u>3333.048</u> of the Revised Code with the	46825
instructional needs and expectations of school districts;	46826
(I) Strategies for retaining more graduates of Ohio	46827
institutions of higher education in the state and for attracting	46828
talented individuals from outside Ohio to work in the state;	46829
(J) Strategies for promoting lifelong continuing education as	46830
a component of maintaining a strong workforce and economy;	46831
(K) Appropriate measures of the impact of statewide efforts	46832
to promote collaboration among providers of preschool through	46833
postsecondary education and to develop a high-quality workforce	46834
and strategies for collecting and sharing data relevant to such	46835
measures;	46836
(L) Strategies for developing and improving opportunities and	46837
for removing barriers to achievement for children identified as	46838
gifted under Chapter 3324. of the Revised Code;	46839
(M) Legislative changes to establish criteria by which state	46840
universities may waive the general requirement, under division (B)	46841
of section 3345.06 of the Revised Code, that a student complete	46842
the Ohio core curriculum to be admitted as an undergraduate. The	46843
partnership at least shall consider criteria for waiving the	46844
requirement for students who have served in the military and	46845
students who entered ninth grade on or after July 1, 2010, in	46846
another state and moved to Ohio prior to high school graduation.	46847
The recommendations for legislative changes under this division	46848
shall be developed in consultation with the Ohio board of regents	46849
and shall be issued not later than July 1, 2007.	46850

Sec. 3301.46. Not later than April 30, 2009, the department 46851
of education and the chancellor of the Ohio board of regents 46852
jointly shall propose a standard method and form for documenting 46853
on high school transcripts high school credits earned that are 46854
compatible with the standards for credit transfer and articulation 46855
adopted ~~by the board of regents~~ under sections 3333.16 and 46856
3333.161 of the Revised Code and any electronic clearinghouse for 46857
student transcript transfer developed by the ~~board of regents~~ 46858
chancellor. The proposal shall be submitted to the state board of 46859
education, ~~the chancellor of the board of regents, the partnership~~ 46860
~~for continued learning~~, the governor, the speaker and minority 46861
leader of the house of representatives, the president and minority 46862
leader of the senate, and the chairpersons and ranking minority 46863
members of the standing committees of the house of representatives 46864
and the senate that consider education legislation. 46865

Sec. 3301.55. (A) A school district, county MR/DD board, or 46866
eligible nonpublic school operating a preschool program shall 46867
house the program in buildings that meet the following 46868
requirements: 46869

(1) The building is operated by the district, county MR/DD 46870
board, or eligible nonpublic school and has been approved by the 46871
division of ~~industrial compliance~~labor in the department of 46872
commerce or a certified municipal, township, or county building 46873
department for the purpose of operating a program for preschool 46874
children. Any such structure shall be constructed, equipped, 46875
repaired, altered, and maintained in accordance with applicable 46876
provisions of Chapters 3781. and 3791. and with rules adopted by 46877
the board of building standards under Chapter 3781. of the Revised 46878
Code for the safety and sanitation of structures erected for this 46879
purpose. 46880

(2) The building is in compliance with fire and safety laws 46881
and regulations as evidenced by reports of annual school fire and 46882

safety inspections as conducted by appropriate local authorities. 46883

(3) The school is in compliance with rules established by the 46884
state board of education regarding school food services. 46885

(4) The facility includes not less than thirty-five square 46886
feet of indoor space for each child in the program. Safe play 46887
space, including both indoor and outdoor play space, totaling not 46888
less than sixty square feet for each child using the space at any 46889
one time, shall be regularly available and scheduled for use. 46890

(5) First aid facilities and space for temporary placement or 46891
isolation of injured or ill children are provided. 46892

(B) Each school district, county MR/DD board, or eligible 46893
nonpublic school that operates, or proposes to operate, a 46894
preschool program shall submit a building plan including all 46895
information specified by the state board of education to the board 46896
not later than the first day of September of the school year in 46897
which the program is to be initiated. The board shall determine 46898
whether the buildings meet the requirements of this section and 46899
section 3301.53 of the Revised Code, and notify the superintendent 46900
of its determination. If the board determines, on the basis of the 46901
building plan or any other information, that the buildings do not 46902
meet those requirements, it shall cause the buildings to be 46903
inspected by the department of education. The department shall 46904
make a report to the superintendent specifying any aspects of the 46905
building that are not in compliance with the requirements of this 46906
section and section 3301.53 of the Revised Code and the time 46907
period that will be allowed the district, county MR/DD board, or 46908
school to meet the requirements. 46909

Sec. 3301.57. (A) For the purpose of improving programs, 46910
facilities, and implementation of the standards promulgated by the 46911
state board of education under section 3301.53 of the Revised 46912
Code, the state department of education shall provide consultation 46913

and technical assistance to school districts, county MR/DD boards, 46914
and eligible nonpublic schools operating preschool programs or 46915
school child programs, and inservice training to preschool staff 46916
members, school child program staff members, and nonteaching 46917
employees. 46918

(B) The department and the school district board of 46919
education, county MR/DD board, or eligible nonpublic school shall 46920
jointly monitor each preschool program and each school child 46921
program. 46922

If the program receives any grant or other funding from the 46923
state or federal government, the department annually shall monitor 46924
all reports on attendance, financial support, and expenditures 46925
according to provisions for use of the funds. 46926

(C) The department of education, at least ~~twice~~once during 46927
every twelve-month period of operation of a preschool program or a 46928
licensed school child program, shall inspect the program and 46929
provide a written inspection report to the superintendent of the 46930
school district, county MR/DD board, or eligible nonpublic school. 46931
~~At least one inspection shall be unannounced, and all~~The 46932
department may inspect any program more than once, as considered 46933
necessary by the department, during any twelve-month period of 46934
operation. All inspections may be unannounced. No person shall 46935
interfere with any inspection conducted pursuant to this division 46936
or to the rules adopted pursuant to sections 3301.52 to 3301.59 of 46937
the Revised Code. 46938

Upon receipt of any complaint that a preschool program or a 46939
licensed school child program is out of compliance with the 46940
requirements in sections 3301.52 to 3301.59 of the Revised Code or 46941
the rules adopted under those sections, the department shall 46942
investigate and may inspect the program. 46943

(D) If a preschool program or a licensed school child program 46944

is determined to be out of compliance with the requirements of 46945
sections 3301.52 to 3301.59 of the Revised Code or the rules 46946
adopted under those sections, the department of education shall 46947
notify the appropriate superintendent, county MR/DD board, or 46948
eligible nonpublic school in writing regarding the nature of the 46949
violation, what must be done to correct the violation, and by what 46950
date the correction must be made. If the correction is not made by 46951
the date established by the department, it may commence action 46952
under Chapter 119. of the Revised Code to close the program or to 46953
revoke the license of the program. If a program does not comply 46954
with an order to cease operation issued in accordance with Chapter 46955
119. of the Revised Code, the department shall notify the attorney 46956
general, the prosecuting attorney of the county in which the 46957
program is located, or the city attorney, village solicitor, or 46958
other chief legal officer of the municipal corporation in which 46959
the program is located that the program is operating in violation 46960
of sections 3301.52 to 3301.59 of the Revised Code or the rules 46961
adopted under those sections and in violation of an order to cease 46962
operation issued in accordance with Chapter 119. of the Revised 46963
Code. Upon receipt of the notification, the attorney general, 46964
prosecuting attorney, city attorney, village solicitor, or other 46965
chief legal officer shall file a complaint in the court of common 46966
pleas of the county in which the program is located requesting the 46967
court to issue an order enjoining the program from operating. The 46968
court shall grant the requested injunctive relief upon a showing 46969
that the program named in the complaint is operating in violation 46970
of sections 3301.52 to 3301.59 of the Revised Code or the rules 46971
adopted under those sections and in violation of an order to cease 46972
operation issued in accordance with Chapter 119. of the Revised 46973
Code. 46974

(E) The department of education shall prepare an annual 46975
report on inspections conducted under this section. The report 46976
shall include the number of inspections conducted, the number and 46977
types of violations found, and the steps taken to address the 46978

violations. The department shall file the report with the
governor, the president and minority leader of the senate, and the
speaker and minority leader of the house of representatives on or
before the first day of January of each year, beginning in 1999.

Sec. 3301.60. The interstate compact on educational
opportunity for military children is hereby ratified, enacted into
law, and entered into by this state as a party thereto with any
other state that heretofore has legally joined or hereafter
legally joins the compact, as follows:

Interstate Compact on Educational

Opportunity for Military Children

ARTICLE I. PURPOSE

It is the purpose of this compact to remove barriers to
educational success imposed on children of military families
because of frequent moves and deployment of their parents by:

A. Facilitating the timely enrollment of children of military
families and ensuring that they are not placed at a disadvantage
due to difficulty in the transfer of education records from the
previous school district or variations in entrance or age
requirements.

B. Facilitating the student placement process through which
children of military families are not disadvantaged by variations
in attendance requirements, scheduling, sequencing, grading,
course content, or assessment.

C. Facilitating the qualification and eligibility for
enrollment, educational programs, and participation in

<u>extracurricular academic, athletic, and social activities.</u>	47005
<u>D. Facilitating the on-time graduation of children of military families.</u>	47006 47007
<u>E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact.</u>	47008 47009
<u>F. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.</u>	47010 47011 47012
<u>G. Promoting coordination between this compact and other compacts affecting military children.</u>	47013 47014
<u>H. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.</u>	47015 47016 47017
<u>ARTICLE II. DEFINITIONS</u>	47018
<u>As used in this compact, unless the context clearly requires a different construction:</u>	47019 47020
<u>A. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. 1209 and 1211.</u>	47021 47022 47023 47024
<u>B. "Children of military families" means school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member.</u>	47025 47026 47027
<u>C. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this compact.</u>	47028 47029 47030

D. "Deployment" means the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.

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E. "Educational records" or "education records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including, but not limited to, records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

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F. "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

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G. "Interstate Commission on Educational Opportunity for Military Children" means the commission that is created under Article IX of this compact, which is generally referred to as Interstate Commission.

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H. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions.

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I. "Member state" means a state that has enacted this compact.

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J. "Military installation" means a base, camp, post, station,

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yard, center, homeport facility for any ship, or other activity 47061
under the jurisdiction of the Department of Defense, including any 47062
leased facility, which is located within any of the several 47063
states, the District of Columbia, the Commonwealth of Puerto Rico, 47064
the U.S. Virgin Islands, Guam, American Samoa, the Northern 47065
Marianas Islands, and any other United States territory. Such term 47066
does not include any facility used primarily for civil works, 47067
rivers and harbors projects, or flood control projects. 47068

K. "Nonmember state" means a state that has not enacted this 47069
compact. 47070

L. "Receiving state" means the state to which a child of a 47071
military family is sent, brought, or caused to be sent or brought. 47072

M. "Rule" means a written statement by the Interstate 47073
Commission promulgated pursuant to Article XII of this compact 47074
that is of general applicability, implements, interprets, or 47075
prescribes a policy or provision of the compact, or an 47076
organizational, procedural, or practice requirement of the 47077
Interstate Commission, and has the force and effect of statutory 47078
law in a member state, and includes the amendment, repeal, or 47079
suspension of an existing rule. 47080

N. "Sending state" means the state from which a child of a 47081
military family is sent, brought, or caused to be sent or brought. 47082

O. "State" means a state of the United States, the District 47083
of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin 47084
Islands, Guam, American Samoa, the Northern Marianas Islands, and 47085
any other United States territory. 47086

P. "Student" means the child of a military family for whom 47087
the local education agency receives public funding and who is 47088
formally enrolled in kindergarten through twelfth grade. 47089

Q. "Transition" means 1) the formal and physical process of transferring from school to school or 2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

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R. "Uniformed services" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration and Public Health Service.

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S. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

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ARTICLE III. APPLICABILITY

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A. Except as otherwise provided in Section B, this compact shall apply to the children of:

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1. Active duty members of the uniformed services as defined in this compact, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. 1209 and 1211;

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2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and

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3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

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B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

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C. The provisions of this compact shall not apply to the children of:

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<u>1. Inactive members of the national guard and military reserves;</u>	47117 47118
<u>2. Members of the uniformed services now retired, except as provided in Section A;</u>	47119 47120
<u>3. Veterans of the uniformed services, except as provided in Section A; and</u>	47121 47122
<u>4. Other Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.</u>	47123 47124 47125
<u>ARTICLE IV. EDUCATIONAL RECORDS AND ENROLLMENT</u>	47126
<u>A. Unofficial or "hand-carried" education records - In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.</u>	47127 47128 47129 47130 47131 47132 47133 47134 47135 47136 47137
<u>B. Official education records and transcripts - Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.</u>	47138 47139 47140 47141 47142 47143 47144 47145 47146

C. Immunizations - Compacting states shall give thirty days 47147
from the date of enrollment or within such time as is reasonably 47148
determined under the rules promulgated by the Interstate 47149
Commission, for students to obtain any immunizations required by 47150
the receiving state. For a series of immunizations, initial 47151
vaccinations must be obtained within thirty days or within such 47152
time as is reasonably determined under the rules promulgated by 47153
the Interstate Commission. 47154

D. Kindergarten and first grade entrance age - Students shall 47155
be allowed to continue their enrollment at grade level in the 47156
receiving state commensurate with their grade level (including 47157
kindergarten) from a local education agency in the sending state 47158
at the time of transition, regardless of age. A student that has 47159
satisfactorily completed the prerequisite grade level in the local 47160
education agency in the sending state shall be eligible for 47161
enrollment in the next highest grade level in the receiving state, 47162
regardless of age. A student transferring after the start of the 47163
school year in the receiving state shall enter the school in the 47164
receiving state on their validated level from an accredited school 47165
in the sending state. 47166

ARTICLE V. PLACEMENT AND ATTENDANCE 47167

A. Course placement - When the student transfers before or 47168
during the school year, the receiving state school shall initially 47169
honor placement of the student in educational courses based on the 47170
student's enrollment in the sending state school or educational 47171
assessments conducted at the school in the sending state if the 47172
courses are offered. Course placement includes but is not limited 47173
to Honors, International Baccalaureate, Advanced Placement, 47174
vocational, technical, and career pathways courses. Continuing the 47175
student's academic program from the previous school and promoting 47176
placement in academically and career challenging courses should be 47177
paramount when considering placement. This does not preclude the 47178

school in the receiving state from performing subsequent 47179
evaluations to ensure appropriate placement and continued 47180
enrollment of the student in the courses. 47181

B. Educational program placement - The receiving state school 47182
shall initially honor placement of the student in educational 47183
programs based on current educational assessments conducted at the 47184
school in the sending state or participation/placement in like 47185
programs in the sending state. Such programs include, but are not 47186
limited to: 1) gifted and talented programs; and 2) English as a 47187
second language. This does not preclude the school in the 47188
receiving state from performing subsequent evaluations to ensure 47189
appropriate placement of the student. 47190

C. Special education services - 1) In compliance with the 47191
federal requirements of the Individuals with Disabilities 47192
Education Act (IDEA), 20 U.S.C. 1400 et seq., the receiving state 47193
shall initially provide comparable services to a student with 47194
disabilities based on the student's current individualized 47195
education program (IEP); and 2) in compliance with the 47196
requirements of Section 504 of the Rehabilitation Act, 29 U.S.C. 47197
794, and with Title II of the Americans with Disabilities Act, 42 47198
U.S.C. 12131 to 12165, the receiving state shall make reasonable 47199
accommodations and modifications to address the needs of incoming 47200
students with disabilities, subject to an existing Section 504 or 47201
Title II Plan, to provide the student with equal access to 47202
education. This does not preclude the school in the receiving 47203
state from performing subsequent evaluations to ensure appropriate 47204
placement of the student. 47205

D. Placement flexibility - Local education agency 47206
administrative officials shall have flexibility in waiving course 47207
or program prerequisites, or other preconditions for placement in 47208
courses or programs offered under the jurisdiction of the local 47209
education agency. 47210

E. Absence as related to deployment activities - A student 47211
whose parent or legal guardian is an active duty member of the 47212
uniformed services, as defined by the compact, and has been called 47213
to duty for, is on leave from, or immediately returned from 47214
deployment to a combat zone or combat support posting, shall be 47215
granted additional excused absences at the discretion of the local 47216
education agency superintendent to visit with the student's parent 47217
or legal guardian relative to such leave or deployment of the 47218
parent or guardian. 47219

ARTICLE VI. ELIGIBILITY 47220

A. Eligibility for enrollment 47221

1. A special power of attorney, relative to the guardianship 47222
of a child of a military family and executed under applicable law 47223
shall be sufficient for the purposes of enrollment and all other 47224
actions requiring parental participation and consent. 47225

2. A local education agency shall be prohibited from charging 47226
local tuition to a transitioning military child placed in the care 47227
of a noncustodial parent or other person standing in loco parentis 47228
who lives in a jurisdiction other than that of the custodial 47229
parent. 47230

3. A transitioning military child, placed in the care of a 47231
noncustodial parent or other person standing in loco parentis who 47232
lives in a jurisdiction other than that of the custodial parent, 47233
may continue to attend the school in which the child was enrolled 47234
while residing with the custodial parent. 47235

B. Eligibility for extracurricular participation - State and 47236
local education agencies shall facilitate the opportunity for 47237
transitioning military children's inclusion in extracurricular 47238
activities, regardless of application deadlines, to the extent 47239
they are otherwise qualified. 47240

ARTICLE VII. GRADUATION

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In order to facilitate the on-time graduation of children of military families states and local education agencies shall incorporate the following procedures:

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A. Waiver requirements - Local education agency administrative officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

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B. Exit exams - States shall accept: 1) exit or end-of-course exams required for graduation from the sending state; or 2) national norm-referenced achievement tests; or 3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her Senior year, then the provisions of Article VII, Section C shall apply.

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C. Transfers during Senior year - Should a military student transferring at the beginning or during the student's Senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in

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accordance with Sections A and B of this Article. 47272

ARTICLE VIII. STATE COORDINATION 47273

A. Each member state shall, through the creation of a state 47274
council or use of an existing body or board, provide for the 47275
coordination among its agencies of government, local education 47276
agencies and military installations concerning the state's 47277
participation in, and compliance with, this compact and Interstate 47278
Commission activities. While each member state may determine the 47279
membership of its own state council, its membership must include 47280
at least: the state superintendent of education, superintendent of 47281
a school district with a high concentration of military children, 47282
representative from a military installation, one representative 47283
each from the legislative and executive branches of government, 47284
and other offices and stakeholder groups the state council deems 47285
appropriate. A member state that does not have a school district 47286
deemed to contain a high concentration of military children may 47287
appoint a superintendent from another school district to represent 47288
local education agencies on the state council. 47289

B. The state council of each member state shall appoint or 47290
designate a military family education liaison to assist military 47291
families and the state in facilitating the implementation of this 47292
compact. 47293

C. The compact commissioner responsible for the 47294
administration and management of the state's participation in the 47295
compact shall be appointed by the governor or as otherwise 47296
determined by each member state. 47297

D. The compact commissioner and the military family education 47298
liaison designated herein shall be ex officio members of the state 47299
council, unless either is already a full voting member of the 47300
state council. 47301

ARTICLE IX. INTERSTATE COMMISSION ON EDUCATIONAL 47302
OPPORTUNITY
FOR MILITARY CHILDREN 47303

The member states hereby create the "Interstate Commission on 47304
Educational Opportunity for Military Children." The activities of 47305
the Interstate Commission are the formation of public policy and 47306
are a discretionary state function. The Interstate Commission 47307
shall: 47308

A. Be a body corporate and joint agency of the member states 47309
and shall have all the responsibilities, powers and duties set 47310
forth herein, and such additional powers as may be conferred upon 47311
it by a subsequent concurrent action of the respective 47312
legislatures of the member states in accordance with the terms of 47313
this compact. 47314

B. Consist of one Interstate Commission voting representative 47315
from each member state who shall be that state's compact 47316
commissioner. 47317

1. Each member state represented at a meeting of the 47318
Interstate Commission is entitled to one vote. 47319

2. A majority of the total member states shall constitute a 47320
quorum for the transaction of business, unless a larger quorum is 47321
required by the bylaws of the Interstate Commission. 47322

3. A representative shall not delegate a vote to another 47323
member state. In the event the compact commissioner is unable to 47324
attend a meeting of the Interstate Commission, the governor or 47325
state council may delegate voting authority to another person from 47326
their state for a specified meeting. 47327

4. The bylaws may provide for meetings of the Interstate 47328
Commission to be conducted by telecommunication or electronic 47329

communication. 47330

C. Consist of ex officio, nonvoting representatives who are 47331
members of interested organizations. Such ex officio members, as 47332
defined in the bylaws, may include but not be limited to, members 47333
of the representative organizations of military family advocates, 47334
local education agency officials, parent and teacher groups, the 47335
Department of Defense, the Education Commission of the States, the 47336
Interstate Agreement on the Qualification of Educational Personnel 47337
and other interstate compacts affecting the education of children 47338
of military members. 47339

D. Meet at least once each calendar year. The chairperson may 47340
call additional meetings and, upon the request of a simple 47341
majority of the member states, shall call additional meetings. 47342

E. Establish an executive committee, whose members shall 47343
include the officers of the Interstate Commission and such other 47344
members of the Interstate Commission as determined by the bylaws. 47345
Members of the executive committee shall serve a one year term. 47346
Members of the executive committee shall be entitled to one vote 47347
each. The executive committee shall have the power to act on 47348
behalf of the Interstate Commission, with the exception of 47349
rulemaking, during periods when the Interstate Commission is not 47350
in session. The executive committee shall oversee the day-to-day 47351
activities of the administration of the compact including 47352
enforcement and compliance with the provisions of the compact, its 47353
bylaws and rules, and other such duties as deemed necessary. The 47354
Department of Defense, shall serve as an ex officio, nonvoting 47355
member of the executive committee. 47356

F. Establish bylaws and rules that provide for conditions and 47357
procedures under which the Interstate Commission shall make its 47358
information and official records available to the public for 47359
inspection or copying. The Interstate Commission may exempt from 47360
disclosure information or official records to the extent they 47361

would adversely affect personal privacy rights or proprietary interests. 47362
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G. Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to: 47364
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1. Relate solely to the Interstate Commission's internal personnel practices and procedures; 47370
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2. Disclose matters specifically exempted from disclosure by federal and state statute; 47372
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3. Disclose trade secrets or commercial or financial information which is privileged or confidential; 47374
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4. Involve accusing a person of a crime, or formally censuring a person; 47376
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5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; 47378
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6. Disclose investigative records compiled for law enforcement purposes; or 47381
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7. Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding. 47383
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H. Shall cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The Interstate 47385
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Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission.

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I. Shall collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection and data exchange, and reporting requirements. Such methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules.

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J. Shall create a process that permits military officials, education officials and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the Interstate Commission or any member state.

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ARTICLE X. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

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The Interstate Commission shall have the following powers:

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A. To provide for dispute resolution among member states.

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B. To promulgate rules and take all necessary actions to

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<u>effect the goals, purposes, and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact.</u>	47418 47419 47420 47421
<u>C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, and actions.</u>	47422 47423 47424
<u>D. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.</u>	47425 47426 47427 47428
<u>E. To establish and maintain offices which shall be located within one or more of the member states.</u>	47429 47430
<u>F. To purchase and maintain insurance and bonds.</u>	47431
<u>G. To borrow, accept, hire, or contract for services of personnel.</u>	47432 47433
<u>H. To establish and appoint committees including, but not limited to, an executive committee as required by Article IX, Section E, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.</u>	47434 47435 47436 47437 47438
<u>I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.</u>	47439 47440 47441 47442 47443 47444
<u>J. To accept any and all donations and grants of money.</u>	47445

<u>equipment, supplies, materials, and services, and to receive,</u>	47446
<u>utilize, and dispose of it.</u>	47447
 <u>K. To lease, purchase, accept contributions or donations of,</u>	47448
<u>or otherwise to own, hold, improve, or use any property, real,</u>	47449
<u>personal, or mixed.</u>	47450
 <u>L. To sell, convey, mortgage, pledge, lease, exchange,</u>	47451
<u>abandon, or otherwise dispose of any property, real, personal, or</u>	47452
<u>mixed.</u>	47453
 <u>M. To establish a budget and make expenditures.</u>	47454
 <u>N. To adopt a seal and bylaws governing the management and</u>	47455
<u>operation of the Interstate Commission.</u>	47456
 <u>O. To report annually to the legislatures, governors,</u>	47457
<u>judiciary, and state councils of the member states concerning the</u>	47458
<u>activities of the Interstate Commission during the preceding year.</u>	47459
<u>Such reports shall also include any recommendations that may have</u>	47460
<u>been adopted by the Interstate Commission.</u>	47461
 <u>P. To coordinate education, training, and public awareness</u>	47462
<u>regarding the compact, its implementation and operation for</u>	47463
<u>officials and parents involved in such activity.</u>	47464
 <u>Q. To establish uniform standards for the reporting,</u>	47465
<u>collecting and exchanging of data.</u>	47466
 <u>R. To maintain corporate books and records in accordance with</u>	47467
<u>the bylaws.</u>	47468
 <u>S. To perform such functions as may be necessary or</u>	47469
<u>appropriate to achieve the purposes of this compact.</u>	47470
 <u>T. To provide for the uniform collection and sharing of</u>	47471
<u>information between and among member states, schools, and military</u>	47472

families under this compact. 47473

ARTICLE XI. ORGANIZATION AND OPERATION OF THE 47474
INTERSTATE
COMMISSION 47475

A. The Interstate Commission shall, by a majority of the 47476
members present and voting, within twelve months after the first 47477
Interstate Commission meeting, adopt bylaws to govern its conduct 47478
as may be necessary or appropriate to carry out the purposes of 47479
the compact, including, but not limited to: 47480

1. Establishing the fiscal year of the Interstate Commission; 47481

2. Establishing an executive committee, and such other 47482
committees as may be necessary; 47483

3. Providing for the establishment of committees and for 47484
governing any general or specific delegation of authority or 47485
function of the Interstate Commission; 47486

4. Providing reasonable procedures for calling and conducting 47487
meetings of the Interstate Commission, and ensuring reasonable 47488
notice of each such meeting; 47489

5. Establishing the titles and responsibilities of the 47490
officers and staff of the Interstate Commission; 47491

6. Providing a mechanism for concluding the operations of the 47492
Interstate Commission and the return of surplus funds that may 47493
exist upon the termination of the compact after the payment and 47494
reserving of all of its debts and obligations. 47495

7. Providing "start up" rules for initial administration of 47496
the compact. 47497

B. The Interstate Commission shall, by a majority of the 47498

members, elect annually from among its members a chairperson, a 47499
vice-chairperson, and a treasurer, each of whom shall have such 47500
authority and duties as may be specified in the bylaws. The 47501
chairperson or, in the chairperson's absence or disability, the 47502
vice-chairperson, shall preside at all meetings of the Interstate 47503
Commission. The officers so elected shall serve without 47504
compensation or remuneration from the Interstate Commission; 47505
provided that, subject to the availability of budgeted funds, the 47506
officers shall be reimbursed for ordinary and necessary costs and 47507
expenses incurred by them in the performance of their 47508
responsibilities as officers of the Interstate Commission. 47509

C. Executive Committee, Officers, and Personnel 47510

1. The executive committee shall have such authority and 47511
duties as may be set forth in the bylaws, including but not 47512
limited to: 47513

a. Managing the affairs of the Interstate Commission in a 47514
manner consistent with the bylaws and purposes of the Interstate 47515
Commission; 47516

b. Overseeing an organizational structure within, and 47517
appropriate procedures for the Interstate Commission to provide 47518
for the creation of rules, operating procedures, and 47519
administrative and technical support functions; and 47520

c. Planning, implementing, and coordinating communications 47521
and activities with other state, federal, and local government 47522
organizations in order to advance the goals of the Interstate 47523
Commission. 47524

2. The executive committee may, subject to the approval of 47525
the Interstate Commission, appoint or retain an executive director 47526
for such period, upon such terms and conditions and for such 47527
compensation, as the Interstate Commission may deem appropriate. 47528

The executive director shall serve as secretary to the Interstate Commission, but shall not be a Member of the Interstate Commission. The executive director shall hire and supervise such other persons as may be authorized by the Interstate Commission.

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D. The Interstate Commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

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1. The liability of the Interstate Commission's executive director and employees or Interstate Commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

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2. The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any

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civil action seeking to impose liability arising out of an actual 47561
or alleged act, error or omission that occurred within the scope 47562
of Interstate Commission employment, duties or responsibilities, 47563
or that the defendant had a reasonable basis for believing 47564
occurred within the scope of Interstate Commission employment, 47565
duties, or responsibilities, provided that the actual or alleged 47566
act, error, or omission did not result from intentional or willful 47567
and wanton misconduct on the part of such person. 47568

3. To the extent not covered by the state involved, member 47569
state, or the Interstate Commission, the representatives or 47570
employees of the Interstate Commission shall be held harmless in 47571
the amount of a settlement or judgment, including attorney's fees 47572
and costs, obtained against such persons arising out of an actual 47573
or alleged act, error, or omission that occurred within the scope 47574
of Interstate Commission employment, duties, or responsibilities, 47575
or that such persons had a reasonable basis for believing 47576
occurred within the scope of Interstate Commission employment, 47577
duties, or responsibilities, provided that the actual or alleged 47578
act, error, or omission did not result from intentional or 47579
willful and wanton misconduct on the part of such persons. 47580

ARTICLE XII. RULEMAKING FUNCTIONS OF THE INTERSTATE 47581 COMMISSION 47582

A. Rulemaking Authority - The Interstate Commission shall 47583
promulgate reasonable rules in order to effectively and 47584
efficiently achieve the purposes of this compact. Notwithstanding 47585
the foregoing, in the event the Interstate Commission exercises 47586
its rulemaking authority in a manner that is beyond the scope of 47587
the purposes of this act, or the powers granted hereunder, then 47588
such an action by the Interstate Commission shall be invalid and 47589
have no force or effect. 47590

B. Rulemaking Procedure - Rules shall be made pursuant to a 47591
rulemaking process that substantially conforms to the "Model State 47592

Administrative Procedure Act," of 1981 Act, Uniform Laws 47593
Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate 47594
to the operations of the Interstate Commission. 47595

C. Not later than thirty days after a rule is promulgated, 47596
any person may file a petition for judicial review of the rule; 47597
provided, that the filing of such a petition shall not stay or 47598
otherwise prevent the rule from becoming effective unless the 47599
court finds that the petitioner has a substantial likelihood of 47600
success. The court shall give deference to the actions of the 47601
Interstate Commission consistent with applicable law and shall not 47602
find the rule to be unlawful if the rule represents a reasonable 47603
exercise of the Interstate Commission's authority. 47604

D. If a majority of the legislatures of the compacting states 47605
rejects a rule by enactment of a statute or resolution in the same 47606
manner used to adopt the compact, then such rule shall have no 47607
further force and effect in any compacting state. 47608

ARTICLE XIII. OVERSIGHT, ENFORCEMENT, AND DISPUTE 47609
RESOLUTION

A. Oversight 47610

1. The executive, legislative, and judicial branches of state 47611
government in each member state shall enforce this compact and 47612
shall take all actions necessary and appropriate to effectuate the 47613
compact's purposes and intent. The provisions of this compact and 47614
the rules promulgated hereunder shall have standing as statutory 47615
law. 47616

2. All courts shall take judicial notice of the compact and 47617
the rules in any judicial or administrative proceeding in a member 47618
state pertaining to the subject matter of this compact which may 47619
affect the powers, responsibilities or actions of the Interstate 47620
Commission. 47621

3. The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact or promulgated rules.

B. Default, Technical Assistance, Suspension, and Termination
- If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall:

1. Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default.

2. Provide remedial training and specific technical assistance regarding the default.

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state's

legislature, and each of the member states. 47652

5. The state which has been suspended or terminated is 47653
responsible for all assessments, obligations and liabilities 47654
incurred through the effective date of suspension or termination 47655
including obligations, the performance of which extends beyond the 47656
effective date of suspension or termination. 47657

6. The Interstate Commission shall not bear any costs 47658
relating to any state that has been found to be in default or 47659
which has been suspended or terminated from the compact, unless 47660
otherwise mutually agreed upon in writing between the Interstate 47661
Commission and the defaulting state. 47662

7. The defaulting state may appeal the action of the 47663
Interstate Commission by petitioning the United States District 47664
Court for the District of Columbia or the federal district where 47665
the Interstate Commission has its principal offices. The 47666
prevailing party shall be awarded all costs of such litigation 47667
including reasonable attorney's fees. 47668

C. Dispute Resolution 47669

1. The Interstate Commission shall attempt, upon the request 47670
of a member state, to resolve disputes which are subject to the 47671
compact and which may arise among member states and between member 47672
and nonmember states. 47673

2. The Interstate Commission shall promulgate a rule 47674
providing for both mediation and binding dispute resolution for 47675
disputes as appropriate. 47676

D. Enforcement 47677

1. The Interstate Commission, in the reasonable exercise of 47678
its discretion, shall enforce the provisions and rules of this 47679

compact. 47680

2. The Interstate Commission, may by majority vote of the 47681
members, initiate legal action in the United States District Court 47682
for the District of Columbia or, at the discretion of the 47683
Interstate Commission, in the federal district where the 47684
Interstate Commission has its principal offices, to enforce 47685
compliance with the provisions of the compact, its promulgated 47686
rules and bylaws, against a member state in default. The relief 47687
sought may include both injunctive relief and damages. In the 47688
event judicial enforcement is necessary the prevailing party shall 47689
be awarded all costs of such litigation including reasonable 47690
attorney's fees. 47691

3. The remedies herein shall not be the exclusive remedies of 47692
the Interstate Commission. The Interstate Commission may avail 47693
itself of any other remedies available under state law or the 47694
regulation of a profession. 47695

ARTICLE XIV. FINANCING OF THE INTERSTATE COMMISSION 47696

A. The Interstate Commission shall pay, or provide for the 47697
payment of the reasonable expenses of its establishment, 47698
organization, and ongoing activities. 47699

B. The Interstate Commission may levy on and collect an 47700
annual assessment from each member state to cover the cost of the 47701
operations and activities of the Interstate Commission and its 47702
staff which must be in a total amount sufficient to cover the 47703
Interstate Commission's annual budget as approved each year. The 47704
aggregate annual assessment amount shall be allocated based upon a 47705
formula to be determined by the Interstate Commission, which shall 47706
promulgate a rule binding upon all member states. 47707

C. The Interstate Commission shall not incur obligations of 47708
any kind prior to securing the funds adequate to meet the same; 47709

nor shall the Interstate Commission pledge the credit of any of 47710
the member states, except by and with the authority of the member 47711
state. 47712

D. The Interstate Commission shall keep accurate accounts of 47713
all receipts and disbursements. The receipts and disbursements of 47714
the Interstate Commission shall be subject to the audit and 47715
accounting procedures established under its bylaws. However, all 47716
receipts and disbursements of funds handled by the Interstate 47717
Commission shall be audited yearly by a certified or licensed 47718
public accountant and the report of the audit shall be included in 47719
and become part of the annual report of the Interstate Commission. 47720

ARTICLE XV. MEMBER STATES, EFFECTIVE DATE AND 47721
AMENDMENT

A. Any state is eligible to become a member state. 47722

B. The compact shall become effective and binding upon 47723
legislative enactment of the compact into law by no less than ten 47724
of the states. The effective date shall be no earlier than 47725
December 1, 2007. Thereafter it shall become effective and binding 47726
as to any other member state upon enactment of the compact into 47727
law by that state. The governors of nonmember states or their 47728
designees shall be invited to participate in the activities of the 47729
Interstate Commission on a nonvoting basis prior to adoption of 47730
the compact by all states. 47731

C. The Interstate Commission may propose amendments to the 47732
compact for enactment by the member states. No amendment shall 47733
become effective and binding upon the Interstate Commission and 47734
the member states unless and until it is enacted into law by 47735
unanimous consent of the member states. 47736

ARTICLE XVI. WITHDRAWAL AND DISSOLUTION 47737

A. Withdrawal 47738

1. Once effective, the compact shall continue in force and 47739
remain binding upon each and every member state; provided that a 47740
member state may withdraw from the compact by specifically 47741
repealing the statute, which enacted the compact into law. 47742

2. Withdrawal from this compact shall be by the enactment of 47743
a statute repealing the same, but shall not take effect until one 47744
year after the effective date of such statute and until written 47745
notice of the withdrawal has been given by the withdrawing state 47746
to the Governor of each other member jurisdiction. 47747

3. The withdrawing state shall immediately notify the 47748
chairperson of the Interstate Commission in writing upon the 47749
introduction of legislation repealing this compact in the 47750
withdrawing state. The Interstate Commission shall notify the 47751
other member states of the withdrawing state's intent to withdraw 47752
within sixty days of its receipt thereof. 47753

4. The withdrawing state is responsible for all assessments, 47754
obligations and liabilities incurred through the effective date of 47755
withdrawal, including obligations, the performance of which extend 47756
beyond the effective date of withdrawal. 47757

5. Reinstatement following withdrawal of a member state shall 47758
occur upon the withdrawing state reenacting the compact or upon 47759
such later date as determined by the Interstate Commission. 47760

B. Dissolution of Compact 47761

1. This compact shall dissolve effective upon the date of the 47762
withdrawal or default of the member state which reduces the 47763
membership in the compact to one member state. 47764

2. Upon the dissolution of this compact, the compact becomes 47765

null and void and shall be of no further force or effect, and the 47766
business and affairs of the Interstate Commission shall be 47767
concluded and surplus funds shall be distributed in accordance 47768
with the bylaws. 47769

ARTICLE XVII. SEVERABILITY AND CONSTRUCTION 47770

A. The provisions of this compact shall be severable, and if 47771
any phrase, clause, sentence or provision is deemed unenforceable, 47772
the remaining provisions of the compact shall be enforceable. 47773

B. The provisions of this compact shall be liberally 47774
construed to effectuate its purposes. 47775

C. Nothing in this compact shall be construed to prohibit the 47776
applicability of other interstate compacts to which the states are 47777
members. 47778

ARTICLE XVIII. BINDING EFFECT OF COMPACT AND OTHER
LAWS 47779

A. Other Laws 47780

1. Nothing herein prevents the enforcement of any other law 47781
of a member state that is not inconsistent with this compact. 47782

2. All member states' laws conflicting with this compact are 47783
superseded to the extent of the conflict. 47784

B. Binding Effect of the Compact 47785

1. All lawful actions of the Interstate Commission, including 47786
all rules and bylaws promulgated by the Interstate Commission, are 47787
binding upon the member states. 47788

2. All agreements between the Interstate Commission and the 47789
member states are binding in accordance with their terms. 47790

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

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Sec. 3301.61. (A) The state council on educational opportunity for military children is hereby established within the department of education. The council shall consist of the following members:

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(1) The superintendent of public instruction or the superintendent's designee;

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(2) The director of veterans services or the director's designee;

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(3) The superintendent of a school district that has a high concentration of children of military families, appointed by the governor;

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(4) A representative of a military installation located in this state, appointed by the governor;

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(5) A representative of the governor's office, appointed by the governor;

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(6) Four members of the general assembly, appointed as follows:

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(a) One member of the house of representatives appointed by the speaker of the house of representatives;

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(b) One member of the house of representatives appointed by the minority leader of the house of representatives;

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<u>(c) One member of the senate appointed by the president of the senate;</u>	47817 47818
<u>(d) One member of the senate appointed by the minority leader of the senate.</u>	47819 47820
<u>(7) The compact commissioner appointed under section 3301.62 of the Revised Code;</u>	47821 47822
<u>(8) The military family education liaison appointed under section 3301.63 of the Revised Code;</u>	47823 47824
<u>(9) Other members appointed in the manner prescribed by and seated at the discretion of the voting members of the council.</u>	47825 47826
<u>The members of the council shall serve at the pleasure of their appointing authorities. Vacancies shall be filled in the manner of the initial appointments.</u>	47827 47828 47829
<u>The members appointed under divisions (A)(6) to (9) of this section shall be nonvoting members of the council.</u>	47830 47831
<u>The members of the council shall serve without compensation.</u>	47832
<u>(B) The council shall oversee and provide coordination for the state's participation in and compliance with the interstate compact on educational opportunity for military children, as ratified by section 3301.60 of the Revised Code.</u>	47833 47834 47835 47836
<u>(C) The department of education shall provide staff support for the council.</u>	47837 47838
<u>(D) Sections 101.82 to 101.87 of the Revised Code do not apply to the council.</u>	47839 47840
<u>(E) As used in this section, "children of military families" and "military installation" have the same meanings as in Article</u>	47841 47842

II of the interstate compact on educational opportunity for military children. 47843
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Sec. 3301.62. The governor shall appoint a compact commissioner who shall be responsible for administering the state's participation in the interstate compact on educational opportunity for military children, as ratified by section 3301.60 of the Revised Code. The compact commissioner shall be a state officer within the department of education and shall serve at the pleasure of the governor. 47845
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Sec. 3301.63. The state council on educational opportunity for military children, established under section 3301.61 of the Revised Code, shall appoint a military family education liaison to assist families and the state in implementing the interstate compact on educational opportunity for military children, as ratified by section 3301.60 of the Revised Code. The department of education shall provide staff support for the military family education liaison. 47852
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Sec. 3301.64. The annual assessment charged to the state for participating in the interstate compact on educational opportunity for military children shall be divided equally between the department of education and the department of veterans services. 47860
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Sec. 3301.82. (A) The superintendent of public instruction may create the center for creativity and innovation in the department of education. If created, the center shall assist schools in city, exempted village, local, and joint vocational school districts, educational service centers, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code with any of the following: 47864
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(1) The design and implementation of strategies and systems that enable schools to become professional learning communities, 47872
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<u>including the following:</u>	47874
<u>(a) Mentoring and coaching teachers and support staff;</u>	47875
<u>(b) Enabling school principals to focus on supporting</u>	47876
<u>instruction and engaging teachers and support staff as part of the</u>	47877
<u>instructional leadership team so that teachers and staff may share</u>	47878
<u>the responsibility for making and implementing school decisions;</u>	47879
<u>(c) Adopting new models for restructuring the learning day or</u>	47880
<u>year, such as including teacher planning and collaboration time as</u>	47881
<u>part of the school day;</u>	47882
<u>(d) Creating smaller schools or smaller units within larger</u>	47883
<u>schools to facilitate teacher collaboration to improve and advance</u>	47884
<u>the professional practice of teaching and to enhance instruction</u>	47885
<u>that yields enhanced student achievement.</u>	47886
<u>(2) The use of strategies in collaboration with the teach</u>	47887
<u>Ohio program to promote, recruit, and enhance the teaching</u>	47888
<u>profession, including:</u>	47889
<u>(a) The design and implementation of "grow your own"</u>	47890
<u>recruitment and retention strategies that are designed to support</u>	47891
<u>individuals in becoming licensed teachers, to retain highly</u>	47892
<u>qualified teachers, to assist experienced teachers in obtaining</u>	47893
<u>licensure in subject areas for which there is need, to assist</u>	47894
<u>teachers in obtaining senior professional educator and lead</u>	47895
<u>professional educator licenses, and to assist teachers to grow and</u>	47896
<u>develop in the profession;</u>	47897
<u>(b) Enhanced conditions for new teachers;</u>	47898
<u>(c) Incentives to attract qualified mathematics, science, or</u>	47899
<u>special education teachers;</u>	47900

<u>(d) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas;</u>	47901 47902 47903
<u>(e) The implementation of a program to increase the cultural competency of both new and veteran teachers.</u>	47904 47905
<u>(3) Identifying statutes, rules, and regulations that impede the adoption of innovative practices and make recommendations to the superintendent of public instruction for the repeal, rescission, revision, or waiver of those provisions;</u>	47906 47907 47908 47909
<u>(4) Identifying promising programs and practices based on high quality education research and developing models for their early adoption, including research and practices in arts education and creativity;</u>	47910 47911 47912 47913
<u>(5) Other duties as assigned by the superintendent of public instruction.</u>	47914 47915
<u>(B) If created, the center shall promote collaboration between school districts and community schools established under Chapter 3314. of the Revised Code to enhance the academic programs of both and to broaden the application of successful and innovative academic practices developed by community schools. In doing so, the center shall work with the office of community schools to do the following:</u>	47916 47917 47918 47919 47920 47921 47922
<u>(1) Study, gather information concerning, and serve as a clearinghouse of best practices and innovative programming developed and utilized by community schools that could be adopted by school districts;</u>	47923 47924 47925 47926
<u>(2) Identify circumstances in which students could benefit from collaboration between the complementary programs of school districts and community schools.</u>	47927 47928 47929

(C) The department may accept, receive, and expend gifts, devices, or bequests of money, lands, or other properties for the center for creativity and innovation. The state board of education may adopt rules for the purpose of enabling the center to carry out the conditions and limitations upon which a bequest, gift, or endowment is made.

Sec. 3301.90. The governor shall create the early childhood advisory council in accordance with 42 U.S.C. 9837b(b)(1) and shall appoint one of its members to serve as chairperson of the council. The council shall serve as the state advisory council on early childhood education and care, as described in 42 U.S.C. 9837b(b)(1). In addition to the duties specified in 42 U.S.C. 9837b(b)(1), the council shall advise the state regarding the creation and duties of the center for early childhood development and shall promote family-centered programs and services that acknowledge and support the social, emotional, cognitive, intellectual, and physical development of children and the vital role of families in ensuring the well-being and success of children.

Sec. 3301.95. Each school district that receives federal funding under the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, shall use the required amounts of that funding for services for students enrolled in nonpublic schools located in the district as prescribed under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq., the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1400 et seq., or the "Enhancing Education Through Technology Act of 2001," 20 U.S.C. 6751 et seq., and under section 3323.041 of the Revised Code.

The department of education shall ensure compliance with this section.

Sec. 3302.01. As used in this chapter: 47961

(A) "Performance index score" means the average of the totals 47962
derived from calculations for each subject area of ~~reading,~~ 47963
~~writing~~ English language arts, mathematics, science, and social 47964
studies of the weighted proportion of untested students and 47965
students scoring at each level of skill described in division 47966
(A)(2) of section 3301.0710 of the Revised Code on the ~~tests~~ 47967
assessments prescribed by divisions (A) and (B)(1) of that 47968
section. The department of education shall assign weights such 47969
that students who do not take a ~~test~~ assessment receive a 47970
weight of zero and students who take a ~~test~~ assessment receive 47971
progressively larger weights dependent upon the level of skill 47972
attained on the ~~test~~ assessment. The department shall also 47973
determine the performance index score a school district or 47974
building needs to achieve for the purpose of the performance 47975
ratings assigned pursuant to section 3302.03 of the Revised Code. 47976

Students shall be included in the "performance index score" 47977
in accordance with division (D)(2) of section 3302.03 of the 47978
Revised Code. 47979

(B) "Subgroup" means a subset of the entire student 47980
population of the state, a school district, or a school building 47981
and includes each of the following: 47982

(1) Major racial and ethnic groups; 47983

(2) Students with disabilities; 47984

(3) Economically disadvantaged students; 47985

(4) Limited English proficient students. 47986

(C) "No Child Left Behind Act of 2001" includes the statutes 47987
codified at 20 U.S.C. 6301 et seq. and any amendments thereto, 47988

rules and regulations promulgated pursuant to those statutes, 47989
guidance documents, and any other policy directives regarding 47990
implementation of that act issued by the United States department 47991
of education. 47992

(D) "Adequate yearly progress" means a measure of annual 47993
academic performance as calculated in accordance with the "No 47994
Child Left Behind Act of 2001." 47995

(E) "Supplemental educational services" means additional 47996
academic assistance, such as tutoring, remediation, or other 47997
educational enrichment activities, that is conducted outside of 47998
the regular school day by a provider approved by the department in 47999
accordance with the "No Child Left Behind Act of 2001." 48000

(F) "Value-added progress dimension" means a measure of 48001
academic gain for a student or group of students over a specific 48002
period of time that is calculated by applying a statistical 48003
methodology to individual student achievement data derived from 48004
the achievement ~~tests~~assessments prescribed by section 3301.0710 48005
of the Revised Code. 48006

Sec. 3302.02. ~~The~~Not later than one year after the adoption 48007
of rules under division (E) of section 3301.0712 of the Revised 48008
Code and at least every sixth year thereafter, upon 48009
recommendations of the superintendent of public instruction, the 48010
state board of education ~~annually through 2007, and every six~~ 48011
~~years thereafter,~~ shall establish ~~at least seventeen~~ performance 48012
indicators for the report cards required by division (C) of 48013
section 3302.03 of the Revised Code. In establishing these 48014
indicators, the ~~state board~~superintendent shall consider 48015
inclusion of student performance on ~~any tests given~~assessments 48016
prescribed under section 3301.0710 or 3301.0712 of the Revised 48017
Code, rates of student improvement on such ~~tests~~assessments, 48018
student attendance, the breadth of coursework available within the 48019
district, and other indicators of student success. ~~The state board~~ 48020

Not later than December 31, 2011, the state board, upon 48021
recommendation of the superintendent, shall establish a 48022
performance indicator reflecting the level of services provided 48023
to, and the performance of, students identified as gifted under 48024
Chapter 3324. of the Revised Code. 48025

The superintendent shall inform the Ohio accountability task 48026
force established under section 3302.021 of the Revised Code of 48027
the performance indicators ~~it~~the superintendent establishes 48028
under this section and the rationale for choosing each indicator 48029
and for determining how a school district or building meets that 48030
indicator. 48031

The ~~state board~~superintendent shall not establish any 48032
performance indicator for passage of the third or fourth grade 48033
~~reading test~~English language arts assessment that is solely based 48034
on the ~~test~~assessment given in the fall for the purpose of 48035
determining whether students have met the reading guarantee 48036
provisions of section 3313.608 of the Revised Code. 48037

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 48038
later than July 1, 2007, the department of education shall 48039
implement a value-added progress dimension for school districts 48040
and buildings and shall incorporate the value-added progress 48041
dimension into the report cards and performance ratings issued for 48042
districts and buildings under section 3302.03 of the Revised Code. 48043

The state board of education shall adopt rules, pursuant to 48044
Chapter 119. of the Revised Code, for the implementation of the 48045
value-added progress dimension. In adopting rules, the state board 48046
shall consult with the Ohio accountability task force established 48047
under division ~~(D)~~(E) of this section. The rules adopted under 48048
this division shall specify both of the following: 48049

(1) A scale for describing the levels of academic progress in 48050
reading and mathematics relative to a standard year of academic 48051

growth in those subjects for each of grades three through eight; 48052

(2) That the department shall maintain the confidentiality of 48053
individual student test scores and individual student reports in 48054
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 48055
Revised Code and federal law. The department may require school 48056
districts to use a unique identifier for each student for this 48057
purpose. Individual student test scores and individual student 48058
reports shall be made available only to a student's classroom 48059
teacher and other appropriate educational personnel and to the 48060
student's parent or guardian. 48061

(B) The department shall use a system designed for collecting 48062
necessary data, calculating the value-added progress dimension, 48063
analyzing data, and generating reports, which system has been used 48064
previously by a non-profit organization led by the Ohio business 48065
community for at least one year in the operation of a pilot 48066
program in cooperation with school districts to collect and report 48067
student achievement data via electronic means and to provide 48068
information to the districts regarding the academic performance of 48069
individual students, grade levels, school buildings, and the 48070
districts as a whole. 48071

(C) The department shall not pay more than two dollars per 48072
student for data analysis and reporting to implement the 48073
value-added progress dimension in the same manner and with the 48074
same services as under the pilot program described by division (B) 48075
of this section. However, nothing in this section shall preclude 48076
the department or any school district from entering into a 48077
contract for the provision of more services at a higher fee per 48078
student. Any data analysis conducted under this section by an 48079
entity under contract with the department shall be completed in 48080
accordance with timelines established by the superintendent of 48081
public instruction. 48082

(D) The department shall share any aggregate student data and 48083

any calculation, analysis, or report utilizing aggregate student data that is generated under this section with the chancellor of the Ohio board of regents. The department shall not share individual student test scores and individual student reports with the chancellor.

(E)(1) There is hereby established the Ohio accountability task force. The task force shall consist of the following thirteen members:

(a) The chairpersons and ranking minority members of the house of representatives and senate standing committees primarily responsible for education legislation, who shall be nonvoting members;

(b) One representative of the governor's office, appointed by the governor;

(c) The superintendent of public instruction, or the superintendent's designee;

(d) One representative of teacher employee organizations formed pursuant to Chapter 4117. of the Revised Code, appointed by the speaker of the house of representatives;

(e) One representative of school district boards of education, appointed by the president of the senate;

(f) One school district superintendent, appointed by the speaker of the house of representatives;

(g) One representative of business, appointed by the president of the senate;

(h) One representative of a non-profit organization led by the Ohio business community, appointed by the governor;

(i) One school building principal, appointed by the president of the senate;	48111 48112
(j) A member of the state board of education, appointed by the speaker of the house of representatives.	48113 48114
Initial appointed members of the task force shall serve until January 1, 2005. Thereafter, terms of office for appointed members shall be for two years, each term ending on the same day of the same month as did the term that it succeeds. Each appointed member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term.	48115 48116 48117 48118 48119 48120 48121 48122 48123 48124 48125
The task force shall select from among its members a chairperson. The task force shall meet at least six times each calendar year and at other times upon the call of the chairperson to conduct its business. Members of the task force shall serve without compensation.	48126 48127 48128 48129 48130
(2) The task force shall do all of the following:	48131
(a) Examine the implementation of the value-added progress dimension by the department, including the system described in division (B) of this section, the reporting of performance data to school districts and buildings, and the provision of professional development on the interpretation of the data to classroom teachers and administrators;	48132 48133 48134 48135 48136 48137
(b) Periodically review any fees for data analysis and reporting paid by the department pursuant to division (C) of this section and determine if the fees are appropriate based upon the	48138 48139 48140

level of services provided;	48141
(c) Periodically report to the department and the state board	48142
on all issues related to the school district and building	48143
accountability system established under this chapter;	48144
(d) Not later than seven years after its initial meeting,	48145
make recommendations to improve the school district and building	48146
accountability system established under this chapter. The task	48147
force shall adopt recommendations by a majority vote of its	48148
members. Copies of the recommendations shall be provided to the	48149
state board, the governor, the speaker of the house of	48150
representatives, and the president of the senate.	48151
(e) Determine starting dates for the implementation of the	48152
value-added progress dimension and its incorporation into school	48153
district and building report cards and performance ratings.	48154
Sec. 3302.03. (A) Annually the department of education shall	48155
report for each school district and each school building in a	48156
district all of the following:	48157
(1) The extent to which the school district or building meets	48158
each of the applicable performance indicators created by the state	48159
board of education under section 3302.02 of the Revised Code and	48160
the number of applicable performance indicators that have been	48161
achieved;	48162
(2) The performance index score of the school district or	48163
building;	48164
(3) Whether the school district or building has made adequate	48165
yearly progress;	48166
(4) Whether the school district or building is excellent,	48167
effective, needs continuous improvement, is under an academic	48168

watch, or is in a state of academic emergency.	48169
(B) Except as otherwise provided in divisions (B)(6) and (7) of this section:	48170 48171
(1) A school district or building shall be declared excellent if it fulfills one of the following requirements:	48172 48173
(a) It makes adequate yearly progress and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.	48174 48175 48176 48177
(b) It has failed to make adequate yearly progress for not more than two consecutive years and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.	48178 48179 48180 48181 48182
(2) A school district or building shall be declared effective if it fulfills one of the following requirements:	48183 48184
(a) It makes adequate yearly progress and either meets at least seventy-five per cent but less than ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.	48185 48186 48187 48188
(b) It does not make adequate yearly progress and either meets at least seventy-five per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make adequate yearly progress for three consecutive years, it shall be declared in need of continuous improvement.	48189 48190 48191 48192 48193 48194
(3) A school district or building shall be declared to be in need of continuous improvement if it fulfills one of the following	48195 48196

requirements:	48197
(a) It makes adequate yearly progress, meets less than	48198
seventy-five per cent of the applicable state performance	48199
indicators, and has a performance index score established by the	48200
department.	48201
(b) It does not make adequate yearly progress and either	48202
meets at least fifty per cent but less than seventy-five per cent	48203
of the applicable state performance indicators or has a	48204
performance index score established by the department.	48205
(4) A school district or building shall be declared to be	48206
under an academic watch if it does not make adequate yearly	48207
progress and either meets at least thirty-one per cent but less	48208
than fifty per cent of the applicable state performance	48209
indicators or has a performance index score established by the	48210
department.	48211
(5) A school district or building shall be declared to be in	48212
a state of academic emergency if it does not make adequate yearly	48213
progress, does not meet at least thirty-one per cent of the	48214
applicable state performance indicators, and has a performance	48215
index score established by the department.	48216
(6) When designating performance ratings for school districts	48217
and buildings under divisions (B)(1) to (5) of this section, the	48218
department shall not assign a school district or building a lower	48219
designation from its previous year's designation based solely on	48220
one subgroup not making adequate yearly progress.	48221
(7) Division (B)(7) of this section does not apply to any	48222
community school established under Chapter 3314. of the Revised	48223
Code in which a majority of the students are enrolled in a dropout	48224
prevention and recovery program.	48225

A school district or building shall not be assigned a higher performance rating than in need of continuous improvement if at least ten per cent but not more than fifteen per cent of the enrolled students do not take all achievement ~~tests~~ <u>assessments</u> prescribed for their grade level under <u>division (A)(1) or (B)(1) of</u> section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than under an academic watch if more than fifteen per cent but not more than twenty per cent of the enrolled students do not take all achievement ~~tests~~ <u>assessments</u> prescribed for their grade level under <u>division (A)(1) or (B)(1) of</u> section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than in a state of academic emergency if more than twenty per cent of the enrolled students do not take all achievement ~~tests~~ <u>assessments</u> prescribed for their grade level under <u>division (A)(1) or (B)(1) of</u> section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code.	48226 48227 48228 48229 48230 48231 48232 48233 48234 48235 48236 48237 48238 48239 48240 48241 48242 48243 48244 48245 48246 48247
(C)(1) The department shall issue annual report cards for each school district, each building within each district, and for the state as a whole reflecting performance on the indicators created by the state board under section 3302.02 of the Revised Code, the performance index score, and adequate yearly progress.	48248 48249 48250 48251 48252
(2) The department shall include on the report card for each district information pertaining to any change from the previous year made by the school district or school buildings within the district on any performance indicator.	48253 48254 48255 48256
(3) When reporting data on student performance, the	48257

department shall disaggregate that data according to the following categories:	48258 48259
(a) Performance of students by age group;	48260
(b) Performance of students by race and ethnic group;	48261
(c) Performance of students by gender;	48262
(d) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	48263 48264
(e) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	48265 48266 48267
(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	48268 48269
(g) Performance of students grouped by those who are economically disadvantaged;	48270 48271
(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	48272 48273 48274
(i) Performance of students grouped by those who are classified as limited English proficient;	48275 48276
(j) Performance of students grouped by those who have disabilities;	48277 48278
(k) Performance of students grouped by those who are classified as migrants;	48279 48280
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised	48281 48282

Code. 48283

The department may disaggregate data on student performance 48284
according to other categories that the department determines are 48285
appropriate. To the extent possible, the department shall 48286
disaggregate data on student performance according to any 48287
combinations of two or more of the categories listed in divisions 48288
(C)(3)(a) to (l) of this section that it deems relevant. 48289

In reporting data pursuant to division (C)(3) of this 48290
section, the department shall not include in the report cards any 48291
data statistical in nature that is statistically unreliable or 48292
that could result in the identification of individual students. 48293
For this purpose, the department shall not report student 48294
performance data for any group identified in division (C)(3) of 48295
this section that contains less than ten students. 48296

(4) The department may include with the report cards any 48297
additional education and fiscal performance data it deems 48298
valuable. 48299

(5) The department shall include on each report card a list 48300
of additional information collected by the department that is 48301
available regarding the district or building for which the report 48302
card is issued. When available, such additional information shall 48303
include student mobility data disaggregated by race and 48304
socioeconomic status, college enrollment data, and the reports 48305
prepared under section 3302.031 of the Revised Code. 48306

The department shall maintain a site on the world wide web. 48307
The report card shall include the address of the site and shall 48308
specify that such additional information is available to the 48309
public at that site. The department shall also provide a copy of 48310
each item on the list to the superintendent of each school 48311
district. The district superintendent shall provide a copy of any 48312
item on the list to anyone who requests it. 48313

(6)(a) This division does not apply to conversion community schools that primarily enroll students between sixteen and twenty-two years of age who dropped out of high school or are at risk of dropping out of high school due to poor attendance, disciplinary problems, or suspensions.

For any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of calculating the performance of the district as a whole on the report card issued for the district.

(b) Any district that leases a building to a community school located in the district or that enters into an agreement with a community school located in the district whereby the district and the school endorse each other's programs may elect to have data regarding the academic performance of students enrolled in the community school combined with comparable data from the schools of the district for the purpose of calculating the performance of the district as a whole on the district report card. Any district that so elects shall annually file a copy of the lease or agreement with the department.

(7) The department shall include on each report card the percentage of teachers in the district or building who are highly qualified, as defined by the "No Child Left Behind Act of 2001," and a comparison of that percentage with the percentages of such teachers in similar districts and buildings.

(8) The department shall include on the report card the number of ~~master~~lead teachers employed by each district and each building once the data is available from the education management information system established under section 3301.0714 of the

Revised Code. 48345

(D)(1) In calculating ~~reading, writing~~ English language arts, 48346
mathematics, social studies, or science ~~proficiency or achievement~~ 48347
~~test~~ assessment passage rates used to determine school district 48348
or building performance under this section, the department shall 48349
include all students taking a ~~test~~ an assessment with 48350
accommodation or to whom an alternate assessment is administered 48351
pursuant to division (C)(1) or (3) of section 3301.0711 of the 48352
Revised Code. 48353

(2) In calculating performance index scores, rates of 48354
achievement on the performance indicators established by the state 48355
board under section 3302.02 of the Revised Code, and adequate 48356
yearly progress for school districts and buildings under this 48357
section, the department shall do all of the following: 48358

(a) Include for each district or building only those students 48359
who are included in the ADM certified for the first full school 48360
week of October and are continuously enrolled in the district or 48361
building through the time of the spring administration of any ~~test~~ 48362
assessment prescribed by division (A)(1) or (B)(1) of section 48363
3301.0710 of the Revised Code that is administered to the 48364
student's grade level; 48365

(b) Include cumulative totals from both the fall and spring 48366
administrations of the third grade ~~reading~~ English language arts 48367
achievement ~~test~~ assessment; 48368

(c) Except as required by the "No Child Left Behind Act of 48369
2001" for the calculation of adequate yearly progress, exclude for 48370
each district or building any limited English proficient student 48371
who has been enrolled in United States schools for less than one 48372
full school year. 48373

Sec. 3302.031. In addition to the report cards required under 48374

section 3302.03 of the Revised Code, the department of education 48375
shall annually prepare the following reports for each school 48376
district and make a copy of each report available to the 48377
superintendent of each district: 48378

(A) A funding and expenditure accountability report which 48379
shall consist of the amount of state aid payments the school 48380
district will receive during the fiscal year under ~~Chapter~~ 48381
Chapters 3306. and 3317. of the Revised Code and any other fiscal 48382
data the department determines is necessary to inform the public 48383
about the financial status of the district; 48384

(B) A school safety and discipline report which shall consist 48385
of statistical information regarding student safety and discipline 48386
in each school building, including the number of suspensions and 48387
expulsions disaggregated according to race and gender; 48388

(C) A student equity report which shall consist of at least a 48389
description of the status of teacher qualifications, library and 48390
media resources, textbooks, classroom materials and supplies, and 48391
technology resources for each district. To the extent possible, 48392
the information included in the report required under this 48393
division shall be disaggregated according to grade level, race, 48394
gender, disability, and scores attained on ~~tests~~assessments 48395
required under section 3301.0710 of the Revised Code. 48396

(D) A school enrollment report which shall consist of 48397
information about the composition of classes within each district 48398
by grade and subject disaggregated according to race, gender, and 48399
scores attained on ~~tests~~assessments required under section 48400
3301.0710 of the Revised Code; 48401

(E) A student retention report which shall consist of the 48402
number of students retained in their respective grade levels in 48403
the district disaggregated by grade level, subject area, race, 48404
gender, and disability; 48405

(F) A school district performance report which shall describe 48406
for the district and each building within the district the extent 48407
to which the district or building meets each of the applicable 48408
performance indicators established under section 3302.02 of the 48409
Revised Code, the number of performance indicators that have been 48410
achieved, and the performance index score. In calculating the 48411
rates of achievement on the performance indicators and the 48412
performance index scores for each report, the department shall 48413
exclude all students with disabilities. 48414

Sec. 3302.05. The state board of education shall adopt rules 48415
freeing school districts declared to be excellent under division 48416
(B)(1) or effective under division (B)(2) of section 3302.03 of 48417
the Revised Code from specified state mandates. Any mandates 48418
included in the rules shall be only those statutes or rules 48419
pertaining to state education requirements. The rules shall not 48420
exempt districts from any standard or requirement of Chapter 3306. 48421
or from any operating standard adopted under division (D)(3) of 48422
section 3301.07 of the Revised Code. 48423

Sec. 3302.07. (A) The board of education of any school 48424
district, the governing board of any educational service center, 48425
or the administrative authority of any chartered nonpublic school 48426
may submit to the state board of education an application 48427
proposing an innovative education pilot program the implementation 48428
of which requires exemptions from specific statutory provisions or 48429
rules. If a district or service center board employs teachers 48430
under a collective bargaining agreement adopted pursuant to 48431
Chapter 4117. of the Revised Code, any application submitted under 48432
this division shall include the written consent of the teachers' 48433
employee representative designated under division (B) of section 48434
4117.04 of the Revised Code. The exemptions requested in the 48435
application shall be limited to any requirement of Title XXXIII of 48436
the Revised Code or of any rule of the state board adopted 48437

pursuant to that title except that the application may not propose 48438
an exemption from any requirement of or rule adopted pursuant to 48439
Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 48440
3323. of the Revised Code. Furthermore, an exemption from any 48441
standard or requirement of Chapter 3306. or from any operating 48442
standard adopted under division (D)(3) of section 3301.07 of the 48443
Revised Code shall be granted only pursuant to a waiver granted by 48444
the superintendent of public instruction under section 3306.40 of 48445
the Revised Code. 48446

(B) The state board of education shall accept any application 48447
submitted in accordance with division (A) of this section. The 48448
superintendent of public instruction shall approve or disapprove 48449
the application in accordance with standards for approval, which 48450
shall be adopted by the state board. 48451

(C) The superintendent of public instruction shall exempt 48452
each district or service center board or chartered nonpublic 48453
school administrative authority with an application approved under 48454
division (B) of this section for a specified period from the 48455
statutory provisions or rules specified in the approved 48456
application. The period of exemption shall not exceed the period 48457
during which the pilot program proposed in the application is 48458
being implemented and a reasonable period to allow for evaluation 48459
of the effectiveness of the program. 48460

Sec. 3304.16. In carrying out the purposes of sections 48461
3304.11 to 3304.27 of the Revised Code, the rehabilitation 48462
services commission: 48463

(A) Shall develop all necessary rules; 48464

(B) Shall prepare and submit to the governor annual reports 48465
of activities and expenditures and, prior to each first regular 48466
session of the general assembly, an estimate of sums required to 48467
carry out the commission's responsibilities; 48468

(C) Shall certify any disbursement of funds available to the commission for vocational rehabilitation activities;	48469 48470
(D) Shall serve as the sole state agency designated to administer the plan under the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as amended;	48471 48472 48473
(E) Shall take appropriate action to guarantee rights of and services to handicapped persons;	48474 48475
(F) Shall consult with and advise other state agencies to assist them in meeting the needs of handicapped persons more effectively and to achieve maximum coordination among programs for the handicapped;	48476 48477 48478 48479
(G) Shall establish an administrative division of consumer affairs and advocacy within the commission to promote and help guarantee the rights of handicapped persons;	48480 48481 48482
(H) Shall maintain an inventory of state services that are available to handicapped persons;	48483 48484
(I) Shall utilize, support, assist, and cooperate with the governor's committee on employment of the handicapped;	48485 48486
(J) May delegate to any officer or employee of the commission any necessary powers and duties;	48487 48488
(K) May take any other necessary or appropriate action for cooperation with public and private agencies and organizations which may include:	48489 48490 48491
(1) Reciprocal agreements with other states to provide for the vocational rehabilitation of individuals within the states concerned;	48492 48493 48494

(2) Contracts or other arrangements with public and other nonprofit agencies and organizations for the construction or establishment and operation of vocational rehabilitation programs and facilities;	48495 48496 48497 48498
(3) Cooperative arrangements with the federal government for carrying out sections 3304.11 to 3304.27 of the Revised Code, the "Vocational Rehabilitation Act," 41 Stat. 735 (1920), 29 U.S.C. 31, as amended, or other federal statutes pertaining to vocational rehabilitation, and to this end, may adopt plans and methods of administration found necessary by the federal government for the efficient operation of any joint arrangements or the efficient application of any federal statutes;	48499 48500 48501 48502 48503 48504 48505 48506
(4) Upon the designation of the governor, performing functions and services for the federal government relating to individuals under a physical or mental disability;	48507 48508 48509
~~(5) Compliance~~ (L) Shall comply with any requirements necessary to obtain federal funds in the maximum amount and most advantageous proportion possible.	48510 48511 48512
~~(L)(M)~~ May conduct research and demonstration projects, including inquiries concerning the causes of blindness and its prevention, provide training and instruction, including the establishment and maintenance of research fellowships and traineeships along with all necessary stipends and allowances, disseminate information, and provide technical assistance relating to vocational rehabilitation;	48513 48514 48515 48516 48517 48518 48519
~~(M)(N)~~ May plan, establish, and operate programs, facilities, and services relating to vocational rehabilitation;	48520 48521
~~(N)(O)~~ May accept and hold, invest, reinvest, or otherwise use gifts made for the purpose of furthering vocational rehabilitation;	48522 48523 48524

~~(O)~~(P) May ameliorate the condition of the aged blind or
other severely disabled individuals by establishing a program of
home visitation by commission employees for the purpose of
instruction;

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~~(P)~~(Q) May establish and manage small business enterprises
that are operated by persons with a substantial handicap to
employment, including blind persons;

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~~(Q)~~(R) May purchase from insurance companies licensed to do
business in this state any insurance deemed necessary by the
commission for the efficient operation of a suitable vending
facility as defined in division (A) of section 3304.28 of the
Revised Code;

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~~(R)~~(S) May accept directly from any state agency, and any
state agency may transfer directly to the commission, surplus
computers and computer equipment to be used for any purposes the
commission considers appropriate, notwithstanding sections 125.12
to 125.14 of the Revised Code.

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Sec. 3304.181. If the total of all funds available from
nonfederal sources to support the activities of the rehabilitation
services commission does not comply with the expenditure
requirements of 34 C.F.R. 361.60 and 361.62 for those activities
or would cause the state to lose an allotment or fail to receive
a reallocation under 34 C.F.R. 361.65, the commission shall
solicit additional funds from, and enter into agreements for the
use of those funds with, private or public entities, including
local government entities of this state. The commission shall
continue to solicit additional funds and enter into agreements
until the total funding available is sufficient for the
commission to receive federal funds at the maximum amount and in
the most advantageous proportion possible.

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Any agreement entered into between the commission and a private or public entity to provide funds under this section shall be in accordance with section 3304.182 of the Revised Code.

Sec. 3304.182. Any agreement between the rehabilitation services commission and a private or public entity providing funds under section 3304.181 of the Revised Code may permit the commission to receive a specified percentage of the funds for administration, but the percentage shall be not more than thirteen per cent of the total funds available under the agreement. The agreement shall not be for less than six months or be discontinued by the commission without the commission first providing three months notice of intent to discontinue the agreement. The commission may terminate an agreement only for good cause.

Any services provided under an agreement entered into under section 3304.181 of the Revised Code shall be provided by a person or government entity that meets the accreditation standards established in rules adopted by the commission under section 3304.16 of the Revised Code.

Sec. 3304.231. There is hereby created a brain injury advisory committee, which shall advise the administrator of the rehabilitation services commission and the brain injury program with regard to unmet needs of survivors of brain injury, development of programs for survivors and their families, establishment of training programs for health care professionals, and any other matter within the province of the brain injury program. The committee shall consist of not lessfewer than ~~eighteen~~twenty and not more than ~~twenty-one~~twenty-two members as follows:

(A) Not lessfewer than ten and not more than twelve members appointed by the administrator of the rehabilitation services commission, including all of the following: a survivor of brain

injury, a relative of a survivor of brain injury, a licensed
physician recommended by the Ohio chapter of the American college
of emergency physicians, a licensed physician recommended by the
Ohio state medical association, one other health care
professional, a rehabilitation professional, an individual who
represents the brain injury association of Ohio, and not less
fewer than three nor more than five individuals who shall
represent the public;

(B) The directors of the departments of health, alcohol and
drug addiction services, mental retardation and developmental
disabilities, mental health, job and family services, aging, and
~~highway~~public safety; the administrator of workers' compensation;
the superintendent of public instruction; and the administrator of
the rehabilitation services commission. Any of the officials
specified in this division may designate an individual to serve in
the official's place as a member of the committee.

~~The director of health shall make initial appointments to the
committee by November 1, 1990. Appointments made after July 26,
1991, shall be made by the administrator of the rehabilitation
services commission.~~ Terms of office of the appointed members
shall be two years. Members may be reappointed. Vacancies shall
be filled in the manner provided for original appointments. Any
member appointed to fill a vacancy occurring prior to the
expiration date of the term for which the member's predecessor was
appointed shall hold office as a member for the remainder of that
term.

Members of the committee shall serve without compensation,
but shall be reimbursed for actual and necessary expenses incurred
in the performance of their duties.

Sec. 3306.01. This chapter shall be administered by the
state board of education. The superintendent of public instruction
shall calculate the amounts payable to each school district and

shall certify the amounts payable to each eligible district to the 48619
treasurer of the district as determined under this chapter. As 48620
soon as possible after such amounts are calculated, the 48621
superintendent shall certify to the treasurer of each school 48622
district the district's adjusted charge-off increase, as defined 48623
in section 5705.211 of the Revised Code. No moneys shall be 48624
distributed pursuant to this chapter without the approval of the 48625
controlling board. 48626

The state board of education shall, in accordance with 48627
appropriations made by the general assembly, meet the financial 48628
obligations of this chapter. 48629

Annually, the department of education shall calculate and 48630
report to each school district the district's adequacy amount 48631
utilizing the calculations in sections 3306.03 and 3306.13 of the 48632
Revised Code. The department shall calculate and report separately 48633
for each school district the district's total state and local 48634
funds for its students with disabilities, utilizing the 48635
calculations in sections 3306.05, 3306.11, and 3306.13 of the 48636
Revised Code. The department shall calculate and report separately 48637
for each school district the amount of funding calculated for each 48638
factor of the district's adequacy amount. 48639

Not later than the thirty-first day of August of each fiscal 48640
year, the department of education shall provide to each school 48641
district a preliminary estimate of the amount of funding that the 48642
department calculates the district will receive under section 48643
3306.13 of the Revised Code. Not later than the first day of 48644
December of each fiscal year, the department shall update that 48645
preliminary estimate. 48646

Moneys distributed pursuant to this chapter shall be 48647
calculated and paid on a fiscal year basis, beginning with the 48648
first day of July and extending through the thirtieth day of June. 48649
Unless otherwise provided, the moneys appropriated for each fiscal 48650

year shall be distributed at least monthly to each school district. The state board shall submit a yearly distribution plan to the controlling board at its first meeting in July. The state board shall submit any proposed midyear revision of the plan to the controlling board in January. Any year-end revision of the plan shall be submitted to the controlling board in June. If moneys appropriated for each fiscal year are distributed other than monthly, such distribution shall be on the same basis for each school district.

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The total amounts paid each month shall constitute, as nearly as possible, one-twelfth of the total amount payable for the entire year.

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Payments shall be calculated to reflect the reporting of formula ADM. Annualized periodic payments for each school district shall be based on the district's final student counts verified by the superintendent of public instruction based on reports under section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

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(A) Except as otherwise provided, payments under this chapter shall be made only to those school districts that comply with divisions (A)(1) to (3) of this section.

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(1) Each city, exempted village, and local school district shall levy for current operating expenses at least twenty mills. Levies for joint vocational or cooperative education school districts or county school financing districts, limited to or to the extent apportioned to current expenses, shall be included in this qualification requirement. School district income tax levies under Chapter 5748. of the Revised Code, limited to or to the extent apportioned to current operating expenses, shall be included in this qualification requirement to the extent determined by the tax commissioner under division (D) of section 3317.021 of the Revised Code.

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(2) Each city, exempted village, local, and joint vocational school district, during the school year next preceding the fiscal year for which payments are calculated under this chapter, shall meet the requirement of section 3313.48 or 3313.481 of the Revised Code, with regard to the minimum number of days or hours school must be open for instruction with pupils in attendance, for individualized parent-teacher conference and reporting periods, and for professional meetings of teachers. The superintendent of public instruction shall waive a number of days in accordance with section 3317.01 of the Revised Code on which it had been necessary for a school to be closed because of disease epidemic, hazardous weather conditions, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use.

A school district shall not be considered to have failed to comply with this division or section 3313.481 of the Revised Code because schools were open for instruction but either twelfth grade students were excused from attendance for up to three days or only a portion of the kindergarten students were in attendance for up to three days in order to allow for the gradual orientation to school of such students.

The superintendent of public instruction shall waive the requirements of this section with reference to the minimum number of days or hours a school must be open for instruction with pupils in attendance for the school year succeeding the school year in which a board of education initiates a plan of operation pursuant to section 3313.481 of the Revised Code. The minimum requirements of this section shall again be applicable to the district beginning with the school year commencing the second July succeeding the initiation of the plan, and for each school year

thereafter. 48715

A school district shall not be considered to have failed to 48716
comply with this division or section 3313.48 or 3313.481 of the 48717
Revised Code because schools were open for instruction but the 48718
length of the regularly scheduled learning day, for any number of 48719
days during the school year, was reduced by not more than two 48720
hours due to hazardous weather conditions. 48721

(3) Each city, exempted village, local, and joint vocational 48722
school district shall have on file, and shall pay in accordance 48723
with, a teachers' salary schedule which complies with section 48724
3317.13 of the Revised Code. 48725

(B) A school district board of education or educational 48726
service center governing board that has not conformed with other 48727
law, and the rules pursuant thereto, shall not participate in the 48728
distribution of funds authorized by this chapter, except for good 48729
and sufficient reason established to the satisfaction of the state 48730
board of education and the state controlling board. 48731

(C) All funds allocated to school districts under this 48732
chapter, except those specifically allocated for other purposes, 48733
shall be used only to pay current operating expenses or for either 48734
of the following purposes: 48735

(1) The modification or purchase of classroom space to 48736
provide all-day kindergarten as required by section 3321.05 of the 48737
Revised Code, provided the district certifies its shortage of 48738
space for providing all-day kindergarten to the department of 48739
education, in a manner specified by the department; 48740

(2) The modification or purchase of classroom space to reduce 48741
class sizes in grades kindergarten through three to attain the 48742
goal of fifteen students per core teacher, provided the district 48743
certifies its need for additional classroom space to the 48744

department, in a manner specified by the department. 48745

(D) On or before the last day of each month, the department 48746
of education shall certify to the director of budget and 48747
management for payment, for each county: 48748

(1)(a) That portion of the allocation of money under section 48749
3306.13 of the Revised Code that is required to be paid in that 48750
month to each school district located wholly within the county 48751
subsequent to the deductions described in division (D)(1)(b) of 48752
this section: 48753

(b) The amounts deducted from such allocation under sections 48754
3307.31 and 3309.51 of the Revised Code for payment directly to 48755
the school employees and state teachers retirement systems under 48756
such sections. 48757

(2) If the district is located in more than one county, an 48758
apportionment of the amounts that would otherwise be certified 48759
under division (D)(1) of this section. The amounts apportioned to 48760
the county shall equal the amounts certified under division (D)(1) 48761
of this section times the percentage of the district's resident 48762
pupils who reside both in the district and in the county, based on 48763
the average daily membership reported under division (A) of 48764
section 3317.03 of the Revised Code in October of the prior 48765
fiscal year. 48766

Sec. 3306.011. Beginning with fiscal year 2010, the payments 48767
prescribed by this chapter supersede and replace the payments 48768
described under sections 3317.012, 3317.013, 3317.014, 3317.022, 48769
3317.029, 3317.0216, 3317.0217, and 3317.16 of the Revised Code, 48770
except as otherwise provided in section 3317.018 of the Revised 48771
Code. 48772

Sec. 3306.012. The form developed by the department of 48773
education to calculate funding to a school district formerly known 48774

as the form "SF-3," on and after the effective date of this 48775
section shall be known as the "PASS form." As used in this 48776
section and any section referring to the PASS form, "PASS" is an 48777
acronym for "Pathway to Student Success." The form shall be 48778
revised as necessary to reflect payments made under this chapter 48779
and Chapter 3317. of the Revised Code and shall be available to 48780
the public in a format understandable to the average citizen. 48781

Sec. 3306.02. As used in this chapter: 48782

(A) "Adequacy amount" means the amount described in section 48783
3306.03 of the Revised Code. 48784

(B) "Building manager" means a person who supervises the 48785
administrative (non-curricular, non-instructional) functions of 48786
school operation so that a school principal can focus on 48787
supporting instruction, providing instructional leadership, and 48788
engaging teachers as part of the instructional leadership team. A 48789
building manager may be, but is not required to be, a licensed 48790
educator under section 3319.22 of the Revised Code. 48791

(C) "Career-technical education teacher" means an education 48792
professional who holds a valid license to provide specialized 48793
instruction in career and technical courses. 48794

(D)(1) "Category one special education ADM" means a school 48795
district's formula ADM of children whose primary or only 48796
identified disability is a speech and language disability, as this 48797
term is defined pursuant to Chapter 3323. of the Revised Code. 48798
Beginning in fiscal year 2010, for any school district for which 48799
formula ADM means the number verified in the previous fiscal year, 48800
the category one special education ADM also shall be as verified 48801
from the previous year. 48802

(2) "Category two special education ADM" means a school 48803
district's formula ADM of children identified as specific learning 48804

disabled or developmentally disabled, as these terms are defined 48805
pursuant to Chapter 3323. of the Revised Code, or as having an 48806
other health impairment-minor, as defined in this section. 48807
Beginning in fiscal year 2010, for any school district for which 48808
formula ADM means the number verified in the previous fiscal year, 48809
the category two special education ADM also shall be as verified 48810
from the previous year. 48811

(3) "Category three special education ADM" means a school 48812
district's formula ADM of children identified as hearing disabled 48813
or severe behavior disabled, as these terms are defined pursuant 48814
to Chapter 3323. of the Revised Code. Beginning in fiscal year 48815
2010, for any school district for which formula ADM means the 48816
number verified in the previous fiscal year, the category three 48817
special education ADM also shall be as verified from the previous 48818
year. 48819

(4) "Category four special education ADM" means a school 48820
district's formula ADM of children identified as vision impaired, 48821
as this term is defined pursuant to Chapter 3323. of the Revised 48822
Code, or as having an other health impairment-major, as defined 48823
in this section. Beginning in fiscal year 2010, for any school 48824
district for which formula ADM means the number verified in the 48825
previous fiscal year, the category four special education ADM 48826
also shall be as verified from the previous year. 48827

(5) "Category five special education ADM" means a school 48828
district's formula ADM of children identified as orthopedically 48829
disabled or as having multiple disabilities, as these terms are 48830
defined pursuant to Chapter 3323. of the Revised Code. Beginning 48831
in fiscal year 2010, for any school district for which formula 48832
ADM means the number verified in the previous fiscal year, the 48833
category five special education ADM also shall be as verified 48834
from the previous year. 48835

(6) "Category six special education ADM" means a school 48836

district's formula ADM of children identified as autistic, having traumatic brain injuries, or as both visually and hearing impaired, as these terms are defined pursuant to Chapter 3323. of the Revised Code. Beginning in fiscal year 2010, for any school district for which formula ADM means the number verified in the previous fiscal year, the category six special education ADM also shall be as verified from the previous year.

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(E) "Class one effective operating tax rate" of a school district means the quotient obtained by dividing the district's class one taxes charged and payable for current expenses, excluding taxes levied under sections 5705.194 to 5705.197, 5705.199, 5705.213, and 5705.219 of the Revised Code, by the district's class one taxable value.

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(F) "Core teacher" means an education professional who provides instruction in English-language arts, mathematics, science, social studies, or foreign languages.

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(G) "Counselor" means a person with a valid educator license issued pursuant to section 3319.22 of the Revised Code who provides pre-college and career counseling, general academic counseling, course planning, and other counseling services that are not related to a student's individualized education plan, as defined in section 3323.01 of the Revised Code.

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(H)(1) "Formula ADM" means, for a city, local, or exempted village school district, the average daily membership described in division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, further adjusted by the department of education, as follows:

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(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

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(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical educational compact.

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(2) In making calculations under this chapter that utilize formula ADM, the department shall use the formula ADM derived from the final, verified, and adjusted average daily membership described under division (A) of section 3317.03 of the Revised Code for the prior fiscal year, unless such average daily membership for the current fiscal year exceeds that number by two per cent or more. In that case, the department shall derive the formula ADM from such average daily membership for the current fiscal year.

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(3) For fiscal year 2010, the department shall calculate formula ADM on the basis of the final, verified, and adjusted average daily membership, described in division (A) of the version of section 3317.03 of the Revised Code in effect on and after the effective date of this amendment, for October 2008 unless such average daily membership for October 2009 exceeds that number by two per cent or more. In that case, the department shall derive the formula ADM from such average daily membership for October 2009.

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(I) "Gifted coordinator" means a person who holds a valid educator license issued under section 3319.22 of the Revised Code, meets the qualifications for a gifted coordinator specified in the operating standards for identifying and serving gifted students prescribed in rules adopted by the state board of education, and provides coordination services for gifted students in accordance with those standards.

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(J) "Gifted intervention specialist" means a person who holds a valid gifted intervention specialist license or endorsement

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issued under section 3319.22 of the Revised Code and serves gifted students in accordance with the operating standards for identifying and serving gifted students prescribed in rules adopted by the state board of education.

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(K) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

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(L) "Lead teacher" means a teacher who provides mentoring and coaching for new teachers. A lead teacher also assists in coordinating professional development activities, in the development of professional learning communities, and in common planning time, and assists teachers in developing project-based, real-world learning activities for their students. The lead teacher position shall be a rotating position in which an individual shall serve no more than three years. After lead teacher licenses become available under section 3319.22 of the Revised Code, only teachers who hold that license shall be appointed as lead teachers. Until that time, each school district shall designate qualifications for the lead teacher position that are comparable to the licensing requirements, and shall give preference for appointment to the position to teachers who are certified by the national board for professional teaching standards or who meet the qualifications for a "master teacher" established by the educator standards board.

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(M) "Limited English proficiency teacher" means a person who provides instruction in English as a second language.

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(N) "Medically fragile child" means a child to whom all of the following apply:

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(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.

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(2) The child requires the services of a registered nurse on a daily basis.

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(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded.

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(O) "Ohio educational challenge factor" means an index to adjust the funding amount for each school district to account for student and community socioeconomic factors affecting teacher recruitment and retention, professional development, and other factors related to quality instruction. The Ohio educational challenge factor for each school district includes the district's college attainment rate of population, wealth per pupil, and concentration of poverty, and is listed in section 3306.051 of the Revised Code.

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(P) "Organizational unit" means, for the purpose of calculating a school district's adequacy amount under this chapter, a unit used to index a school district's formula ADM in certain grade levels. Calculating the number of organizational units in a school district functions to allocate the state's resources in a manner that achieves a thorough, efficient, and adequate educational system that provides the appropriate services to students enrolled in that district. In recognition of the fact that students have different educational needs at each developmental stage, organizational units group the grade levels into elementary school units, middle school units, and high school units. Except as provided in division (C) of section 3306.04 of the Revised Code, a school district's "organizational units" is the sum of its elementary school units, middle school units, and high school units.

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(Q) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules adopted by the state

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<u>board of education prior to July 1, 2001, and if either of the</u>	48961
<u>following apply:</u>	48962
<u>(1) The child is identified as having a medical condition</u>	48963
<u>that is among those listed by the superintendent of public</u>	48964
<u>instruction as conditions where a substantial majority of cases</u>	48965
<u>fall within the definition of "medically fragile child."</u>	48966
<u>(2) The child is determined by the superintendent of public</u>	48967
<u>instruction to be a medically fragile child. A school district may</u>	48968
<u>petition the superintendent of public instruction for a</u>	48969
<u>determination that a child is a medically fragile child.</u>	48970
<u>(R) A child may be identified as having an "other health</u>	48971
<u>impairment-minor" if the child's condition meets the definition of</u>	48972
<u>"other health impaired" established in rules adopted by the state</u>	48973
<u>board of education prior to July 1, 2001, but the child's</u>	48974
<u>condition does not meet either of the conditions specified in</u>	48975
<u>division (Q)(1) or (2) of this section.</u>	48976
<u>(S) "Potential value" of a school district means:</u>	48977
<u>(1) For a district with a class one effective operating rate</u>	48978
<u>that is less than twenty and one-tenth effective mills, the sum of</u>	48979
<u>its total taxable value plus its tax exempt value;</u>	48980
<u>(2) For a district with a class one effective operating rate</u>	48981
<u>that is greater than or equal to twenty and one-tenth effective</u>	48982
<u>mills, the sum of its recognized valuation plus its tax exempt</u>	48983
<u>value.</u>	48984
<u>(T) "Principal" means a person who provides management</u>	48985
<u>oversight of building operations, academic leadership for the</u>	48986
<u>teaching professionals, and other administrative duties.</u>	48987
<u>(U) "Property exemption value" means the amount certified for</u>	48988

<u>a school district under divisions (A)(6) and (7) of section 3317.021 of the Revised Code.</u>	48989 48990
<u>(V) "Recognized valuation" means the amount calculated for a school district pursuant to section 3317.015 of the Revised Code.</u>	48991 48992
<u>(W) "School nurse wellness coordinator" means a person who has fulfilled the requirements for the issuance of a school nurse wellness coordinator license under section 3319.221 of the Revised Code.</u>	48993 48994 48995 48996
<u>(X) "Small school district" means a city, local, or exempted village school district that has a formula ADM of less than four hundred eighteen students in grades kindergarten through twelve.</u>	48997 48998 48999
<u>(Y) "Special education" has the same meaning as in section 3323.01 of the Revised Code.</u>	49000 49001
<u>(Z) "Special education teacher" means a teacher who holds the necessary license issued pursuant to section 3319.22 of the Revised Code to meet the unique needs of children with disabilities.</u>	49002 49003 49004 49005
<u>(AA) "Special education teacher's aide" means a person providing support for special education teachers and other associated duties.</u>	49006 49007 49008
<u>(BB) "Specialist teacher" means a person holding a valid educator's license, issued pursuant to section 3319.22 of the Revised Code, who provides instruction in dance, drama and theater, music, visual art, or physical education.</u>	49009 49010 49011 49012
<u>(CC) "State share percentage" means the quotient of a school district's state share of the adequacy amount determined under section 3306.13 of the Revised Code divided by the total adequacy amount for the district as described in section 3306.03 of the</u>	49013 49014 49015 49016

<u>Revised Code. If the quotient is a negative number, the district's</u>	49017
<u>state share percentage is zero.</u>	49018
<u>(DD) "Family and community liaisons" means individuals who</u>	49019
<u>provide assistance to students and their families, individuals</u>	49020
<u>who are linkage coordinators as described in section 3306.31 of</u>	49021
<u>the Revised Code, and may include individuals who hold valid</u>	49022
<u>licenses as family liaisons, social workers, and student</u>	49023
<u>advocates.</u>	49024
<u>(EE) "Supplemental teacher" means a person holding a valid</u>	49025
<u>educator license issued pursuant to section 3319.22 of the Revised</u>	49026
<u>Code, or qualified to secure such a license and approved by the</u>	49027
<u>school district to provide remedial services, intensive</u>	49028
<u>subject-based instruction, homework help, or other forms of</u>	49029
<u>supplemental instruction.</u>	49030
<u>(FF) "Targeted poverty indicator" means the percentage of a</u>	49031
<u>school district's students who are economically disadvantaged, as</u>	49032
<u>determined for purposes of the report card issued under section</u>	49033
<u>3302.03 of the Revised Code.</u>	49034
<u>(GG) "Tax exempt value" of a school district means the amount</u>	49035
<u>certified for a school district under division (A)(4) of section</u>	49036
<u>3317.021 of the Revised Code.</u>	49037
<u>(HH) "Total taxable value" means the sum of the amounts</u>	49038
<u>certified for a school district under divisions (A)(1) and (2) of</u>	49039
<u>section 3317.021 of the Revised Code.</u>	49040
<u>Sec. 3306.03. (A) The adequacy amount for each city, local,</u>	49041
<u>and exempted village school district is the sum of the following:</u>	49042
<u>(1) Instructional services support calculated under section</u>	49043
<u>3306.05 of the Revised Code;</u>	49044

<u>(2) Additional services support calculated under section 3306.06 of the Revised Code;</u>	49045 49046
<u>(3) Administrative services support calculated under section 3306.07 of the Revised Code;</u>	49047 49048
<u>(4) Operations and maintenance support calculated under section 3306.08 of the Revised Code;</u>	49049 49050
<u>(5) Gifted education and enrichment support calculated under sections 3306.09 and 3306.091, respectively, of the Revised Code;</u>	49051 49052
<u>(6) Technology resources support calculated under section 3306.10 of the Revised Code;</u>	49053 49054
<u>(7) The professional development factor, calculated by multiplying the sum of the school district's core teacher, specialist teacher, lead teacher, and special education teacher positions, all as calculated under sections 3306.05 and 3306.11 of the Revised Code, by \$1,833 in fiscal years 2010 and 2011;</u>	49055 49056 49057 49058 49059
<u>(8) The instructional materials factor, calculated by multiplying the school district's formula ADM by \$165. The instructional materials factor for each city, local, and exempted village school district shall be adjusted by multiplying this calculated amount by 0.20 in fiscal year 2010, by 0.30 in fiscal year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and 2017.</u>	49060 49061 49062 49063 49064 49065 49066 49067
<u>(B) The state share of the adequacy amount paid to each school district shall be determined under section 3306.13 of the Revised Code.</u>	49068 49069 49070
<u>(C) Funding for career-technical education teachers and career-technical education program operations shall be calculated</u>	49071 49072

under section 3306.052 of the Revised Code. Transportation 49073
support shall be calculated under section 3306.12 of the Revised 49074
Code. Both are in addition to the state share of the adequacy 49075
amount. 49076

Sec. 3306.04. (A) For purposes of calculating the adequacy 49077
amount for each city, local, and exempted village school district, 49078
the department of education shall calculate the number of the 49079
district's organizational units. 49080

(B) Except for a small school district, each school 49081
district's "organizational units" is the sum of its elementary 49082
school units, middle school units, and high school units, as 49083
follows: 49084

(1) The number of the district's elementary school 49085
organizational units is calculated by dividing its formula ADM for 49086
grades kindergarten to five by four hundred eighteen. 49087

(2) The number of the district's middle school organizational 49088
units is calculated by dividing its formula ADM for grades six to 49089
eight by five hundred fifty-seven. 49090

(3) The number of the district's high school organizational 49091
units is calculated by dividing its formula ADM for grades nine to 49092
twelve by seven hundred thirty-three. 49093

(C) For each small school district, the number of 49094
organizational units is one organizational unit. 49095

(D) Each school district, regardless of its formula ADM, 49096
shall have at least one organizational unit. 49097

Sec. 3306.05. (A) The instructional services support 49098
component of the adequacy amount for each city, local, and 49099
exempted village school district is the sum of the following: 49100

<u>(1) The core teacher factor;</u>	49101
<u>(2) The specialist teacher factor;</u>	49102
<u>(3) The lead teacher factor;</u>	49103
<u>(4) The special education teacher factor;</u>	49104
<u>(5) The special education teacher's aide factor;</u>	49105
<u>(6) The limited English proficiency teacher factor;</u>	49106
<u>(7) The supplemental teacher factor.</u>	49107
<u>(B) Each factor listed in division (A) of this section shall</u>	49108
<u>be calculated by multiplying the Ohio educational challenge</u>	49109
<u>factor, specified for the district in section 3306.051 of the</u>	49110
<u>Revised Code, times the statewide base teacher salary of \$56,902</u>	49111
<u>in fiscal year 2010 and \$57,812 in fiscal year 2011, times the</u>	49112
<u>number of positions funded, as follows:</u>	49113
<u>(1) The number of core teacher positions funded shall be</u>	49114
<u>calculated by dividing the district's formula ADM in grades four</u>	49115
<u>to twelve by twenty-five, and then adding that number to the</u>	49116
<u>quotient of the district's formula ADM in grades kindergarten to</u>	49117
<u>three divided by the following:</u>	49118
<u>(a) In fiscal years 2010 and 2011, nineteen;</u>	49119
<u>(b) In fiscal years 2012 and 2013, seventeen;</u>	49120
<u>(c) In fiscal year 2014 and in each fiscal year thereafter,</u>	49121
<u>fifteen.</u>	49122
<u>(2) The number of specialist teacher positions funded shall</u>	49123
<u>be calculated by multiplying the number of core teacher positions</u>	49124

determined under division (B)(1) of this section for grades 49125
kindergarten to eight by one-fifth, and by multiplying the number 49126
of core teacher positions determined for grades nine to twelve by 49127
one-fourth. 49128

(3) The number of lead teacher positions funded shall equal 49129
the number of the district's organizational units. 49130

(4) The number of special education teacher positions and 49131
special education teacher's aide positions funded shall be 49132
calculated as provided in section 3306.11 of the Revised Code. 49133

(5) The number of limited English proficiency teacher 49134
positions funded shall be calculated by multiplying the district's 49135
formula ADM times the district's percentage of limited English 49136
proficient students, as defined in 20 U.S.C. 7801, and then 49137
dividing that product by one hundred; 49138

(6) The number of supplemental teacher positions funded shall 49139
be calculated by multiplying the district's formula ADM times its 49140
targeted poverty indicator, and then dividing that product by one 49141
hundred. 49142

(C) Each school district shall account separately for 49143
expenditures of the amounts received for instructional services 49144
support under this section and report that information to the 49145
department of education. 49146

Sec. 3306.051. (A) The Ohio educational challenge factor is 49147
based on the following characteristics: 49148

(1) The college attainment rate of the school district's 49149
population; 49150

(2) The district's wealth per pupil, based on property 49151
valuation and federal adjusted gross income; 49152

<u>(3) The district's concentration of poverty, based on its</u>	49153
<u>targeted poverty indicator.</u>	49154

<u>(B) The Ohio educational challenge factor for each city,</u>	49155
<u>local, and exempted village school district for fiscal years 2010</u>	49156
<u>and 2011 shall equal the following:</u>	49157

<u>School</u>		<u>Educational</u>	49158
<u>District</u>	<u>County</u>	<u>Challenge</u>	49159
<u>District</u>	<u>County</u>	<u>Factor</u>	49160
<u>Ada Ex Vill SD</u>	<u>Hardin</u>	<u>1.276507</u>	49161
<u>Adena Local SD</u>	<u>Ross</u>	<u>1.464992</u>	49162
<u>Akron City SD</u>	<u>Summit</u>	<u>1.406389</u>	49163
<u>Alexander Local SD</u>	<u>Athens</u>	<u>1.313935</u>	49164
<u>Allen East Local SD</u>	<u>Allen</u>	<u>1.424432</u>	49165
<u>Alliance City SD</u>	<u>Stark</u>	<u>1.412775</u>	49166
<u>Amanda-Clearcreek Local SD</u>	<u>Fairfield</u>	<u>1.475639</u>	49167
<u>Amherst Ex Vill SD</u>	<u>Lorain</u>	<u>1.075260</u>	49168
<u>Anna Local SD</u>	<u>Shelby</u>	<u>1.145758</u>	49169
<u>Ansonia Local SD</u>	<u>Darke</u>	<u>1.491442</u>	49170
<u>Anthony Wayne Local SD</u>	<u>Lucas</u>	<u>0.967172</u>	49171
<u>Antwerp Local SD</u>	<u>Paulding</u>	<u>1.388847</u>	49172
<u>Arcadia Local SD</u>	<u>Hancock</u>	<u>1.099092</u>	49173
<u>Arcanum Butler Local SD</u>	<u>Darke</u>	<u>1.232531</u>	49174
<u>Archbold-Area Local SD</u>	<u>Fulton</u>	<u>1.061622</u>	49175
<u>Arlington Local SD</u>	<u>Hancock</u>	<u>1.209353</u>	49176
<u>Ashland City SD</u>	<u>Ashland</u>	<u>1.165340</u>	49177
<u>Ashtabula Area City SD</u>	<u>Ashtabula</u>	<u>1.382239</u>	49178
<u>Athens City SD</u>	<u>Athens</u>	<u>1.111632</u>	49179
<u>Aurora City SD</u>	<u>Portage</u>	<u>0.926606</u>	49180
<u>Austintown Local SD</u>	<u>Mahoning</u>	<u>1.199890</u>	49181
<u>Avon Lake City SD</u>	<u>Lorain</u>	<u>0.907126</u>	49182
<u>Avon Local SD</u>	<u>Lorain</u>	<u>0.956278</u>	49183
<u>Ayersville Local SD</u>	<u>Defiance</u>	<u>1.083115</u>	49184

<u>Barberton City SD</u>	<u>Summit</u>	<u>1.378977</u>	49185
<u>Barnesville Ex Vill SD</u>	<u>Belmont</u>	<u>1.336210</u>	49186
<u>Batavia Local SD</u>	<u>Clermont</u>	<u>1.237613</u>	49187
<u>Bath Local SD</u>	<u>Allen</u>	<u>1.162598</u>	49188
<u>Bay Village City SD</u>	<u>Cuyahoga</u>	<u>0.872927</u>	49189
<u>Beachwood City SD</u>	<u>Cuyahoga</u>	<u>0.788347</u>	49190
<u>Beaver Local SD</u>	<u>Columbiana</u>	<u>1.326577</u>	49191
<u>Beavercreek City SD</u>	<u>Greene</u>	<u>0.922944</u>	49192
<u>Bedford City SD</u>	<u>Cuyahoga</u>	<u>1.146404</u>	49193
<u>Bellaire Local SD</u>	<u>Belmont</u>	<u>1.553266</u>	49194
<u>Bellefontaine City SD</u>	<u>Logan</u>	<u>1.316875</u>	49195
<u>Bellevue City SD</u>	<u>Huron</u>	<u>1.224385</u>	49196
<u>Belpre City SD</u>	<u>Washington</u>	<u>1.189101</u>	49197
<u>Benjamin Logan Local SD</u>	<u>Logan</u>	<u>1.092906</u>	49198
<u>Benton Carroll Salem Local SD</u>	<u>Ottawa</u>	<u>1.064360</u>	49199
<u>Berea City SD</u>	<u>Cuyahoga</u>	<u>1.076406</u>	49200
<u>Berkshire Local SD</u>	<u>Geauga</u>	<u>1.031217</u>	49201
<u>Berlin-Milan Local SD</u>	<u>Erie</u>	<u>1.080029</u>	49202
<u>Berne Union Local SD</u>	<u>Fairfield</u>	<u>1.212285</u>	49203
<u>Bethel Local SD</u>	<u>Miami</u>	<u>1.042841</u>	49204
<u>Bethel-Tate Local SD</u>	<u>Clermont</u>	<u>1.467173</u>	49205
<u>Bettsville Local SD</u>	<u>Seneca</u>	<u>1.266982</u>	49206
<u>Bexley City SD</u>	<u>Franklin</u>	<u>0.811340</u>	49207
<u>Big Walnut Local SD</u>	<u>Delaware</u>	<u>0.967045</u>	49208
<u>Black River Local SD</u>	<u>Medina</u>	<u>1.235165</u>	49209
<u>Blanchester Local SD</u>	<u>Clinton</u>	<u>1.464462</u>	49210
<u>Bloom Carroll Local SD</u>	<u>Fairfield</u>	<u>1.019268</u>	49211
<u>Bloomfield-Mespo Local SD</u>	<u>Trumbull</u>	<u>1.242742</u>	49212
<u>Bloom-Vernon Local SD</u>	<u>Scioto</u>	<u>1.550611</u>	49213
<u>Bluffton Ex Vill SD</u>	<u>Allen</u>	<u>1.110535</u>	49214
<u>Boardman Local SD</u>	<u>Mahoning</u>	<u>1.059697</u>	49215
<u>Botkins Local SD</u>	<u>Shelby</u>	<u>1.160687</u>	49216
<u>Bowling Green City SD</u>	<u>Wood</u>	<u>0.994699</u>	49217
<u>Bradford Ex Vill SD</u>	<u>Miami</u>	<u>1.501180</u>	49218
<u>Brecksville-Broadview Hts City SD</u>	<u>Cuyahoga</u>	<u>0.907332</u>	49219

<u>Bridgeport Ex Vill SD</u>	<u>Belmont</u>	<u>1.400416</u>	49220
<u>Bright Local SD</u>	<u>Highland</u>	<u>1.514786</u>	49221
<u>Bristol Local SD</u>	<u>Trumbull</u>	<u>1.311147</u>	49222
<u>Brookfield Local SD</u>	<u>Trumbull</u>	<u>1.254722</u>	49223
<u>Brooklyn City SD</u>	<u>Cuyahoga</u>	<u>1.095906</u>	49224
<u>Brookville Local SD</u>	<u>Montgomery</u>	<u>1.117308</u>	49225
<u>Brown Local SD</u>	<u>Carroll</u>	<u>1.200260</u>	49226
<u>Brunswick City SD</u>	<u>Medina</u>	<u>1.070900</u>	49227
<u>Bryan City SD</u>	<u>Williams</u>	<u>1.147033</u>	49228
<u>Buckeye Central Local SD</u>	<u>Crawford</u>	<u>1.318612</u>	49229
<u>Buckeye Local SD</u>	<u>Ashtabula</u>	<u>1.205162</u>	49230
<u>Buckeye Local SD</u>	<u>Jefferson</u>	<u>1.289405</u>	49231
<u>Buckeye Local SD</u>	<u>Medina</u>	<u>1.045651</u>	49232
<u>Buckeye Valley Local SD</u>	<u>Delaware</u>	<u>1.000444</u>	49233
<u>Bucyrus City SD</u>	<u>Crawford</u>	<u>1.523808</u>	49234
<u>Caldwell Ex Vill SD</u>	<u>Noble</u>	<u>1.326424</u>	49235
<u>Cambridge City SD</u>	<u>Guernsey</u>	<u>1.499755</u>	49236
<u>Campbell City SD</u>	<u>Mahoning</u>	<u>1.595858</u>	49237
<u>Canal Winchester Local SD</u>	<u>Franklin</u>	<u>1.106260</u>	49238
<u>Canfield Local SD</u>	<u>Mahoning</u>	<u>0.947954</u>	49239
<u>Canton City SD</u>	<u>Stark</u>	<u>1.585014</u>	49240
<u>Canton Local SD</u>	<u>Stark</u>	<u>1.232137</u>	49241
<u>Cardinal Local SD</u>	<u>Geauga</u>	<u>1.108513</u>	49242
<u>Cardington-Lincoln Local SD</u>	<u>Morrow</u>	<u>1.470847</u>	49243
<u>Carey Ex Vill SD</u>	<u>Wyandot</u>	<u>1.236865</u>	49244
<u>Carlisle Local SD</u>	<u>Warren</u>	<u>1.238244</u>	49245
<u>Carrollton Ex Vill SD</u>	<u>Carroll</u>	<u>1.267127</u>	49246
<u>Cedar Cliff Local SD</u>	<u>Greene</u>	<u>1.196668</u>	49247
<u>Celina City SD</u>	<u>Mercer</u>	<u>1.175680</u>	49248
<u>Centerburg Local SD</u>	<u>Knox</u>	<u>1.226160</u>	49249
<u>Centerville City SD</u>	<u>Montgomery</u>	<u>0.874900</u>	49250
<u>Central Local SD</u>	<u>Defiance</u>	<u>1.471967</u>	49251
<u>Chagrin Falls Ex Vill SD</u>	<u>Cuyahoga</u>	<u>0.773955</u>	49252
<u>Champion Local SD</u>	<u>Trumbull</u>	<u>1.138977</u>	49253
<u>Chardon Local SD</u>	<u>Geauga</u>	<u>0.970334</u>	49254

<u>Chesapeake Union Ex Vill SD</u>	<u>Lawrence</u>	<u>1.588621</u>	49255
<u>Chillicothe City SD</u>	<u>Ross</u>	<u>1.213102</u>	49256
<u>Chippewa Local SD</u>	<u>Wayne</u>	<u>1.085963</u>	49257
<u>Cincinnati City SD</u>	<u>Hamilton</u>	<u>1.160152</u>	49258
<u>Circleville City SD</u>	<u>Pickaway</u>	<u>1.242114</u>	49259
<u>Clark-Shawnee Local SD</u>	<u>Clark</u>	<u>1.060460</u>	49260
<u>Clay Local SD</u>	<u>Scioto</u>	<u>1.438160</u>	49261
<u>Claymont City SD</u>	<u>Tuscarawas</u>	<u>1.549650</u>	49262
<u>Clear Fork Valley Local SD</u>	<u>Richland</u>	<u>1.313111</u>	49263
<u>Clearview Local SD</u>	<u>Lorain</u>	<u>1.541988</u>	49264
<u>Clermont-Northeastern Local SD</u>	<u>Clermont</u>	<u>1.156191</u>	49265
<u>Cleveland Hts-Univ Hts City SD</u>	<u>Cuyahoga</u>	<u>1.034050</u>	49266
<u>Cleveland Municipal SD</u>	<u>Cuyahoga</u>	<u>1.591903</u>	49267
<u>Clinton-Massie Local SD</u>	<u>Clinton</u>	<u>1.133361</u>	49268
<u>Cloverleaf Local SD</u>	<u>Medina</u>	<u>1.075321</u>	49269
<u>Clyde-Green Springs Ex Vill SD</u>	<u>Sandusky</u>	<u>1.316544</u>	49270
<u>Coldwater Ex Vill SD</u>	<u>Mercer</u>	<u>1.379071</u>	49271
<u>College Corner Local SD</u>	<u>Preble</u>	<u>1.316130</u>	49272
<u>Colonel Crawford Local SD</u>	<u>Crawford</u>	<u>1.091023</u>	49273
<u>Columbia Local SD</u>	<u>Lorain</u>	<u>1.030821</u>	49274
<u>Columbiana Ex Vill SD</u>	<u>Columbiana</u>	<u>1.137881</u>	49275
<u>Columbus City SD</u>	<u>Franklin</u>	<u>1.266133</u>	49276
<u>Columbus Grove Local SD</u>	<u>Putnam</u>	<u>1.244911</u>	49277
<u>Conneaut Area City SD</u>	<u>Ashtabula</u>	<u>1.525711</u>	49278
<u>Conotton Valley Union Local SD</u>	<u>Harrison</u>	<u>1.345678</u>	49279
<u>Continental Local SD</u>	<u>Putnam</u>	<u>1.396089</u>	49280
<u>Copley-Fairlawn City SD</u>	<u>Summit</u>	<u>0.909191</u>	49281
<u>Cory-Rawson Local SD</u>	<u>Hancock</u>	<u>1.146248</u>	49282
<u>Coshocton City SD</u>	<u>Coshocton</u>	<u>1.385980</u>	49283
<u>Coventry Local SD</u>	<u>Summit</u>	<u>1.095527</u>	49284
<u>Covington Ex Vill SD</u>	<u>Miami</u>	<u>1.157932</u>	49285
<u>Crestline Ex Vill SD</u>	<u>Crawford</u>	<u>1.374339</u>	49286
<u>Crestview Local SD</u>	<u>Columbiana</u>	<u>1.310088</u>	49287
<u>Crestview Local SD</u>	<u>Richland</u>	<u>1.481045</u>	49288
<u>Crestview Local SD</u>	<u>Van Wert</u>	<u>1.373754</u>	49289

<u>Crestwood Local SD</u>	<u>Portage</u>	<u>1.129538</u>	49290
<u>Crooksville Ex Vill SD</u>	<u>Perry</u>	<u>1.573427</u>	49291
<u>Cuyahoga Falls City SD</u>	<u>Summit</u>	<u>1.094856</u>	49292
<u>Cuyahoga Heights Local SD</u>	<u>Cuyahoga</u>	<u>0.898436</u>	49293
<u>Dalton Local SD</u>	<u>Wayne</u>	<u>1.092859</u>	49294
<u>Danbury Local SD</u>	<u>Ottawa</u>	<u>0.971857</u>	49295
<u>Danville Local SD</u>	<u>Knox</u>	<u>1.494103</u>	49296
<u>Dawson-Bryant Local SD</u>	<u>Lawrence</u>	<u>1.648169</u>	49297
<u>Dayton City SD</u>	<u>Montgomery</u>	<u>1.448163</u>	49298
<u>Deer Park Community City SD</u>	<u>Hamilton</u>	<u>1.020600</u>	49299
<u>Defiance City SD</u>	<u>Defiance</u>	<u>1.325040</u>	49300
<u>Delaware City SD</u>	<u>Delaware</u>	<u>1.113757</u>	49301
<u>Delphos City SD</u>	<u>Allen</u>	<u>1.157538</u>	49302
<u>Dover City SD</u>	<u>Tuscarawas</u>	<u>1.140054</u>	49303
<u>Dublin City SD</u>	<u>Franklin</u>	<u>0.867517</u>	49304
<u>East Cleveland City SD</u>	<u>Cuyahoga</u>	<u>1.581708</u>	49305
<u>East Clinton Local SD</u>	<u>Clinton</u>	<u>1.462780</u>	49306
<u>East Guernsey Local SD</u>	<u>Guernsey</u>	<u>1.515285</u>	49307
<u>East Holmes Local SD</u>	<u>Holmes</u>	<u>1.139627</u>	49308
<u>East Knox Local SD</u>	<u>Knox</u>	<u>1.155805</u>	49309
<u>East Liverpool City SD</u>	<u>Columbiana</u>	<u>1.590185</u>	49310
<u>East Muskingum Local SD</u>	<u>Muskingum</u>	<u>1.207660</u>	49311
<u>East Palestine City SD</u>	<u>Columbiana</u>	<u>1.344973</u>	49312
<u>Eastern Local SD</u>	<u>Brown</u>	<u>1.331577</u>	49313
<u>Eastern Local SD</u>	<u>Meigs</u>	<u>1.512415</u>	49314
<u>Eastern Local SD</u>	<u>Pike</u>	<u>1.581268</u>	49315
<u>Eastwood Local SD</u>	<u>Wood</u>	<u>1.126743</u>	49316
<u>Eaton Community Schools City SD</u>	<u>Preble</u>	<u>1.136722</u>	49317
<u>Edgerton Local SD</u>	<u>Williams</u>	<u>1.306016</u>	49318
<u>Edgewood City SD</u>	<u>Butler</u>	<u>1.233147</u>	49319
<u>Edison Local SD</u>	<u>Jefferson</u>	<u>1.199355</u>	49320
<u>Edon-Northwest Local SD</u>	<u>Williams</u>	<u>1.318268</u>	49321
<u>Elgin Local SD</u>	<u>Marion</u>	<u>1.333351</u>	49322
<u>Elida Local SD</u>	<u>Allen</u>	<u>1.174016</u>	49323
<u>Elmwood Local SD</u>	<u>Wood</u>	<u>1.457047</u>	49324

<u>Elyria City SD</u>	<u>Lorain</u>	<u>1.284154</u>	49325
<u>Euclid City SD</u>	<u>Cuyahoga</u>	<u>1.257378</u>	49326
<u>Evergreen Local SD</u>	<u>Fulton</u>	<u>1.132215</u>	49327
<u>Fairbanks Local SD</u>	<u>Union</u>	<u>1.029919</u>	49328
<u>Fairborn City SD</u>	<u>Greene</u>	<u>1.169324</u>	49329
<u>Fairfield City SD</u>	<u>Butler</u>	<u>1.120999</u>	49330
<u>Fairfield Local SD</u>	<u>Highland</u>	<u>1.476728</u>	49331
<u>Fairfield Union Local SD</u>	<u>Fairfield</u>	<u>1.305113</u>	49332
<u>Fairland Local SD</u>	<u>Lawrence</u>	<u>1.298842</u>	49333
<u>Fairlawn Local SD</u>	<u>Shelby</u>	<u>1.450135</u>	49334
<u>Fairless Local SD</u>	<u>Stark</u>	<u>1.342312</u>	49335
<u>Fairport Harbor Ex Vill SD</u>	<u>Lake</u>	<u>1.074627</u>	49336
<u>Fairview Park City SD</u>	<u>Cuyahoga</u>	<u>0.917044</u>	49337
<u>Fayetteville-Perry Local SD</u>	<u>Brown</u>	<u>1.232747</u>	49338
<u>Federal Hocking Local SD</u>	<u>Athens</u>	<u>1.504926</u>	49339
<u>Felicity-Franklin Local SD</u>	<u>Clermont</u>	<u>1.545885</u>	49340
<u>Field Local SD</u>	<u>Portage</u>	<u>1.063508</u>	49341
<u>Findlay City SD</u>	<u>Hancock</u>	<u>1.134799</u>	49342
<u>Finneytown Local SD</u>	<u>Hamilton</u>	<u>1.067569</u>	49343
<u>Firelands Local SD</u>	<u>Lorain</u>	<u>1.084064</u>	49344
<u>Forest Hills Local SD</u>	<u>Hamilton</u>	<u>0.918825</u>	49345
<u>Fort Frye Local SD</u>	<u>Washington</u>	<u>1.247229</u>	49346
<u>Fort Loramie Local SD</u>	<u>Shelby</u>	<u>1.228727</u>	49347
<u>Fort Recovery Local SD</u>	<u>Mercer</u>	<u>1.390459</u>	49348
<u>Fostoria City SD</u>	<u>Seneca</u>	<u>1.398532</u>	49349
<u>Franklin City SD</u>	<u>Warren</u>	<u>1.181691</u>	49350
<u>Franklin Local SD</u>	<u>Muskingum</u>	<u>1.516304</u>	49351
<u>Franklin-Monroe Local SD</u>	<u>Darke</u>	<u>1.155467</u>	49352
<u>Fredericktown Local SD</u>	<u>Knox</u>	<u>1.206674</u>	49353
<u>Fremont City SD</u>	<u>Sandusky</u>	<u>1.222520</u>	49354
<u>Frontier Local SD</u>	<u>Washington</u>	<u>1.548391</u>	49355
<u>Gahanna-Jefferson City SD</u>	<u>Franklin</u>	<u>0.937449</u>	49356
<u>Galion City SD</u>	<u>Crawford</u>	<u>1.340599</u>	49357
<u>Gallia County Local SD</u>	<u>Gallia</u>	<u>1.180183</u>	49358
<u>Gallipolis City SD</u>	<u>Gallia</u>	<u>1.309992</u>	49359

<u>Garaway Local SD</u>	<u>Tuscarawas</u>	<u>1.168729</u>	49360
<u>Garfield Heights City SD</u>	<u>Cuyahoga</u>	<u>1.275039</u>	49361
<u>Geneva Area City SD</u>	<u>Ashtabula</u>	<u>1.241353</u>	49362
<u>Genoa Area Local SD</u>	<u>Ottawa</u>	<u>1.144052</u>	49363
<u>Georgetown Ex Vill SD</u>	<u>Brown</u>	<u>1.330521</u>	49364
<u>Gibsonburg Ex Vill SD</u>	<u>Sandusky</u>	<u>1.447493</u>	49365
<u>Girard City SD</u>	<u>Trumbull</u>	<u>1.331051</u>	49366
<u>Gorham Fayette Local SD</u>	<u>Fulton</u>	<u>1.474052</u>	49367
<u>Goshen Local SD</u>	<u>Clermont</u>	<u>1.330935</u>	49368
<u>Graham Local SD</u>	<u>Champaign</u>	<u>1.232041</u>	49369
<u>Grand Valley Local SD</u>	<u>Ashtabula</u>	<u>1.254268</u>	49370
<u>Grandview Heights City SD</u>	<u>Franklin</u>	<u>0.884845</u>	49371
<u>Granville Ex Vill SD</u>	<u>Licking</u>	<u>0.945199</u>	49372
<u>Green Local SD</u>	<u>Scioto</u>	<u>1.368399</u>	49373
<u>Green Local SD</u>	<u>Summit</u>	<u>1.028315</u>	49374
<u>Green Local SD</u>	<u>Wayne</u>	<u>1.206381</u>	49375
<u>Greeneview Local SD</u>	<u>Greene</u>	<u>1.148655</u>	49376
<u>Greenfield Ex Vill SD</u>	<u>Highland</u>	<u>1.511212</u>	49377
<u>Greenon Local SD</u>	<u>Clark</u>	<u>1.063320</u>	49378
<u>Greenville City SD</u>	<u>Darke</u>	<u>1.182750</u>	49379
<u>Groveport Madison Local SD</u>	<u>Franklin</u>	<u>1.237531</u>	49380
<u>Hamilton City SD</u>	<u>Butler</u>	<u>1.370018</u>	49381
<u>Hamilton Local SD</u>	<u>Franklin</u>	<u>1.517435</u>	49382
<u>Hardin Northern Local SD</u>	<u>Hardin</u>	<u>1.241016</u>	49383
<u>Hardin-Houston Local SD</u>	<u>Shelby</u>	<u>1.235363</u>	49384
<u>Harrison Hills City SD</u>	<u>Harrison</u>	<u>1.285541</u>	49385
<u>Heath City SD</u>	<u>Licking</u>	<u>1.159649</u>	49386
<u>Hicksville Ex Vill SD</u>	<u>Defiance</u>	<u>1.451150</u>	49387
<u>Highland Local SD</u>	<u>Medina</u>	<u>0.966108</u>	49388
<u>Highland Local SD</u>	<u>Morrow</u>	<u>1.319540</u>	49389
<u>Hilliard City SD</u>	<u>Franklin</u>	<u>0.985085</u>	49390
<u>Hillsboro City SD</u>	<u>Highland</u>	<u>1.326287</u>	49391
<u>Hillsdale Local SD</u>	<u>Ashland</u>	<u>1.192263</u>	49392
<u>Holgate Local SD</u>	<u>Henry</u>	<u>1.480580</u>	49393
<u>Hopewell-Loudon Local SD</u>	<u>Seneca</u>	<u>1.094095</u>	49394

<u>Howland Local SD</u>	<u>Trumbull</u>	<u>0.997232</u>	49395
<u>Hubbard Ex Vill SD</u>	<u>Trumbull</u>	<u>1.217366</u>	49396
<u>Huber Heights City SD</u>	<u>Montgomery</u>	<u>1.189895</u>	49397
<u>Hudson Local SD</u>	<u>Summit</u>	<u>0.867982</u>	49398
<u>Huntington Local SD</u>	<u>Ross</u>	<u>1.563988</u>	49399
<u>Huron City SD</u>	<u>Erie</u>	<u>0.953062</u>	49400
<u>Independence Local SD</u>	<u>Cuyahoga</u>	<u>0.877361</u>	49401
<u>Indian Creek Local SD</u>	<u>Jefferson</u>	<u>1.194894</u>	49402
<u>Indian Hill Ex Vill SD</u>	<u>Hamilton</u>	<u>0.769421</u>	49403
<u>Indian Lake Local SD</u>	<u>Logan</u>	<u>1.177268</u>	49404
<u>Indian Valley Local SD</u>	<u>Tuscarawas</u>	<u>1.490431</u>	49405
<u>Ironton City SD</u>	<u>Lawrence</u>	<u>1.372550</u>	49406
<u>Jackson Center Local SD</u>	<u>Shelby</u>	<u>1.222754</u>	49407
<u>Jackson City SD</u>	<u>Jackson</u>	<u>1.339235</u>	49408
<u>Jackson Local SD</u>	<u>Stark</u>	<u>0.936952</u>	49409
<u>Jackson-Milton Local SD</u>	<u>Mahoning</u>	<u>1.120098</u>	49410
<u>James A Garfield Local SD</u>	<u>Portage</u>	<u>1.221108</u>	49411
<u>Jefferson Area Local SD</u>	<u>Ashtabula</u>	<u>1.231486</u>	49412
<u>Jefferson Local SD</u>	<u>Madison</u>	<u>1.217465</u>	49413
<u>Jefferson Township Local SD</u>	<u>Montgomery</u>	<u>1.349631</u>	49414
<u>Jennings Local SD</u>	<u>Putnam</u>	<u>1.233214</u>	49415
<u>Johnstown-Monroe Local SD</u>	<u>Licking</u>	<u>1.068628</u>	49416
<u>Jonathan Alder Local SD</u>	<u>Madison</u>	<u>1.087918</u>	49417
<u>Joseph Badger Local SD</u>	<u>Trumbull</u>	<u>1.217508</u>	49418
<u>Kalida Local SD</u>	<u>Putnam</u>	<u>1.134357</u>	49419
<u>Kelleys Island Local SD</u>	<u>Erie</u>	<u>0.897093</u>	49420
<u>Kenston Local SD</u>	<u>Geauga</u>	<u>0.888370</u>	49421
<u>Kent City SD</u>	<u>Portage</u>	<u>1.292091</u>	49422
<u>Kenton City SD</u>	<u>Hardin</u>	<u>1.341240</u>	49423
<u>Kettering City SD</u>	<u>Montgomery</u>	<u>1.039020</u>	49424
<u>Keystone Local SD</u>	<u>Lorain</u>	<u>1.095731</u>	49425
<u>Kings Local SD</u>	<u>Warren</u>	<u>0.944617</u>	49426
<u>Kirtland Local SD</u>	<u>Lake</u>	<u>0.869122</u>	49427
<u>La Brae Local SD</u>	<u>Trumbull</u>	<u>1.509648</u>	49428
<u>Lake Local SD</u>	<u>Stark</u>	<u>1.105350</u>	49429

<u>Lake Local SD</u>	<u>Wood</u>	<u>1.092732</u>	49430
<u>Lakeview Local SD</u>	<u>Trumbull</u>	<u>1.050113</u>	49431
<u>Lakewood City SD</u>	<u>Cuyahoga</u>	<u>1.082658</u>	49432
<u>Lakewood Local SD</u>	<u>Licking</u>	<u>1.161169</u>	49433
<u>Lakota Local SD</u>	<u>Butler</u>	<u>0.991612</u>	49434
<u>Lakota Local SD</u>	<u>Sandusky</u>	<u>1.334058</u>	49435
<u>Lancaster City SD</u>	<u>Fairfield</u>	<u>1.181921</u>	49436
<u>Lebanon City SD</u>	<u>Warren</u>	<u>1.057278</u>	49437
<u>Ledgemont Local SD</u>	<u>Geauga</u>	<u>1.089874</u>	49438
<u>Leetonia Ex Vill SD</u>	<u>Columbiana</u>	<u>1.492636</u>	49439
<u>Leipsic Local SD</u>	<u>Putnam</u>	<u>1.358612</u>	49440
<u>Lexington Local SD</u>	<u>Richland</u>	<u>1.055083</u>	49441
<u>Liberty Benton Local SD</u>	<u>Hancock</u>	<u>1.100796</u>	49442
<u>Liberty Center Local SD</u>	<u>Henry</u>	<u>1.243394</u>	49443
<u>Liberty Local SD</u>	<u>Trumbull</u>	<u>1.143199</u>	49444
<u>Liberty Union-Thurston Local SD</u>	<u>Fairfield</u>	<u>1.153214</u>	49445
<u>Licking Heights Local SD</u>	<u>Licking</u>	<u>1.099699</u>	49446
<u>Licking Valley Local SD</u>	<u>Licking</u>	<u>1.315180</u>	49447
<u>Lima City SD</u>	<u>Allen</u>	<u>1.609824</u>	49448
<u>Lincolnview Local SD</u>	<u>Van Wert</u>	<u>1.304841</u>	49449
<u>Lisbon Ex Vill SD</u>	<u>Columbiana</u>	<u>1.485931</u>	49450
<u>Little Miami Local SD</u>	<u>Warren</u>	<u>1.000131</u>	49451
<u>Lockland City SD</u>	<u>Hamilton</u>	<u>1.263116</u>	49452
<u>Logan Elm Local SD</u>	<u>Pickaway</u>	<u>1.144691</u>	49453
<u>Logan-Hocking Local SD</u>	<u>Hocking</u>	<u>1.351308</u>	49454
<u>London City SD</u>	<u>Madison</u>	<u>1.168705</u>	49455
<u>Lorain City SD</u>	<u>Lorain</u>	<u>1.606260</u>	49456
<u>Lordstown Local SD</u>	<u>Trumbull</u>	<u>1.028907</u>	49457
<u>Loudonville-Perrysville Ex Vill SD</u>	<u>Ashland</u>	<u>1.239646</u>	49458
<u>Louisville City SD</u>	<u>Stark</u>	<u>1.145913</u>	49459
<u>Loveland City SD</u>	<u>Hamilton</u>	<u>0.952906</u>	49460
<u>Lowellville Local SD</u>	<u>Mahoning</u>	<u>1.444465</u>	49461
<u>Lucas Local SD</u>	<u>Richland</u>	<u>1.148773</u>	49462
<u>Lynchburg-Clay Local SD</u>	<u>Highland</u>	<u>1.487133</u>	49463
<u>Mad River Local SD</u>	<u>Montgomery</u>	<u>1.516797</u>	49464

<u>Madeira City SD</u>	<u>Hamilton</u>	<u>0.902798</u>	49465
<u>Madison Local SD</u>	<u>Butler</u>	<u>1.149365</u>	49466
<u>Madison Local SD</u>	<u>Lake</u>	<u>1.210499</u>	49467
<u>Madison Local SD</u>	<u>Richland</u>	<u>1.260875</u>	49468
<u>Madison-Plains Local SD</u>	<u>Madison</u>	<u>1.111244</u>	49469
<u>Manchester Local SD</u>	<u>Summit</u>	<u>1.072196</u>	49470
<u>Manchester Local SD</u>	<u>Adams</u>	<u>1.093117</u>	49471
<u>Mansfield City SD</u>	<u>Richland</u>	<u>1.413073</u>	49472
<u>Maple Heights City SD</u>	<u>Cuyahoga</u>	<u>1.369670</u>	49473
<u>Mapleton Local SD</u>	<u>Ashland</u>	<u>1.244822</u>	49474
<u>Maplewood Local SD</u>	<u>Trumbull</u>	<u>1.306471</u>	49475
<u>Margaretta Local SD</u>	<u>Erie</u>	<u>1.101795</u>	49476
<u>Mariemont City SD</u>	<u>Hamilton</u>	<u>0.888848</u>	49477
<u>Marietta City SD</u>	<u>Washington</u>	<u>1.142004</u>	49478
<u>Marion City SD</u>	<u>Marion</u>	<u>1.561608</u>	49479
<u>Marion Local SD</u>	<u>Mercer</u>	<u>1.395959</u>	49480
<u>Marlington Local SD</u>	<u>Stark</u>	<u>1.198789</u>	49481
<u>Martins Ferry City SD</u>	<u>Belmont</u>	<u>1.598533</u>	49482
<u>Marysville Ex Vill SD</u>	<u>Union</u>	<u>1.084320</u>	49483
<u>Mason City SD</u>	<u>Warren</u>	<u>0.992155</u>	49484
<u>Massillon City SD</u>	<u>Stark</u>	<u>1.355745</u>	49485
<u>Mathews Local SD</u>	<u>Trumbull</u>	<u>1.030473</u>	49486
<u>Maumee City SD</u>	<u>Lucas</u>	<u>0.996440</u>	49487
<u>Mayfield City SD</u>	<u>Cuyahoga</u>	<u>0.851001</u>	49488
<u>Maysville Local SD</u>	<u>Muskingum</u>	<u>1.517598</u>	49489
<u>McComb Local SD</u>	<u>Hancock</u>	<u>1.301153</u>	49490
<u>McDonald Local SD</u>	<u>Trumbull</u>	<u>1.429212</u>	49491
<u>Mechanicsburg Ex Vill SD</u>	<u>Champaign</u>	<u>1.243229</u>	49492
<u>Medina City SD</u>	<u>Medina</u>	<u>1.005089</u>	49493
<u>Meigs Local SD</u>	<u>Meigs</u>	<u>1.584300</u>	49494
<u>Mentor Ex Vill SD</u>	<u>Lake</u>	<u>0.964461</u>	49495
<u>Miami East Local SD</u>	<u>Miami</u>	<u>1.121995</u>	49496
<u>Miami Trace Local SD</u>	<u>Fayette</u>	<u>1.228492</u>	49497
<u>Miamisburg City SD</u>	<u>Montgomery</u>	<u>1.114930</u>	49498
<u>Middletown City SD</u>	<u>Butler</u>	<u>1.257163</u>	49499

<u>Midview Local SD</u>	<u>Lorain</u>	<u>1.092786</u>	49500
<u>Milford Ex Vill SD</u>	<u>Clermont</u>	<u>1.018109</u>	49501
<u>Millcreek-West Unity Local SD</u>	<u>Williams</u>	<u>1.351879</u>	49502
<u>Miller City-New Cleveland Local SD</u>	<u>Putnam</u>	<u>1.379562</u>	49503
<u>Milton-Union Ex Vill SD</u>	<u>Miami</u>	<u>1.221554</u>	49504
<u>Minerva Local SD</u>	<u>Stark</u>	<u>1.326538</u>	49505
<u>Minford Local SD</u>	<u>Scioto</u>	<u>1.509434</u>	49506
<u>Minster Local SD</u>	<u>Auglaize</u>	<u>1.068103</u>	49507
<u>Mississinawa Valley Local SD</u>	<u>Darke</u>	<u>1.517760</u>	49508
<u>Mogadore Local SD</u>	<u>Summit</u>	<u>1.115527</u>	49509
<u>Mohawk Local SD</u>	<u>Wyandot</u>	<u>1.149449</u>	49510
<u>Monroe Local SD</u>	<u>Butler</u>	<u>0.988156</u>	49511
<u>Monroeville Local SD</u>	<u>Huron</u>	<u>1.105963</u>	49512
<u>Montpelier Ex Vill SD</u>	<u>Williams</u>	<u>1.484169</u>	49513
<u>Morgan Local SD</u>	<u>Morgan</u>	<u>1.515632</u>	49514
<u>Mount Gilead Ex Vill SD</u>	<u>Morrow</u>	<u>1.303456</u>	49515
<u>Mount Healthy City SD</u>	<u>Hamilton</u>	<u>1.385527</u>	49516
<u>Mount Vernon City SD</u>	<u>Knox</u>	<u>1.222667</u>	49517
<u>Napoleon City SD</u>	<u>Henry</u>	<u>1.219862</u>	49518
<u>National Trail Local SD</u>	<u>Preble</u>	<u>1.337309</u>	49519
<u>Nelsonville-York City SD</u>	<u>Athens</u>	<u>1.554619</u>	49520
<u>New Albany-Plain Local SD</u>	<u>Franklin</u>	<u>0.863212</u>	49521
<u>New Boston Local SD</u>	<u>Scioto</u>	<u>1.589690</u>	49522
<u>New Bremen Local SD</u>	<u>Auglaize</u>	<u>1.127253</u>	49523
<u>New Knoxville Local SD</u>	<u>Auglaize</u>	<u>1.217764</u>	49524
<u>New Lebanon Local SD</u>	<u>Montgomery</u>	<u>1.462491</u>	49525
<u>New Lexington City SD</u>	<u>Perry</u>	<u>1.545076</u>	49526
<u>New London Local SD</u>	<u>Huron</u>	<u>1.474130</u>	49527
<u>New Miami Local SD</u>	<u>Butler</u>	<u>1.573547</u>	49528
<u>New Philadelphia City SD</u>	<u>Tuscarawas</u>	<u>1.184127</u>	49529
<u>New Richmond Ex Vill SD</u>	<u>Clermont</u>	<u>1.121137</u>	49530
<u>New Riegel Local SD</u>	<u>Seneca</u>	<u>1.393211</u>	49531
<u>Newark City SD</u>	<u>Licking</u>	<u>1.252280</u>	49532
<u>Newbury Local SD</u>	<u>Geauga</u>	<u>0.944732</u>	49533
<u>Newcomerstown Ex Vill SD</u>	<u>Tuscarawas</u>	<u>1.529126</u>	49534

<u>Newton Falls Ex Vill SD</u>	<u>Trumbull</u>	<u>1.313730</u>	49535
<u>Newton Local SD</u>	<u>Miami</u>	<u>1.224466</u>	49536
<u>Niles City SD</u>	<u>Trumbull</u>	<u>1.334003</u>	49537
<u>Noble Local SD</u>	<u>Noble</u>	<u>1.480889</u>	49538
<u>Nordonia Hills City SD</u>	<u>Summit</u>	<u>0.934080</u>	49539
<u>North Baltimore Local SD</u>	<u>Wood</u>	<u>1.308125</u>	49540
<u>North Canton City SD</u>	<u>Stark</u>	<u>1.003775</u>	49541
<u>North Central Local SD</u>	<u>Wayne</u>	<u>1.223714</u>	49542
<u>North Central Local SD</u>	<u>Williams</u>	<u>1.324444</u>	49543
<u>North College Hill City SD</u>	<u>Hamilton</u>	<u>1.379521</u>	49544
<u>North Fork Local SD</u>	<u>Licking</u>	<u>1.226601</u>	49545
<u>North Olmsted City SD</u>	<u>Cuyahoga</u>	<u>1.055678</u>	49546
<u>North Ridgeville City SD</u>	<u>Lorain</u>	<u>1.035395</u>	49547
<u>North Royalton City SD</u>	<u>Cuyahoga</u>	<u>0.943948</u>	49548
<u>North Union Local SD</u>	<u>Union</u>	<u>1.325953</u>	49549
<u>Northeastern Local SD</u>	<u>Clark</u>	<u>1.119356</u>	49550
<u>Northeastern Local SD</u>	<u>Defiance</u>	<u>1.078723</u>	49551
<u>Northern Local SD</u>	<u>Perry</u>	<u>1.254464</u>	49552
<u>Northmont City SD</u>	<u>Montgomery</u>	<u>1.099334</u>	49553
<u>Northmor Local SD</u>	<u>Morrow</u>	<u>1.234469</u>	49554
<u>Northridge Local SD</u>	<u>Licking</u>	<u>1.112137</u>	49555
<u>Northridge Local SD</u>	<u>Montgomery</u>	<u>1.313654</u>	49556
<u>Northwest Local SD</u>	<u>Hamilton</u>	<u>1.097477</u>	49557
<u>Northwest Local SD</u>	<u>Scioto</u>	<u>1.585245</u>	49558
<u>Northwest Local SD</u>	<u>Stark</u>	<u>1.188706</u>	49559
<u>Northwestern Local SD</u>	<u>Clark</u>	<u>1.124065</u>	49560
<u>Northwestern Local SD</u>	<u>Wayne</u>	<u>1.480021</u>	49561
<u>Northwood Local SD</u>	<u>Wood</u>	<u>1.172657</u>	49562
<u>Norton City SD</u>	<u>Summit</u>	<u>1.077363</u>	49563
<u>Norwalk City SD</u>	<u>Huron</u>	<u>1.238518</u>	49564
<u>Norwood City SD</u>	<u>Hamilton</u>	<u>1.203977</u>	49565
<u>Oak Hill Union Local SD</u>	<u>Jackson</u>	<u>1.517445</u>	49566
<u>Oak Hills Local SD</u>	<u>Hamilton</u>	<u>1.009889</u>	49567
<u>Oakwood City SD</u>	<u>Montgomery</u>	<u>0.888026</u>	49568
<u>Oberlin City SD</u>	<u>Lorain</u>	<u>1.151305</u>	49569

<u>Ohio Valley Local SD</u>	<u>Adams</u>	<u>1.546394</u>	49570
<u>Old Fort Local SD</u>	<u>Seneca</u>	<u>1.154292</u>	49571
<u>Olentangy Local SD</u>	<u>Delaware</u>	<u>0.873909</u>	49572
<u>Olmsted Falls City SD</u>	<u>Cuyahoga</u>	<u>1.034716</u>	49573
<u>Ontario Local SD</u>	<u>Richland</u>	<u>1.017660</u>	49574
<u>Orange City SD</u>	<u>Cuyahoga</u>	<u>0.767949</u>	49575
<u>Oregon City SD</u>	<u>Lucas</u>	<u>1.149614</u>	49576
<u>Orrville City SD</u>	<u>Wayne</u>	<u>1.220908</u>	49577
<u>Osnaburg Local SD</u>	<u>Stark</u>	<u>1.161056</u>	49578
<u>Otsego Local SD</u>	<u>Wood</u>	<u>1.085754</u>	49579
<u>Ottawa Hills Local SD</u>	<u>Lucas</u>	<u>0.807704</u>	49580
<u>Ottawa-Glandorf Local SD</u>	<u>Putnam</u>	<u>1.129901</u>	49581
<u>Ottoville Local SD</u>	<u>Putnam</u>	<u>1.155937</u>	49582
<u>Painsville City Local SD</u>	<u>Lake</u>	<u>1.576006</u>	49583
<u>Painsville Township Local SD</u>	<u>Lake</u>	<u>0.979713</u>	49584
<u>Paint Valley Local SD</u>	<u>Ross</u>	<u>1.511112</u>	49585
<u>Pandora-Gilboa Local SD</u>	<u>Putnam</u>	<u>1.207508</u>	49586
<u>Parkway Local SD</u>	<u>Mercer</u>	<u>1.451914</u>	49587
<u>Parma City SD</u>	<u>Cuyahoga</u>	<u>1.096590</u>	49588
<u>Patrick Henry Local SD</u>	<u>Henry</u>	<u>1.314110</u>	49589
<u>Paulding Ex Vill SD</u>	<u>Paulding</u>	<u>1.316904</u>	49590
<u>Perkins Local SD</u>	<u>Erie</u>	<u>1.006525</u>	49591
<u>Perry Local SD</u>	<u>Allen</u>	<u>1.252464</u>	49592
<u>Perry Local SD</u>	<u>Lake</u>	<u>1.014880</u>	49593
<u>Perry Local SD</u>	<u>Stark</u>	<u>1.155570</u>	49594
<u>Perrysburg Ex Vill SD</u>	<u>Wood</u>	<u>0.941179</u>	49595
<u>Pettisville Local SD</u>	<u>Fulton</u>	<u>1.215972</u>	49596
<u>Pickerington Local SD</u>	<u>Fairfield</u>	<u>1.078034</u>	49597
<u>Pike-Delta-York Local SD</u>	<u>Fulton</u>	<u>1.225338</u>	49598
<u>Piqua City SD</u>	<u>Miami</u>	<u>1.252751</u>	49599
<u>Plain Local SD</u>	<u>Stark</u>	<u>1.101022</u>	49600
<u>Pleasant Local SD</u>	<u>Marion</u>	<u>1.066006</u>	49601
<u>Plymouth-Shiloh Local SD</u>	<u>Richland</u>	<u>1.539933</u>	49602
<u>Poland Local SD</u>	<u>Mahoning</u>	<u>0.976878</u>	49603
<u>Port Clinton City SD</u>	<u>Ottawa</u>	<u>1.045171</u>	49604

<u>Portsmouth City SD</u>	<u>Scioto</u>	<u>1.560445</u>	49605
<u>Preble-Shawnee Local SD</u>	<u>Preble</u>	<u>1.253492</u>	49606
<u>Princeton City SD</u>	<u>Hamilton</u>	<u>0.989700</u>	49607
<u>Put-In-Bay Local SD</u>	<u>Ottawa</u>	<u>0.870887</u>	49608
<u>Pymatuning Valley Local SD</u>	<u>Ashtabula</u>	<u>1.357539</u>	49609
<u>Ravenna City SD</u>	<u>Portage</u>	<u>1.258270</u>	49610
<u>Reading Community City SD</u>	<u>Hamilton</u>	<u>1.138957</u>	49611
<u>Revere Local SD</u>	<u>Summit</u>	<u>0.811916</u>	49612
<u>Reynoldsburg City SD</u>	<u>Franklin</u>	<u>1.185729</u>	49613
<u>Richmond Heights Local SD</u>	<u>Cuyahoga</u>	<u>0.988219</u>	49614
<u>Ridgedale Local SD</u>	<u>Marion</u>	<u>1.232091</u>	49615
<u>Ridgemont Local SD</u>	<u>Hardin</u>	<u>1.315320</u>	49616
<u>Ridgewood Local SD</u>	<u>Coshocton</u>	<u>1.499377</u>	49617
<u>Ripley-Union-Lewis Local SD</u>	<u>Brown</u>	<u>1.518737</u>	49618
<u>Rittman Ex Vill SD</u>	<u>Wayne</u>	<u>1.341158</u>	49619
<u>River Valley Local SD</u>	<u>Marion</u>	<u>1.144948</u>	49620
<u>River View Local SD</u>	<u>Coshocton</u>	<u>1.255718</u>	49621
<u>Riverdale Local SD</u>	<u>Hardin</u>	<u>1.463411</u>	49622
<u>Riverside Local SD</u>	<u>Logan</u>	<u>1.477936</u>	49623
<u>Rock Hill Local SD</u>	<u>Lawrence</u>	<u>1.590768</u>	49624
<u>Rocky River City SD</u>	<u>Cuyahoga</u>	<u>0.840017</u>	49625
<u>Rolling Hills Local SD</u>	<u>Guernsey</u>	<u>1.513489</u>	49626
<u>Rootstown Local SD</u>	<u>Portage</u>	<u>1.084884</u>	49627
<u>Ross Local SD</u>	<u>Butler</u>	<u>1.128779</u>	49628
<u>Rossford Ex Vill SD</u>	<u>Wood</u>	<u>1.080899</u>	49629
<u>Russia Local SD</u>	<u>Shelby</u>	<u>1.374251</u>	49630
<u>Salem City SD</u>	<u>Columbiana</u>	<u>1.180687</u>	49631
<u>Sandusky City SD</u>	<u>Erie</u>	<u>1.300930</u>	49632
<u>Sandy Valley Local SD</u>	<u>Stark</u>	<u>1.331965</u>	49633
<u>Scioto Valley Local SD</u>	<u>Pike</u>	<u>1.526714</u>	49634
<u>Sebring Local SD</u>	<u>Mahoning</u>	<u>1.501056</u>	49635
<u>Seneca East Local SD</u>	<u>Seneca</u>	<u>1.233540</u>	49636
<u>Shadyside Local SD</u>	<u>Belmont</u>	<u>1.206383</u>	49637
<u>Shaker Heights City SD</u>	<u>Cuyahoga</u>	<u>0.930871</u>	49638
<u>Shawnee Local SD</u>	<u>Allen</u>	<u>1.008274</u>	49639

<u>Sheffield-Sheffield Lake City SD</u>	<u>Lorain</u>	<u>1.122898</u>	49640
<u>Shelby City SD</u>	<u>Richland</u>	<u>1.248437</u>	49641
<u>Sidney City SD</u>	<u>Shelby</u>	<u>1.240389</u>	49642
<u>Solon City SD</u>	<u>Cuyahoga</u>	<u>0.895529</u>	49643
<u>South Central Local SD</u>	<u>Huron</u>	<u>1.497606</u>	49644
<u>South Euclid-Lyndhurst City SD</u>	<u>Cuyahoga</u>	<u>1.002369</u>	49645
<u>South Point Local SD</u>	<u>Lawrence</u>	<u>1.517360</u>	49646
<u>South Range Local SD</u>	<u>Mahoning</u>	<u>1.076772</u>	49647
<u>Southeast Local SD</u>	<u>Portage</u>	<u>1.237090</u>	49648
<u>Southeast Local SD</u>	<u>Wayne</u>	<u>1.180842</u>	49649
<u>Southeastern Local SD</u>	<u>Clark</u>	<u>1.160870</u>	49650
<u>Southeastern Local SD</u>	<u>Ross</u>	<u>1.513790</u>	49651
<u>Southern Local SD</u>	<u>Columbiana</u>	<u>1.537098</u>	49652
<u>Southern Local SD</u>	<u>Meigs</u>	<u>1.547346</u>	49653
<u>Southern Local SD</u>	<u>Perry</u>	<u>1.600707</u>	49654
<u>Southington Local SD</u>	<u>Trumbull</u>	<u>1.160291</u>	49655
<u>Southwest Licking Local SD</u>	<u>Licking</u>	<u>1.065949</u>	49656
<u>Southwest Local SD</u>	<u>Hamilton</u>	<u>1.093489</u>	49657
<u>South-Western City SD</u>	<u>Franklin</u>	<u>1.265187</u>	49658
<u>Spencerville Local SD</u>	<u>Allen</u>	<u>1.301749</u>	49659
<u>Springboro Community City SD</u>	<u>Warren</u>	<u>0.960788</u>	49660
<u>Springfield City SD</u>	<u>Clark</u>	<u>1.552526</u>	49661
<u>Springfield Local SD</u>	<u>Lucas</u>	<u>1.056764</u>	49662
<u>Springfield Local SD</u>	<u>Mahoning</u>	<u>1.192990</u>	49663
<u>Springfield Local SD</u>	<u>Summit</u>	<u>1.196328</u>	49664
<u>St Bernard-Elmwood Place City SD</u>	<u>Hamilton</u>	<u>1.248092</u>	49665
<u>St Clairsville-Richland City SD</u>	<u>Belmont</u>	<u>1.150841</u>	49666
<u>St Henry Consolidated Local SD</u>	<u>Mercer</u>	<u>1.382949</u>	49667
<u>St Marys City SD</u>	<u>Auglaize</u>	<u>1.150444</u>	49668
<u>Steubenville City SD</u>	<u>Jefferson</u>	<u>1.365647</u>	49669
<u>Stow-Munroe Falls City SD</u>	<u>Summit</u>	<u>0.974464</u>	49670
<u>Strasburg-Franklin Local SD</u>	<u>Tuscarawas</u>	<u>1.147256</u>	49671
<u>Streetsboro City SD</u>	<u>Portage</u>	<u>1.023340</u>	49672
<u>Strongsville City SD</u>	<u>Cuyahoga</u>	<u>0.942379</u>	49673
<u>Struthers City SD</u>	<u>Mahoning</u>	<u>1.530919</u>	49674

<u>Stryker Local SD</u>	<u>Williams</u>	<u>1.237584</u>	49675
<u>Sugarcreek Local SD</u>	<u>Greene</u>	<u>0.946787</u>	49676
<u>Swanton Local SD</u>	<u>Fulton</u>	<u>1.077057</u>	49677
<u>Switzerland Of Ohio Local SD</u>	<u>Monroe</u>	<u>1.363501</u>	49678
<u>Sycamore Community City SD</u>	<u>Hamilton</u>	<u>0.805157</u>	49679
<u>Sylvania City SD</u>	<u>Lucas</u>	<u>0.919772</u>	49680
<u>Symmes Valley Local SD</u>	<u>Lawrence</u>	<u>1.554601</u>	49681
<u>Talawanda City SD</u>	<u>Butler</u>	<u>1.090290</u>	49682
<u>Tallmadge City SD</u>	<u>Summit</u>	<u>1.039240</u>	49683
<u>Teays Valley Local SD</u>	<u>Pickaway</u>	<u>1.231537</u>	49684
<u>Tecumseh Local SD</u>	<u>Clark</u>	<u>1.318724</u>	49685
<u>Three Rivers Local SD</u>	<u>Hamilton</u>	<u>0.992195</u>	49686
<u>Tiffin City SD</u>	<u>Seneca</u>	<u>1.200469</u>	49687
<u>Tipp City Ex Vill SD</u>	<u>Miami</u>	<u>1.056646</u>	49688
<u>Toledo City SD</u>	<u>Lucas</u>	<u>1.362225</u>	49689
<u>Toronto City SD</u>	<u>Jefferson</u>	<u>1.279649</u>	49690
<u>Triad Local SD</u>	<u>Champaign</u>	<u>1.247663</u>	49691
<u>Tri-County North Local SD</u>	<u>Preble</u>	<u>1.220510</u>	49692
<u>Trimble Local SD</u>	<u>Athens</u>	<u>1.608740</u>	49693
<u>Tri-Valley Local SD</u>	<u>Muskingum</u>	<u>1.302648</u>	49694
<u>Tri-Village Local SD</u>	<u>Darke</u>	<u>1.253812</u>	49695
<u>Triway Local SD</u>	<u>Wayne</u>	<u>1.201400</u>	49696
<u>Trotwood-Madison City SD</u>	<u>Montgomery</u>	<u>1.536714</u>	49697
<u>Troy City SD</u>	<u>Miami</u>	<u>1.128451</u>	49698
<u>Tuscarawas Valley Local SD</u>	<u>Tuscarawas</u>	<u>1.133251</u>	49699
<u>Tuslaw Local SD</u>	<u>Stark</u>	<u>1.149109</u>	49700
<u>Twin Valley Community Local SD</u>	<u>Preble</u>	<u>1.226702</u>	49701
<u>Twinsburg City SD</u>	<u>Summit</u>	<u>0.954737</u>	49702
<u>Union Local SD</u>	<u>Belmont</u>	<u>1.472803</u>	49703
<u>Union Scioto Local SD</u>	<u>Ross</u>	<u>1.459022</u>	49704
<u>United Local SD</u>	<u>Columbiana</u>	<u>1.456646</u>	49705
<u>Upper Arlington City SD</u>	<u>Franklin</u>	<u>0.763445</u>	49706
<u>Upper Sandusky Ex Vill SD</u>	<u>Wyandot</u>	<u>1.211886</u>	49707
<u>Upper Scioto Valley Local SD</u>	<u>Hardin</u>	<u>1.481493</u>	49708
<u>Urbana City SD</u>	<u>Champaign</u>	<u>1.245402</u>	49709

<u>Valley Local SD</u>	<u>Scioto</u>	<u>1.556395</u>	49710
<u>Valley View Local SD</u>	<u>Montgomery</u>	<u>1.134885</u>	49711
<u>Van Buren Local SD</u>	<u>Hancock</u>	<u>0.986475</u>	49712
<u>Van Wert City SD</u>	<u>Van Wert</u>	<u>1.302853</u>	49713
<u>Vandalia-Butler City SD</u>	<u>Montgomery</u>	<u>0.982917</u>	49714
<u>Vanlue Local SD</u>	<u>Hancock</u>	<u>1.225490</u>	49715
<u>Vermilion Local SD</u>	<u>Erie</u>	<u>1.101326</u>	49716
<u>Versailles Ex Vill SD</u>	<u>Darke</u>	<u>1.234253</u>	49717
<u>Vinton County Local SD</u>	<u>Vinton</u>	<u>1.581898</u>	49718
<u>Wadsworth City SD</u>	<u>Medina</u>	<u>1.221864</u>	49719
<u>Walnut Township Local SD</u>	<u>Fairfield</u>	<u>1.169550</u>	49720
<u>Wapakoneta City SD</u>	<u>Auglaize</u>	<u>1.218209</u>	49721
<u>Warren City SD</u>	<u>Trumbull</u>	<u>1.557959</u>	49722
<u>Warren Local SD</u>	<u>Washington</u>	<u>1.298018</u>	49723
<u>Warrensville Heights City SD</u>	<u>Cuyahoga</u>	<u>1.261012</u>	49724
<u>Washington Court House City SD</u>	<u>Fayette</u>	<u>1.333465</u>	49725
<u>Washington Local SD</u>	<u>Lucas</u>	<u>1.172637</u>	49726
<u>Washington-Nile Local SD</u>	<u>Scioto</u>	<u>1.547444</u>	49727
<u>Waterloo Local SD</u>	<u>Portage</u>	<u>1.150614</u>	49728
<u>Wauseon Ex Vill SD</u>	<u>Fulton</u>	<u>1.299620</u>	49729
<u>Waverly City SD</u>	<u>Pike</u>	<u>1.469624</u>	49730
<u>Wayne Local SD</u>	<u>Warren</u>	<u>1.056943</u>	49731
<u>Wayne Trace Local SD</u>	<u>Paulding</u>	<u>1.323577</u>	49732
<u>Waynesfield-Goshen Local SD</u>	<u>Auglaize</u>	<u>1.402136</u>	49733
<u>Weathersfield Local SD</u>	<u>Trumbull</u>	<u>1.207306</u>	49734
<u>Wellington Ex Vill SD</u>	<u>Lorain</u>	<u>1.219534</u>	49735
<u>Wellston City SD</u>	<u>Jackson</u>	<u>1.550848</u>	49736
<u>Wellsville Local SD</u>	<u>Columbiana</u>	<u>1.568998</u>	49737
<u>West Branch Local SD</u>	<u>Mahoning</u>	<u>1.297805</u>	49738
<u>West Carrollton City SD</u>	<u>Montgomery</u>	<u>1.220862</u>	49739
<u>West Clermont Local SD</u>	<u>Clermont</u>	<u>1.059095</u>	49740
<u>West Geauga Local SD</u>	<u>Gauga</u>	<u>0.858500</u>	49741
<u>West Holmes Local SD</u>	<u>Holmes</u>	<u>1.243758</u>	49742
<u>West Liberty-Salem Local SD</u>	<u>Champaign</u>	<u>1.221358</u>	49743
<u>West Muskingum Local SD</u>	<u>Muskingum</u>	<u>1.138872</u>	49744

<u>Western Brown Local SD</u>	<u>Brown</u>	<u>1.508565</u>	49745
<u>Western Local SD</u>	<u>Pike</u>	<u>1.616394</u>	49746
<u>Western Reserve Local SD</u>	<u>Huron</u>	<u>1.309909</u>	49747
<u>Western Reserve Local SD</u>	<u>Mahoning</u>	<u>1.091041</u>	49748
<u>Westerville City SD</u>	<u>Franklin</u>	<u>0.963748</u>	49749
<u>Westfall Local SD</u>	<u>Pickaway</u>	<u>1.311966</u>	49750
<u>Westlake City SD</u>	<u>Cuyahoga</u>	<u>0.820277</u>	49751
<u>Wheelersburg Local SD</u>	<u>Scioto</u>	<u>1.305562</u>	49752
<u>Whitehall City SD</u>	<u>Franklin</u>	<u>1.402068</u>	49753
<u>Wickliffe City SD</u>	<u>Lake</u>	<u>0.994269</u>	49754
<u>Willard City SD</u>	<u>Huron</u>	<u>1.358778</u>	49755
<u>Williamsburg Local SD</u>	<u>Clermont</u>	<u>1.225041</u>	49756
<u>Willoughby-Eastlake City SD</u>	<u>Lake</u>	<u>1.069333</u>	49757
<u>Wilmington City SD</u>	<u>Clinton</u>	<u>1.169459</u>	49758
<u>Windham Ex Vill SD</u>	<u>Portage</u>	<u>1.584385</u>	49759
<u>Winton Woods City SD</u>	<u>Hamilton</u>	<u>1.120204</u>	49760
<u>Wolf Creek Local SD</u>	<u>Washington</u>	<u>1.158506</u>	49761
<u>Woodmore Local SD</u>	<u>Sandusky</u>	<u>1.082991</u>	49762
<u>Woodridge Local SD</u>	<u>Summit</u>	<u>0.956249</u>	49763
<u>Wooster City SD</u>	<u>Wayne</u>	<u>1.128544</u>	49764
<u>Worthington City SD</u>	<u>Franklin</u>	<u>0.896897</u>	49765
<u>Wynford Local SD</u>	<u>Crawford</u>	<u>1.300946</u>	49766
<u>Wyoming City SD</u>	<u>Hamilton</u>	<u>0.871194</u>	49767
<u>Xenia Community City SD</u>	<u>Greene</u>	<u>1.223093</u>	49768
<u>Yellow Springs Ex Vill SD</u>	<u>Greene</u>	<u>0.955678</u>	49769
<u>Youngstown City SD</u>	<u>Mahoning</u>	<u>1.634946</u>	49770
<u>Zane Trace Local SD</u>	<u>Ross</u>	<u>1.222296</u>	49771
<u>Zanesville City SD</u>	<u>Muskingum</u>	<u>1.389095</u>	49772

<u>Sec. 3306.052. Each city, local, and exempted village school</u>	49774
<u>district shall receive funding for career-technical education</u>	49775
<u>teachers and career-technical education program operations for</u>	49776
<u>fiscal years 2010 and 2011 as follows:</u>	49777

(A) For fiscal year 2010, each district shall receive an 49778
amount equal to the amount the district received for fiscal year 49779
2009 under division (E) of section 3317.022 of the Revised Code, 49780
as that section existed for that fiscal year, times 1.0075. 49781

(B) For fiscal year 2011, each district shall receive an 49782
amount equal to the amount the district received for fiscal year 49783
2010 under division (A) of this section times 1.0075. 49784

Each school district that receives funds under this section 49785
shall spend the funds only for purposes the department of 49786
education designates as approved for vocational education 49787
expenses. Vocational education expenses approved by the department 49788
shall include only expenses connected to the delivery of 49789
career-technical programming to students enrolled in 49790
state-approved career-technical programs. The department shall 49791
require each school district to report data annually so that the 49792
department may monitor the district's compliance with the 49793
requirements regarding the manner in which funding received under 49794
this section may be spent. 49795

Sec. 3306.06. (A) The additional services support component 49796
of the adequacy amount for each city, local, and exempted village 49797
school district is the sum of the following: 49798

(1) The family and community liaison factor; 49799

(2) The counselor factor; 49800

(3) The summer remediation factor; 49801

(4) The school nurse wellness coordinator factor; 49802

(5) The district health professional factor. 49803

(B)(1) The family and community liaison factor shall be 49804

calculated by multiplying the school district's formula ADM times its targeted poverty indicator and dividing the product by seventy-five, and then multiplying the quotient by the product of the applicable Ohio educational challenge factor times \$38,633, in fiscal year 2010, and times \$39,381, in fiscal year 2011.

(2) The counselor factor shall be calculated by dividing the district's formula ADM for grades six to twelve by two hundred fifty, and then multiplying the quotient by a dollar amount for each fiscal year established by law. No counselor factor shall be calculated and paid for fiscal years 2010 and 2011.

(3) The summer remediation program factor shall be calculated by multiplying the district's formula ADM times its targeted poverty indicator times fifty per cent, which represents the anticipated participation rate, dividing that product by thirty, which is the assumed student-to-teacher ratio for summer remediation, and multiplying that quotient by the product of \$3,000 times the applicable Ohio educational challenge factor.

(4) The school nurse wellness coordinator factor shall be calculated by multiplying the number of the district's organizational units times a dollar amount for each fiscal year established by law, except that in a small school district, the school nurse wellness coordinator factor shall be zero. No school nurse wellness coordinator factor shall be calculated and paid for fiscal years 2010 and 2011.

(5) The district health professional factor for each district equals a dollar amount specified by law for each fiscal year. No district health professional factor shall be calculated and paid for fiscal years 2010 and 2011.

(C) In adopting expenditure and reporting standards under section 3306.25 of the Revised Code, the superintendent of public instruction shall include standards that encourage school

districts to give preference to employing or obtaining the 49836
services of licensed school nurses with funds received for the 49837
school nurse wellness coordinator factor and the district health 49838
professional factor. 49839

(D) Each school district shall account separately for 49840
expenditures of the amounts received for additional services 49841
support under this section and report that information to the 49842
department of education. 49843

Sec. 3306.07. (A) The administrative services support 49844
component of the adequacy amount for each city, local, and 49845
exempted village school district is the sum of the following: 49846

(1) The district administration factor; 49847

(2) The principal factor; 49848

(3) The administrative support personnel factor; 49849

(B)(1) The district administration factor equals \$187,176 in 49850
fiscal year 2010 and \$190,801 in fiscal year 2011. 49851

(2) The principal factor shall be calculated by multiplying 49852
the number of the district's organizational units times \$89,563 in 49853
fiscal year 2010 and \$91,297 in fiscal year 2011. However, each 49854
type 1 or type 2 school district shall receive for a principal 49855
factor an amount not less than the applicable dollar amount 49856
specified in this paragraph times the number of school buildings 49857
in the district for which the department of education issued a 49858
report card under section 3302.03 of the Revised Code for the 49859
prior school year. As used in this division, "type 1 school 49860
district" means a school district characterized as a type 1 49861
(rural/agricultural, high poverty, low median income) district, 49862
and "type 2 school district" means a school district characterized 49863
as a type 2 (rural/agricultural, small student population, low 49864

poverty, low to moderate median income), in the typology of 49865
districts published by the department in July 2007. 49866

(3) The administrative support personnel factor is funding 49867
determined for building managers, secretaries, and 49868
noninstructional aides. 49869

(a) The funding for building managers shall be calculated by 49870
multiplying \$33,624 in fiscal year 2010 and \$34,275 in fiscal year 49871
2011 times the number of the district's organizational units. 49872

(b) The funding for secretaries shall be calculated by 49873
multiplying \$33,624 in fiscal year 2010 and \$34,275 in fiscal year 49874
2011 times the number of the district's organizational units, 49875
where two additional secretaries shall be funded for each high 49876
school organizational unit. 49877

(c) The funding for noninstructional aides shall be a 49878
dollar amount set by law for each fiscal year times the number of 49879
the district's organizational units, where the organizational 49880
units are multiplied by two in the case of elementary school and 49881
middle school organizational units and by three in case of high 49882
school organizational units. 49883

However, each small school district shall receive funding for 49884
one building manager, one secretary, and one noninstructional 49885
aide. Every other city, local, and exempted village school 49886
district shall receive funding for at least one building manager, 49887
one secretary, and one noninstructional aide. 49888

No funding shall be calculated and paid for noninstructional 49889
aides for fiscal years 2010 and 2011. 49890

(C) Each school district shall account separately for the 49891
amounts received for administrative services support under this 49892
section and report that information to the department of 49893

education. 49894

Sec. 3306.08. (A) The operations and maintenance support 49895
component of the adequacy amount for each city, local, and 49896
exempted village school district shall be calculated by 49897
multiplying the district's formula ADM times \$884. 49898

(B) The operations and maintenance support for each city, 49899
local, and exempted village school district shall be adjusted by 49900
multiplying the calculated amount by 0.45 in fiscal years 2010 49901
and 2011, and by 0.75 in fiscal years 2012 and 2013. 49902

(C) Each school district shall account separately for 49903
expenditures of the amounts received for operations and 49904
maintenance support under this section and report that information 49905
to the department of education. 49906

Sec. 3306.09. (A) The gifted education support component of 49907
the adequacy amount for each city, local, and exempted village 49908
school district is the sum of the following: 49909

(1) The gifted identification factor; 49910

(2) The gifted coordinator factor; 49911

(3) The gifted intervention specialist factor; 49912

(4) The gifted intervention specialist professional 49913
development factor. 49914

(B)(1) The gifted identification factor shall be calculated 49915
by multiplying the district's formula ADM times \$5. 49916

(2) The gifted coordinator factor shall be calculated by 49917
multiplying \$66,375 in fiscal year 2010 and \$67,660 in fiscal year 49918
2011 times the quotient of the district's formula ADM divided by 49919
two thousand five hundred. 49920

(3) The gifted intervention specialist factor shall be 49921
calculated by multiplying the number of the district's 49922
organizational units times the Ohio educational challenge factor 49923
specified for the district in section 3306.051 of the Revised Code 49924
times the statewide base teacher salary specified in section 49925
3306.05 of the Revised Code. 49926

(4) The gifted intervention specialist professional 49927
development factor shall be calculated by multiplying the number 49928
of the district's organizational units times the 49929
per-teaching-position dollar amount specified for the professional 49930
development factor in division (A)(7) of section 3306.03 of the 49931
Revised Code. 49932

(C) The gifted intervention specialist factor and the gifted 49933
intervention specialist professional development factor for each 49934
city, local, and exempted village school district, shall be 49935
adjusted by multiplying the calculated amount by 0.20 in fiscal 49936
year 2010, by 0.30 in fiscal year 2011, by 0.40 in fiscal years 49937
2012 and 2013, by 0.60 in fiscal years 2014 and 2015, and by 0.80 49938
in fiscal years 2016 and 2017. 49939

(D) A school district that does not submit an annual report 49940
under section 3324.05 of the Revised Code, or that reports zero 49941
students identified as gifted, shall receive zero funding for the 49942
gifted coordinator factor, the gifted intervention specialist 49943
factor, and the gifted intervention specialist professional 49944
development factor. 49945

(E) Each school district shall expend the funds calculated 49946
under the gifted education support component in accordance with 49947
rules adopted under section 3306.25 of the Revised Code. Those 49948
rules shall require that such funds be spent only for the 49949
employment of staff to serve students identified as gifted, in 49950
accordance with Chapter 3324. of the Revised Code, or for other 49951

services to such students. The rules shall be aligned with the 49952
operating standards for identifying and serving gifted students 49953
prescribed in rules adopted by the state board of education. 49954
Notwithstanding anything to the contrary in section 3306.25 of the 49955
Revised Code, the rules regarding the expenditure and reporting of 49956
funds for the gifted education support component adopted under 49957
that section shall take effect July 1, 2011. 49958

Subject to approval by the department of education, a school 49959
district may use up to fifteen per cent of the portion of the 49960
gifted intervention specialist factor attributable to the grade 49961
six through twelve formula ADM to support access to services 49962
provided by the district that are not services described in 49963
Chapter 3324. of the Revised Code but are specified in gifted 49964
students' written education plans prepared in accordance with the 49965
state board's operating standards for identifying and serving 49966
gifted students. 49967

(F) Each school district shall account separately for 49968
expenditures of the amounts received for gifted identification, 49969
gifted coordinators, gifted intervention specialists, and gifted 49970
intervention specialist professional development under this 49971
section and report that information to the department of 49972
education. 49973

(G)(1) Each city, local, and exempted village school district 49974
that received for fiscal year 2009 unit funding for gifted student 49975
services under division (L) of section 3317.024 and division (E) 49976
of section 3317.05 of the Revised Code, as those sections existed 49977
for that fiscal year, shall spend in each fiscal year thereafter 49978
for services to identified gifted students from the funds received 49979
under this chapter an amount not less than the aggregate amount 49980
received for such gifted unit funding for fiscal year 2009. 49981

(2) Each city, local, and exempted village school district 49982
that, in fiscal year 2009, received gifted student services from 49983

an educational service center, which service center received for 49984
fiscal year 2009 unit funding for gifted student services, shall 49985
in each fiscal year thereafter do either of the following: 49986

(a) Obtain gifted student services from an educational 49987
service center that are comparable to the gifted student services 49988
provided to the district with gifted unit funding in fiscal year 49989
2009 by an educational service center; 49990

(b) Spend for services to identified gifted students from the 49991
funds received under this chapter an amount not less than the 49992
amount of gifted unit funding expended by an educational service 49993
center in fiscal year 2009 for the district's students. 49994

(3) No district to which division (G)(1) or (2) of this 49995
section applies shall apply for or receive a waiver under section 49996
3306.40 of the Revised Code from the spending requirements 49997
prescribed in those divisions or under division (E) of this 49998
section. 49999

(4) Each educational service center that received for fiscal 50000
year 2009 unit funding for gifted student services shall spend 50001
from its state funds in each fiscal year thereafter for services 50002
to identified gifted students an amount not less than the 50003
aggregate amount received for gifted unit funding for fiscal year 50004
2009. No educational service center to which division (G)(4) of 50005
this section shall receive any waiver of this requirement. 50006

(H) A city, local, or exempted village school district that 50007
did not receive for fiscal year 2009 unit funding for gifted 50008
student services under division (L) of section 3317.024 and 50009
division (E) of section 3317.05 of the Revised Code, as those 50010
sections existed for that fiscal year, may apply for a waiver 50011
under section 3306.40 of the Revised Code from any expenditure 50012
requirements prescribed under division (E) of this section. 50013
Notwithstanding anything to the contrary in section 3306.40 of 50014

the Revised Code, the first waiver granted to a district pursuant 50015
to this division shall not be effective for longer than two 50016
years, and any subsequent renewal of that waiver shall not be 50017
effective for longer than one year. 50018

Sec. 3306.091. (A) The enrichment support component of the 50019
adequacy amount for each city, local, and exempted village school 50020
district shall be calculated by multiplying the district's formula 50021
ADM times \$100 times the Ohio educational challenge factor. 50022

(B) The enrichment support for each city, local, and exempted 50023
village school district shall be adjusted by multiplying the 50024
calculated amount by 0.20 in fiscal year 2010, by 0.30 in fiscal 50025
year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in 50026
fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and 50027
2017. 50028

(C) The enrichment support component shall be used for 50029
purposes other than services for students identified as gifted 50030
delivered in accordance with Chapter 3324. of the Revised Code. A 50031
district may spend the enrichment support component to pay for 50032
enrichment activities that may encourage the intellectual and 50033
creative pursuits of all students, including the fine arts. 50034

(D) Each school district shall account separately for 50035
expenditures of the amounts received for enrichment support under 50036
this section and report that information to the department of 50037
education. 50038

Sec. 3306.10. (A) The technology resources support component 50039
of the adequacy amount for each city, local, and exempted village 50040
school district is the sum of the following: 50041

(1) The licensed librarian and media specialist factor; 50042

(2) The technical equipment factor. 50043

<u>(B)(1) The licensed librarian and media specialist factor</u>	50044
<u>shall be calculated by multiplying the number of the district's</u>	50045
<u>organizational units times \$60,000.</u>	50046
<u>(2) The technical equipment factor shall be calculated by</u>	50047
<u>multiplying the district's formula ADM times \$250.</u>	50048
<u>(C) The licensed librarian and media specialist factor and</u>	50049
<u>the technical equipment factor for each city, local, and exempted</u>	50050
<u>village school district shall be adjusted by multiplying the</u>	50051
<u>calculated amounts by 0.20 in fiscal year 2010, by 0.30 in fiscal</u>	50052
<u>year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in</u>	50053
<u>fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and</u>	50054
<u>2017.</u>	50055
<u>(D) Each school district shall account separately for the</u>	50056
<u>amounts received for technology resources support under this</u>	50057
<u>section and report that information to the department of</u>	50058
<u>education.</u>	50059
<u>Sec. 3306.11. (A) For the purpose of calculating a school</u>	50060
<u>district's instructional services support under section 3306.05 of</u>	50061
<u>the Revised Code, the number of special education teacher</u>	50062
<u>positions used in calculating the special education teacher</u>	50063
<u>factor, and the number of special education teacher's aide</u>	50064
<u>positions used in calculating the special education teacher's aide</u>	50065
<u>factor shall be calculated as set forth in this section.</u>	50066
<u>(B)(1) The number of special education teacher positions</u>	50067
<u>shall be calculated by multiplying the sum of the weighted number</u>	50068
<u>of children with disabilities calculated under division (C) of</u>	50069
<u>this section times nine-tenths, and then dividing that product by</u>	50070
<u>twenty.</u>	50071
<u>(2) The number of special education teacher's aide positions</u>	50072

shall be calculated by dividing the number of special education teacher positions calculated under division (B)(1) of this section by two, and multiplying that quotient by 0.50 in fiscal years 2010 and 2011.

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(C) The weighted number of children with disabilities for a school district is the sum of:

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(1) 0.2906 times the district's category one special education ADM;

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(2) 0.7374 times the district's category two special education ADM;

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(3) 1.7716 times the district's category three special education ADM;

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(4) 2.3643 times the district's category four special education ADM;

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(5) 3.2022 times the district's category five special education ADM;

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(6) 4.7205 times the district's category six special education ADM.

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(D) Each school district shall account separately for expenditures of the amounts received for resources for children with disabilities under this section and section 3306.05 of the Revised Code and report that information to the department of education. Those amounts may be used to pay for providers of related services, as defined in section 3323.01 of the Revised Code, for children with disabilities.

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Sec. 3306.12. (A) As used in this section:

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(1) "Assigned bus" means a school bus used to transport

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<u>qualifying riders.</u>	50100
<u>(2) "Nontraditional ridership" means the average number of</u>	50101
<u>qualifying riders who are enrolled in a community school</u>	50102
<u>established under Chapter 3314. of the Revised Code, in a STEM</u>	50103
<u>school established under Chapter 3326. of the Revised Code, or in</u>	50104
<u>a nonpublic school and are provided school bus service by a school</u>	50105
<u>district during the first full week of October.</u>	50106
<u>(3) "Qualifying riders" means resident students enrolled in</u>	50107
<u>regular education in grades kindergarten to twelve who are</u>	50108
<u>provided school bus service by a school district and who live</u>	50109
<u>more than one mile from the school they attend, including</u>	50110
<u>students with dual enrollment in a joint vocational school</u>	50111
<u>district or a cooperative education school district, and students</u>	50112
<u>enrolled in a community school, STEM school, or nonpublic school.</u>	50113
<u>(4) "Qualifying ridership" means the average number of</u>	50114
<u>qualifying riders who are provided school bus service by a school</u>	50115
<u>district during the first full week of October.</u>	50116
<u>(5) "Rider density" means the number of qualifying riders per</u>	50117
<u>square mile of a school district.</u>	50118
<u>(6) "School bus service" means a school district's</u>	50119
<u>transportation of qualifying riders in any of the following types</u>	50120
<u>of vehicles:</u>	50121
<u>(a) School buses owned or leased by the district;</u>	50122
<u>(b) School buses operated by a private contractor hired by</u>	50123
<u>the district;</u>	50124
<u>(c) School buses operated by another school district or</u>	50125
<u>entity with which the district has contracted, either as part of a</u>	50126
<u>consortium for the provision of transportation or otherwise.</u>	50127

(B) Not later than the fifteenth day of October each year, 50128
each city, local, and exempted village school district shall 50129
report to the department of education its qualifying ridership, 50130
nontraditional ridership, number of qualifying riders per 50131
assigned bus, and any other information requested by the 50132
department. Subsequent adjustments to the reported numbers shall 50133
be made only in accordance with rules adopted by the department. 50134

(C) The department shall calculate the statewide 50135
transportation cost per student as follows: 50136

(1) Determine each city, local, and exempted village school 50137
district's transportation cost per student by dividing the 50138
district's total costs for school bus service in the previous 50139
fiscal year by its qualifying ridership in the previous fiscal 50140
year. 50141

(2) After excluding districts that do not provide school bus 50142
service and the ten districts with the highest transportation 50143
costs per student and the ten districts with the lowest 50144
transportation costs per student, divide the aggregate cost for 50145
school bus service for the remaining districts in the previous 50146
fiscal year by the aggregate qualifying ridership of those 50147
districts in the previous fiscal year. 50148

(D) The department shall calculate the statewide 50149
transportation cost per mile as follows: 50150

(1) Determine each city, local, and exempted village school 50151
district's transportation cost per mile by dividing the 50152
district's total costs for school bus service in the previous 50153
fiscal year by its total number of miles driven for school bus 50154
service in the previous fiscal year. 50155

(2) After excluding districts that do not provide school bus 50156

<u>service and the ten districts with the highest transportation</u>	50157
<u>costs per mile and the ten districts with the lowest</u>	50158
<u>transportation costs per mile, divide the aggregate cost for</u>	50159
<u>school bus service for the remaining districts in the previous</u>	50160
<u>fiscal year by the aggregate miles driven for school bus service</u>	50161
<u>in those districts in the previous fiscal year.</u>	50162

<u>(E) The department shall calculate each city, local, and</u>	50163
<u>exempted village school district's transportation base payment as</u>	50164
<u>follows:</u>	50165

<u>(1) Multiply the statewide transportation cost per student by</u>	50166
<u>the district's qualifying ridership for the current fiscal year.</u>	50167

<u>(2) Multiply the statewide transportation cost per mile by</u>	50168
<u>the district's total number of miles driven for school bus service</u>	50169
<u>in the current fiscal year.</u>	50170

<u>(3) Multiply the greater of the amounts calculated under</u>	50171
<u>divisions (E)(1) and (2) of this section by the greater of sixty</u>	50172
<u>per cent or the district's state share percentage.</u>	50173

<u>(F) The department shall calculate each city, local, and</u>	50174
<u>exempted village school district's nontraditional ridership</u>	50175
<u>adjustment according to the following formula:</u>	50176

<u>(nontraditional ridership for the current fiscal year /</u>	50177

<u>qualifying ridership for the current fiscal year) X 0.1 X</u>	50178

<u>transportation base payment</u>	50179

<u>(G) If a city, local, and exempted village school district</u>	50180

offers school bus service to all resident students who are 50181
enrolled in regular education in district schools in grades nine 50182
to twelve and who live more than one mile from the school they 50183
attend, the department shall calculate the district's high school 50184
ridership adjustment according to the following formula: 50185

0.025 X transportation base payment 50186

(H) If a city, local, and exempted village school district 50187
offers school bus service to students enrolled in grades 50188
kindergarten to eight who live more than one mile, but two miles 50189
or less, from the school they attend, the department shall 50190
calculate an additional adjustment according to the following 50191
formula: 50192

0.025 X transportation base payment 50193

(I)(1) The department annually shall establish a target 50194
number of qualifying riders per assigned bus for each city, local, 50195
and exempted village school district. The department shall use 50196
the most recently available data in establishing the target 50197
number. The target number shall be based on the statewide median 50198
number of qualifying riders per assigned bus as adjusted to 50199
reflect the district's rider density in comparison to the rider 50200
density of all other districts. The department shall post on the 50201
department's web site each district's target number of qualifying 50202
riders per assigned bus and a description of how the target 50203
number was determined. 50204

(2) The department shall determine each school district's 50205
efficiency index by dividing the district's median number of 50206
qualifying riders per assigned bus by its target number of 50207
qualifying riders per assigned bus. 50208

<u>(3) The department shall determine each city, local, and</u>	50209
<u>exempted village school district's efficiency adjustment as</u>	50210
<u>follows:</u>	50211
<u>(a) If the district's efficiency index is equal to or greater</u>	50212
<u>than 1.5, the efficiency adjustment shall be calculated according</u>	50213
<u>to the following formula:</u>	50214
<u>0.1 X transportation base payment</u>	50215
<u>(b) If the district's efficiency index is less than 1.5 but</u>	50216
<u>equal to or greater than 1.0, the efficiency adjustment shall be</u>	50217
<u>calculated according to the following formula:</u>	50218
<u>[(efficiency index – 1) / 5] X transportation base payment</u>	50219
<u>(c) If the district's efficiency index is less than 1.0, the</u>	50220
<u>efficiency adjustment shall be zero.</u>	50221
<u>(J) The department shall pay each city, local, and exempted</u>	50222
<u>village school district the lesser of the following:</u>	50223
<u>(1) The sum of the amounts calculated under divisions (E) to</u>	50224
<u>(H) and (I)(3) of this section;</u>	50225
<u>(2) The district's total costs for school bus service for the</u>	50226
<u>prior fiscal year.</u>	50227
<u>(K) In addition to funds paid under division (J) of this</u>	50228
<u>section, each city, local, and exempted village district shall</u>	50229
<u>receive in accordance with rules adopted by the state board of</u>	50230
<u>education a payment for students transported by means other than</u>	50231
<u>school bus service and whose transportation is not funded under</u>	50232
<u>division (G) of section 3317.024 of the Revised Code. The rules</u>	50233

<u>shall include provisions for school district reporting of such students.</u>	50234 50235
<u>(L)(1) In fiscal years 2010 and 2011, the department shall pay each district a pro rata portion of the amounts calculated under division (J) of this section and described in division (K) of this section, based on state appropriations.</u>	50236 50237 50238 50239
<u>(2) In addition to the prorated payment under division (L)(1) of this section, in fiscal years 2010 and 2011, the department shall pay each school district that meets the conditions prescribed in division (L)(3) of this section an additional amount equal to the following product:</u>	50240 50241 50242 50243 50244
<u>(a) The difference of (i) the amounts calculated under division (J) of this section and prescribed in division (K) of this section minus (ii) that prorated payment; times</u>	50245 50246 50247
<u>(b) 0.30 in fiscal year 2010 and 0.70 in fiscal year 2011.</u>	50248
<u>(3) Division (L)(2) of this section applies to each school district that meets all of the following conditions:</u>	50249 50250
<u>(a) The district qualifies for the calculation of a payment under division (J) of this section because it transports students on board-owned or contractor-owned school buses.</u>	50251 50252 50253
<u>(b) The district's local wealth per pupil, calculated as prescribed in section 3317.0217 of the Revised Code, is at or below the median local wealth per pupil of all districts that qualify for calculation of a payment under division (J) of this section.</u>	50254 50255 50256 50257 50258
<u>(c) The district's rider density is at or below the median rider density of all districts that qualify for calculation of a payment under division (J) of this section.</u>	50259 50260 50261

Sec. 3306.13. (A) The department of education shall compute 50262
and distribute to each city, local, and exempted village school 50263
district the state share of the adequacy amount for the fiscal 50264
year by subtracting the district's charge-off amount calculated 50265
under division (B) of this section from its adequacy amount 50266
calculated under section 3306.03 of the Revised Code. 50267

(B)(1) For districts with a class one effective operating tax 50268
rate that is less than twenty and one-tenth effective mills as of 50269
the first day of July of the current fiscal year, the charge-off 50270
amount equals the applicable charge-off rate, prescribed in 50271
division (C) of this section, times the sum of the district's 50272
total taxable value plus its property exemption value. 50273

(2) For districts with a class one effective operating tax 50274
rate that is greater than or equal to twenty and one-tenth class 50275
one effective mills as of the first day of July of the current 50276
fiscal year, the charge-off amount equals the applicable 50277
charge-off rate, prescribed in division (C) of this section, 50278
times the sum of the district's recognized valuation plus its 50279
property exemption value. 50280

If the difference obtained from the calculation is a negative 50281
number, the state share shall be zero. 50282

(3)(a) For each school district for which the tax exempt 50283
value of the district equals or exceeds twenty-five per cent of 50284
the potential value of the district, the department shall 50285
calculate the difference between the district's tax exempt value 50286
and twenty-five per cent of the district's potential value. 50287

(b) For each school district to which division (B)(3)(a) of 50288
this section applies, the department shall adjust the total 50289
taxable value used in the calculation under division (B)(1) of 50290
this section or the recognized valuation used in the calculation 50291

<u>under division (B)(2) of this section by subtracting from it the</u>	50292
<u>amount calculated under division (B)(3)(a) of this section.</u>	50293
 <u>(C) The charge-off rate shall be as follows:</u>	50294
 <u>(1) In fiscal years 2010 and 2011, 0.022;</u>	50295
 <u>(2) In fiscal years 2012 and 2013, 0.021;</u>	50296
 <u>(3) In fiscal year 2014 and in each fiscal year thereafter,</u>	50297
<u>0.020.</u>	50298
 <u>(D) The department shall use the information obtained under</u>	50299
<u>section 3317.021 of the Revised Code during the calendar year in</u>	50300
<u>which the fiscal year begins to calculate the district state</u>	50301
<u>shares under this section.</u>	50302
 <u>Sec. 3306.18.</u> <u>On or before the fifteenth day of July of each</u>	50303
<u>year, the superintendent of public instruction shall certify to</u>	50304
<u>the state board of education the amount each city, local, and</u>	50305
<u>exempted village school district expended in the previous fiscal</u>	50306
<u>year on each factor of the district's adequacy amount.</u>	50307
 <u>Sec. 3306.19.</u> <u>(A) The department of education shall</u>	50308
<u>calculate and pay transitional aid in fiscal years 2010 and 2011</u>	50309
<u>to each city, local, and exempted village school district in</u>	50310
<u>accordance with this section. For fiscal year 2010, the amount of</u>	50311
<u>a district's transitional aid shall be the positive difference of</u>	50312
<u>ninety-nine per cent of its transitional aid base for that fiscal</u>	50313
<u>year minus the sum of its state share of the adequacy amount</u>	50314
<u>calculated under section 3306.13 of the Revised Code plus the</u>	50315
<u>amount calculated for career-technical education under section</u>	50316
<u>3306.052 of the Revised Code plus the prorated transportation</u>	50317
<u>funding calculated under division (L)(1) of section 3306.12 of the</u>	50318
<u>Revised Code. For fiscal year 2011, the amount of a district's</u>	50319
<u>transitional aid shall be the positive difference of ninety-eight</u>	50320

<u>per cent of its transitional aid base for that fiscal year minus</u>	50321
<u>the sum of its state share of the adequacy amount calculated under</u>	50322
<u>section 3306.13 of the Revised Code plus the amount calculated for</u>	50323
<u>career-technical education under section 3306.052 of the Revised</u>	50324
<u>Code plus the prorated transportation funding calculated under</u>	50325
<u>division (L)(1) of section 3306.12 of the Revised Code.</u>	50326
<u>(1) The transitional aid guarantee base for each city, local,</u>	50327
<u>and exempted village school district for fiscal year 2010 equals</u>	50328
<u>the sum of the following computed for fiscal year 2009, as</u>	50329
<u>reconciled by the department, less any general revenue fund</u>	50330
<u>spending reductions ordered by the governor under section 126.05</u>	50331
<u>of the Revised Code:</u>	50332
<u>(a) Base-cost funding under division (A) of section 3317.022</u>	50333
<u>of the Revised Code;</u>	50334
<u>(b) Special education and related services additional</u>	50335
<u>weighted funding under division (C)(1) of section 3317.022 of the</u>	50336
<u>Revised Code;</u>	50337
<u>(c) Speech services funding under division (C)(4) of section</u>	50338
<u>3317.022 of the Revised Code;</u>	50339
<u>(d) Vocational education additional weighted funding under</u>	50340
<u>division (E) of section 3317.022 of the Revised Code;</u>	50341
<u>(e) GRADS funding under division (N) of section 3317.024 of</u>	50342
<u>the Revised Code;</u>	50343
<u>(f) Adjustments for classroom teachers and educational</u>	50344
<u>service personnel under divisions (B), (C), and (D) of section</u>	50345
<u>3317.023 of the Revised Code;</u>	50346
<u>(g) Gifted education units under division (L) of section</u>	50347
<u>3317.024 and section 3317.05 of the Revised Code;</u>	50348

<u>(h) Transportation under Section 269.20.80 of Am. Sub. H.B. 119 of the 127th general assembly;</u>	50349 50350
<u>(i) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;</u>	50351 50352
<u>(j) The charge-off supplement under section 3317.0216 of the Revised Code;</u>	50353 50354
<u>(k) Transitional aid under Section 269.30.80 of Am. Sub. H.B. 119 of the 127th general assembly.</u>	50355 50356
<u>(2) The transitional aid guarantee base for each city, local, and exempted village school district for fiscal year 2011 equals the following difference:</u>	50357 50358 50359
<u>(a) The sum of the district's state share of the adequacy amount calculated under section 3306.13 of the Revised Code plus the district's career-technical education funding calculated under division (L)(1) of section 3306.052 of the Revised Code plus the district's prorated transportation funding calculated under division (L)(1) of section 3306.12 of the Revised Code plus any transitional aid payment under this section for fiscal year 2010, as the sum is adjusted under division (B)(1) of this section, if applicable; minus</u>	50360 50361 50362 50363 50364 50365 50366 50367 50368
<u>(b) Any general revenue fund spending reductions ordered by the governor for fiscal year 2010 under section 126.05 of the Revised Code.</u>	50369 50370 50371
<u>(B) Notwithstanding any provision of this chapter to the contrary:</u>	50372 50373
<u>(1) The combination of the state share of the adequacy amount plus the prorated transportation funding under division (L)(1) of</u>	50374 50375

section 3306.12 of the Revised Code for any city, local, or 50376
exempted village school district for fiscal year 2010 shall not 50377
exceed 1.0075 times the difference of its transitional aid 50378
guarantee base for fiscal year 2010 minus the amount described in 50379
division (A)(1)(d) of this section. 50380

(2) The combination of the state share of the adequacy amount 50381
plus the prorated transportation funding under division (L)(1) of 50382
section 3306.12 of the Revised Code for any city, local, or 50383
exempted village school district for fiscal year 2011 shall not 50384
exceed 1.0075 times the difference of its transitional aid 50385
guarantee base for fiscal year 2011 minus the amount paid to the 50386
district under division (A) of section 3306.052 of the Revised 50387
Code. 50388

Sec. 3306.191. The department of education shall calculate 50389
and pay additional transitional aid in fiscal year 2011 to a city, 50390
local, and exempted village school district equal to the 50391
following: 50392

(0.98 X the district's state education aid for fiscal year 2010) – 50393
the district's state education aid for fiscal year 2011 50394

If the result is a negative number, no payment shall be paid 50395
under this section. 50396

As used in this section, "state education aid" has the same 50397
meaning as in section 5751.20 of the Revised Code. 50398

Sec. 3306.192. In fiscal year 2012 and in each fiscal year 50399
thereafter, the department of education shall pay a city, local, 50400
or exempted village school district additional funds computed as 50401
follows: 50402

(A) The statewide per pupil amount paid for chartered 50403

<u>nonpublic school students – (the sum of the district's payments</u>	50404
<u>under sections 3306.052, 3306.12, 3306.13, and 3306.19 of the</u>	50405
<u>Revised Code/its formula ADM); times</u>	50406
 <u>(B) The district's formula ADM.</u>	50407
 <u>If the result is a negative number, no payment shall be made</u>	50408
<u>under this section.</u>	50409
 <u>As used in this section, the "statewide per pupil amount paid</u>	50410
<u>for chartered nonpublic school for students" means the statewide</u>	50411
<u>per pupil amount paid under sections 3317.06 and 3317.063 of the</u>	50412
<u>Revised Code, combined, for the current fiscal year, as calculated</u>	50413
<u>by the department.</u>	50414
 <u>Sec. 3306.21. Nothing in this chapter shall be construed to</u>	50415
<u>affect or limit the authority of a school district, community</u>	50416
<u>school, or STEM school to contract with an educational service</u>	50417
<u>center, under sections 3313.843, 3313.844, 3313.845, 3314.022, and</u>	50418
<u>3326.45 of the Revised Code, for the provision of any services for</u>	50419
<u>which funds are calculated and paid under this chapter.</u>	50420
 <u>Sec. 3306.22. Nothing in this chapter shall be construed to</u>	50421
<u>prohibit a school district from using funds calculated and paid</u>	50422
<u>under this chapter to establish, operate, or participate in a</u>	50423
<u>joint or cooperative program under section 3313.842 of the Revised</u>	50424
<u>Code.</u>	50425
 <u>Sec. 3306.25. (A) The superintendent of public instruction</u>	50426
<u>shall adopt rules, in accordance with Chapter 119. of the Revised</u>	50427
<u>Code, prescribing standards for the expenditure of funds</u>	50428
<u>calculated under this chapter and for the reporting of</u>	50429
<u>expenditures of those funds for particular funded components, as</u>	50430
<u>determined by the superintendent, so that those funds are directed</u>	50431
<u>toward the purposes for which they were calculated.</u>	50432

The superintendent shall classify the components into the following categories: 50433
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(1) Core academic strategy components, which shall be considered those components that are fundamental to successful education practices in the twenty-first century for all students; 50435
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(2) Academic improvement components, which shall be considered those components that have been demonstrated to make the greatest improvement in the academic achievement of underperforming students; 50438
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(3) Other components. 50442

The superintendent shall determine the funded components included in each category. 50443
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(B) The rules adopted for core academic strategy components under division (A)(1) of this section shall prescribe standards for expenditure and reporting. The rules shall afford districts degrees of flexibility in determining how to spend funds calculated for the components included in that category depending on the district's current performance rating under section 3302.03 of the Revised Code. The higher the rating, the greater flexibility the rules shall provide. Districts rated excellent shall not be subject to the expenditure standards, but shall comply with the reporting standards. 50445
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(C) The rules adopted for academic improvement components under division (A)(2) of this section shall prescribe standards for expenditure and reporting and shall apply only to school districts that have been declared to be in academic emergency or academic watch, under section 3302.03 of the Revised Code, for two or more consecutive years, beginning with the ratings of districts issued under that section in the fiscal year that begins two years prior to the effective date of rules adopted 50455
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<u>under division (A)(2) of this section.</u>	50463
<u>(D) The rules adopted under division (A)(3) of this section shall prescribe only reporting standards and shall not prescribe spending requirements or standards. The rules shall apply to all school districts.</u>	50464 50465 50466 50467
<u>(E) The rules shall take effect pursuant to a schedule determined by the superintendent. However:</u>	50468 50469
<u>(1) The rules adopted under division (A)(1) of this section prescribing reporting standards for core academic strategy components shall not take effect before July 1, 2010.</u>	50470 50471 50472
<u>(2) The rules adopted under division (A)(1) of this section prescribing expenditure standards for core academic strategy components shall not take effect before July 1, 2011.</u>	50473 50474 50475
<u>(3) The rules adopted under division (A)(2) of this section prescribing reporting standards for academic improvement components shall not take effect before July 1, 2010.</u>	50476 50477 50478
<u>(4) The rules adopted under division (A)(2) of this section prescribing expenditure standards for academic improvement components shall not take effect before July 1, 2011.</u>	50479 50480 50481
<u>(5) The rules adopted under division (A)(3) of this section prescribing reporting standards for other components shall not take effect before July 1, 2010.</u>	50482 50483 50484
<u>(F) Each school district shall comply with each applicable rule adopted under this section beginning on the effective date of that rule.</u>	50485 50486 50487
<u>Sec. 3306.29.</u> <u>(A) The Ohio school funding advisory council is hereby established. The council shall consist of the</u>	50488 50489

<u>following members:</u>	50490
<u>(1) The governor, or the governor's designee;</u>	50491
<u>(2) The superintendent of public instruction, or the superintendent's designee;</u>	50492 50493
<u>(3) The chancellor of the Ohio board of regents, or the chancellor's designee;</u>	50494 50495
<u>(4) Two school district teachers, appointed by the governor;</u>	50496
<u>(5) Two nonteaching, nonadministrative school district employees, appointed by the governor;</u>	50497 50498
<u>(6) One school district principal, appointed by the speaker of the house of representatives;</u>	50499 50500
<u>(7) One school district superintendent, appointed by the president of the senate;</u>	50501 50502
<u>(8) One school district treasurer, appointed by the speaker of the house of representatives;</u>	50503 50504
<u>(9) One member of a school district board, appointed by the president of the senate;</u>	50505 50506
<u>(10) One representative of a college of education, appointed by the speaker of the house of representatives;</u>	50507 50508
<u>(11) One representative of the business community, appointed by the president of the senate;</u>	50509 50510
<u>(12) One representative of a philanthropic organization, appointed by the speaker of the house of representatives;</u>	50511 50512
<u>(13) One representative of the Ohio academy of science,</u>	50513

<u>appointed by the president of the senate;</u>	50514
(14) <u>One representative of the general public, appointed by</u>	50515
<u>the president of the senate;</u>	50516
(15) <u>One representative of educational service centers,</u>	50517
<u>appointed by the speaker of the house of representatives;</u>	50518
(16) <u>One parent of a student attending a school operated by a</u>	50519
<u>school district, appointed by the governor;</u>	50520
(17) <u>One representative of community school sponsors,</u>	50521
<u>appointed by the governor;</u>	50522
(18) <u>One representative of operators of community schools,</u>	50523
<u>appointed by the president of the senate;</u>	50524
(19) <u>One community school fiscal officer, appointed by the</u>	50525
<u>speaker of the house of representatives;</u>	50526
(20) <u>One parent of a student attending a community school,</u>	50527
<u>appointed by the president of the senate;</u>	50528
(21) <u>One representative of early childhood education</u>	50529
<u>providers, appointed by the governor;</u>	50530
(22) <u>One representative of chartered nonpublic schools,</u>	50531
<u>appointed by the speaker of the house of representatives;</u>	50532
(23) <u>Two persons appointed by the president of the senate,</u>	50533
<u>one of whom shall be recommended by the minority leader of the</u>	50534
<u>senate;</u>	50535
(24) <u>Two persons appointed by the speaker of the house of</u>	50536
<u>representatives, one of whom shall be recommended by the minority</u>	50537
<u>leader of the house of representatives.</u>	50538

<u>The members shall serve without compensation.</u>	50539
<u>(B) The superintendent of public instruction, or the</u>	50540
<u>superintendent's designee to the council, shall be the chairperson</u>	50541
<u>of the council.</u>	50542
<u>The department of education shall provide staffing</u>	50543
<u>assistance to the council.</u>	50544
<u>(C) Not later than December 1, 2010, and the first day of</u>	50545
<u>July of each even-numbered year thereafter, the council shall</u>	50546
<u>present to the state board of education, the general assembly, in</u>	50547
<u>accordance with section 101.68 of the Revised Code, and the</u>	50548
<u>public recommendations for revisions to the educational adequacy</u>	50549
<u>components of the school funding model established under this</u>	50550
<u>chapter.</u>	50551
<u>(1) The recommendations shall be based on current, high</u>	50552
<u>quality research, information provided by school districts, and</u>	50553
<u>best practices in operational efficiencies.</u>	50554
<u>(2) In preparing its recommendations due December 1, 2010,</u>	50555
<u>the council's analyses shall include, but shall not be limited to,</u>	50556
<u>the adequacy of the model's financing for special education,</u>	50557
<u>gifted education services, career-technical education, arts</u>	50558
<u>education, services for limited English proficient students, and</u>	50559
<u>early college high schools. This analysis shall consider, for</u>	50560
<u>each area, current educational need, current educational</u>	50561
<u>practices, and best practices. In its December 1, 2010, report</u>	50562
<u>the council also shall include all of the following:</u>	50563
<u>(a) Recommendations for a student-centered evidence-based</u>	50564
<u>model for schools that uses a per pupil level of funding to follow</u>	50565
<u>a student to the school that best meets the student's individual</u>	50566
<u>learning needs;</u>	50567

<u>(b) A study of the extent to which current funding for joint vocational school districts and compact and comprehensive career-technical schools is responsive to state, regional, and local business and industry needs, and recommendations for revisions to career-technical education programming and funding;</u>	50568
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<u>(c) A study of the extent to which the current educational service center system supports school districts in academic achievement, teacher quality, shared educational services, and the purchasing of educational services and commodities, and recommendations for a new regional service delivery system, the educational service system governance structure, and accountability metrics for educational service centers;</u>	50573
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<u>(d) An examination of the existing structures and systems that support compensation and retirement benefits for teachers, and recommendations for changes to the systems of teacher compensation and retirement benefits to improve the connections between teacher compensation, teaching excellence, and higher levels of student learning;</u>	50580
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<u>(e) A consideration of whether community schools and STEM schools should be subject to the expenditure and reporting standards adopted under section 3306.25 of the Revised Code and the accountability requirements of sections 3306.30 to 3306.40 of the Revised Code;</u>	50586
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<u>(f) An analysis of the effects of open enrollment on students and school districts, and recommendations for ensuring that open enrollment policy and financing is equitable for students and school districts.</u>	50591
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<u>(3) In preparing its recommendations due December 1, 2010, and in subsequent biennia, the council's analyses may address, but need not be limited to, any of the following:</u>	50595
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<u>(a) Strategies and incentives to promote school cost-saving measures and efficiencies;</u>	50598
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<u>(b) Options for adding learning time to the learning year, such as moving professional development for educators to summer, adding learning time for children with greater educational needs, accounting for learning time by hours instead of days, and appropriate compensation to school districts and staff for providing additional learning time;</u>	50600
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<u>(c) The adequacy of the model's accounting for and financing of operational costs, including district-level administration and administrative and transportation challenges experienced by low-density and low-wealth school districts, and the effect of those costs on student academic achievement;</u>	50606
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<u>(d) The accuracy of the calculation of each component of the funding model, and of the model as a whole, in light of current educational needs, current educational practices, and best practices;</u>	50611
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<u>(e) Options to encourage school districts and schools already attaining excellent ratings under section 3302.03 of the Revised Code to go beyond state standards and aspire to higher international norms.</u>	50615
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<u>Sec. 3306.291. (A) A subcommittee of the Ohio school funding advisory council is hereby established to study and make recommendations to foster collaboration between school districts and community schools established under Chapter 3314. of the Revised Code. The subcommittee shall recommend fiscal strategies, including changes to the funding model established under this chapter, that will provide incentives and compensation for Ohio school districts and community schools to enter into collaborative agreements that result in creative and innovative academic programming for students and academic and fiscal efficiency. The</u>	50619
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subcommittee shall report its findings and recommendations to the 50629
council and, in accordance with section 101.68 of the Revised 50630
Code, the general assembly not later than September 1, 2010, and 50631
periodically thereafter at the direction of the superintendent of 50632
public instruction. 50633

(B) The subcommittee shall consist of the following members 50634
of the council: 50635

(1) The school district superintendent; 50636

(2) The school district treasurer; 50637

(3) One of the school district teachers, selected by the 50638
superintendent of public instruction; 50639

(4) The member representing a college of education; 50640

(5) The member representing sponsors of community schools; 50641

(6) The member representing operators of community schools; 50642

(7) The community school fiscal officer; 50643

(8) The parent of a student attending a community school; 50644

(9) The parent of a student attending a school operated by a 50645
school district. 50646

The members of the subcommittee shall serve without 50647
compensation. 50648

Sec. 3306.292. The Ohio school funding advisory council may 50649
establish subcommittees in addition to the subcommittee 50650
established under section 3306.291 of the Revised Code. The 50651
council shall determine the membership and duties of the 50652
additional subcommittees. Up to one-half of the members of each 50653

additional subcommittee may be individuals who are not members of the council. 50654
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Sec. 3306.30. (A) The board of education of each city, local, and exempted village school district annually shall submit to the department of education, by the date and in the manner prescribed by the superintendent of public instruction, a plan describing how the district will deploy the funds received under this chapter. The plan shall deploy the funds received for each component of the adequacy amount, shall comply with any applicable expenditure or reporting standard prescribed by rule adopted under section 3306.25 of the Revised Code, and shall comply with the operating standards adopted under division (D)(3) of section 3301.07 of the Revised Code and any directive of the superintendent of public instruction, unless a waiver has been granted under section 3306.40 of the Revised Code. In the case of a district to which section 3306.31 of the Revised Code applies, the plan shall include the deployment of funds for the purposes described in divisions (B) and (D) of that section. 50656
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(B) The department annually shall reconcile each spending plan submitted under this section with the actual spending of the district. If the department finds that a district has not complied with any applicable expenditure or reporting standard prescribed by rule adopted under section 3306.25 of the Revised Code, the department shall proceed to take action under section 3306.33 of the Revised Code. 50672
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(C) If a school district fails to submit a spending plan as required by this section or, as applicable, section 3306.31 of the Revised Code, the department shall proceed to take action under section 3306.33 of the Revised Code. 50679
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Sec. 3306.31. (A) This section applies to any city, local, or exempted village school district that has a three-year average graduation rate, as defined in section 3301.0711 of the Revised 50683
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Code, of eighty per cent or less. 50686

(B) The board of education of each school district to which 50687
this section applies shall implement actions prescribed by the 50688
governor's closing the achievement gap initiative in each of the 50689
following: 50690

(1) Each high school: 50691

(2) Each elementary or middle school in which less than fifty 50692
per cent of the students have attained a proficient score on the 50693
fourth or seventh grade achievement assessments in English 50694
language arts or mathematics required under section 3301.0710 of 50695
the Revised Code. 50696

(C) The board of education of each school district to which 50697
this section applies shall work with the department of education 50698
and the governor's closing the achievement gap initiative in 50699
developing its annual spending plan prior to submitting the plan 50700
under section 3306.30 of the Revised Code. 50701

(D) The board of each district to which this section applies 50702
shall create and staff, in each organizational unit, at least one 50703
position funded under division (A)(1) of section 3306.06 of the 50704
Revised Code. Each such position shall function as a linkage 50705
coordinator for closing the achievement gap and increasing the 50706
graduation rate. A linkage coordinator is a person, meeting 50707
guidelines established by the governor's closing the achievement 50708
gap initiative, who shall work with and who is the primary 50709
mentor, coach, and motivator for students identified as at risk 50710
of not graduating, as defined by the governor's closing the 50711
achievement gap initiative, and who coordinates those students' 50712
participation in academic programs, social service programs, 50713
out-of-school cultural and work-related experiences, and in-school 50714
and out-of-school mentoring programs, based on the students' 50715
needs. The linkage coordinator shall coordinate remedial 50716

disciplinary plans as needed and work with school personnel to 50717
gather student academic information and to engage parents of 50718
targeted students. The linkage coordinator shall serve as a 50719
liaison between the school and the governor's closing the 50720
achievement gap initiative and shall participate in all 50721
professional development activities as directed by the closing the 50722
achievement gap initiative. The linkage coordinator shall 50723
establish and coordinate the work of academic promotion teams, 50724
which shall address the academic and social needs of the 50725
identified students. The membership of teams in different schools 50726
may vary and may include the linkage coordinator, parents, 50727
teachers, principals, school nurses, school counselors, probation 50728
officers, or other school personnel or members of the community. 50729

(E) The governor's closing the achievement gap initiative 50730
shall work with each organizational unit of a school district to 50731
which this section applies to assess the progress in implementing 50732
prescribed activities, as required under division (B) of this 50733
section, and shall assist linkage coordinators, administrators, 50734
and other school staff in ensuring compliance with the district's 50735
spending plan required under section 3306.30 of the Revised Code. 50736

(F) The items related to implementing divisions (B) and (D) 50737
of this section included in the spending plan of a district to 50738
which this section applies are subject to the approval of the 50739
superintendent of public instruction and the governor's closing 50740
the achievement gap initiative. If they disapprove those items in 50741
the plan, the state superintendent shall do one of the following: 50742

(1) Modify the items related to implementing divisions (B) 50743
and (D) of this section in the plan as the state superintendent 50744
considers appropriate and notify the district board of the 50745
modifications. The district board shall comply with the plan as 50746
modified by the state superintendent. 50747

(2) Return the spending plan and require the district board 50748

to modify the items related to implementing divisions (B) and (D) 50749
of this section in the plan according to the state 50750
superintendent's instructions or recommendations. The district 50751
board shall modify the plan according to the state 50752
superintendent's instructions or recommendations and return the 50753
modified plan by a date specified by the state superintendent. 50754

(G) The department shall work with the governor's closing the 50755
achievement gap initiative in reconciling, under division (B) of 50756
section 3306.30 of the Revised Code, the spending plan submitted 50757
by a district to which this section applies with the district's 50758
actual spending. 50759

Sec. 3306.33. (A) Not earlier than July 1, 2011, the 50760
department of education shall take action under this section 50761
with respect to a school district in either of the following 50762
circumstances: 50763

(1) The department determines that the school district has 50764
failed to comply with any applicable expenditure or reporting 50765
standard prescribed by rule adopted under section 3306.25 of the 50766
Revised Code. 50767

(2) The district fails to submit a spending plan under 50768
section 3306.30 and, if applicable, section 3306.31 of the 50769
Revised Code. 50770

(B) When a circumstance described in division (A) of this 50771
section applies, the department shall provide the school district 50772
with technical assistance to bring the district into compliance 50773
with the expenditure and reporting standards adopted under 50774
section 3306.25 of the Revised Code and the requirements of this 50775
chapter, as applicable to the circumstance triggering action 50776
under this section. In addition, the board of the district 50777
shall take all of the following actions: 50778

<u>(1) Develop and submit to the department a three-year operations improvement plan containing all of the following:</u>	50779 50780
<u>(a) An analysis of the reasons for the failure to meet the applicable expenditure or reporting standards or requirements of this chapter;</u>	50781 50782 50783
<u>(b) Specific strategies the board will use to address the problems in meeting the standards or requirements;</u>	50784 50785
<u>(c) Identification of the resources the board will use to meet the standards or requirements;</u>	50786 50787
<u>(d) A description of how the board will measure its progress in meeting the standards or requirements.</u>	50788 50789
<u>If the district is required to have a continuous improvement plan under section 3302.04 of the Revised Code, the three-year operations improvement plan required by this section shall be aligned with the continuous improvement plan.</u>	50790 50791 50792 50793
<u>(2) Notify the parent or guardian of each student served by the district either in writing or by electronic means, of the standards or requirements that were not met, the actions being taken to meet the standards or requirements, and any progress achieved in the immediately preceding school year toward meeting the standards or requirements.</u>	50794 50795 50796 50797 50798 50799
<u>(3) Present the plan, and take public testimony with respect to it, in a public hearing before the board.</u>	50800 50801
<u>(C) When a circumstance described in division (A) of this section applies to a school district for a second consecutive year, whether it is the same or a different circumstance, the department shall provide the district with technical assistance to bring the district into compliance with the expenditure or</u>	50802 50803 50804 50805 50806

reporting standards adopted under section 3306.25 of the Revised Code and the requirements of this chapter, as applicable to the circumstance triggering action under this section. In addition, both of the following apply:

(1) The board shall take all of the actions prescribed in divisions (B)(1) to (3) of this section;

(2) The department shall establish a state intervention team to evaluate all aspects of the district's operations, including, but not limited to, management, instructional methods, resource allocation, and scheduling. The intervention team shall include teachers and administrators recognized as outstanding in their fields. The team shall make recommendations regarding methods for bringing the district into compliance with the applicable standards adopted under section 3306.25 of the Revised Code and requirements of this chapter. The superintendent of public instruction shall establish guidelines for the intervention teams. The district shall pay the costs of the intervention team.

(D) When a circumstance described in division (A) of this section applies to a school district for a third consecutive year, whether it is the same or a different circumstance as in the preceding years, the superintendent of public instruction shall either:

(1) Establish an accountability compliance commission under section 3306.34 of the Revised Code;

(2) Appoint a trustee who shall govern the district in place of the board of education of the school district until the beginning of the first year that none of the circumstances described in division (A) of this section apply to the district.

(E) When a circumstance described in division (A) of this

section applies to a school district for a fourth consecutive 50837
year, whether it is the same or a different circumstance as in 50838
the preceding years, the state board of education shall proceed 50839
under section 3301.16 of the Revised Code to revoke the 50840
district's charter. 50841

(F) At any time, the state board may proceed under section 50842
3301.16 of the Revised Code to revoke the charter of a school 50843
district that fails to meet the operating standards established 50844
under division (D)(3) of section 3301.07 of the Revised Code or 50845
fails to comply with this section. 50846

Sec. 3306.34. (A) Each accountability compliance commission 50847
appointed under division (D) of section 3306.33 of the Revised 50848
Code is a body both corporate and politic, constituting an agency 50849
and instrumentality of the state and performing essential 50850
governmental functions of the state. A commission shall be known 50851
as the "accountability compliance commission for 50852
(name of school district)," and, in that name, may exercise all 50853
authority vested in such a commission by this section. A separate 50854
commission shall be established for each school district for 50855
which the superintendent of public instruction opts to establish 50856
a commission under division (D) of section 3306.33 of the Revised 50857
Code. 50858

(B) Each accountability commission shall consist of three 50859
members, one of whom shall be appointed by the governor, one of 50860
whom shall be appointed by the superintendent of public 50861
instruction, and one of whom shall be appointed by the auditor of 50862
state. 50863

All members shall serve at the pleasure of the appointing 50864
authority during the life of the commission. In the event of the 50865
death, resignation, incapacity, removal, or ineligibility to serve 50866
of a member, the appointing authority shall appoint a successor 50867
within fifteen days after the vacancy occurs. Members shall serve 50868

without compensation, but shall be paid by the commission their 50869
necessary and actual expenses incurred while engaged in the 50870
business of the commission. 50871

(C) Immediately after appointment of the initial members of 50872
an accountability compliance commission, the state superintendent 50873
shall call the first meeting of the commission and shall cause 50874
written notice of the time, date, and place of that meeting to be 50875
given to each member of the commission at least forty-eight hours 50876
in advance of the meeting. The first meeting shall include an 50877
overview of the commission's roles and responsibilities, the 50878
requirements of section 2921.42 and Chapter 102. of the Revised 50879
Code as they pertain to commission members, the requirements of 50880
section 121.22 of the Revised Code, and the provisions of division 50881
(F) of this section. At its first meeting, the commission shall 50882
adopt temporary bylaws in accordance with division (D) of this 50883
section to govern its operations until the adoption of permanent 50884
bylaws. 50885

The state superintendent shall designate a chairperson for 50886
the commission from among the members. The chairperson shall call 50887
and conduct meetings, set meeting agendas, and serve as a liaison 50888
between the commission and the district board of education. The 50889
chairperson also shall appoint a secretary, who shall not be a 50890
member of the commission. 50891

The department of education shall provide administrative 50892
support for the commission, provide data requested by the 50893
commission, and inform the commission of available state resources 50894
that could assist the commission in its work. 50895

(D) Each accountability compliance commission may adopt and 50896
alter bylaws and rules, which shall not be subject to section 50897
111.15 or Chapter 119. of the Revised Code, for the conduct of its 50898
affairs and for the manner, subject to this section, in which its 50899
powers and functions shall be exercised and embodied. 50900

(E) Two members of an accountability compliance commission 50901
constitute a quorum of the commission. The affirmative vote of two 50902
members of the commission is necessary for any action taken by 50903
vote of the commission. No vacancy in the membership of the 50904
commission shall impair the rights of a quorum by such vote to 50905
exercise all the rights and perform all the duties of the 50906
commission. Members of the commission are not disqualified from 50907
voting by reason of the functions of any other office they hold 50908
and are not disqualified from exercising the functions of the 50909
other office with respect to the school district, its officers, or 50910
the commission. 50911

(F) The members of an accountability compliance commission, 50912
the state superintendent, and any person authorized to act on 50913
behalf of or assist them shall not be personally liable or subject 50914
to any suit, judgment, or claim for damages resulting from the 50915
exercise of or failure to exercise the powers, duties, and 50916
functions granted to them in regard to their functioning under 50917
this section, but the commission, state superintendent, and such 50918
other persons shall be subject to mandamus proceedings to compel 50919
performance of their duties under this section. 50920

(G) Each member of an accountability compliance commission 50921
shall file the statement described in section 102.02 of the 50922
Revised Code with the Ohio ethics commission. The statement shall 50923
be confidential, subject to review, as described in division (B) 50924
of that section. 50925

(H) Meetings of each accountability compliance commission 50926
shall be subject to section 121.22 of the Revised Code. 50927

(I) Each accountability compliance commission shall seek 50928
input from the district board of education regarding ways to 50929
improve the district's operations and compliance with the 50930
requirements of this chapter and the expenditure and reporting 50931

standards prescribed by rule adopted under section 3306.25 of the 50932
Revised Code, but any decision of the commission related to any 50933
authority granted to the commission under this section shall be 50934
final. 50935

The commission may do any of the following: 50936

(1) Prepare and submit the school district's spending plan 50937
required under section 3306.30 and, if applicable, section 50938
3306.31 of the Revised Code; 50939

(2) Appoint school building administrators and reassign 50940
administrative personnel; 50941

(3) Terminate the contracts of administrators or 50942
administrative personnel. The commission shall not be required to 50943
comply with section 3319.16 of the Revised Code with respect to 50944
any contract terminated under this division. 50945

(4) Contract with a private entity to perform school or 50946
district management functions; 50947

(5) Establish a budget for the district and approve district 50948
appropriations and expenditures, unless a financial planning and 50949
supervision commission has been established for the district 50950
pursuant to section 3316.05 of the Revised Code; 50951

(6) Exercise the powers, duties, and functions with respect 50952
to the district as are granted to a financial planning and 50953
supervision commission with respect to a school district under 50954
divisions (A)(1) to (4) of section 3316.07 of the Revised Code, 50955
unless a financial planning and supervision commission has been 50956
established for the district. 50957

(J) If the board of education of a school district for which 50958
an accountability compliance commission has been established 50959

renews any collective bargaining agreement under Chapter 4117. of 50960
the Revised Code during the existence of the commission, the 50961
board shall not enter into any agreement that would render any 50962
decision of the commission unenforceable. 50963

(K) An accountability compliance commission shall cease to 50964
exist at the beginning of the first year that none of the 50965
circumstances described in division (A) of section 3306.33 of the 50966
Revised Code apply to the district. 50967

Sec. 3306.35. The department of education shall develop a 50968
form, which shall be known as the "Formula ACcountability and 50969
Transparency" form or "FACT" form. The department annually shall 50970
issue and publish on its web site a FACT form for each city, 50971
local, and exempted village school district. The form shall 50972
compare the payments to the district under each component 50973
prescribed by this chapter with the district's deployment of those 50974
payments as indicated in its spending plan submitted under 50975
section 3306.30 and, if applicable, 3306.31 of the Revised Code. 50976
The form shall not be the basis of any actions under section 50977
3306.33 of the Revised Code but shall be a public document to 50978
inform parents, students, and taxpayers about the district's 50979
spending. 50980

Sec. 3306.40. The board of education of a school district 50981
may apply to the superintendent of public instruction for a 50982
waiver of any standard or requirement of this chapter, including 50983
any applicable expenditure or reporting standard prescribed by 50984
rule adopted under section 3306.25 of the Revised Code, or a 50985
waiver of any operating standard adopted under division (D)(3) of 50986
section 3301.07 of the Revised Code. 50987

The state board of education shall adopt standards for the 50988
approval or disapproval of waivers under this section. The state 50989
superintendent shall consider every application for a waiver, and 50990
shall determine whether to grant or deny a waiver in accordance 50991

with the state board's standards. For each waiver granted, the 50992
state superintendent shall specify the period of time during which 50993
the waiver is in effect, which shall not exceed five years. A 50994
district may apply to renew a waiver. 50995

Sec. 3306.50. (A) The Harmon commission is hereby created. 50996

The commission shall consist of the following twenty-one 50997
members: 50998

(1) Six persons who are not also members of the general 50999
assembly, appointed by the president of the senate, upon 51000
consultation with the minority leader of the senate, two of whom 51001
are classroom teachers, two of whom are school administrators, and 51002
two of whom are instructors at an Ohio teacher preparation 51003
program; 51004

(2) Six persons who are not also members of the general 51005
assembly, appointed by the speaker of the house of 51006
representatives, upon consultation with the minority leader of the 51007
house of representatives, two of whom are classroom teachers, two 51008
of whom are school administrators, and two of whom are instructors 51009
at an Ohio teacher preparation program; 51010

(3) Nine persons appointed by the governor, three of whom are 51011
classroom teachers, three of whom are school administrators, and 51012
three of whom are instructors at an Ohio teacher preparation 51013
program. 51014

The members appointed under divisions (A)(1) and (2) of this 51015
section shall serve for the duration of the general assembly in 51016
which they were appointed. 51017

The members appointed under division (A)(3) of this section 51018
shall serve for the duration of the term of the governor in which 51019
they were appointed. 51020

<u>Vacancies on the commission shall be filled in the manner of</u>	51021
<u>the initial appointments.</u>	51022
<u>(B) The chairperson of the commission shall be selected by</u>	51023
<u>the governor from among the members of the commission.</u>	51024
<u>(C) The members of the commission shall serve without</u>	51025
<u>compensation but shall be paid by the department of education</u>	51026
<u>their necessary and actual expenses incurred while engaged in the</u>	51027
<u>business of the commission.</u>	51028
<u>Sec. 3306.51.</u> <u>The Harmon commission shall review and approve</u>	51029
<u>or disapprove applications from city, exempted village, and local</u>	51030
<u>school districts and community schools established under Chapter</u>	51031
<u>3314. of the Revised Code for individual classrooms to be</u>	51032
<u>designated as creative learning environments. To be eligible for</u>	51033
<u>designation of one or more of its classrooms as a creative</u>	51034
<u>learning environment, a community school shall enter into a</u>	51035
<u>memorandum of understanding, approved by the department of</u>	51036
<u>education, with one or more school districts that specifies a</u>	51037
<u>collaborative agreement to share programming and resources to</u>	51038
<u>promote successful academic achievement for students and academic</u>	51039
<u>and fiscal efficiencies.</u>	51040
<u>The commission shall designate a classroom as a creative</u>	51041
<u>learning environment if the commission determines that the</u>	51042
<u>classroom supports and emphasizes innovation in instruction</u>	51043
<u>methods and lesson plans and operates in accordance with the</u>	51044
<u>guidelines adopted by the state board of education under section</u>	51045
<u>3306.52 of the Revised Code. Beginning July 1, 2010, a district</u>	51046
<u>or community school that has a classroom that is designated a</u>	51047
<u>creative learning environment may qualify for a grant or subsidy</u>	51048
<u>awarded by the commission under section 3306.58 of the Revised</u>	51049
<u>Code.</u>	51050

<u>Sec. 3306.52. The state board of education shall do both of the following:</u>	51051 51052
<u>(A) Adopt guidelines for the Harmon commission to use in reviewing applications for creative learning environments.</u>	51053 51054
<u>(B) Direct the department of education to provide staff to assist the commission in carrying out the commission's duties under sections 3306.50 to 3306.58 of the Revised Code.</u>	51055 51056 51057
<u>Sec. 3306.53. From January 1, 2010, through April 14, 2010, a city, exempted village, or local school district and a community school may submit to the Harmon commission an unlimited number of applications for first-time designation of individual classrooms as creative learning environments. No applications may be submitted between April 15, 2010, and July 1, 2010. After July 1, 2010, each city, exempted village, or local school district and each eligible community school may submit only one application per fiscal year for first-time designation of one classroom as a creative learning environment.</u>	51058 51059 51060 51061 51062 51063 51064 51065 51066 51067
<u>Sec. 3306.54. Not later than the first day of May each year, the Harmon commission shall begin meeting to review pending applications for first-time designations submitted under section 3306.53 of the Revised Code. The commission shall approve or disapprove all pending applications by the first day of July. The decision of the commission is final.</u>	51068 51069 51070 51071 51072 51073
<u>Sec. 3306.55. (A) The Harmon commission's first-time designation of a classroom as a creative learning environment is valid for one fiscal year. A school district or community school may apply to have the designation renewed. The commission shall renew the designation for the next two fiscal years if the school district or community school applies for the renewal and the commission finds that the classroom continues to meet the guidelines adopted under section 3306.52 of the Revised Code. The</u>	51074 51075 51076 51077 51078 51079 51080 51081

commission shall not renew the designation if the school district or community school does not apply for renewal or if the commission determines that the classroom no longer meets those guidelines.

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(B) At the end of a two-year renewal granted under division (A) of this section, and every two fiscal years thereafter, the designation of a classroom as a creative learning environment is automatically renewed, without need for application, for the next two fiscal years, unless the designation is revoked under division (C) of this section.

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(C) If the department of education at any time finds that the classroom is no longer operating in accordance with the standards adopted under section 3306.52 of the Revised Code, the department shall appeal the designation to the commission not later than the fifteenth day of February. The commission shall review the operation of the classroom and either continue the designation or revoke the designation. A revocation shall take effect on the first day of July following the department's appeal.

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(D) The decision of the commission under divisions (A) to (C) of this section is final.

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(E) If the commission does not renew a designation of a classroom under division (A) of this section or revokes that designation under division (C) of this section, the district or community school may reapply for designation of the classroom under section 3306.53 of the Revised Code. That application shall be treated as a new application for first-time designation.

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Sec. 3306.56. The city, exempted village, or local school district or community school that operates a classroom designated by the Harmon commission as a creative learning environment shall submit periodic progress reports on the operation and performance of the classroom to the department of education in the manner and

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by the deadlines prescribed by the department. 51113

Sec. 3306.57. The department of education may accept, 51114
receive, and expend gifts, devises, or bequests of money, lands, 51115
or other properties for operation of the Harmon commission and the 51116
award of grants and subsidies under section 3306.58 of the Revised 51117
Code. The state board of education may adopt rules for the purpose 51118
of enabling the department to carry out the conditions and 51119
limitations upon which a bequest, gift, or endowment is made. 51120

Sec. 3306.58. Beginning July 1, 2010, to the extent the 51121
Harmon commission determines that sufficient funds are available, 51122
the commission may award grants or stipends to school districts 51123
and community schools that have one or more of their classrooms 51124
designated as creative learning environments under section 3306.51 51125
of the Revised Code. The commission shall adopt procedures for 51126
application for and the award of grants or stipends under this 51127
section. 51128

Sec. 3307.31. (A) Payments by boards of education and 51129
governing authorities of community schools to the state teachers 51130
retirement system, as provided in sections 3307.29 and 3307.291 of 51131
the Revised Code, shall be made from the amount allocated under 51132
section 3314.08, Chapter 3306., or Chapter 3317. of the Revised 51133
Code prior to its distribution to the individual school districts 51134
or community schools. The amount due from each school district or 51135
community school shall be certified by the secretary of the 51136
system to the superintendent of public instruction monthly, or at 51137
such times as may be determined by the state teachers retirement 51138
board. 51139

The superintendent shall deduct, from the amount allocated to 51140
each district or community school under section 3314.08, Chapter 51141
3306., or Chapter 3317. of the Revised Code, the entire amounts 51142
due to the system from such district or school upon the 51143
certification to the superintendent by the secretary thereof. 51144

The superintendent shall certify to the director of budget 51145
and management the amounts thus due the system for payment. 51146

(B) Payments to the state teachers retirement system by a 51147
science, technology, engineering, and mathematics school shall be 51148
deducted from the amount allocated under section 3326.33 of the 51149
Revised Code and shall be made in the same manner as payments by 51150
boards of education under this section. 51151

Sec. 3307.64. A disability benefit recipient, 51152
notwithstanding section 3319.13 of the Revised Code, shall retain 51153
membership in the state teachers retirement system and shall be 51154
considered on leave of absence during the first five years 51155
following the effective date of a disability benefit. 51156

The state teachers retirement board shall require any 51157
disability benefit recipient to submit to an annual medical 51158
examination by a physician selected by the board, except that the 51159
board may waive the medical examination if the board's physician 51160
certifies that the recipient's disability is ongoing. If a 51161
disability benefit recipient refuses to submit to a medical 51162
examination, the recipient's disability benefit shall be suspended 51163
until the recipient withdraws the refusal. If the refusal 51164
continues for one year, all the recipient's rights under and to 51165
the disability benefit shall be terminated as of the effective 51166
date of the original suspension. 51167

After the examination, the examiner shall report and certify 51168
to the board whether the disability benefit recipient is no longer 51169
physically and mentally incapable of resuming the service from 51170
which the recipient was found disabled. If the board concurs in a 51171
report by the examining physician that the disability benefit 51172
recipient is no longer incapable, the payment of a disability 51173
benefit shall be terminated not later than the following 51174
thirty-first day of August or upon employment as a teacher prior 51175

thereto. If the leave of absence has not expired, the board shall 51176
so certify to the disability benefit recipient's last employer 51177
before being found disabled that the recipient is no longer 51178
physically and mentally incapable of resuming service that is the 51179
same or similar to that from which the recipient was found 51180
disabled. If the recipient was under contract at the time the 51181
recipient was found disabled, the employer by the first day of the 51182
next succeeding year shall restore the recipient to the 51183
recipient's previous position and salary or to a position and 51184
salary similar thereto, unless the recipient was dismissed or 51185
resigned in lieu of dismissal for dishonesty, misfeasance, 51186
malfeasance, or conviction of a felony. 51187

A disability benefit shall terminate if the disability 51188
benefit recipient becomes employed as a teacher in any public or 51189
private school or institution in this state or elsewhere. An 51190
individual receiving a disability benefit from the system shall be 51191
ineligible for any employment as a teacher and it shall be 51192
unlawful for any employer to employ the individual as a teacher. 51193
If any employer should employ or reemploy the individual prior to 51194
the termination of a disability benefit, the employer shall file 51195
notice of employment with the board designating the date of the 51196
employment. If the individual should be paid both a disability 51197
benefit and also compensation for teaching service for all or any 51198
part of the same month, the secretary of the board shall certify 51199
to the employer or to the superintendent of public instruction the 51200
amount of the disability benefit received by the individual during 51201
the employment, which amount shall be deducted from any amount due 51202
the employing district under ~~Chapter~~ Chapters 3306. and 3317. of 51203
the Revised Code or shall be paid by the employer to the annuity 51204
and pension reserve fund. 51205

Each disability benefit recipient shall file with the board 51206
an annual statement of earnings, current medical information on 51207
the recipient's condition, and any other information required in 51208

rules adopted by the board. The board may waive the requirement 51209
that a disability benefit recipient file an annual statement of 51210
earnings or current medical information if the board's physician 51211
certifies that the recipient's disability is ongoing. 51212

The board shall annually examine the information submitted by 51213
the recipient. If a disability benefit recipient refuses to file 51214
the statement or information, the disability benefit shall be 51215
suspended until the statement and information are filed. If the 51216
refusal continues for one year, the recipient's right to the 51217
disability benefit shall be terminated as of the effective date of 51218
the original suspension. 51219

A disability benefit also may be terminated by the board at 51220
the request of the disability benefit recipient. 51221

If disability retirement under section 3307.63 of the Revised 51222
Code is terminated for any reason, the annuity and pension 51223
reserves at that time in the annuity and pension reserve fund 51224
shall be transferred to the teachers' savings fund and the 51225
employers' trust fund, respectively. If the total disability 51226
benefit paid was less than the amount of the accumulated 51227
contributions of the member transferred to the annuity and pension 51228
reserve fund at the time of the member's disability retirement, 51229
then the difference shall be transferred from the annuity and 51230
pension reserve fund to another fund as required. In determining 51231
the amount of a member's account following the termination of 51232
disability retirement for any reason, the total amount paid shall 51233
be charged against the member's refundable account. 51234

If a disability allowance paid under section 3307.631 of the 51235
Revised Code is terminated for any reason, the reserve on the 51236
allowance at that time in the annuity and pension reserve fund 51237
shall be transferred from that fund to the employers' trust fund. 51238

If a former disability benefit recipient again becomes a 51239

contributor, other than as an other system retirant under section 51240
3307.35 of the Revised Code, to this retirement system, the school 51241
employees retirement system, or the public employees retirement 51242
system, and completes at least two additional years of service 51243
credit, the former disability benefit recipient shall receive 51244
credit for the period as a disability benefit recipient. 51245

Sec. 3309.41. (A) A disability benefit recipient shall 51246
retain membership status and shall be considered on leave of 51247
absence from employment during the first five years following the 51248
effective date of a disability benefit, notwithstanding any 51249
contrary provisions in Chapter 124. or 3319. of the Revised Code. 51250

(B) The school employees retirement board shall require a 51251
disability benefit recipient to undergo an annual medical 51252
examination, except that the board may waive the medical 51253
examination if the board's physician or physicians certify that 51254
the recipient's disability is ongoing. Should any disability 51255
benefit recipient refuse to submit to a medical examination, the 51256
recipient's disability benefit shall be suspended until withdrawal 51257
of the refusal. Should the refusal continue for one year, all the 51258
recipient's rights in and to the disability benefit shall be 51259
terminated as of the effective date of the original suspension. 51260

(C) On completion of the examination by an examining 51261
physician or physicians selected by the board, the physician or 51262
physicians shall report and certify to the board whether the 51263
disability benefit recipient is no longer physically and mentally 51264
incapable of resuming the service from which the recipient was 51265
found disabled. If the board concurs in the report that the 51266
disability benefit recipient is no longer incapable, the payment 51267
of the disability benefit shall be terminated not later than three 51268
months after the date of the board's concurrence or upon 51269
employment as an employee. If the leave of absence has not 51270
expired, the retirement board shall certify to the disability 51271

benefit recipient's last employer before being found disabled that 51272
the recipient is no longer physically and mentally incapable of 51273
resuming service that is the same or similar to that from which 51274
the recipient was found disabled. The employer shall restore the 51275
recipient to the recipient's previous position and salary or to a 51276
position and salary similar thereto not later than the first day 51277
of the first month following termination of the disability 51278
benefit, unless the recipient was dismissed or resigned in lieu of 51279
dismissal for dishonesty, misfeasance, malfeasance, or conviction 51280
of a felony. 51281

(D) Each disability benefit recipient shall file with the 51282
board an annual statement of earnings, current medical information 51283
on the recipient's condition, and any other information required 51284
in rules adopted by the board. The board may waive the requirement 51285
that a disability benefit recipient file an annual statement of 51286
earnings or current medical information on the recipient's 51287
condition if the board's physician or physicians certify that the 51288
recipient's disability is ongoing. 51289

The board shall annually examine the information submitted by 51290
the recipient. If a disability benefit recipient refuses to file 51291
the statement or information, the disability benefit shall be 51292
suspended until the statement and information are filed. If the 51293
refusal continues for one year, the recipient's right to the 51294
disability benefit shall be terminated as of the effective date of 51295
the original suspension. 51296

(E) If a disability benefit recipient is employed by an 51297
employer covered by this chapter, the recipient's disability 51298
benefit shall cease. 51299

(F) If disability retirement under section 3309.40 of the 51300
Revised Code is terminated for any reason, the annuity and pension 51301
reserves at that time in the annuity and pension reserve fund 51302
shall be transferred to the employees' savings fund and the 51303

employers' trust fund, respectively. If the total disability
benefit paid is less than the amount of the accumulated
contributions of the member transferred into the annuity and
pension reserve fund at the time of the member's disability
retirement, the difference shall be transferred from the annuity
and pension reserve fund to another fund as may be required. In
determining the amount of a member's account following the
termination of disability retirement for any reason, the amount
paid shall be charged against the member's refundable account.

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If a disability allowance paid under section 3309.401 of the
Revised Code is terminated for any reason, the reserve on the
allowance at that time in the annuity and pension reserve fund
shall be transferred from that fund to the employers' trust fund.

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The board may terminate a disability benefit at the request
of the recipient.

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(G) If a disability benefit is terminated and a former
disability benefit recipient again becomes a contributor, other
than as an other system retirant as defined in section 3309.341 of
the Revised Code, to this system, the public employees retirement
system, or the state teachers retirement system, and completes an
additional two years of service credit after the termination of
the disability benefit, the former disability benefit recipient
shall be entitled to full service credit for the period as a
disability benefit recipient.

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(H) If any employer employs any member who is receiving a
disability benefit, the employer shall file notice of employment
with the retirement board, designating the date of employment. In
case the notice is not filed, the total amount of the benefit paid
during the period of employment prior to notice shall be paid from
amounts allocated under ~~Chapter~~ Chapters 3306. and 3317. of the
Revised Code prior to its distribution to the school district in
which the disability benefit recipient was so employed.

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Sec. 3309.48. Any employee who left the service of an 51336
employer after attaining age sixty-five or over and such employer 51337
had failed or refused to deduct and transmit to the school 51338
employees retirement system the employee contributions as required 51339
by section 3309.47 of the Revised Code during any year for which 51340
membership was compulsory as determined by the school employees 51341
retirement board, shall be granted service credit without cost, 51342
which shall be considered as total service credit for the purposes 51343
of meeting the qualifications for service retirement provided by 51344
the law in effect on and retroactive to the first eligible 51345
retirement date following the date such employment terminated, but 51346
shall not be paid until formal application for such allowance on a 51347
form provided by the retirement board is received in the office of 51348
the retirement system. The total service credit granted under this 51349
section shall not exceed ten years for any such employee. 51350

The liability incurred by the retirement board because of the 51351
service credit granted under this section shall be determined by 51352
the retirement board, the cost of which shall be equal to an 51353
amount that is determined by applying the combined employee and 51354
employer rates of contribution against the compensation of such 51355
employee at the rates of contribution and maximum salary 51356
provisions in effect during such employment for each year for 51357
which credit is granted, together with interest at the rate to be 51358
credited accumulated contributions at retirement, compounded 51359
annually from the first day of the month payment was due the 51360
retirement system to and including the month of deposit, the total 51361
amount of which shall be collected from the employer. Such amounts 51362
shall be certified by the retirement board to the superintendent 51363
of public instruction, who shall deduct the amount due the system 51364
from any funds due the affected school district under ~~Chapter~~ 51365
Chapters 3306. and 3317. of the Revised Code. The superintendent 51366
shall certify to the director of budget and management the amount 51367
due the system for payment. The total amount paid shall be 51368

deposited into the employers' trust fund, and shall not be 51369
considered as accumulated contributions of the employee in the 51370
event of ~~his~~the employee's death or withdrawal of funds. 51371

Sec. 3309.51. (A) Each employer shall pay annually into the 51372
employers' trust fund, in such monthly or less frequent 51373
installments as the school employees retirement board requires, an 51374
amount certified by the school employees retirement board, which 51375
shall be as required by Chapter 3309. of the Revised Code. 51376

Payments by school district boards of education to the 51377
employers' trust fund of the school employees retirement system 51378
may be made from the amounts allocated under ~~Chapter~~Chapters 51379
3306. and 3317. of the Revised Code prior to their distribution to 51380
the individual school districts. The amount due from each school 51381
district may be certified by the secretary of the system to the 51382
superintendent of public instruction monthly, or at such times as 51383
is determined by the school employees retirement board. 51384

Payments by governing authorities of community schools to the 51385
employers' trust fund of the school employees retirement system 51386
shall be made from the amounts allocated under section 3314.08 of 51387
the Revised Code prior to their distribution to the individual 51388
community schools. The amount due from each community school 51389
shall be certified by the secretary of the system to the 51390
superintendent of public instruction monthly, or at such times 51391
as determined by the school employees retirement board. 51392

Payments by a science, technology, engineering, and 51393
mathematics school to the employers' trust fund of the school 51394
employees retirement system shall be made from the amounts 51395
allocated under section 3326.33 of the Revised Code prior to 51396
their distribution to the school. The amount due from a science, 51397
technology, engineering, and mathematics school shall be 51398
certified by the secretary of the school employees retirement 51399
system to the superintendent of public instruction monthly, or 51400

at such times as determined by the school employees retirement board. 51401
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(B) The superintendent shall deduct from the amount allocated 51403
to each community school under section 3314.08 of the Revised 51404
Code, to each school district under ~~Chapter~~ Chapters 3306. and 51405
3317. of the Revised Code, or to each science, technology, 51406
engineering, and mathematics school under section 3326.33 of the 51407
Revised Code the entire amounts due to the school employees 51408
retirement system from such school or school district upon the 51409
certification to the superintendent by the secretary thereof. 51410

(C) Where an employer fails or has failed or refuses to make 51411
payments to the employers' trust fund, as provided for under 51412
Chapter 3309. of the Revised Code, the secretary of the school 51413
employees retirement system may certify to the state 51414
superintendent of public instruction, monthly or at such times as 51415
is determined by the school employees retirement board, the amount 51416
due from such employer, and the superintendent shall deduct from 51417
the amount allocated to the employer under section 3314.08 or 51418
3326.33 or Chapter 3306. or 3317. of the Revised Code, as 51419
applicable, the entire amounts due to the system from the 51420
employer upon the certification to the superintendent by the 51421
secretary of the school employees retirement system. 51422

(D) The superintendent shall certify to the director of 51423
budget and management the amounts thus due the system for 51424
payment. 51425

Sec. 3310.03. (A) A student is an "eligible student" for 51426
purposes of the educational choice scholarship pilot program if 51427
the student's resident district is not a school district in which 51428
the pilot project scholarship program is operating under sections 51429
3313.974 to 3313.979 of the Revised Code and the student satisfies 51430
one of the following conditions: 51431

(1) The student is enrolled in a school building that is	51432
operated by the student's resident district and to which both of	51433
the following apply:	51434
(a) The building was declared, in at least two of the three	51435
most recent ratings of school buildings published prior to the	51436
first day of July of the school year for which a scholarship is	51437
sought, to be in a state of academic emergency or academic watch	51438
under section 3302.03 of the Revised Code;	51439
(b) The building was not declared to be excellent or	51440
effective under that section in the most recent rating published	51441
prior to the first day of July of the school year for which a	51442
scholarship is sought.	51443
(2) The student is eligible to enroll in kindergarten in the	51444
school year for which a scholarship is sought and otherwise would	51445
be assigned under section 3319.01 of the Revised Code to a school	51446
building described in division (A)(1) of this section.	51447
(3) The student is enrolled in a community school established	51448
under Chapter 3314. of the Revised Code but otherwise would be	51449
assigned under section 3319.01 of the Revised Code to a building	51450
described in division (A)(1) of this section.	51451
(4) The student is enrolled in a school building that is	51452
operated by the student's resident district or in a community	51453
school established under Chapter 3314. of the Revised Code and	51454
otherwise would be assigned under section 3319.01 of the Revised	51455
Code to a school building described in division (A)(1) of this	51456
section in the school year for which the scholarship is sought.	51457
(5) The student is eligible to enroll in kindergarten in the	51458
school year for which a scholarship is sought, or is enrolled in a	51459
community school established under Chapter 3314. of the Revised	51460
Code, and all of the following apply to the student's resident	51461

district:	51462
(a) The district has in force an intradistrict open enrollment policy under which no student in kindergarten or the community school student's grade level, respectively, is automatically assigned to a particular school building;	51463 51464 51465 51466
(b) In at least two of the three most recent ratings of school districts published prior to the first day of July of the school year for which a scholarship is sought, the district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code;	51467 51468 51469 51470 51471
(c) The district was not declared to be excellent or effective under that section in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.	51472 51473 51474 51475
<u>(6) The student is enrolled in a new school building that is operated by the student's resident district and to which all of the following apply:</u>	51476 51477 51478
<u>(a) The new building is open for instruction for its second or third school year.</u>	51479 51480
<u>(b) For the first school year that the new building was open for instruction, at least seventy-five per cent of the enrolled students had transferred directly from two or more school buildings that closed and to each of which all of the following apply:</u>	51481 51482 51483 51484 51485
<u>(i) The closed buildings were operated by the same school district that operates the new building.</u>	51486 51487
<u>(ii) The closed buildings offered at least some of the grade levels that the new building also offers.</u>	51488 51489

<u>(iii) The closed buildings were declared, for at least two of</u>	51490
<u>their last three ratings under section 3302.03 of the Revised</u>	51491
<u>Code, to be in a state of academic emergency or academic watch.</u>	51492
<u>(iv) The closed buildings were not declared to be excellent</u>	51493
<u>or effective in their last rating under section 3302.03 of the</u>	51494
<u>Revised Code.</u>	51495
<u>(c) If the new building is conducting its second school year</u>	51496
<u>of instruction, the building was declared, based on its first</u>	51497
<u>school year of instruction, to be in a state of academic emergency</u>	51498
<u>or academic watch under section 3302.03 of the Revised Code.</u>	51499
<u>(d) If the new building is conducting its third school year</u>	51500
<u>of instruction, the building was declared, based on either its</u>	51501
<u>first or second school year of instruction, to be in a state of</u>	51502
<u>academic emergency or academic watch under section 3302.03 of the</u>	51503
<u>Revised Code, but was not declared to be excellent or effective</u>	51504
<u>under that section based on its second school year of instruction.</u>	51505
<u>(7) The student is eligible to enroll in kindergarten in the</u>	51506
<u>school year for which a scholarship is sought and otherwise would</u>	51507
<u>be assigned under section 3319.01 of the Revised Code to a school</u>	51508
<u>building described in division (A)(6) of this section.</u>	51509
<u>(8) The student is enrolled in a community school established</u>	51510
<u>under Chapter 3314. of the Revised Code but otherwise would be</u>	51511
<u>assigned under section 3319.01 of the Revised Code to a building</u>	51512
<u>described in division (A)(6) of this section.</u>	51513
<u>(B) A student who receives a scholarship under the</u>	51514
<u>educational choice scholarship pilot program remains an eligible</u>	51515
<u>student and may continue to receive scholarships in subsequent</u>	51516
<u>school years until the student completes grade twelve, so long as</u>	51517
<u>all of the following apply:</u>	51518

(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1) <u>or (6)</u> of this section;	51519 51520 51521 51522
(2) The student takes each ~~state test~~ <u>assessment</u> prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school;	51523 51524 51525 51526
(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences.	51527 51528 51529 51530
(C) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section. The department shall cease awarding first-time scholarships pursuant to division (A)(5) of this section with respect to a school district that, in the most recent ratings of school districts published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(5) of this section. However, students who have received scholarships in the prior school year remain eligible students pursuant to division (B) of this section.	51531 51532 51533 51534 51535 51536 51537 51538 51539 51540 51541 51542 51543 51544
(D) The state board of education shall adopt rules defining excused absences for purposes of division (B)(3) of this section.	51545 51546
Sec. 3310.08. (A) The amount paid for an eligible student under the educational choice scholarship pilot program shall be	51547 51548

the lesser of the tuition of the chartered nonpublic school in 51549
which the student is enrolled or the maximum amount prescribed in 51550
section 3310.09 of the Revised Code. 51551

(B)(1) The department shall pay to the parent of each 51552
eligible student for whom a scholarship is awarded under the 51553
program, or to the student if at least eighteen years of age, 51554
periodic partial payments of the scholarship. 51555

(2) The department shall proportionately reduce or terminate 51556
the payments for any student who withdraws from a chartered 51557
nonpublic school prior to the end of the school year. 51558

(C)(1) The department shall deduct five thousand two hundred 51559
dollars from the payments made to each school district under 51560
~~Chapter~~Chapters 3306. and 3317. and, if necessary, sections 51561
321.24 and 323.156 of the Revised Code ~~one of the following~~ 51562
~~amounts, as applicable,~~ for each eligible student awarded a 51563
scholarship under the educational choice scholarship pilot 51564
program who is entitled under section 3313.64 or 3313.65 of the 51565
Revised Code to attend school in the district: 51566

~~(a) For each scholarship student enrolled in kindergarten,~~ 51567
~~two thousand seven hundred dollars;~~ 51568

~~(b) For each scholarship student enrolled in grades one to~~ 51569
~~twelve, five thousand two hundred dollars.~~ 51570

The amount deducted under division (C)(1) of this section 51571
funds scholarships for students under both the educational choice 51572
scholarship pilot program and the pilot project scholarship 51573
program under sections 3313.974 to 3313.979 of the Revised Code. 51574

(2) If the department reduces or terminates payments to a 51575
parent or a student, as prescribed in division (B)(2) of this 51576
section, and the student enrolls in the schools of the student's 51577

resident district or in a community school, established under 51578
Chapter 3314. of the Revised Code, before the end of the school 51579
year, the department shall proportionally restore to the resident 51580
district the amount deducted for that student under division 51581
(C)(1) of this section. 51582

(D) In the case of any school district from which a deduction 51583
is made under division (C) of this section, the department shall 51584
disclose on the district's SF-3 form, or any successor to that 51585
form used to calculate a district's state funding for operating 51586
expenses, a comparison of the following: 51587

(1) The district's ~~state base cost~~ state share of the 51588
adequacy amount payment, as calculated under ~~division (A)(1) of~~ 51589
~~section 3317.0223306.13~~ of the Revised Code ~~prior to making the~~ 51590
~~adjustments under divisions (A)(2) and (3) of that section~~, with 51591
the scholarship students included in the district's formula ADM; 51592

(2) What the district's state ~~base cost~~ share of the 51593
adequacy amount payment would have been, as calculated under 51594
~~division (A)(1) of that section prior to making the adjustments~~ 51595
~~under divisions (A)(2) and (3) of that section~~, if the scholarship 51596
students were not included in the district's formula ADM. 51597

This comparison shall display both the aggregate difference 51598
between the amounts described in divisions (D)(1) and (2) of this 51599
section, and the quotient of that aggregate difference divided by 51600
the number of eligible students for whom deductions are made under 51601
division (C) of this section. 51602

Sec. 3310.09. ~~(A)~~ The maximum amount awarded to an eligible 51603
student ~~in fiscal year 2007~~ under the educational choice 51604
scholarship pilot program shall be as follows: 51605

~~(1)(A)~~ For grades kindergarten through eight, four thousand 51606
~~two~~ five hundred ~~fifty~~ dollars; 51607

~~(2)(B)~~ For grades nine through twelve, five thousand three
hundred dollars. 51608
51609

~~(B) In fiscal year 2008 and in each fiscal year thereafter,~~ 51610
~~the maximum amount awarded under the program shall be the~~ 51611
~~applicable maximum amount awarded in the previous fiscal year~~ 51612
~~increased by the same percentage by which the general assembly~~ 51613
~~increased the formula amount, as defined in section 3317.02 of the~~ 51614
~~Revised Code, from the previous fiscal year.~~ 51615

Sec. 3310.11. (A) Only for the purpose of administering the 51616
educational choice scholarship pilot program, the department of 51617
education may request from any of the following entities the data 51618
verification code assigned under division (D)(2) of section 51619
3301.0714 of the Revised Code to any student who is seeking a 51620
scholarship under the program: 51621

(1) The student's resident district; 51622

(2) If applicable, the community school in which that student 51623
is enrolled; 51624

(3) The independent contractor engaged to create and maintain 51625
student data verification codes. 51626

(B) Upon a request by the department under division (A) of 51627
this section for the data verification code of a student seeking a 51628
scholarship or a request by the student's parent for that code, 51629
the school district or community school shall submit that code to 51630
the department or parent in the manner specified by the 51631
department. If the student has not been assigned a code, because 51632
the student will be entering kindergarten during the school year 51633
for which the scholarship is sought, the district shall assign a 51634
code to that student and submit the code to the department or 51635
parent by a date specified by the department. If the district does 51636

not assign a code to the student by the specified date, the 51637
department shall assign a code to that student. 51638

The department annually shall submit to each school district 51639
the name and data verification code of each student residing in 51640
the district who is entering kindergarten, who has been awarded a 51641
scholarship under the program, and for whom the department has 51642
assigned a code under this division. 51643

(C) For the purpose of administering the applicable ~~tests~~ 51644
assessments prescribed under sections 3301.0710 and 3301.0712 of 51645
the Revised Code, as required by section 3310.14 of the Revised 51646
Code, the department shall provide to each chartered nonpublic 51647
school that enrolls a scholarship student the data verification 51648
code for that student. 51649

(D) The department and each chartered nonpublic school that 51650
receives a data verification code under this section shall not 51651
release that code to any person except as provided by law. 51652

Any document relative to this program that the department 51653
holds in its files that contains both a student's name or other 51654
personally identifiable information and the student's data 51655
verification code shall not be a public record under section 51656
149.43 of the Revised Code. 51657

Sec. 3310.14. Notwithstanding division (K) of section 51658
3301.0711 of the Revised Code, each chartered nonpublic school 51659
that enrolls students awarded scholarships under sections 3310.01 51660
to 3310.17 of the Revised Code annually shall administer the ~~tests~~ 51661
assessments prescribed by section 3301.0710 or 3301.0712 of the 51662
Revised Code to each scholarship student enrolled in the school 51663
in accordance with section 3301.0711 of the Revised Code. Each 51664
chartered nonpublic school shall report to the department of 51665
education the results of each ~~test~~assessment administered to 51666
each scholarship student under this section. 51667

Nothing in this section requires a chartered nonpublic school to administer any achievement ~~test~~assessment, except for an Ohio graduation test prescribed by division (B)(1) of section 3301.0710 of the Revised Code, as required by section 3313.612 of the Revised Code, to any student enrolled in the school who is not a scholarship student.

Sec. 3310.15. (A) The department of education annually shall compile the scores attained by scholarship students to whom an assessment is administered under section 3310.14 of the Revised Code. The scores shall be aggregated as follows:

(1) By state, which shall include all students awarded a scholarship under the educational choice scholarship pilot program and who were required to take an assessment under section 3310.14 of the Revised Code;

(2) By school district, which shall include all scholarship students who were required to take an assessment under section 3310.14 of the Revised Code and for whom the district is the student's resident district;

(3) By chartered nonpublic school, which shall include all scholarship students enrolled in that school who were required to take an assessment under section 3310.14 of the Revised Code.

(B) The department shall disaggregate the student performance data described in division (A) of this section according to the following categories:

(1) Age;

(2) Race and ethnicity;

(3) Gender;

<u>(4) Students who have participated in the scholarship program</u>	51695
<u>for three or more years;</u>	51696
<u>(5) Students who have participated in the scholarship program</u>	51697
<u>for more than one year and less than three years;</u>	51698
<u>(6) Students who have participated in the scholarship program</u>	51699
<u>for one year or less;</u>	51700
<u>(7) Economically disadvantaged students.</u>	51701
<u>(C) The department shall post the student performance data</u>	51702
<u>required under divisions (A) and (B) of this section on its web</u>	51703
<u>site and, by the first day of February each year, shall distribute</u>	51704
<u>that data to the parent of each eligible student. In reporting</u>	51705
<u>student performance data under this division, the department shall</u>	51706
<u>not include any data that is statistically unreliable or that</u>	51707
<u>could result in the identification of individual students. For</u>	51708
<u>this purpose, the department shall not report performance data for</u>	51709
<u>any group that contains less than ten students.</u>	51710
<u>(D) The department shall provide the parent of each</u>	51711
<u>scholarship student with information comparing the student's</u>	51712
<u>performance on the assessments administered under section 3310.14</u>	51713
<u>of the Revised Code with the average performance of similar</u>	51714
<u>students enrolled in the building operated by the student's</u>	51715
<u>resident district that the scholarship student would otherwise</u>	51716
<u>attend. In calculating the performance of similar students, the</u>	51717
<u>department shall consider age, grade, race and ethnicity, gender,</u>	51718
<u>and socioeconomic status.</u>	51719
Sec. 3310.41. (A) As used in this section:	51720
<u>(1) "Alternative public provider" means either of the</u>	51721
<u>following providers that agrees to enroll a child in the</u>	51722
<u>provider's special education program to implement the child's</u>	51723

individualized education program and to which the child's parent owes fees for the services provided to the child:	51724 51725
(a) A school district that is not the school district in which the child is entitled to attend school;	51726 51727
(b) A public entity other than a school district.	51728
(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.	51729 51730 51731
(3) "Formula ADM" and "category six special education ADM" have the same meanings as in section 3317.02 of the Revised Code.	51732 51733
(4) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.	51734 51735 51736
(5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that "parent" does not mean a parent whose custodial rights have been terminated.	51737 51738 51739
(6) "Preschool scholarship ADM" means the number of preschool children with disabilities reported under division (B)(3)(h) of section 3317.03 of the Revised Code.	51740 51741 51742
(7) "Qualified special education child" is a child for whom all of the following conditions apply:	51743 51744
(a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section.	51745 51746 51747 51748 51749
(b) The school district in which the child is entitled to	51750

attend school has developed an individualized education program	51751
under Chapter 3323. of the Revised Code for the child.	51752
(c) The child either:	51753
(i) Was enrolled in the school district in which the child is	51754
entitled to attend school in any grade from preschool through	51755
twelve in the school year prior to the year in which a scholarship	51756
under this section is first sought for the child; or	51757
(ii) Is eligible to enter school in any grade preschool	51758
through twelve in the school district in which the child is	51759
entitled to attend school in the school year in which a	51760
scholarship under this section is first sought for the child.	51761
(8) "Registered private provider" means a nonpublic school or	51762
other nonpublic entity that has been approved by the department	51763
of education to participate in the program established under this	51764
section.	51765
(9) "Special education program" means a school or facility	51766
that provides special education and related services to children	51767
with disabilities.	51768
(B) There is hereby established the autism scholarship	51769
program. Under the program, the department of education shall pay	51770
a scholarship to the parent of each qualified special education	51771
child upon application of that parent pursuant to procedures and	51772
deadlines established by rule of the state board of education.	51773
Each scholarship shall be used only to pay tuition for the child	51774
on whose behalf the scholarship is awarded to attend a special	51775
education program that implements the child's individualized	51776
education program and that is operated by an alternative public	51777
provider or by a registered private provider. Each scholarship	51778
shall be in an amount not to exceed the lesser of the tuition	51779
charged for the child by the special education program or twenty	51780

thousand dollars. The purpose of the scholarship is to permit the
parent of a qualified special education child the choice to send
the child to a special education program, instead of the one
operated by or for the school district in which the child is
entitled to attend school, to receive the services prescribed in
the child's individualized education program once the
individualized education program is finalized. A scholarship under
this section shall not be awarded to the parent of a child while
the child's individualized education program is being developed by
the school district in which the child is entitled to attend
school, or while any administrative or judicial mediation or
proceedings with respect to the content of the child's
individualized education program are pending. A scholarship under
this section shall not be used for a child to attend a public
special education program that operates under a contract, compact,
or other bilateral agreement between the school district in which
the child is entitled to attend school and another school district
or other public provider, or for a child to attend a community
school established under Chapter 3314. of the Revised Code.
However, nothing in this section or in any rule adopted by the
state board shall prohibit a parent whose child attends a public
special education program under a contract, compact, or other
bilateral agreement, or a parent whose child attends a community
school, from applying for and accepting a scholarship under this
section so that the parent may withdraw the child from that
program or community school and use the scholarship for the child
to attend a special education program for which the parent is
required to pay for services for the child. A child attending a
special education program with a scholarship under this section
shall continue to be entitled to transportation to and from that
program in the manner prescribed by law.

(C)(1) As prescribed in divisions (A)(2)(h), (B)(3)(g), and
(B)(10) of section 3317.03 of the Revised Code, a child who is not
a preschool child with a disability for whom a scholarship is

awarded under this section shall be counted in the formula ADM 51815
and the category six special education ADM of the district in 51816
which the child is entitled to attend school and not in the 51817
formula ADM and the category six special education ADM of any 51818
other school district. As prescribed in divisions (B)(3)(h) and 51819
(B)(10) of section 3317.03 of the Revised Code, a child who is a 51820
preschool child with a disability for whom a scholarship is 51821
awarded under this section shall be counted in the preschool 51822
scholarship ADM and category six special education ADM of the 51823
school district in which the child is entitled to attend school 51824
and not in the preschool scholarship ADM or category six special 51825
education ADM of any other school district. 51826

(2) In each fiscal year, the department shall deduct from the 51827
amounts paid to each school district under ~~Chapter~~ Chapters 3306. 51828
and 3317. of the Revised Code, and, if necessary, sections 321.24 51829
and 323.156 of the Revised Code, the aggregate amount of 51830
scholarships awarded under this section for qualified special 51831
education children included in the formula ADM, or preschool 51832
scholarship ADM, and in the category six special education ADM of 51833
that school district as provided in division (C)(1) of this 51834
section. The When computing the school district's instructional 51835
services support under section 3306.05 of the Revised Code, the 51836
department shall add the district's preschool scholarship ADM to 51837
the district's formula ADM. 51838

The scholarships deducted shall be considered as an approved 51839
special education and related services expense ~~for the purpose of~~ 51840
the school district's compliance with ~~division (C)(5) of section~~ 51841
~~3317.022 of the Revised Code~~ district. 51842

(3) From time to time, the department shall make a payment to 51843
the parent of each qualified special education child for whom a 51844
scholarship has been awarded under this section. The scholarship 51845
amount shall be proportionately reduced in the case of any such 51846

child who is not enrolled in the special education program for 51847
which a scholarship was awarded under this section for the entire 51848
school year. The department shall make no payments to the parent 51849
of a child while any administrative or judicial mediation or 51850
proceedings with respect to the content of the child's 51851
individualized education program are pending. 51852

(D) A scholarship shall not be paid to a parent for payment 51853
of tuition owed to a nonpublic entity unless that entity is a 51854
registered private provider. The department shall approve 51855
entities that meet the standards established by rule of the state 51856
board for the program established under this section. 51857

(E) The state board shall adopt rules under Chapter 119. of 51858
the Revised Code prescribing procedures necessary to implement 51859
this section, including, but not limited to, procedures and 51860
deadlines for parents to apply for scholarships, standards for 51861
registered private providers, and procedures for approval of 51862
entities as registered private providers. 51863

Sec. 3311.059. The procedure prescribed in this section may 51864
be used in lieu of a transfer prescribed under section 3311.231 of 51865
the Revised Code. 51866

(A) Subject to divisions (B) and (C) of this section, a board 51867
of education of a local school district may by a resolution 51868
approved by a majority of all its members propose to sever that 51869
local school district from the territory of the educational 51870
service center in which the local school district is currently 51871
included and to instead annex the local school district to the 51872
territory of another educational service center, the current 51873
territory of which is adjacent to the territory of the educational 51874
service center in which the local school district is currently 51875
included. The resolution shall promptly be filed with the 51876
governing board of each educational service center affected by the 51877
resolution and with the superintendent of public instruction. 51878

(B) The resolution adopted under division (A) of this section shall not be effective unless it is approved by the state board of education. In deciding whether to approve the resolution, the state board shall consider the ~~impact~~financial, staffing, programmatic, and other impacts of ~~an~~the severance and annexation on both the school district and, the educational service center to which the district is proposed to be annexed, and the service center in which the district is currently located, including the effect on cost of operation and the ability of that both service center centers to continue to deliver services in a cost-effective and efficient manner. ~~The~~ The state board shall not vote on whether to approve the resolution until it has been presented on its agenda, which is not a consent agenda, and heard before the state board at not fewer than two separate meetings of the state board. There shall be at least thirty days between the meeting at which the state board first hears the matter of the resolution and the meeting at which the state board votes on whether to approve the resolution. The state board shall provide for public testimony at each hearing on the matter of the resolution, shall provide written prior notice of each hearing to the governing board of both educational service centers affected by the proposed action, and shall attach to that written notice any documentation about the proposed action provided to the state board by the board of education of the local school district.

The severance of the local school district from one educational service center and its annexation to another educational service center under this section shall not be effective until one year after the first day of July following the later of the date that the state board of education approves the resolution or the date the board of elections certifies the results of the referendum election as provided in division (C) of this section.

(C) Within sixty days following the date of the adoption of	51912
the resolution under division (A) of this section, the electors of	51913
the local school district may petition for a referendum vote on	51914
the resolution. The question whether to approve or disapprove the	51915
resolution shall be submitted to the electors of such school	51916
district if a number of qualified electors equal to twenty per	51917
cent of the number of electors in the school district who voted	51918
for the office of governor at the most recent general election for	51919
that office sign a petition asking that the question of whether	51920
the resolution shall be disapproved be submitted to the electors.	51921
The petition shall be filed with the board of elections of the	51922
county in which the school district is located. If the school	51923
district is located in more than one county, the petition shall be	51924
filed with the board of elections of the county in which the	51925
majority of the territory of the school district is located. The	51926
board shall certify the validity and sufficiency of the signatures	51927
on the petition.	51928
 The board of elections shall immediately notify the board of	51929
education of the local school district and the governing board of	51930
each educational service center affected by the resolution that	51931
the petition has been filed.	51932
 The effect of the resolution shall be stayed until the board	51933
of elections certifies the validity and sufficiency of the	51934
signatures on the petition. If the board of elections determines	51935
that the petition does not contain a sufficient number of valid	51936
signatures and sixty days have passed since the adoption of the	51937
resolution, the resolution shall become effective as provided in	51938
division (B) of this section.	51939
 If the board of elections certifies that the petition	51940
contains a sufficient number of valid signatures, the board shall	51941
submit the question to the qualified electors of the school	51942
district on the day of the next general or primary election held	51943

at least seventy-five days after the board of elections certifies 51944
the validity and sufficiency of signatures on the petition. The 51945
election shall be conducted and canvassed and the results shall be 51946
certified in the same manner as in regular elections for the 51947
election of members of a board of education. 51948

If a majority of the electors voting on the question 51949
disapprove the resolution, the resolution shall not become 51950
effective. If a majority of the electors voting on the question 51951
approve the resolution, the resolution shall become effective as 51952
provided in division (B) of this section. 51953

(D) Upon the effective date of the severance of the local 51954
school district from one educational service center and its 51955
annexation to another educational service center as provided in 51956
division (B) of this section, the governing board of each 51957
educational service center shall take such steps for the election 51958
of members of the governing board and for organization of the 51959
governing board as prescribed in Chapter 3313. of the Revised 51960
Code. 51961

(E) If a school district is severed from one educational 51962
service center and annexed to another service center under this 51963
section, the board of education of that school district shall not 51964
propose a subsequent severance and annexation action under this 51965
section that would be effective sooner than five years after the 51966
effective date of the next previous severance and annexation 51967
action under this section. 51968

Sec. 3311.0510. (A) If all of the local school districts 51969
that make up the territory of an educational service center have 51970
severed from the territory of that service center pursuant to 51971
section 3311.059 of the Revised Code, upon the effective date of 51972
the severance of the last remaining local school district to make 51973
up the territory of the service center, the governing board of 51974
that service center shall be abolished and such service center 51975

shall be dissolved by order of the superintendent of public instruction. The superintendent's order shall provide for the equitable division and disposition of the assets, property, debts, and obligations of the service center among the local school districts, of which the territory of the service center is or previously was made up, and the city and exempted village school districts with which the service center had agreements under section 3313.843 of the Revised Code for the service center's last fiscal year of operation. The superintendent's order shall provide that the tax duplicate of each of those school districts shall be bound for and assume the district's equitable share of the outstanding indebtedness of the service center. The superintendent's order is final and is not appealable.

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Immediately upon the abolishment of the service center governing board pursuant to this section, the superintendent of public instruction shall appoint a qualified individual to administer the dissolution of the service center and to implement the terms of the superintendent's dissolution order. Prior to distributing assets to any school district under this section, but after paying in full other debts and obligations of the service center, the superintendent of public instruction may assess against the remaining assets of the service center the amount of the costs incurred by the department of education in performing the superintendent's duties under this division, including the fees, if any, owed to the individual appointed to administer the superintendent's dissolution order. Any excess cost incurred by the department under this division shall be divided equitably among the local school districts, of which the territory of the service center is or previously was made up, and the city and exempted village school districts with which the service center had agreements under section 3313.843 of the Revised Code for the service center's last fiscal year of operation. Each district's share of that excess cost shall be bound against the tax duplicate of that district.

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(B) A final audit of the former service center shall be performed in accordance with procedures established by the auditor of state.

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(C) The public records of an educational service center that is dissolved under this section shall be transferred in accordance with this division. Public records maintained by the service center in connection with services provided by the service center to local school districts shall be transferred to each of the respective local school districts. Public records maintained by the service center in connection with services provided under an agreement with a city or exempted village school district pursuant to section 3313.843 of the Revised Code shall be transferred to each of the respective city or exempted village school districts. All other public records maintained by the service center at the time the service center ceases operations shall be transferred to the Ohio historical society for analysis and disposition by the society in its capacity as archives administrator for the state and its political subdivisions pursuant to division (C) of section 149.30 and section 149.31 of the Revised Code.

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Sec. 3311.06. (A) As used in this section:

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(1) "Annexation" and "annexed" mean annexation for municipal purposes under sections 709.02 to 709.37 of the Revised Code.

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(2) "Annexed territory" means territory that has been annexed for municipal purposes to a city served by an urban school district, but on September 24, 1986, has not been transferred to the urban school district.

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(3) "Urban school district" means a city school district with an average daily membership for the 1985-1986 school year in excess of twenty thousand that is the school district of a city that contains annexed territory.

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(4) "Annexation agreement" means an agreement entered into under division (F) of this section that has been approved by the state board of education or an agreement entered into prior to September 24, 1986, that meets the requirements of division (F) of this section and has been filed with the state board.

(B) The territory included within the boundaries of a city, local, exempted village, or joint vocational school district shall be contiguous except where a natural island forms an integral part of the district, where the state board of education authorizes a noncontiguous school district, as provided in division (E)(1) of this section, or where a local school district is created pursuant to section 3311.26 of the Revised Code from one or more local school districts, one of which has entered into an agreement under section 3313.42 of the Revised Code.

(C)(1) When all of the territory of a school district is annexed to a city or village, such territory thereby becomes a part of the city school district or the school district of which the village is a part, and the legal title to school property in such territory for school purposes shall be vested in the board of education of the city school district or the school district of which the village is a part.

(2) When the territory so annexed to a city or village comprises part but not all of the territory of a school district, the said territory becomes part of the city school district or the school district of which the village is a part only upon approval by the state board of education, unless the district in which the territory is located is a party to an annexation agreement with the city school district.

Any urban school district that has not entered into an annexation agreement with any other school district whose territory would be affected by any transfer under this division

and that desires to negotiate the terms of transfer with any such district shall conduct any negotiations under division (F) of this section as part of entering into an annexation agreement with such a district.

Any school district, except an urban school district, desiring state board approval of a transfer under this division shall make a good faith effort to negotiate the terms of transfer with any other school district whose territory would be affected by the transfer. Before the state board may approve any transfer of territory to a school district, except an urban school district, under this section, it must receive the following:

(a) A resolution requesting approval of the transfer, passed by at least one of the school districts whose territory would be affected by the transfer;

(b) Evidence determined to be sufficient by the state board to show that good faith negotiations have taken place or that the district requesting the transfer has made a good faith effort to hold such negotiations;

(c) If any negotiations took place, a statement signed by all boards that participated in the negotiations, listing the terms agreed on and the points on which no agreement could be reached.

(D) The state board of education shall adopt rules governing negotiations held by any school district except an urban school district pursuant to division (C)(2) of this section. The rules shall encourage the realization of the following goals:

(1) A discussion by the negotiating districts of the present and future educational needs of the pupils in each district;

(2) The educational, financial, and territorial stability of each district affected by the transfer;

(3) The assurance of appropriate educational programs, 52100
services, and opportunities for all the pupils in each 52101
participating district, and adequate planning for the facilities 52102
needed to provide these programs, services, and opportunities. 52103

Districts involved in negotiations under such rules may agree 52104
to share revenues from the property included in the territory to 52105
be transferred, establish cooperative programs between the 52106
participating districts, and establish mechanisms for the 52107
settlement of any future boundary disputes. 52108

(E)(1) If territory annexed after September 24, 1986, is part 52109
of a school district that is a party to an annexation agreement 52110
with the urban school district serving the annexing city, the 52111
transfer of such territory shall be governed by the agreement. If 52112
the agreement does not specify how the territory is to be dealt 52113
with, the boards of education of the district in which the 52114
territory is located and the urban school district shall negotiate 52115
with regard to the transfer of the territory which shall be 52116
transferred to the urban school district unless, not later than 52117
ninety days after the effective date of municipal annexation, the 52118
boards of education of both districts, by resolution adopted by a 52119
majority of the members of each board, agree that the territory 52120
will not be transferred and so inform the state board of 52121
education. 52122

If territory is transferred under this division the transfer 52123
shall take effect on the first day of July occurring not sooner 52124
than ninety-one days after the effective date of the municipal 52125
annexation. Territory transferred under this division need not be 52126
contiguous to the district to which it is transferred. 52127

(2) Territory annexed prior to September 24, 1986, by a city 52128
served by an urban school district shall not be subject to 52129
transfer under this section if the district in which the territory 52130

is located is a party to an annexation agreement or becomes a
party to such an agreement not later than ninety days after
September 24, 1986. If the district does not become a party to an
annexation agreement within the ninety-day period, transfer of
territory shall be governed by division (C)(2) of this section. If
the district subsequently becomes a party to an agreement,
territory annexed prior to September 24, 1986, other than
territory annexed under division (C)(2) of this section prior to
the effective date of the agreement, shall not be subject to
transfer under this section.

(F) An urban school district may enter into a comprehensive
agreement with one or more school districts under which transfers
of territory annexed by the city served by the urban school
district after September 24, 1986, shall be governed by the
agreement. Such agreement must provide for the establishment of a
cooperative education program under section 3313.842 of the
Revised Code in which all the parties to the agreement are
participants and must be approved by resolution of the majority of
the members of each of the boards of education of the school
districts that are parties to it. An agreement may provide for
interdistrict payments based on local revenue growth resulting
from development in any territory annexed by the city served by
the urban school district.

An agreement entered into under this division may be altered,
modified, or terminated only by agreement, by resolution approved
by the majority of the members of each board of education, of all
school districts that are parties to the agreement, except that
with regard to any provision that affects only the urban school
district and one of the other districts that is a party, that
district and the urban district may modify or alter the agreement
by resolution approved by the majority of the members of the board
of that district and the urban district. Alterations,
modifications, terminations, and extensions of an agreement

entered into under this division do not require approval of the 52164
state board of education, but shall be filed with the board after 52165
approval and execution by the parties. 52166

If an agreement provides for interdistrict payments, each 52167
party to the agreement, except any school district specifically 52168
exempted by the agreement, shall agree to make an annual payment 52169
to the urban school district with respect to any of its territory 52170
that is annexed territory in an amount not to exceed the amount 52171
certified for that year under former section 3317.029 of the 52172
Revised Code as that section existed prior to July 1, 1998; except 52173
that such limitation of annual payments to amounts certified under 52174
former section 3317.029 of the Revised Code does not apply to 52175
agreements or extensions of agreements entered into on or after 52176
June 1, 1992, unless such limitation is expressly agreed to by the 52177
parties. The agreement may provide that all or any part of the 52178
payment shall be waived if the urban school district receives its 52179
payment with respect to such annexed territory under former 52180
section 3317.029 of the Revised Code and that all or any part of 52181
such payment may be waived if the urban school district does not 52182
receive its payment with respect to such annexed territory under 52183
such section. 52184

With respect to territory that is transferred to the urban 52185
school district after September 24, 1986, the agreement may 52186
provide for annual payments by the urban school district to the 52187
school district whose territory is transferred to the urban school 52188
district subsequent to annexation by the city served by the urban 52189
school district. 52190

(G) In the event territory is transferred from one school 52191
district to another under this section, an equitable division of 52192
the funds and indebtedness between the districts involved shall be 52193
made under the supervision of the state board of education and 52194
that board's decision shall be final. Such division shall not 52195

include funds payable to or received by a school district under 52196
Chapter 3306. or 3317. of the Revised Code or payable to or 52197
received by a school district from the United States or any 52198
department or agency thereof. In the event such transferred 52199
territory includes real property owned by a school district, the 52200
state board of education, as part of such division of funds and 52201
indebtedness, shall determine the true value in money of such real 52202
property and all buildings or other improvements thereon. The 52203
board of education of the school district receiving such territory 52204
shall forthwith pay to the board of education of the school 52205
district losing such territory such true value in money of such 52206
real property, buildings, and improvements less such percentage of 52207
the true value in money of each school building located on such 52208
real property as is represented by the ratio of the total 52209
enrollment in day classes of the pupils residing in the territory 52210
transferred enrolled at such school building in the school year in 52211
which such annexation proceedings were commenced to the total 52212
enrollment in day classes of all pupils residing in the school 52213
district losing such territory enrolled at such school building in 52214
such school year. The school district receiving such payment shall 52215
place the proceeds thereof in its sinking fund or bond retirement 52216
fund. 52217

(H) The state board of education, before approving such 52218
transfer of territory, shall determine that such payment has been 52219
made and shall apportion to the acquiring school district such 52220
percentage of the indebtedness of the school district losing the 52221
territory as is represented by the ratio that the assessed 52222
valuation of the territory transferred bears to the total assessed 52223
valuation of the entire school district losing the territory as of 52224
the effective date of the transfer, provided that in ascertaining 52225
the indebtedness of the school district losing the territory the 52226
state board of education shall disregard such percentage of the 52227
par value of the outstanding and unpaid bonds and notes of said 52228
school district issued for construction or improvement of the 52229

school building or buildings for which payment was made by the 52230
acquiring district as is equal to the percentage by which the true 52231
value in money of such building or buildings was reduced in fixing 52232
the amount of said payment. 52233

(I) No transfer of school district territory or division of 52234
funds and indebtedness incident thereto, pursuant to the 52235
annexation of territory to a city or village shall be completed in 52236
any other manner than that prescribed by this section regardless 52237
of the date of the commencement of such annexation proceedings, 52238
and this section applies to all proceedings for such transfers and 52239
divisions of funds and indebtedness pending or commenced on or 52240
after October 2, 1959. 52241

Sec. 3311.19. (A) The management and control of a joint 52242
vocational school district shall be vested in the joint vocational 52243
school district board of education. Where a joint vocational 52244
school district is composed only of two or more local school 52245
districts located in one county, or when all the participating 52246
districts are in one county and the boards of such participating 52247
districts so choose, the educational service center governing 52248
board of the county in which the joint vocational school district 52249
is located shall serve as the joint vocational school district 52250
board of education. Where a joint vocational school district is 52251
composed of local school districts of more than one county, or of 52252
any combination of city, local, or exempted village school 52253
districts or educational service centers, unless administration by 52254
the educational service center governing board has been chosen by 52255
all the participating districts in one county pursuant to this 52256
section, the board of education of the joint vocational school 52257
district shall be composed of one or more persons who are members 52258
of the boards of education from each of the city or exempted 52259
village school districts or members of the educational service 52260
centers' governing boards affected to be appointed by the boards 52261
of education or governing boards of such school districts and 52262

educational service centers. In such joint vocational school 52263
districts the number and terms of members of the joint vocational 52264
school district board of education and the allocation of a given 52265
number of members to each of the city and exempted village 52266
districts and educational service centers shall be determined in 52267
the plan for such district, provided that each such joint 52268
vocational school district board of education shall be composed of 52269
an odd number of members. 52270

(B) Notwithstanding division (A) of this section, a governing 52271
board of an educational service center that has members of its 52272
governing board serving on a joint vocational school district 52273
board of education may make a request to the joint vocational 52274
district board that the joint vocational school district plan be 52275
revised to provide for one or more members of boards of education 52276
of local school districts that are within the territory of the 52277
educational service district and within the joint vocational 52278
school district to serve in the place of or in addition to its 52279
educational service center governing board members. If agreement 52280
is obtained among a majority of the boards of education and 52281
governing boards that have a member serving on the joint 52282
vocational school district board of education and among a majority 52283
of the local school district boards of education included in the 52284
district and located within the territory of the educational 52285
service center whose board requests the substitution or addition, 52286
the state board of education may revise the joint vocational 52287
school district plan to conform with such agreement. 52288

(C) If the board of education of any school district or 52289
educational service center governing board included within a joint 52290
vocational district that has had its board or governing board 52291
membership revised under division (B) of this section requests the 52292
joint vocational school district board to submit to the state 52293
board of education a revised plan under which one or more joint 52294
vocational board members chosen in accordance with a plan revised 52295

under such division would again be chosen in the manner prescribed 52296
by division (A) of this section, the joint vocational board shall 52297
submit the revised plan to the state board of education, provided 52298
the plan is agreed to by a majority of the boards of education 52299
represented on the joint vocational board, a majority of the local 52300
school district boards included within the joint vocational 52301
district, and each educational service center governing board 52302
affected by such plan. The state board of education may revise the 52303
joint vocational school district plan to conform with the revised 52304
plan. 52305

(D) The vocational schools in such joint vocational school 52306
district shall be available to all youth of school age within the 52307
joint vocational school district subject to the rules adopted by 52308
the joint vocational school district board of education in regard 52309
to the standards requisite to admission. A joint vocational school 52310
district board of education shall have the same powers, duties, 52311
and authority for the management and operation of such joint 52312
vocational school district as is granted by law, except by this 52313
chapter and Chapters 124., 3306., 3317., 3323., and 3331. of the 52314
Revised Code, to a board of education of a city school district, 52315
and shall be subject to all the provisions of law that apply to a 52316
city school district, except such provisions in this chapter and 52317
Chapters 124., 3306., 3317., 3323., and 3331. of the Revised Code. 52318

(E) Where a governing board of an educational service center 52319
has been designated to serve as the joint vocational school 52320
district board of education, the educational service center 52321
superintendent shall be the executive officer for the joint 52322
vocational school district, and the governing board may provide 52323
for additional compensation to be paid to the educational service 52324
center superintendent by the joint vocational school district, but 52325
the educational service center superintendent shall have no 52326
continuing tenure other than that of educational service center 52327
superintendent. The superintendent of schools of a joint 52328

vocational school district shall exercise the duties and authority 52329
vested by law in a superintendent of schools pertaining to the 52330
operation of a school district and the employment and supervision 52331
of its personnel. The joint vocational school district board of 52332
education shall appoint a treasurer of the joint vocational school 52333
district who shall be the fiscal officer for such district and who 52334
shall have all the powers, duties, and authority vested by law in 52335
a treasurer of a board of education. Where a governing board of an 52336
educational service center has been designated to serve as the 52337
joint vocational school district board of education, such board 52338
may appoint the educational service center superintendent as the 52339
treasurer of the joint vocational school district. 52340

(F) Each member of a joint vocational school district board 52341
of education may be paid such compensation as the board provides 52342
by resolution, but it shall not exceed one hundred twenty-five 52343
dollars per member for each meeting attended plus mileage, at the 52344
rate per mile provided by resolution of the board, to and from 52345
meetings of the board. 52346

The board may provide by resolution for the deduction of 52347
amounts payable for benefits under section 3313.202 of the Revised 52348
Code. 52349

Each member of a joint vocational school district board may 52350
be paid such compensation as the board provides by resolution for 52351
attendance at an approved training program, provided that such 52352
compensation shall not exceed sixty dollars per day for attendance 52353
at a training program three hours or fewer in length and one 52354
hundred twenty-five dollars a day for attendance at a training 52355
program longer than three hours in length. However, no board 52356
member shall be compensated for the same training program under 52357
this section and section 3313.12 of the Revised Code. 52358

Sec. 3311.21. (A) In addition to the resolutions authorized 52359
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 52360

the Revised Code, the board of education of a joint vocational or cooperative education school district by a vote of two-thirds of its full membership may at any time adopt a resolution declaring the necessity to levy a tax in excess of the ten-mill limitation for a period not to exceed ten years to provide funds for any one or more of the following purposes, which may be stated in the following manner in such resolution, the ballot, and the notice of election: purchasing a site or enlargement thereof and for the erection and equipment of buildings; for the purpose of enlarging, improving, or rebuilding thereof; for the purpose of providing for the current expenses of the joint vocational or cooperative school district; or for a continuing period for the purpose of providing for the current expenses of the joint vocational or cooperative education school district. The resolution shall specify the amount of the proposed rate and, if a renewal, whether the levy is to renew all, or a portion of, the existing levy, and shall specify the first year in which the levy will be imposed. If the levy provides for but is not limited to current expenses, the resolution shall apportion the annual rate of the levy between current expenses and the other purpose or purposes. Such apportionment may but need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for current expenses and the other purpose or purposes shall be limited by such apportionment. The portion of any such rate actually levied for current expenses of a joint vocational or cooperative education school district shall be used in applying division (A)(1) of section 3306.01 and division (A) of section 3317.01 of the Revised Code. The portion of any such rate not apportioned to the current expenses of a joint vocational or cooperative education school district shall be used in applying division (B) of this section. On the adoption of such resolution, the joint vocational or cooperative education school district board of education shall certify the resolution to the board of elections of the county containing the most populous portion of the district, which board shall receive resolutions for filing

and send them to the boards of elections of each county in which
territory of the district is located, furnish all ballots for the
election as provided in section 3505.071 of the Revised Code, and
prepare the election notice; and the board of elections of each
county in which the territory of such district is located shall
make the other necessary arrangements for the submission of the
question to the electors of the joint vocational or cooperative
education school district at the next primary or general election
occurring not less than seventy-five days after the resolution
was received from the joint vocational or cooperative education
school district board of education, or at a special election to
be held at a time designated by the district board of education
consistent with the requirements of section 3501.01 of the
Revised Code, which date shall not be earlier than seventy-five
days after the adoption and certification of the resolution.

The board of elections of the county or counties in which
territory of the joint vocational or cooperative education school
district is located shall cause to be published in one or more
newspapers of general circulation in that district an
advertisement of the proposed tax levy question together with a
statement of the amount of the proposed levy once a week for two
consecutive weeks, prior to the election at which the question is
to appear on the ballot, and, if the board of elections operates
and maintains a web site, the board also shall post a similar
advertisement on its web site for thirty days prior to that
election.

If a majority of the electors voting on the question of
levying such tax vote in favor of the levy, the joint vocational
or cooperative education school district board of education shall
annually make the levy within the district at the rate specified
in the resolution and ballot or at any lesser rate, and the county
auditor of each affected county shall annually place the levy on
the tax list and duplicate of each school district in the county

having territory in the joint vocational or cooperative education 52429
school district. The taxes realized from the levy shall be 52430
collected at the same time and in the same manner as other taxes 52431
on the duplicate, and the taxes, when collected, shall be paid to 52432
the treasurer of the joint vocational or cooperative education 52433
school district and deposited to a special fund, which shall be 52434
established by the joint vocational or cooperative education 52435
school district board of education for all revenue derived from 52436
any tax levied pursuant to this section and for the proceeds of 52437
anticipation notes which shall be deposited in such fund. After 52438
the approval of the levy, the joint vocational or cooperative 52439
education school district board of education may anticipate a 52440
fraction of the proceeds of the levy and from time to time, during 52441
the life of the levy, but in any year prior to the time when the 52442
tax collection from the levy so anticipated can be made for that 52443
year, issue anticipation notes in an amount not exceeding fifty 52444
per cent of the estimated proceeds of the levy to be collected in 52445
each year up to a period of five years after the date of the 52446
issuance of the notes, less an amount equal to the proceeds of the 52447
levy obligated for each year by the issuance of anticipation 52448
notes, provided that the total amount maturing in any one year 52449
shall not exceed fifty per cent of the anticipated proceeds of the 52450
levy for that year. Each issue of notes shall be sold as provided 52451
in Chapter 133. of the Revised Code, and shall, except for such 52452
limitation that the total amount of such notes maturing in any one 52453
year shall not exceed fifty per cent of the anticipated proceeds 52454
of the levy for that year, mature serially in substantially equal 52455
installments, during each year over a period not to exceed five 52456
years after their issuance. 52457

(B) Prior to the application of section 319.301 of the 52458
Revised Code, the rate of a levy that is limited to, or to the 52459
extent that it is apportioned to, purposes other than current 52460
expenses shall be reduced in the same proportion in which the 52461
district's total valuation increases during the life of the levy 52462

because of additions to such valuation that have resulted from 52463
improvements added to the tax list and duplicate. 52464

(C) The form of ballot cast at an election under division (A) 52465
of this section shall be as prescribed by section 5705.25 of the 52466
Revised Code. 52467

Sec. 3311.29. (A) Except as provided under division (B) or 52468
(C) of this section, no school district shall be created and no 52469
school district shall exist which does not maintain within such 52470
district public schools consisting of grades kindergarten through 52471
twelve and any such existing school district not maintaining such 52472
schools shall be dissolved and its territory joined with another 52473
school district or districts by order of the state board of 52474
education if no agreement is made among the surrounding districts 52475
voluntarily, which order shall provide an equitable division of 52476
the funds, property, and indebtedness of the dissolved school 52477
district among the districts receiving its territory. The state 52478
board of education may authorize exceptions to school districts 52479
where topography, sparsity of population, and other factors make 52480
compliance impracticable. 52481

The superintendent of public instruction is without authority 52482
to distribute funds under ~~sections 3317.022 to 3317.025~~ Chapter 52483
3306. or 3317. of the Revised Code to any school district that 52484
does not maintain schools with grades kindergarten through twelve 52485
and to which no exception has been granted by the state board of 52486
education. 52487

(B) Division (A) of this section does not apply to any joint 52488
vocational school district or any cooperative education school 52489
district established pursuant to divisions (A) to (C) of section 52490
3311.52 of the Revised Code. 52491

(C)(1)(a) Except as provided in division (C)(3) of this 52492
section, division (A) of this section does not apply to any 52493

cooperative education school district established pursuant to 52494
section 3311.521 of the Revised Code nor to the city, exempted 52495
village, or local school districts that have territory within such 52496
a cooperative education district. 52497

(b) The cooperative district and each city, exempted village, 52498
or local district with territory within the cooperative district 52499
shall maintain the grades that the resolution adopted or amended 52500
pursuant to section 3311.521 of the Revised Code specifies. 52501

(2) Any cooperative education school district described under 52502
division (C)(1) of this section that fails to maintain the grades 52503
it is specified to operate shall be dissolved by order of the 52504
state board of education unless prior to such an order the 52505
cooperative district is dissolved pursuant to section 3311.54 of 52506
the Revised Code. Any such order shall provide for the equitable 52507
adjustment, division, and disposition of the assets, property, 52508
debts, and obligations of the district among each city, local, and 52509
exempted village school district whose territory is in the 52510
cooperative district and shall provide that the tax duplicate of 52511
each city, local, and exempted village school district whose 52512
territory is in the cooperative district shall be bound for and 52513
assume its share of the outstanding indebtedness of the 52514
cooperative district. 52515

(3) If any city, exempted village, or local school district 52516
described under division (C)(1) of this section fails to maintain 52517
the grades it is specified to operate the cooperative district 52518
within which it has territory shall be dissolved in accordance 52519
with division (C)(2) of this section and upon that dissolution any 52520
city, exempted village, or local district failing to maintain 52521
grades kindergarten through twelve shall be subject to the 52522
provisions for dissolution in division (A) of this section. 52523

Sec. 3311.52. A cooperative education school district may be 52524
established pursuant to divisions (A) to (C) of this section or 52525

pursuant to section 3311.521 of the Revised Code. 52526

(A) A cooperative education school district may be 52527
established upon the adoption of identical resolutions within a 52528
sixty-day period by a majority of the members of the board of 52529
education of each city, local, and exempted village school 52530
district that is within the territory of a county school financing 52531
district. 52532

A copy of each resolution shall be filed with the governing 52533
~~board of education~~ of the educational service center which created 52534
the county school financing district. Upon the filing of the last 52535
such resolution, the educational service center governing board 52536
shall immediately notify each board of education filing such a 52537
resolution of the date on which the last resolution was filed. 52538

Ten days after the date on which the last resolution is filed 52539
with the educational service center governing board or ten days 52540
after the last of any notices required under division (C) of this 52541
section is received by the educational service center governing 52542
board, whichever is later, the county school financing district 52543
shall be dissolved and the new cooperative education school 52544
district and the board of education of the cooperative education 52545
school district shall be established. 52546

On the date that any county school financing district is 52547
dissolved and a cooperative education school district is 52548
established under this section, each of the following shall apply: 52549

(1) The territory of the dissolved district becomes the 52550
territory of the new district. 52551

(2) Any outstanding tax levy in force in the dissolved 52552
district shall be spread over the territory of the new district 52553
and shall remain in force in the new district until the levy 52554
expires or is renewed. 52555

(3) Any funds of the dissolved district shall be paid over in full to the new district. 52556
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(4) Any net indebtedness of the dissolved district shall be assumed in full by the new district. As used in division (A)(4) of this section, "net indebtedness" means the difference between the par value of the outstanding and unpaid bonds and notes of the dissolved district and the amount held in the sinking fund and other indebtedness retirement funds for their redemption. 52558
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When a county school financing district is dissolved and a cooperative education school district is established under this section, the governing board of the educational service center that created the dissolved district shall give written notice of this fact to the county auditor and the board of elections of each county having any territory in the new district. 52564
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(B) The resolutions adopted under division (A) of this section shall include all of the following provisions: 52570
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(1) Provision that the governing board of the educational service center which created the county school financing district shall be the board of education of the cooperative education school district, except that provision may be made for the composition, selection, and terms of office of an alternative board of education of the cooperative district, which board shall include at least one member selected from or by the members of the board of education of each city, local, and exempted village school district and at least one member selected from or by the members of the educational service center governing board within the territory of the cooperative district; 52572
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(2) Provision that the treasurer and superintendent of the educational service center which created the county school financing district shall be the treasurer and superintendent of 52583
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the cooperative education school district, except that provision 52586
may be made for the selection of a treasurer or superintendent of 52587
the cooperative district other than the treasurer or 52588
superintendent of the educational service center, which provision 52589
shall require one of the following: 52590

(a) The selection of one person as both the treasurer and 52591
superintendent of the cooperative district, which provision may 52592
require such person to be the treasurer or superintendent of any 52593
city, local, or exempted village school district or educational 52594
service center within the territory of the cooperative district; 52595

(b) The selection of one person as the treasurer and another 52596
person as the superintendent of the cooperative district, which 52597
provision may require either one or both such persons to be 52598
treasurers or superintendents of any city, local, or exempted 52599
village school districts or educational service center within the 52600
territory of the cooperative district. 52601

(3) A statement of the educational program the board of 52602
education of the cooperative education school district will 52603
conduct, including but not necessarily limited to the type of 52604
educational program, the grade levels proposed for inclusion in 52605
the program, the timetable for commencing operation of the 52606
program, and the facilities proposed to be used or constructed to 52607
be used by the program; 52608

(4) A statement of the annual amount, or the method for 52609
determining that amount, of funds or services or facilities that 52610
each city, local, and exempted village school district within the 52611
territory of the cooperative district is required to pay to or 52612
provide for the use of the board of education of the cooperative 52613
education school district; 52614

(5) Provision for adopting amendments to the provisions of 52615
divisions (B)(2) to (4) of this section. 52616

(C) If the resolutions adopted under division (A) of this section provide for a board of education of the cooperative education school district that is not the governing board of the educational service center that created the county school financing district, each board of education of each city, local, or exempted village school district and the governing board of the educational service center within the territory of the cooperative district shall, within thirty days after the date on which the last resolution is filed with the educational service center governing board under division (A) of this section, select one or more members of the board of education of the cooperative district as provided in the resolutions filed with the educational service center governing board. Each such board shall immediately notify the educational ~~service~~service center governing board of each such selection.

(D) Except for the powers and duties in this chapter and Chapters 124., 3306., 3317., 3318., 3323., and 3331. of the Revised Code, a cooperative education school district established pursuant to divisions (A) to (C) of this section or pursuant to section 3311.521 of the Revised Code has all the powers of a city school district and its board of education has all the powers and duties of a board of education of a city school district with respect to the educational program specified in the resolutions adopted under division (A) of this section. All laws applicable to a city school district or the board of education or the members of the board of education of a city school district, except such laws in this chapter and Chapters 124., 3306., 3317., 3318., 3323., and 3331. of the Revised Code, are applicable to a cooperative education school district and its board.

The treasurer and superintendent of a cooperative education school district shall have the same respective duties and powers as a treasurer and superintendent of a city school district,

except for any powers and duties in this chapter and Chapters 52649
124., 3306., 3317., 3318., 3323., and 3331. of the Revised Code. 52650

(E) For purposes of this title, any student included in the 52651
formula ADM certified for any city, exempted village, or local 52652
school district under section 3317.03 of the Revised Code by 52653
virtue of being counted, in whole or in part, in the average daily 52654
membership of a cooperative education school district under 52655
division (A)(2)(f) of that section shall be construed to be 52656
enrolled both in that city, exempted village, or ~~village~~local 52657
school district and in that cooperative education school district. 52658
This division shall not be construed to mean that any such 52659
individual student may be counted more than once for purposes of 52660
determining the average daily membership of any one school 52661
district. 52662

Sec. 3311.76. (A) Notwithstanding Chapters 3302., 3306., 52663
and 3317. of the Revised Code, upon written request of the 52664
district chief executive officer the state superintendent of 52665
public instruction may exempt a municipal school district from 52666
any rules adopted under Title XXXIII of the Revised Code except 52667
for any rule adopted under Chapter 3307. or 3309., sections 52668
3319.07 to 3319.21, or Chapter 3323. of the Revised Code, and may 52669
authorize a municipal school district to apply funds allocated to 52670
the district under ~~Chapter~~Chapters 3306. and 3317. of the 52671
Revised Code, except those specifically allocated to purposes 52672
other than current expenses, to the payment of debt charges on 52673
the district's public obligations. The request must specify the 52674
provisions from which the district is seeking exemption or the 52675
application requested and the reasons for the request. The state 52676
superintendent shall approve the request if the superintendent 52677
finds the requested exemption or application is in the best 52678
interest of the district's students. The superintendent shall 52679
approve or disapprove the request within thirty days and shall 52680
notify the district board and the district chief executive 52681

officer of approval or reasons for disapproving the request. 52682

(B) In addition to the rights, authority, and duties 52683
conferred upon a municipal school district and its board of 52684
education in sections 3311.71 to 3311.76 of the Revised Code, a 52685
municipal school district and its board shall have all of the 52686
rights, authority, and duties conferred upon a city school 52687
district and its board by law that are not inconsistent with 52688
sections 3311.71 to 3311.76 of the Revised Code. 52689

Sec. 3313.483. (A) A board of education, upon the adoption 52690
of a resolution stating that it may be financially unable to open 52691
on the day or to remain open for instruction on all days set forth 52692
in its adopted school calendar and pay all obligated expenses, or 52693
the superintendent of public instruction upon the issuance of 52694
written notification under division (B) of section 3313.489 of the 52695
Revised Code, shall request the auditor of state to determine 52696
whether such situation exists. The auditor shall deliver a copy of 52697
each request from a board of education to the superintendent of 52698
public instruction. In the case of a school district not under a 52699
fiscal emergency pursuant to Chapter 3316. of the Revised Code the 52700
auditor shall not issue a finding under this section until written 52701
notification is received from the superintendent pursuant to 52702
section 3313.487 of the Revised Code. 52703

(B) If the auditor of state finds that the board of education 52704
has attempted to avail itself to the fullest extent authorized by 52705
law of all lawful revenue sources available to it except those 52706
authorized by section 5705.21 of the Revised Code, the auditor 52707
shall certify that finding to the superintendent of public 52708
instruction and the state board of education and shall certify the 52709
operating deficit the district will have at the end of the fiscal 52710
year if it commences or continues operating its instructional 52711
program in accordance with its adopted school calendar and pays 52712
all obligated expenses. 52713

(C) No board of education may delay the opening of its schools or close its schools for financial reasons. Upon the request of the superintendent of public instruction, the attorney general shall seek injunctive relief and any other relief required to enforce this prohibition in the court of common pleas of Franklin county. The court of common pleas of Franklin county has exclusive original jurisdiction over all such actions.

(D) Upon the receipt of any certification of an operating deficit from the auditor of state, a board of education shall make application to a commercial bank, underwriter, or other prospective lender or purchaser of its obligations for a loan in an amount sufficient to enable the district to open or remain open for instruction on all days set forth in its adopted school calendar but not to exceed the amount of the deficit certified.

(E)(1) Any board of education that has applied for and been denied a loan from a commercial bank, underwriter, or other prospective lender or purchaser of its obligations pursuant to division (D) of this section shall submit to the superintendent of public instruction a plan for implementing reductions in the school district's budget; apply for a loan from a commercial bank, underwriter, or other prospective lender or purchaser of its obligations in an amount not to exceed its certified deficit; and provide the superintendent such information as the superintendent requires concerning its application for such a loan. The board of education of a school district declared to be under a fiscal watch pursuant to division (A) of section 3316.03 of the Revised Code may, upon approval of the superintendent, utilize the financial plan required by section 3316.04 of the Revised Code, or applicable parts thereof, as the plan required under this division. The board of education of a school district declared to be under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code may utilize the financial recovery plan for the district, or applicable parts thereof, as the plan

required under this division. Except for the plan of a school
district under a fiscal emergency, the superintendent shall
evaluate, make recommendations concerning, and approve or
disapprove each plan. When a plan is submitted, the superintendent
shall immediately notify the members of the general assembly whose
legislative districts include any or all of the territory of the
school district submitting the plan.

(2) The superintendent shall submit to the controlling board
a copy of each plan the superintendent approves, or each plan
submitted by a district under a fiscal emergency pursuant to
division (B) of section 3316.03 of the Revised Code, and the
general terms of each proposed loan, and shall make
recommendations regarding the plan and whether a proposed loan to
the board of education should be approved for payment as provided
in division (E)(3) of this section. The controlling board shall
approve or disapprove the plan and the proposed loan presented to
it by the superintendent. In the case of a district not under a
fiscal emergency pursuant to division (B) of section 3316.03 of
the Revised Code, the controlling board may require a board of
education to implement the superintendent's recommendations for
expenditure reductions or impose other requirements. Loan
repayments shall be in accordance with a schedule approved by the
superintendent, except that the principal amount of the loan shall
be payable in monthly, semiannual, or annual installments of
principal and interest that are substantially equal principal and
interest installments. Except as otherwise provided in division
(E)(2) of this section, repayment shall be made no later than the
fifteenth day of June of the second fiscal year following the
approval of the loan. A school district with a certified deficit
in excess of either twenty-five million dollars or fifteen per
cent of the general fund expenditures of the district during the
fiscal year shall repay the loan no later than the fifteenth day
of June of the tenth fiscal year following the approval of the
loan. In deciding whether to approve or disapprove a proposed

loan, the controlling board shall consider the deficit certified 52781
by the auditor of state pursuant to this section. A board of 52782
education that has an outstanding loan approved pursuant to this 52783
section with a repayment date of more than two fiscal years after 52784
the date of approval of such loan may not apply for another loan 52785
with such a repayment date until the outstanding loan has been 52786
repaid. 52787

(3) If a board of education has submitted and received 52788
controlling board approval of a plan and proposed loan in 52789
accordance with this section, the superintendent of public 52790
instruction shall report to the controlling board the actual 52791
amounts loaned to the board of education. Such board of education 52792
shall request the superintendent to pay any funds the board of 52793
education would otherwise receive pursuant to ~~sections 3317.022 to~~ 52794
~~3317.025~~ Chapter 3306, of the Revised Code first directly to the 52795
holders of the board of education's notes, or an agent thereof, 52796
such amounts as are specified under the terms of the loan. Such 52797
payments shall be made only from and to the extent of money 52798
appropriated by the general assembly for purposes of such 52799
sections. No note or other obligation of the board of education 52800
under the loan constitutes an obligation nor a debt or a pledge of 52801
the faith, credit, or taxing power of the state, and the holder or 52802
owner of such note or obligation has no right to have taxes levied 52803
by the general assembly for the payment of such note or 52804
obligation, and such note or obligation shall contain a statement 52805
to that effect. 52806

(4) Pursuant to the terms of such a loan, a board of 52807
education may issue its notes in anticipation of the collection of 52808
its voted levies for current expenses or its receipt of such state 52809
funds or both. Such notes shall be issued in accordance with 52810
division (E) of section 133.10 of the Revised Code and constitute 52811
Chapter 133. securities to the extent such division and the 52812
otherwise applicable provisions of Chapter 133. of the Revised 52813

Code are not inconsistent with this section, provided that in any
event sections 133.24 and 5705.21 and divisions (A), (B), (C), and
(E)(2) of section 133.10 of the Revised Code do not apply to such
notes.

(5) Notwithstanding section 133.36 or 3313.17, any other
section of the Revised Code, or any other provision of law, a
board of education that has received a loan under this section may
not declare bankruptcy, so long as any portion of such loan
remains unpaid.

(F) Under this section and sections 3313.4810 and 3313.4811,
"board of education" or "district board" includes the financial
planning and supervision commission of a school district under a
fiscal emergency pursuant to Chapter 3316. of the Revised Code
where such commission chooses to exercise the powers and duties
otherwise required of the district board of education under this
section and sections 3313.4810 and 3313.4811 of the Revised Code.

Sec. 3313.53. (A) As used in this section:

(1) "Licensed individual" means an individual who holds a
valid educator license, certificate, or permit issued by the state
board of education under section 3319.22, 3319.26, or 3319.27;
~~3319.302, or 3319.304~~ of the Revised Code.

(2) "Nonlicensed individual" means an individual who does not
hold a valid educator license, certificate, or permit issued by
the state board of education under section 3319.22, 3319.26, or
3319.27; ~~3319.302, or 3319.304~~ of the Revised Code.

(B) The board of education of any city, exempted village, or
local school district may establish and maintain in connection
with the public school systems:

(1) Manual training, industrial arts, domestic science, and

commercial departments; 52843

(2) Agricultural, industrial, vocational, and trades schools. 52844

Such board may pay from the public school funds, as other 52845
school expenses are paid, the expenses of establishing and 52846
maintaining such departments and schools and of directing, 52847
supervising, and coaching the pupil-activity programs in music, 52848
language, arts, speech, government, athletics, and any others 52849
directly related to the curriculum. 52850

(C) The board of education of any city, exempted village, or 52851
local school district may employ a nonlicensed individual to 52852
direct, supervise, or coach a pupil-activity program as long as 52853
that individual holds a valid pupil-activity program permit issued 52854
by the state board of education under division (A) of section 52855
3319.303 of the Revised Code. 52856

(D)(1) Except as provided in division (D)(2) of this section, 52857
a nonlicensed individual who holds a valid pupil-activity program 52858
permit may be employed under division (C) of this section only 52859
after the school district's board of education adopts a resolution 52860
stating that it has offered such position to those employees of 52861
the district who are licensed individuals and no such employee 52862
qualified to fill the position has accepted it, and has then 52863
advertised the position as available to any licensed individual 52864
who is qualified to fill it and who is not employed by the board, 52865
and no such person has applied for and accepted the position. 52866

(2) A board of education may renew the contract of any 52867
nonlicensed individual, currently employed by the board under 52868
division (C) of this section for one or more years, without first 52869
offering the position held by that individual to employees of the 52870
district who are licensed individuals or advertising the position 52871
as available to any qualified licensed individuals who are not 52872
currently employed by the board as otherwise required under 52873

division (D)(1) of this section. 52874

(E) A nonlicensed individual employed under this section is a 52875
nonteaching employee and is not an educational assistant as 52876
defined in section 3319.088 of the Revised Code. A nonlicensed 52877
individual may direct, supervise, or coach a pupil-activity 52878
program under this section as long as that pupil-activity program 52879
does not include any class or course required or offered for 52880
credit toward a pupil's promotion to the next grade or for 52881
graduation, or any activity conducted as a part of or required for 52882
such a class or course. A nonlicensed individual employed under 52883
this section may perform only the duties of the director, 52884
supervisor, or coach of the pupil-activity program for which the 52885
nonlicensed individual is employed. 52886

(F) The board shall fix the compensation of each nonlicensed 52887
individual employed under this section, which shall be the same 52888
amount as the position was or would be offered to the district's 52889
licensed employees, and execute a written contract with the 52890
nonlicensed individual for a term not to exceed one year. The 52891
contract shall specify the compensation, duration, and other terms 52892
of employment, and the compensation shall not be reduced unless 52893
such reduction is a part of a uniform plan affecting the entire 52894
district. 52895

If the state board suspends, revokes, or limits the 52896
pupil-activity program permit of a nonlicensed individual, the 52897
school district board may terminate or suspend the employment 52898
contract of that individual. Otherwise, no contract issued under 52899
this section shall be terminated or suspended except pursuant to 52900
the procedure established by division (C) of section 3319.081 of 52901
the Revised Code. 52902

Sec. 3313.532. (A) Any person twenty-two or more years of 52903
age and enrolled in an adult high school continuation program 52904
established pursuant to section 3313.531 of the Revised Code may 52905

request the board of education operating the program to conduct an evaluation in accordance with division (C) of this section.

(B) Any applicant to a board of education for a diploma of adult education under division (B) of section 3313.611 of the Revised Code may request the board to conduct an evaluation in accordance with division (C) of this section.

(C) Upon the request of any person pursuant to division (A) or (B) of this section, the board of education to which the request is made shall evaluate the person to determine whether the person is disabled, in accordance with rules adopted by the state board of education. If the evaluation indicates that the person is disabled, the board shall determine whether to excuse the person from taking any of the ~~tests~~assessments required by division (B) of section 3301.0710 of the Revised Code as a requirement for receiving a diploma under section 3313.611 of the Revised Code. The board may require the person to take an alternate assessment in place of any test from which the person is so excused.

Sec. 3313.536. (A) The board of education of each city, exempted village, and local school district and the governing authority of each chartered nonpublic school shall adopt a comprehensive school safety plan for each school building under the board's or governing authority's control. The board or governing authority shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the board or governing authority shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The board or governing authority shall consider incorporating remediation strategies into the plan for any

building where documented safety problems have occurred.	52938
The board or governing authority shall incorporate into the plan both of the following:	52939 52940
(1) A protocol for addressing serious threats to the safety of school property, students, employees, or administrators;	52941 52942
(2) A protocol for responding to any emergency events that do occur and that compromise the safety of school property, students, employees, or administrators.	52943 52944 52945
Each protocol shall include procedures deemed appropriate by the board or governing authority for responding to threats and emergency events, respectively, including such things as notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students. <u>Prior to the opening day of each school year, the board or governing authority shall inform each student enrolled in the school and the student's parent of the parental notification procedures included in the protocol.</u>	52946 52947 52948 52949 52950 52951 52952 52953 52954
(B) The board or governing authority shall update the safety plan at least once every three years and whenever a major modification to the building requires changes in the procedures outlined in the plan.	52955 52956 52957 52958
(C) The board or governing authority shall file a copy of the current safety plan and building blueprint with each law enforcement agency that has jurisdiction over the school building and, upon request, the fire department that serves the political subdivision in which the school building is located. The board or governing authority also shall file a copy of the current safety plan and a floor plan of the building, but not a building blueprint, with the attorney general, who shall post that information on the Ohio law enforcement gateway or its successor.	52959 52960 52961 52962 52963 52964 52965 52966 52967

Copies of safety plans, building blueprints, and floor plans shall be filed as described in this division not later than the ninety-first day after ~~the effective date of this amendment~~ March 30, 2007. If a board or governing authority revises a safety plan, building blueprint, or floor plan after the initial filing, the board or governing authority shall file copies of the revised safety plan, building blueprint, or floor plan in the manner described in this division not later than the ninety-first day after the revision is adopted.

Copies of the safety plan and building blueprint are not a public record pursuant to section 149.433 of the Revised Code.

Notwithstanding section 149.433 of the Revised Code, a building floor plan filed with the attorney general pursuant to this division is not a public record to the extent it is a record kept by the attorney general. This paragraph does not affect the status of a floor plan kept as a record by another public office.

The board or governing authority, each law enforcement agency and fire department to which copies of the safety plan and building blueprint are provided, and the attorney general shall keep the copies in a secure place.

(D) The board or governing authority shall grant access to each school building under its control to law enforcement personnel to enable the personnel to hold training sessions for responding to threats and emergency events affecting the building, provided that the access occurs outside of student instructional hours and an employee of the board or governing authority is present in the building during the training sessions.

Sec. 3313.55. The board of education of any school district in which is located a state, district, county, or municipal hospital for children with epilepsy or any public institution,

except state institutions for the care and treatment of 52998
delinquent, unstable, or socially maladjusted children, shall make 52999
provision for the education of all educable children therein; 53000
except that in the event another school district within the same 53001
county or an adjoining county is the source of sixty per cent or 53002
more of the children in said hospital or institution, the board of 53003
that school district shall make provision for the education of all 53004
the children therein. In any case in which a board provides 53005
educational facilities under this section, the board that provides 53006
the facilities shall be entitled to all moneys authorized for the 53007
attendance of pupils as provided in Chapter 3306. or 3317. of the 53008
Revised Code, tuition as provided in section 3317.08 of the 53009
Revised Code, and such additional compensation as is provided for 53010
crippled children in sections 3323.01 to 3323.12 of the Revised 53011
Code. Any board that provides the educational facilities for 53012
children in county or municipal institutions established for the 53013
care and treatment of children who are delinquent, unstable, or 53014
socially maladjusted shall not be entitled to any moneys provided 53015
for crippled children in sections 3323.01 to 3323.12 of the 53016
Revised Code. 53017

Sec. 3313.60. Notwithstanding division (D) of section 53018
3311.52 of the Revised Code, divisions (A) to (E) of this section 53019
do not apply to any cooperative education school district 53020
established pursuant to divisions (A) to (C) of section 3311.52 of 53021
the Revised Code. 53022

(A) The board of education of each city and exempted village 53023
school district, the governing board of each educational service 53024
center, and the board of each cooperative education school 53025
district established pursuant to section 3311.521 of the Revised 53026
Code shall prescribe a curriculum for all schools under their 53027
control. Except as provided in division (E) of this section, in 53028
any such curriculum there shall be included the study of the 53029
following subjects: 53030

(1) The language arts, including reading, writing, spelling, oral and written English, and literature;	53031 53032
(2) Geography, the history of the United States and of Ohio, and national, state, and local government in the United States, including a balanced presentation of the relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio and the United States;	53033 53034 53035 53036 53037 53038
(3) Mathematics;	53039
(4) Natural science, including instruction in the conservation of natural resources;	53040 53041
(5) Health education, which shall include instruction in:	53042
(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, the use and effects of food additives;	53043 53044 53045
(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;	53046 53047
(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;	53048 53049 53050
(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention.	53051 53052 53053 53054 53055
(6) Physical education;	53056

(7) The fine arts, including music;	53057
(8) First aid, including a training program in	53058
cardiopulmonary resuscitation, safety, and fire prevention, except	53059
that upon written request of the student's parent or guardian, a	53060
student shall be excused from taking instruction in	53061
cardiopulmonary resuscitation.	53062
(B) Except as provided in division (E) of this section, every	53063
school or school district shall include in the requirements for	53064
promotion from the eighth grade to the ninth grade one year's	53065
course of study of American history. <u>A board may waive this</u>	53066
<u>requirement for academically accelerated students who, in</u>	53067
<u>accordance with procedures adopted by the board, are able to</u>	53068
<u>demonstrate mastery of essential concepts and skills of the</u>	53069
<u>eighth grade American history course of study.</u>	53070
(C) Except as provided in division (E) of this section, every	53071
high school shall include in the requirements for graduation from	53072
any curriculum one unit of American history and government,	53073
including a study of the constitutions of the United States and of	53074
Ohio.	53075
(D) Except as provided in division (E) of this section, basic	53076
instruction in geography, United States history, the government of	53077
the United States, the government of the state of Ohio, local	53078
government in Ohio, the Declaration of Independence, the United	53079
States Constitution, and the Constitution of the state of Ohio	53080
shall be required before pupils may participate in courses	53081
involving the study of social problems, economics, foreign	53082
affairs, United Nations, world government, socialism and	53083
communism.	53084
(E) For each cooperative education school district	53085
established pursuant to section 3311.521 of the Revised Code and	53086
each city, exempted village, and local school district that has	53087

territory within such a cooperative district, the curriculum 53088
adopted pursuant to divisions (A) to (D) of this section shall 53089
only include the study of the subjects that apply to the grades 53090
operated by each such school district. The curriculums for such 53091
schools, when combined, shall provide to each student of these 53092
districts all of the subjects required under divisions (A) to (D) 53093
of this section. 53094

(F) The board of education of any cooperative education 53095
school district established pursuant to divisions (A) to (C) of 53096
section 3311.52 of the Revised Code shall prescribe a curriculum 53097
for the subject areas and grade levels offered in any school under 53098
its control. 53099

(G) Upon the request of any parent or legal guardian of a 53100
student, the board of education of any school district shall 53101
permit the parent or guardian to promptly examine, with respect to 53102
the parent's or guardian's own child: 53103

(1) Any survey or questionnaire, prior to its administration 53104
to the child; 53105

(2) Any textbook, workbook, software, video, or other 53106
instructional materials being used by the district in connection 53107
with the instruction of the child; 53108

(3) Any completed and graded test taken or survey or 53109
questionnaire filled out by the child; 53110

(4) Copies of the statewide academic standards and each model 53111
curriculum developed pursuant to section 3301.079 of the Revised 53112
Code, which copies shall be available at all times during school 53113
hours in each district school building. 53114

Sec. 3313.602. (A) The board of education of each city, 53115
local, exempted village, and joint vocational school district 53116

shall adopt a policy specifying whether or not oral recitation of 53117
the pledge of allegiance to the flag shall be a part of the 53118
school's program and, if so, establishing a time and manner for 53119
the recitation. However, no board of education shall prohibit a 53120
classroom teacher from providing in the teacher's classroom 53121
reasonable periods of time for the oral recitation of the pledge 53122
of allegiance to the flag. The policy adopted under this division, 53123
and a teacher who includes recitation of the pledge in the 53124
classroom, shall not require any student to participate in the 53125
recitation and shall prohibit the intimidation of any student by 53126
other students or staff aimed at coercing participation. 53127

No board of education or employee of a city, local, exempted 53128
village, or joint vocational school district shall alter the words 53129
used in the oral recitation of the pledge of allegiance to the 53130
flag from the words set forth in 4 U.S.C. 4. 53131

(B) In the development of its graded course of study, the 53132
board of education of each city and exempted village school 53133
district and the governing board of each educational service 53134
center shall ensure that the principles of democracy and ethics 53135
are emphasized and discussed wherever appropriate in all parts of 53136
the curriculum for grades kindergarten through twelve. 53137

(C) Each city, local, exempted village, and joint vocational 53138
school board shall adopt policies that encourage all certificated 53139
and noncertificated employees to be cognizant of their roles in 53140
instilling ethical principles and democratic ideals in all 53141
district pupils. 53142

(D) The board of education of each city, local, joint 53143
vocational, chartered community, and exempted village school 53144
district, and the Cleveland scholarship and tutoring program, 53145
shall require each district school to devote time on or about 53146
Veterans' day to an observance that conveys the meaning and 53147
significance of that day. The amount of time each school devotes 53148

to this observance shall be at least one hour or, in schools that
schedule class periods of less than one hour, at least one
standard class period. The board shall determine the specific
activities to constitute the observance in each school in the
district after consultation with the school's administrators.

Sec. 3313.603. (A) As used in this section:

(1) "One unit" means a minimum of one hundred twenty hours of
course instruction, except that for a laboratory course, "one
unit" means a minimum of one hundred fifty hours of course
instruction.

(2) "One-half unit" means a minimum of sixty hours of course
instruction, except that for physical education courses, "one-half
unit" means a minimum of one hundred twenty hours of course
instruction.

(B) Beginning September 15, 2001, except as required in
division (C) of this section and division (C) of section 3313.614
of the Revised Code, the requirements for graduation from every
high school shall include twenty units earned in grades nine
through twelve and shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit;

(3) Mathematics, three units;

(4) Physical education, one-half unit;

(5) Science, two units until September 15, 2003, and three
units thereafter, which at all times shall include both of the
following:

(a) Biological sciences, one unit;

(b) Physical sciences, one unit.	53176
(6) Social studies, three units, which shall include both of the following:	53177 53178
(a) American history, one-half unit;	53179
(b) American government, one-half unit.	53180
(7) Elective units, seven units until September 15, 2003, and six units thereafter.	53181 53182
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	53183 53184 53185
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	53186 53187 53188 53189 53190 53191 53192
(1) English language arts, four units;	53193
(2) Health, one-half unit;	53194
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	53195 53196
(4) Physical education, one-half unit;	53197
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall	53198 53199 53200

include the following, or their equivalent:	53201
(a) Physical sciences, one unit;	53202
(b) Life sciences, one unit;	53203
(c) Advanced study in one or more of the following sciences, one unit:	53204 53205
(i) Chemistry, physics, or other physical science;	53206
(ii) Advanced biology or other life science;	53207
(iii) Astronomy, physical geology, or other earth or space science.	53208 53209
(6) Social studies, three units, which shall include both of the following:	53210 53211
(a) American history, one-half unit;	53212
(b) American government, one-half unit.	53213
Each school shall integrate the study of economics and	53214
financial literacy, as expressed in the social studies academic	53215
content standards adopted by the state board of education under	53216
<u>division (A)(1) of section 3301.079 of the Revised Code and the</u>	53217
<u>academic content standards for financial literacy and</u>	53218
<u>entrepreneurship adopted under division (A)(2) of that section,</u>	53219
into one or more existing social studies credits required under	53220
division (C)(6) of this section, or into the content of another	53221
class, so that every high school student receives instruction in	53222
those concepts. In developing the curriculum required by this	53223
paragraph, schools shall use available public-private	53224
partnerships and resources and materials that exist in business,	53225
industry, and through the centers for economics education at	53226
institutions of higher education in the state.	53227

(7) Five units consisting of one or any combination of 53228
foreign language, fine arts, business, career-technical education, 53229
family and consumer sciences, technology, agricultural education, 53230
or English language arts, mathematics, science, or social studies 53231
courses not otherwise required under division (C) of this section. 53232

Ohioans must be prepared to apply increased knowledge and 53233
skills in the workplace and to adapt their knowledge and skills 53234
quickly to meet the rapidly changing conditions of the 53235
twenty-first century. National studies indicate that all high 53236
school graduates need the same academic foundation, regardless of 53237
the opportunities they pursue after graduation. The goal of Ohio's 53238
system of elementary and secondary education is to prepare all 53239
students for and seamlessly connect all students to success in 53240
life beyond high school graduation, regardless of whether the next 53241
step is entering the workforce, beginning an apprenticeship, 53242
engaging in post-secondary training, serving in the military, or 53243
pursuing a college degree. 53244

The Ohio core curriculum is the standard expectation for all 53245
students entering ninth grade for the first time at a public or 53246
chartered nonpublic high school on or after July 1, 2010. A 53247
student may satisfy this expectation through a variety of methods, 53248
including, but not limited to, integrated, applied, 53249
career-technical, and traditional coursework. 53250

Whereas teacher quality is essential for student success in 53251
completing the Ohio core curriculum, the general assembly shall 53252
appropriate funds for strategic initiatives designed to strengthen 53253
schools' capacities to hire and retain highly qualified teachers 53254
in the subject areas required by the curriculum. Such initiatives 53255
are expected to require an investment of \$120,000,000 over five 53256
years. 53257

Stronger coordination between high schools and institutions 53258

of higher education is necessary to prepare students for more 53259
challenging academic endeavors and to lessen the need for academic 53260
remediation in college, thereby reducing the costs of higher 53261
education for Ohio's students, families, and the state. The state 53262
board of education;and the chancellor of the Ohio board of 53263
~~regents, and the partnership for continued learning~~ shall develop 53264
policies to ensure that only in rare instances will students who 53265
complete the Ohio core curriculum require academic remediation 53266
after high school. 53267

School districts, community schools, and chartered nonpublic 53268
schools shall integrate technology into learning experiences 53269
whenever practicable across the curriculum in order to maximize 53270
efficiency, enhance learning, and prepare students for success in 53271
the technology-driven twenty-first century. Districts and schools 53272
may use distance and web-based course delivery as a method of 53273
providing or augmenting all instruction required under this 53274
division, including laboratory experience in science. Districts 53275
and schools shall whenever practicable utilize technology access 53276
and electronic learning opportunities provided by the eTech Ohio 53277
commission, the Ohio learning network, education technology 53278
centers, public television stations, and other public and private 53279
providers. 53280

(D) Except as provided in division (E) of this section, a 53281
student who enters ninth grade on or after July 1, 2010, and 53282
before July 1, 2014, may qualify for graduation from a public or 53283
chartered nonpublic high school even though the student has not 53284
completed the Ohio core curriculum prescribed in division (C) of 53285
this section if all of the following conditions are satisfied: 53286

(1) After the student has attended high school for two years, 53287
as determined by the school, the student and the student's parent, 53288
guardian, or custodian sign and file with the school a written 53289
statement asserting the parent's, guardian's, or custodian's 53290

consent to the student's graduating without completing the Ohio
core curriculum and acknowledging that one consequence of not
completing the Ohio core curriculum is ineligibility to enroll in
most state universities in Ohio without further coursework.

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(2) The student and parent, guardian, or custodian fulfill
any procedural requirements the school stipulates to ensure the
student's and parent's, guardian's, or custodian's informed
consent and to facilitate orderly filing of statements under
division (D)(1) of this section.

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(3) The student and the student's parent, guardian, or
custodian and a representative of the student's high school
jointly develop an individual career plan for the student that
specifies the student matriculating to a two-year degree program,
acquiring a business and industry credential, or entering an
apprenticeship.

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(4) The student's high school provides counseling and support
for the student related to the plan developed under division
(D)(3) of this section during the remainder of the student's high
school experience.

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(5) The student successfully completes, at a minimum, the
curriculum prescribed in division (B) of this section.

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The ~~partnership for continued learning~~ department of
education, in collaboration with the ~~department of education and~~
the chancellor of the Ohio board of regents, shall analyze
student performance data to determine if there are mitigating
factors that warrant extending the exception permitted by
division (D) of this section to high school classes beyond those
entering ninth grade before July 1, 2014. The ~~partnership~~
department shall submit its findings and any recommendations not
later than August 1, 2014, to the speaker and minority leader of
the house of representatives, the president and minority leader

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of the senate, the chairpersons and ranking minority members of 53322
the standing committees of the house of representatives and the 53323
senate that consider education legislation, the state board of 53324
education, and the superintendent of public instruction. 53325

(E) Each school district and chartered nonpublic school 53326
retains the authority to require an even more rigorous minimum 53327
curriculum for high school graduation than specified in division 53328
(B) or (C) of this section. A school district board of education, 53329
through the adoption of a resolution, or the governing authority 53330
of a chartered nonpublic school may stipulate any of the 53331
following: 53332

(1) A minimum high school curriculum that requires more than 53333
twenty units of academic credit to graduate; 53334

(2) An exception to the district's or school's minimum high 53335
school curriculum that is comparable to the exception provided in 53336
division (D) of this section but with additional requirements, 53337
which may include a requirement that the student successfully 53338
complete more than the minimum curriculum prescribed in division 53339
(B) of this section; 53340

(3) That no exception comparable to that provided in division 53341
(D) of this section is available. 53342

(F) A student enrolled in a dropout prevention and recovery 53343
program, which program has received a waiver from the department 53344
of education, may qualify for graduation from high school by 53345
successfully completing a competency-based instructional program 53346
administered by the dropout prevention and recovery program in 53347
lieu of completing the Ohio core curriculum prescribed in division 53348
(C) of this section. The department shall grant a waiver to a 53349
dropout prevention and recovery program, within sixty days after 53350
the program applies for the waiver, if the program meets all of 53351
the following conditions: 53352

(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age.	53353 53354
(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.	53355 53356 53357 53358 53359
(3) The program requires students to attain at least the applicable score designated for each of the ~~tests~~ <u>assessments</u> prescribed under division (B)(1) of section 3301.0710 of the Revised Code <u>or, to the extent prescribed by rule of the state board of education under division (E)(6) of section 3301.0712 of the Revised Code, division (B)(2) of that section.</u>	53360 53361 53362 53363 53364 53365
(4) The program develops an individual career plan for the student that specifies the student's matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.	53366 53367 53368 53369
(5) The program provides counseling and support for the student related to the plan developed under division (F)(4) of this section during the remainder of the student's high school experience.	53370 53371 53372 53373
(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the Ohio core curriculum and acknowledging that one consequence of not completing the Ohio core curriculum is ineligibility to enroll in most state universities in Ohio without further coursework.	53374 53375 53376 53377 53378 53379 53380 53381

(7) Prior to receiving the waiver, the program has submitted 53382
to the department an instructional plan that demonstrates how the 53383
academic content standards adopted by the state board of education 53384
under section 3301.079 of the Revised Code will be taught and 53385
assessed. 53386

If the department does not act either to grant the waiver or 53387
to reject the program application for the waiver within sixty days 53388
as required under this section, the waiver shall be considered to 53389
be granted. 53390

(G) Every high school may permit students below the ninth 53391
grade to take advanced work ~~for~~. If a high school so permits, it 53392
shall award high school credit. ~~A high school~~ for successful 53393
completion of the advanced work and shall count such advanced work 53394
toward the graduation requirements of division (B) or (C) of this 53395
section if the advanced work was both: 53396

(1) Taught by a person who possesses a license or certificate 53397
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 53398
Code that is valid for teaching high school; 53399

(2) Designated by the board of education of the city, local, 53400
or exempted village school district, the board of the cooperative 53401
education school district, or the governing authority of the 53402
chartered nonpublic school as meeting the high school curriculum 53403
requirements. 53404

Each high school shall record on the student's high school 53405
transcript all high school credit awarded under division (G) of 53406
this section. In addition, if the student completed a seventh- or 53407
eighth-grade fine arts course described in division (K) of this 53408
section and the course qualified for high school credit under that 53409
division, the high school shall record that course on the 53410
student's high school transcript. 53411

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.	53412 53413 53414 53415 53416
(I) Units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.	53417 53418 53419 53420
(J) The state board of education, in consultation with <u>the chancellor of the Ohio board of regents</u> ~~and the partnership for continued learning~~ , shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. The state board shall adopt the plan not later than March 31, 2009, and commence phasing in the plan during the 2009-2010 school year. The plan shall include a standard method for recording demonstrated proficiency on high school transcripts. Each school district, community school, and chartered nonpublic school shall comply with the state board's plan adopted under this division and award units of high school credit in accordance with the plan. The state board may adopt existing methods for earning high school credit based on a demonstration of subject area competency as necessary prior to the 2009-2010 school year.	53421 53422 53423 53424 53425 53426 53427 53428 53429 53430 53431 53432 53433 53434 53435 53436
(K) This division does not apply to students who qualify for graduation from high school under division (D) or (F) of this section, or to students pursuing a career-technical instructional track as determined by the school district board of education or the chartered nonpublic school's governing authority. Nevertheless, the general assembly encourages such students to consider enrolling in a fine arts course as an elective.	53437 53438 53439 53440 53441 53442 53443

Beginning with students who enter ninth grade for the first time on or after July 1, 2010, each student enrolled in a public or chartered nonpublic high school shall complete two semesters or the equivalent of fine arts to graduate from high school. The coursework may be completed in any of grades seven to twelve. Each student who completes a fine arts course in grade seven or eight may elect to count that course toward the five units of electives required for graduation under division (C)(7) of this section, if the course satisfied the requirements of division (G) of this section. In that case, the high school shall award the student high school credit for the course and count the course toward the five units required under division (C)(7) of this section. If the course in grade seven or eight did not satisfy the requirements of division (G) of this section, the high school shall not award the student high school credit for the course but shall count the course toward the two semesters or the equivalent of fine arts required by this division.

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(L) Notwithstanding anything to the contrary in this section, the board of education of each school district and the governing authority of each chartered nonpublic school may adopt a policy to excuse from the high school physical education requirement each student who, during high school, has participated in interscholastic athletics, marching band, or cheerleading for at least two full seasons. If the board or authority adopts such a policy, the board or authority shall not require the student to complete any physical education course as a condition to graduate. However, the student shall be required to complete one-half unit, consisting of at least sixty hours of instruction, in another course of study.

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Sec. 3313.605. (A) As used in this section:

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(1) "Civic responsibility" means the patriotic and ethical duties of all citizens to take an active role in society and to

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consider the interests and concerns of other individuals in the community.

(2) "Volunteerism" means nonprofit activity in the United States, the benefits and limitations of nonprofit activities, and the presence and function of nonprofit civic and charitable organizations in the United States.

(3) "Community service" means a service performed through educational institutions, government agencies, nonprofit organizations, social service agencies, and philanthropies and generally designed to provide direct experience with people or project planning, with the goal of improving the quality of life for the community. Such activities may include but are not limited to tutoring, literacy training, neighborhood improvement, encouraging interracial and multicultural understanding, promoting ideals of patriotism, increasing environmental safety, assisting the elderly or disabled, and providing mental health care, housing, drug abuse prevention programs, and other philanthropic programs, particularly for disadvantaged or low-income persons.

(B) ~~Any~~The board of education of each city, local, exempted village, ~~or~~and joint vocational school district ~~board of~~ education ~~may, the governing authority of each community school established under Chapter 3314. of the Revised Code, and the governing body of each STEM school established under Chapter 3326. of the Revised Code may include community service education in the~~its educational program ~~of the district by adopting a resolution to that effect.~~ A governing board of an educational service center, upon the request of a local school district board of education, may provide a community service education program for the local district pursuant to this section. ~~Any board implementing~~If a board, governing authority, or governing body includes community service education in its education program, the board, governing authority, or governing body shall do both of

the following: 53508

(1) Establish a community service advisory committee. The 53509
committee shall provide recommendations to the board, governing 53510
authority, or governing body regarding a community service plan 53511
for students ~~in all grades of the schools under control of the~~ 53512
~~board~~ and shall oversee and assist in the implementation of the 53513
plan adopted by the board, governing authority, or governing body 53514
under division (B)(2) of this section. Each board, governing 53515
authority, or governing body shall determine the membership and 53516
organization of its advisory committee and may designate an 53517
existing committee established for another purpose to serve as the 53518
community service advisory committee; however, each such 53519
committee shall include two or more students and shall include or 53520
consult with at least one person employed in the field of 53521
volunteer management who devotes at least fifty per cent of 53522
employment hours to coordinating volunteerism among community 53523
organizations. The committee members may include representatives 53524
of parents, teachers, administrators, other educational 53525
institutions, business, government, nonprofit organizations, 53526
veterans organizations, social service agencies, religious 53527
organizations, and philanthropies. 53528

(2) Develop and implement a community service plan ~~for~~ 53529
~~students in all grades of the schools under control of the board.~~ 53530
To assist in establishing its plan, the board, governing 53531
authority, or governing body shall consult with and may contract 53532
with one or more local or regional organizations with experience 53533
in volunteer program development and management. Each community 53534
service plan adopted under this division shall be based upon the 53535
recommendations of the advisory committee and shall provide for 53536
all of the following: 53537

(a) Education of students in the value of community service 53538
and its contributions to the history of this state and this 53539

nation;	53540
(b) Identification of opportunities for students to provide community service;	53541 53542
(c) Encouragement of students to provide community service;	53543
(d) Integration of community service opportunities into the curriculum;	53544 53545
(e) A community service instructional program for teachers, including strategies for the teaching of community service education, for the discovery of community service opportunities, and for the motivation of students to become involved in community service.	53546 53547 53548 53549 53550
Plans shall be reviewed periodically by the advisory committee and, if necessary, revised by the board, <u>governing authority, or governing body</u> at least once every five years.	53551 53552 53553
~~Plans shall emphasize community service opportunities that can most effectively use the skills of students, such as tutoring or literacy programs.~~ Plans shall provide for students to perform services under the plan that will not supplant the hiring of, result in the displacement of, or impair any existing employment contract of any particular employee of any private or governmental entity for which the services are performed. The plan shall provide for any entity utilizing a student to perform community service under the plan to verify to the board that the student does not supplant the hiring of, displace, or impair the employment contract of any particular employee of the entity.	53554 53555 53556 53557 53558 53559 53560 53561 53562 53563 53564
Upon adoption, a board, <u>governing authority, or governing body</u> shall submit a copy of its plan to the department of education. Each city and exempted village board of education and each governing board of a service center shall include a copy of	53565 53566 53567 53568

its plan in any course of study adopted under section 3313.60 of 53569
the Revised Code that is required to be submitted for approval to 53570
the state board for review. A joint vocational school district 53571
board of education shall submit a copy of its plan to the state 53572
board for review when required to do so by the state board. A 53573
local board shall forward its plan to the educational service 53574
center governing board for inclusion in the governing board's 53575
course of study. ~~By December 1, 1992, and periodically thereafter,~~ 53576
~~the~~The department of education periodically shall review all 53577
plans and publish those plans that could serve as models for other 53578
school districts ~~or~~, educational service centers, community 53579
schools, or STEM schools. 53580

(C) ~~A~~Under this section, a board integrating community 53581
~~service education into the curriculum, governing authority, or~~ 53582
governing body may only grant high school credit for a community 53583
service education course if approximately half of the course is 53584
devoted to classroom study of such matters as civic 53585
responsibility, the history of volunteerism, and community service 53586
training and approximately half of the course is devoted to 53587
community service. 53588

Each board, governing authority, or governing body shall 53589
determine which specific activities will serve to fulfill the 53590
required hours of community service. 53591

(D) The superintendent of public instruction shall develop 53592
guidelines for the development and implementation of a rubric to 53593
evaluate and rate community service education projects for use by 53594
districts, governing authorities, and governing boards that adopt 53595
a community service education plan. 53596

(E) The state superintendent shall adopt rules for granting a 53597
student special certification, special recognition on a diploma, 53598
or special notification in the student's record upon the student's 53599
successful completion of an approved community service project. 53600

The district board, governing authority, or governing body 53601
shall use a rubric developed in accordance with division (D) of 53602
this section to determine whether a community service project 53603
warrants recognition on a student's diploma under this division. 53604

Sec. 3313.608. (A) Beginning with students who enter third 53605
grade in the school year that starts July 1, ~~2003~~2009, for any 53606
student who attains a score in the range designated under division 53607
(A)(2)~~(e)~~(c) of section 3301.0710 of the Revised Code on the ~~test~~ 53608
assessment prescribed under that section to measure skill in 53609
~~reading~~English language arts expected at the end of third grade, 53610
each school district, in accordance with the policy adopted under 53611
section 3313.609 of the Revised Code, shall do one of the 53612
following: 53613

(1) Promote the student to fourth grade if the student's 53614
principal and reading teacher agree that other evaluations of the 53615
student's skill in reading demonstrate that the student is 53616
academically prepared to be promoted to fourth grade; 53617

(2) Promote the student to fourth grade but provide the 53618
student with intensive intervention services in fourth grade; 53619

(3) Retain the student in third grade. 53620

(B)(1) To assist students in meeting this third grade 53621
guarantee established by this section, each school district shall 53622
adopt policies and procedures with which it shall annually assess 53623
the reading skills of each student at the end of first and second 53624
grade and identify students who are reading below their grade 53625
level. If the diagnostic assessment to measure ~~reading~~English 53626
language arts ability for the appropriate grade level has been 53627
developed in accordance with division (D)(1) of section 3301.079 53628
of the Revised Code, each school district shall use such 53629
diagnostic assessment to identify such students, except that any 53630

district to which division (E) of section 3301.0715 of the Revised Code applies may use another assessment to identify such students. The policies and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level. The district shall notify the parent or guardian of each student whose reading skills are below grade level and, in accordance with division (C) of this section, provide intervention services to each student reading below grade level. Such intervention services shall include instruction in intensive, systematic phonetics pursuant to rules adopted by the state board of education.

(2) For each student entering third grade after July 1, ~~2003~~ 2009, who does not attain by the end of the third grade at least a score in the range designated under division (A)(2)~~(e)~~(b) of section 3301.0710 of the Revised Code on the ~~test~~assessment prescribed under that section to measure skill in ~~reading~~English language arts expected at the end of third grade, the district also shall offer intense remediation services during the summer following third grade.

(C) For each student required to be offered intervention services under this section, the district shall involve the student's parent or guardian and classroom teacher in developing the intervention strategy, and shall offer to the parent or guardian the opportunity to be involved in the intervention services.

(D) Any summer remediation services funded in whole or in part by the state and offered by school districts to students under this section shall meet the following conditions:

(1) The remediation methods are based on reliable educational research.

(2) The school districts conduct ~~testing~~assessment before 53662
and after students participate in the program to facilitate 53663
monitoring results of the remediation services. 53664

(3) The parents of participating students are involved in 53665
programming decisions. 53666

(4) The services are conducted in a school building or 53667
community center and not on an at-home basis. 53668

(E) This section does not create a new cause of action or a 53669
substantive legal right for any person. 53670

Sec. 3313.6013. (A) As used in this section, "dual 53671
enrollment program" means a program that enables a student to earn 53672
credit toward a degree from an institution of higher education 53673
while enrolled in high school or that enables a student to 53674
complete coursework while enrolled in high school that may earn 53675
credit toward a degree from an institution of higher education 53676
upon the student's attainment of a specified score on an 53677
examination covering the coursework. Dual enrollment programs may 53678
include any of the following: 53679

(1) The post-secondary enrollment options program established 53680
under Chapter 3365. of the Revised Code; 53681

(2) Advanced placement courses; 53682

(3) Any similar program established pursuant to an agreement 53683
between a school district or chartered nonpublic high school and 53684
an institution of higher education. 53685

(B) Each city, local, exempted village, and joint vocational 53686
school district and each chartered nonpublic high school shall 53687
provide students enrolled in grades nine through twelve with the 53688
opportunity to participate in a dual enrollment program. For this 53689

purpose, each school district and chartered nonpublic high school 53690
shall offer at least one dual enrollment program in accordance 53691
with division (B)(1) or (2) of this section, as applicable. 53692

(1) A city, local, or exempted village school district meets 53693
the requirements of this division through its mandatory 53694
participation in the post-secondary enrollment options program 53695
established under Chapter 3365. of the Revised Code. However, a 53696
city, local, or exempted village school district may offer any 53697
other dual enrollment program, in addition to the post-secondary 53698
enrollment options program, and each joint vocational school 53699
district shall offer at least one other dual enrollment program, 53700
to students in good standing, as defined by the partnership for 53701
continued learning under section 3301.42 of the Revised Code as it 53702
existed prior to the effective date of this amendment or as 53703
subsequently defined by the department of education. 53704

(2) A chartered nonpublic high school that elects to 53705
participate in the post-secondary enrollment options program 53706
established under Chapter 3365. of the Revised Code meets the 53707
requirements of this division. Each chartered nonpublic high 53708
school that elects not to participate in the post-secondary 53709
enrollment options program instead shall offer at least one other 53710
dual enrollment program to students in good standing, as defined 53711
by the partnership for continued learning under section 3301.42 of 53712
the Revised Code as it existed prior to the effective date of this 53713
amendment or as subsequently defined by the department of 53714
education. 53715

(C) Each school district and each chartered nonpublic high 53716
school shall provide information about the dual enrollment 53717
programs offered by the district or school to all students 53718
enrolled in grades eight through eleven. 53719

Sec. 3313.6015. The board of education of each city, exempted 53720
village, and local school district shall adopt a resolution 53721

describing how the district will address college and career 53722
readiness and financial literacy in its curriculum for grade seven 53723
or eight and for any other grades in which the board determines 53724
that those subjects should be addressed. The board shall submit a 53725
copy of the resolution to the department of education. 53726

Sec. 3313.61. (A) A diploma shall be granted by the board of 53727
education of any city, exempted village, or local school district 53728
that operates a high school to any person to whom all of the 53729
following apply: 53730

(1) The person has successfully completed the curriculum in 53731
any high school or the individualized education program developed 53732
for the person by any high school pursuant to section 3323.08 of 53733
the Revised Code, or has qualified under division (D) or (F) of 53734
section 3313.603 of the Revised Code, provided that no school 53735
district shall require a student to remain in school for any 53736
specific number of semesters or other terms if the student 53737
completes the required curriculum early; 53738

(2) Subject to section 3313.614 of the Revised Code, the 53739
person has met the assessment requirements of division (A)(2)(a) 53740
or (b) of this section, as applicable. 53741

(a) If the person entered the ninth grade prior to the date 53742
prescribed by rule of the state board of education under division 53743
(E)(2) of section 3301.0712 of the Revised Code, the person 53744
either: 53745

~~(a)~~(i) Has attained at least the applicable scores designated 53746
under division (B)(1) of section 3301.0710 of the Revised Code on 53747
all the ~~tests~~assessments required by that division unless the 53748
person was excused from taking any such ~~test~~assessment pursuant 53749
to section 3313.532 of the Revised Code or unless division (H) or 53750
(L) of this section applies to the person; 53751

~~(b)~~(ii) Has satisfied the alternative conditions prescribed 53752
in section 3313.615 of the Revised Code. 53753

(b) If the person entered the ninth grade on or after the 53754
date prescribed by rule of the state board under division (E)(2) 53755
of section 3301.0712 of the Revised Code, the person has 53756
attained on the entire assessment system prescribed under 53757
division (B)(2) of section 3301.0710 of the Revised Code at 53758
least the required passing composite score, designated under 53759
division (C)(1) of section 3301.0712 of the Revised Code, except 53760
to the extent that the person is excused from some portion of 53761
that assessment system pursuant to section 3313.532 of the 53762
Revised Code or division (H) or (L) of this section. 53763

(3) The person is not eligible to receive an honors diploma 53764
granted pursuant to division (B) of this section. 53765

Except as provided in divisions (C), (E), (J), and (L) of 53766
this section, no diploma shall be granted under this division to 53767
anyone except as provided under this division. 53768

(B) In lieu of a diploma granted under division (A) of this 53769
section, an honors diploma shall be granted, in accordance with 53770
rules of the state board of education, by any such district board 53771
to anyone who accomplishes all of the following: 53772

(1) Successfully completes the curriculum in any high school 53773
or the individualized education program developed for the person 53774
by any high school pursuant to section 3323.08 of the Revised 53775
Code; 53776

(2) Subject to section 3313.614 of the Revised Code, has met 53777
the assessment requirements of division (B)(2)(a) or (b) of this 53778
section, as applicable. 53779

(a) If the person entered the ninth grade prior to the date 53780

prescribed by rule of the state board of education under division 53781
(E)(2) of section 3301.0712 of the Revised Code, the person 53782
either: 53783

~~(a)~~(i) Has attained at least the applicable scores designated 53784
under division (B)(1) of section 3301.0710 of the Revised Code on 53785
all the ~~tests~~assessments required by that division; 53786

~~(b)~~(ii) Has satisfied the alternative conditions prescribed 53787
in section 3313.615 of the Revised Code. 53788

(b) If the person entered the ninth grade on or after the 53789
date prescribed by rule of the state board under division (E)(2) 53790
of section 3301.0712 of the Revised Code, the person has attained 53791
on the entire assessment system prescribed under division (B)(2) 53792
of section 3301.0710 of the Revised Code at least the required 53793
passing composite score, designated under division (C)(1) of 53794
section 3301.0712 of the Revised Code. 53795

(3) Has met additional criteria established by the state 53796
board for the granting of such a diploma. 53797

An honors diploma shall not be granted to a student who is 53798
subject to the Ohio core curriculum prescribed in division (C) of 53799
section 3313.603 of the Revised Code but elects the option of 53800
division (D) or (F) of that section. Except as provided in 53801
divisions (C), (E), and (J) of this section, no honors diploma 53802
shall be granted to anyone failing to comply with this division 53803
and no more than one honors diploma shall be granted to any 53804
student under this division. 53805

The state board shall adopt rules prescribing the granting of 53806
honors diplomas under this division. These rules may prescribe the 53807
granting of honors diplomas that recognize a student's achievement 53808
as a whole or that recognize a student's achievement in one or 53809
more specific subjects or both. The rules may prescribe the 53810

granting of an honors diploma recognizing technical expertise for 53811
a career-technical student. In any case, the rules shall designate 53812
two or more criteria for the granting of each type of honors 53813
diploma the board establishes under this division and the number 53814
of such criteria that must be met for the granting of that type of 53815
diploma. The number of such criteria for any type of honors 53816
diploma shall be at least one less than the total number of 53817
criteria designated for that type and no one or more particular 53818
criteria shall be required of all persons who are to be granted 53819
that type of diploma. 53820

(C) Any ~~such~~ district board administering any of the ~~tests~~ 53821
assessments required by section 3301.0710 ~~or 3301.0712~~ of the 53822
Revised Code to any person requesting to take such ~~test~~assessment 53823
pursuant to division (B)(8)(b) of section 3301.0711 of the Revised 53824
Code shall award a diploma to such person if the person attains at 53825
least the applicable scores designated under division (B)(1) of 53826
section 3301.0710 of the Revised Code on all the ~~tests~~assessments 53827
administered and if the person has previously attained the 53828
applicable scores on all the other ~~tests~~assessments required by 53829
division (B)(1) of that section or has been exempted or excused 53830
from attaining the applicable score on any such ~~test~~assessment 53831
pursuant to division (H) or (L) of this section or from taking 53832
any such ~~test~~assessment pursuant to section 3313.532 of the 53833
Revised Code. 53834

(D) Each diploma awarded under this section shall be signed 53835
by the president and treasurer of the issuing board, the 53836
superintendent of schools, and the principal of the high school. 53837
Each diploma shall bear the date of its issue, be in such form as 53838
the district board prescribes, and be paid for out of the 53839
district's general fund. 53840

(E) A person who is a resident of Ohio and is eligible under 53841
state board of education minimum standards to receive a high 53842

school diploma based in whole or in part on credits earned while
an inmate of a correctional institution operated by the state or
any political subdivision thereof, shall be granted such diploma
by the correctional institution operating the programs in which
such credits were earned, and by the board of education of the
school district in which the inmate resided immediately prior to
the inmate's placement in the institution. The diploma granted by
the correctional institution shall be signed by the director of
the institution, and by the person serving as principal of the
institution's high school and shall bear the date of issue.

(F) Persons who are not residents of Ohio but who are inmates
of correctional institutions operated by the state or any
political subdivision thereof, and who are eligible under state
board of education minimum standards to receive a high school
diploma based in whole or in part on credits earned while an
inmate of the correctional institution, shall be granted a diploma
by the correctional institution offering the program in which the
credits were earned. The diploma granted by the correctional
institution shall be signed by the director of the institution and
by the person serving as principal of the institution's high
school and shall bear the date of issue.

(G) The state board of education shall provide by rule for
the administration of the ~~tests~~assessments required by section
3301.0710 of the Revised Code to inmates of correctional
institutions.

(H) Any person to whom all of the following apply shall be
exempted from attaining the applicable score on the ~~test~~
assessment in social studies designated under division (B)(1) of
section 3301.0710 of the Revised Code, any social studies
end-of-course examination required under division (B)(2) of that
section if such an exemption is prescribed by rule of the state
board under division (E)(4) of section 3301.0712 of the Revised

<u>Code</u> , or the test in citizenship designated under former division	53875
(B) of section 3301.0710 of the Revised Code as it existed prior	53876
to September 11, 2001:	53877
(1) The person is not a citizen of the United States;	53878
(2) The person is not a permanent resident of the United	53879
States;	53880
(3) The person indicates no intention to reside in the United	53881
States after the completion of high school.	53882
(I) Notwithstanding division (D) of section 3311.19 and	53883
division (D) of section 3311.52 of the Revised Code, this section	53884
and section 3311.611 of the Revised Code do not apply to the board	53885
of education of any joint vocational school district or any	53886
cooperative education school district established pursuant to	53887
divisions (A) to (C) of section 3311.52 of the Revised Code.	53888
(J) Upon receipt of a notice under division (D) of section	53889
3325.08 of the Revised Code that a student has received a diploma	53890
under that section, the board of education receiving the notice	53891
may grant a high school diploma under this section to the student,	53892
except that such board shall grant the student a diploma if the	53893
student meets the graduation requirements that the student would	53894
otherwise have had to meet to receive a diploma from the district.	53895
The diploma granted under this section shall be of the same type	53896
the notice indicates the student received under section 3325.08 of	53897
the Revised Code.	53898
(K) As used in this division, "limited English proficient	53899
student" has the same meaning as in division (C)(3) of section	53900
3301.0711 of the Revised Code.	53901
Notwithstanding division (C)(3) of section 3301.0711 of the	53902
Revised Code, no limited English proficient student who has not	53903

either attained the applicable scores designated under division 53904
(B)(1) of section 3301.0710 of the Revised Code on all the ~~tests~~ 53905
assessments required by that division, or attained the composite 53906
score designated for the assessments required by division (B)(2) 53907
of that section, shall be awarded a diploma under this section. 53908

(L) Any student described by division (A)(1) of this section 53909
may be awarded a diploma without attaining the applicable scores 53910
designated on the ~~tests~~assessments prescribed under division (B) 53911
of section 3301.0710 of the Revised Code provided an 53912
individualized education program specifically exempts the student 53913
from attaining such scores. This division does not negate the 53914
requirement for such a student to take all such ~~tests~~assessments 53915
or alternate assessments required by division (C)(1) of section 53916
3301.0711 of the Revised Code for the purpose of assessing student 53917
progress as required by federal law. 53918

Sec. 3313.611. (A) The state board of education shall adopt, 53919
by rule, standards for awarding high school credit equivalent to 53920
credit for completion of high school academic and vocational 53921
education courses to applicants for diplomas under this section. 53922
The standards may permit high school credit to be granted to an 53923
applicant for any of the following: 53924

(1) Work experiences or experiences as a volunteer; 53925

(2) Completion of academic, vocational, or self-improvement 53926
courses offered to persons over the age of twenty-one by a 53927
chartered public or nonpublic school; 53928

(3) Completion of academic, vocational, or self-improvement 53929
courses offered by an organization, individual, or educational 53930
institution other than a chartered public or nonpublic school; 53931

(4) Other life experiences considered by the board to provide 53932
knowledge and learning experiences comparable to that gained in a 53933

classroom setting.	53934
(B) The board of education of any city, exempted village, or	53935
local school district that operates a high school shall grant a	53936
diploma of adult education to any applicant if all of the	53937
following apply:	53938
(1) The applicant is a resident of the district;	53939
(2) The applicant is over the age of twenty-one and has not	53940
been issued a diploma as provided in section 3313.61 of the	53941
Revised Code;	53942
(3) Subject to section 3313.614 of the Revised Code, the	53943
applicant <u>has met the assessment requirements of division</u>	53944
<u>(B)(3)(a) or (b) of this section, as applicable.</u>	53945
<u>(a) Prior to the date prescribed by rule of the state board</u>	53946
<u>under division (E)(3) of section 3301.0712 of the Revised Code,</u>	53947
<u>the applicant either:</u>	53948
~~(a)~~ (i) Has attained the applicable scores designated under	53949
division (B)(1) of section 3301.0710 of the Revised Code on all of	53950
the ~~tests~~ <u>assessments</u> required by that division or was excused or	53951
exempted from any such ~~test~~ <u>assessment</u> pursuant to section	53952
3313.532 or was exempted from attaining the applicable score on	53953
any such ~~test~~ <u>assessment</u> pursuant to division (H) or (L) of	53954
section 3313.61 of the Revised Code;	53955
~~(b)~~ (ii) Has satisfied the alternative conditions prescribed	53956
in section 3313.615 of the Revised Code.	53957
(b) <u>On or after the date prescribed by rule of the state</u>	53958
<u>board under division (E)(3) of section 3301.0712 of the Revised</u>	53959
<u>Code, has attained on the entire assessment system prescribed</u>	53960
<u>under division (B)(2) of section 3301.0710 of the Revised Code at</u>	53961

least the required passing composite score, designated under 53962
division (C)(1) of section 3301.0712 of the Revised Code, except 53963
and only to the extent that the applicant is excused from some 53964
portion of that assessment system pursuant to section 3313.532 of 53965
the Revised Code or division (H) or (L) of section 3313.61 of the 53966
Revised Code. 53967

(4) The district board determines, in accordance with the 53968
standards adopted under division (A) of this section, that the 53969
applicant has attained sufficient high school credits, including 53970
equivalent credits awarded under such standards, to qualify as 53971
having successfully completed the curriculum required by the 53972
district for graduation. 53973

(C) If a district board determines that an applicant is not 53974
eligible for a diploma under division (B) of this section, it 53975
shall inform the applicant of the reason the applicant is 53976
ineligible and shall provide a list of any courses required for 53977
the diploma for which the applicant has not received credit. An 53978
applicant may reapply for a diploma under this section at any 53979
time. 53980

(D) If a district board awards an adult education diploma 53981
under this section, the president and treasurer of the board and 53982
the superintendent of schools shall sign it. Each diploma shall 53983
bear the date of its issuance, be in such form as the district 53984
board prescribes, and be paid for from the district's general 53985
fund, except that the state board may by rule prescribe standard 53986
language to be included on each diploma. 53987

(E) As used in this division, "limited English proficient 53988
student" has the same meaning as in division (C)(3) of section 53989
3301.0711 of the Revised Code. 53990

Notwithstanding division (C)(3) of section 3301.0711 of the 53991
Revised Code, no limited English proficient student who has not 53992

either attained the applicable scores designated under division 53993
(B)(1) of section 3301.0710 of the Revised Code on all the ~~tests~~ 53994
assessments required by that division, or attained the composite 53995
score designated for the assessments required by division (B)(2) 53996
of that section, shall be awarded a diploma under this section. 53997

Sec. 3313.612. (A) No nonpublic school chartered by the 53998
state board of education shall grant ~~any~~ a high school diploma to 53999
any person unless, subject to section 3313.614 of the Revised 54000
Code, the person has met the assessment requirements of division 54001
(A)(1) or (2) of this section, as applicable. 54002

(1) If the person entered the ninth grade prior to the date 54003
prescribed by rule of the state board under division (E)(2) of 54004
section 3301.0712 of the Revised Code, the person has attained; 54005
~~subject to section 3313.614 of the Revised Code~~ at least the 54006
applicable scores designated under division (B)(1) of section 54007
3301.0710 of the Revised Code on all the ~~tests~~assessments 54008
required by that division, or has satisfied the alternative 54009
conditions prescribed in section 3313.615 of the Revised Code. 54010

(2) If the person entered the ninth grade on or after the 54011
date prescribed by rule of the state board under division (E)(2) 54012
of section 3301.0712 of the Revised Code, the person has 54013
attained on the entire assessment system prescribed under 54014
division (B)(2) of section 3301.0710 of the Revised Code at 54015
least the required passing composite score, designated under 54016
division (C)(1) of section 3301.0712 of the Revised Code. 54017

(B) This section does not apply to either of the following: 54018

(1) Any person with regard to any ~~test~~assessment from which 54019
the person was excused pursuant to division (C)(1)(c) of section 54020
3301.0711 of the Revised Code; 54021

(2) Any person with regard to the social studies ~~test~~ 54022

<u>assessment under division (B)(1) of section 3301.0710 of the</u>	54023
<u>Revised Code, any social studies end-of-course examination</u>	54024
<u>required under division (B)(2) of that section if such an</u>	54025
<u>exemption is prescribed by rule of the state board of education</u>	54026
<u>under division (E)(4) of section 3301.0712 of the Revised Code,</u>	54027
or the citizenship test under former division (B) of section	54028
3301.0710 of the Revised Code as it existed prior to September	54029
11, 2001, if all of the following apply:	54030
(a) The person is not a citizen of the United States;	54031
(b) The person is not a permanent resident of the United	54032
States;	54033
(c) The person indicates no intention to reside in the United	54034
States after completion of high school.	54035
(C) As used in this division, "limited English proficient	54036
student" has the same meaning as in division (C)(3) of section	54037
3301.0711 of the Revised Code.	54038
Notwithstanding division (C)(3) of section 3301.0711 of the	54039
Revised Code, no limited English proficient student who has not	54040
<u>either attained the applicable scores designated under division</u>	54041
<u>(B)(1) of section 3301.0710 of the Revised Code on all the tests</u>	54042
<u>assessments required by that division, or attained the composite</u>	54043
<u>score designated for the assessments required by division (B)(2)</u>	54044
<u>of that section,</u> shall be awarded a diploma under this section.	54045
Sec. 3313.614. (A) As used in this section, a person	54046
"fulfills the curriculum requirement for a diploma" at the time	54047
one of the following conditions is satisfied:	54048
(1) The person successfully completes the high school	54049
curriculum of a school district, a community school, a chartered	54050
nonpublic school, or a correctional institution.	54051

(2) The person successfully completes the individualized
education program developed for the person under section 3323.08
of the Revised Code.

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(3) A board of education issues its determination under
section 3313.611 of the Revised Code that the person qualifies as
having successfully completed the curriculum required by the
district.

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(B) This division specifies the ~~testing~~assessment
requirements that must be fulfilled as a condition toward granting
high school diplomas under sections 3313.61, 3313.611, 3313.612,
and 3325.08 of the Revised Code.

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(1) A person who fulfills the curriculum requirement for a
diploma before September 15, 2000, is not required to pass any
proficiency test or achievement test in science as a condition to
receiving a diploma.

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(2) A person who began ninth grade prior to July 1, 2003, is
not required to pass the Ohio graduation test prescribed under
division (B)(1) of section 3301.0710 or any assessment prescribed
under division (B)(2) of that section in any subject as a
condition to receiving a diploma once the person has passed the
ninth grade proficiency test in the same subject, so long as the
person passed the ninth grade proficiency test prior to September
15, 2008. However, any such person who passes the Ohio graduation
test in any subject prior to passing the ninth grade proficiency
test in the same subject shall be deemed to have passed the ninth
grade proficiency test in that subject as a condition to receiving
a diploma. For this purpose, the ninth grade proficiency test in
citizenship substitutes for the Ohio graduation test in social
studies. If a person began ninth grade prior to July 1, 2003, but
does not pass a ninth grade proficiency test or the Ohio
graduation test in a particular subject before September 15, 2008,

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and passage of a test in that subject is a condition for the 54083
person to receive a diploma, the person must pass the Ohio 54084
graduation test instead of the ninth grade proficiency test in 54085
that subject to receive a diploma. 54086

(3) A person who begins ninth grade on or after July 1, 2003, 54087
in a school district, community school, or chartered nonpublic 54088
school is not eligible to receive a diploma based on passage of 54089
ninth grade proficiency tests. Each such person who begins ninth 54090
grade prior to the date prescribed by the state board of education 54091
under division (E)(5) of section 3301.0712 of the Revised Code 54092
must pass Ohio graduation tests to meet the ~~testing~~assessment 54093
requirements applicable to that person as a condition to receiving 54094
a diploma. 54095

(4) A person who begins ninth grade on or after the date 54096
prescribed by the state board of education under division (E)(5) 54097
of section 3301.0712 of the Revised Code is not eligible to 54098
receive a diploma based on passage of the Ohio graduation tests. 54099
Each such person must attain on the entire assessment system 54100
prescribed under division (B)(2) of section 3301.0710 of the 54101
Revised Code at least the required passing composite score, 54102
designated under division (C)(1) of section 3301.0712 of the 54103
Revised Code. 54104

(C) This division specifies the curriculum requirement that 54105
shall be completed as a condition toward granting high school 54106
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 54107
of the Revised Code. 54108

(1) A person who is under twenty-two years of age when the 54109
person fulfills the curriculum requirement for a diploma shall 54110
complete the curriculum required by the school district or school 54111
issuing the diploma for the first year that the person originally 54112
enrolled in high school, except for a person who qualifies for 54113
graduation from high school under either division (D) or (F) of 54114

section 3313.603 of the Revised Code. 54115

(2) Once a person fulfills the curriculum requirement for a 54116
diploma, the person is never required, as a condition of receiving 54117
a diploma, to meet any different curriculum requirements that take 54118
effect pending the person's passage of proficiency tests or 54119
achievement tests or assessments, including changes mandated by 54120
section 3313.603 of the Revised Code, the state board, a school 54121
district board of education, or a governing authority of a 54122
community school or chartered nonpublic school. 54123

Sec. 3313.615. This section shall apply to diplomas awarded 54124
after September 15, 2006, to students who are required to take the 54125
five Ohio graduation tests prescribed by division (B)(1) of 54126
section 3301.0710 of the Revised Code. 54127

(A) As an alternative to the requirement that a person attain 54128
the scores designated under division (B)(1) of section 3301.0710 54129
of the Revised Code on all the ~~tests~~assessments required under 54130
that division in order to be eligible for a high school diploma 54131
or an honors diploma under sections 3313.61, 3313.612, or 3325.08 54132
of the Revised Code or for a diploma of adult education under 54133
section 3313.611 of the Revised Code, a person who has attained at 54134
least the applicable scores designated under division (B)(1) of 54135
section 3301.0710 of the Revised Code on all but one of the ~~tests~~ 54136
assessments required by that division and from which the person 54137
was not excused or exempted, pursuant to division (L) of section 54138
3313.61, division (B)(1) of section 3313.612, or section 3313.532 54139
of the Revised Code, may be awarded a diploma or honors diploma 54140
if the person has satisfied all of the following conditions: 54141

(1) On the one ~~test~~assessment required under division (B)(1) 54142
of section 3301.0710 of the Revised Code for which the person 54143
failed to attain the designated score, the person missed that 54144
score by ten points or less; 54145

(2) Has a ninety-seven per cent school attendance rate in each of the last four school years, excluding any excused absences;	54146 54147 54148
(3) Has not been expelled from school under section 3313.66 of the Revised Code in any of the last four school years;	54149 54150
(4) Has a grade point average of at least 2.5 out of 4.0, or its equivalent as designated in rules adopted by the state board of education, in the subject area of the ~~test~~ <u>assessment</u> required under division (B)(1) of section 3301.0710 of the Revised Code for which the person failed to attain the designated score;	54151 54152 54153 54154 54155
(5) Has completed the high school curriculum requirements prescribed in section 3313.603 of the Revised Code or has qualified under division (D) or (F) of that section;	54156 54157 54158
(6) Has taken advantage of any intervention programs provided by the school district or school in the subject area described in division (A)(4) of this section and has a ninety-seven per cent attendance rate, excluding any excused absences, in any of those programs that are provided at times beyond the normal school day, school week, or school year or has received comparable intervention services from a source other than the school district or school;	54159 54160 54161 54162 54163 54164 54165 54166
(7) Holds a letter recommending graduation from each of the person's high school teachers in the subject area described in division (A)(4) of this section and from the person's high school principal.	54167 54168 54169 54170
(B) The state board of education shall establish rules designating grade point averages equivalent to the average specified in division (A)(4) of this section for use by school districts and schools with different grading systems.	54171 54172 54173 54174

(C) Any student who is exempt from attaining the applicable score designated under division (B)(1) of section 3301.0710 of the Revised Code on the Ohio graduation test in social studies pursuant to division (H) of section 3313.61 or division (B)(2) of section 3313.612 of the Revised Code shall not qualify for a high school diploma under this section, unless, notwithstanding the exemption, the student attains the applicable score on that ~~test~~ assessment. If the student attains the applicable score on that ~~test~~ assessment, the student may qualify for a diploma under this section in the same manner as any other student who is required to take the five Ohio graduation tests prescribed by division (B)(1) of section 3301.0710 of the Revised Code.

Sec. 3313.64. (A) As used in this section and in section 3313.65 of the Revised Code:

(1)(a) Except as provided in division (A)(1)(b) of this section, "parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(b) When a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code, "parent" means the grandparent designated as attorney in fact

under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.	54207 54208 54209 54210
(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.	54211 54212 54213
(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.	54214 54215 54216
(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:	54217 54218 54219 54220
(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.	54221 54222 54223
(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.	54224 54225 54226
(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.	54227 54228 54229
(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.	54230 54231
(5) "Agency" means all of the following:	54232
(a) A public children services agency;	54233

(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;	54234 54235 54236 54237 54238 54239
(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.	54240 54241 54242 54243
(6) A child is placed for adoption if either of the following occurs:	54244 54245
(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.	54246 54247 54248 54249
(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.	54250 54251 54252
(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.	54253 54254
(8) "Child," unless otherwise indicated, includes preschool children with disabilities.	54255 54256
(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.	54257 54258 54259 54260
(B) Except as otherwise provided in section 3321.01 of the	54261

Revised Code for admittance to kindergarten and first grade, a	54262
child who is at least five but under twenty-two years of age and	54263
any preschool child with a disability shall be admitted to school	54264
as provided in this division.	54265
(1) A child shall be admitted to the schools of the school	54266
district in which the child's parent resides.	54267
(2) A child who does not reside in the district where the	54268
child's parent resides shall be admitted to the schools of the	54269
district in which the child resides if any of the following	54270
applies:	54271
(a) The child is in the legal or permanent custody of a	54272
government agency or a person other than the child's natural or	54273
adoptive parent.	54274
(b) The child resides in a home.	54275
(c) The child requires special education.	54276
(3) A child who is not entitled under division (B)(2) of this	54277
section to be admitted to the schools of the district where the	54278
child resides and who is residing with a resident of this state	54279
with whom the child has been placed for adoption shall be admitted	54280
to the schools of the district where the child resides unless	54281
either of the following applies:	54282
(a) The placement for adoption has been terminated.	54283
(b) Another school district is required to admit the child	54284
under division (B)(1) of this section.	54285
Division (B) of this section does not prohibit the board of	54286
education of a school district from placing a child with a	54287
disability who resides in the district in a special education	54288

program outside of the district or its schools in compliance with 54289
Chapter 3323. of the Revised Code. 54290

(C) A district shall not charge tuition for children admitted 54291
under division (B)(1) or (3) of this section. If the district 54292
admits a child under division (B)(2) of this section, tuition 54293
shall be paid to the district that admits the child as ~~follows~~ 54294
provided in divisions (C)(1) to (3) of this section, unless 54295
division (C)(4) of this section applies to the child: 54296

(1) If the child receives special education in accordance 54297
with Chapter 3323. of the Revised Code, the school district of 54298
residence, as defined in section 3323.01 of the Revised Code, 54299
shall pay tuition for the child in accordance with section 54300
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 54301
regardless of who has custody of the child or whether the child 54302
resides in a home. 54303

(2) For a child that does not receive special education in 54304
accordance with Chapter 3323. of the Revised Code, except as 54305
otherwise provided in division (C)(2)(d) of this section, if the 54306
child is in the permanent or legal custody of a government agency 54307
or person other than the child's parent, tuition shall be paid by: 54308

(a) The district in which the child's parent resided at the 54309
time the court removed the child from home or at the time the 54310
court vested legal or permanent custody of the child in the person 54311
or government agency, whichever occurred first; 54312

(b) If the parent's residence at the time the court removed 54313
the child from home or placed the child in the legal or permanent 54314
custody of the person or government agency is unknown, tuition 54315
shall be paid by the district in which the child resided at the 54316
time the child was removed from home or placed in legal or 54317
permanent custody, whichever occurred first; 54318

(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement;

(e) If the department of education has determined, pursuant to division (A)(2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(4) Division (C)(4) of this section applies to any child who is admitted to a school district under division (B)(2) of this

section, resides in a home that is not a foster home or a home maintained by the department of youth services, receives educational services at the home in which the child resides pursuant to a contract between the home and the school district providing those services, and does not receive special education.

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In the case of a child to which division (C)(4) of this section applies, the total educational cost to be paid for the child shall be determined by a formula approved by the department of education, which formula shall be designed to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to both the school district providing the educational services and, if different, the school district that is responsible to pay tuition for the child. The department shall deduct the certified amount from the state basic aid funds payable under Chapter 3317. of the Revised Code to the district responsible to pay tuition and shall pay that amount to the district providing the educational services to the child.

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(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may recover in a civil action the tuition and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent

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preparing and presenting the case, shall be deposited in the 54382
county or city general fund. 54383

(E) A board of education may enroll a child free of any 54384
tuition obligation for a period not to exceed sixty days, on the 54385
sworn statement of an adult resident of the district that the 54386
resident has initiated legal proceedings for custody of the child. 54387

(F) In the case of any individual entitled to attend school 54388
under this division, no tuition shall be charged by the school 54389
district of attendance and no other school district shall be 54390
required to pay tuition for the individual's attendance. 54391
Notwithstanding division (B), (C), or (E) of this section: 54392

(1) All persons at least eighteen but under twenty-two years 54393
of age who live apart from their parents, support themselves by 54394
their own labor, and have not successfully completed the high 54395
school curriculum or the individualized education program 54396
developed for the person by the high school pursuant to section 54397
3323.08 of the Revised Code, are entitled to attend school in the 54398
district in which they reside. 54399

(2) Any child under eighteen years of age who is married is 54400
entitled to attend school in the child's district of residence. 54401

(3) A child is entitled to attend school in the district in 54402
which either of the child's parents is employed if the child has a 54403
medical condition that may require emergency medical attention. 54404
The parent of a child entitled to attend school under division 54405
(F)(3) of this section shall submit to the board of education of 54406
the district in which the parent is employed a statement from the 54407
child's physician certifying that the child's medical condition 54408
may require emergency medical attention. The statement shall be 54409
supported by such other evidence as the board may require. 54410

(4) Any child residing with a person other than the child's 54411

parent is entitled, for a period not to exceed twelve months, to	54412
attend school in the district in which that person resides if the	54413
child's parent files an affidavit with the superintendent of the	54414
district in which the person with whom the child is living resides	54415
stating all of the following:	54416
 (a) That the parent is serving outside of the state in the	54417
armed services of the United States;	54418
 (b) That the parent intends to reside in the district upon	54419
returning to this state;	54420
 (c) The name and address of the person with whom the child is	54421
living while the parent is outside the state.	54422
 (5) Any child under the age of twenty-two years who, after	54423
the death of a parent, resides in a school district other than the	54424
district in which the child attended school at the time of the	54425
parent's death is entitled to continue to attend school in the	54426
district in which the child attended school at the time of the	54427
parent's death for the remainder of the school year, subject to	54428
approval of that district board.	54429
 (6) A child under the age of twenty-two years who resides	54430
with a parent who is having a new house built in a school district	54431
outside the district where the parent is residing is entitled to	54432
attend school for a period of time in the district where the new	54433
house is being built. In order to be entitled to such attendance,	54434
the parent shall provide the district superintendent with the	54435
following:	54436
 (a) A sworn statement explaining the situation, revealing the	54437
location of the house being built, and stating the parent's	54438
intention to reside there upon its completion;	54439
 (b) A statement from the builder confirming that a new house	54440

is being built for the parent and that the house is at the 54441
location indicated in the parent's statement. 54442

(7) A child under the age of twenty-two years residing with a 54443
parent who has a contract to purchase a house in a school district 54444
outside the district where the parent is residing and who is 54445
waiting upon the date of closing of the mortgage loan for the 54446
purchase of such house is entitled to attend school for a period 54447
of time in the district where the house is being purchased. In 54448
order to be entitled to such attendance, the parent shall provide 54449
the district superintendent with the following: 54450

(a) A sworn statement explaining the situation, revealing the 54451
location of the house being purchased, and stating the parent's 54452
intent to reside there; 54453

(b) A statement from a real estate broker or bank officer 54454
confirming that the parent has a contract to purchase the house, 54455
that the parent is waiting upon the date of closing of the 54456
mortgage loan, and that the house is at the location indicated in 54457
the parent's statement. 54458

The district superintendent shall establish a period of time 54459
not to exceed ninety days during which the child entitled to 54460
attend school under division (F)(6) or (7) of this section may 54461
attend without tuition obligation. A student attending a school 54462
under division (F)(6) or (7) of this section shall be eligible to 54463
participate in interscholastic athletics under the auspices of 54464
that school, provided the board of education of the school 54465
district where the student's parent resides, by a formal action, 54466
releases the student to participate in interscholastic athletics 54467
at the school where the student is attending, and provided the 54468
student receives any authorization required by a public agency or 54469
private organization of which the school district is a member 54470
exercising authority over interscholastic sports. 54471

(8) A child whose parent is a full-time employee of a city, local, or exempted village school district, or of an educational service center, may be admitted to the schools of the district where the child's parent is employed, or in the case of a child whose parent is employed by an educational service center, in the district that serves the location where the parent's job is primarily located, provided the district board of education establishes such an admission policy by resolution adopted by a majority of its members. Any such policy shall take effect on the first day of the school year and the effective date of any amendment or repeal may not be prior to the first day of the subsequent school year. The policy shall be uniformly applied to all such children and shall provide for the admission of any such child upon request of the parent. No child may be admitted under this policy after the first day of classes of any school year.

(9) A child who is with the child's parent under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, is entitled to attend school free in the district in which the child is with the child's parent, and no other school district shall be required to pay tuition for the child's attendance in that school district.

The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Revised Code or any other records required for enrollment. Any days of attendance and any credits earned by a child while enrolled in a school district under this division shall be transferred to and accepted by any school district in which the child subsequently enrolls. The state board of education shall adopt rules to ensure compliance with this division.

(10) Any child under the age of twenty-two years whose parent has moved out of the school district after the commencement of

classes in the child's senior year of high school is entitled, 54504
subject to the approval of that district board, to attend school 54505
in the district in which the child attended school at the time of 54506
the parental move for the remainder of the school year and for one 54507
additional semester or equivalent term. A district board may also 54508
adopt a policy specifying extenuating circumstances under which a 54509
student may continue to attend school under division (F)(10) of 54510
this section for an additional period of time in order to 54511
successfully complete the high school curriculum for the 54512
individualized education program developed for the student by the 54513
high school pursuant to section 3323.08 of the Revised Code. 54514

(11) As used in this division, "grandparent" means a parent 54515
of a parent of a child. A child under the age of twenty-two years 54516
who is in the custody of the child's parent, resides with a 54517
grandparent, and does not require special education is entitled to 54518
attend the schools of the district in which the child's 54519
grandparent resides, provided that, prior to such attendance in 54520
any school year, the board of education of the school district in 54521
which the child's grandparent resides and the board of education 54522
of the school district in which the child's parent resides enter 54523
into a written agreement specifying that good cause exists for 54524
such attendance, describing the nature of this good cause, and 54525
consenting to such attendance. 54526

In lieu of a consent form signed by a parent, a board of 54527
education may request the grandparent of a child attending school 54528
in the district in which the grandparent resides pursuant to 54529
division (F)(11) of this section to complete any consent form 54530
required by the district, including any authorization required by 54531
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 54532
Code. Upon request, the grandparent shall complete any consent 54533
form required by the district. A school district shall not incur 54534
any liability solely because of its receipt of a consent form from 54535
a grandparent in lieu of a parent. 54536

Division (F)(11) of this section does not create, and shall
not be construed as creating, a new cause of action or substantive
legal right against a school district, a member of a board of
education, or an employee of a school district. This section does
not affect, and shall not be construed as affecting, any
immunities from defenses to tort liability created or recognized
by Chapter 2744. of the Revised Code for a school district,
member, or employee.

(12) A child under the age of twenty-two years is entitled to
attend school in a school district other than the district in
which the child is entitled to attend school under division (B),
(C), or (E) of this section provided that, prior to such
attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is
entitled to attend school under division (B), (C), or (E) of this
section contacts the superintendent of another district for
purposes of this division;

(b) The superintendents of both districts enter into a
written agreement that consents to the attendance and specifies
that the purpose of such attendance is to protect the student's
physical or mental well-being or to deal with other extenuating
circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a
student who is not receiving special education under Chapter 3323.
of the Revised Code and notwithstanding Chapter 3327. of the
Revised Code, the board of education of neither school district
involved in the agreement is required to provide transportation
for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this
division shall be allowed to participate in all student

activities, including interscholastic athletics, at the school 54567
where the student is attending on the same basis as any student 54568
who has always attended the schools of that district while of 54569
compulsory school age. 54570

(13) All school districts shall comply with the 54571
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 54572
seq., for the education of homeless children. Each city, local, 54573
and exempted village school district shall comply with the 54574
requirements of that act governing the provision of a free, 54575
appropriate public education, including public preschool, to each 54576
homeless child. 54577

When a child loses permanent housing and becomes a homeless 54578
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 54579
such a homeless person changes temporary living arrangements, the 54580
child's parent or guardian shall have the option of enrolling the 54581
child in either of the following: 54582

(a) The child's school of origin, as defined in 42 U.S.C.A. 54583
11432(g)(3)(C); 54584

(b) The school that is operated by the school district in 54585
which the shelter where the child currently resides is located and 54586
that serves the geographic area in which the shelter is located. 54587

(14) A child under the age of twenty-two years who resides 54588
with a person other than the child's parent is entitled to attend 54589
school in the school district in which that person resides if both 54590
of the following apply: 54591

(a) That person has been appointed, through a military power 54592
of attorney executed under section 574(a) of the "National Defense 54593
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 54594
U.S.C. 1044b, or through a comparable document necessary to 54595
complete a family care plan, as the parent's agent for the care, 54596

custody, and control of the child while the parent is on active	54597
duty as a member of the national guard or a reserve unit of the	54598
armed forces of the United States or because the parent is a	54599
member of the armed forces of the United States and is on a duty	54600
assignment away from the parent's residence.	54601
 (b) The military power of attorney or comparable document	54602
includes at least the authority to enroll the child in school.	54603
 The entitlement to attend school in the district in which the	54604
parent's agent under the military power of attorney or comparable	54605
document resides applies until the end of the school year in which	54606
the military power of attorney or comparable document expires.	54607
 (G) A board of education, after approving admission, may	54608
waive tuition for students who will temporarily reside in the	54609
district and who are either of the following:	54610
 (1) Residents or domiciliaries of a foreign nation who	54611
request admission as foreign exchange students;	54612
 (2) Residents or domiciliaries of the United States but not	54613
of Ohio who request admission as participants in an exchange	54614
program operated by a student exchange organization.	54615
 (H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04,	54616
3327.04, and 3327.06 of the Revised Code, a child may attend	54617
school or participate in a special education program in a school	54618
district other than in the district where the child is entitled to	54619
attend school under division (B) of this section.	54620
 (I)(1) Notwithstanding anything to the contrary in this	54621
section or section 3313.65 of the Revised Code, a child under	54622
twenty-two years of age may attend school in the school district	54623
in which the child, at the end of the first full week of October	54624
of the school year, was entitled to attend school as otherwise	54625

provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (H) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (F) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction

a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (F) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.

(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or

temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment.

Sec. 3313.642. (A) Except as provided in division (B) of this section and notwithstanding the provisions of sections 3313.48 and 3313.64 of the Revised Code, the board of education of a city, exempted village, or local school district shall not be required to furnish, free of charge, to the pupils attending the public schools any materials used in a course of instruction with the exception of the necessary textbooks or electronic textbooks required to be furnished without charge pursuant to section 3329.06 of the Revised Code. The board may, however, make provision by appropriations transferred from the general fund of the district or otherwise for furnishing free of charge any materials used in a course of instruction to such pupils as it determines are in serious financial need of such materials.

(B) No board of education of a school district ~~that receives funds under section 3317.029 of the Revised Code~~ shall charge a fee to a ~~recipient of aid under Chapter 5107. or 5115. of the Revised Code~~ pupil who is eligible for a free lunch under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, for any materials needed to enable the ~~recipient~~ pupil to participate fully in a course of instruction. The prohibition in this division against charging a fee does not apply to any fee charged for any materials needed to enable a ~~recipient~~ pupil to participate fully in extracurricular activities or in any pupil enrichment program that is not a course of instruction.

(C) Boards of education may adopt rules and regulations prescribing a schedule of fees for materials used in a course of

instruction and prescribing a schedule of charges which may be 54754
imposed upon pupils for the loss, damage, or destruction of school 54755
apparatus, equipment, musical instruments, library material, 54756
textbooks, or electronic textbooks required to be furnished 54757
without charge, and for damage to school buildings, and may 54758
enforce the payment of such fees and charges by withholding the 54759
grades and credits of the pupils concerned. 54760

Sec. 3313.6410. This section applies to any school that is 54761
operated by a school district and in which the enrolled students 54762
work primarily on assignments in nonclassroom-based learning 54763
opportunities provided via an internet- or other computer-based 54764
instructional method. 54765

(A) Any school to which this section applies shall withdraw 54766
from the school any student who, for two consecutive school years, 54767
has failed to participate in the spring administration of any ~~test~~ 54768
assessment prescribed under section 3301.0710 or 3301.0712 of the 54769
Revised Code for the student's grade level and was not excused 54770
from the ~~test~~assessment pursuant to division (C)(1) or (3) of 54771
section 3301.0711 of the Revised Code, regardless of whether a 54772
waiver was granted for the student under division (E) of section 54773
3317.03 of the Revised Code. The school shall report any such 54774
student's data verification code, as assigned pursuant to section 54775
3301.0714 of the Revised Code, to the department of education to 54776
be added to the list maintained by the department under section 54777
3314.26 of the Revised Code. 54778

(B) No school to which this section applies shall receive any 54779
state funds under Chapter 3306. or 3317. of the Revised Code for 54780
any enrolled student whose data verification code appears on the 54781
list maintained by the department under section 3314.26 of the 54782
Revised Code. Notwithstanding any provision of the Revised Code to 54783
the contrary, the parent of any such student shall pay tuition to 54784
the school district that operates the school in an amount equal to 54785

the state funds the district otherwise would receive for that 54786
student, as determined by the department. A school to which this 54787
section applies may withdraw any student for whom the parent does 54788
not pay tuition as required by this division. 54789

Sec. 3313.65. (A) As used in this section and section 54790
3313.64 of the Revised Code: 54791

(1) A person is "in a residential facility" if the person is 54792
a resident or a resident patient of an institution, home, or other 54793
residential facility that is: 54794

(a) Licensed as a nursing home, residential care facility, or 54795
home for the aging by the director of health under section 3721.02 54796
of the Revised Code ~~or licensed as a community alternative home by~~ 54797
~~the director of health under section 3724.03 of the Revised Code;~~ 54798

(b) Licensed as an adult care facility by the director of 54799
health under Chapter 3722. of the Revised Code; 54800

(c) Maintained as a county home or district home by the board 54801
of county commissioners or a joint board of county commissioners 54802
under Chapter 5155. of the Revised Code; 54803

(d) Operated or administered by a board of alcohol, drug 54804
addiction, and mental health services under section 340.03 or 54805
340.06 of the Revised Code, or provides residential care pursuant 54806
to contracts made under section 340.03 or 340.033 of the Revised 54807
Code; 54808

(e) Maintained as a state institution for the mentally ill 54809
under Chapter 5119. of the Revised Code; 54810

(f) Licensed by the department of mental health under section 54811
5119.20 or 5119.22 of the Revised Code; 54812

(g) Licensed as a residential facility by the department of mental retardation and developmental disabilities under section 5123.19 of the Revised Code;	54813 54814 54815
(h) Operated by the veteran's administration or another agency of the United States government;	54816 54817
(i) The Ohio soldiers' and sailors' home.	54818
(2) A person is "in a correctional facility" if any of the following apply:	54819 54820
(a) The person is an Ohio resident and is:	54821
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	54822 54823
(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	54824 54825
(iii) Required, as a condition of parole, a post-release control sanction, a community control sanction, transitional control, or early release from imprisonment, as a condition of shock parole or shock probation granted under the law in effect prior to July 1, 1996, or as a condition of a furlough granted under the version of section 2967.26 of the Revised Code in effect prior to March 17, 1998, to reside in a halfway house or other community residential center licensed under section 2967.14 of the Revised Code or a similar facility designated by the court of common pleas that established the condition or by the adult parole authority.	54826 54827 54828 54829 54830 54831 54832 54833 54834 54835 54836
(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution but was an Ohio resident at the time the sentence was imposed for the crime for which the person is imprisoned.	54837 54838 54839 54840

(3) A person is "in a juvenile residential placement" if the	54841
person is an Ohio resident who is under twenty-one years of age	54842
and has been removed, by the order of a juvenile court, from the	54843
place the person resided at the time the person became subject to	54844
the court's jurisdiction in the matter that resulted in the	54845
person's removal.	54846
(4) "Community control sanction" has the same meaning as in	54847
section 2929.01 of the Revised Code.	54848
(5) "Post-release control sanction" has the same meaning as	54849
in section 2967.01 of the Revised Code.	54850
(B) If the circumstances described in division (C) of this	54851
section apply, the determination of what school district must	54852
admit a child to its schools and what district, if any, is liable	54853
for tuition shall be made in accordance with this section, rather	54854
than section 3313.64 of the Revised Code.	54855
(C) A child who does not reside in the school district in	54856
which the child's parent resides and for whom a tuition obligation	54857
previously has not been established under division (C)(2) of	54858
section 3313.64 of the Revised Code shall be admitted to the	54859
schools of the district in which the child resides if at least one	54860
of the child's parents is in a residential or correctional	54861
facility or a juvenile residential placement and the other parent,	54862
if living and not in such a facility or placement, is not known to	54863
reside in this state.	54864
(D) Regardless of who has custody or care of the child,	54865
whether the child resides in a home, or whether the child receives	54866
special education, if a district admits a child under division (C)	54867
of this section, tuition shall be paid to that district as	54868
follows:	54869

(1) If the child's parent is in a juvenile residential placement, by the district in which the child's parent resided at the time the parent became subject to the jurisdiction of the juvenile court;	54870 54871 54872 54873
(2) If the child's parent is in a correctional facility, by the district in which the child's parent resided at the time the sentence was imposed;	54874 54875 54876
(3) If the child's parent is in a residential facility, by the district in which the parent resided at the time the parent was admitted to the residential facility, except that if the parent was transferred from another residential facility, tuition shall be paid by the district in which the parent resided at the time the parent was admitted to the facility from which the parent first was transferred;	54877 54878 54879 54880 54881 54882 54883
(4) In the event of a disagreement as to which school district is liable for tuition under division (C)(1), (2), or (3) of this section, the superintendent of public instruction shall determine which district shall pay tuition.	54884 54885 54886 54887
(E) If a child covered by division (D) of this section receives special education in accordance with Chapter 3323. of the Revised Code, the tuition shall be paid in accordance with section 3323.13 or 3323.14 of the Revised Code. Tuition for children who do not receive special education shall be paid in accordance with division (J) of section 3313.64 of the Revised Code.	54888 54889 54890 54891 54892 54893
Sec. 3313.713. (A) As used in this section:	54894
(1) "Drug" means a drug, as defined in section 4729.01 of the Revised Code, that is to be administered pursuant to the instructions of the prescriber, whether or not required by law to be sold only upon a prescription.	54895 54896 54897 54898

(2) "Federal law" means the "Individuals with Disabilities
Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended.

(3) "Prescriber" has the same meaning as in section 4729.01
of the Revised Code.

(B) The board of education of each city, local, exempted
village, and joint vocational school district shall, not later
than one hundred twenty days after September 20, 1984, adopt a
policy on the authority of its employees, when acting in
situations other than those governed by sections 2305.23,
2305.231, and 3313.712 of the Revised Code, to administer drugs
prescribed to students enrolled in the schools of the district.
The policy shall provide either that:

(1) Except as otherwise required by federal law, no person
employed by the board shall, in the course of such employment,
administer any drug prescribed to any student enrolled in the
schools of the district.

(2) Designated persons employed by the board are authorized
to administer to a student a drug prescribed for the student.
Effective July 1, 2011, only employees of the board who are
licensed health professionals, or who have completed a drug
administration training program conducted by a licensed health
professional and considered appropriate by the board, may
administer to a student a drug prescribed for the student.
Except as otherwise provided by federal law, the board's policy
may provide that certain drugs or types of drugs shall not be
administered or that no employee, ~~or no employee without~~
~~appropriate training,~~ shall use certain procedures, such as
injection, to administer a drug to a student.

(C) No drug prescribed for a student shall be administered
pursuant to federal law or a policy adopted under division (B) of
this section until the following occur:

(1) The board, or a person designated by the board, receives a written request, signed by the parent, guardian, or other person having care or charge of the student, that the drug be administered to the student.	54930 54931 54932 54933
(2) The board, or a person designated by the board, receives a statement, signed by the prescriber, that includes all of the following information:	54934 54935 54936
(a) The name and address of the student;	54937
(b) The school and class in which the student is enrolled;	54938
(c) The name of the drug and the dosage to be administered;	54939
(d) The times or intervals at which each dosage of the drug is to be administered;	54940 54941
(e) The date the administration of the drug is to begin;	54942
(f) The date the administration of the drug is to cease;	54943
(g) Any severe adverse reactions that should be reported to the prescriber and one or more phone numbers at which the prescriber can be reached in an emergency;	54944 54945 54946
(h) Special instructions for administration of the drug, including sterile conditions and storage.	54947 54948
(3) The parent, guardian, or other person having care or charge of the student agrees to submit a revised statement signed by the prescriber to the board or a person designated by the board if any of the information provided by the prescriber pursuant to division (C)(2) of this section changes.	54949 54950 54951 54952 54953
(4) The person authorized by the board to administer the drug	54954

receives a copy of the statement required by division (C)(2) or
(3) of this section.

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(5) The drug is received by the person authorized to
administer the drug to the student for whom the drug is prescribed
in the container in which it was dispensed by the prescriber or a
licensed pharmacist.

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(6) Any other procedures required by the board are followed.

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(D) If a drug is administered to a student, the board of
education shall acquire and retain copies of the written requests
required by division (C)(1) and the statements required by
divisions (C)(2) and (3) of this section and shall ensure that by
the next school day following the receipt of any such statement a
copy is given to the person authorized to administer drugs to the
student for whom the statement has been received. The board, or a
person designated by the board, shall establish a location in each
school building for the storage of drugs to be administered under
this section and federal law. All such drugs shall be stored in
that location in a locked storage place, except that drugs that
require refrigeration may be kept in a refrigerator in a place not
commonly used by students.

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(E) No person who has been authorized by a board of education
to administer a drug and has a copy of the most recent statement
required by division (C)(2) or (3) of this section given to the
person in accordance with division (D) of this section prior to
administering the drug is liable in civil damages for
administering or failing to administer the drug, unless such
person acts in a manner that constitutes gross negligence or
wanton or reckless misconduct.

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(F) A board of education may designate a person or persons to
perform any function or functions in connection with a drug policy
adopted under this section either by name or by position,

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training, qualifications, or similar distinguishing factors. 54986

Nothing in this section shall be construed to require a 54987
person employed by a board of education to administer a drug to a 54988
student unless the board's policy adopted in compliance with this 54989
section establishes such a requirement. A board shall not require 54990
an employee to administer a drug to a student if the employee 54991
objects, on the basis of religious convictions, to administering 54992
the drug. 54993

A policy adopted by a board of education pursuant to this 54994
section may be changed, modified, or revised by action of the 54995
board. 54996

Nothing in this section affects the application of section 54997
2305.23, 2305.231, or 3313.712 of the Revised Code to the 54998
administration of emergency care or treatment to a student. 54999

Sec. 3313.719. The board of education of each city, local, 55000
exempted village, and joint vocational school district and the 55001
governing authority of each chartered nonpublic school shall 55002
establish a written policy with respect to protecting students 55003
with peanut or other food allergies. The policy shall be developed 55004
in consultation with parents, school nurses and other school 55005
employees, school volunteers, students, and community members. 55006

Sec. 3313.174. **Sec. 3313.82.** The board of education of each city 55007
and exempted village school district and the governing board of 55008
each educational service center shall appoint a business advisory 55009
council. The council shall advise and provide recommendations to 55010
the board on matters specified by the board including, but not 55011
necessarily limited to, the delineation of employment skills and 55012
the development of curriculum to instill these skills; changes in 55013
the economy and in the job market, and the types of employment in 55014
which future jobs are most likely to be available; and 55015
suggestions for developing a working relationship among 55016

businesses, labor organizations, and educational personnel in the 55017
district or in the territory of the educational service center. 55018
Each board shall determine the membership and organization of its 55019
council. Notwithstanding division (D) of section 3311.19 and 55020
division (D) of section 3311.52 of the Revised Code, this section 55021
shall not apply to the board of education of any joint vocational 55022
school district or any cooperative education school district 55023
created pursuant to divisions (A) to (C) of section 3311.52 of 55024
the Revised Code. 55025

Sec. 3313.821. (A) The board of education of each school 55026
district shall appoint a family and civic engagement team. Each 55027
team shall do the following: 55028

(1) Work with local county family and children first councils 55029
established under section 121.37 of the Revised Code to recommend 55030
to the board qualifications and responsibilities to be included in 55031
the job descriptions for school family and civic engagement 55032
coordinators; 55033

(2) Develop five-year family and civic engagement plans; 55034

(3) Provide annual progress reports on the development and 55035
implementation of the plan. The board shall submit the plan and 55036
annual progress reports to the county family and children first 55037
council. 55038

(4) Advise and provide recommendations to the board on 55039
matters specified by the board. 55040

(B) Each board shall determine the membership and 55041
organization of its family and civic engagement team, provided 55042
that it shall include parents, community representatives, health 55043
and human service representatives, business representatives, and 55044
any other representatives identified by the board. 55045

(C) Notwithstanding section 3311.055 of the Revised Code, 55046
this section does not apply to the governing board of an 55047
educational service center. 55048

(D) The governing authority of any community school 55049
established under Chapter 3314. of the Revised Code or the 55050
governing body of any STEM school established under Chapter 3326. 55051
of the Revised Code may appoint a family and civic engagement team 55052
in accordance with this section. 55053

Sec. 3313.822. As an alternative to appointing both a 55054
business advisory council and a family and civic engagement team, 55055
the board of education of a city or exempted village school 55056
district may appoint one committee that functions as both. A 55057
committee appointed under this section shall perform all 55058
functions required of a business advisory council under section 55059
3313.82 of the Revised Code and of a family and civic engagement 55060
team under section 3313.821 of the Revised Code. Each board 55061
shall determine the membership and organization of its committee, 55062
provided the membership shall comply with the requirements of 55063
division (B) of section 3313.821 of the Revised Code. 55064

Sec. 3313.83. (A)(1) For the purpose of pooling resources, 55065
operating more cost effectively, minimizing administrative 55066
overhead, encouraging the sharing of resource development, and 55067
diminishing duplication, the boards of education of two or more 55068
city, local, or exempted village school districts each having a 55069
majority of its territory in a county with a population greater 55070
than one million two hundred thousand, by adopting identical 55071
resolutions, may enter into an agreement providing for the 55072
creation of a regional student education district for the purpose 55073
of funding the following for students enrolled in those school 55074
districts, including students diagnosed as autistic and students 55075
with special needs, and their immediate family members: 55076

<u>(a) Special education services;</u>	55077
<u>(b) Behavioral health services for persons with special needs.</u>	55078 55079
<u>If more than eight boards of education adopt resolutions to form a regional student education district, the boards may meet at facilities of the educational service center of the county to discuss membership in the district.</u>	55080 55081 55082 55083
<u>(2) The territory of a regional student education district at any time shall be composed of the combined territories of the school districts that are parties to the agreement at that time. Services funded by a regional student education district shall be available to all individuals enrolled in a school district that is a part of the regional student education district and members of their immediate family.</u>	55084 55085 55086 55087 55088 55089 55090
<u>(3) The agreement may be amended pursuant to terms and procedures mutually agreed to by the boards of education that are parties to the agreement.</u>	55091 55092 55093
<u>(B) Each regional student education district shall be governed by a board of directors. The superintendent of each board of education that is a party to the agreement shall serve on the board of directors. The agreement shall provide for the terms of office of directors. Directors shall receive no compensation, but shall be reimbursed, from the special fund of the regional student education district, for the reasonable and necessary expenses they incur in the performance of their duties for the district. The agreement shall provide for the conduct of the board's initial organizational meeting and for the frequency of subsequent meetings and quorum requirements. At its first meeting, the board shall designate from among its members a president and secretary in the manner provided in the agreement.</u>	55094 55095 55096 55097 55098 55099 55100 55101 55102 55103 55104 55105 55106

The board of directors of a regional student education district is a body corporate and politic, is capable of suing and being sued, is capable of contracting within the limits of this section and the agreement governing the district, and is capable of accepting gifts, donations, bequests, or other grants of money for use in paying its expenses. The district is a public office and its directors are public officials within the meaning of section 117.01 of the Revised Code, the board of directors is a public body within the meaning of section 121.22 of the Revised Code, and records of the board and of the district are public records within the meaning of section 149.43 of the Revised Code.

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The agreement shall require the board to designate a permanent location for its offices and meeting place, and may provide for the use of such facilities and property for the provision of services by the agencies with which the board contracts under division (C) of this section.

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(C)(1) To provide the services identified in division (A)(1) of this section, the board of directors of a regional student education district shall provide for the hiring of employees or shall contract with one or more entities. Except as provided in division (C)(2) of this section, any entity with which the board of directors contracts to provide the services identified in division (A)(1)(b) of this section shall be a qualified nonprofit, nationally accredited agency to which both of the following apply:

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(a) The agency is licensed or certified by the departments of mental health, job and family services, and alcohol and drug addiction services.

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(b) The agency provides school-based behavioral health services.

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(2) The board of directors may contract with an entity that

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does not meet the conditions stated in division (C)(1) of this 55138
section if the services to be provided by the entity are only 55139
incidental to the services identified in division (A)(1)(b) of 55140
this section. 55141

(3) The board of directors may levy a tax throughout the 55142
district as provided in section 5705.2111 of the Revised Code. The 55143
board of directors shall provide for the creation of a special 55144
fund to hold the proceeds of any tax levied under section 55145
5705.2111 of the Revised Code and any gifts, donations, bequests, 55146
or other grants of money coming into the possession of the 55147
district. A regional student education district is a subdivision, 55148
and the board of directors is a governing body, within the 55149
meaning of section 135.01 of the Revised Code. The board of 55150
directors may not issue securities or otherwise incur 55151
indebtedness. 55152

(4) The adoption or rejection by electors of a tax levy to 55153
fund a regional student education district pursuant to section 55154
5705.2111 of the Revised Code does not alter the duty of each 55155
school district member of the regional student education district 55156
to provide special education and related services as required 55157
under Chapter 3323. of the Revised Code. On the expiration of a 55158
regional student education district levy, the state, member 55159
school districts of the regional student education district, and 55160
any other governmental entity shall not be obligated to provide 55161
replacement funding for the revenues under the expired levy. The 55162
tax levy, in whole or in part, shall not be considered a levy for 55163
current operating expenses pursuant to division (A) of section 55164
3317.01 of the Revised Code for any of the school districts that 55165
are members of the regional student education district. 55166

(D)(1) The agreement shall provide for the manner of 55167
appointing an individual or entity to perform the duties of fiscal 55168
officer of the regional student education district. The agreement 55169

shall specify the length of time the individual or entity shall 55170
perform those duties and whether the individual or entity may be 55171
reappointed upon the completion of a term. The fiscal officer may 55172
receive compensation for performing the duties of the position and 55173
be reimbursed for reasonable expenses of performing those duties 55174
from the regional student education district's special fund. 55175

(2) The legal advisor of the board of directors of a regional 55176
student education district shall be the prosecuting attorney of 55177
the most populous county containing a school district that is a 55178
member of the regional student education district. The 55179
prosecuting attorney shall prosecute all actions against a member 55180
of the board of directors for malfeasance or misfeasance in 55181
office and shall be the legal counsel for the board and its 55182
members in all other actions brought by or against them and shall 55183
conduct those actions in the prosecuting attorney's official 55184
capacity. No compensation in addition to the prosecuting 55185
attorney's regular salary shall be allowed. 55186

(E) The board of directors of a regional student education 55187
district shall procure a policy or policies of insurance insuring 55188
the board, the fiscal officer, and the legal representative 55189
against liability on account of damage or injury to persons and 55190
property. Before procuring such insurance the board shall adopt a 55191
resolution setting forth the amount of insurance to be purchased, 55192
the necessity of the insurance, and a statement of its estimated 55193
premium cost. Insurance procured pursuant to this section shall be 55194
from one or more recognized insurance companies authorized to do 55195
business in this state. The cost of the insurance shall be paid 55196
from the district's special fund. 55197

A regional student education district is a political 55198
subdivision within the meaning of section 2744.01 of the Revised 55199
Code. 55200

(F)(1) The board of education of a school district having a 55201

majority of its territory in the county may join an existing 55202
regional student education district by adopting a resolution 55203
requesting to join as a party to the agreement and upon approval 55204
by the boards of education that currently are parties to the 55205
agreement. If a tax is levied in the regional student education 55206
district under section 5705.2111 of the Revised Code, a board of 55207
education may join the district only after a majority of qualified 55208
electors in the school district voting on the question vote in 55209
favor of levying the tax throughout the school district. A board 55210
of education joining an existing district shall have the same 55211
powers, rights, and obligations under the agreement as other 55212
boards of education that are parties to the agreement. 55213

(2) A board of education that is a party to an agreement 55214
under this section may withdraw the school district from a 55215
regional student education district by adopting a resolution. The 55216
withdrawal shall take effect on the date provided in the 55217
resolution. If a tax is levied in the regional student education 55218
district under section 5705.2111 of the Revised Code, the 55219
resolution shall take effect not later than the first day of 55220
January following adoption of the resolution. Beginning with the 55221
first day of January following adoption of the resolution, any 55222
tax levied under section 5705.2111 of the Revised Code shall not 55223
be levied within the territory of the withdrawing school 55224
district. Any collection of tax levied in the territory of the 55225
withdrawing school district under that section that has not been 55226
settled and distributed when the resolution takes effect shall be 55227
credited to the district's special fund. 55228

(G) An agreement entered into under this section shall 55229
provide for the manner of the regional student education 55230
district's dissolution. The district shall cease to exist when 55231
not more than one school district remains in the district, and 55232
the levy of any tax under section 5705.2111 of the Revised Code 55233
shall not be extended on the tax lists in any tax year beginning 55234

after the dissolution of the district. The agreement shall 55235
provide that, upon dissolution of the district, any unexpended 55236
balance in the district's special fund shall be divided among the 55237
school districts that are parties to the agreement immediately 55238
before dissolution in proportion to the taxable valuation of 55239
taxable property in the districts, and credited to their 55240
respective general funds. 55241

Sec. 3313.843. (A) Notwithstanding division (D) of section 55242
3311.52 of the Revised Code, this section does not apply to either 55243
of the following: 55244

(1) Any cooperative education school district; 55245

(2) Any city or exempted village school district with a total 55246
student count of thirteen thousand or more determined pursuant to 55247
section 3317.03 of the Revised Code that has not entered into one 55248
or more agreements pursuant to this section prior to July 1, 1993, 55249
unless the district's total student count did not exceed thirteen 55250
thousand at the time it entered into an initial agreement under 55251
this section. 55252

(B) The board of education of a city or exempted village 55253
school district and the governing board of an educational service 55254
center may enter into an agreement, through adoption of identical 55255
resolutions, under which the educational service center governing 55256
board will provide services to the city or exempted village school 55257
district. 55258

Services provided under the agreement shall be specified in 55259
the agreement, and may include any one or a combination of the 55260
following: supervisory teachers; in-service and continuing 55261
education programs for city or exempted village school district 55262
personnel; curriculum services as provided to the local school 55263
districts under the supervision of the service center governing 55264
board; research and development programs; academic instruction for 55265

which the governing board employs teachers pursuant to section 55266
3319.02 of the Revised Code; and assistance in the provision of 55267
special accommodations and classes for students with 55268
disabilities. Services included in the agreement shall be provided 55269
to the city or exempted village district in the same manner they 55270
are provided to local school districts under the governing board's 55271
supervision, unless otherwise specified in the agreement. The city 55272
or exempted village board of education shall reimburse the 55273
educational service center governing board pursuant to section 55274
3317.11 of the Revised Code. 55275

(C) If an educational service center received funding under 55276
division (B) of former section 3317.11 or division (F) of section 55277
3317.11 of the Revised Code for an agreement under this section 55278
involving a city school district whose total student count was 55279
less than thirteen thousand, the service center may continue to 55280
receive funding under that division for such an agreement in any 55281
subsequent year if the city district's total student count exceeds 55282
thirteen thousand. However, only the first thirteen thousand 55283
pupils in the formula ADM of such district shall be included in 55284
determining the amount of the per pupil subsidy the service center 55285
shall receive under division (F) of section 3317.11 of the Revised 55286
Code. 55287

(D) Any If an educational service center that has received 55288
funding under division (F) of section 3317.11 of the Revised Code, 55289
or under division (B) of former section 3317.11 of the Revised 55290
Code as it existed prior to September 26, 2003, for services 55291
provided to a city or exempted village school district pursuant to 55292
an agreement entered into under this section is dissolved or is 55293
scheduled to be dissolved under section 3311.0510 of the Revised 55294
Code, the city or exempted village school district that entered 55295
into that agreement with the service center may enter into a new 55296
agreement under this section with another service center for the 55297
same or similar services. In that case, the other service center 55298

shall receive funding under division (F) of section 3317.11 of the 55299
Revised Code for services to that district for any subsequent year 55300
that the new agreement is in force. An agreement entered into 55301
under this division shall be effective on the first day of July 55302
following the date both the service center governing board and the 55303
city or exempted village school district board approved the 55304
agreement, unless the agreement is so approved after the initial 55305
service center is dissolved, in which case the agreement shall be 55306
effective on the date that both boards have approved the 55307
agreement. 55308

(E) Except for an agreement under division (D) of this 55309
section that is approved by the boards of the district and the new 55310
service center after the initial service center is dissolved, any 55311
agreement entered into pursuant to this section shall be valid 55312
only if a copy is filed with the department of education by the 55313
first day of the school year for which the agreement is in effect. 55314
An agreement under division (D) of this section that is approved 55315
by the boards of the district and the new service center after the 55316
initial service center is dissolved shall be valid only if a copy 55317
is filed with the department within ten days after both boards 55318
have approved the agreement. 55319

Sec. 3313.86. The board of education of each city, exempted 55320
village, local, and joint vocational school district and the 55321
governing authority of each chartered nonpublic school 55322
periodically shall review its policies and procedures to ensure 55323
the safety of students, employees, and other persons using a 55324
school building from any known hazards in the building or on 55325
building grounds that, in the judgment of the board or governing 55326
authority, pose an immediate risk to health or safety. The board 55327
or governing authority shall further ensure that its policies and 55328
procedures comply with all federal laws and regulations regarding 55329
health and safety applicable to school buildings. 55330

Sec. 3313.976. (A) No private school may receive	55331
scholarship payments from parents pursuant to section 3313.979 of	55332
the Revised Code until the chief administrator of the private	55333
school registers the school with the superintendent of public	55334
instruction. The state superintendent shall register any school	55335
that meets the following requirements:	55336
 (1) The school is located within the boundaries of the pilot	55337
project school district;	55338
 (2) The school indicates in writing its commitment to follow	55339
all requirements for a state-sponsored scholarship program	55340
specified under sections 3313.974 to 3313.979 of the Revised Code,	55341
including, but not limited to, the requirements for admitting	55342
students pursuant to section 3313.977 of the Revised Code;	55343
 (3) The school meets all state minimum standards for	55344
chartered nonpublic schools in effect on July 1, 1992, except that	55345
the state superintendent at the superintendent's discretion may	55346
register nonchartered nonpublic schools meeting the other	55347
requirements of this division;	55348
 (4) The school does not discriminate on the basis of race,	55349
religion, or ethnic background;	55350
 (5) The school enrolls a minimum of ten students per class or	55351
a sum of at least twenty-five students in all the classes offered;	55352
 (6) The school does not advocate or foster unlawful behavior	55353
or teach hatred of any person or group on the basis of race,	55354
ethnicity, national origin, or religion;	55355
 (7) The school does not provide false or misleading	55356
information about the school to parents, students, or the general	55357
public;	55358

(8) For students in grades kindergarten through eight, the school agrees not to charge any tuition to low-income families receiving ninety per cent of the scholarship amount through the scholarship program, pursuant to division (A) of section 3313.978 of the Revised Code, in excess of ten per cent of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit any such tuition, at the discretion of the parent, to be satisfied by the low-income family's provision of in-kind contributions or services.

(9) For students in grades kindergarten through eight, the school agrees not to charge any tuition to low-income families receiving a seventy-five per cent scholarship amount through the scholarship program, pursuant to division (A) of section 3313.978 of the Revised Code, in excess of the difference between the actual tuition charge of the school and seventy-five per cent of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the low-income family's provision of in-kind contributions or services.

(10) The school agrees not to charge any tuition to families of students in grades nine through twelve receiving a scholarship in excess of the actual tuition charge of the school less seventy-five or ninety per cent of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, as applicable, excluding any increase described in division (C)(2) of that section.

(11) Notwithstanding division (K) of section 3301.0711 of the Revised Code, the school annually administers the assessments prescribed by section 3301.0710 of the Revised Code to each

scholarship student enrolled in the school in accordance with 55391
section 3301.0711 of the Revised Code and reports to the 55392
department of education the results of each such assessment 55393
administered to each scholarship student. 55394

(B) The state superintendent shall revoke the registration of 55395
any school if, after a hearing, the superintendent determines that 55396
the school is in violation of any of the provisions of division 55397
(A) of this section. 55398

(C) Any public school located in a school district adjacent 55399
to the pilot project district may receive scholarship payments on 55400
behalf of parents pursuant to section 3313.979 of the Revised Code 55401
if the superintendent of the district in which such public school 55402
is located notifies the state superintendent prior to the first 55403
day of March that the district intends to admit students from the 55404
pilot project district for the ensuing school year pursuant to 55405
section 3327.06 of the Revised Code. 55406

(D) Any parent wishing to purchase tutorial assistance from 55407
any person or governmental entity pursuant to the pilot project 55408
program under sections 3313.974 to 3313.979 of the Revised Code 55409
shall apply to the state superintendent. The state superintendent 55410
shall approve providers who appear to possess the capability of 55411
furnishing the instructional services they are offering to 55412
provide. 55413

Sec. 3313.978. (A) Annually by the first day of November, 55414
the superintendent of public instruction shall notify the pilot 55415
project school district of the number of initial scholarships that 55416
the state superintendent will be awarding in each of grades 55417
kindergarten through eight. 55418

The state superintendent shall provide information about the 55419
scholarship program to all students residing in the district, 55420
shall accept applications from any such students until such date 55421

as shall be established by the state superintendent as a deadline 55422
for applications, and shall establish criteria for the selection 55423
of students to receive scholarships from among all those applying 55424
prior to the deadline, which criteria shall give preference to 55425
students from low-income families. For each student selected, the 55426
state superintendent shall also determine whether the student 55427
qualifies for seventy-five or ninety per cent of the scholarship 55428
amount. Students whose family income is at or above two hundred 55429
per cent of the maximum income level established by the state 55430
superintendent for low-income families shall qualify for 55431
seventy-five per cent of the scholarship amount and students whose 55432
family income is below two hundred per cent of that maximum income 55433
level shall qualify for ninety per cent of the scholarship amount. 55434
The state superintendent shall notify students of their selection 55435
prior to the fifteenth day of January and whether they qualify for 55436
seventy-five or ninety per cent of the scholarship amount. 55437

(1) A student receiving a pilot project scholarship may 55438
utilize it at an alternative public school by notifying the 55439
district superintendent, at any time before the beginning of the 55440
school year, of the name of the public school in an adjacent 55441
school district to which the student has been accepted pursuant to 55442
section 3327.06 of the Revised Code. 55443

(2) A student may decide to utilize a pilot project 55444
scholarship at a registered private school in the district if all 55445
of the following conditions are met: 55446

(a) By the fifteenth day of February of the preceding school 55447
year, or at any time prior to the start of the school year, the 55448
parent makes an application on behalf of the student to a 55449
registered private school. 55450

(b) The registered private school notifies the parent and the 55451
state superintendent as follows that the student has been 55452
admitted: 55453

(i) By the fifteenth day of March of the preceding school year if the student filed an application by the fifteenth day of February and was admitted by the school pursuant to division (A) of section 3313.977 of the Revised Code;	55454 55455 55456 55457
(ii) Within one week of the decision to admit the student if the student is admitted pursuant to division (C) of section 3313.977 of the Revised Code.	55458 55459 55460
(c) The student actually enrolls in the registered private school to which the student was first admitted or in another registered private school in the district or in a public school in an adjacent school district.	55461 55462 55463 55464
(B) The state superintendent shall also award in any school year tutorial assistance grants to a number of students equal to the number of students who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded solely to students who are enrolled in the public schools of the district in a grade level covered by the pilot project. Tutorial assistance grants may be used solely to obtain tutorial assistance from a provider approved pursuant to division (D) of section 3313.976 of the Revised Code.	55465 55466 55467 55468 55469 55470 55471 55472 55473
All students wishing to obtain tutorial assistance grants shall make application to the state superintendent by the first day of the school year in which the assistance will be used. The state superintendent shall award assistance grants in accordance with criteria the superintendent shall establish. For each student awarded a grant, the state superintendent shall also determine whether the student qualifies for seventy-five or ninety per cent of the grant amount and so notify the student. Students whose family income is at or above two hundred per cent of the maximum income level established by the state superintendent for low-income families shall qualify for seventy-five per cent of the	55474 55475 55476 55477 55478 55479 55480 55481 55482 55483 55484

grant amount and students whose family income is below two hundred 55485
per cent of that maximum income level shall qualify for ninety per 55486
cent of the grant amount. 55487

(C)(1) In the case of basic scholarships for students in 55488
grades kindergarten through eight, the scholarship amount shall 55489
not exceed the lesser of the tuition charges of the alternative 55490
school the scholarship recipient attends or three thousand 55491
dollars before fiscal year 2007 and three thousand four hundred 55492
fifty dollars in fiscal year 2007 and thereafter. 55493

In the case of basic scholarships for students in grades nine 55494
through twelve, the scholarship amount shall not exceed the lesser 55495
of the tuition charges of the alternative school the scholarship 55496
recipient attends or two thousand seven hundred dollars before 55497
fiscal year 2007 and three thousand four hundred fifty dollars in 55498
fiscal year 2007 and thereafter. 55499

(2) The state superintendent shall provide for an increase in 55500
the basic scholarship amount in the case of any student who is a 55501
mainstreamed student with a disability and shall further increase 55502
such amount in the case of any separately educated student with a 55503
disability. Such increases shall take into account the 55504
instruction, related services, and transportation costs of 55505
educating such students. 55506

(3) In the case of tutorial assistance grants, the grant 55507
amount shall not exceed the lesser of the provider's actual 55508
charges for such assistance or: 55509

(a) Before fiscal year 2007, a percentage established by the 55510
state superintendent, not to exceed twenty per cent, of the amount 55511
of the pilot project school district's average basic scholarship 55512
amount; 55513

(b) In fiscal year 2007 and thereafter, four hundred dollars. 55514

(4) No scholarship or tutorial assistance grant shall be
awarded unless the state superintendent determines that
twenty-five or ten per cent, as applicable, of the amount
specified for such scholarship or grant pursuant to division
(C)(1), (2), or (3) of this section will be furnished by a
political subdivision, a private nonprofit or for profit entity,
or another person. Only seventy-five or ninety per cent of such
amounts, as applicable, shall be paid from state funds pursuant to
section 3313.979 of the Revised Code.

(D)(1) Annually by the first day of November, the state
superintendent shall estimate the maximum per-pupil scholarship
amounts for the ensuing school year. The state superintendent
shall make this estimate available to the general public at the
offices of the district board of education together with the forms
required by division (D)(2) of this section.

(2) Annually by the fifteenth day of January, the chief
administrator of each registered private school located in the
pilot project district and the principal of each public school in
such district shall complete a parental information form and
forward it to the president of the board of education. The
parental information form shall be prescribed by the department of
education and shall provide information about the grade levels
offered, the numbers of students, tuition amounts, achievement
test results, and any sectarian or other organizational
affiliations.

(E)(1) Only for the purpose of administering the pilot
project scholarship program, the department may request from any
of the following entities the data verification code assigned
under division (D)(2) of section 3301.0714 of the Revised Code to
any student who is seeking a scholarship under the program:

(a) The school district in which the student is entitled to

attend school under section 3313.64 or 3313.65 of the Revised Code;	55546 55547
(b) If applicable, the community school in which the student is enrolled;	55548 55549
(c) The independent contractor engaged to create and maintain data verification codes.	55550 55551
(2) Upon a request by the department under division (E)(1) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that student and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the student by the specified date, the department shall assign a code to the student.	55552 55553 55554 55555 55556 55557 55558 55559 55560 55561 55562 55563
The department annually shall submit to each school district the name and data verification code of each student residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division.	55564 55565 55566 55567 55568
(3) The department shall not release any data verification code that it receives under division (E) of this section to any person except as provided by law.	55569 55570 55571
(F) Any document relative to the pilot project scholarship program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record	55572 55573 55574 55575

under section 149.43 of the Revised Code.	55576
<u>(G)(1) The department annually shall compile the scores</u>	55577
<u>attained by scholarship students enrolled in registered private</u>	55578
<u>schools on the assessments administered to the students pursuant</u>	55579
<u>to division (A)(11) of section 3313.976 of the Revised Code. The</u>	55580
<u>scores shall be aggregated as follows:</u>	55581
<u>(a) By school district, which shall include all scholarship</u>	55582
<u>students residing in the pilot project school district who are</u>	55583
<u>enrolled in a registered private school and were required to take</u>	55584
<u>an assessment pursuant to division (A)(11) of section 3313.976 of</u>	55585
<u>the Revised Code;</u>	55586
<u>(b) By registered private school, which shall include all</u>	55587
<u>scholarship students enrolled in that school who were required to</u>	55588
<u>take an assessment pursuant to division (A)(11) of section</u>	55589
<u>3313.976 of the Revised Code.</u>	55590
<u>(2) The department shall disaggregate the student performance</u>	55591
<u>data described in division (G)(1) of this section according to the</u>	55592
<u>following categories:</u>	55593
<u>(a) Age;</u>	55594
<u>(b) Race and ethnicity;</u>	55595
<u>(c) Gender;</u>	55596
<u>(d) Students who have participated in the scholarship program</u>	55597
<u>for three or more years;</u>	55598
<u>(e) Students who have participated in the scholarship program</u>	55599
<u>for more than one year and less than three years;</u>	55600
<u>(f) Students who have participated in the scholarship program</u>	55601
<u>for one year or less;</u>	55602

<u>(g) Economically disadvantaged students.</u>	55603
<u>(3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of this section. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.</u>	55604 55605 55606 55607 55608 55609 55610 55611 55612 55613
<u>(4) The department shall provide the parent of each scholarship student enrolled in a registered private school with information comparing the student's performance on the assessments administered pursuant to division (A)(11) of section 3313.976 of the Revised Code with the average performance of similar students enrolled in the building operated by the pilot project school district that the scholarship student would otherwise attend. In calculating the performance of similar students, the department shall consider age, grade, race and ethnicity, gender, and socioeconomic status.</u>	55614 55615 55616 55617 55618 55619 55620 55621 55622 55623
Sec. 3313.98. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, the provisions of this section and sections 3313.981 to 3313.983 of the Revised Code that apply to a city school district do not apply to a joint vocational or cooperative education school district unless expressly specified.	55624 55625 55626 55627 55628 55629
(A) As used in this section and sections 3313.981 to 3313.983 of the Revised Code:	55630 55631
(1) "Parent" means either of the natural or adoptive parents	55632

of a student, except under the following conditions:	55633
(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student, "parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree.	55634 55635 55636 55637 55638 55639 55640 55641 55642
(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student, "parent" means the legal custodian of the child.	55643 55644 55645 55646
(c) When a court has appointed a guardian for the student, "parent" means the guardian of the student.	55647 55648
(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section.	55649 55650 55651
(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section.	55652 55653 55654
(4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district.	55655 55656 55657
(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and who also enrolls in a joint vocational school district that does not	55658 55659 55660 55661

contain the territory of the district for which that student is a	55662
native student and does contain the territory of the city,	55663
exempted village, or local district in which the student enrolls.	55664
(6) "Formula amount" has the same meaning as in section	55665
3317.02 of the Revised Code.	55666
(7) "Adjusted formula amount" means the sum of the formula	55667
amount plus the per pupil amount of the base funding supplements	55668
specified in divisions (C)(1) to (4) of section 3317.012 of the	55669
Revised Code <u>for fiscal year 2009</u> .	55670
(8) "Poverty line" means the poverty line established by the	55671
director of the United States office of management and budget as	55672
revised by the director of the office of community services in	55673
accordance with section 673(2) of the "Community Services Block	55674
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended.	55675
(9) "IEP" has the same meaning as in section 3323.01 of the	55676
Revised Code.	55677
(10) "Other district" means a city, exempted village, or	55678
local school district having territory outside of the territory of	55679
a district adopting a resolution under this section.	55680
(11) "Other district student" means a student entitled under	55681
section 3313.64 or 3313.65 of the Revised Code to attend school in	55682
an other district.	55683
(12) "Other district joint vocational student" means a	55684
student who is enrolled in any city, exempted village, or local	55685
school district and who also enrolls in a joint vocational school	55686
district that does not contain the territory of the district for	55687
which that student is a native student in accordance with a policy	55688
adopted under section 3313.983 of the Revised Code.	55689

(B)(1) The board of education of each city, local, and	55690
exempted village school district shall adopt a resolution	55691
establishing for the school district one of the following	55692
policies:	55693
(a) A policy that entirely prohibits the enrollment of	55694
students from adjacent districts or other districts, other than	55695
students for whom tuition is paid in accordance with section	55696
3317.08 of the Revised Code;	55697
(b) A policy that permits enrollment of students from all	55698
adjacent districts in accordance with policy statements contained	55699
in the resolution;	55700
(c) A policy that permits enrollment of students from all	55701
other districts in accordance with policy statements contained in	55702
the resolution.	55703
(2) A policy permitting enrollment of students from adjacent	55704
or from other districts, as applicable, shall provide for all of	55705
the following:	55706
(a) Application procedures, including deadlines for	55707
application and for notification of students and the	55708
superintendent of the applicable district whenever an adjacent or	55709
other district student's application is approved.	55710
(b) Procedures for admitting adjacent or other district	55711
applicants free of any tuition obligation to the district's	55712
schools, including, but not limited to:	55713
(i) The establishment of district capacity limits by grade	55714
level, school building, and education program;	55715
(ii) A requirement that all native students wishing to be	55716
enrolled in the district will be enrolled and that any adjacent or	55717

other district students previously enrolled in the district shall	55718
receive preference over first-time applicants;	55719
(iii) Procedures to ensure that an appropriate racial balance	55720
is maintained in the district schools.	55721
(C) Except as provided in section 3313.982 of the Revised	55722
Code, the procedures for admitting adjacent or other district	55723
students, as applicable, shall not include:	55724
(1) Any requirement of academic ability, or any level of	55725
athletic, artistic, or other extracurricular skills;	55726
(2) Limitations on admitting applicants because of	55727
disability, except that a board may refuse to admit a student	55728
receiving services under Chapter 3323. of the Revised Code, if	55729
the services described in the student's IEP are not available in	55730
the district's schools;	55731
(3) A requirement that the student be proficient in the	55732
English language;	55733
(4) Rejection of any applicant because the student has been	55734
subject to disciplinary proceedings, except that if an applicant	55735
has been suspended or expelled by the student's district for ten	55736
consecutive days or more in the term for which admission is sought	55737
or in the term immediately preceding the term for which admission	55738
is sought, the procedures may include a provision denying	55739
admission of such applicant.	55740
(D)(1) Each school board permitting only enrollment of	55741
adjacent district students shall provide information about the	55742
policy adopted under this section, including the application	55743
procedures and deadlines, to the superintendent and the board of	55744
education of each adjacent district and, upon request, to the	55745
parent of any adjacent district student.	55746

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.	55747 55748 55749 55750 55751
(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.	55752 55753 55754
(F)(1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:	55755 55756 55757 55758
(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.	55759 55760 55761
(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).	55762 55763 55764 55765 55766 55767 55768
(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. An adjacent or other district enrolling such students may not receive funding for those students in accordance with section 3313.981 of the Revised Code.	55769 55770 55771 55772 55773 55774 55775

(G) The state board of education shall monitor school districts to ensure compliance with this section and the districts' policies. The board may adopt rules requiring uniform application procedures, deadlines for application, notification procedures, and record-keeping requirements for all school boards that adopt policies permitting the enrollment of adjacent or other district students, as applicable. If the state board adopts such rules, no school board shall adopt a policy that conflicts with those rules.

(H) A resolution adopted by a board of education under this section that entirely prohibits the enrollment of students from adjacent and from other school districts does not abrogate any agreement entered into under section 3313.841 or 3313.92 of the Revised Code or any contract entered into under section 3313.90 of the Revised Code between the board of education adopting the resolution and the board of education of any adjacent or other district or prohibit these boards of education from entering into any such agreement or contract.

(I) Nothing in this section shall be construed to permit or require the board of education of a city, exempted village, or local school district to exclude any native student of the district from enrolling in the district.

Sec. 3313.981. (A) The state board of education shall adopt rules requiring all of the following:

(1) The board of education of each city, exempted village, and local school district to annually report to the department of education all of the following:

(a) The number of adjacent district or other district students, as applicable, and adjacent district or other district joint vocational students, as applicable, enrolled in the district and the number of native students enrolled in adjacent or other

districts, in accordance with a policy adopted under division (B)	55807
of section 3313.98 of the Revised Code;	55808
(b) Each adjacent district or other district student's or	55809
adjacent district or other district joint vocational student's	55810
date of enrollment in the district;	55811
(c) The full-time equivalent number of adjacent district or	55812
other district students enrolled in vocational education programs	55813
or classes described in division (A) of section 3317.014 of the	55814
Revised Code and the full-time equivalent number of such students	55815
enrolled in vocational education programs or classes described in	55816
division (B) of that section;	55817
(d) Each native student's date of enrollment in an adjacent	55818
or other district.	55819
(2) The board of education of each joint vocational school	55820
district to annually report to the department all of the	55821
following:	55822
(a) The number of adjacent district or other district joint	55823
vocational students, as applicable, enrolled in the district;	55824
(b) The full-time equivalent number of adjacent district or	55825
other district joint vocational students enrolled in vocational	55826
education programs or classes described in division (A) of section	55827
3317.014 of the Revised Code and the full-time equivalent number	55828
of such students enrolled in vocational education programs or	55829
classes described in division (B) of that section;	55830
(c) For each adjacent district or other district joint	55831
vocational student, the city, exempted village, or local school	55832
district in which the student is also enrolled.	55833
(3) Prior to the first full school week in October each year,	55834

the superintendent of each city, local, or exempted village school district that admits adjacent district or other district students or adjacent district or other district joint vocational students in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code to notify each adjacent or other district where those students are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code of the number of the adjacent or other district's native students who are enrolled in the superintendent's district under the policy.

The rules shall provide for the method of counting students who are enrolled for part of a school year in an adjacent or other district or as an adjacent district or other district joint vocational student.

(B) From the payments made to a city, exempted village, or local school district under Chapter ~~3317~~3306 of the Revised Code, the department of education shall annually subtract both of the following:

(1) An amount equal to the number of the district's native students reported under division (A)(1) of this section who are enrolled in adjacent or other school districts pursuant to policies adopted by such districts under division (B) of section 3313.98 of the Revised Code multiplied by the adjusted formula amount ~~for the district~~;

(2) The excess costs computed in accordance with division (E) of this section for any such native students receiving special education and related services in adjacent or other school districts or as an adjacent district or other district joint vocational student;

(3) For the full-time equivalent number of the district's native students reported under division (A)(1)(c) or (2)(b) of this section as enrolled in vocational education programs or

classes described in section 3317.014 of the Revised Code, an 55866
amount equal to the formula amount times the applicable multiple 55867
prescribed by that section. 55868

(C) To the payments made to a city, exempted village, or 55869
local school district under Chapter ~~3317.3306~~ of the Revised 55870
Code, the department of education shall annually add all of the 55871
following: 55872

(1) An amount equal to the adjusted formula amount ~~for the~~ 55873
~~district~~ multiplied by the remainder obtained by subtracting the 55874
number of adjacent district or other district joint vocational 55875
students from the number of adjacent district or other district 55876
students enrolled in the district, as reported under division 55877
(A)(1) of this section; 55878

(2) The excess costs computed in accordance with division (E) 55879
of this section for any adjacent district or other district 55880
students, except for any adjacent or other district joint 55881
vocational students, receiving special education and related 55882
services in the district; 55883

(3) For the full-time equivalent number of the adjacent or 55884
other district students who are not adjacent district or other 55885
district joint vocational students and are reported under division 55886
(A)(1)(c) of this section as enrolled in vocational education 55887
programs or classes described in section 3317.014 of the Revised 55888
Code, an amount equal to the formula amount times the applicable 55889
multiple prescribed by that section; 55890

(4) An amount equal to the number of adjacent district or 55891
other district joint vocational students reported under division 55892
(A)(1) of this section multiplied by an amount equal to twenty per 55893
cent of the adjusted formula amount ~~for the district~~. 55894

(D) To the payments made to a joint vocational school 55895

district ~~under Chapter 3317. of the Revised Code~~ , the department	55896
of education shall add, for each adjacent district or other	55897
district joint vocational student reported under division (A)(2)	55898
of this section, both of the following:	55899
 (1) ~~An amount equal to the~~ The adjusted formula amount ~~of the~~	55900
~~city, exempted village, or local school district in which the~~	55901
~~student is also enrolled;~~	55902
 (2) An amount equal to the full-time equivalent number of	55903
students reported pursuant to division (A)(2)(b) of this section	55904
times the formula amount times the applicable multiple prescribed	55905
by section 3317.014 of the Revised Code.	55906
 (E)(1) A city, exempted village, or local school board	55907
providing special education and related services to an adjacent or	55908
other district student in accordance with an IEP shall, pursuant	55909
to rules of the state board, compute the excess costs to educate	55910
such student as follows:	55911
 (a) Subtract the adjusted formula amount ~~for the district~~	55912
from the actual costs to educate the student;	55913
 (b) From the amount computed under division (E)(1)(a) of this	55914
section subtract the amount of any funds received by the district	55915
under Chapter ~~3317.3306.~~ of the Revised Code to provide special	55916
education and related services to the student.	55917
 (2) The board shall report the excess costs computed under	55918
this division to the department of education.	55919
 (3) If any student for whom excess costs are computed under	55920
division (E)(1) of this section is an adjacent or other district	55921
joint vocational student, the department of education shall add	55922
the amount of such excess costs to the payments made under Chapter	55923
~~3317.3306.~~ of the Revised Code to the joint vocational school	55924

district enrolling the student. 55925

(F) As provided in division (D)(1)(b) of section 3317.03 of 55926
the Revised Code, no joint vocational school district shall count 55927
any adjacent or other district joint vocational student enrolled 55928
in the district in its formula ADM certified under section 3317.03 55929
of the Revised Code. 55930

(G) No city, exempted village, or local school district shall 55931
receive a payment under division (C) of this section for a 55932
student, and no joint vocational school district shall receive a 55933
payment under division (D) of this section for a student, if for 55934
the same school year that student is counted in the district's 55935
formula ADM certified under section 3317.03 of the Revised Code. 55936

(H) Upon request of a parent, and provided the board offers 55937
transportation to native students of the same grade level and 55938
distance from school under section 3327.01 of the Revised Code, a 55939
city, exempted village, or local school board enrolling an 55940
adjacent or other district student shall provide transportation 55941
for the student within the boundaries of the board's district, 55942
except that the board shall be required to pick up and drop off a 55943
nonhandicapped student only at a regular school bus stop 55944
designated in accordance with the board's transportation policy. 55945
Pursuant to rules of the state board of education, such board may 55946
reimburse the parent from funds received under ~~division (D) of~~ 55947
section ~~3317.022~~3306.12 of the Revised Code for the reasonable 55948
cost of transportation from the student's home to the designated 55949
school bus stop if the student's family has an income below the 55950
federal poverty line. 55951

Sec. 3314.012. (A) Within ninety days of September 28, 55952
1999, the superintendent of public instruction shall appoint 55953
representatives of the department of education, including 55954
employees who work with the education management information 55955
system and employees of the office of community schools 55956

established by section 3314.11 of the Revised Code, to a committee 55957
to develop report card models for community schools. The director 55958
of the legislative office of education oversight shall also 55959
appoint representatives to the committee. The committee shall 55960
design model report cards appropriate for the various types of 55961
community schools approved to operate in the state. Sufficient 55962
models shall be developed to reflect the variety of grade levels 55963
served and the missions of the state's community schools. All 55964
models shall include both financial and academic data. The initial 55965
models shall be developed by March 31, 2000. 55966

(B) The department of education shall issue an annual report 55967
card for each community school, regardless of how long the school 55968
has been in operation. The report card shall report the academic 55969
and financial performance of the school utilizing one of the 55970
models developed under division (A) of this section. The report 55971
card shall include all information applicable to school buildings 55972
under division (A) of section 3302.03 of the Revised Code ~~and~~ 55973
~~section 3302.032 of the Revised Code.~~ The ratings a community 55974
school receives under section 3302.03 of the Revised Code for its 55975
first two full school years shall not be considered toward 55976
automatic closure of the school under section 3314.35 of the 55977
Revised Code or any other matter that is based on report card 55978
ratings. 55979

(C) Upon receipt of a copy of a contract between a sponsor 55980
and a community school entered into under this chapter, the 55981
department of education shall notify the community school of the 55982
specific model report card that will be used for that school. 55983

(D) Report cards shall be distributed to the parents of all 55984
students in the community school, to the members of the board of 55985
education of the school district in which the community school is 55986
located, and to any person who requests one from the department. 55987

~~(E) No report card shall be issued for any community school~~ 55988

~~under this section until the school has been open for instruction~~ 55989
~~for two full school years.~~ 55990

Sec. 3314.015. (A) The department of education shall be 55991
responsible for the oversight of any and all sponsors of the 55992
community schools established under this chapter and shall provide 55993
technical assistance to schools and sponsors in their compliance 55994
with applicable laws and the terms of the contracts entered into 55995
under section 3314.03 of the Revised Code and in the development 55996
and start-up activities of those schools. In carrying out its 55997
duties under this section, the department shall do all of the 55998
following: 55999

(1) In providing technical assistance to proposing parties, 56000
governing authorities, and sponsors, conduct training sessions and 56001
distribute informational materials; 56002

(2) Approve entities to be sponsors of community schools ~~and~~ 56003
~~monitor;~~ 56004

(3) Monitor the effectiveness of ~~those~~ any and all sponsors 56005
in their oversight of the schools with which they have contracted; 56006

~~(3)~~(4) By December thirty-first of each year, issue a report 56007
to the governor, the speaker of the house of representatives, the 56008
president of the senate, and the chairpersons of the house and 56009
senate committees principally responsible for education matters 56010
regarding the effectiveness of academic programs, operations, and 56011
legal compliance and of the financial condition of all community 56012
schools established under this chapter and on the performance of 56013
community school sponsors; 56014

~~(4)~~(5) From time to time, make legislative recommendations to 56015
the general assembly designed to enhance the operation and 56016
performance of community schools. 56017

(B)(1) ~~No~~Except as provided in sections 3314.021 and 56018
3314.027 of the Revised Code, no entity listed in division (C)(1) 56019
of section 3314.02 of the Revised Code shall enter into a 56020
preliminary agreement under division (C)(2) of section 3314.02 of 56021
the Revised Code until it has received approval from the 56022
department of education to sponsor community schools under this 56023
chapter and has entered into a written agreement with the 56024
department regarding the manner in which the entity will conduct 56025
such sponsorship. The department shall adopt in accordance with 56026
Chapter 119. of the Revised Code rules containing criteria, 56027
procedures, and deadlines for processing applications for such 56028
approval, for oversight of sponsors, for revocation of the 56029
approval of sponsors, and for entering into written agreements 56030
with sponsors. The rules shall require an entity to submit 56031
evidence of the entity's ability and willingness to comply with 56032
the provisions of division (D) of section 3314.03 of the Revised 56033
Code. The rules also shall require entities approved as sponsors 56034
on and after June 30, 2005, to demonstrate a record of financial 56035
responsibility and successful implementation of educational 56036
programs. If an entity seeking approval on or after June 30, 56037
2005, to sponsor community schools in this state sponsors or 56038
operates schools in another state, at least one of the schools 56039
sponsored or operated by the entity must be comparable to or 56040
better than the performance of Ohio schools in need of 56041
continuous improvement under section 3302.03 of the Revised 56042
Code, as determined by the department. 56043

An entity that sponsors community schools may enter into 56044
preliminary agreements and sponsor schools as follows, provided 56045
each school and the contract for sponsorship meets the 56046
requirements of this chapter: 56047

(a) An entity that sponsored fifty or fewer schools that were 56048
open for operation as of May 1, 2005, may sponsor not more than 56049
fifty schools. 56050

(b) An entity that sponsored more than fifty but not more than seventy-five schools that were open for operation as of May 1, 2005, may sponsor not more than the number of schools the entity sponsored that were open for operation as of May 1, 2005.	56051 56052 56053 56054
(c) Until June 30, 2006, an entity that sponsored more than seventy-five schools that were open for operation as of May 1, 2005, may sponsor not more than the number of schools the entity sponsored that were open for operation as of May 1, 2005. After June 30, 2006, such an entity may sponsor not more than seventy-five schools.	56055 56056 56057 56058 56059 56060
Upon approval of an entity to be a sponsor under this division, the department shall notify the entity of the number of schools the entity may sponsor.	56061 56062 56063
The limit imposed on an entity to which division (B)(1) of this section applies shall be decreased by one for each school sponsored by the entity that permanently closes.	56064 56065 56066
If at any time an entity exceeds the number of schools it may sponsor under this division, the department shall assist the schools in excess of the entity's limit in securing new sponsors. If a school is unable to secure a new sponsor, the department shall assume sponsorship of the school in accordance with division (C) of this section. Those schools for which another sponsor or the department assumes sponsorship shall be the schools that most recently entered into contracts with the entity under section 3314.03 of the Revised Code.	56067 56068 56069 56070 56071 56072 56073 56074 56075
(2) The department of education shall determine, pursuant to criteria adopted by rule of the department, whether the mission proposed to be specified in the contract of a community school to be sponsored by a state university board of trustees or the board's designee under division (C)(1)(e) of section 3314.02 of	56076 56077 56078 56079 56080

the Revised Code complies with the requirements of that division. 56081
Such determination of the department is final. 56082

(3) The department of education shall determine, pursuant to 56083
criteria adopted by rule of the department, if any tax-exempt 56084
entity under section 501(c)(3) of the Internal Revenue Code that 56085
is proposed to be a sponsor of a community school is an 56086
education-oriented entity for purpose of satisfying the condition 56087
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 56088
Revised Code. Such determination of the department is final. 56089

(C) If at any time the state board of education finds that a 56090
sponsor is not in compliance or is no longer willing to comply 56091
with its contract with any community school or with the 56092
department's rules for sponsorship, the state board or designee 56093
shall conduct a hearing in accordance with Chapter 119. of the 56094
Revised Code on that matter. If after the hearing, the state board 56095
or designee has confirmed the original finding, the department of 56096
education may revoke the sponsor's approval to sponsor community 56097
schools and may assume the sponsorship of any schools with which 56098
the sponsor has contracted until the earlier of the expiration of 56099
two school years or until a new sponsor as described in division 56100
(C)(1) of section 3314.02 of the Revised Code is secured by the 56101
school's governing authority. The department may extend the term 56102
of the contract in the case of a school for which it has assumed 56103
sponsorship under this division as necessary to accommodate the 56104
term of the department's authorization to sponsor the school 56105
specified in this division. 56106

(D) The decision of the department to disapprove an entity 56107
for sponsorship of a community school or to revoke approval for 56108
such sponsorship, ~~as provided in~~ under division (C) of this 56109
section, may be appealed by the entity in accordance with section 56110
119.12 of the Revised Code. 56111

(E) The department shall adopt procedures for use by a 56112

community school governing authority and sponsor when the school
permanently closes and ceases operation, which shall include at
least procedures for data reporting to the department, handling of
student records, distribution of assets in accordance with section
3314.074 of the Revised Code, and other matters related to ceasing
operation of the school.

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(F) In carrying out its duties under this chapter, the
department shall not impose requirements on community schools or
their sponsors that are not permitted by law or duly adopted
rules.

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Sec. 3314.016. (A) After June 30, 2007, a new start-up
school may be established under this chapter only if the school's
governing authority enters into a contract with an operator that
manages other schools in the United States that perform at a level
higher than academic watch. The governing authority of the
community school may sign a contract with an operator only if the
operator has fewer contracts with the governing authorities of new
start-up schools established under this chapter after June 30,
2007, than the number of schools managed by the operator in the
United States that perform at a level higher than academic watch,
as determined by the department of education. However, the
governing authority shall not contract with an operator that
currently manages any community schools in Ohio for which the
department issues annual report cards under section 3314.012 of
the Revised Code, unless the latest report card issued for at
least one of those schools designates a performance rating under
section 3302.03 of the Revised Code of in need of continuous
improvement or higher.

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(B) Notwithstanding division (A) of this section, the
governing authority of a start-up school sponsored by an entity
described in divisions (C)(1)(b) to (f) of section 3314.02 of the
Revised Code may establish one additional school serving the same

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grade levels and providing the same educational program as the	56145
current start-up school and may open that additional school in the	56146
2007-2008 school year, if both of the following conditions are	56147
met:	56148
(1) The governing authority entered into another contract	56149
with the same sponsor or a different sponsor described in	56150
divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code	56151
and filed a copy of that contract with the superintendent of	56152
public instruction prior to March 15, 2006.	56153
(2) The governing authority's current school satisfies all of	56154
the following conditions:	56155
(a) The school currently is rated as excellent or effective	56156
pursuant to section 3302.03 of the Revised Code.	56157
(b) The school made adequate yearly progress, as defined in	56158
section 3302.01 of the Revised Code, for the previous school year.	56159
(c) The school has been in operation for at least four school	56160
years.	56161
(d) The school is not managed by an operator.	56162
(C) Notwithstanding division (A) of this section, the	56163
governing authority of a start-up school sponsored by the big	56164
eight school district in which the school is located may establish	56165
one additional start-up school that is located in the same school	56166
district and that provides a general educational program to	56167
students in any or all of grades kindergarten through five to	56168
facilitate their transition to the current start-up school, and	56169
may open the additional start-up school in the 2009-2010 school	56170
year, if both of the following conditions are met:	56171
(1) The governing authority enters into another contract with	56172

the same sponsor and files a copy of the contract with the	56173
superintendent of public instruction prior to March 15, 2009.	56174
(2) The governing authority's current school satisfies all of	56175
the following conditions:	56176
(a) The school provided instruction to students for eleven	56177
months in the previous school year.	56178
(b) The school has been in operation for at least two school	56179
years.	56180
(c) The school qualified to be rated in need of continuous	56181
improvement or higher pursuant to section 3302.03 of the Revised	56182
Code for its first school year of operation, even though the	56183
department of education did not issue a report card for the	56184
school for that school year.	56185
Sec. 3314.02. (A) As used in this chapter:	56186
(1) "Sponsor" means an entity listed in division (C)(1) of	56187
this section, which has been approved by the department of	56188
education to sponsor community schools and with which the	56189
governing authority of the proposed community school enters into a	56190
contract pursuant to this section.	56191
(2) "Pilot project area" means the school districts included	56192
in the territory of the former community school pilot project	56193
established by former Section 50.52 of Am. Sub. H.B. No. 215 of	56194
the 122nd general assembly.	56195
(3) "Challenged school district" means any of the following:	56196
(a) A school district that is part of the pilot project area;	56197
(b) A school district that is either in a state of academic	56198
emergency or in a state of academic watch under section 3302.03 of	56199

the Revised Code;	56200
(c) A big eight school district.	56201
(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:	56202 56203
(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;	56204 56205 56206 56207
(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.	56208 56209 56210
(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.	56211 56212 56213 56214 56215
(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.	56216 56217 56218 56219
(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities.	56220 56221 56222 56223 56224 56225 56226 56227 56228

(B) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school or a building operated by an educational service center to a community school. The proposal shall be made to the board of education of the city, local, ~~or~~ exempted village, or joint vocational school district in which the public school is proposed to be converted or, in the case of the conversion of a building operated by an educational service center, to the governing board of the service center. Upon receipt of a proposal, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school or service center building, indicating the intention of the board to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this division may proceed to finalize plans for the school, establish a governing authority for the school, and negotiate a contract with the board. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the board shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code and division (C) of this section.

(C)(1) Any person or group of individuals may propose under this division the establishment of a new start-up school to be located in a challenged school district. The proposal may be made to any of the following entities:

(a) The board of education of the district in which the school is proposed to be located;

(b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located;

(c) The board of education of any other city, local, or	56260
exempted village school district having territory in the same	56261
county where the district in which the school is proposed to be	56262
located has the major portion of its territory;	56263
(d) The governing board of any educational service center, as	56264
long as the proposed school will be located in a county within the	56265
territory of the service center or in a county contiguous to such	56266
county;	56267
(e) A sponsoring authority designated by the board of	56268
trustees of any of the thirteen state universities listed in	56269
section 3345.011 of the Revised Code or the board of trustees	56270
itself as long as a mission of the proposed school to be specified	56271
in the contract under division (A)(2) of section 3314.03 of the	56272
Revised Code and as approved by the department of education under	56273
division (B)(2) of section 3314.015 of the Revised Code will be	56274
the practical demonstration of teaching methods, educational	56275
technology, or other teaching practices that are included in the	56276
curriculum of the university's teacher preparation program	56277
approved by the state board of education;	56278
(f) Any qualified tax-exempt entity under section 501(c)(3)	56279
of the Internal Revenue Code as long as all of the following	56280
conditions are satisfied:	56281
(i) The entity has been in operation for at least five years	56282
prior to applying to be a community school sponsor.	56283
(ii) The entity has assets of at least five hundred thousand	56284
dollars and a demonstrated record of financial responsibility.	56285
(iii) The department of education has determined that the	56286
entity is an education-oriented entity under division (B)(3) of	56287
section 3314.015 of the Revised Code and the entity has a	56288
demonstrated record of successful implementation of educational	56289

programs.	56290
(iv) The entity is not a community school.	56291
Any entity described in division (C)(1) of this section may	56292
enter into a preliminary agreement pursuant to division (C)(2) of	56293
this section with the proposing person or group.	56294
(2) A preliminary agreement indicates the intention of an	56295
entity described in division (C)(1) of this section to sponsor the	56296
community school. A proposing person or group that has such a	56297
preliminary agreement may proceed to finalize plans for the	56298
school, establish a governing authority as described in division	56299
(E) of this section for the school, and negotiate a contract with	56300
the entity. Provided the proposing person or group adheres to the	56301
preliminary agreement and all provisions of this chapter, the	56302
entity shall negotiate in good faith to enter into a contract in	56303
accordance with section 3314.03 of the Revised Code.	56304
(3) A new start-up school that is established in a school	56305
district while that district is either in a state of academic	56306
emergency or in a state of academic watch under section 3302.03 of	56307
the Revised Code may continue in existence once the school	56308
district is no longer in a state of academic emergency or academic	56309
watch, provided there is a valid contract between the school and a	56310
sponsor.	56311
(4) A copy of every preliminary agreement entered into under	56312
this division shall be filed with the superintendent of public	56313
instruction.	56314
(D) A majority vote of the board of a sponsoring entity and a	56315
majority vote of the members of the governing authority of a	56316
community school shall be required to adopt a contract and convert	56317
the public school or educational service center building to a	56318
community school or establish the new start-up school. Beginning	56319

September 29, 2005, adoption of the contract shall occur not
later than the fifteenth day of March, and signing of the
contract shall occur not later than the fifteenth day of May,
prior to the school year in which the school will open. The
governing authority shall notify the department of education when
the contract has been signed. Subject to sections 3314.013,
3314.014, 3314.016, and 3314.017 of the Revised Code, an
unlimited number of community schools may be established in any
school district provided that a contract is entered into for each
community school pursuant to this chapter.

(E)(1) As used in this division, "immediate relatives" are
limited to spouses, children, parents, grandparents, siblings, and
in-laws.

Each new start-up community school established under this
chapter shall be under the direction of a governing authority
which shall consist of a board of not less than five individuals.

No person shall serve on the governing authority or operate
the community school under contract with the governing authority
so long as the person owes the state any money or is in a dispute
over whether the person owes the state any money concerning the
operation of a community school that has closed.

(2) No person shall serve on the governing authorities of
more than two start-up community schools at the same time.

(3) No present or former member, or immediate relative of a
present or former member, of the governing authority of any
community school established under this chapter shall be an owner,
employee, or consultant of any nonprofit or for-profit operator of
a community school, unless at least one year has elapsed since the
conclusion of the person's membership.

(F)(1) A new start-up school that is established prior to

August 15, 2003, in an urban school district that is not also a
big-eight school district may continue to operate after that date
and the contract between the school's governing authority and the
school's sponsor may be renewed, as provided under this chapter,
after that date, but no additional new start-up schools may be
established in such a district unless the district is a challenged
school district as defined in this section as it exists on and
after that date.

(2) A community school that was established prior to June
29, 1999, and is located in a county contiguous to the pilot
project area and in a school district that is not a challenged
school district may continue to operate after that date, provided
the school complies with all provisions of this chapter. The
contract between the school's governing authority and the
school's sponsor may be renewed, but no additional start-up
community school may be established in that district unless the
district is a challenged school district.

(3) Any educational service center that, on June 30, 2007,
sponsors a community school that is not located in a county
within the territory of the service center or in a county
contiguous to such county may continue to sponsor that community
school on and after June 30, 2007, and may renew its contract
with the school. However, the educational service center shall
not enter into a contract with any additional community school
unless the school is located in a county within the territory of
the service center or in a county contiguous to such county.

Sec. 3314.021. (A) This section applies to any entity that
is exempt from taxation under section 501(c)(3) of the Internal
Revenue Code and that satisfies the conditions specified in
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the
Revised Code but does not satisfy the condition specified in
division (C)(1)(f)(i) of that section.

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 of the Revised Code, an entity described in division (A) of this section may do both of the following without obtaining the department of education's initial approval of its sponsorship under ~~division~~divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code:

(1) Succeed the board of trustees of a state university located in the pilot project area or that board's designee as the sponsor of a community school established under this chapter;

(2) Continue to sponsor that school in conformance with the terms of the contract between the board of trustees or its designee and the governing authority of the community school and renew that contract as provided in division (E) of section 3314.03 of the Revised Code.

(C) The entity that succeeds the board of trustees or the board's designee as sponsor of a community school under division (B) of this section also may enter into contracts to sponsor other community schools located in any challenged school district, without obtaining the department's initial approval of its sponsorship of those schools under ~~division~~divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code, and not subject to the restriction of division (A)(7) of section 3314.013 of the Revised Code, as long as the contracts conform with and the entity complies with all other requirements of this chapter.

(D) Regardless of the entity's authority to sponsor community schools without the initial approval of the department, the entity is under the continuing oversight of the department in accordance with rules adopted under section 3314.015 of the Revised Code.

~~Sec. 6-~~ **Sec. 3314.027.** ~~The State Board of Education shall continue to sponsor any community school for which it has entered into a contract at the time of the effective date of this section until~~

~~the earlier of the expiration of two school years or until a new sponsor, as described in division (C)(1) of section 3314.02 of the Revised Code, as amended by this act, is secured by the school's governing authority. The State Board shall not thereafter sponsor any community school except as provided in division (C) of section 3314.015 of the Revised Code. The State Board may extend the term of any existing contract with a community school governing authority only as necessary to accommodate the term of the Board's authorization to sponsor the school as specified in this section.~~

Notwithstanding the requirement for initial approval of sponsorship by the ~~Department~~department of ~~Education~~education prescribed in ~~division~~divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code, ~~as enacted by this act~~, and any geographical restriction or mission requirement prescribed in division (C)(1) of section 3314.02 of the Revised Code, ~~as amended by this act~~, an entity ~~other than the State Board of Education~~ that has entered into a contract to sponsor a community school on ~~the effective date of this section~~April 8, 2003, may continue to sponsor the school in conformance with the terms of that contract as long as the entity complies with all other sponsorship provisions of ~~Chapter 3314. of the Revised Code as amended by this act~~this chapter. Such an entity also may enter into new contracts to sponsor community schools after ~~the effective date of this section~~April 8, 2003, and need not be approved by the ~~Department of Education~~department for such sponsorship, as otherwise required under ~~division~~divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code, ~~as enacted by this act~~, as long as the contracts conform to and the entity complies with all other provisions of ~~Chapter 3314. of the Revised Code as amended by this act~~this chapter.

Regardless of the entity's authority to sponsor community schools without the initial approval of the department, each entity described in this section is under the continuing oversight

of the department in accordance with rules adopted under section 56446
3314.015 of the Revised Code. 56447

Sec. 3314.028. Notwithstanding any provision of this chapter 56448
to the contrary, beginning in the 2009-2010 school year, a 56449
community school that meets the following conditions may operate 56450
from the facility in which the school was located in the 2008-2009 56451
school year and shall not be required to locate to another school 56452
district: 56453

(A) The school was located in the facility for at least the 56454
three school years prior to the 2009-2010 school year. 56455

(B) The school's sponsor is a school district that is 56456
adjacent to the school district in which the school is located. 56457

(C) The school's education program emphasizes serving 56458
students identified as gifted under Chapter 3324. of the Revised 56459
Code. 56460

(D) The school has been rated in need of continuous 56461
improvement or higher under section 3302.03 of the Revised Code 56462
for the previous three school years. 56463

Sec. 3314.03. A copy of every contract entered into under 56464
this section shall be filed with the superintendent of public 56465
instruction. 56466

(A) Each contract entered into between a sponsor and the 56467
governing authority of a community school shall specify the 56468
following: 56469

(1) That the school shall be established as either of the 56470
following: 56471

(a) A nonprofit corporation established under Chapter 1702. 56472

of the Revised Code, if established prior to April 8, 2003;	56473
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003;	56474 56475
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	56476 56477 56478 56479
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement ~~tests~~ <u>assessments</u> ;	56480 56481 56482 56483
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	56484 56485
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	56486 56487
(6)(a) Dismissal procedures;	56488
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	56489 56490 56491 56492 56493 56494
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	56495 56496
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of	56497 56498 56499

school districts, pursuant to rules of the auditor of state, ~~and~~	56500
~~the audits.~~ <u>Audits</u> shall be conducted in accordance with section	56501
117.10 of the Revised Code.	56502
 (9) The facilities to be used and their locations;	 56503
 (10) Qualifications of teachers, including a requirement that	 56504
the school's classroom teachers be licensed in accordance with	56505
sections 3319.22 to 3319.31 of the Revised Code, except that a	56506
community school may engage noncertificated persons to teach up to	56507
twelve hours per week pursuant to section 3319.301 of the Revised	56508
Code;	56509
 (11) That the school will comply with the following	 56510
requirements:	56511
 (a) The school will provide learning opportunities to a	 56512
minimum of twenty-five students for a minimum of nine hundred	56513
twenty hours per school year.	56514
 (b) The governing authority will purchase liability	 56515
insurance, or otherwise provide for the potential liability of the	56516
school.	56517
 (c) The school will be nonsectarian in its programs,	 56518
admission policies, employment practices, and all other	56519
operations, and will not be operated by a sectarian school or	56520
religious institution.	56521
 (d) The school will comply with sections 9.90, 9.91, 109.65,	 56522
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711,	56523
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608,	56524
3313.6012, 3313.6013, 3313.6014, <u>3313.6015</u> , 3313.643, 3313.648,	56525
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67,	56526
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716,	56527
3313.718, <u>3313.719</u> , 3313.80, <u>3313.86</u> , 3313.96, 3319.073,	56528

3319.321, 3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 56529
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 56530
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 56531
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if 56532
it were a school district and will comply with section 3301.0714 56533
of the Revised Code in the manner specified in section 3314.17 56534
of the Revised Code. 56535

(e) The school shall comply with Chapter 102. and section 56536
2921.42 of the Revised Code. 56537

(f) The school will comply with sections 3313.61, 3313.611, 56538
and 3313.614 of the Revised Code, except that for students who 56539
enter ninth grade for the first time before July 1, 2010, the 56540
requirement in sections 3313.61 and 3313.611 of the Revised Code 56541
that a person must successfully complete the curriculum in any 56542
high school prior to receiving a high school diploma may be met by 56543
completing the curriculum adopted by the governing authority of 56544
the community school rather than the curriculum specified in Title 56545
XXXIII of the Revised Code or any rules of the state board of 56546
education. Beginning with students who enter ninth grade for the 56547
first time on or after July 1, 2010, the requirement in sections 56548
3313.61 and 3313.611 of the Revised Code that a person must 56549
successfully complete the curriculum of a high school prior to 56550
receiving a high school diploma shall be met by completing the 56551
Ohio core curriculum prescribed in division (C) of section 56552
3313.603 of the Revised Code, unless the person qualifies under 56553
division (D) or (F) of that section. Each school shall comply with 56554
the plan for awarding high school credit based on demonstration of 56555
subject area competency, adopted by the state board of education 56556
under division (J) of section 3313.603 of the Revised Code. 56557

(g) The school governing authority will submit within four 56558
months after the end of each school year a report of its 56559
activities and progress in meeting the goals and standards of 56560

divisions (A)(3) and (4) of this section and its financial status	56561
to the sponsor and the parents of all students enrolled in the	56562
school.	56563
(h) The school, unless it is an internet- or computer-based	56564
community school, will comply with section 3313.801 of the Revised	56565
Code as if it were a school district.	56566
(12) Arrangements for providing health and other benefits to	56567
employees;	56568
(13) The length of the contract, which shall begin at the	56569
beginning of an academic year. No contract shall exceed five years	56570
unless such contract has been renewed pursuant to division (E) of	56571
this section.	56572
(14) The governing authority of the school, which shall be	56573
responsible for carrying out the provisions of the contract;	56574
(15) A financial plan detailing an estimated school budget	56575
for each year of the period of the contract and specifying the	56576
total estimated per pupil expenditure amount for each such year.	56577
The plan shall specify for each year the base formula amount that	56578
will be used for purposes of funding calculations under section	56579
3314.08 of the Revised Code. This base formula amount for any year	56580
shall not exceed the formula amount defined under section 3317.02	56581
of the Revised Code. The plan may also specify for any year a	56582
percentage figure to be used for reducing the per pupil amount of	56583
the subsidy calculated pursuant to section 3317.029 of the Revised	56584
Code the school is to receive that year under section 3314.08 of	56585
the Revised Code.	56586
(16) Requirements and procedures regarding the disposition of	56587
employees of the school in the event the contract is terminated or	56588
not renewed pursuant to section 3314.07 of the Revised Code;	56589

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	56590 56591 56592 56593 56594 56595 56596 56597 56598 56599 56600
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	56601 56602 56603
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:	56604 56605 56606 56607 56608 56609
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	56610 56611
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	56612 56613
(c) Permit the enrollment of students who reside in any other district in the state.	56614 56615
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	56616 56617 56618 56619

(21) A provision recognizing the sponsor's authority to	56620
assume the operation of a school under the conditions specified in	56621
division (B) of section 3314.073 of the Revised Code;	56622
(22) A provision recognizing both of the following:	56623
(a) The authority of public health and safety officials to	56624
inspect the facilities of the school and to order the facilities	56625
closed if those officials find that the facilities are not in	56626
compliance with health and safety laws and regulations;	56627
(b) The authority of the department of education as the	56628
community school oversight body to suspend the operation of the	56629
school under section 3314.072 of the Revised Code if the	56630
department has evidence of conditions or violations of law at the	56631
school that pose an imminent danger to the health and safety of	56632
the school's students and employees and the sponsor refuses to	56633
take such action;	56634
(23) A description of the learning opportunities that will be	56635
offered to students including both classroom-based and	56636
non-classroom-based learning opportunities that is in compliance	56637
with criteria for student participation established by the	56638
department under division (L)(2) of section 3314.08 of the	56639
Revised Code;	56640
(24) The school will comply with sections 3302.04 and	56641
3302.041 of the Revised Code, except that any action required to	56642
be taken by a school district pursuant to those sections shall	56643
be taken by the sponsor of the school. However, the sponsor	56644
shall not be required to take any action described in division	56645
(F) of section 3302.04 of the Revised Code.	56646
(25) Beginning in the 2006-2007 school year, the school will	56647
open for operation not later than the thirtieth day of September	56648

each school year, unless the mission of the school as specified 56649
under division (A)(2) of this section is solely to serve dropouts. 56650
In its initial year of operation, if the school fails to open by 56651
the thirtieth day of September, or within one year after the 56652
adoption of the contract pursuant to division (D) of section 56653
3314.02 of the Revised Code if the mission of the school is solely 56654
to serve dropouts, the contract shall be void. 56655

(B) The community school shall also submit to the sponsor a 56656
comprehensive plan for the school. The plan shall specify the 56657
following: 56658

(1) The process by which the governing authority of the 56659
school will be selected in the future; 56660

(2) The management and administration of the school; 56661

(3) If the community school is a currently existing public 56662
school or educational service center building, alternative 56663
arrangements for current public school students who choose not to 56664
attend the converted school and for teachers who choose not to 56665
teach in the school or building after conversion; 56666

(4) The instructional program and educational philosophy of 56667
the school; 56668

(5) Internal financial controls. 56669

(C) A contract entered into under section 3314.02 of the 56670
Revised Code between a sponsor and the governing authority of a 56671
community school may provide for the community school governing 56672
authority to make payments to the sponsor, which is hereby 56673
authorized to receive such payments as set forth in the contract 56674
between the governing authority and the sponsor. The total amount 56675
of such payments for oversight and monitoring of the school shall 56676
not exceed three per cent of the total amount of payments for 56677

operating expenses that the school receives from the state.	56678
(D) The contract shall specify the duties of the sponsor	56679
which shall be in accordance with the written agreement entered	56680
into with the department of education under division (B) of	56681
section 3314.015 of the Revised Code and shall include the	56682
following:	56683
(1) Monitor the community school's compliance with all laws	56684
applicable to the school and with the terms of the contract;	56685
(2) Monitor and evaluate the academic and fiscal performance	56686
and the organization and operation of the community school on at	56687
least an annual basis;	56688
(3) Report on an annual basis the results of the evaluation	56689
conducted under division (D)(2) of this section to the department	56690
of education and to the parents of students enrolled in the	56691
community school;	56692
(4) Provide technical assistance to the community school in	56693
complying with laws applicable to the school and terms of the	56694
contract;	56695
(5) Take steps to intervene in the school's operation to	56696
correct problems in the school's overall performance, declare the	56697
school to be on probationary status pursuant to section 3314.073	56698
of the Revised Code, suspend the operation of the school pursuant	56699
to section 3314.072 of the Revised Code, or terminate the contract	56700
of the school pursuant to section 3314.07 of the Revised Code as	56701
determined necessary by the sponsor;	56702
(6) Have in place a plan of action to be undertaken in the	56703
event the community school experiences financial difficulties or	56704
closes prior to the end of a school year.	56705

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code. Any contract that becomes void under this division shall not count toward any statewide limit on the number of such contracts prescribed by section 3314.013 of the Revised Code.

Sec. 3314.08. ~~(A)~~The deductions under division (C) and the payments under division (D) of this section for fiscal years 2010 and 2011 shall be made in accordance with section 3314.088 of the Revised Code.

(A) As used in this section:

(1) "Base formula amount" means the amount specified as such in a community school's financial plan for a school year pursuant to division (A)(15) of section 3314.03 of the Revised Code.

(2) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(3) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section.	56737 56738 56739
(4) "Applicable vocational education weight" means:	56740
(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division;	56741 56742 56743
(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division.	56744 56745 56746
(5) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.	56747 56748 56749
(6) A community school student is "included in the poverty student count" of a school district if the student is entitled to attend school in the district and the student's family receives assistance under the Ohio works first program.	56750 56751 56752 56753
(7) "Poverty-based assistance reduction factor" means the percentage figure, if any, for reducing the per pupil amount of poverty-based assistance a community school is entitled to receive pursuant to divisions (D)(5) to (9) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.	56754 56755 56756 56757 56758 56759
(8) "All-day kindergarten" has the same meaning as in section 3317.029 of the Revised Code.	56760 56761
(9) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	56762 56763

(B) The state board of education shall adopt rules requiring 56764
both of the following: 56765

(1) The board of education of each city, exempted village, 56766
and local school district to annually report the number of 56767
students entitled to attend school in the district who are 56768
enrolled in grades one through twelve in a community school 56769
established under this chapter, the number of students entitled to 56770
attend school in the district who are enrolled in kindergarten in 56771
a community school, the number of those kindergartners who are 56772
enrolled in all-day kindergarten in their community school, and 56773
for each child, the community school in which the child is 56774
enrolled. 56775

(2) The governing authority of each community school 56776
established under this chapter to annually report all of the 56777
following: 56778

(a) The number of students enrolled in grades one through 56779
twelve and the number of students enrolled in kindergarten in the 56780
school who are not receiving special education and related 56781
services pursuant to an IEP; 56782

(b) The number of enrolled students in grades one through 56783
twelve and the number of enrolled students in kindergarten, who 56784
are receiving special education and related services pursuant to 56785
an IEP; 56786

(c) The number of students reported under division (B)(2)(b) 56787
of this section receiving special education and related services 56788
pursuant to an IEP for a disability described in each of 56789
divisions (A) to (F) of section 3317.013 of the Revised Code; 56790

(d) The full-time equivalent number of students reported 56791
under divisions (B)(2)(a) and (b) of this section who are enrolled 56792
in vocational education programs or classes described in each of 56793

divisions (A) and (B) of section 3317.014 of the Revised Code that are provided by the community school;	56794 56795
(e) Twenty per cent of the number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code at a joint vocational school district under a contract between the community school and the joint vocational school district and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational district;	56796 56797 56798 56799 56800 56801 56802 56803 56804 56805
(f) The number of enrolled preschool children with disabilities receiving special education services in a state-funded unit;	56806 56807 56808
(g) The community school's base formula amount;	56809
(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school;	56810 56811
(i) Any poverty-based assistance reduction factor that applies to a school year.	56812 56813
(C) From the state education aid calculated for a city, exempted village, or local school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract the sum of the amounts described in divisions (C)(1) to (9) of this section. However, when deducting payments on behalf of students enrolled in internet- or computer-based community schools, the department shall deduct only those amounts described in divisions (C)(1) and (2) of this section. Furthermore, the aggregate amount deducted under this division	56814 56815 56816 56817 56818 56819 56820 56821 56822 56823

shall not exceed the sum of the district's state education aid 56824
and its payment under sections 321.24 and 323.156 of the Revised 56825
Code. 56826

(1) An amount equal to the sum of the amounts obtained when, 56827
for each community school where the district's students are 56828
enrolled, the number of the district's students reported under 56829
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 56830
in grades one through twelve, and one-half the number of students 56831
reported under those divisions who are enrolled in kindergarten, 56832
in that community school is multiplied by the sum of the base 56833
formula amount of that community school plus the per pupil 56834
amount of the base funding supplements specified in divisions 56835
(C)(1) to (4) of section 3317.012 of the Revised Code. 56836

(2) The sum of the amounts calculated under divisions 56837
(C)(2)(a) and (b) of this section: 56838

(a) For each of the district's students reported under 56839
division (B)(2)(c) of this section as enrolled in a community 56840
school in grades one through twelve and receiving special 56841
education and related services pursuant to an IEP for a 56842
disability described in section 3317.013 of the Revised Code, the 56843
product of the applicable special education weight times the 56844
community school's base formula amount; 56845

(b) For each of the district's students reported under 56846
division (B)(2)(c) of this section as enrolled in kindergarten in 56847
a community school and receiving special education and related 56848
services pursuant to an IEP for a disability described in section 56849
3317.013 of the Revised Code, one-half of the amount calculated 56850
as prescribed in division (C)(2)(a) of this section. 56851

(3) For each of the district's students reported under 56852
division (B)(2)(d) of this section for whom payment is made under 56853
division (D)(4) of this section, the amount of that payment; 56854

(4) An amount equal to the sum of the amounts obtained when, 56855
for each community school where the district's students are 56856
enrolled, the number of the district's students enrolled in that 56857
community school who are included in the district's poverty 56858
student count is multiplied by the per pupil amount of 56859
poverty-based assistance the school district receives that year 56860
pursuant to division (C) of section 3317.029 of the Revised Code, 56861
as adjusted by any poverty-based assistance reduction factor of 56862
that community school. The per pupil amount of that aid for the 56863
district shall be calculated by the department. 56864

(5) An amount equal to the sum of the amounts obtained when, 56865
for each community school where the district's students are 56866
enrolled, the district's per pupil amount of aid received under 56867
division (E) of section 3317.029 of the Revised Code, as adjusted 56868
by any poverty-based assistance reduction factor of the community 56869
school, is multiplied by the sum of the following: 56870

(a) The number of the district's students reported under 56871
division (B)(2)(a) of this section who are enrolled in grades one 56872
to three in that community school and who are not receiving 56873
special education and related services pursuant to an IEP; 56874

(b) One-half of the district's students who are enrolled in 56875
all-day or any other kindergarten class in that community school 56876
and who are not receiving special education and related services 56877
pursuant to an IEP; 56878

(c) One-half of the district's students who are enrolled in 56879
all-day kindergarten in that community school and who are not 56880
receiving special education and related services pursuant to an 56881
IEP. 56882

The district's per pupil amount of aid under division (E) of 56883
section 3317.029 of the Revised Code is the quotient of the amount 56884

the district received under that division divided by the 56885
district's kindergarten through third grade ADM, as defined in 56886
that section. 56887

(6) An amount equal to the sum of the amounts obtained when, 56888
for each community school where the district's students are 56889
enrolled, the district's per pupil amount received under division 56890
(F) of section 3317.029 of the Revised Code, as adjusted by any 56891
poverty-based assistance reduction factor of that community 56892
school, is multiplied by the number of the district's students 56893
enrolled in the community school who are identified as 56894
limited-English proficient. 56895

(7) An amount equal to the sum of the amounts obtained when, 56896
for each community school where the district's students are 56897
enrolled, the district's per pupil amount received under division 56898
(G) of section 3317.029 of the Revised Code, as adjusted by any 56899
poverty-based assistance reduction factor of that community 56900
school, is multiplied by the sum of the following: 56901

(a) The number of the district's students enrolled in grades 56902
one through twelve in that community school; 56903

(b) One-half of the number of the district's students 56904
enrolled in kindergarten in that community school. 56905

The district's per pupil amount under division (G) of section 56906
3317.029 of the Revised Code is the district's amount per teacher 56907
calculated under division (G)(1) or (2) of that section divided by 56908
17. 56909

(8) An amount equal to the sum of the amounts obtained when, 56910
for each community school where the district's students are 56911
enrolled, the district's per pupil amount received under divisions 56912
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 56913
by any poverty-based assistance reduction factor of that community 56914

school, is multiplied by the sum of the following:	56915
(a) The number of the district's students enrolled in grades one through twelve in that community school;	56916 56917
(b) One-half of the number of the district's students enrolled in kindergarten in that community school.	56918 56919
The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code is the amount calculated under each division divided by the district's formula ADM, as defined in section 3317.02 of the Revised Code.	56920 56921 56922 56923
(9) An amount equal to the per pupil state parity aid funding calculated for the school district under either division (C) or (D) of section 3317.0217 of the Revised Code multiplied by the sum of the number of students in grades one through twelve, and one-half of the number of students in kindergarten, who are entitled to attend school in the district and are enrolled in a community school as reported under division (B)(1) of this section.	56924 56925 56926 56927 56928 56929 56930 56931
(D) The department shall annually pay to a community school established under this chapter the sum of the amounts described in divisions (D)(1) to (10) of this section. However, the department shall calculate and pay to each internet- or computer-based community school only the amounts described in divisions (D)(1) to (3) of this section. Furthermore, the sum of the payments to all community schools under divisions (D)(1), (2), and (4) to (10) of this section for the students entitled to attend school in any particular school district shall not exceed the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code. If the sum of the payments calculated under those divisions for the students entitled to attend school in a particular school district exceeds the sum of that district's state education aid and its payment	56932 56933 56934 56935 56936 56937 56938 56939 56940 56941 56942 56943 56944 56945

under sections 321.24 and 323.156 of the Revised Code, the
department shall calculate and apply a proration factor to the
payments to all community schools under those divisions for the
students entitled to attend school in that district.

(1) Subject to section 3314.085 of the Revised Code, an
amount equal to the sum of the amounts obtained when the number of
students enrolled in grades one through twelve, plus one-half of
the kindergarten students in the school, reported under divisions
(B)(2)(a), (b), and (e) of this section who are not receiving
special education and related services pursuant to an IEP for a
disability described in section 3317.013 of the Revised Code is
multiplied by the sum of the community school's base formula
amount plus the per pupil amount of the base funding supplements
specified in divisions (C)(1) to (4) of section 3317.012 of the
Revised Code.

(2) Prior to fiscal year 2007, the greater of the amount
calculated under division (D)(2)(a) or (b) of this section, and in
fiscal year 2007 and thereafter, the amount calculated under
division (D)(2)(b) of this section:

(a) The aggregate amount that the department paid to the
community school in fiscal year 1999 for students receiving
special education and related services pursuant to IEPs, excluding
federal funds and state disadvantaged pupil impact aid funds;

(b) The sum of the amounts calculated under divisions
(D)(2)(b)(i) and (ii) of this section:

(i) For each student reported under division (B)(2)(c) of
this section as enrolled in the school in grades one through
twelve and receiving special education and related services
pursuant to an IEP for a disability described in section 3317.013
of the Revised Code, the following amount:

(the school's base formula amount plus	56976
the per pupil amount of the base funding supplements specified in	56977
divisions (C)(1) to (4) of section 3317.012 of the Revised Code)	56978
+ (the applicable special education weight X the	56979
community school's base formula amount);	56980
(ii) For each student reported under division (B)(2)(c) of	56981
this section as enrolled in kindergarten and receiving special	56982
education and related services pursuant to an IEP for a disability	56983
described in section 3317.013 of the Revised Code, one-half of	56984
the amount calculated under the formula prescribed in division	56985
(D)(2)(b)(i) of this section.	56986
(3) An amount received from federal funds to provide special	56987
education and related services to students in the community	56988
school, as determined by the superintendent of public instruction.	56989
(4) For each student reported under division (B)(2)(d) of	56990
this section as enrolled in vocational education programs or	56991
classes that are described in section 3317.014 of the Revised	56992
Code, are provided by the community school, and are comparable as	56993
determined by the superintendent of public instruction to school	56994
district vocational education programs and classes eligible for	56995
state weighted funding under section 3317.014 of the Revised Code,	56996
an amount equal to the applicable vocational education weight	56997
times the community school's base formula amount times the	56998
percentage of time the student spends in the vocational education	56999

programs or classes. 57000

(5) An amount equal to the sum of the amounts obtained when, 57001
for each school district where the community school's students are 57002
entitled to attend school, the number of that district's students 57003
enrolled in the community school who are included in the 57004
district's poverty student count is multiplied by the per pupil 57005
amount of poverty-based assistance that school district receives 57006
that year pursuant to division (C) of section 3317.029 of the 57007
Revised Code, as adjusted by any poverty-based assistance 57008
reduction factor of the community school. The per pupil amount of 57009
aid shall be determined as described in division (C)(4) of this 57010
section. 57011

(6) An amount equal to the sum of the amounts obtained when, 57012
for each school district where the community school's students are 57013
entitled to attend school, the district's per pupil amount of aid 57014
received under division (E) of section 3317.029 of the Revised 57015
Code, as adjusted by any poverty-based assistance reduction 57016
factor of the community school, is multiplied by the sum of the 57017
following: 57018

(a) The number of the district's students reported under 57019
division (B)(2)(a) of this section who are enrolled in grades one 57020
to three in that community school and who are not receiving 57021
special education and related services pursuant to an IEP; 57022

(b) One-half of the district's students who are enrolled in 57023
all-day or any other kindergarten class in that community school 57024
and who are not receiving special education and related services 57025
pursuant to an IEP; 57026

(c) One-half of the district's students who are enrolled in 57027
all-day kindergarten in that community school and who are not 57028
receiving special education and related services pursuant to an 57029
IEP. 57030

The district's per pupil amount of aid under division (E) of section 3317.029 of the Revised Code shall be determined as described in division (C)(5) of this section.

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(7) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the number of that district's students enrolled in the community school who are identified as limited-English proficient is multiplied by the district's per pupil amount received under division (F) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of the community school.

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(8) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount received under division (G) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of the community school, is multiplied by the sum of the following:

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(a) The number of the district's students enrolled in grades one through twelve in that community school;

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(b) One-half of the number of the district's students enrolled in kindergarten in that community school.

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The district's per pupil amount under division (G) of section 3317.029 of the Revised Code shall be determined as described in division (C)(7) of this section.

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(9) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount received under divisions (H) and (I) of section 3317.029 of the

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Revised Code, as adjusted by any poverty-based assistance 57060
reduction factor of the community school, is multiplied by the sum 57061
of the following: 57062

(a) The number of the district's students enrolled in grades 57063
one through twelve in that community school; 57064

(b) One-half of the number of the district's students 57065
enrolled in kindergarten in that community school. 57066

The district's per pupil amount under divisions (H) and (I) 57067
of section 3317.029 of the Revised Code shall be determined as 57068
described in division (C)(8) of this section. 57069

(10) An amount equal to the sum of the amounts obtained when, 57070
for each school district where the community school's students are 57071
entitled to attend school, the district's per pupil amount of 57072
state parity aid funding calculated under either division (C) or 57073
(D) of section 3317.0217 of the Revised Code is multiplied by the 57074
sum of the number of that district's students enrolled in grades 57075
one through twelve, and one-half of the number of that district's 57076
students enrolled in kindergarten, in the community school as 57077
reported under division (B)(2)(a) and (b) of this section. 57078

(E)(1) If a community school's costs for a fiscal year for a 57079
student receiving special education and related services pursuant 57080
to an IEP for a disability described in divisions (B) to (F) of 57081
section 3317.013 of the Revised Code exceed the threshold 57082
catastrophic cost for serving the student as specified in division 57083
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 57084
submit to the superintendent of public instruction documentation, 57085
as prescribed by the superintendent, of all its costs for that 57086
student. Upon submission of documentation for a student of the 57087
type and in the manner prescribed, the department shall pay to the 57088
community school an amount equal to the school's costs for the 57089
student in excess of the threshold catastrophic costs. 57090

(2) The community school shall only report under division 57091
(E)(1) of this section, and the department shall only pay for, the 57092
costs of educational expenses and the related services provided to 57093
the student in accordance with the student's individualized 57094
education program. Any legal fees, court costs, or other costs 57095
associated with any cause of action relating to the student may 57096
not be included in the amount. 57097

(F) A community school may apply to the department of 57098
education for preschool children with disabilities or gifted unit 57099
funding the school would receive if it were a school district. 57100
Upon request of its governing authority, a community school that 57101
received unit funding as a school district-operated school before 57102
it became a community school shall retain any units awarded to it 57103
as a school district-operated school provided the school 57104
continues to meet eligibility standards for the unit. 57105

A community school shall be considered a school district and 57106
its governing authority shall be considered a board of education 57107
for the purpose of applying to any state or federal agency for 57108
grants that a school district may receive under federal or state 57109
law or any appropriations act of the general assembly. The 57110
governing authority of a community school may apply to any private 57111
entity for additional funds. 57112

(G) A board of education sponsoring a community school may 57113
utilize local funds to make enhancement grants to the school or 57114
may agree, either as part of the contract or separately, to 57115
provide any specific services to the community school at no cost 57116
to the school. 57117

(H) A community school may not levy taxes or issue bonds 57118
secured by tax revenues. 57119

(I) No community school shall charge tuition for the 57120

enrollment of any student. 57121

(J)(1)(a) A community school may borrow money to pay any 57122
necessary and actual expenses of the school in anticipation of the 57123
receipt of any portion of the payments to be received by the 57124
school pursuant to division (D) of this section. The school may 57125
issue notes to evidence such borrowing. The proceeds of the notes 57126
shall be used only for the purposes for which the anticipated 57127
receipts may be lawfully expended by the school. 57128

(b) A school may also borrow money for a term not to exceed 57129
fifteen years for the purpose of acquiring facilities. 57130

(2) Except for any amount guaranteed under section 3318.50 of 57131
the Revised Code, the state is not liable for debt incurred by the 57132
governing authority of a community school. 57133

(K) For purposes of determining the number of students for 57134
which divisions (D)(5) and (6) of this section applies in any 57135
school year, a community school may submit to the department of 57136
job and family services, no later than the first day of March, a 57137
list of the students enrolled in the school. For each student on 57138
the list, the community school shall indicate the student's name, 57139
address, and date of birth and the school district where the 57140
student is entitled to attend school. Upon receipt of a list under 57141
this division, the department of job and family services shall 57142
determine, for each school district where one or more students on 57143
the list is entitled to attend school, the number of students 57144
residing in that school district who were included in the 57145
department's report under section 3317.10 of the Revised Code. The 57146
department shall make this determination on the basis of 57147
information readily available to it. Upon making this 57148
determination and no later than ninety days after submission of 57149
the list by the community school, the department shall report to 57150
the state department of education the number of students on the 57151
list who reside in each school district who were included in the 57152

department's report under section 3317.10 of the Revised Code. In 57153
complying with this division, the department of job and family 57154
services shall not report to the state department of education any 57155
personally identifiable information on any student. 57156

(L) The department of education shall adjust the amounts 57157
subtracted and paid under divisions (C) and (D) of this section to 57158
reflect any enrollment of students in community schools for less 57159
than the equivalent of a full school year. The state board of 57160
education within ninety days after April 8, 2003, shall adopt in 57161
accordance with Chapter 119. of the Revised Code rules governing 57162
the payments to community schools under this section and section 57163
3314.13 of the Revised Code including initial payments in a school 57164
year and adjustments and reductions made in subsequent periodic 57165
payments to community schools and corresponding deductions from 57166
school district accounts as provided under divisions (C) and (D) 57167
of this section and section 3314.13 of the Revised Code. For 57168
purposes of this section and section 3314.13 of the Revised Code: 57169

(1) A student shall be considered enrolled in the community 57170
school for any portion of the school year the student is 57171
participating at a college under Chapter 3365. of the Revised 57172
Code. 57173

(2) A student shall be considered to be enrolled in a 57174
community school during a school year for the period of time 57175
beginning on the later of the date on which the school both has 57176
received documentation of the student's enrollment from a parent 57177
and the student has commenced participation in learning 57178
opportunities as defined in the contract with the sponsor, or 57179
thirty days prior to the date on which the student is entered into 57180
the education management information system established under 57181
section 3301.0714 of the Revised Code. For purposes of applying 57182
this division and ~~division~~divisions (L)(3) and (4) of this 57183
section to a community school student, "learning opportunities" 57184

shall be defined in the contract, which shall describe both 57185
classroom-based and non-classroom-based learning opportunities 57186
and shall be in compliance with criteria and documentation 57187
requirements for student participation which shall be established 57188
by the department. Any student's instruction time in 57189
non-classroom-based learning opportunities shall be certified by 57190
an employee of the community school. A student's enrollment shall 57191
be considered to cease on the date on which any of the following 57192
occur: 57193

(a) The community school receives documentation from a parent 57194
terminating enrollment of the student. 57195

(b) The community school is provided documentation of a 57196
student's enrollment in another public or private school. 57197

(c) The community school ceases to offer learning 57198
opportunities to the student pursuant to the terms of the contract 57199
with the sponsor or the operation of any provision of this 57200
chapter. 57201

(3) The department shall determine each community school 57202
student's percentage of full-time equivalency based on the 57203
percentage of learning opportunities offered by the community 57204
school to that student, reported either as number of hours or 57205
number of days, is of the total learning opportunities offered 57206
by the community school to a student who attends for the school's 57207
entire school year. However, no internet- or computer-based 57208
community school shall be credited for any time a student spends 57209
participating in learning opportunities beyond ten hours within 57210
any period of twenty-four consecutive hours. Whether it reports 57211
hours or days of learning opportunities, each community school 57212
shall offer not less than nine hundred twenty hours of learning 57213
opportunities during the school year. 57214

(4) With respect to the calculation of full-time equivalency 57215

under division (L)(3) of this section, the department shall waive 57216
the number of hours or days of learning opportunities not offered 57217
to a student because the community school was closed during the 57218
school year due to disease epidemic, hazardous weather conditions, 57219
inoperability of school buses or other equipment necessary to the 57220
school's operation, damage to a school building, or other 57221
temporary circumstances due to utility failure rendering the 57222
school building unfit for school use, so long as the school was 57223
actually open for instruction with students in attendance during 57224
that school year for not less than the minimum number of hours 57225
required by this chapter. The department shall treat the school 57226
as if it were open for instruction with students in attendance 57227
during the hours or days waived under this division. 57228

(M) The department of education shall reduce the amounts paid 57229
under division (D) of this section to reflect payments made to 57230
colleges under division (B) of section 3365.07 of the Revised Code 57231
or through alternative funding agreements entered into under rules 57232
adopted under section 3365.12 of the Revised Code. 57233

(N)(1) No student shall be considered enrolled in any 57234
internet- or computer-based community school or, if applicable to 57235
the student, in any community school that is required to provide 57236
the student with a computer pursuant to division (C) of section 57237
3314.22 of the Revised Code, unless both of the following 57238
conditions are satisfied: 57239

(a) The student possesses or has been provided with all 57240
required hardware and software materials and all such materials 57241
are operational so that the student is capable of fully 57242
participating in the learning opportunities specified in the 57243
contract between the school and the school's sponsor as required 57244
by division (A)(23) of section 3314.03 of the Revised Code; 57245

(b) The school is in compliance with division (A) of section 57246
3314.22 of the Revised Code, relative to such student. 57247

(2) In accordance with policies adopted jointly by the
superintendent of public instruction and the auditor of state, the
department shall reduce the amounts otherwise payable under
division (D) of this section to any community school that includes
in its program the provision of computer hardware and software
materials to any student, if such hardware and software materials
have not been delivered, installed, and activated for each such
student in a timely manner or other educational materials or
services have not been provided according to the contract between
the individual community school and its sponsor.

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The superintendent of public instruction and the auditor of
state shall jointly establish a method for auditing any community
school to which this division pertains to ensure compliance with
this section.

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The superintendent, auditor of state, and the governor shall
jointly make recommendations to the general assembly for
legislative changes that may be required to assure fiscal and
academic accountability for such schools.

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(O)(1) If the department determines that a review of a
community school's enrollment is necessary, such review shall be
completed and written notice of the findings shall be provided to
the governing authority of the community school and its sponsor
within ninety days of the end of the community school's fiscal
year, unless extended for a period not to exceed thirty additional
days for one of the following reasons:

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(a) The department and the community school mutually agree to
the extension.

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(b) Delays in data submission caused by either a community
school or its sponsor.

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(2) If the review results in a finding that additional	57277
funding is owed to the school, such payment shall be made within	57278
thirty days of the written notice. If the review results in a	57279
finding that the community school owes moneys to the state, the	57280
following procedure shall apply:	57281
(a) Within ten business days of the receipt of the notice of	57282
findings, the community school may appeal the department's	57283
determination to the state board of education or its designee.	57284
(b) The board or its designee shall conduct an informal	57285
hearing on the matter within thirty days of receipt of such an	57286
appeal and shall issue a decision within fifteen days of the	57287
conclusion of the hearing.	57288
(c) If the board has enlisted a designee to conduct the	57289
hearing, the designee shall certify its decision to the board. The	57290
board may accept the decision of the designee or may reject the	57291
decision of the designee and issue its own decision on the matter.	57292
(d) Any decision made by the board under this division is	57293
final.	57294
(3) If it is decided that the community school owes moneys to	57295
the state, the department shall deduct such amount from the	57296
school's future payments in accordance with guidelines issued by	57297
the superintendent of public instruction.	57298
~~(Q)~~ <u>(P)</u> The department shall not subtract from a school	57299
district's state aid account under division (C) of this section	57300
and shall not pay to a community school under division (D) of this	57301
section any amount for any of the following:	57302
(1) Any student who has graduated from the twelfth grade of a	57303
public or nonpublic high school;	57304

(2) Any student who is not a resident of the state;	57305
(3) Any student who was enrolled in the community school during the previous school year when ~~tests~~ <u>assessments</u> were administered under section 3301.0711 of the Revised Code but did not take one or more of the ~~tests~~ <u>assessments</u> required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the ~~test~~ <u>assessment</u> and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.	57306 57307 57308 57309 57310 57311 57312 57313 57314 57315 57316
(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not subtract from a school district's state aid account under division (C) of this section and shall not pay to a community school under division (D) of this section any amount for that veteran.	57317 57318 57319 57320 57321 57322 57323 57324 57325 57326 57327 57328
Sec. 3314.085. (A) In each fiscal year beginning in fiscal year 2007, each internet- or computer-based community school shall spend for pupil instruction at least the amount per pupil designated in division (B)(1) of section 3317.012 of the Revised Code as the amount for base classroom teachers. For this purpose, expenditures for pupil instruction include expenditures for teachers, curriculum, academic materials ~~other than~~ , computers, <u>software</u> , and any other instructional purposes designated in the	57329 57330 57331 57332 57333 57334 57335 57336

rules adopted under this section. Expenditures to provide the 57337
computer hardware and filtering software required by sections 57338
3314.21 and 3314.22 of the Revised Code ~~do not~~ qualify as pupil 57339
instruction for purposes of this section. 57340

(B) Beginning in fiscal year 2007, each internet- or 57341
computer-based community school annually shall report data to the 57342
department of education concerning its expenditures for pupil 57343
instruction. Each school shall report the data in the form and 57344
manner required by the department. 57345

(C) If the department determines, after offering the school 57346
an opportunity for a hearing in accordance with Chapter 119. of 57347
the Revised Code, that an internet- or computer-based community 57348
school has failed in any fiscal year to comply with division (A) 57349
or (B) of this section, the department shall assess a fine against 57350
the school equivalent to the greater of the following: 57351

(1) Five per cent of the total state payments to the school 57352
under this chapter for the fiscal year in which the failure 57353
occurred; 57354

(2) The difference between the amount the department 57355
determines the school was required to have spent for pupil 57356
instruction and the amount the department determines the school 57357
actually spent for pupil instruction. 57358

The department's methods of collecting the fine may include 57359
withholding state payments under this chapter in the current or 57360
subsequent fiscal year. 57361

The department may cancel a fine it has imposed under this 57362
section if the school submits a plan for coming into compliance 57363
with the requirements of this section that the department 57364
approves, and the school demonstrates to the department's 57365
satisfaction that it is implementing the plan. 57366

(D) The superintendent of public instruction shall adopt rules in accordance with Chapter 119. of the Revised Code specifying expenditures that qualify as expenditures for pupil instruction for purposes of this section.

Sec. 3314.087. (A) As used in this section:

(1) "Career-technical program" means vocational programs or classes described in division (A) or (B) of section 3317.014 of the Revised Code in which a student is enrolled.

(2) "Formula ADM," "category one or two vocational education ADM," and "FTE basis" have the same meanings as in section 3317.02 of the Revised Code.

(3) "Resident school district" means the city, exempted village, or local school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) Notwithstanding anything to the contrary in this chapter or Chapter 3306. or 3317. of the Revised Code, a student enrolled in a community school may simultaneously enroll in the career-technical program operated by the student's resident school district. On an FTE basis, the student's resident school district shall count the student in the category one or two vocational education ADM for the proportion of the time the student is enrolled in the district's career-technical program and, accordingly, the department of education shall calculate funds under ~~Chapter~~ Chapters 3306. and 3317. for the district attributable to the student for the proportion of time the student attends the career-technical program. The community school shall count the student in its enrollment report under section 3314.08 of the Revised Code and shall report to the department the proportion of time that the student attends

classes at the community school. The department shall pay the 57397
community school and deduct from the student's resident school 57398
district the amount computed for the student under section 57399
3314.08 of the Revised Code in proportion to the fraction of 57400
the time on an FTE basis that the student attends classes at 57401
the community school. "Full-time equivalency" for a community 57402
school student, as defined in division (L) of section 3314.08 57403
of the Revised Code, does not apply to the student. 57404

Sec. 3314.088. (A) For purposes of applying sections 3314.08 57405
and 3314.13 of the Revised Code to fiscal years 2010 and 2011: 57406

(1) The base formula amount for community schools for fiscal 57407
year 2010 is \$5,718 and for fiscal year 2011 is \$5,703. These 57408
respective amounts shall be applied wherein sections 3314.08 and 57409
3314.13 of the Revised Code the base formula amount is specified, 57410
except for deducting and paying amounts for special education 57411
weighted funding and vocational education weighted funding. 57412

(2) The base funding supplements under section 3317.012 of 57413
the Revised Code shall be deemed in each year to be the amounts 57414
specified in that section for fiscal year 2009. 57415

(3) Special education additional weighted funding shall be 57416
calculated by multiplying the applicable weight specified in 57417
section 3317.013 of the Revised Code for fiscal year 2009 times 57418
\$5,732. 57419

(4) Vocational education additional weighted funding shall be 57420
calculated by multiplying the applicable weight specified in 57421
section 3317.014 of the Revised Code for fiscal year 2009 times 57422
\$5,732. 57423

(5) The per pupil amounts paid to a school district under 57424
sections 3317.029 and 3317.0217 of the Revised Code shall be 57425
deemed to be the respective per pupil amounts paid under those 57426

sections to that district for fiscal year 2009. 57427

(6) A community school may receive all-day kindergarten payments under section 3314.13 of the Revised Code only for all-day kindergarten students who are entitled to attend school in school districts that, for fiscal year 2009, met the eligibility requirements of division (D) of section 3317.029 of the Revised Code. For students entitled to attend school in such school districts that actually received payment for all-day kindergarten for fiscal year 2009, the payments to community schools under section 3314.13 of the Revised Code shall be deducted from the school district's state education aid. For students entitled to attend school in such school districts that did not receive payment for all-day kindergarten for fiscal year 2009, the payments to community schools under section 3314.13 of the Revised Code shall be paid out of the funds appropriated under appropriation item 200550, foundation funding, as appropriated in section 265.10 of Am. Sub. H.B. 1 of the 128th General Assembly. As used in this division, "entitled to attend school" has the same meaning as in section 3314.08 of the Revised Code. 57428
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(B) For purposes of applying section 3314.085 of the Revised Code to fiscal years 2010 and 2011, the minimum per pupil expenditure required for pupil instruction under that section is \$2,931, which equals the minimum amount required by that section for fiscal year 2009. 57446
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Sec. 3314.091. (A) A school district is not required to provide transportation for any native student enrolled in a community school if the district board of education has entered into an agreement with the community school's governing authority that designates the community school as responsible for providing or arranging for the transportation of the district's native students to and from the community school. For any such agreement to be effective, it must be certified by the superintendent of 57451
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public instruction as having met all of the following requirements:	57459 57460
(1) It is submitted to the department of education by a deadline which shall be established by the department.	57461 57462
(2) In accordance with divisions (C)(1) and (2) of this section, it specifies qualifications, such as residing a minimum distance from the school, for students to have their transportation provided or arranged.	57463 57464 57465 57466
(3) The transportation provided by the community school is subject to all provisions of the Revised Code and all rules adopted under the Revised Code pertaining to pupil transportation.	57467 57468 57469
(4) The sponsor of the community school also has signed the agreement.	57470 57471
(B)(1) For the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school, if the community school during the previous school year transported the students enrolled in the school or arranged for the students' transportation, even if that arrangement consisted of having parents transport their children to and from the school, but did not enter into an agreement to transport or arrange for transportation for those students under division (A) of this section, and if the governing authority of the community school by July 15, 2007, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school.	57472 57473 57474 57475 57476 57477 57478 57479 57480 57481 57482 57483 57484 57485 57486
(2) For any school year subsequent to the school year that begins on July 1, 2007, a school district is not required to	57487 57488

provide transportation for any native student enrolled in a 57489
community school if the governing authority of the community 57490
school, by the thirty-first day of January of the previous school 57491
year, submits written notification to the district board of 57492
education stating that the governing authority is accepting 57493
responsibility for providing or arranging for the transportation 57494
of the district's native students to and from the community 57495
school. If the governing authority of the community school has 57496
previously accepted responsibility for providing or arranging for 57497
the transportation of a district's native students to and from the 57498
community school, under division (B)(1) or (2) of this section, 57499
and has since relinquished that responsibility under division 57500
(B)(3) of this section, the governing authority shall not accept 57501
that responsibility again unless the district board consents to 57502
the governing authority's acceptance of that responsibility. 57503

(3) A governing authority's acceptance of responsibility 57504
under division (B)(1) or (2) of this section shall cover an entire 57505
school year, and shall remain in effect for subsequent school 57506
years unless the governing authority submits written notification 57507
to the district board that the governing authority is 57508
relinquishing the responsibility. However, a governing authority 57509
shall not relinquish responsibility for transportation before the 57510
end of a school year, and shall submit the notice relinquishing 57511
responsibility by the thirty-first day of January, in order to 57512
allow the school district reasonable time to prepare 57513
transportation for its native students enrolled in the school. 57514

(C)(1) A community school governing authority that enters 57515
into an agreement under division (A) of this section, or that 57516
accepts responsibility under division (B) of this section, shall 57517
provide or arrange transportation free of any charge for each of 57518
its enrolled students who is required to be transported under 57519
section 3327.01 of the Revised Code or who would otherwise be 57520
transported by the school district under the district's 57521

transportation policy. The governing authority shall report to the
department of education the number of students transported or for
whom transportation is arranged under this section in accordance
with rules adopted by the state board of education.

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(2) The governing authority may provide or arrange
transportation for any other enrolled student who is not eligible
for transportation in accordance with division (C)(1) of this
section and may charge a fee for such service up to the actual
cost of the service.

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(3) Notwithstanding anything to the contrary in division
(C)(1) or (2) of this section, a community school governing
authority shall provide or arrange transportation free of any
charge for any disabled student enrolled in the school for whom
the student's individualized education program developed under
Chapter 3323. of the Revised Code specifies transportation.

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(D)(1) If a school district board and a community school
governing authority elect to enter into an agreement under
division (A) of this section, the department of education shall
make payments to the community school according to the terms of
the agreement for each student actually transported under
division (C)(1) of this section.

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If a community school governing authority accepts
transportation responsibility under division (B) of this section,
the department shall make payments to the community school for
each student actually transported or for whom transportation is
arranged by the community school under division (C)(1) of this
section, calculated as follows:

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(a) For any fiscal year which the general assembly has
specified that transportation payments to school districts be
based on an across-the-board percentage of the district's payment
for the previous school year, the per pupil payment to the

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community school shall be the following quotient: 57553

(i) The total amount calculated for the school district in 57554
which the child is entitled to attend school for student 57555
transportation other than transportation of children with 57556
disabilities; divided by 57557

(ii) The number of students included in the district's 57558
transportation ADM for the current fiscal year, as reported under 57559
division (B)(13) of section 3317.03 of the Revised Code, plus the 57560
number of students enrolled in the community school not counted in 57561
the district's transportation ADM who are transported under 57562
division (B)(1) or (2) of this section. 57563

(b) For any fiscal year which the general assembly has 57564
specified that the transportation payments to school districts be 57565
calculated in accordance with ~~division (D) of section 3317.022~~ 57566
3306.12 of the Revised Code and any rules of the state board of 57567
education implementing that ~~division~~section, the payment to the 57568
community school shall be the amount so calculated that 57569
otherwise would be paid to the school district in which the 57570
student is entitled to attend school by the method of 57571
transportation the district would have used. The community 57572
school, however, is not required to use the same method to 57573
transport that student. 57574

As used in this division "entitled to attend school" means 57575
entitled to attend school under section 3313.64 or 3313.65 of the 57576
Revised Code. 57577

(2) The department shall deduct the payment under division 57578
(D)(1) of this section from the state education aid, as defined 57579
in section 3314.08 of the Revised Code, and, if necessary, the 57580
payment under sections 321.14 and 323.156 of the Revised Code, 57581
that is otherwise paid to the school district in which the 57582
student enrolled in the community school is entitled to attend 57583

school. The department shall include the number of the district's native students for whom payment is made to a community school under division (D)(1) of this section in the calculation of the district's transportation payment under ~~division (D)~~ of section 3317.0223306.12 of the Revised Code and the operating appropriations act.

(3) A community school shall be paid under division (D)(1) of this section only for students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of this section, and whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department.

(4) A community school shall use payments received under this section solely to pay the costs of providing or arranging for the transportation of students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of this section, which may include payments to a parent, guardian, or other person in charge of a child in lieu of transportation.

(E) Except when arranged through payment to a parent, guardian, or person in charge of a child, transportation provided or arranged for by a community school pursuant to an agreement under this section is subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to the construction, design, equipment, and operation of school buses and other vehicles transporting students to and from school. The drivers and mechanics of the vehicles are subject to all

provisions of the Revised Code, and all rules adopted under the
Revised Code, pertaining to drivers and mechanics of such
vehicles. The community school also shall comply with sections
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B)
of section 3327.16 of the Revised Code and, subject to division
(C)(1) of this section, sections 3327.01 and 3327.02 of the
Revised Code, as if it were a school district.

Sec. 3314.10. (A)(1) The governing authority of any
community school established under this chapter may employ
teachers and nonteaching employees necessary to carry out its
mission and fulfill its contract.

(2) Except as provided under division (A)(3) of this section,
employees hired under this section may organize and collectively
bargain pursuant to Chapter 4117. of the Revised Code.
Notwithstanding division (D)(1) of section 4117.06 of the Revised
Code, a unit containing teaching and nonteaching employees
employed under this section shall be considered an appropriate
unit. As applicable, employment under this section is subject to
either Chapter 3307. or 3309. of the Revised Code.

(3) If a school is created by converting all or part of an
existing public school rather than by establishment of a new
start-up school, at the time of conversion, the employees of the
community school shall remain part of any collective bargaining
unit in which they were included immediately prior to the
conversion and shall remain subject to any collective bargaining
agreement for that unit in effect on the first day of July of the
year in which the community school initially begins operation and
shall be subject to any subsequent collective bargaining agreement
for that unit, unless a petition is certified as sufficient under
division (A)(6) of this section with regard to those employees.
Any new employees of the community school shall also be included
in the unit to which they would have been assigned had not the

conversion taken place and shall be subject to the collective bargaining agreement for that unit unless a petition is certified as sufficient under division (A)(6) of this section with regard to those employees.

Notwithstanding division (B) of section 4117.01 of the Revised Code, the board of education of a school district and not the governing authority of a community school shall be regarded, for purposes of Chapter 4117. of the Revised Code, as the "public employer" of the employees of a conversion community school subject to a collective bargaining agreement pursuant to division (A)(3) of this section unless a petition is certified under division (A)(6) of this section with regard to those employees. Only on and after the effective date of a petition certified as sufficient under division (A)(6) of this section shall division (A)(2) of this section apply to those employees of that community school and only on and after the effective date of that petition shall Chapter 4117. of the Revised Code apply to the governing authority of that community school with regard to those employees.

(4) Notwithstanding sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general assembly, the employees of a conversion community school who are subject to a collective bargaining agreement pursuant to division (A)(3) of this section shall cease to be subject to that agreement and all subsequent agreements pursuant to that division and shall cease to be part of the collective bargaining unit that is subject to that and all subsequent agreements, if a majority of the employees of that community school who are subject to that collective bargaining agreement sign and submit to the state employment relations board a petition requesting all of the following:

(a) That all the employees of the community school who are subject to that agreement be removed from the bargaining unit that

is subject to that agreement and be designated by the state 57680
employment relations board as a new and separate bargaining unit 57681
for purposes of Chapter 4117. of the Revised Code; 57682

(b) That the employee organization certified as the exclusive 57683
representative of the employees of the bargaining unit from which 57684
the employees are to be removed be certified as the exclusive 57685
representative of the new and separate bargaining unit for 57686
purposes of Chapter 4117. of the Revised Code; 57687

(c) That the governing authority of the community school be 57688
regarded as the "public employer" of these employees for purposes 57689
of Chapter 4117. of the Revised Code. 57690

(5) Notwithstanding sections 4117.03 to 4117.18 of the 57691
Revised Code and Section 4 of Amended Substitute Senate Bill No. 57692
133 of the 115th general assembly, the employees of a conversion 57693
community school who are subject to a collective bargaining 57694
agreement pursuant to division (A)(3) of this section shall cease 57695
to be subject to that agreement and all subsequent agreements 57696
pursuant to that division, shall cease to be part of the 57697
collective bargaining unit that is subject to that and all 57698
subsequent agreements, and shall cease to be represented by any 57699
exclusive representative of that collective bargaining unit, if a 57700
majority of the employees of the community school who are subject 57701
to that collective bargaining agreement sign and submit to the 57702
state employment relations board a petition requesting all of the 57703
following: 57704

(a) That all the employees of the community school who are 57705
subject to that agreement be removed from the bargaining unit that 57706
is subject to that agreement; 57707

(b) That any employee organization certified as the exclusive 57708
representative of the employees of that bargaining unit be 57709
decertified as the exclusive representative of the employees of 57710

the community school who are subject to that agreement; 57711

(c) That the governing authority of the community school be 57712
regarded as the "public employer" of these employees for purposes 57713
of Chapter 4117. of the Revised Code. 57714

(6) Upon receipt of a petition under division (A)(4) or (5) 57715
of this section, the state employment relations board shall check 57716
the sufficiency of the signatures on the petition. If the 57717
signatures are found sufficient, the board shall certify the 57718
sufficiency of the petition and so notify the parties involved, 57719
including the board of education, the governing authority of the 57720
community school, and any exclusive representative of the 57721
bargaining unit. The changes requested in a certified petition 57722
shall take effect on the first day of the month immediately 57723
following the date on which the sufficiency of the petition is 57724
certified under division (A)(6) of this section. 57725

(B)(1) The board of education of each city, local, and 57726
exempted village school district sponsoring a community school and 57727
the governing board of each educational service center in which a 57728
community school is located shall adopt a policy that provides a 57729
leave of absence of at least three years to each teacher or 57730
nonteaching employee of the district or service center who is 57731
employed by a conversion or new start-up community school 57732
sponsored by the district or located in the district or center for 57733
the period during which the teacher or employee is continuously 57734
employed by the community school. The policy shall also provide 57735
that any teacher or nonteaching employee may return to employment 57736
by the district or service center if the teacher or employee 57737
leaves or is discharged from employment with the community school 57738
for any reason, unless, in the case of a teacher, the board of the 57739
district or service center determines that the teacher was 57740
discharged for a reason for which the board would have sought to 57741
discharge the teacher under section 3319.16 of the Revised Code, 57742

in which case the board may proceed to discharge the teacher 57743
utilizing the procedures of that section. Upon termination of such 57744
a leave of absence, any seniority that is applicable to the person 57745
shall be calculated to include all of the following: all 57746
employment by the district or service center prior to the leave of 57747
absence; all employment by the community school during the leave 57748
of absence; and all employment by the district or service center 57749
after the leave of absence. The policy shall also provide that if 57750
any teacher holding valid certification returns to employment by 57751
the district or service center upon termination of such a leave of 57752
absence, the teacher shall be restored to the previous position 57753
and salary or to a position and salary similar thereto. If, as a 57754
result of teachers returning to employment upon termination of 57755
such leaves of absence, a school district or educational service 57756
center reduces the number of teachers it employs, it shall make 57757
such reductions in accordance with section 3319.17 or, if 57758
applicable, 3319.171 of the Revised Code. 57759

Unless a collective bargaining agreement providing otherwise 57760
is in effect for an employee of a conversion community school 57761
pursuant to division (A)(3) of this section, an employee on a 57762
leave of absence pursuant to this division shall remain eligible 57763
for any benefits that are in addition to benefits under Chapter 57764
3307. or 3309. of the Revised Code provided by the district or 57765
service center to its employees provided the employee pays the 57766
entire cost associated with such benefits, except that personal 57767
leave and vacation leave cannot be accrued for use as an employee 57768
of a school district or service center while in the employ of a 57769
community school unless the district or service center board 57770
adopts a policy expressly permitting this accrual. 57771

(2) While on a leave of absence pursuant to division (B)(1) 57772
of this section, a conversion community school shall permit a 57773
teacher to use sick leave accrued while in the employ of the 57774
school district from which the leave of absence was taken and 57775

prior to commencing such leave. If a teacher who is on such a leave of absence uses sick leave so accrued, the cost of any salary paid by the community school to the teacher for that time shall be reported to the department of education. The cost of employing a substitute teacher for that time shall be paid by the community school. The department of education shall add amounts to the payments made to a community school under this chapter as necessary to cover the cost of salary reported by a community school as paid to a teacher using sick leave so accrued pursuant to this section. The department shall subtract the amounts of any payments made to community schools under this division from payments made to such sponsoring school district under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code.

A school district providing a leave of absence and employee benefits to a person pursuant to this division is not liable for any action of that person while the person is on such leave and employed by a community school.

Sec. 3314.13. ~~(A)~~ Payments and deductions under this section for fiscal years 2010 and 2011 shall be made in accordance with section 3314.088 of the Revised Code.

(A) As used in this section:

(1) "All-day kindergarten" has the same meaning as in section 3317.029 of the Revised Code.

(2) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.

(B) Except as provided in division (C) of this section, the department of education annually shall pay each community school established under this chapter one-half of the formula amount for each student to whom both of the following apply:

(1) The student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code in a school district that is eligible to receive a payment under division (D) of section 3317.029 of the Revised Code if it provides all-day kindergarten;	57805 57806 57807 57808
(2) The student is reported by the community school as enrolled in all-day kindergarten at the community school.	57809 57810
(C) The department shall make no payments under this section to any internet- or computer-based community school.	57811 57812
(D) If a student for whom payment is made under division (B) of this section is entitled to attend school in a district that receives any payment for all-day kindergarten under division (D) of section 3317.029 of the Revised Code, the department shall deduct the payment to the community school under this section from the amount paid that school district under that division. If that school district does not receive payment for all-day kindergarten under that division because it does not provide all-day kindergarten, the department shall pay the community school from state funds appropriated generally for poverty-based assistance to school districts.	57813 57814 57815 57816 57817 57818 57819 57820 57821 57822 57823
(E) The department shall adjust the amounts deducted from school districts and paid to community schools under this section to reflect any enrollments of students in all-day kindergarten in community schools for less than the equivalent of a full school year.	57824 57825 57826 57827 57828
Sec. 3314.19. The sponsor of each community school annually shall provide the following assurances in writing to the department of education not later than ten business days prior to the opening of the school:	57829 57830 57831 57832
(A) That a current copy of the contract between the sponsor and the governing authority of the school entered into under	57833 57834

section 3314.03 of the Revised Code has been filed with the state 57835
office of community schools established under section 3314.11 of 57836
the Revised Code and that any subsequent modifications to that 57837
contract will be filed with the office; 57838

(B) That the school has submitted to the sponsor a plan for 57839
providing special education and related services to students with 57840
disabilities and has demonstrated the capacity to provide those 57841
services in accordance with Chapter 3323. of the Revised Code and 57842
federal law; 57843

(C) That the school has a plan and procedures for 57844
administering the achievement ~~tests~~ and diagnostic assessments 57845
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 57846
Revised Code; 57847

(D) That school personnel have the necessary training, 57848
knowledge, and resources to properly use and submit information to 57849
all databases maintained by the department for the collection of 57850
education data, including the education management information 57851
system established under section 3301.0714 of the Revised Code in 57852
accordance with methods and timelines established under section 57853
3314.17 of the Revised Code; 57854

(E) That all required information about the school has been 57855
submitted to the Ohio education directory system or any successor 57856
system; 57857

(F) That the school will enroll at least the minimum number 57858
of students required by division (A)(11)(a) of section 3314.03 of 57859
the Revised Code in the school year for which the assurances are 57860
provided; 57861

(G) That all classroom teachers are licensed in accordance 57862
with sections 3319.22 to 3319.31 of the Revised Code, except for 57863
noncertificated persons engaged to teach up to twelve hours per 57864

week pursuant to section 3319.301 of the Revised Code;	57865
(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code;	57866 57867
(I) That the school has complied with sections 3319.39 and 3319.391 of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing authority members;	57868 57869 57870 57871
(J) That the school holds all of the following:	57872
(1) Proof of property ownership or a lease for the facilities used by the school;	57873 57874
(2) A certificate of occupancy;	57875
(3) Liability insurance for the school, as required by division (A)(11)(b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk;	57876 57877 57878 57879
(4) A satisfactory health and safety inspection;	57880
(5) A satisfactory fire inspection;	57881
(6) A valid food permit, if applicable.	57882
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	57883 57884 57885
(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A)(25) of section 3314.03 of the Revised Code;	57886 57887 57888 57889

(M) That the school has met all of the sponsor's requirements 57890
for opening and any other requirements of the sponsor. 57891

Sec. 3314.25. Each internet- or computer-based community 57892
school shall provide its students a location within a fifty-mile 57893
radius of the student's residence at which to complete the 57894
statewide achievement ~~tests~~ and diagnostic assessments prescribed 57895
under sections 3301.079 ~~and~~, 3301.0710, and 3301.0712 of the 57896
Revised Code. 57897

Sec. 3314.26. (A) Each internet- or computer-based community 57898
school shall withdraw from the school any student who, for two 57899
consecutive school years, has failed to participate in the spring 57900
administration of any ~~test~~assessment prescribed under section 57901
3301.0710 or 3301.0712 of the Revised Code for the student's 57902
grade level and was not excused from the ~~test~~assessment pursuant 57903
to division (C)(1) or (3) of section 3301.0711 of the Revised 57904
Code, regardless of whether a waiver was granted for the 57905
student under division ~~(Q)~~(P)(3) of section 3314.08 of the 57906
Revised Code. The school shall report any such student's data 57907
verification code, as assigned pursuant to section 3301.0714 57908
of the Revised Code, to the department of education. The 57909
department shall maintain a list of all data verification codes 57910
reported under this division and section 3313.6410 of the 57911
Revised Code and provide that list to each internet- or 57912
computer-based community school and to each school to which 57913
section 3313.6410 of the Revised Code applies. 57914

(B) No internet- or computer-based community school shall 57915
receive any state funds under this chapter for any enrolled 57916
student whose data verification code appears on the list 57917
maintained by the department under division (A) of this section. 57918

Notwithstanding any provision of the Revised Code to the 57919
contrary, the parent of any such student shall pay tuition to the 57920
internet- or computer-based community school in an amount equal to 57921

the state funds the school otherwise would receive for that 57922
student, as determined by the department. An internet- or 57923
computer-based community school may withdraw any student for whom 57924
the parent does not pay tuition as required by this division. 57925

Sec. 3314.35. (A)(1) Except as provided in division 57926
(A)(~~2~~)(3) of this section, this section applies to any community 57927
school that meets one of the following criteria after July 1, 57928
2008, but before July 1, 2009: 57929

(a) The school does not offer a grade level higher than three 57930
and has been declared to be in a state of academic emergency under 57931
section 3302.03 of the Revised Code for four consecutive school 57932
years. 57933

(b) The school satisfies all of the following conditions: 57934

(i) The school offers any of grade levels four to eight but 57935
does not offer a grade level higher than nine. 57936

(ii) The school has been declared to be in a state of 57937
academic emergency under section 3302.03 of the Revised Code for 57938
three consecutive school years. 57939

(iii) For two of those school years, the school showed less 57940
than one standard year of academic growth in either reading or 57941
mathematics, as determined by the department of education in 57942
accordance with rules adopted under division (A) of section 57943
3302.021 of the Revised Code. 57944

(c) The school satisfies all of the following conditions: 57945

(i) The school offers any of grade levels ten to twelve. 57946

(ii) The school has been declared to be in a state of 57947
academic emergency under section 3302.03 of the Revised Code for 57948

three consecutive school years. 57949

(iii) For two of those school years, the school showed less than two standard years of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code. 57950
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(2) Except as provided in division (A)(3) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2009: 57955
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(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years. 57958
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(b) The school satisfies all of the following conditions: 57962

(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine. 57963
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(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years. 57965
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(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code. 57968
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(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years. 57973
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(3) This section does not apply to ~~any~~ either of the following: 57977
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(a) Any community school in which a majority of the students 57979
are enrolled in a dropout prevention and recovery program that is 57980
operated by the school and that has been granted a waiver under 57981
section 3314.36 of the Revised Code; 57982

(b) Any community school in which a majority of the enrolled 57983
students are children with disabilities receiving special 57984
education and related services in accordance with Chapter 3323. of 57985
the Revised Code. 57986

(B) Any community school to which this section applies shall 57987
permanently close at the conclusion of the school year in which 57988
the school first becomes subject to this section. The sponsor and 57989
governing authority of the school shall comply with all procedures 57990
for closing a community school adopted by the department under 57991
division (E) of section 3314.015 of the Revised Code. The 57992
governing authority of the school shall not enter into a contract 57993
with any other sponsor under section 3314.03 of the Revised Code 57994
after the school closes. 57995

(C) Not later than July 1, 2008, the department shall 57996
determine the feasibility of using the value-added progress 57997
dimension, as defined in section 3302.01 of the Revised Code, as a 57998
factor in evaluating the academic performance of community schools 57999
described in division (A)(1)(c)(i) of this section. 58000
Notwithstanding divisions (A)(1)(c)(ii) and (iii) of this section, 58001
if the department determines that using the value-added progress 58002
dimension to evaluate community schools described in division 58003
(A)(1)(c)(i) of this section is not feasible, a community school 58004
described in that division shall be required to permanently close 58005
under this section only if it has been declared to be in a state 58006
of academic emergency under section 3302.03 of the Revised Code 58007

for four consecutive school years. 58008

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does 58009
not apply to any community school in which a majority of the 58010
students are enrolled in a dropout prevention and recovery program 58011
that is operated by the school and that has been granted a waiver 58012
by the department of education. The department shall grant a 58013
waiver to a dropout prevention and recovery program, within sixty 58014
days after the program applies for the waiver, if the program 58015
meets all of the following conditions: 58016

(1) The program serves only students not younger than sixteen 58017
years of age and not older than twenty-one years of age. 58018

(2) The program enrolls students who, at the time of their 58019
initial enrollment, either, or both, are at least one grade level 58020
behind their cohort age groups or experience crises that 58021
significantly interfere with their academic progress such that 58022
they are prevented from continuing their traditional programs. 58023

(3) The program requires students to attain at least the 58024
applicable score designated for each of the ~~tests~~assessments 58025
prescribed under division (B)(1) of section 3301.0710 of the 58026
Revised Code or, to the extent prescribed by rule of the state 58027
board of education under division (E)(6) of section 3301.0712 of 58028
the Revised Code, division (B)(2) of that section. 58029

(4) The program develops an individual career plan for the 58030
student that specifies the student's matriculating to a two-year 58031
degree program, acquiring a business and industry credential, or 58032
entering an apprenticeship. 58033

(5) The program provides counseling and support for the 58034
student related to the plan developed under division (A)(4) of 58035
this section during the remainder of the student's high school 58036
experience. 58037

(6) Prior to receiving the waiver, the program has submitted 58038
to the department an instructional plan that demonstrates how the 58039
academic content standards adopted by the state board of education 58040
under section 3301.079 of the Revised Code will be taught and 58041
assessed. 58042

If the department does not act either to grant the waiver or 58043
to reject the program application for the waiver within sixty days 58044
as required under this section, the waiver shall be considered to 58045
be granted. 58046

(B) Notwithstanding division (A) of this section, the 58047
department shall not grant a waiver to any community school that 58048
did not qualify for a waiver under this section when it initially 58049
began operations, unless the state board of education approves the 58050
waiver. 58051

Sec. 3314.44. (A) If a community school established under 58052
this chapter closes for any reason, the chief administrative 58053
officer of the school at the time the school closes shall in good 58054
faith take all reasonable steps necessary to collect and assemble 58055
in an orderly manner the educational records of each student who 58056
is or has been enrolled in the school so that those records may be 58057
transmitted in accordance with this division. The chief 58058
administrative officer shall transmit the records within seven 58059
business days of the school closing to the student's school 58060
district of residence. 58061

(B) No person required to collect, assemble, and transmit 58062
student records under division (A) of this section shall fail to 58063
comply with that division. 58064

(C) Whoever violates division (B) of this section is guilty 58065
of a misdemeanor in the third degree. 58066

Sec. 3315.37. The board of education of a school district
may establish a teacher education loan program and may expend
school funds for the program. The program shall be for the purpose
of making loans to students who are residents of the school
district or graduates of schools in the school district, who are
enrolled in teacher preparation programs at institutions approved
by the ~~state board~~ chancellor of the Ohio board of regents
pursuant to section ~~3319.23~~ 3333.048 of the Revised Code, and who
indicate an intent to teach in the school district providing the
loan. The district board may forgive the obligation to repay any
or all of the principal and interest on the loan if the borrower
teaches in that school district.

The district board shall adopt rules establishing eligibility
criteria, application procedures, procedures for review of
applications, loan amounts, interest, repayment schedules,
conditions under which principal and interest obligations incurred
under the program will be forgiven, and any other matter
incidental to the operation of the program.

The board may contract with a private, nonprofit foundation,
one or more institutions of higher education, or other educational
agencies to administer the program.

The receipt of a loan under this section does not affect a
student's eligibility for assistance, or the amount of such
assistance, granted under section 3315.33, 3333.12, 3333.122,
3333.22, 3333.26, ~~3333.27~~, 5910.04, or 5919.34 of the Revised
Code, but the board's rules may provide for taking such assistance
into consideration when determining a student's eligibility for a
loan under this section.

Sec. 3316.041. (A) Notwithstanding any provision of Chapter
133. or sections 3313.483 to 3313.4811 of the Revised Code, and
subject to the approval of the superintendent of public
instruction, a school district that is in a state of fiscal watch

declared under section 3316.03 of the Revised Code may restructure	58099
or refinance loans obtained or in the process of being obtained	58100
under section 3313.483 of the Revised Code if all of the following	58101
requirements are met:	58102
 (1) The operating deficit certified for the school district	58103
for the current or preceding fiscal year under section 3313.483 of	58104
the Revised Code exceeds fifteen per cent of the district's	58105
general revenue fund for the fiscal year preceding the year for	58106
which the certification of the operating deficit is made.	58107
 (2) The school district voters have, during the period of the	58108
fiscal watch, approved the levy of a tax under section 718.09,	58109
718.10, 5705.194, 5705.21, or 5748.02 of the Revised Code that is	58110
not a renewal or replacement levy, or a levy under section	58111
5705.199 of the Revised Code, and that will provide new operating	58112
revenue.	58113
 (3) The board of education of the school district has adopted	58114
or amended the financial plan required by section 3316.04 of the	58115
Revised Code to reflect the restructured or refinanced loans, and	58116
sets forth the means by which the district will bring projected	58117
operating revenues and expenditures, and projected debt service	58118
obligations, into balance for the life of any such loan.	58119
 (B) Subject to the approval of the superintendent of public	58120
instruction, the school district may issue securities to evidence	58121
the restructuring or refinancing authorized by this section. Such	58122
securities may extend the original period for repayment not to	58123
exceed ten years, and may alter the frequency and amount of	58124
repayments, interest or other financing charges, and other terms	58125
or agreements under which the loans were originally contracted,	58126
provided the loans received under sections 3313.483 of the Revised	58127
Code are repaid from funds the district would otherwise receive	58128
under ~~sections 3317.022 to 3317.025~~ Chapter 3306. of the Revised	58129
Code, as required under division (E)(3) of section 3313.483 of	58130

the Revised Code. Securities issued for the purpose of 58131
restructuring or refinancing under this section shall be repaid 58132
in equal payments and at equal intervals over the term of the 58133
debt and are not eligible to be included in any subsequent 58134
proposal to restructure or refinance. 58135

(C) Unless the district is declared to be in a state of 58136
fiscal emergency under division (D) of section 3316.04 of the 58137
Revised Code, a school district shall remain in a state of fiscal 58138
watch for the duration of the repayment period of any loan 58139
restructured or refinanced under this section. 58140

Sec. 3316.06. (A) Within one hundred twenty days after the 58141
first meeting of a school district financial planning and 58142
supervision commission, the commission shall adopt a financial 58143
recovery plan regarding the school district for which the 58144
commission was created. During the formulation of the plan, the 58145
commission shall seek appropriate input from the school district 58146
board and from the community. This plan shall contain the 58147
following: 58148

(1) Actions to be taken to: 58149

(a) Eliminate all fiscal emergency conditions declared to 58150
exist pursuant to division (B) of section 3316.03 of the Revised 58151
Code; 58152

(b) Satisfy any judgments, past-due accounts payable, and all 58153
past-due and payable payroll and fringe benefits; 58154

(c) Eliminate the deficits in all deficit funds, except that 58155
any prior year deficits in the textbook and instructional 58156
materials fund established pursuant to section 3315.17 of the 58157
Revised Code and the capital and maintenance fund established 58158
pursuant to section 3315.18 of the Revised Code shall be forgiven; 58159

(d) Restore to special funds any moneys from such funds that
were used for purposes not within the purposes of such funds, or
borrowed from such funds by the purchase of debt obligations of
the school district with the moneys of such funds, or missing from
the special funds and not accounted for, if any;

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(e) Balance the budget, avoid future deficits in any funds,
and maintain on a current basis payments of payroll, fringe
benefits, and all accounts;

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(f) Avoid any fiscal emergency condition in the future;

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(g) Restore the ability of the school district to market
long-term general obligation bonds under provisions of law
applicable to school districts generally.

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(2) The management structure that will enable the school
district to take the actions enumerated in division (A)(1) of this
section. The plan shall specify the level of fiscal and management
control that the commission will exercise within the school
district during the period of fiscal emergency, and shall
enumerate respectively, the powers and duties of the commission
and the powers and duties of the school board during that period.
The commission may elect to assume any of the powers and duties of
the school board it considers necessary, including all powers
related to personnel, curriculum, and legal issues in order to
successfully implement the actions described in division (A)(1) of
this section.

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(3) The target dates for the commencement, progress upon, and
completion of the actions enumerated in division (A)(1) of this
section and a reasonable period of time expected to be required to
implement the plan. The commission shall prepare a reasonable time
schedule for progress toward and achievement of the requirements
for the plan, and the plan shall be consistent with that time
schedule.

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(4) The amount and purpose of any issue of debt obligations	58191
that will be issued, together with assurances that any such debt	58192
obligations that will be issued will not exceed debt limits	58193
supported by appropriate certifications by the fiscal officer of	58194
the school district and the county auditor. Debt obligations	58195
issued pursuant to section 133.301 of the Revised Code shall	58196
include assurances that such debt shall be in an amount not to	58197
exceed the amount certified under division (B) of such section. If	58198
the commission considers it necessary in order to maintain or	58199
improve educational opportunities of pupils in the school	58200
district, the plan may include a proposal to restructure or	58201
refinance outstanding debt obligations incurred by the board under	58202
section 3313.483 of the Revised Code contingent upon the approval,	58203
during the period of the fiscal emergency, by district voters of a	58204
tax levied under section 718.09, 718.10, 5705.194, 5705.21,	58205
5748.02, or 5748.08 of the Revised Code that is not a renewal or	58206
replacement levy, or a levy under section 5705.199 of the Revised	58207
Code, and that will provide new operating revenue. Notwithstanding	58208
any provision of Chapter 133. or sections 3313.483 to 3313.4811 of	58209
the Revised Code, following the required approval of the district	58210
voters and with the approval of the commission, the school	58211
district may issue securities to evidence the restructuring or	58212
refinancing. Those securities may extend the original period for	58213
repayment, not to exceed ten years, and may alter the frequency	58214
and amount of repayments, interest or other financing charges, and	58215
other terms of agreements under which the debt originally was	58216
contracted, at the discretion of the commission, provided that any	58217
loans received pursuant to section 3313.483 of the Revised Code	58218
shall be paid from funds the district would otherwise receive	58219
under ~~sections 3317.022 to 3317.025~~ Chapter 3306. of the Revised	58220
Code, as required under division (E)(3) of section 3313.483 of	58221
the Revised Code. The securities issued for the purpose of	58222
restructuring or refinancing the debt shall be repaid in equal	58223
payments and at equal intervals over the term of the debt and are	58224

not eligible to be included in any subsequent proposal for the 58225
purpose of restructuring or refinancing debt under this section. 58226

(B) Any financial recovery plan may be amended subsequent to 58227
its adoption. Each financial recovery plan shall be updated 58228
annually. 58229

(C) Each school district financial planning and supervision 58230
commission shall submit the financial recovery plan it adopts or 58231
updates under this section to the state superintendent of public 58232
instruction for approval immediately following its adoption or 58233
updating. The state superintendent shall evaluate the plan and 58234
either approve or disapprove it within thirty calendar days from 58235
the date of its submission. If the plan is disapproved, the state 58236
superintendent shall recommend modifications that will render it 58237
acceptable. No financial planning and supervision commission shall 58238
implement a financial recovery plan that is adopted or updated on 58239
or after April 10, 2001, unless the state superintendent has 58240
approved it. 58241

Sec. 3316.20. (A)(1) The school district solvency assistance 58242
fund is hereby created in the state treasury, to consist of such 58243
amounts designated for the purposes of the fund by the general 58244
assembly. The fund shall be used to provide assistance and grants 58245
to school districts to enable them to remain solvent and to pay 58246
~~unforseeable~~unforeseeable expenses of a temporary or emergency 58247
nature that they are unable to pay from existing resources. 58248

(2) There is hereby created within the fund an account known 58249
as the school district shared resource account, which shall 58250
consist of money appropriated to it by the general assembly. The 58251
money in the account shall be used solely for solvency assistance 58252
to school districts that have been declared under division (B) of 58253
section 3316.03 of the Revised Code to be in a state of fiscal 58254
emergency. 58255

(3) There is hereby created within the fund an account known as the catastrophic expenditures account, which shall consist of money appropriated to the account by the general assembly plus all investment earnings of the fund. Money in the account shall be used solely for the following:

(a) Solvency assistance to school districts that have been declared under division (B) of section 3316.03 of the Revised Code to be in a state of fiscal emergency, in the event that all money in the shared resource account is utilized for solvency assistance;

(b) Grants to school districts under division (C) of this section.

(B) Solvency assistance payments under division (A)(2) or (3)(a) of this section shall be made from the fund by the superintendent of public instruction in accordance with rules adopted by the director of budget and management, after consulting with the superintendent, specifying approval criteria and procedures necessary for administering the fund.

The fund shall be reimbursed for any solvency assistance amounts paid under division (A)(2) or (3)(a) of this section not later than the end of the second fiscal year following the fiscal year in which the solvency assistance payment was made. If not made directly by the school district, such reimbursement shall be made by the director of budget and management from the amounts the school district would otherwise receive pursuant to ~~sections 3317.022 to 3317.025~~ Chapter 3306 of the Revised Code, or from any other funds appropriated for the district by the general assembly. Reimbursements shall be credited to the respective account from which the solvency assistance paid to the district was deducted.

(C) The superintendent of public instruction may make

recommendations, and the controlling board may grant money from 58287
the catastrophic expenditures account to any school district that 58288
suffers an unforeseen catastrophic event that severely depletes 58289
the district's financial resources. The superintendent shall make 58290
recommendations for the grants in accordance with rules adopted by 58291
the director of budget and management, after consulting with the 58292
superintendent. A school district shall not be required to repay 58293
any grant awarded to the district under this division, unless the 58294
district receives money from this state or a third party, 58295
including an agency of the government of the United States, 58296
specifically for the purpose of compensating the district for 58297
revenue lost or expenses incurred as a result of the unforeseen 58298
catastrophic event. If a school district receives a grant from the 58299
catastrophic expenditures account on the basis of the same 58300
circumstances for which an adjustment or recomputation is 58301
authorized under section 3317.025, 3317.026, 3317.027, 3317.028, 58302
3317.0210, or 3317.0211 of the Revised Code, the department of 58303
education shall reduce the adjustment or recomputation by an 58304
amount not to exceed the total amount of the grant, and an amount 58305
equal to the reduction shall be transferred, from the funding 58306
source from which the adjustment or recomputation would be paid, 58307
to the catastrophic expenditures account. Any adjustment or 58308
recomputation under such sections that is in excess of the total 58309
amount of the grant shall be paid to the school district. 58310

Sec. 3317.01. As used in this section and section 3317.011 58311
of the Revised Code, "school district," unless otherwise 58312
specified, means any city, local, exempted village, joint 58313
vocational, or cooperative education school district and any 58314
educational service center. 58315

This chapter shall be administered by the state board of 58316
education. The superintendent of public instruction shall 58317
calculate the amounts payable to each school district and shall 58318
certify the amounts payable to each eligible district to the 58319

treasurer of the district as provided by this chapter. As soon as
possible after such amounts are calculated, the superintendent
shall certify to the treasurer of each school district the
district's adjusted charge-off increase, as defined in section
5705.211 of the Revised Code. No moneys shall be distributed
pursuant to this chapter without the approval of the controlling
board.

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The state board of education shall, in accordance with
appropriations made by the general assembly, meet the financial
obligations of this chapter.

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~~Annually, the department of education shall calculate and
report to each school district the district's total state and
local funds for providing an adequate basic education to the
district's nondisabled students, utilizing the determination in
section 3317.012 of the Revised Code. In addition, the department
shall calculate and report separately for each school district
the district's total state and local funds for providing an
adequate education for its students with disabilities, utilizing
the determinations in both sections 3317.012 and 3317.013 of the
Revised Code.~~

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~~Not later than the thirty-first day of August of each fiscal
year, the department of education shall provide to each school
district and county MR/DD board a preliminary estimate of the
amount of funding that the department calculates the district will
receive under each of divisions (C)(1) and (4) of section 3317.022
of the Revised Code. No later than the first day of December of
each fiscal year, the department shall update that preliminary
estimate.~~

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Moneys distributed pursuant to this chapter shall be
calculated and paid on a fiscal year basis, beginning with the
first day of July and extending through the thirtieth day of June.
The moneys appropriated for each fiscal year shall be distributed

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~~at least monthly~~periodically to each school district unless 58352
otherwise provided for. The state board shall submit a yearly 58353
distribution plan to the controlling board at its first meeting in 58354
July. The state board shall submit any proposed midyear revision 58355
of the plan to the controlling board in January. Any year-end 58356
revision of the plan shall be submitted to the controlling board 58357
in June. If moneys appropriated for each fiscal year are 58358
distributed other than monthly, such distribution shall be on the 58359
same basis for each school district. 58360

~~The total amounts paid each month shall constitute, as nearly 58361
as possible, one twelfth of the total amount payable for the 58362
entire year. 58363~~

~~Until fiscal year 2007, payments made during the first six 58364
months of the fiscal year may be based on an estimate of the 58365
amounts payable for the entire year. Payments made in the last 58366
six months shall be based on the final calculation of the amounts 58367
payable to each school district for that fiscal year. Payments 58368
made in the last six months may be adjusted, if necessary, to 58369
correct the amounts distributed in the first six months, and to 58370
reflect enrollment increases when such are at least three per 58371
cent. 58372~~

~~Beginning in fiscal year 2007, payments shall be calculated 58373
to reflect the biannual reporting of average daily membership. In 58374
fiscal year 2007 and in each fiscal year thereafter, annualized 58375
periodic payments for each school district shall be based on the 58376
district's final student counts verified by the superintendent of 58377
public instruction based on reports under section 3317.03 of the 58378
Revised Code, as adjusted, if so ordered, under division (K) of 58379
that section, as follows: 58380~~

~~the sum of one-half of the number of students verified 58381~~

~~and adjusted for the first full week in October~~	58382
~~plus one-half of the average of the numbers~~	58383
~~verified and adjusted for the first full week~~	58384
~~in October and for the first full week in February~~	58385
Except as otherwise provided, payments under this chapter	58386
shall be made only to those school districts in which:	58387
(A) The school district, except for any educational service	58388
center and any joint vocational or cooperative education school	58389
district, levies for current operating expenses at least twenty	58390
mills. Levies for joint vocational or cooperative education	58391
school districts or county school financing districts, limited to	58392
or to the extent apportioned to current expenses, shall be	58393
included in this qualification requirement. School district income	58394
tax levies under Chapter 5748. of the Revised Code, limited to or	58395
to the extent apportioned to current operating expenses, shall be	58396
included in this qualification requirement to the extent	58397
determined by the tax commissioner under division (D) of section	58398
3317.021 of the Revised Code.	58399
(B) The school year next preceding the fiscal year for which	58400
such payments are authorized meets the requirement of section	58401
3313.48 or 3313.481 of the Revised Code, with regard to the	58402
minimum number of days or hours school must be open for	58403
instruction with pupils in attendance, for individualized	58404
parent-teacher conference and reporting periods, and for	58405
professional meetings of teachers. This requirement shall be	58406
waived by the superintendent of public instruction if it had been	58407

necessary for a school to be closed because of disease epidemic, 58408
hazardous weather conditions, inoperability of school buses or 58409
other equipment necessary to the school's operation, damage to a 58410
school building, or other temporary circumstances due to utility 58411
failure rendering the school building unfit for school use, 58412
provided that for those school districts operating pursuant to 58413
section 3313.48 of the Revised Code the number of days the school 58414
was actually open for instruction with pupils in attendance and 58415
for individualized parent-teacher conference and reporting periods 58416
is not less than one hundred seventy-five, or for those school 58417
districts operating on a trimester plan the number of days the 58418
school was actually open for instruction with pupils in attendance 58419
not less than seventy-nine days in any trimester, for those school 58420
districts operating on a quarterly plan the number of days the 58421
school was actually open for instruction with pupils in attendance 58422
not less than fifty-nine days in any quarter, or for those school 58423
districts operating on a pentameter plan the number of days the 58424
school was actually open for instruction with pupils in 58425
attendance not less than forty-four days in any pentameter. 58426
However, for fiscal year 2012, the superintendent shall waive two 58427
fewer such days for the 2010-2011 school year. 58428

A school district shall not be considered to have failed to 58429
comply with this division or section 3313.481 of the Revised Code 58430
because schools were open for instruction but either twelfth grade 58431
students were excused from attendance for up to three days or only 58432
a portion of the kindergarten students were in attendance for up 58433
to three days in order to allow for the gradual orientation to 58434
school of such students. 58435

The superintendent of public instruction shall waive the 58436
requirements of this section with reference to the minimum number 58437
of days or hours school must be in session with pupils in 58438
attendance for the school year succeeding the school year in 58439
which a board of education initiates a plan of operation pursuant 58440

to section 3313.481 of the Revised Code. The minimum requirements 58441
of this section shall again be applicable to such a district 58442
beginning with the school year commencing the second July 58443
succeeding the initiation of one such plan, and for each school 58444
year thereafter. 58445

A school district shall not be considered to have failed to 58446
comply with this division or section 3313.48 or 3313.481 of the 58447
Revised Code because schools were open for instruction but the 58448
length of the regularly scheduled school day, for any number of 58449
days during the school year, was reduced by not more than two 58450
hours due to hazardous weather conditions. 58451

(C) The school district has on file, and is paying in 58452
accordance with, a teachers' salary schedule which complies with 58453
section 3317.13 of the Revised Code. 58454

A board of education or governing board of an educational 58455
service center which has not conformed with other law and the 58456
rules pursuant thereto, shall not participate in the distribution 58457
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 58458
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 58459
and sufficient reason established to the satisfaction of the state 58460
board of education and the state controlling board. 58461

All funds allocated to school districts under this chapter, 58462
except those specifically allocated for other purposes, shall be 58463
used to pay current operating expenses only. 58464

Sec. 3317.011. On or before the ~~third Wednesday~~ last day of 58465
each month, the department of education shall certify to the 58466
director of budget and management for payment, for each county: 58467

(A)(1) That portion of the allocation of money under sections 58468
3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, and 3317.19 of 58469
the Revised Code that is required to be paid in that month to each 58470

school district located wholly within the county subsequent to the 58471
deductions described in division (A)(2) of this section; and 58472

(2) The amounts deducted from such allocation under sections 58473
3307.31 and 3309.51 of the Revised Code for payment directly to 58474
the school employees and state teachers retirement systems under 58475
such sections. 58476

(B) If the district is located in more than one county, an 58477
apportionment of the amounts that would otherwise be certified 58478
under division (A) of this section. The amounts apportioned to the 58479
county shall equal the amounts certified under division (A) of 58480
this section times the percentage of the district's resident 58481
pupils who reside both in the district and in the county, based on 58482
the average daily membership reported under division (A) of 58483
section 3317.03 of the Revised Code in October of the prior fiscal 58484
year. 58485

Sec. 3317.013. Except for a preschool child with a 58486
disability for whom a scholarship has been awarded under section 58487
3310.41 of the Revised Code, this section does not apply to 58488
preschool children with disabilities. 58489

Analysis of special education cost data has resulted in a 58490
finding that the average special education additional cost per 58491
pupil, including the costs of related services, can be expressed 58492
as a multiple of the base cost per pupil calculated under section 58493
3317.012 of the Revised Code. The multiples for the following 58494
categories of special education programs, as these programs are 58495
defined for purposes of Chapter 3323. of the Revised Code, and 58496
adjusted as provided in this section, are as follows: 58497

(A) A multiple of 0.2892 for students whose primary or only 58498
identified disability is a speech and language disability, as 58499
this term is defined pursuant to Chapter 3323. of the Revised 58500
Code; 58501

(B) A multiple of 0.3691 for students identified as specific learning disabled or developmentally disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment-minor;	58502 58503 58504 58505
(C) A multiple of 1.7695 for students identified as hearing disabled, vision impaired, or severe behavior disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code;	58506 58507 58508
(D) A multiple of 2.3646 for students identified as orthopedically disabled, as this term is defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment-major;	58509 58510 58511 58512
(E) A multiple of 3.1129 for students identified as having multiple disabilities, as this term is defined pursuant to Chapter 3323. of the Revised Code;	58513 58514 58515
(F) A multiple of 4.7342 for students identified as autistic, having traumatic brain injuries, or as both visually and hearing impaired, as these terms are defined pursuant to Chapter 3323. of the Revised Code.	58516 58517 58518 58519
In fiscal years 2008 ~~and~~ 2009, <u>2010, and 2011</u> , the multiples specified in divisions (A) to (F) of this section shall be adjusted by multiplying them by 0.90.	58520 58521 58522
Not later than the thirtieth day of December in 2007, 2008, and 2009, the department of education shall submit to the office of budget and management a report that specifies for each city, local, exempted village, and joint vocational school district the fiscal year allocation of the state and local shares of special education and related services additional weighted funding and federal special education funds passed through to the district.	58523 58524 58525 58526 58527 58528 58529

<u>Sec. 3317.018. (A) The department of education shall make no calculations or payments under Chapter 3317. of the Revised Code for any fiscal year except as prescribed in this section.</u>	58530 58531 58532
<u>(B) School districts shall report student enrollment data as prescribed by section 3317.03 of the Revised Code, which data the department shall use to make payments under Chapters 3306. and 3317. of the Revised Code.</u>	58533 58534 58535 58536
<u>(C) The tax commissioner shall report data regarding tax valuation and receipts for school districts as prescribed by sections 3317.015, 3317.021, 3317.025, 3317.026, 3317.027, 3317.028, 3317.0210, 3317.0211, and 3317.08 and by division (M) of section 3317.02 of the Revised Code, which data the department shall use to make payments under Chapters 3306. and 3317. of the Revised Code.</u>	58537 58538 58539 58540 58541 58542 58543
<u>(D) Unless otherwise specified by another provision of law, in addition to the payments prescribed by Chapter 3306. of the Revised Code, the department shall continue to make payments to or adjustments for school districts in fiscal years after fiscal year 2009 under the following provisions of Chapter 3317. of the Revised Code:</u>	58544 58545 58546 58547 58548 58549
<u>(1) The catastrophic cost reimbursement under division (C)(3) of section 3317.022 of the Revised Code. No other payments shall be made under that section.</u>	58550 58551 58552
<u>(2) All payments or adjustments under section 3317.023 of the Revised Code, except no payments or adjustments shall be made under divisions (B), (C), and (D) of that section.</u>	58553 58554 58555
<u>(3) All payments or adjustments under section 3317.024 of the Revised Code, except no payments or adjustments shall be made under divisions (F), (L), and (N) of that section.</u>	58556 58557 58558

<u>(4) All payments and adjustments under sections 3317.025, 3317.026, 3317.027, 3317.028, 3317.0210, and 3317.0211 of the Revised Code;</u>	58559 58560 58561
<u>(5) Payments under section 3317.04 of the Revised Code;</u>	58562
<u>(6) Unit payments under sections 3317.05, 3317.051, 3317.052, and 3317.053 of the Revised Code, except that no units for gifted funding are authorized after fiscal year 2009.</u>	58563 58564 58565
<u>(7) Payments under sections 3317.06, 3317.063, and 3317.064 of the Revised Code;</u>	58566 58567
<u>(8) Payments under section 3317.07 of the Revised Code;</u>	58568
<u>(9) Payments to educational service centers under section 3317.11 of the Revised Code;</u>	58569 58570
<u>(10) The catastrophic cost reimbursement under division (E) of section 3317.16 of the Revised Code and excess cost reimbursements under division (G) of that section. No other payments shall be made under that section;</u>	58571 58572 58573 58574
<u>(11) Payments under section 3317.17 of the Revised Code;</u>	58575
<u>(12) Adjustments under section 3317.18 of the Revised Code;</u>	58576
<u>(13) Payments to cooperative education school districts under section 3317.19 of the Revised Code;</u>	58577 58578
<u>(14) Payments to county MR/DD boards under section 3317.20 of the Revised Code;</u>	58579 58580
<u>(15) Payments to state institutions for weighted special education funding under section 3317.201 of the Revised Code.</u>	58581 58582
<u>(E) Sections 3317.016 and 3317.017 shall not apply to fiscal</u>	58583

years after fiscal year 2009. 58584

(F) This section does not affect the provisions of sections 58585
3317.031, 3317.032, 3317.033, 3317.035, 3317.061, 3317.08, 58586
3317.081, 3317.082, 3317.09, 3317.12, 3317.13, 3317.14, 3317.15, 58587
3317.50, 3317.51, 3317.62, 3317.63, and 3317.64 of the Revised 58588
Code. 58589

Sec. 3317.02. As used in this chapter: 58590

(A) Unless otherwise specified, "school district" means city, 58591
local, and exempted village school districts. 58592

(B) "Formula amount" means ~~the base cost for the fiscal year~~ 58593
~~specified in division (B)(4) of section 3317.012 of the Revised~~ 58594
~~Code~~\$5,732 for fiscal year 2010 and fiscal year 2011. 58595

(C) "FTE basis" means a count of students based on full-time 58596
equivalency, in accordance with rules adopted by the department of 58597
education pursuant to section 3317.03 of the Revised Code. In 58598
adopting its rules under this division, the department shall 58599
provide for counting any student in category one, two, three, 58600
four, five, or six special education ADM or in category one or two 58601
vocational education ADM in the same proportion the student is 58602
counted in formula ADM. 58603

(D) "Formula ADM" means, for a city, local, or exempted 58604
village school district, ~~the final number verified by the~~ 58605
~~superintendent of public instruction, based on the number reported~~ 58606
~~pursuant to division (A) of section 3317.03 of the Revised Code,~~ 58607
~~as adjusted, if so ordered, under division (K) of that section~~ 58608
"formula ADM" as defined in section 3306.02 of the Revised Code. 58609
"Formula ADM" means, for a joint vocational school district, the 58610
final number verified by the superintendent of public 58611
instruction, based on the number reported pursuant to division (D) 58612
of section 3317.03 of the Revised Code, as adjusted, if so 58613

ordered, under division (K) of that section. ~~Beginning in fiscal~~ 58614
~~year 2007, for payments in which formula ADM is a factor, the~~ 58615
~~formula ADM for each school district for the fiscal year is the~~ 58616
~~sum of one-half of the number verified and adjusted for October~~ 58617
~~of that fiscal year plus one-half of the average of the numbers~~ 58618
~~verified and adjusted for October and February of that fiscal~~ 58619
~~year.~~ For purposes of the calculation of payments to or 58620
adjustments for a city, exempted village, local, or joint 58621
vocational school district under this chapter or under Chapter 58622
3306. of the Revised Code, calculations required under Chapter 58623
3318. of the Revised Code, or adjustments required under Chapter 58624
3365. of the Revised Code, the department of education shall use 58625
the district's formula ADM for the previous fiscal year, unless 58626
the district's average daily membership reported and verified for 58627
the current fiscal year is at least two per cent greater than 58628
the formula ADM reported for the previous fiscal year, in which 58629
case the department shall use the district's formula ADM for the 58630
current fiscal year. 58631

(E) "Three-year average formula ADM" means the average of 58632
formula ADMs for the preceding three fiscal years. 58633

(F)(1) "Category one special education ADM" means the average 58634
daily membership of children with disabilities receiving special 58635
education services for the disability specified in division 58636
~~(A)(D)(1)~~ of section ~~3317.013~~3306.02 of the Revised Code and 58637
reported under division (B)(5) or (D)(2)(b) of section 3317.03 of 58638
the Revised Code. ~~Beginning in fiscal year 2007, the district's~~ 58639
~~category one special education ADM for a fiscal year is the sum~~ 58640
~~of one-half of the number reported for October of that fiscal~~ 58641
~~year plus one-half of the average of the numbers reported for~~ 58642
~~October and February of that fiscal year.~~ 58643

(2) "Category two special education ADM" means the average 58644
daily membership of children with disabilities receiving special 58645

education services for those disabilities specified in division 58646
~~(B)(D)(2)~~ of section ~~3317.013~~3306.02 of the Revised Code and 58647
reported under division (B)(6) or (D)(2)(c) of section 3317.03 of 58648
the Revised Code. ~~Beginning in fiscal year 2007, the district's~~ 58649
~~category two special education ADM for a fiscal year is the sum~~ 58650
~~of one-half of the number reported for October of that fiscal~~ 58651
~~year plus one-half of the average of the numbers reported for~~ 58652
~~October and February of that fiscal year.~~ 58653

(3) "Category three special education ADM" means the average 58654
daily membership of students receiving special education services 58655
for those disabilities specified in division ~~(C)~~(D)(3) of section 58656
~~3317.013~~3306.02 of the Revised Code, and reported under division 58657
(B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code. 58658
~~Beginning in fiscal year 2007, the district's category three~~ 58659
~~special education ADM for a fiscal year is the sum of one-half of~~ 58660
~~the number reported for October of that fiscal year plus one-half~~ 58661
~~of the average of the numbers reported for October and February~~ 58662
~~of that fiscal year.~~ 58663

(4) "Category four special education ADM" means the average 58664
daily membership of students receiving special education services 58665
for those disabilities specified in division (D)(4) of section 58666
~~3317.013~~3306.02 of the Revised Code and reported under division 58667
(B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. 58668
~~Beginning in fiscal year 2007, the district's category four~~ 58669
~~special education ADM for a fiscal year is the sum of one-half of~~ 58670
~~the number reported for October of that fiscal year plus one-half~~ 58671
~~of the average of the numbers reported for October and February~~ 58672
~~of that fiscal year.~~ 58673

(5) "Category five special education ADM" means the average 58674
daily membership of students receiving special education services 58675
for the disabilities specified in division ~~(E)~~(D)(5) of section 58676
~~3317.013~~3306.02 of the Revised Code and reported under division 58677

(B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code. 58678
~~Beginning in fiscal year 2007, the district's category five 58679~~
~~special education ADM for a fiscal year is the sum of one-half of 58680~~
~~the number reported for October of that fiscal year plus one-half 58681~~
~~of the average of the numbers reported for October and February 58682~~
~~of that fiscal year. 58683~~

(6) "Category six special education ADM" means the average 58684
daily membership of students receiving special education services 58685
for the disabilities specified in division ~~(F)(D)(6)~~ of section 58686
~~3317.0133306.02~~ of the Revised Code and reported under division 58687
(B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code. 58688
~~Beginning in fiscal year 2007, the district's category six 58689~~
~~special education ADM for a fiscal year is the sum of one-half of 58690~~
~~the number reported for October of that fiscal year plus one-half 58691~~
~~of the average of the numbers reported for October and February 58692~~
~~of that fiscal year. 58693~~

(7) "Category one vocational education ADM" means the average 58694
daily membership of students receiving vocational education 58695
services described in division (A) of section 3317.014 of the 58696
Revised Code and reported under division (B)(11) or (D)(2)(h) of 58697
section 3317.03 of the Revised Code. ~~Beginning in fiscal year 58698~~
~~2007, the district's category one vocational education ADM for a 58699~~
~~fiscal year is the sum of one-half of the number reported for 58700~~
~~October of that fiscal year plus one-half of the average of the 58701~~
~~numbers reported for October and February of that fiscal year. 58702~~

(8) "Category two vocational education ADM" means the average 58703
daily membership of students receiving vocational education 58704
services described in division (B) of section 3317.014 of the 58705
Revised Code and reported under division (B)(12) or (D)(2)(i) of 58706
section 3317.03 of the Revised Code. ~~Beginning in fiscal year 58707~~
~~2007, the district's category two vocational education ADM for a 58708~~
~~fiscal year is the sum of one-half of the number reported for 58709~~

~~October of that fiscal year plus one-half of the average of the~~	58710
~~numbers reported for October and February of that fiscal year.~~	58711
(G) "Preschool child with a disability" means a child with	58712
a disability, as defined in section 3323.01 of the Revised Code,	58713
who is at least age three but is not of compulsory school age, as	58714
defined in section 3321.01 of the Revised Code, and who is not	58715
currently enrolled in kindergarten.	58716
(H) "County MR/DD board" means a county board of mental	58717
retardation and developmental disabilities.	58718
(I) "Recognized valuation" means the amount calculated for a	58719
school district pursuant to section 3317.015 of the Revised Code.	58720
(J) "Transportation ADM" means the number of children	58721
reported under division (B)(13) of section 3317.03 of the Revised	58722
Code.	58723
(K) "Average efficient transportation use cost per student"	58724
means a statistical representation of transportation costs as	58725
calculated under division (D)(2) of section 3317.022 of the	58726
Revised Code.	58727
(L) "Taxes charged and payable" means the taxes charged and	58728
payable against real and public utility property after making the	58729
reduction required by section 319.301 of the Revised Code, plus	58730
the taxes levied against tangible personal property.	58731
(M) "Total taxable value" means the sum of the amounts	58732
certified for a city, local, exempted village, or joint vocational	58733
school district under divisions (A)(1) and (2) of section 3317.021	58734
of the Revised Code.	58735
(N) "Tax exempt value" of a school district means the amount	58736
certified for a school district under division (A)(4) of section	58737

3317.021 of the Revised Code. 58738

(O) "Potential value" of a school district means the 58739
recognized valuation of a school district plus the tax exempt 58740
value of the district. 58741

(P) "District median income" means the median Ohio adjusted 58742
gross income certified for a school district. On or before the 58743
first day of July of each year, the tax commissioner shall 58744
certify to the department of education and the office of budget 58745
and management for each city, exempted village, and local school 58746
district the median Ohio adjusted gross income of the residents 58747
of the school district determined on the basis of tax returns 58748
filed for the second preceding tax year by the residents of the 58749
district. 58750

(Q) "Statewide median income" means the median district 58751
median income of all city, exempted village, and local school 58752
districts in the state. 58753

(R) "Income factor" for a city, exempted village, or local 58754
school district means the quotient obtained by dividing that 58755
district's median income by the statewide median income. 58756

(S) "Medically fragile child" means a child to whom all of 58757
the following apply: 58758

(1) The child requires the services of a doctor of medicine 58759
or osteopathic medicine at least once a week due to the 58760
instability of the child's medical condition. 58761

(2) The child requires the services of a registered nurse on 58762
a daily basis. 58763

(3) The child is at risk of institutionalization in a 58764
hospital, skilled nursing facility, or intermediate care facility 58765

for the mentally retarded.	58766
(T) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules adopted by the state board of education prior to July 1, 2001, and if either of the following apply:	58767 58768 58769 58770 58771
(1) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child." The superintendent of public instruction shall issue an initial list no later than September 1, 2001.	58772 58773 58774 58775 58776 58777
(2) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.	58778 58779 58780 58781 58782
(U) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules adopted by the state board of education prior to July 1, 2001, but the child's condition does not meet either of the conditions specified in division (T)(1) or (2) of this section.	58783 58784 58785 58786 58787 58788
(V) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	58789 58790
(W) "Property exemption value" means zero in fiscal year 2006, and in fiscal year 2007 and each fiscal year thereafter, the amount certified for a school district under divisions (A)(6) and (7) of section 3317.021 of the Revised Code.	58791 58792 58793 58794

(X) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

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(Y) "State share percentage" has the same meaning as in section 3306.02 of the Revised Code.

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Sec. 3317.021. ~~(A)~~The information certified under this section shall be used to calculate payments under this chapter and Chapter 3306. of the Revised Code.

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(A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to ~~(8)~~(7) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under ~~sections 3317.022, 3317.0216, and 3317.0217 or section 3317.16~~ this chapter and Chapter 3306. of the Revised Code.

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(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.

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(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.

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(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.

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(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.	58825 58826 58827 58828
(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:	58829 58830 58831
(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;	58832 58833 58834
(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.	58835 58836 58837 58838
(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available.	58839 58840 58841 58842
(6) The sum of the school district compensation value as indicated on the list of exempted property for the preceding tax year under section 5713.08 of the Revised Code as if such property had been assessed for taxation that year and the other compensation value for the school district, minus the amounts described in divisions (A)(6)(c) to (i) of this section. The portion of school district compensation value or other compensation value attributable to an incentive district exemption may be subtracted only once even if that incentive district satisfies more than one of the criteria in divisions (A)(6)(c) to (i) of this section.	58843 58844 58845 58846 58847 58848 58849 58850 58851 58852 58853

(a) "School district compensation value" means the aggregate value of real property in the school district exempted from taxation pursuant to an ordinance or resolution adopted under division (C) of section 5709.40, division (C) of section 5709.73, or division (B) of section 5709.78 of the Revised Code to the extent that the exempted value results in the charging of payments in lieu of taxes required to be paid to the school district under division (D)(1) or (2) of section 5709.40, division (D) of section 5709.73, or division (C) of section 5709.78 of the Revised Code.

(b) "Other compensation value" means the quotient that results from dividing (i) the dollar value of compensation received by the school district during the preceding tax year pursuant to division (B), (C), or (D) of section 5709.82 of the Revised Code and the amounts received pursuant to an agreement as specified in division (D)(2) of section 5709.40, division (D) of section 5709.73, or division (C) of section 5709.78 of the Revised Code to the extent those amounts were not previously reported or included in division (A)(6)(a) of this section, and so that any such amount is reported only once under division (A)(6)(b) of this section, in relation to exemptions from taxation granted pursuant to an ordinance or resolution adopted under division (C) of section 5709.40, division (C) of section 5709.73, or division (B) of section 5709.78 of the Revised Code, by (ii) the real property tax rate in effect for the preceding tax year for nonresidential/agricultural real property after making the reductions required by section 319.301 of the Revised Code.

(c) The portion of school district compensation value or other compensation value that was exempted from taxation pursuant to such an ordinance or resolution for the preceding tax year, if the ordinance or resolution is adopted prior to January 1, 2006, and the legislative authority or board of township trustees or county commissioners, prior to January 1, 2006, executes a contract or agreement with a developer, whether for-profit or

not-for-profit, with respect to the development of a project 58887
undertaken or to be undertaken and identified in the ordinance or 58888
resolution, and upon which parcels such project is being, or will 58889
be, undertaken; 58890

(d) The portion of school district compensation value that 58891
was exempted from taxation for the preceding tax year and for 58892
which payments in lieu of taxes for the preceding tax year were 58893
provided to the school district under division (D)(1) of section 58894
5709.40 of the Revised Code. 58895

(e) The portion of school district compensation value that 58896
was exempted from taxation for the preceding tax year pursuant to 58897
such an ordinance or resolution, if and to the extent that, on or 58898
before April 1, 2006, the fiscal officer of the municipal 58899
corporation that adopted the ordinance, or of the township or 58900
county that adopted the resolution, certifies and provides 58901
appropriate supporting documentation to the tax commissioner and 58902
the director of development that, based on hold-harmless 58903
provisions in any agreement between the school district and the 58904
legislative authority of the municipal corporation, board of 58905
township trustees, or board of county commissioners that was 58906
entered into on or before June 1, 2005, the ability or obligation 58907
of the municipal corporation, township, or county to repay bonds, 58908
notes, or other financial obligations issued or entered into prior 58909
to January 1, 2006, will be impaired, including obligations to or 58910
of any other body corporate and politic with whom the legislative 58911
authority of the municipal corporation or board of township 58912
trustees or county commissioners has entered into an agreement 58913
pertaining to the use of service payments derived from the 58914
improvements exempted; 58915

(f) The portion of school district compensation value that 58916
was exempted from taxation for the preceding tax year pursuant to 58917
such an ordinance or resolution, if the ordinance or resolution is 58918

adopted prior to January 1, 2006, in a municipal corporation with 58919
a population that exceeds one hundred thousand, as shown by the 58920
most recent federal decennial census, that includes a major 58921
employment center and that is adjacent to historically distressed 58922
neighborhoods, if the legislative authority of the municipal 58923
corporation that exempted the property prepares an economic 58924
analysis that demonstrates that all taxes generated within the 58925
incentive district accruing to the state by reason of improvements 58926
constructed within the district during its existence exceed the 58927
amount the state pays the school district under section 3317.022 58928
of the Revised Code attributable to such property exemption from 58929
the school district's recognized valuation. The analysis shall be 58930
submitted to and approved by the department of development prior 58931
to January 1, 2006, and the department shall not unreasonably 58932
withhold approval. 58933

(g) The portion of school district compensation value that 58934
was exempted from taxation for the preceding tax year under such 58935
an ordinance or resolution, if the ordinance or resolution is 58936
adopted prior to January 1, 2006, and if service payments have 58937
been pledged to be used for mixed-use riverfront entertainment 58938
development in any county with a population that exceeds six 58939
hundred thousand, as shown by the most recent federal decennial 58940
census; 58941

(h) The portion of school district compensation value that 58942
was exempted from taxation for the preceding tax year under such 58943
an ordinance or resolution, if, prior to January 1, 2006, the 58944
legislative authority of a municipal corporation, board of 58945
township trustees, or board of county commissioners has pledged 58946
service payments for a designated transportation capacity project 58947
approved by the transportation review advisory council under 58948
Chapter 5512. of the Revised Code; 58949

(i) The portion of school district compensation value that 58950

was exempted from taxation for the preceding tax year under such 58951
an ordinance or resolution if the legislative authority of a 58952
municipal corporation, board of township trustees, or board of 58953
county commissioners have, by January 1, 2006, pledged proceeds 58954
for designated transportation improvement projects that involve 58955
federal funds for which the proceeds are used to meet a local 58956
share match requirement for such funding. 58957

As used in division (A)(6) of this section, "project" has the 58958
same meaning as in section 5709.40 of the Revised Code. 58959

(7) The aggregate value of real property in the school 58960
district for which an exemption from taxation is granted by an 58961
ordinance or resolution adopted on or after January 1, 2006, under 58962
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 58963
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 58964
Code, as indicated on the list of exempted property for the 58965
preceding tax year under section 5713.08 of the Revised Code and 58966
as if such property had been assessed for taxation that year, 58967
minus the product determined by multiplying (a) the aggregate 58968
value of the real property in the school district exempted from 58969
taxation for the preceding tax year under any of the chapters or 58970
sections specified in this division, by (b) a fraction, the 58971
numerator of which is the difference between (i) the amount of 58972
anticipated revenue such school district would have received for 58973
the preceding tax year if the real property exempted from taxation 58974
had not been exempted from taxation and (ii) the aggregate amount 58975
of payments in lieu of taxes on the exempt real property for the 58976
preceding tax year and other compensation received for the 58977
preceding tax year by the school district pursuant to any 58978
agreements entered into on or after January 1, 2006, under section 58979
5709.82 of the Revised Code between the school district and the 58980
legislative authority of a political subdivision that acted under 58981
the authority of a chapter or statute specified in this division, 58982
that were entered into in relation to such exemption, and the 58983

denominator of which is the amount of anticipated revenue such 58984
school district would have received in the preceding fiscal year 58985
if the real property exempted from taxation had not been exempted. 58986

~~(8) For each school district receiving payments under 58987
division (B) or (C) of section 3317.0216 of the Revised Code 58988
during the current fiscal year, as included on the most recent 58989
list of such districts sent to the tax commissioner under division 58990
(F) of that section, the following: 58991~~

~~(a) The portion of the total amount of taxes charged and 58992
payable for current expenses certified under division (A)(3)(a) of 58993
this section that is attributable to each new levy approved and 58994
charged in the preceding tax year and the respective tax rate of 58995
each of those new levies; 58996~~

~~(b) The portion of the total taxes collected for current 58997
expenses under a school district income tax adopted pursuant to 58998
section 5748.03 or 5748.08 of the Revised Code, as certified under 58999
division (A)(2) of section 3317.08 of the Revised Code, that is 59000
attributable to each new school district income tax first 59001
effective in the current taxable year or in the preceding taxable 59002
year. 59003~~

(B) On or before the first day of May each year, the tax 59004
commissioner shall certify to the department of education and the 59005
office of budget and management the total taxable real property 59006
value of railroads and, separately, the total taxable tangible 59007
personal property value of all public utilities for the preceding 59008
tax year, by school district and by county of location. 59009

(C) If a public utility has properly and timely filed a 59010
petition for reassessment under section 5727.47 of the Revised 59011
Code with respect to an assessment issued under section 5727.23 of 59012
the Revised Code affecting taxable property apportioned by the tax 59013
commissioner to a school district, the taxable value of public 59014

utility tangible personal property included in the certification 59015
under divisions (A)(2) and (B) of this section for the school 59016
district shall include only the amount of taxable value on the 59017
basis of which the public utility paid tax for the preceding year 59018
as provided in division (B)(1) or (2) of section 5727.47 of the 59019
Revised Code. 59020

(D) If on the basis of the information certified under 59021
division (A) of this section, the department determines that any 59022
district fails in any year to meet the qualification requirement 59023
specified in division (A)(1) of section 3306.01 and division (A) 59024
of section 3317.01 of the Revised Code, the department shall 59025
immediately request the tax commissioner to determine the extent 59026
to which any school district income tax levied by the district 59027
under Chapter 5748. of the Revised Code shall be included in 59028
meeting that requirement. Within five days of receiving such a 59029
request from the department, the tax commissioner shall make the 59030
determination required by this division and report the quotient 59031
obtained under division (D)(3) of this section to the department 59032
and the office of budget and management. This quotient 59033
represents the number of mills that the department shall include 59034
in determining whether the district meets the qualification 59035
requirement of division (A)(1) of section 3306.01 and division (A) 59036
of section 3317.01 of the Revised Code. 59037

The tax commissioner shall make the determination required by 59038
this division as follows: 59039

(1) Multiply one mill times the total taxable value of the 59040
district as determined in divisions (A)(1) and (2) of this 59041
section; 59042

(2) Estimate the total amount of tax liability for the 59043
current tax year under taxes levied by Chapter 5748. of the 59044
Revised Code that are apportioned to current operating expenses of 59045
the district, excluding any income tax receipts allocated for the 59046

project cost, debt service, or maintenance set-aside associated 59047
with a state-assisted classroom facilities project as authorized 59048
by section 3318.052 of the Revised Code; 59049

(3) Divide the amount estimated under division (D)(2) of this 59050
section by the product obtained under division (D)(1) of this 59051
section. 59052

(E)(1) On or before June 1, 2006, and the first day of April 59053
of each year thereafter, the director of development shall report 59054
to the department of education, the tax commissioner, and the 59055
director of budget and management the total amounts of payments 59056
received by each city, local, exempted village, or joint 59057
vocational school district for the preceding tax year pursuant to 59058
division (D) of section 5709.40, division (D) of section 5709.73, 59059
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 59060
or (D) of section 5709.82 of the Revised Code in relation to 59061
exemptions from taxation granted pursuant to an ordinance adopted 59062
by the legislative authority of a municipal corporation under 59063
division (C) of section 5709.40 of the Revised Code, or a 59064
resolution adopted by a board of township trustees or board of 59065
county commissioners under division (C) of section 5709.73 or 59066
division (B) of section 5709.78 of the Revised Code, respectively. 59067
On or before April 1, 2006, and the first day of March of each 59068
year thereafter, the treasurer of each city, local, exempted 59069
village, or joint vocational school district that has entered into 59070
such an agreement shall report to the director of development the 59071
total amounts of such payments the district received for the 59072
preceding tax year as provided in this section. The state board of 59073
education, in accordance with sections 3319.31 and 3319.311 of the 59074
Revised Code, may suspend or revoke the license of a treasurer 59075
found to have willfully reported erroneous, inaccurate, or 59076
incomplete data under this division. 59077

(2) On or before April 1, 2007, and the first day of April of 59078

each year thereafter, the director of development shall report to 59079
the department of education, the tax commissioner, and the 59080
director of budget and management the total amounts of payments 59081
received by each city, local, exempted village, or joint 59082
vocational school district for the preceding tax year pursuant to 59083
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 59084
in relation to exemptions from taxation granted pursuant to 59085
ordinances or resolutions adopted on or after January 1, 2006, 59086
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 59087
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 59088
Revised Code. On or before March 1, 2007, and the first day of 59089
March of each year thereafter, the treasurer of each city, local, 59090
exempted village, or joint vocational school district that has 59091
entered into such an agreement shall report to the director of 59092
development the total amounts of such payments the district 59093
received for the preceding tax year as provided by this section. 59094
The state board of education, in accordance with sections 3319.31 59095
and 3319.311 of the Revised Code, may suspend or revoke the 59096
license of a treasurer found to have willfully reported erroneous, 59097
inaccurate, or incomplete data under this division. 59098

Sec. 3317.022. (A)(1) The department of education shall 59099
compute and distribute state base cost funding to each eligible 59100
school district for the fiscal year, using the information 59101
obtained under section 3317.021 of the Revised Code in the 59102
calendar year in which the fiscal year begins, according to the 59103
following formula: 59104

{[the formula amount X (formula ADM + 59105

preschool scholarship ADM)] + 59106

the sum of the base funding supplements 59107

prescribed in divisions (C)(1) to (4)	59108
of section 3317.012 of the Revised Code} -	59109
[.023 x (the sum of recognized valuation	59110
and property exemption value)] +	59111
the amounts calculated for the district under	59112
sections 3317.029 and 3317.0217 of the Revised Code	59113
If the difference obtained is a negative number, the	59114
district's computation shall be zero.	59115
(2)(a) For each school district for which the tax exempt	59116
value of the district equals or exceeds twenty-five per cent of	59117
the potential value of the district, the department of education	59118
shall calculate the difference between the district's tax exempt	59119
value and twenty-five per cent of the district's potential value.	59120
(b) For each school district to which division (A)(2)(a) of	59121
this section applies, the department shall adjust the recognized	59122
valuation used in the calculation under division (A)(1) of this	59123
section by subtracting from it the amount calculated under	59124
division (A)(2)(a) of this section.	59125
(B) As used in this section:	59126
(1) The "total special education weight" for a district means	59127

the sum of the following amounts:	59128
(a) The district's category one special education ADM	59129
multiplied by the multiple specified in division (A) of section	59130
3317.013 of the Revised Code;	59131
(b) The district's category two special education ADM	59132
multiplied by the multiple specified in division (B) of section	59133
3317.013 of the Revised Code;	59134
(c) The district's category three special education ADM	59135
multiplied by the multiple specified in division (C) of section	59136
3317.013 of the Revised Code;	59137
(d) The district's category four special education ADM	59138
multiplied by the multiple specified in division (D) of section	59139
3317.013 of the Revised Code;	59140
(e) The district's category five special education ADM	59141
multiplied by the multiple specified in division (E) of section	59142
3317.013 of the Revised Code;	59143
(f) The district's category six special education ADM	59144
multiplied by the multiple specified in division (F) of section	59145
3317.013 of the Revised Code.	59146
(2) ~~"State share percentage" means the percentage calculated~~	59147
~~for a district as follows:~~	59148
(a) ~~Calculate the state base cost funding amount for the~~	59149
~~district for the fiscal year under division (A) of this section.~~	59150
~~If the district would not receive any state base cost funding for~~	59151
~~that year under that division, the district's state share~~	59152
~~percentage is zero.~~	59153
(b) ~~If the district would receive state base cost funding~~	59154

~~under that division, divide that amount by an amount equal to the~~	59155
~~following:~~	59156
~~(the formula amount X formula ADM) ÷~~	59157
~~the sum of the base funding supplements~~	59158
~~prescribed in divisions (C)(1) to (4)~~	59159
~~of section 3317.012 of the Revised Code ÷~~	59160
~~the sum of the amounts calculated for the district under~~	59161
~~sections 3317.029 and 3317.0217 of the Revised Code~~	59162
~~The resultant number is the district's state share~~	59163
~~percentage.~~	59164
~~(3) "Related services" includes:~~	59165
(a) Child study, special education supervisors and	59166
coordinators, speech and hearing services, adaptive physical	59167
development services, occupational or physical therapy, teacher	59168
assistants for children with disabilities whose disabilities are	59169
described in division (B) of section 3317.013 or division (F)(3)	59170
of section 3317.02 of the Revised Code, behavioral intervention,	59171
interpreter services, work study, nursing services, and	59172
specialized integrative services as those terms are defined by	59173
the department;	59174
(b) Speech and language services provided to any student with	59175

a disability, including any student whose primary or only disability is a speech and language disability;	59176 59177
(c) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;	59178 59179 59180
(d) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;	59181 59182
(e) Any other related service needed by children with disabilities in accordance with their individualized education programs.	59183 59184 59185
~~(4)~~ (3) The "total vocational education weight" for a district means the sum of the following amounts:	59186 59187
(a) The district's category one vocational education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;	59188 59189 59190
(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code.	59191 59192 59193
~~(5)~~ (4) "Preschool scholarship ADM" means the number of preschool children with disabilities reported under division (B)(3)(h) of section 3317.03 of the Revised Code.	59194 59195 59196
(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following formula:	59197 59198 59199 59200
The district's state share percentage X	59201

the formula amount for the year for which	59202
the aid is calculated X the district's	59203
total special education weight	59204
(2) The attributed local share of special education and	59205
related services additional weighted costs equals:	59206
(1 - the district's state share percentage) X the district's	59207
total special education weight X the formula amount	59208
(3)(a) The department shall compute and pay in accordance	59209
with this division additional state aid to school districts for	59210
students in categories two through six special education ADM. If a	59211
district's costs for the fiscal year for a student in its	59212
categories two through six special education ADM exceed the	59213
threshold catastrophic cost for serving the student, the district	59214
may submit to the superintendent of public instruction	59215
documentation, as prescribed by the superintendent, of all its	59216
costs for that student. Upon submission of documentation for a	59217
student of the type and in the manner prescribed, the department	59218
shall pay to the district an amount equal to the sum of the	59219
following:	59220
(i) One-half of the district's costs for the student in	59221
excess of the threshold catastrophic cost;	59222
(ii) The product of one-half of the district's costs for the	59223
student in excess of the threshold catastrophic cost multiplied by	59224

the district's state share percentage.	59225
(b) For purposes of division (C)(3)(a) of this section, the threshold catastrophic cost for serving a student equals:	59226 59227
(i) For a student in the school district's category two, three, four, or five special education ADM, twenty-seven thousand three hundred seventy-five dollars ~~in fiscal years 2008 and 2009;~~	59228 59229 59230
(ii) For a student in the district's category six special education ADM, thirty-two thousand eight hundred fifty dollars ~~in fiscal years 2008 and 2009.~~	59231 59232 59233
(c) The district shall only report under division (C)(3)(a) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.	59234 59235 59236 59237 59238 59239 59240
(4)(a) As used in this division, the "personnel allowance" means thirty thousand dollars in fiscal years 2008 and 2009.	59241 59242
(b) For the provision of speech language pathology services to students, including students who do not have individualized education programs prepared for them under Chapter 3323. of the Revised Code, and for no other purpose, the department of education shall pay each school district an amount calculated under the following formula:	59243 59244 59245 59246 59247 59248
(formula ADM divided by 2000) X	59249
the personnel allowance X	59250

the state share percentage	59251
(5) In any fiscal year, a school district shall spend for	59252
purposes that the department designates as approved for special	59253
education and related services expenses at least the amount	59254
calculated as follows:	59255
(formula amount X the sum of categories	59256
one through six special education ADM) +	59257
(total special education weight X formula amount)	59258
The purposes approved by the department for special education	59259
expenses shall include, but shall not be limited to,	59260
identification of children with disabilities, compliance with	59261
state rules governing the education of children with disabilities	59262
and prescribing the continuum of program options for children	59263
with disabilities, provision of speech language pathology	59264
services, and the portion of the school district's overall	59265
administrative and overhead costs that are attributable to the	59266
district's special education student population.	59267
The scholarships deducted from the school district's account	59268
under section 3310.41 of the Revised Code shall be considered to	59269
be an approved special education and related services expense for	59270
the purpose of the school district's compliance with division	59271
(C)(5) of this section.	59272
The department shall require school districts to report data	59273
annually to allow for monitoring compliance with division (C)(5)	59274

of this section. The department shall annually report to the 59275
governor and the general assembly the amount of money spent by 59276
each school district for special education and related services. 59277

(6) In any fiscal year, a school district shall spend for the 59278
provision of speech language pathology services not less than the 59279
sum of the amount calculated under division (C)(1) of this section 59280
for the students in the district's category one special education 59281
ADM and the amount calculated under division (C)(4) of this 59282
section. 59283

(D)(1) As used in this division: 59284

(a) "Daily bus miles per student" equals the number of bus 59285
miles traveled per day, divided by transportation base. 59286

(b) "Transportation base" equals total student count as 59287
defined in section 3301.011 of the Revised Code, minus the number 59288
of students enrolled in units for preschool children with 59289
disabilities, plus the number of nonpublic school students 59290
included in transportation ADM. 59291

(c) "Transported student percentage" equals transportation 59292
ADM divided by transportation base. 59293

(d) "Transportation cost per student" equals total operating 59294
costs for board-owned or contractor-operated school buses divided 59295
by transportation base. 59296

(2) Analysis of student transportation cost data has resulted 59297
in a finding that an average efficient transportation use cost per 59298
student can be calculated by means of a regression formula that 59299
has as its two independent variables the number of daily bus miles 59300
per student and the transported student percentage. For fiscal 59301
year 1998 transportation cost data, the average efficient 59302
transportation use cost per student is expressed as follows: 59303

51.79027 + (139.62626 X daily bus miles per student) + 59304

(116.25573 X transported student percentage) 59305

The department of education shall annually determine the 59306
average efficient transportation use cost per student in 59307
accordance with the principles stated in division (D)(2) of this 59308
section, updating the intercept and regression coefficients of the 59309
regression formula modeled in this division, based on an annual 59310
statewide analysis of each school district's daily bus miles per 59311
student, transported student percentage, and transportation cost 59312
per student data. The department shall conduct the annual update 59313
using data, including daily bus miles per student, transported 59314
student percentage, and transportation cost per student data, from 59315
the prior fiscal year. The department shall notify the office of 59316
budget and management of such update by the fifteenth day of 59317
February of each year. 59318

(3) In addition to funds paid under divisions (A), (C), and 59319
(E) of this section, each district with a transported student 59320
percentage greater than zero shall receive a payment equal to a 59321
percentage of the product of the district's transportation base 59322
from the prior fiscal year times the annually updated average 59323
efficient transportation use cost per student, times an inflation 59324
factor of two and eight-tenths per cent to account for the 59325
one-year difference between the data used in updating the formula 59326
and calculating the payment and the year in which the payment is 59327
made. The percentage shall be the following percentage of that 59328
product specified for the corresponding fiscal year: 59329

FISCAL YEAR	PERCENTAGE	59330
2000	52.5%	59331
2001	55%	59332

2002	57.5%	59333
2003 and thereafter	The greater of 60% or the district's state share percentage	59334
The payments made under division (D)(3) of this section each year shall be calculated based on all of the same prior year's data used to update the formula.		59335 59336 59337
(4) In addition to funds paid under divisions (D)(2) and (3) of this section, a school district shall receive a rough road subsidy if both of the following apply:		59338 59339 59340
(a) Its county rough road percentage is higher than the statewide rough road percentage, as those terms are defined in division (D)(5) of this section;		59341 59342 59343
(b) Its district student density is lower than the statewide student density, as those terms are defined in that division.		59344 59345
(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula:		59346 59347 59348
(per rough mile subsidy X total rough road miles)		59349
X density multiplier		59350
where:		59351
(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula:		59352 59353
0.75 - {0.75 X [(maximum rough road percentage -		59354

county rough road percentage)/(maximum rough road	59355
percentage - statewide rough road percentage)]]}	59356
(i) "Maximum rough road percentage" means the highest county rough road percentage in the state.	59357 59358
(ii) "County rough road percentage" equals the percentage of the mileage of state, municipal, county, and township roads that is rated by the department of transportation as type A, B, C, E2, or F in the county in which the school district is located or, if the district is located in more than one county, the county to which it is assigned for purposes of determining its cost-of-doing-business factor.	59359 59360 59361 59362 59363 59364 59365
(iii) "Statewide rough road percentage" means the percentage of the statewide total mileage of state, municipal, county, and township roads that is rated as type A, B, C, E2, or F by the department of transportation.	59366 59367 59368 59369
(b) "Total rough road miles" means a school district's total bus miles traveled in one year times its county rough road percentage.	59370 59371 59372
(c) "Density multiplier" means a figure calculated in accordance with the following formula:	59373 59374
1 - [(minimum student density - district student	59375
density)/(minimum student density -	59376
statewide student density)]	59377

(i) "Minimum student density" means the lowest district
student density in the state.

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(ii) "District student density" means a school district's
transportation base divided by the number of square miles in the
district.

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(iii) "Statewide student density" means the sum of the
transportation bases for all school districts divided by the sum
of the square miles in all school districts.

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(6) In addition to funds paid under divisions (D)(2) to (5)
of this section, each district shall receive in accordance with
rules adopted by the state board of education a payment for
students transported by means other than board-owned or
contractor-operated buses and whose transportation is not funded
under division (G) of section 3317.024 of the Revised Code. The
rules shall include provisions for school district reporting of
such students.

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(E)(1) The department shall compute and distribute state
vocational education additional weighted costs funds to each
school district in accordance with the following formula:

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state share percentage X

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the formula amount X

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total vocational education weight

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In any fiscal year, a school district receiving funds under

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division (E)(1) of this section shall spend those funds only for 59401
the purposes that the department designates as approved for 59402
vocational education expenses. Vocational educational expenses 59403
approved by the department shall include only expenses connected 59404
to the delivery of career-technical programming to 59405
career-technical students. The department shall require the school 59406
district to report data annually so that the department may 59407
monitor the district's compliance with the requirements regarding 59408
the manner in which funding received under division (E)(1) of this 59409
section may be spent. 59410

(2) The department shall compute for each school district 59411
state funds for vocational education associated services in 59412
accordance with the following formula: 59413

state share percentage X .05 X the formula amount X 59414

the sum of categories one and two vocational education ADM 59415

In any fiscal year, a school district receiving funds under 59416
division (E)(2) of this section, or through a transfer of funds 59417
pursuant to division (L) of section 3317.023 of the Revised Code, 59418
shall spend those funds only for the purposes that the department 59419
designates as approved for vocational education associated 59420
services expenses, which may include such purposes as 59421
apprenticeship coordinators, coordinators for other vocational 59422
education services, vocational evaluation, and other purposes 59423
designated by the department. The department may deny payment 59424
under division (E)(2) of this section to any district that the 59425
department determines is not operating those services or is using 59426
funds paid under division (E)(2) of this section, or through a 59427
transfer of funds pursuant to division (L) of section 3317.023 of 59428
the Revised Code, for other purposes. 59429

(F) The actual local share in any fiscal year for the combination of special education and related services additional weighted costs funding calculated under division (C)(1) of this section, transportation funding calculated under divisions (D)(2) and (3) of this section, and vocational education and associated services additional weighted costs funding calculated under divisions (E)(1) and (2) of this section shall not exceed for any school district the product of three and three-tenths mills times the district's recognized valuation. The department annually shall pay each school district as an excess cost supplement any amount by which the sum of the district's attributed local shares for that funding exceeds that product. For purposes of calculating the excess cost supplement:

(1) The attributed local share for special education and related services additional weighted costs funding is the amount specified in division (C)(2) of this section.

(2) The attributed local share of transportation funding equals the difference of the total amount calculated for the district using the formula developed under division (D)(2) of this section minus the actual amount paid to the district after applying the percentage specified in division (D)(3) of this section.

(3) The attributed local share of vocational education and associated services additional weighted costs funding is the amount determined as follows:

(1 - state share percentage) X

[(total vocational education weight X

the formula amount) + the payment under

division (E)(2) of this section] 59458

Sec. 3317.023. (A) ~~Notwithstanding section 3317.022 of the~~ 59459
~~Revised Code, the~~ The amounts required to be paid to a district 59460
under this chapter and Chapter 3306. of the Revised Code shall be 59461
adjusted by the amount of the computations made under divisions 59462
(B) to (N) of this section. The department of education shall not 59463
make payments or adjustments under divisions (B), (C), and (D) of 59464
this section for any fiscal year after fiscal year 2009. 59465

As used in this section: 59466

(1) "Classroom teacher" means a licensed employee who 59467
provides direct instruction to pupils, excluding teachers funded 59468
from money paid to the district from federal sources; educational 59469
service personnel; and vocational and special education teachers. 59470

(2) "Educational service personnel" shall not include such 59471
specialists funded from money paid to the district from federal 59472
sources or assigned full-time to vocational or special education 59473
students and classes and may only include those persons employed 59474
in the eight specialist areas in a pattern approved by the 59475
department of education under guidelines established by the state 59476
board of education. 59477

(3) "Annual salary" means the annual base salary stated in 59478
the state minimum salary schedule for the performance of the 59479
teacher's regular teaching duties that the teacher earns for 59480
services rendered for the first full week of October of the fiscal 59481
year for which the adjustment is made under division (C) of this 59482
section. It shall not include any salary payments for supplemental 59483
teachers contracts. 59484

(4) "Regular student population" means the formula ADM plus the number of students reported as enrolled in the district pursuant to division (A)(1) of section 3313.981 of the Revised Code; minus the number of students reported under division (A)(2) of section 3317.03 of the Revised Code; minus the FTE of students reported under division (B)(6), (7), (8), (9), (10), (11), or (12) of that section who are enrolled in a vocational education class or receiving special education; and minus twenty per cent of the students enrolled concurrently in a joint vocational school district.

~~(5) "State share percentage" has the same meaning as in section 3317.022 of the Revised Code.~~

~~(6)~~ "VEPD" means a school district or group of school districts designated by the department of education as being responsible for the planning for and provision of vocational education services to students within the district or group.

~~(7)~~(6) "Lead district" means a school district, including a joint vocational school district, designated by the department as a VEPD, or designated to provide primary vocational education leadership within a VEPD composed of a group of districts.

(B) If the district employs less than one full-time equivalent classroom teacher for each twenty-five pupils in the regular student population in any school district, deduct the sum of the amounts obtained from the following computations:

(1) Divide the number of the district's full-time equivalent classroom teachers employed by one twenty-fifth;

(2) Subtract the quotient in (1) from the district's regular student population;

(3) Multiply the difference in (2) by seven hundred fifty-two

dollars. 59514

(C) If a positive amount, add one-half of the amount obtained 59515
by multiplying the number of full-time equivalent classroom 59516
teachers by: 59517

(1) The mean annual salary of all full-time equivalent 59518
classroom teachers employed by the district at their respective 59519
training and experience levels minus; 59520

(2) The mean annual salary of all such teachers at their 59521
respective levels in all school districts receiving payments under 59522
this section. 59523

The number of full-time equivalent classroom teachers used in 59524
this computation shall not exceed one twenty-fifth of the 59525
district's regular student population. In calculating the 59526
district's mean salary under this division, those full-time 59527
equivalent classroom teachers with the highest training level 59528
shall be counted first, those with the next highest training level 59529
second, and so on, in descending order. Within the respective 59530
training levels, teachers with the highest years of service shall 59531
be counted first, the next highest years of service second, and so 59532
on, in descending order. 59533

(D) This division does not apply to a school district that 59534
has entered into an agreement under division (A) of section 59535
3313.42 of the Revised Code. Deduct the amount obtained from the 59536
following computations if the district employs fewer than five 59537
full-time equivalent educational service personnel, including 59538
elementary school art, music, and physical education teachers, 59539
counselors, librarians, visiting teachers, school social workers, 59540
and school nurses for each one thousand pupils in the regular 59541
student population: 59542

(1) Divide the number of full-time equivalent educational 59543

service personnel employed by the district by five	59544
one-thousandths;	59545
(2) Subtract the quotient in (1) from the district's regular student population;	59546 59547
(3) Multiply the difference in (2) by ninety-four dollars.	59548
(E) If a local school district, or a city or exempted village school district to which a governing board of an educational service center provides services pursuant to section 3313.843 of the Revised Code, deduct the amount of the payment required for the reimbursement of the governing board under section 3317.11 of the Revised Code.	59549 59550 59551 59552 59553 59554
(F)(1) If the district is required to pay to or entitled to receive tuition from another school district under division (C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the superintendent of public instruction is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (J) of section 3313.64 or section 3317.08 of the Revised Code.	59555 59556 59557 59558 59559 59560 59561 59562
(2) For each child for whom the district is responsible for tuition or payment under division (A)(1) of section 3317.082 or section 3323.091 of the Revised Code, deduct the amount of tuition or payment for which the district is responsible.	59563 59564 59565 59566
(G) If the district has been certified by the superintendent of public instruction under section 3313.90 of the Revised Code as not in compliance with the requirements of that section, deduct an amount equal to ten per cent of the amount computed for the district under ~~section 3317.022~~ <u>Chapter 3306.</u> of the Revised Code.	59567 59568 59569 59570 59571
(H) If the district has received a loan from a commercial	59572

lending institution for which payments are made by the 59573
superintendent of public instruction pursuant to division (E)(3) 59574
of section 3313.483 of the Revised Code, deduct an amount equal to 59575
such payments. 59576

(I)(1) If the district is a party to an agreement entered 59577
into under division (D), (E), or (F) of section 3311.06 or 59578
division (B) of section 3311.24 of the Revised Code and is 59579
obligated to make payments to another district under such an 59580
agreement, deduct an amount equal to such payments if the district 59581
school board notifies the department in writing that it wishes to 59582
have such payments deducted. 59583

(2) If the district is entitled to receive payments from 59584
another district that has notified the department to deduct such 59585
payments under division (I)(1) of this section, add the amount of 59586
such payments. 59587

(J) If the district is required to pay an amount of funds to 59588
a cooperative education district pursuant to a provision described 59589
by division (B)(4) of section 3311.52 or division (B)(8) of 59590
section 3311.521 of the Revised Code, deduct such amounts as 59591
provided under that provision and credit those amounts to the 59592
cooperative education district for payment to the district under 59593
division (B)(1) of section 3317.19 of the Revised Code. 59594

(K)(1) If a district is educating a student entitled to 59595
attend school in another district pursuant to a shared education 59596
contract, compact, or cooperative education agreement other than 59597
an agreement entered into pursuant to section 3313.842 of the 59598
Revised Code, credit to that educating district on an FTE basis 59599
both of the following: 59600

(a) An amount equal to the ~~sum of the~~ formula amount ~~plus~~ 59601
~~the per pupil amount of the base funding supplements specified in~~ 59602
~~divisions (C)(1) to (4) of section 3317.012 of the Revised Code.~~ 59603

(b) An amount equal to the current formula amount times the state share percentage times any multiple applicable to the student pursuant to section ~~3317.013 or 3317.014~~ <u>3306.11</u> of the Revised Code.	59604 59605 59606 59607
(2) Deduct any amount credited pursuant to division (K)(1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	59608 59609 59610 59611
(3) If the district is required by a shared education contract, compact, or cooperative education agreement to make payments to an educational service center, deduct the amounts from payments to the district and add them to the amounts paid to the service center pursuant to section 3317.11 of the Revised Code.	59612 59613 59614 59615 59616
(L)(1) If a district, including a joint vocational school district, is a lead district of a VEPD, credit to that district the amounts calculated for all the school districts within that VEPD pursuant to division (E)(2) of section 3317.022 of the Revised Code.	59617 59618 59619 59620 59621
(2) Deduct from each appropriate district that is not a lead district, the amount attributable to that district that is credited to a lead district under division (L)(1) of this section.	59622 59623 59624
(M) If the department pays a joint vocational school district under division (G)(4) of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a student with a disability, as calculated under division (G)(2) of that section, the department shall deduct the amount of that payment from the city, local, or exempted village school district that is responsible as specified in that section for the excess costs.	59625 59626 59627 59628 59629 59630 59631 59632

(N)(1) If the district reports an amount of excess cost for special education services for a child under division (C) of section 3323.14 of the Revised Code, the department shall pay that amount to the district.

(2) If the district reports an amount of excess cost for special education services for a child under division (C) of section 3323.14 of the Revised Code, the department shall deduct that amount from the district of residence of that child.

Sec. 3317.024. ~~In addition to the moneys paid to eligible school districts pursuant to section 3317.022 of the Revised Code, moneys appropriated for the education programs in divisions (A) to (I), (K), (L), and (N) of this section shall be distributed to school districts meeting the requirements of section 3317.01 of the Revised Code; in the case of divisions (G) and (L) of this section, to educational service centers as provided in section 3317.11 of the Revised Code; in the case of divisions (D) and (J) of this section, to county MR/DD boards; in the case of division (N) of this section, to joint vocational school districts; in the case of division (H) of this section, to cooperative education school districts; and in the case of division (M) of this section, to the institutions defined under section 3317.082 of the Revised Code providing elementary or secondary education programs to children other than children receiving special education under section 3323.091 of the Revised Code. The following shall be distributed monthly, quarterly, or annually as may be determined by the state board of education, except that the department of education shall not make payments under divisions (F), (L), and (N) of this section for any fiscal year after fiscal year 2009:~~

(A) An amount for each island school district and each joint state school district for the operation of each high school and each elementary school maintained within such district and for capital improvements for such schools. Such amounts shall be

determined on the basis of standards adopted by the state board of education. 59665
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(B) An amount for each school district operating classes for 59667
children of migrant workers who are unable to be in attendance in 59668
an Ohio school during the entire regular school year. The amounts 59669
shall be determined on the basis of standards adopted by the state 59670
board of education, except that payment shall be made only for 59671
subjects regularly offered by the school district providing the 59672
classes. 59673

(C) An amount for each school district with guidance, 59674
testing, and counseling programs approved by the state board of 59675
education. The amount shall be determined on the basis of 59676
standards adopted by the state board of education. 59677

(D) An amount for the emergency purchase of school buses as 59678
provided for in section 3317.07 of the Revised Code; 59679

(E) An amount for each school district required to pay 59680
tuition for a child in an institution maintained by the department 59681
of youth services pursuant to section 3317.082 of the Revised 59682
Code, provided the child was not included in the calculation of 59683
the district's average daily membership for the preceding school 59684
year. 59685

(F) An amount for adult basic literacy education for each 59686
district participating in programs approved by the state board of 59687
education. The amount shall be determined on the basis of 59688
standards adopted by the state board of education. 59689

(G) An amount for the approved cost of transporting eligible 59690
pupils with disabilities attending a special education program 59691
approved by the department of education whom it is impossible or 59692
impractical to transport by regular school bus in the course of 59693
regular route transportation provided by the district or service 59694

center. No district or service center is eligible to receive a 59695
payment under this division for the cost of transporting any pupil 59696
whom it transports by regular school bus and who is included in 59697
the district's transportation ADM. The state board of education 59698
shall establish standards and guidelines for use by the department 59699
of education in determining the approved cost of such 59700
transportation for each district or service center. 59701

(H) An amount to each school district, including each 59702
cooperative education school district, pursuant to section 3313.81 59703
of the Revised Code to assist in providing free lunches to needy 59704
children and an amount to assist needy school districts in 59705
purchasing necessary equipment for food preparation. The amounts 59706
shall be determined on the basis of rules adopted by the state 59707
board of education. 59708

(I) An amount to each school district, for each pupil 59709
attending a chartered nonpublic elementary or high school within 59710
the district. The amount shall equal the amount appropriated for 59711
the implementation of section 3317.06 of the Revised Code divided 59712
by the average daily membership in grades kindergarten through 59713
twelve in nonpublic elementary and high schools within the state 59714
as determined during the first full week in October of each school 59715
year. 59716

(J) An amount for each county MR/DD board, distributed on the 59717
basis of standards adopted by the state board of education, for 59718
the approved cost of transportation required for children 59719
attending special education programs operated by the county MR/DD 59720
board under section 3323.09 of the Revised Code; 59721

(K) An amount for each school district that establishes a 59722
mentor teacher program that complies with rules of the state board 59723
of education. No school district shall be required to establish or 59724
maintain such a program in any year unless sufficient funds are 59725
appropriated to cover the district's total costs for the program. 59726

(L) An amount to each school district or educational service center for the total number of gifted units approved pursuant to section 3317.05 of the Revised Code. The amount for each such unit shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to July 1, 2001, plus fifteen per cent of that minimum salary amount, plus two thousand six hundred seventy-eight dollars.

(M) An amount to each institution defined under section 3317.082 of the Revised Code providing elementary or secondary education to children other than children receiving special education under section 3323.091 of the Revised Code. This amount for any institution in any fiscal year shall equal the total of all tuition amounts required to be paid to the institution under division (A)(1) of section 3317.082 of the Revised Code.

(N) A grant to each school district and joint vocational school district that operates a "graduation, reality, and dual-role skills" (GRADS) program for pregnant and parenting students that is approved by the department. The amount of the payment shall be the district's state share percentage, as defined in section 3317.022 or 3317.16 of the Revised Code, times the GRADS personnel allowance times the full-time-equivalent number of GRADS teachers approved by the department. The GRADS personnel allowance is \$47,555 in fiscal years 2008 and 2009. The GRADS program shall include instruction on adoption as an option for unintended pregnancies.

The state board of education or any other board of education or governing board may provide for any resident of a district or educational service center territory any educational service for which funds are made available to the board by the United States under the authority of public law, whether such funds come

directly or indirectly from the United States or any agency or
department thereof or through the state or any agency, department,
or political subdivision thereof.

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Sec. 3317.025. On or before the first day of June of each
year, the tax commissioner shall certify the following information
to the department of education and the office of budget and
management, for each school district in which the value of the
property described under division (A) of this section exceeds one
per cent of the taxable value of all real and tangible personal
property in the district or in which is located tangible personal
property designed for use or used in strip mining operations,
whose taxable value exceeds five million dollars, and the taxes
upon which the district is precluded from collecting by virtue of
legal proceedings to determine the value of such property:

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(A) The total taxable value of all property in the district
owned by a public utility or railroad that has filed a petition
for reorganization under the "Bankruptcy Act," 47 Stat. 1474
(1898), 11 U.S.C. 205, as amended, and all tangible personal
property in the district designed for use or used in strip mining
operations whose taxable value exceeds five million dollars upon
which have not been paid in full on or before the first day of
April of that calendar year all real and tangible personal
property taxes levied for the preceding calendar year and which
the district was precluded from collecting by virtue of
proceedings under section 205 of said act or by virtue of legal
proceedings to determine the tax liability of such strip mining
equipment;

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(B) The percentage of the total operating taxes charged and
payable for school district purposes levied against such valuation
for the preceding calendar year that have not been paid by such
date;

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(C) The product obtained by multiplying the value certified

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under division (A) of this section by the percentage certified 59791
under division (B) of this section. If the value certified under 59792
division (A) of this section includes taxable property owned by a 59793
public utility or railroad that has filed a petition for 59794
reorganization under the bankruptcy act, the amount used in making 59795
the calculation under this division shall be reduced by one per 59796
cent of the total value of all real and tangible personal property 59797
in the district or the value of the utility's or railroad's 59798
property, whichever is less. 59799

Upon receipt of the certification, the department shall 59800
recompute the payments required under ~~section 3317.022~~Chapter 59801
3306. of the Revised Code in the manner the payments would have 59802
been computed if: 59803

(1) The amount certified under division (C) of this section 59804
was not subject to taxation by the district and was not included 59805
in the certification made under division (A)(1), (A)(2), or (D) of 59806
section 3317.021 of the Revised Code. 59807

(2) The amount of taxes charged and payable and unpaid and 59808
used to make the computation under division (B) of this section 59809
had not been levied and had not been used in the computation 59810
required by division (B) of section 3317.021 of the Revised Code. 59811
The department shall pay the district that amount in the ensuing 59812
fiscal year in lieu of the amounts computed under ~~section 3317.022~~ 59813
Chapter 3306. of the Revised Code. 59814

If a school district received a grant from the catastrophic 59815
expenditures account pursuant to division (C) of section 3316.20 59816
of the Revised Code on the basis of the same circumstances for 59817
which a recomputation is made under this section, the amount of 59818
the recomputation shall be reduced and transferred in accordance 59819
with division (C) of section 3316.20 of the Revised Code. 59820

Sec. 3317.0210. (A) As used in this section: 59821

(1) "Bankruptcy Reform Act" means the "Bankruptcy Reform Act of 1978," 92 Stat. 2558, 11 U.S.C. 301, as amended.	59822 59823
(2) "Chapter 11 corporation" means a corporation, company, or other business organization that has filed a petition for reorganization under Chapter 11 of the "Bankruptcy Reform Act," 92 Stat. 2626, 11 U.S.C. 1101, as amended.	59824 59825 59826 59827
(3) "Uncollectable taxes" means property taxes payable in a calendar year by a Chapter 11 corporation on its property that a school district is precluded from collecting by virtue of proceedings under the Bankruptcy Reform Act.	59828 59829 59830 59831
(4) "Basic state aid" means the state aid calculated for a school district under ~~section 3317.022~~ <u>Chapter 3306.</u> of the Revised Code.	59832 59833 59834
(5) "Effective value" means the amount obtained by multiplying the total taxable value certified in a calendar year under section 3317.021 of the Revised Code by a fraction, the numerator of which is the total taxes charged and payable in that calendar year exclusive of the uncollectable taxes payable in that year, and the denominator of which is the total taxes charged and payable in that year.	59835 59836 59837 59838 59839 59840 59841
(6) "Total taxes charged and payable" has the same meaning given "taxes charged and payable" in section 3317.02 of the Revised Code.	59842 59843 59844
(B)(1) Between the first day of January and the first day of February of any year, a school district shall notify the department of education if it has uncollectable taxes payable in the preceding calendar year from one Chapter 11 corporation.	59845 59846 59847 59848
(2) The department shall verify whether the district has such	59849

uncollectable taxes from such a corporation, and if the district
does, shall immediately request the tax commissioner to certify
the district's total taxes charged and payable in the preceding
calendar year, and the tax commissioner shall certify that
information to the department within thirty days after receiving
the request. For the purposes of this section, taxes are payable
in the calendar year that includes the day prescribed by law for
their payment, including any lawful extension thereof.

(C) Upon receiving the certification from the tax
commissioner, the department shall determine whether the amount of
uncollectable taxes from the corporation equals at least one per
cent of the total taxes charged and payable as certified by the
tax commissioner. If it does, the department shall compute the
district's effective value and shall recompute the basic state aid
payable to the district for the current fiscal year using the
effective value in lieu of the total taxable value used to compute
the basic state aid for the current fiscal year. The difference
between the basic state aid amount originally computed for the
district for the current fiscal year and the recomputed amount
shall be paid to the district from the lottery profits education
fund before the end of the current fiscal year.

(D) Except as provided in division (E) of this section,
amounts received by a school district under division (C) of this
section shall be repaid to the department of education in any
future year to the extent the district receives payments of
uncollectable taxes in such future year. The district shall notify
the department of any amount owed under this division.

(E) If a school district received a grant from the
catastrophic expenditures account pursuant to division (C) of
section 3316.20 of the Revised Code on the basis of the same
circumstances for which a recomputation is made under this
section, the amount of the recomputation shall be reduced and

transferred in accordance with division (C) of section 3316.20 of
the Revised Code.

Sec. 3317.0211. (A) As used in this section:

(1) "Port authority" means any port authority as defined in
section 4582.01 or 4582.21 of the Revised Code.

(2) "Real property" includes public utility real property and
"personal property" includes public utility personal property.

(3) "Uncollected taxes" means property taxes charged and
payable against the property of a port authority for a tax year
that a school district has not collected.

(4) "Basic state aid" means the state aid calculated for a
school district under ~~section 3317.022~~ Chapter 3306, of the
Revised Code.

(5) "Effective value" means the sum of the effective
residential/agricultural real property value, the effective
nonresidential/agricultural real property value, and the effective
personal value.

(6) "Effective residential/agricultural real property value"
means, for a tax year, the amount obtained by multiplying the
value for that year of residential/agricultural real property
subject to taxation in the district by a fraction, the numerator
of which is the total taxes charged and payable for that year
against the residential/agricultural real property subject to
taxation in the district, exclusive of the uncollected taxes for
that year on all real property subject to taxation in the
district, and the denominator of which is the total taxes charged
and payable for that year against the residential/agricultural
real property subject to taxation in the district.

(7) "Effective nonresidential/agricultural real property value" means, for a tax year, the amount obtained by multiplying the value for that year of nonresidential/agricultural real property subject to taxation in the district by a fraction, the numerator of which is the total taxes charged and payable for that year against the nonresidential/agricultural real property subject to taxation in the district, exclusive of the uncollected taxes for that year on all real property subject to taxation in the district, and the denominator of which is the total taxes charged and payable for that year against the nonresidential/agricultural real property subject to taxation in the district.

(8) "Effective personal value" means, for a tax year, the amount obtained by multiplying the value for that year certified under division (A)(2) of section 3317.021 of the Revised Code by a fraction, the numerator of which is the total taxes charged and payable for that year against personal property subject to taxation in the district, exclusive of the uncollected taxes for that year on that property, and the denominator of which is the total taxes charged and payable for that year against personal property subject to taxation in the district.

(9) "Nonresidential/agricultural real property value" means, for a tax year, the sum of the values certified for a school district for that year under division (B)(2)(a) of this section, and "residential/agricultural real property value" means, for a tax year, the sum of the values certified for a school district under division (B)(2)(b) of this section.

(10) "Taxes charged and payable against real property" means the taxes charged and payable against that property after making the reduction required by section 319.301 of the Revised Code.

(11) "Total taxes charged and payable" has the same meaning given "taxes charged and payable" in section 3317.02 of the

Revised Code. 59941

(B)(1) By the first day of August of any calendar year, a 59942
school district shall notify the department of education if it has 59943
any uncollected taxes from one port authority for the second 59944
preceding tax year whose taxes charged and payable represent at 59945
least one-half of one per cent of the district's total taxes 59946
charged and payable for that tax year. 59947

(2) The department shall verify whether the district has such 59948
uncollected taxes by the first day of September, and if the 59949
district does, shall immediately request the county auditor of 59950
each county in which the school district has territory to certify 59951
the following information concerning the district's property 59952
values and taxes for the second preceding tax year, and each such 59953
auditor shall certify that information to the department within 59954
thirty days of receiving the request: 59955

(a) The value of the property subject to taxation in the 59956
district that was classified as nonresidential/agricultural real 59957
property pursuant to section 5713.041 of the Revised Code, and the 59958
taxes charged and payable on that property; and 59959

(b) The value of the property subject to taxation in the 59960
district that was classified as residential/agricultural real 59961
property under section 5713.041 of the Revised Code. 59962

(C) By the fifteenth day of November, the department shall 59963
compute the district's effective nonresidential/agricultural real 59964
property value, effective residential/agricultural real property 59965
value, effective personal value, and effective value, and shall 59966
determine whether the school district's effective value for the 59967
second preceding tax year is at least one per cent less than its 59968
total value for that year certified under divisions (A)(1) and (2) 59969
of section 3317.021 of the Revised Code. If it is, the department 59970
shall recompute the basic state aid payable to the district for 59971

the immediately preceding fiscal year using the effective value in
lieu of the amounts previously certified under section 3317.021 of
the Revised Code. The difference between the original basic state
aid amount computed for the district for the preceding fiscal year
and the recomputed amount shall be paid to the district from the
lottery profits education fund before the end of the current
fiscal year.

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(D) Except as provided in division (E) of this section,
amounts received by a school district under division (C) of this
section shall be repaid to the department of education in any
future year to the extent the district receives payments of
uncollectable taxes in such future year. The department shall
notify a district of any amount owed under this division.

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(E) If a school district received a grant from the
catastrophic expenditures account pursuant to division (C) of
section 3316.20 of the Revised Code on the basis of the same
circumstances for which a recomputation is made under this
section, the amount of the recomputation shall be reduced and
transferred in accordance with division (C) of section 3316.20 of
the Revised Code.

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Sec. 3317.0216. (A) As used in this section:

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(1) "Total taxes charged and payable for current expenses"
means the sum of ~~the~~;

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(a) The taxes charged and payable as certified under division
(A)(3)(a) of section 3317.021 of the Revised Code less any amounts
reported under division (A)(3)(b) of that section, ~~and the~~; plus

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(b) The tax distribution for the preceding year under any
school district income tax levied by the district pursuant to
Chapter 5748. of the Revised Code to the extent the revenue from
the income tax is allocated or apportioned to current expenses,

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excluding the amount allocated or apportioned for the project 60002
cost, debt service, or maintenance set-aside associated with a 60003
state-assisted classroom facilities project as authorized by 60004
section 3318.052 of the Revised Code. 60005

(2) "Charge-off amount" means two and three-tenths per cent 60006
multiplied by (the sum of recognized valuation and property 60007
exemption value). 60008

(3) Until fiscal year 2003, the "actual local share of 60009
special education, transportation, and vocational education 60010
funding" for any school district means the sum of the district's 60011
attributed local shares described in divisions (F)(1) to (3) of 60012
section 3317.022 of the Revised Code. Beginning in fiscal year 60013
2003, the "actual local share of special education, 60014
transportation, and vocational education funding" means that sum 60015
minus the amount of any excess cost supplement payment calculated 60016
for the district under division (F) of section 3317.022 of the 60017
Revised Code. 60018

(B) Upon receiving the certifications under section 3317.021 60019
of the Revised Code, the department of education shall determine 60020
for each city, local, and exempted village school district whether 60021
the district's charge-off amount is greater than the district's 60022
total taxes charged and payable for current expenses, and if the 60023
charge-off amount is greater, shall pay the district the amount 60024
of the difference. A payment shall not be made to any school 60025
district for which the computation under division (A) of section 60026
3317.022 of the Revised Code equals zero. 60027

(C)(1) If a district's charge-off amount is equal to or 60028
greater than its total taxes charged and payable for current 60029
expenses, the department shall, in addition to the payment 60030
required under division (B) of this section, pay the district the 60031
amount of its actual local share of special education, 60032
transportation, and vocational education funding. 60033

(2) If a district's charge-off amount is less than its total
taxes charged and payable for current expenses, the department
shall pay the district any amount by which its actual local share
of special education, transportation, and vocational education
funding exceeds its total taxes charged and payable for current
expenses minus its charge-off amount.

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(D) If a school district that received a payment under
division (B) or (C) of this section in the prior fiscal year is
ineligible for payment under those divisions in the current fiscal
year, the department shall determine if the ineligibility is the
result of a property tax or income tax levy approved by the
district's voters to take effect in tax year 2005 or thereafter.
If the department determines that is the case, and calculates that
the levy causing the ineligibility exceeded by at least one mill
the equivalent millage of the prior year's payment under divisions
(B) and (C) of this section, the department shall make a payment
to the district for the first three years that the district loses
eligibility for payment under divisions (B) and (C) of this
section, as follows:

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(1) In the first year of ineligibility, the department shall
pay the district seventy-five per cent of the amount it last paid
the district under divisions (B) and (C) of this section.

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(2) In the second year of ineligibility, the department shall
pay the district fifty per cent of the amount it last paid the
district under those divisions.

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(3) In the third year of ineligibility, the department shall
pay the district twenty-five per cent of the amount it last paid
the district under those divisions.

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(E) A district that receives payment under division (D) of
this section and subsequently qualifies for payment under division

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(B) or (C) of this section is ineligible for future payments under
division (D) of this section.

(F) To enable the department of education to make the
determinations and to calculate payments under division (D) of
this section, on March 30, 2006, and on or before the first day
of March of each year thereafter, the department shall send to
the tax commissioner a list of school districts receiving
payments under division (B) or (C) of this section for the
current fiscal year. On or before the first day of the following
June, the tax commissioner shall certify to the department of
education for those school districts the information required by
division (A)(8) of section 3317.021 of the Revised Code.

Sec. 3317.03. ~~Notwithstanding divisions (A)(1), (B)(1), and
(C) of this section, except as provided in division (A)(2)(h) of
this section, any student enrolled in kindergarten more than half
time shall be reported as one-half student under this section.~~
The information certified and verified under this section shall be
used to calculate payments under this chapter and Chapter 3306.
of the Revised Code.

(A) The superintendent of each city, local, and exempted
village school district and of each educational service center
shall, for the schools under the superintendent's supervision,
certify to the state board of education on or before the fifteenth
day of October in each year for the first full school week in
October the average daily membership of students receiving
services from schools under the superintendent's supervision, and
the numbers of other students entitled to attend school in the
district under section 3313.64 or 3313.65 of the Revised Code the
superintendent is required to report under this section, so that
the department of education can calculate the district's formula
ADM. ~~Beginning in fiscal year 2007, each superintendent also
shall certify to the state board, for the schools under the~~

~~superintendent's supervision, the formula ADM for the first full~~ 60096
~~week in February.~~ If a school under the superintendent's 60097
supervision is closed for one or more days during that week due 60098
to hazardous weather conditions or other circumstances described 60099
in the first paragraph of division (B) of section 3317.01 of the 60100
Revised Code, the superintendent may apply to the superintendent 60101
of public instruction for a waiver, under which the 60102
superintendent of public instruction may exempt the district 60103
superintendent from certifying the ~~formula ADM~~ average daily 60104
membership for that school for that week and specify an 60105
alternate week for certifying the ~~formula ADM~~ average daily 60106
membership of that school. 60107

The ~~formula ADM shall consist of the~~ average daily membership 60108
during such week shall consist of the sum of the following: 60109

(1) On an FTE basis, the number of students in grades 60110
kindergarten through twelve receiving any educational services 60111
from the district, except that the following categories of 60112
students shall not be included in the determination: 60113

(a) Students enrolled in adult education classes; 60114

(b) Adjacent or other district students enrolled in the 60115
district under an open enrollment policy pursuant to section 60116
3313.98 of the Revised Code; 60117

(c) Students receiving services in the district pursuant to a 60118
compact, cooperative education agreement, or a contract, but who 60119
are entitled to attend school in another district pursuant to 60120
section 3313.64 or 3313.65 of the Revised Code; 60121

(d) Students for whom tuition is payable pursuant to sections 60122
3317.081 and 3323.141 of the Revised Code; 60123

(e) Students receiving services in the district through a 60124

scholarship awarded under section 3310.41 of the Revised Code.	60125
(2) On an FTE basis, ~~except as provided in division (A)(2)(h) of this section~~ , the number of students entitled to attend school	60126 60127
in the district pursuant to section 3313.64 or 3313.65 of the	60128
Revised Code, but receiving educational services in grades	60129
kindergarten through twelve from one or more of the following	60130
entities:	60131
(a) A community school pursuant to Chapter 3314. of the	60132
Revised Code, including any participation in a college pursuant to	60133
Chapter 3365. of the Revised Code while enrolled in such community	60134
school;	60135
(b) An alternative school pursuant to sections 3313.974 to	60136
3313.979 of the Revised Code as described in division (I)(2)(a) or	60137
(b) of this section;	60138
(c) A college pursuant to Chapter 3365. of the Revised Code,	60139
except when the student is enrolled in the college while also	60140
enrolled in a community school pursuant to Chapter 3314. or a	60141
science, technology, engineering, and mathematics school	60142
established under Chapter 3326. of the Revised Code;	60143
(d) An adjacent or other school district under an open	60144
enrollment policy adopted pursuant to section 3313.98 of the	60145
Revised Code;	60146
(e) An educational service center or cooperative education	60147
district;	60148
(f) Another school district under a cooperative education	60149
agreement, compact, or contract;	60150
(g) A chartered nonpublic school with a scholarship paid	60151
under section 3310.08 of the Revised Code;	60152

(h) An alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code. ~~Each such scholarship student who is enrolled in kindergarten shall be counted as one full-time equivalent student.~~

As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 of the Revised Code.

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.

(3) ~~Twenty per cent of the~~ The number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact;

(4) The number of children with disabilities, other than preschool children with disabilities, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed by the district with a county MR/DD board, minus the number of such children placed with a county MR/DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero.

~~(5) Beginning in fiscal year 2007, in the case of the report submitted for the first full week in February, or the alternative~~

~~week if specified by the superintendent of public instruction, the~~ 60183
~~number of students reported under division (A)(1) or (2) of this~~ 60184
~~section for the first full week of the preceding October but who~~ 60185
~~since that week have received high school diplomas.~~ 60186

(B) To enable the department of education to obtain the data 60187
needed to complete the calculation of payments pursuant to this 60188
chapter and Chapter 3306. of the Revised Code, in addition to the 60189
~~formula ADM~~average daily membership, each superintendent shall 60190
report separately the following student counts for the same week 60191
for which ~~formula ADM~~average daily membership is certified: 60192

(1) The total average daily membership in regular learning 60193
day classes included in the report under division (A)(1) or (2) 60194
of this section for each of the individual grades kindergarten; 60195
~~and each of grades one~~ through twelve in schools under the 60196
superintendent's supervision; 60197

(2) The number of all preschool children with disabilities 60198
enrolled as of the first day of December in classes in the 60199
district that are eligible for approval under division (B) of 60200
section 3317.05 of the Revised Code and the number of those 60201
classes, which shall be reported not later than the fifteenth day 60202
of December, in accordance with rules adopted under that section; 60203

(3) The number of children entitled to attend school in the 60204
district pursuant to section 3313.64 or 3313.65 of the Revised 60205
Code who are: 60206

(a) Participating in a pilot project scholarship program 60207
established under sections 3313.974 to 3313.979 of the Revised 60208
Code as described in division (I)(2)(a) or (b) of this section; 60209

(b) Enrolled in a college under Chapter 3365. of the Revised 60210
Code, except when the student is enrolled in the college while 60211
also enrolled in a community school pursuant to Chapter 3314. or a 60212

science, technology, engineering, and mathematics school	60213
established under Chapter 3326. of the Revised Code;	60214
(c) Enrolled in an adjacent or other school district under	60215
section 3313.98 of the Revised Code;	60216
(d) Enrolled in a community school established under Chapter	60217
3314. of the Revised Code that is not an internet- or	60218
computer-based community school as defined in section 3314.02 of	60219
the Revised Code, including any participation in a college	60220
pursuant to Chapter 3365. of the Revised Code while enrolled in	60221
such community school;	60222
(e) Enrolled in an internet- or computer-based community	60223
school, as defined in section 3314.02 of the Revised Code,	60224
including any participation in a college pursuant to Chapter 3365.	60225
of the Revised Code while enrolled in the school;	60226
(f) Enrolled in a chartered nonpublic school with a	60227
scholarship paid under section 3310.08 of the Revised Code;	60228
(g) Enrolled in kindergarten through grade twelve in an	60229
alternative public provider or a registered private provider with	60230
a scholarship awarded under section 3310.41 of the Revised Code;	60231
(h) Enrolled as a preschool child with a disability in an	60232
alternative public provider or a registered private provider with	60233
a scholarship awarded under section 3310.41 of the Revised Code;	60234
(i) Participating in a program operated by a county MR/DD	60235
board or a state institution;	60236
(j) Enrolled in a science, technology, engineering, and	60237
mathematics school established under Chapter 3326. of the Revised	60238
Code, including any participation in a college pursuant to	60239
Chapter 3365. of the Revised Code while enrolled in the school.	60240

(4) The number of pupils enrolled in joint vocational schools;	60241 60242
(5) The average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division ~~(A)(D)(1)~~ of section ~~3317.013~~ <u>3306.02</u> of the Revised Code;	60243 60244 60245 60246 60247
(6) The average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division ~~(B)(D)(2)~~ of section ~~3317.013~~ <u>3306.02</u> of the Revised Code;	60248 60249 60250 60251 60252
(7) The average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division ~~(C)(D)(3)~~ of section ~~3317.013~~ <u>3306.02</u> of the Revised Code;	60253 60254 60255 60256 60257
(8) The average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category four disabilities described in division (D) <u>(4)</u> of section ~~3317.013~~ <u>3306.02</u> of the Revised Code;	60258 60259 60260 60261 60262
(9) The average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category five disabilities described in division ~~(E)(D)(5)~~ of section ~~3317.013~~ <u>3306.02</u> of the Revised Code;	60263 60264 60265 60266 60267
(10) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) and under	60268 60269

division (B)(3)(h) of this section receiving special education 60270
services for category six disabilities described in division 60271
~~(F)(D)(6)~~ of section ~~3317.014~~33306.02 of the Revised Code, 60272
including children attending a special education program operated 60273
by an alternative public provider or a registered private 60274
provider with a scholarship awarded under section 3310.41 of the 60275
Revised Code; 60276

(11) The average daily membership of pupils reported under 60277
division (A)(1) or (2) of this section enrolled in category one 60278
vocational education programs or classes, described in division 60279
(A) of section 3317.014 of the Revised Code, operated by the 60280
school district or by another district, other than a joint 60281
vocational school district, or by an educational service center, 60282
excluding any student reported under division (B)(3)(e) of this 60283
section as enrolled in an internet- or computer-based community 60284
school, notwithstanding division (C) of section 3317.02 of the 60285
Revised Code and division (C)(3) of this section; 60286

(12) The average daily membership of pupils reported under 60287
division (A)(1) or (2) of this section enrolled in category two 60288
vocational education programs or services, described in division 60289
(B) of section 3317.014 of the Revised Code, operated by the 60290
school district or another school district, other than a joint 60291
vocational school district, or by an educational service center, 60292
excluding any student reported under division (B)(3)(e) of this 60293
section as enrolled in an internet- or computer-based community 60294
school, notwithstanding division (C) of section 3317.02 of the 60295
Revised Code and division (C)(3) of this section; 60296

Beginning with fiscal year 2010, vocational education ADM 60297
shall not be used to calculate a district's funding but shall be 60298
reported under divisions (B)(11) and (12) of this section for 60299
statistical purposes. 60300

(13) The average number of children transported by the school 60301

district on board-owned or contractor-owned and -operated buses,	60302
reported in accordance with rules adopted by the department of	60303
education;	60304
(14)(a) The number of children, other than preschool children	60305
with disabilities, the district placed with a county MR/DD board	60306
in fiscal year 1998;	60307
(b) The number of children with disabilities, other than	60308
preschool children with disabilities, placed with a county MR/DD	60309
board in the current fiscal year to receive special education	60310
services for the category one disability described in division	60311
~~(A)~~ (D)(1) of section ~~3317.013~~ <u>3306.02</u> of the Revised Code;	60312
(c) The number of children with disabilities, other than	60313
preschool children with disabilities, placed with a county MR/DD	60314
board in the current fiscal year to receive special education	60315
services for category two disabilities described in division	60316
~~(B)~~ (D)(2) of section ~~3317.013~~ <u>3306.02</u> of the Revised Code;	60317
(d) The number of children with disabilities, other than	60318
preschool children with disabilities, placed with a county MR/DD	60319
board in the current fiscal year to receive special education	60320
services for category three disabilities described in division	60321
~~(C)~~ (D)(3) of section ~~3317.013~~ <u>3306.02</u> of the Revised Code;	60322
(e) The number of children with disabilities, other than	60323
preschool children with disabilities, placed with a county MR/DD	60324
board in the current fiscal year to receive special education	60325
services for category four disabilities described in division	60326
(D)(4) of section ~~3317.013~~ <u>3306.02</u> of the Revised Code;	60327
(f) The number of children with disabilities, other than	60328
preschool children with disabilities, placed with a county MR/DD	60329
board in the current fiscal year to receive special education	60330
services for the category five disabilities described in division	60331

~~(E)~~ (D)(5) of section ~~3317.013~~ <u>3306.02</u> of the Revised Code;	60332
(g) The number of children with disabilities, other than preschool children with disabilities, placed with a county MR/DD board in the current fiscal year to receive special education services for category six disabilities described in division	60333 60334 60335
~~(F)~~ (D)(6) of section ~~3317.013~~ <u>3306.02</u> of the Revised Code.	60336 60337
(C)(1) ~~Except as otherwise provided in this section for kindergarten students, the~~ The average daily membership in divisions (B)(1) to (12) of this section shall be based upon the number of full-time equivalent students. The state board of education shall adopt rules defining full-time equivalent students and for determining the average daily membership therefrom for the purposes of divisions (A), (B), and (D) of this section. <u>Each student enrolled in kindergarten shall be counted as one full-time equivalent student regardless of whether the student is enrolled in a part-day or all-day kindergarten class.</u>	60338 60339 60340 60341 60342 60343 60344 60345 60346 60347
(2) A student enrolled in a community school established under Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code shall be counted in the formula ADM and, if applicable, the category one, two, three, four, five, or six special education ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the community school or the science, technology, engineering, and mathematics school for purposes of section 3314.08 or 3326.33 of the Revised Code. Notwithstanding the number of students reported pursuant to division (B)(3)(d), (e), or (j) of this section, the department may adjust the formula ADM of a school district to account for students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled	60348 60349 60350 60351 60352 60353 60354 60355 60356 60357 60358 60359 60360 60361 60362 60363

in a community school or a science, technology, engineering, and
mathematics school for only a portion of the school year.

(3) No child shall be counted as more than a total of one
child in the sum of the average daily memberships of a school
district under division (A), divisions (B)(1) to (12), or division
(D) of this section, except as follows:

(a) A child with a disability described in division (D) of
section ~~3317.014~~3306.02 of the Revised Code may be counted both
in formula ADM and in category one, two, three, four, five, or
six special education ADM and, if applicable, in category one or
two vocational education ADM. As provided in division (C) of
section 3317.02 of the Revised Code, such a child shall be counted
in category one, two, three, four, five, or six special education
ADM in the same proportion that the child is counted in formula
ADM.

(b) A child enrolled in vocational education programs or
classes described in section 3317.014 of the Revised Code may be
counted both in formula ADM and category one or two vocational
education ADM and, if applicable, in category one, two, three,
four, five, or six special education ADM. Such a child shall be
counted in category one or two vocational education ADM in the
same proportion as the percentage of time that the child spends in
the vocational education programs or classes.

(4) Based on the information reported under this section, the
department of education shall determine the total student count,
as defined in section 3301.011 of the Revised Code, for each
school district.

(D)(1) The superintendent of each joint vocational school
district shall certify to the superintendent of public instruction
on or before the fifteenth day of October in each year for the
first full school week in October the formula ADM, for purposes of

section 3318.42 of the Revised Code and for any other purpose 60395
prescribed by law for which "formula ADM" of the joint vocational 60396
district is a factor. Beginning in fiscal year 2007, each 60397
superintendent also shall certify to the state superintendent the 60398
formula ADM for the first full week in February. If a school 60399
operated by the joint vocational school district is closed for 60400
one or more days during that week due to hazardous weather 60401
conditions or other circumstances described in the first 60402
paragraph of division (B) of section 3317.01 of the Revised Code, 60403
the superintendent may apply to the superintendent of public 60404
instruction for a waiver, under which the superintendent of 60405
public instruction may exempt the district superintendent from 60406
certifying the formula ADM for that school for that week and 60407
specify an alternate week for certifying the formula ADM of that 60408
school. 60409

The formula ADM, except as otherwise provided in this 60410
division, shall consist of the average daily membership during 60411
such week, on an FTE basis, of the number of students receiving 60412
any educational services from the district, including students 60413
enrolled in a community school established under Chapter 3314. or 60414
a science, technology, engineering, and mathematics school 60415
established under Chapter 3326. of the Revised Code who are 60416
attending the joint vocational district under an agreement 60417
between the district board of education and the governing 60418
authority of the community school or the governing body of the 60419
science, technology, engineering, and mathematics school and are 60420
entitled to attend school in a city, local, or exempted village 60421
school district whose territory is part of the territory of the 60422
joint vocational district. Beginning in fiscal year 2007, in the 60423
case of the report submitted for the first week in February, or 60424
the alternative week if specified by the superintendent of public 60425
instruction, the superintendent of the joint vocational school 60426
district may include the number of students reported under 60427
division (D)(1) of this section for the first full week of the 60428

~~preceeding October but who since that week have received high school diplomas.~~

The following categories of students shall not be included in the determination made under division (D)(1) of this section:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

~~(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in~~
In addition to the formula ADM, each superintendent shall report separately the average daily membership included in the report under division (D)(1) of this section for each of the following categories of students for the same week for which formula ADM is certified:

(a) Students enrolled in each individual grade included in the joint vocational district schools;

(b) Children with disabilities receiving special education services for the category one disability described in division ~~(A)(C)(D)~~(1) of section ~~3317.013~~3306.02 of the Revised Code;

(c) Children with disabilities receiving special education services for the category two disabilities described in division ~~(B)~~ (D)(2) of section ~~3317.013~~ <u>3306.02</u> of the Revised Code;	60456 60457 60458
(d) Children with disabilities receiving special education services for category three disabilities described in division ~~(C)~~ (D)(3) of section ~~3317.013~~ <u>3306.02</u> of the Revised Code;	60459 60460 60461
(e) Children with disabilities receiving special education services for category four disabilities described in division (D)(4) of section ~~3317.013~~ <u>3306.02</u> of the Revised Code;	60462 60463 60464
(f) Children with disabilities receiving special education services for the category five disabilities described in division ~~(E)~~ (D)(5) of section ~~3317.013~~ <u>3306.02</u> of the Revised Code;	60465 60466 60467
(g) Children with disabilities receiving special education services for category six disabilities described in division ~~(F)~~ (D)(6) of section ~~3317.013~~ <u>3306.02</u> of the Revised Code;	60468 60469 60470
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	60471 60472 60473
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	60474 60475 60476
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	60477 60478 60479 60480 60481
(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there	60482 60483

shall be maintained a record of school membership, which record
shall accurately show, for each day the school is in session, the
actual membership enrolled in regular day classes. For the purpose
of determining average daily membership, the membership figure of
any school shall not include any pupils except those pupils
described by division (A) of this section. The record of
membership for each school shall be maintained in such manner that
no pupil shall be counted as in membership prior to the actual
date of entry in the school and also in such manner that where for
any cause a pupil permanently withdraws from the school that pupil
shall not be counted as in membership from and after the date of
such withdrawal. There shall not be included in the membership of
any school any of the following:

(1) Any pupil who has graduated from the twelfth grade of a
public or nonpublic high school;

(2) Any pupil who is not a resident of the state;

(3) Any pupil who was enrolled in the schools of the district
during the previous school year when ~~tests~~assessments were
administered under section 3301.0711 of the Revised Code but did
not take one or more of the ~~tests~~assessments required by that
section and was not excused pursuant to division (C)(1) or (3) of
that section;

(4) Any pupil who has attained the age of twenty-two years,
except for veterans of the armed services whose attendance was
interrupted before completing the recognized twelve-year course of
the public schools by reason of induction or enlistment in the
armed forces and who apply for reenrollment in the public school
system of their residence not later than four years after
termination of war or their honorable discharge.

If, however, any veteran described by division (E)(4) of this
section elects to enroll in special courses organized for veterans

for whom tuition is paid under the provisions of federal laws, or
otherwise, that veteran shall not be included in average daily
membership.

Notwithstanding division (E)(3) of this section, the
membership of any school may include a pupil who did not take a
~~test~~an assessment required by section 3301.0711 of the Revised
Code if the superintendent of public instruction grants a waiver
from the requirement to take the ~~test~~assessment to the specific
pupil and a parent is not paying tuition for the pupil pursuant
to section 3313.6410 of the Revised Code. The superintendent may
grant such a waiver only for good cause in accordance with rules
adopted by the state board of education.

Except as provided in divisions (B)(2) and (F) of this
section, the average daily membership figure of any local, city,
exempted village, or joint vocational school district shall be
determined by dividing the figure representing the sum of the
number of pupils enrolled during each day the school of attendance
is actually open for instruction during the week for which the
~~formula ADM~~average daily membership is being certified by the
total number of days the school was actually open for instruction
during that week. For purposes of state funding, "enrolled"
persons are only those pupils who are attending school, those who
have attended school during the current school year and are
absent for authorized reasons, and those children with
disabilities currently receiving home instruction.

The average daily membership figure of any cooperative
education school district shall be determined in accordance with
rules adopted by the state board of education.

(F)(1) If the formula ADM for the first full school week in
February is at least three per cent greater than that certified
for the first full school week in the preceding October, the
superintendent of schools of any city, exempted village, or joint

vocational school district or educational service center shall 60547
certify such increase to the superintendent of public instruction. 60548
Such certification shall be submitted no later than the fifteenth 60549
day of February. For the balance of the fiscal year, beginning 60550
with the February payments, the superintendent of public 60551
instruction shall use the increased formula ADM in calculating or 60552
recalculating the amounts to be allocated in accordance with 60553
section 3317.022 or 3317.16 of the Revised Code. In no event 60554
shall the superintendent use an increased membership certified 60555
to the superintendent after the fifteenth day of February. 60556
Division (F)(1) of this section does not apply after fiscal year 60557
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(2) If on the first school day of April the total number of 60559
classes or units for preschool children with disabilities that 60560
are eligible for approval under division (B) of section 3317.05 60561
of the Revised Code exceeds the number of units that have been 60562
approved for the year under that division, the superintendent of 60563
schools of any city, exempted village, or cooperative education 60564
school district or educational service center shall make the 60565
certifications required by this section for that day. If the 60566
department determines additional units can be approved for the 60567
fiscal year within any limitations set forth in the acts 60568
appropriating moneys for the funding of such units, the 60569
department shall approve additional units for the fiscal year on 60570
the basis of such average daily membership. For each unit so 60571
approved, the department shall pay an amount computed in the 60572
manner prescribed in section 3317.052 or 3317.19 and section 60573
3317.053 of the Revised Code. 60574

(3) If a student attending a community school under Chapter 60575
3314. or a science, technology, engineering, and mathematics 60576
school established under Chapter 3326. of the Revised Code is not 60577
included in the formula ADM certified for the school district in 60578
which the student is entitled to attend school under section 60579

3313.64 or 3313.65 of the Revised Code, the department of
education shall adjust the formula ADM of that school district
to include the student in accordance with division (C)(2) of
this section, and shall recalculate the school district's
payments under this chapter and Chapter 3306. of the Revised
Code for the entire fiscal year on the basis of that adjusted
formula ADM. This requirement applies regardless of whether the
student was enrolled, as defined in division (E) of this
section, in the community school or the science, technology,
engineering, and mathematics school during the week for which
the formula ADM is being certified.

(4) If a student awarded an educational choice scholarship is
not included in the formula ADM of the school district from which
the department deducts funds for the scholarship under section
3310.08 of the Revised Code, the department shall adjust the
formula ADM of that school district to include the student to the
extent necessary to account for the deduction, and shall
recalculate the school district's payments under this chapter and
Chapter 3306. of the Revised Code for the entire fiscal year on
the basis of that adjusted formula ADM. This requirement applies
regardless of whether the student was enrolled, as defined in
division (E) of this section, in the chartered nonpublic school,
the school district, or a community school during the week for
which the formula ADM is being certified.

(G)(1)(a) The superintendent of an institution operating a
special education program pursuant to section 3323.091 of the
Revised Code shall, for the programs under such superintendent's
supervision, certify to the state board of education, in the
manner prescribed by the superintendent of public instruction,
both of the following:

(i) The average daily membership of all children with
disabilities other than preschool children with disabilities

receiving services at the institution for each category of disability described in divisions ~~(A) to (F)~~(D)(1) to (6) of section ~~3317.01~~3306.02 of the Revised Code;

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(ii) The average daily membership of all preschool children with disabilities in classes or programs approved annually by the department of education for unit funding under section 3317.05 of the Revised Code.

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(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction.

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(2) The superintendent of each county MR/DD board that maintains special education classes under section 3317.20 of the Revised Code or units approved pursuant to section 3317.05 of the Revised Code shall do both of the following:

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(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

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(b) Certify to the state board, in the manner prescribed by the board, the number of all preschool children with disabilities enrolled as of the first day of December in classes eligible for approval under division (B) of section 3317.05 of the Revised Code, and the number of those classes.

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(3)(a) If on the first school day of April the number of classes or units maintained for preschool children with disabilities by the county MR/DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code

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is greater than the number of units approved for the year under
that division, the superintendent shall make the certification
required by this section for that day.

(b) If the department determines that additional classes or
units can be approved for the fiscal year within any limitations
set forth in the acts appropriating moneys for the funding of the
classes and units described in division (G)(3)(a) of this section,
the department shall approve and fund additional units for the
fiscal year on the basis of such average daily membership. For
each unit so approved, the department shall pay an amount computed
in the manner prescribed in sections 3317.052 and 3317.053 of the
Revised Code.

(H) Except as provided in division (I) of this section, when
any city, local, or exempted village school district provides
instruction for a nonresident pupil whose attendance is
unauthorized attendance as defined in section 3327.06 of the
Revised Code, that pupil's membership shall not be included in
that district's membership figure used in the calculation of that
district's formula ADM or included in the determination of any
unit approved for the district under section 3317.05 of the
Revised Code. The reporting official shall report separately the
average daily membership of all pupils whose attendance in the
district is unauthorized attendance, and the membership of each
such pupil shall be credited to the school district in which the
pupil is entitled to attend school under division (B) of section
3313.64 or section 3313.65 of the Revised Code as determined by
the department of education.

(I)(1) A city, local, exempted village, or joint vocational
school district admitting a scholarship student of a pilot project
district pursuant to division (C) of section 3313.976 of the
Revised Code may count such student in its average daily
membership.

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in average daily membership:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction determines that a component of the ~~formula ADM~~ average daily membership certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXIII of the Revised Code be adjusted in the amount of the error.

Sec. 3317.031. A membership record shall be kept by grade level in each city, local, exempted village, joint vocational, and cooperative education school district and such a record shall be kept by grade level in each educational service center that provides academic instruction to pupils, classes for pupils with

disabilities, or any other direct instructional services to 60705
pupils. Such membership record shall show the following 60706
information for each pupil enrolled: Name, date of birth, name of 60707
parent, date entered school, date withdrawn from school, days 60708
present, days absent, and the number of days school was open for 60709
instruction while the pupil was enrolled. At the end of the 60710
school year this membership record shall show the total days 60711
present, the total days absent, and the total days due for all 60712
pupils in each grade. Such membership record shall show the 60713
pupils that are transported to and from school and it shall also 60714
show the pupils that are transported living within one mile of the 60715
school attended. This membership record shall also show any other 60716
information prescribed by the state board of education. 60717

This membership record shall be kept intact for at least five 60718
years and shall be made available to the state board of education 60719
or its representative in making an audit of the average daily 60720
membership or the transportation of the district or educational 60721
service center. The membership records of local school districts 60722
shall be filed at the close of each school year in the office of 60723
the educational service center superintendent. 60724

The state board of education may withhold any money due any 60725
school district or educational service center under ~~sections~~ 60726
~~3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, or 3317.19~~ this 60727
chapter and Chapter 3306. of the Revised Code until it has 60728
satisfactory evidence that the board of education or educational 60729
service center governing board has fully complied with all of the 60730
provisions of this section. 60731

Nothing in this section shall require any person to release, 60732
or to permit access to, public school records in violation of 60733
section 3319.321 of the Revised Code. 60734

Sec. 3317.04. The amount paid to school districts in each 60735
fiscal year under ~~Chapter~~ Chapters 3306. and 3317. of the Revised 60736

Code shall not be less than the following: 60737

(A) In the case of a district created under section 3311.26 60738
or 3311.37 of the Revised Code, the amount paid shall not be less, 60739
in any of the three succeeding fiscal years following the 60740
creation, than the sum of the amounts allocated under ~~Chapter~~ 60741
Chapters 3306. and 3317. of the Revised Code to the districts 60742
separately in the year of the creation. 60743

(B) In the case of a school district which is transferred to 60744
another school district or districts, pursuant to section 3311.22, 60745
3311.231, or 3311.38 of the Revised Code, the amount paid to the 60746
district accepting the transferred territory shall not be less, in 60747
any of the three succeeding fiscal years following the transfer, 60748
than the sum of the amounts allocated under ~~Chapter~~Chapters 3306. 60749
and 3317. of the Revised Code to the districts separately in the 60750
year of the consummation of the transfer. 60751

Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, 60752
and 3311.38 of the Revised Code, the minimum guarantees prescribed 60753
by divisions (A) and (B) of this section shall not affect the 60754
amount of aid received by a school district for more than three 60755
consecutive years. 60756

Sec. 3317.061. The superintendent of each school district, 60757
including each cooperative education and joint vocational school 60758
district and the superintendent of each educational service 60759
center, shall, on forms prescribed and furnished by the state 60760
board of education, certify to the state board of education, on or 60761
before the fifteenth day of October of each year, the name of each 60762
licensed employee employed, on an annual salary, in each school 60763
under such superintendent's supervision during the first full 60764
school week of said month of October, the number of years of 60765
recognized college training such licensed employee has completed, 60766
the college degrees from a recognized college earned by such 60767
licensed employee, the type of teaching license held by such 60768

licensed employee, the number of months such licensed employee is
employed in the school district, the annual salary of such
licensed employee, and such other information as the state board
of education may request. For the purposes of ~~Chapter~~Chapters
3306. and 3317. of the Revised Code, a licensed employee is any
employee in a position that requires a license issued pursuant to
sections 3319.22 to 3319.31 of the Revised Code.

Pursuant to standards adopted by the state board of
education, experience of vocational teachers in trade and industry
shall be recognized by such board for the purpose of complying
with the requirements of recognized college training provided by
~~Chapter~~Chapters 3306. and 3317. of the Revised Code.

Sec. 3317.063. The superintendent of public instruction, in
accordance with rules adopted by the department of education,
shall annually reimburse each chartered nonpublic school for the
actual mandated service administrative and clerical costs incurred
by such school during the preceding school year in preparing,
maintaining, and filing reports, forms, and records, and in
providing such other administrative and clerical services that are
not an integral part of the teaching process as may be required by
state law or rule or by requirements duly promulgated by city,
exempted village, or local school districts. The mandated service
costs reimbursed pursuant to this section shall include, but are
not limited to, the preparation, filing and maintenance of forms,
reports, or records and other clerical and administrative services
relating to state chartering or approval of the nonpublic school,
pupil attendance, pupil health and health testing, transportation
of pupils, federally funded education programs, pupil appraisal,
pupil progress, educator licensure, unemployment and workers'
compensation, transfer of pupils, and such other education related
data which are now or hereafter shall be required of such
nonpublic school by state law or rule, or by requirements of the
state department of education, other state agencies, or city,

exempted village, or local school districts. 60802

The reimbursement required by this section shall be for 60803
school years beginning on or after July 1, 1981. 60804

Each nonpublic school which seeks reimbursement pursuant to 60805
this section shall submit to the superintendent of public 60806
instruction an application together with such additional reports 60807
and documents as the department of education may require. Such 60808
application, reports, and documents shall contain such information 60809
as the department of education may prescribe in order to carry out 60810
the purposes of this section. No payment shall be made until the 60811
superintendent of public instruction has approved such 60812
application. 60813

Each nonpublic school which applies for reimbursement 60814
pursuant to this section shall maintain a separate account or 60815
system of accounts for the expenses incurred in rendering the 60816
required services for which reimbursement is sought. Such accounts 60817
shall contain such information as is required by the department of 60818
education and shall be maintained in accordance with rules adopted 60819
by the department of education. 60820

Reimbursement payments to a nonpublic school pursuant to this 60821
section shall not exceed an amount for each school year equal to 60822
three hundred twenty-five dollars per pupil enrolled in that 60823
nonpublic school. 60824

The superintendent of public instruction may, from time to 60825
time, examine any and all accounts and records of a nonpublic 60826
school which have been maintained pursuant to this section in 60827
support of an application for reimbursement, for the purpose of 60828
determining the costs to such school of rendering the services for 60829
which reimbursement is sought. If after such audit it is 60830
determined that any school has received funds in excess of the 60831
actual cost of providing such services, said school shall 60832

immediately reimburse the state in such excess amount. 60833

Any payments made to chartered nonpublic schools under this 60834
section may be disbursed without submission to and approval of the 60835
controlling board. 60836

Sec. 3317.08. A board of education may admit to its schools 60837
a child it is not required by section 3313.64 or 3313.65 of the 60838
Revised Code to admit, if tuition is paid for the child. 60839

Unless otherwise provided by law, tuition shall be computed 60840
in accordance with this section. A district's tuition charge for a 60841
school year shall be one of the following: 60842

(A) For any child, except a preschool child with a 60843
disability described in division (B) of this section, the 60844
quotient obtained by dividing the sum of the amounts described in 60845
divisions (A)(1) and (2) of this section by the district's formula 60846
ADM. 60847

(1) The district's total taxes charged and payable for 60848
current expenses for the tax year preceding the tax year in which 60849
the school year begins as certified under division (A)(3) of 60850
section 3317.021 of the Revised Code. 60851

(2) The district's total taxes collected for current expenses 60852
under a school district income tax adopted pursuant to section 60853
5748.03 or 5748.08 of the Revised Code that are disbursed to the 60854
district during the fiscal year, excluding any income tax receipts 60855
allocated for the project cost, debt service, or maintenance 60856
set-aside associated with a state-assisted classroom facilities 60857
project as authorized by section 3318.052 of the Revised Code. On 60858
or before the first day of June of each year, the tax commissioner 60859
shall certify the amount to be used in the calculation under this 60860
division for the next fiscal year to the department of education 60861
and the office of budget and management for each city, local, and 60862

exempted village school district that levies a school district
income tax.

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(B) For any preschool child with a disability not included
in a unit approved under division (B) of section 3317.05 of the
Revised Code, an amount computed for the school year as follows:

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(1) For each type of special education service provided to
the child for whom tuition is being calculated, determine the
amount of the district's operating expenses in providing that type
of service to all preschool children with disabilities not
included in units approved under division (B) of section 3317.05
of the Revised Code;

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(2) For each type of special education service for which
operating expenses are determined under division (B)(1) of this
section, determine the amount of such operating expenses that was
paid from any state funds received under this chapter;

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(3) For each type of special education service for which
operating expenses are determined under division (B)(1) of this
section, divide the difference between the amount determined under
division (B)(1) of this section and the amount determined under
division (B)(2) of this section by the total number of preschool
children with disabilities not included in units approved under
division (B) of section 3317.05 of the Revised Code who received
that type of service;

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(4) Determine the sum of the quotients obtained under
division (B)(3) of this section for all types of special education
services provided to the child for whom tuition is being
calculated.

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The state board of education shall adopt rules defining the
types of special education services and specifying the operating
expenses to be used in the computation under this section.

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If any child for whom a tuition charge is computed under this section for any school year is enrolled in a district for only part of that school year, the amount of the district's tuition charge for the child for the school year shall be computed in proportion to the number of school days the child is enrolled in the district during the school year.

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Except as otherwise provided in division (J) of section 3313.64 of the Revised Code, whenever a district admits a child to its schools for whom tuition computed in accordance with this section is an obligation of another school district, the amount of the tuition shall be certified by the treasurer of the board of education of the district of attendance, to the board of education of the district required to pay tuition for its approval and payment. If agreement as to the amount payable or the district required to pay the tuition cannot be reached, or the board of education of the district required to pay the tuition refuses to pay that amount, the board of education of the district of attendance shall notify the superintendent of public instruction. The superintendent shall determine the correct amount and the district required to pay the tuition and shall deduct that amount, if any, under division (G) of section 3317.023 of the Revised Code, from the district required to pay the tuition and add that amount to the amount allocated to the district attended under such division. The superintendent of public instruction shall send to the district required to pay the tuition an itemized statement showing such deductions at the time of such deduction.

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When a political subdivision owns and operates an airport, welfare, or correctional institution or other project or facility outside its corporate limits, the territory within which the facility is located is exempt from taxation by the school district within which such territory is located, and there are school age children residing within such territory, the political subdivision

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owning such tax exempt territory shall pay tuition to the district 60925
in which such children attend school. The tuition for these 60926
children shall be computed as provided for in this section. 60927

Sec. 3317.081. (A) Tuition shall be computed in accordance 60928
with this section if: 60929

(1) The tuition is required by division (C)(3)(b) of section 60930
3313.64 of the Revised Code; or 60931

(2) Neither the child nor the child's parent resides in this 60932
state and tuition is required by section 3327.06 of the Revised 60933
Code. 60934

(B) Tuition computed in accordance with this section shall 60935
equal the attendance district's tuition rate computed under 60936
section 3317.08 of the Revised Code plus the amount that district 60937
would have received for the child pursuant to Chapter 3306. and 60938
sections ~~3317.022~~, 3317.023, and 3317.025 to 3317.0211 of the 60939
Revised Code during the school year had the attendance district 60940
been authorized to count the child in its formula ADM for that 60941
school year under section 3317.03 of the Revised Code. 60942

Sec. 3317.082. As used in this section, "institution" means 60943
a residential facility that receives and cares for children 60944
maintained by the department of youth services and that operates a 60945
school chartered by the state board of education under section 60946
3301.16 of the Revised Code. 60947

(A) On or before the thirty-first day of each January and 60948
July, the superintendent of each institution that during the 60949
six-month period immediately preceding each January or July 60950
provided an elementary or secondary education for any child, other 60951
than a child receiving special education under section 3323.091 of 60952
the Revised Code, shall prepare and submit to the department of 60953
education, a statement for each such child indicating the child's 60954

name, any school district responsible to pay tuition for the child
as determined by the superintendent in accordance with division
(C)(2) or (3) of section 3313.64 of the Revised Code, and the
period of time during that six-month period that the child
received an elementary or secondary education. If any school
district is responsible to pay tuition for any such child, the
department of education, no later than the immediately succeeding
last day of February or August, as applicable, shall calculate the
amount of the tuition of the district under section 3317.08 of the
Revised Code for the period of time indicated on the statement and
do one of the following:

(1) If the tuition amount is equal to or less than the amount
of state basic aid funds payable to the district under ~~sections~~
~~3317.022 and Chapter 3306. and section~~ 3317.023 of the Revised
Code, pay to the institution submitting the statement an amount
equal to the tuition amount, as provided under division (M) of
section 3317.024 of the Revised Code, and deduct the tuition
amount from the state basic aid funds payable to the district, as
provided under division (F)(2) of section 3317.023 of the Revised
Code;

(2) If the tuition amount is greater than the amount of state
basic aid funds payable to the district under ~~sections 3317.022~~
~~and Chapter 3306. and section~~ 3317.023 of the Revised Code,
require the district to pay to the institution submitting the
statement an amount equal to the tuition amount.

(B) In the case of any disagreement about the school district
responsible to pay tuition for a child pursuant to this section,
the superintendent of public instruction shall make the
determination in any such case in accordance with division (C)(2)
or (3) of section 3313.64 of the Revised Code.

Sec. 3317.12. Any board of education participating in funds
distributed under ~~Chapter~~ Chapters 3306. and 3317. of the Revised

Code shall annually adopt a salary schedule for nonteaching school employees based upon training, experience, and qualifications with initial salaries no less than the salaries in effect on October 13, 1967. Each board of education shall prepare and may amend from time to time, specifications descriptive of duties, responsibilities, requirements, and desirable qualifications of the classifications of employees required to perform the duties specified in the salary schedule. All nonteaching school employees are to be notified of the position classification to which they are assigned and the salary for the classification. The compensation of all employees working for a particular school board shall be uniform for like positions except as compensation would be affected by salary increments based upon length of service.

On the fifteenth day of October each year the salary schedule and the list of job classifications and salaries in effect on that date shall be filed by each board of education with the superintendent of public instruction. If such salary schedule and classification plan is not filed the superintendent of public instruction shall order the board to file such schedules forthwith. If this condition is not corrected within ten days after receipt of the order from the superintendent of public instruction, no money shall be distributed to the district under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code until the superintendent has satisfactory evidence of the board of education's full compliance with such order.

Sec. 3317.16. (A) As used in this section:

(1) ~~"State share percentage" means the percentage calculated for a joint vocational school district as follows:~~

~~(a) Calculate the state base cost funding amount for the district under division (B) of this section. If the district would not receive any base cost funding for that year under that~~

~~division, the district's state share percentage is zero.~~ 61019

~~(b) If the district would receive base cost funding under~~ 61020

~~that division, divide that base cost amount by an amount equal to~~ 61021

~~the following:~~ 61022

~~the formula amount X~~ 61023

~~formula ADM~~ 61024

~~The resultant number is the district's state share~~ 61025

~~percentage.~~ 61026

~~(2)~~ The "total special education weight" for a joint 61027

vocational school district shall be calculated in the same manner 61028

as prescribed in ~~division (B)(1)~~ of section 3317.022 of the 61029

Revised Code. 61030

~~(3)~~(2) The "total vocational education weight" for a joint 61031

vocational school district shall be calculated in the same manner 61032

as prescribed in ~~division (B)(4)~~ of section 3317.022 of the 61033

Revised Code. 61034

~~(4)~~(3) The "total recognized valuation" of a joint vocational 61035

school district shall be determined by adding the recognized 61036

valuations of all its constituent school districts that were 61037

subject to the joint vocational school district's tax levies for 61038

both the current and preceding tax years. 61039

~~(5)~~(4) "Resident district" means the city, local, or exempted 61040

village school district in which a student is entitled to attend 61041

school under section 3313.64 or 3313.65 of the Revised Code. 61042

~~(6)~~(5) "Community school" means a community school 61043

established under Chapter 3314. of the Revised Code.	61044
(B) The department of education shall compute and distribute	61045
state base cost funding to each joint vocational school district	61046
for the fiscal year in accordance with the following formula:	61047
(formula amount X formula ADM) -	61048
(.0005 X total recognized valuation)	61049
If the difference obtained under this division is a negative	61050
number, the district's computation shall be zero.	61051
(C)(1) The department shall compute and distribute state	61052
vocational education additional weighted costs funds to each joint	61053
vocational school district in accordance with the following	61054
formula:	61055
state share percentage X formula amount X	61056
total vocational education weight	61057
In each fiscal year, a joint vocational school district	61058
receiving funds under division (C)(1) of this section shall spend	61059
those funds only for the purposes the department designates as	61060
approved for vocational education expenses. Vocational educational	61061
expenses approved by the department shall include only expenses	61062
connected to the delivery of career-technical programming to	61063
career-technical students. The department shall require the joint	61064
vocational school district to report data annually so that the	61065
department may monitor the district's compliance with the	61066
requirements regarding the manner in which funding received under	61067

division (C)(1) of this section may be spent. 61068

(2) The department shall compute for each joint vocational 61069
school district state funds for vocational education associated 61070
services costs in accordance with the following formula: 61071

state share percentage X .05 X 61072

the formula amount X the sum of 61073

categories one and two vocational 61074

education ADM 61075

In any fiscal year, a joint vocational school district 61076
receiving funds under division (C)(2) of this section, or through 61077
a transfer of funds pursuant to division (L) of section 3317.023 61078
of the Revised Code, shall spend those funds only for the purposes 61079
that the department designates as approved for vocational 61080
education associated services expenses, which may include such 61081
purposes as apprenticeship coordinators, coordinators for other 61082
vocational education services, vocational evaluation, and other 61083
purposes designated by the department. The department may deny 61084
payment under division (C)(2) of this section to any district that 61085
the department determines is not operating those services or is 61086
using funds paid under division (C)(2) of this section, or through 61087
a transfer of funds pursuant to division (L) of section 3317.023 61088
of the Revised Code, for other purposes. 61089

(D)(1) The department shall compute and distribute state 61090
special education and related services additional weighted costs 61091
funds to each joint vocational school district in accordance with 61092

the following formula:	61093
state share percentage X formula amount X	61094
total special education weight	61095
(2)(a) As used in this division, the "personnel allowance"	61096
means thirty thousand dollars in fiscal years 2008 and 2009.	61097
(b) For the provision of speech language pathology services	61098
to students, including students who do not have individualized	61099
education programs prepared for them under Chapter 3323. of the	61100
Revised Code, and for no other purpose, the department shall pay	61101
each joint vocational school district an amount calculated under	61102
the following formula:	61103
(formula ADM divided by 2000) X the personnel	61104
allowance X state share percentage	61105
(3) In any fiscal year, a joint vocational school district	61106
shall spend for purposes that the department designates as	61107
approved for special education and related services expenses at	61108
least the amount calculated as follows:	61109
(formula amount X	61110
the sum of categories one through	61111
six special education ADM) +	61112

(total special education weight X	61113
formula amount)	61114
The purposes approved by the department for special education	61115
expenses shall include, but shall not be limited to, compliance	61116
with state rules governing the education of children with	61117
disabilities, providing services identified in a student's	61118
individualized education program as defined in section 3323.01 of	61119
the Revised Code, provision of speech language pathology services,	61120
and the portion of the district's overall administrative and	61121
overhead costs that are attributable to the district's special	61122
education student population.	61123
The department shall require joint vocational school	61124
districts to report data annually to allow for monitoring	61125
compliance with division (D)(3) of this section. The department	61126
shall annually report to the governor and the general assembly the	61127
amount of money spent by each joint vocational school district for	61128
special education and related services.	61129
(4) In any fiscal year, a joint vocational school district	61130
shall spend for the provision of speech language pathology	61131
services not less than the sum of the amount calculated under	61132
division (D)(1) of this section for the students in the district's	61133
category one special education ADM and the amount calculated under	61134
division (D)(2) of this section.	61135
(E)(1) If a joint vocational school district's costs for a	61136
fiscal year for a student in its categories two through six	61137
special education ADM exceed the threshold catastrophic cost for	61138
serving the student, as specified in division (C)(3)(b) of section	61139
3317.022 of the Revised Code, the district may submit to the	61140

superintendent of public instruction documentation, as prescribed	61141
by the superintendent, of all of its costs for that student. Upon	61142
submission of documentation for a student of the type and in the	61143
manner prescribed, the department shall pay to the district an	61144
amount equal to the sum of the following:	61145
(a) One-half of the district's costs for the student in	61146
excess of the threshold catastrophic cost;	61147
(b) The product of one-half of the district's costs for the	61148
student in excess of the threshold catastrophic cost multiplied by	61149
the district's state share percentage.	61150
(2) The district shall only report under division (E)(1) of	61151
this section, and the department shall only pay for, the costs of	61152
educational expenses and the related services provided to the	61153
student in accordance with the student's individualized education	61154
program. Any legal fees, court costs, or other costs associated	61155
with any cause of action relating to the student may not be	61156
included in the amount.	61157
(F) Each fiscal year, the department shall pay each joint	61158
vocational school district an amount for adult technical and	61159
vocational education and specialized consultants.	61160
(G)(1) A joint vocational school district's local share of	61161
special education and related services additional weighted costs	61162
equals:	61163
(1 - state share percentage) X	61164
Total special education weight X	61165
the formula amount	61166

(2) For each student with a disability receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under divisions (B), (D), (E), and (G)(1) of this section.

Those excess costs shall be calculated by subtracting the sum of the following from the actual cost to provide special education and related services to the student:

(a) The formula amount;

(b) The product of the formula amount times the applicable multiple specified in section ~~3317.01~~3306.11 of the Revised Code;

(c) Any funds paid under division (E) of this section for the student;

(d) Any other funds received by the joint vocational school district under this chapter to provide special education and related services to the student, not including the amount calculated under division (G)(2) of this section.

(3) The board of education of the joint vocational school district may report the excess costs calculated under division (G)(2) of this section to the department of education.

(4) If the board of education of the joint vocational school

district reports excess costs under division (G)(3) of this section, the department shall pay the amount of excess cost calculated under division (G)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (G)(4)(a) or (b) of this section, as applicable:

(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (M) of section 3317.023 of the Revised Code.

(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code.

Sec. 3317.18. (A) As used in this section, the terms "Chapter 133. securities," "credit enhancement facilities," "debt charges," "general obligation," "legislation," "public obligations," and "securities" have the same meanings as in section 133.01 of the Revised Code.

(B) The board of education of any school district authorizing the issuance of securities under section 133.10, 133.301, or 3313.372 of the Revised Code or general obligation Chapter 133. securities may adopt legislation requesting the state department of education to approve, and enter into an agreement with the school district and the primary paying agent or fiscal agent for such securities providing for, the withholding and deposit of funds, otherwise due the district under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code, for the payment of debt service charges on such securities.

The board of education shall deliver to the state department a copy of such resolution and any additional pertinent information

the state department may require. 61225

The department of education and the office of budget and 61226
management shall evaluate each request received from a school 61227
district under this section and the department, with the advice 61228
and consent of the director of budget and management, shall 61229
approve or deny each request based on all of the following: 61230

(1) Whether approval of the request will enhance the 61231
marketability of the securities for which the request is made; 61232

(2) Any other pertinent factors or limitations established in 61233
rules made under division (I) of this section, including: 61234

(a) Current and projected obligations of funds due to the 61235
requesting school district under ~~Chapter~~Chapters 3306. and 3317. 61236
of the Revised Code including obligations of those funds to public 61237
obligations or relevant credit enhancement facilities under this 61238
section, Chapter 133. and section 3313.483 of the Revised Code, 61239
and under any other similar provisions of law; 61240

(b) Whether the department of education or the office of 61241
budget and management has any reason to believe the requesting 61242
school district will be unable to pay when due the debt charges on 61243
the securities for which the request is made. 61244

The department may require a school district to establish 61245
schedules for the payment of all debt charges that take into 61246
account the amount and timing of anticipated distributions of 61247
funds to the district under Chapter 3317. of the Revised Code. 61248

(C) If the department approves the request of a school 61249
district to withhold and deposit funds pursuant to this section, 61250
the department shall enter into a written agreement with the 61251
district and the primary paying agent or fiscal agent for the 61252
securities which shall provide for the withholding of funds 61253

pursuant to this section for the payment of debt charges on those securities, and may include both of the following: 61254
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(1) Provisions for certification by the district to the department, at a time prior to any date for the payment of applicable debt charges, whether the district is able to pay those debt charges when due; 61256
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(2) Requirements that the district deposit amounts for the payment of debt charges on the securities with the primary paying agent or fiscal agent for the securities prior to the date on which those debt charge payments are due to the owners or holders of the securities. 61260
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(D) Whenever a district notifies the department of education that it will be unable to pay debt charges when they are due, subject to the withholding provisions of this section, or whenever the applicable paying agent or fiscal agent notifies the department that it has not timely received from a school district the full amount needed for the payment when due of those debt charges to the holders or owners of such securities, the department shall immediately contact the school district and the paying agent or fiscal agent to confirm or determine whether the district is unable to make the required payment by the date on which it is due. 61265
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Upon demand of the treasurer of state while holding a school district obligation purchased under division (G)(1) of section 135.143 of the Revised Code, the state department of education, without a request of the school district, shall withhold and deposit funds pursuant to this section for payment of debt service charges on that obligation. 61276
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If the department confirms or determines that the district will be unable to make such payment and payment will not be made pursuant to a credit enhancement facility, the department shall 61282
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promptly pay to the applicable primary paying agent or fiscal agent the lesser of the amount due for debt charges or the amount due the district for the remainder of the fiscal year under Chapter 3317. of the Revised Code. If this amount is insufficient to pay the total amount then due the agent for the payment of debt charges, the department shall pay to the agent each fiscal year thereafter, and until the full amount due the agent for unpaid debt charges is paid in full, the lesser of the remaining amount due the agent for debt charges or the amount due the district for the fiscal year under Chapter 3317. of the Revised Code.

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(E) The state department may make any payments under this division by direct deposit of funds by electronic transfer.

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Any amount received by a paying agent or fiscal agent under this section shall be applied only to the payment of debt charges on the securities of the school district subject to this section or to the reimbursement to the provider of a credit enhancement facility that has paid such debt charges.

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(F) To the extent a school district whose securities are subject to this section is unable to pay applicable debt charges because of the failure to collect property taxes levied for the payment of those debt charges, the district may transfer to or deposit into any fund that would have received payments under ~~Chapter 3306.~~ or 3317. of the Revised Code that were withheld under this section any such delinquent property taxes when later collected, provided that transfer or deposit shall be limited to the amounts withheld from that fund under this section.

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(G) The department may make payments under this section to paying agents or fiscal agents only from and to the extent that money is appropriated by the general assembly for Chapter 3317. of the Revised Code or for the purposes of this section. No securities of a school district to which this section is made applicable constitute an obligation or a debt or a pledge of the

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faith, credit, or taxing power of the state, and the holders or 61317
owners of such securities have no right to have taxes levied or 61318
appropriations made by the general assembly for the payment of 61319
debt charges on those securities, and those securities, if the 61320
department requires, shall contain a statement to that effect. The 61321
agreement for or the actual withholding and payment of moneys 61322
under this section does not constitute the assumption by the state 61323
of any debt of a school district. 61324

(H) In the case of securities subject to the withholding 61325
provisions of this section, the issuing board of education shall 61326
appoint a paying agent or fiscal agent who is not an officer or 61327
employee of the school district. 61328

(I) The department of education, with the advice of the 61329
office of budget and management, may adopt reasonable rules not 61330
inconsistent with this section for the implementation of this 61331
section and division (B) of section 133.25 of the Revised Code as 61332
it relates to the withholding and depositing of payments under 61333
~~Chapter~~Chapters 3306. and 3317. of the Revised Code to secure 61334
payment of debt charges on school district securities. Those rules 61335
shall include criteria for the evaluation and approval or denial 61336
of school district requests for withholding under this section and 61337
limits on the obligation for the purpose of paying debt charges or 61338
reimbursing credit enhancement facilities of funds otherwise to be 61339
paid to school districts under Chapter 3317. of the Revised Code. 61340

(J) The authority granted by this section is in addition to 61341
and not a limitation on any other authorizations granted by or 61342
pursuant to law for the same or similar purposes. 61343

Sec. 3317.20. This section does not apply to preschool 61344
children with disabilities. 61345

(A) As used in this section: 61346

(1) "Applicable weight" means the multiple specified in section ~~3317.013~~3306.11 of the Revised Code for a disability described in that section.

(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

~~(3) "State share percentage" means the state share percentage of the child's school district as defined in section 3317.022 of the Revised Code.~~

(B) Except as provided in division (C) of this section, the department shall annually pay each county MR/DD board for each child with a disability, other than a preschool child with a disability, for whom the county MR/DD board provides special education and related services an amount equal to the formula amount + (state share percentage X formula amount X the applicable weight).

(C) If any school district places with a county MR/DD board more children with disabilities than it had placed with a county MR/DD board in fiscal year 1998, the department shall not make a payment under division (B) of this section for the number of children exceeding the number placed in fiscal year 1998. The department instead shall deduct from the district's payments under this chapter and Chapter 3306. of the Revised Code, and pay to the county MR/DD board, an amount calculated in accordance with the formula prescribed in division (B) of this section for each child over the number of children placed in fiscal year 1998.

(D) The department shall calculate for each county MR/DD board receiving payments under divisions (B) and (C) of this section the following amounts:

(1) The amount received by the county MR/DD board for approved special education and related services units, other than units for preschool children with disabilities, in fiscal year 1998, divided by the total number of children served in the units that year;	61377 61378 61379 61380 61381
(2) The product of the quotient calculated under division (D)(1) of this section times the number of children for whom payments are made under divisions (B) and (C) of this section.	61382 61383 61384
If the amount calculated under division (D)(2) of this section is greater than the total amount calculated under divisions (B) and (C) of this section, the department shall pay the county MR/DD board one hundred per cent of the difference in addition to the payments under divisions (B) and (C) of this section.	61385 61386 61387 61388 61389 61390
(E) Each county MR/DD board shall report to the department, in the manner specified by the department, the name of each child for whom the county MR/DD board provides special education and related services and the child's school district.	61391 61392 61393 61394
(F)(1) For the purpose of verifying the accuracy of the payments under this section, the department may request from either of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any child who is placed with a county MR/DD board:	61395 61396 61397 61398 61399
(a) The child's school district;	61400
(b) The independent contractor engaged to create and maintain data verification codes.	61401 61402
(2) Upon a request by the department under division (F)(1) of this section for the data verification code of a child, the child's school district shall submit that code to the department	61403 61404 61405

in the manner specified by the department. If the child has not
been assigned a code, the district shall assign a code to that
child and submit the code to the department by a date specified by
the department. If the district does not assign a code to the
child by the specified date, the department shall assign a code to
the child.

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The department annually shall submit to each school district
the name and data verification code of each child residing in the
district for whom the department has assigned a code under this
division.

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(3) The department shall not release any data verification
code that it receives under division (F) of this section to any
person except as provided by law.

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(G) Any document relative to special education and related
services provided by a county MR/DD board that the department
holds in its files that contains both a student's name or other
personally identifiable information and the student's data
verification code shall not be a public record under section
149.43 of the Revised Code.

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Sec. 3317.201. This section does not apply to preschool
children with disabilities.

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(A) As used in this section, the "total special education
weight" for an institution means the sum of the following amounts:

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(1) The number of children reported by the institution under
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as
receiving services for a disability described in division
(A)(D)(1) of section ~~3317.013~~ 3306.02 of the Revised Code
multiplied by the multiple specified in that division;

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(2) The number of children reported by the institution under

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division (G)(1)(a)(i) of section 3317.03 of the Revised Code as	61435
receiving services for a disability described in division	61436
~~(B)~~ (D)(2) of section ~~3317.013~~ <u>3306.02</u> of the Revised Code	61437
multiplied by the multiple specified in that division;	61438
 (3) The number of children reported by the institution under	61439
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as	61440
receiving services for a disability described in division	61441
~~(C)~~ (D)(3) of section ~~3317.013~~ <u>3306.02</u> of the Revised Code	61442
multiplied by the multiple specified in that division;	61443
 (4) The number of children reported by the institution under	61444
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as	61445
receiving services for a disability described in division (D)(4)	61446
of section ~~3317.013~~ <u>3306.02</u> of the Revised Code multiplied by	61447
the multiple specified in that division;	61448
 (5) The number of children reported by the institution under	61449
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as	61450
receiving services for a disability described in division	61451
~~(E)~~ (D)(5) of section ~~3317.013~~ <u>3306.02</u> of the Revised Code	61452
multiplied by the multiple specified in that division;	61453
 (6) The number of children reported by the institution under	61454
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as	61455
receiving services for a disability described in division	61456
~~(F)~~ (D)(6) of section ~~3317.013~~ <u>3306.02</u> of the Revised Code	61457
multiplied by the multiple specified in that division.	61458
 (B) For each fiscal year, the department of education shall	61459
pay each state institution required to provide special education	61460
services under division (A) of section 3323.091 of the Revised	61461
Code an amount equal to the greater of:	61462
 (1) The formula amount times the institution's total special	61463
education weight;	61464

(2) The aggregate amount of special education and related services unit funding the institution received for all children with disabilities other than preschool children with disabilities in fiscal year 2005 under sections 3317.052 and 3317.053 of the Revised Code, as those sections existed prior to June 30, 2005.

Sec. 3318.011. For purposes of providing assistance under sections 3318.01 to 3318.20 of the Revised Code, the department of education shall annually do all of the following:

(A) Calculate the adjusted valuation per pupil of each city, local, and exempted village school district according to the following formula:

The district's valuation per pupil -

$[\$30,000 \times (1 - \text{the district's income factor})]$.

For purposes of this calculation:

(1) Except for a district with an open enrollment net gain that is ten per cent or more of its formula ADM, "valuation per pupil" for a district means its average taxable value, divided by its formula ADM for the previous fiscal year. "Valuation per pupil," for a district with an open enrollment net gain that is ten per cent or more of its formula ADM, means its average taxable value, divided by the sum of its formula ADM for the previous fiscal year plus its open enrollment net gain for the previous fiscal year.

(2) ~~"Average~~ Except for a tangible personal property phase-out impacted district, "average taxable value" means the average of the sum of the amounts certified for a district under

<u>divisions (A)(1) and (2) of section 3317.021 of the Revised Code</u>	61491
in the second, third, and fourth preceding fiscal years ~~under~~	61492
~~divisions (A)(1) and (2) of section 3317.021 of the Revised~~	61493
~~Code. For a tangible personal property phase-out impacted~~	61494
<u>district, "average taxable value" means the average of the sum of</u>	61495
<u>the amounts certified for the district under division (A)(1) and</u>	61496
<u>as public utility personal property under division (A)(2) of</u>	61497
<u>section 3317.021 of the Revised Code in the second, third, and</u>	61498
<u>fourth preceding fiscal years.</u>	61499
 (3) "Entitled to attend school" means entitled to attend	61500
school in a city, local, or exempted village school district	61501
under section 3313.64 or 3313.65 of the Revised Code.	61502
 (4) "Formula ADM" and "income factor" have the same meanings	61503
as in section 3317.02 of the Revised Code.	61504
 (5) "Native student" has the same meaning as in section	61505
3313.98 of the Revised Code.	61506
 (6) "Open enrollment net gain" for a district means (a) the	61507
number of the students entitled to attend school in another	61508
district but who are enrolled in the schools of the district under	61509
its open enrollment policy minus (b) the number of the district's	61510
native students who are enrolled in the schools of another	61511
district under the other district's open enrollment policy, both	61512
numbers as certified to the department under section 3313.981 of	61513
the Revised Code. If the difference is a negative number, the	61514
district's "open enrollment net gain" is zero.	61515
 (7) "Open enrollment policy" means an interdistrict open	61516
enrollment policy adopted under section 3313.98 of the Revised	61517
Code.	61518
 (8) <u>"Tangible personal property phase-out impacted district"</u>	61519
<u>means a school district for which the taxable value of its</u>	61520

tangible personal property certified under division (A)(2) of 61521
section 3317.021 of the Revised Code for tax year 2005, excluding 61522
the taxable value of public utility personal property, made up 61523
twenty per cent or more of its total taxable value for tax year 61524
2005 as certified under that section. 61525

(B) Calculate for each district the three-year average of the 61526
adjusted valuations per pupil calculated for the district for the 61527
current and two preceding fiscal years; 61528

(C) Rank all such districts in order of adjusted valuation 61529
per pupil from the district with the lowest three-year average 61530
adjusted valuation per pupil to the district with the highest 61531
three-year average adjusted valuation per pupil; 61532

(D) Divide such ranking into percentiles with the first 61533
percentile containing the one per cent of school districts having 61534
the lowest three-year average adjusted valuations per pupil and 61535
the one-hundredth percentile containing the one per cent of school 61536
districts having the highest three-year average adjusted 61537
valuations per pupil; 61538

(E) Determine the school districts that have three-year 61539
average adjusted valuations per pupil that are greater than the 61540
median three-year average adjusted valuation per pupil for all 61541
school districts in the state; 61542

(F) On or before the first day of September, certify the 61543
information described in divisions (A) to (E) of this section to 61544
the Ohio school facilities commission. 61545

Sec. 3318.051. (A) Any city, exempted village, or local 61546
school district that commences a project under sections 3318.01 to 61547
3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or 61548
after ~~the effective date of this section~~ September 5, 2006, need 61549
not levy the tax otherwise required under division (B) of section 61550

3318.05 of the Revised Code, if the district board of education
adopts a resolution petitioning the Ohio school facilities
commission to approve the transfer of money in accordance with
this section and the commission approves that transfer. If so
approved, the commission and the district board shall enter into
an agreement under which the board, in each of twenty-three
consecutive years beginning in the year in which the board and the
commission enter into the project agreement under section 3318.08
of the Revised Code, shall transfer into the maintenance fund
required by division (D) of section 3318.05 of the Revised Code
not less than an amount equal to one-half mill for each dollar of
the district's valuation unless and until the agreement to make
those transfers is rescinded by the district board pursuant to
division (F) of this section.

(B) On the first day of July each year, or on an alternative
date prescribed by the commission, the district treasurer shall
certify to the commission and the auditor of state that the amount
required for the year has been transferred. The auditor of state
shall include verification of the transfer as part of any audit of
the district under section 117.11 of the Revised Code. If the
auditor of state finds that less than the required amount has been
deposited into a district's maintenance fund, the auditor of state
shall notify the district board of education in writing of that
fact and require the board to deposit into the fund, within ninety
days after the date of the notice, the amount by which the fund is
deficient for the year. If the district board fails to demonstrate
to the auditor of state's satisfaction that the board has made the
deposit required in the notice, the auditor of state shall notify
the department of education. At that time, the department shall
withhold an amount equal to ten per cent of the district's funds
calculated for the current fiscal year under ~~Chapter~~Chapters
3306. and 3317. of the Revised Code until the auditor of state
notifies the department that the auditor of state is satisfied
that the board has made the required transfer.

(C) Money transferred to the maintenance fund shall be used for the maintenance of the facilities acquired under the district's project.

(D) The transfers to the maintenance fund under this section does not affect a district's obligation to establish and maintain a capital and maintenance fund under section 3315.18 of the Revised Code.

(E) Any decision by the commission to approve or not approve the transfer of money under this section is final and not subject to appeal. The commission shall not be responsible for errors or miscalculations made in deciding whether to approve a petition to make transfers under this section.

(F) If the district board determines that it no longer can continue making the transfers agreed to under this section, the board may rescind the agreement only so long as the electors of the district have approved, in accordance with section 3318.063 of the Revised Code, the levy of a tax for the maintenance of the classroom facilities acquired under the district's project and that levy continues to be collected as approved by the electors. That levy shall be for a number of years that is equal to the difference between twenty-three years and the number of years that the district made transfers under this section and shall be at the rate of not less than one-half mill for each dollar of the district's valuation. The district board shall continue to make the transfers agreed to under this section until that levy has been approved by the electors.

Sec. 3318.061. This section applies only to school districts eligible to receive additional assistance under division (B)(2) of section 3318.04 of the Revised Code ~~and to big eight districts segmenting projects under section 3318.38 of the Revised Code.~~

The board of education of a school district in which a tax described by division (B) of section 3318.05 and levied under section 3318.06 of the Revised Code is in effect, may adopt a resolution by vote of a majority of its members to extend the term of that tax beyond the expiration of that tax as originally approved under that section. The school district board may include in the resolution a proposal to extend the term of that tax at the rate of not less than one-half mill for each dollar of valuation for a period of twenty-three years from the year in which the school district board and the Ohio school facilities commission enter into an agreement under division (B)(2) of section 3318.04 of the Revised Code or in the following year, as specified in the resolution ~~or, as applicable in the case of a district segmenting a project under section 3318.38 of the Revised Code, from the year in which the last segment is undertaken~~. Such a resolution may be adopted at any time before such an agreement is entered into and before the tax levied pursuant to section 3318.06 of the Revised Code expires. If the resolution is combined with a resolution to issue bonds to pay the school district's portion of the basic project cost, it shall conform with the requirements of divisions (A)(1), (2), and (3) of section 3318.06 of the Revised Code, except that the resolution also shall state that the tax levy proposed in the resolution is an extension of an existing tax levied under that section. A resolution proposing an extension adopted under this section does not take effect until it is approved by a majority of electors voting in favor of the resolution at a general, primary, or special election as provided in this section.

A tax levy extended under this section is subject to the same terms and limitations to which the original tax levied under section 3318.06 of the Revised Code is subject under that section, except the term of the extension shall be as specified in this section.

The school district board shall certify a copy of the resolution adopted under this section to the proper county board of elections not later than seventy-five days before the date set in the resolution as the date of the election at which the question will be submitted to electors. The notice of the election shall conform with the requirements of division (A)(3) of section 3318.06 of the Revised Code, except that the notice also shall state that the maintenance tax levy is an extension of an existing tax levy.

The form of the ballot shall be as follows:

"Shall the existing tax levied to pay the cost of maintaining classroom facilities constructed with the proceeds of the previously issued bonds at the rate of (here insert the number of mills, which shall not be less than one-half mill) mills per dollar of tax valuation, be extended until (here insert the year that is twenty-three years after the year in which the district and commission will enter into an agreement under division (B)(2) of section 3318.04 of the Revised Code or the following year)?

FOR EXTENDING THE EXISTING TAX LEVY

AGAINST EXTENDING THE EXISTING TAX LEVY "

Section 3318.07 of the Revised Code applies to ballot questions under this section.

Sec. 3318.312. At the request of the superintendent of public instruction, the executive director of the Ohio school facilities commission shall advise the superintendent of demands

upon and other issues related to existing classroom facilities 61677
that may arise due to new operating requirements specified in the 61678
rules adopted under section 3306.25 of the Revised Code 61679
establishing expenditure and reporting standards for operating 61680
funds paid under Chapter 3306. of the Revised Code. 61681

Sec. 3318.36. (A)(1) As used in this section: 61682

(a) "Ohio school facilities commission," "classroom 61683
facilities," "school district," "school district board," "net 61684
bonded indebtedness," "required percentage of the basic project 61685
costs," "basic project cost," "valuation," and "percentile" have 61686
the same meanings as in section 3318.01 of the Revised Code. 61687

(b) "Required level of indebtedness" means five per cent of 61688
the school district's valuation for the year preceding the year in 61689
which the commission and school district enter into an agreement 61690
under division (B) of this section, plus [two one-hundredths of 61691
one per cent multiplied by (the percentile in which the district 61692
ranks minus one)]. 61693

(c) "Local resources" means any moneys generated in any 61694
manner permitted for a school district board to raise the school 61695
district portion of a project undertaken with assistance under 61696
sections 3318.01 to 3318.20 of the Revised Code. 61697

(2) For purposes of determining ~~either the required level of~~ 61698
~~indebtedness, as defined in division (A)(1)(b) of this section, or~~ 61699
~~the required percentage of the basic project costs, under division~~ 61700
~~(C)(1) of this section, and priority for assistance under sections~~ 61701
3318.01 to 3318.20 of the Revised Code, the percentile ranking of 61702
a school district with which the commission has entered into an 61703
agreement under this section between the first day of July and the 61704
thirty-first day of August in each fiscal year is the percentile 61705
ranking calculated for that district for the immediately preceding 61706
fiscal year, and the percentile ranking of a school district with 61707

which the commission has entered into such agreement between the 61708
first day of September and the thirtieth day of June in each 61709
fiscal year is the percentile ranking calculated for that district 61710
for the current fiscal year. 61711

(B)(1) There is hereby established the school building 61712
assistance expedited local partnership program. Under the program, 61713
the Ohio school facilities commission may enter into an agreement 61714
with the school district board of any school district under which 61715
the school district board may proceed with the new construction or 61716
major repairs of a part of the school district's classroom 61717
facilities needs, as determined under sections 3318.01 to 3318.20 61718
of the Revised Code, through the expenditure of local resources 61719
prior to the school district's eligibility for state assistance 61720
under those sections ~~3318.01 to 3318.20 of the Revised Code~~ and 61721
may apply that expenditure toward meeting the school district's 61722
portion of the basic project cost of the total of the school 61723
district's classroom facilities needs, as determined under 61724
sections 3318.01 to 3318.20 of the Revised Code and as 61725
recalculated under division (E) of this section, that are eligible 61726
for state assistance under sections 3318.01 to 3318.20 of the 61727
Revised Code when the school district becomes eligible for ~~such~~ 61728
~~state~~that assistance. Any school district that is reasonably 61729
expected to receive assistance under sections 3318.01 to 3318.20 61730
of the Revised Code within two fiscal years from the date the 61731
school district adopts its resolution under division (B) of this 61732
section shall not be eligible to participate in the program 61733
established under this section. 61734

(2) To participate in the program, a school district board 61735
shall first adopt a resolution certifying to the commission the 61736
board's intent to participate in the program. 61737

The resolution shall specify the approximate date that the 61738
board intends to seek elector approval of any bond or tax measures 61739

or to apply other local resources to use to pay the cost of
classroom facilities to be constructed under this section. The
resolution may specify the application of local resources or
elector-approved bond or tax measures after the resolution is
adopted by the board, and in such case the board may proceed with
a discrete portion of its project under this section as soon as
the commission and the controlling board have approved the basic
project cost of the district's classroom facilities needs as
specified in division (D) of this section. The board shall submit
its resolution to the commission not later than ten days after the
date the resolution is adopted by the board.

The commission shall not consider any resolution that is
submitted pursuant to division (B)(2) of this section, as amended
by this amendment, sooner than September 14, 2000.

(3) For purposes of determining when a district that enters
into an agreement under this section becomes eligible for
assistance under sections 3318.01 to 3318.20 of the Revised Code,
the commission shall use the district's percentile ranking
determined at the time the district entered into the agreement
under this section, as prescribed by division (A)(2) of this
section.

(4) Any project under this section shall comply with section
3318.03 of the Revised Code and with any specifications for plans
and materials for classroom facilities adopted by the commission
under section 3318.04 of the Revised Code.

~~(4)~~(5) If a school district that enters into an agreement
under this section has not begun a project applying local
resources as provided for under that agreement at the time the
district is notified by the commission that it is eligible to
receive state assistance under sections 3318.01 to 3318.20 of the
Revised Code, all assessment and agreement documents entered into
under this section are void.

~~(5)~~(6) Only construction of or repairs to classroom facilities that have been approved by the commission and have been therefore included as part of a district's basic project cost qualify for application of local resources under this section.

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(C) Based on the results of ~~the~~ on-site visits and assessment ~~conducted under division (B)(2) of this section~~, the commission shall determine the basic project cost of the school district's classroom facilities needs. The commission shall determine the school district's portion of such basic project cost, which shall be the greater of:

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(1) The required percentage of the basic project costs, determined based on the school district's percentile ranking;

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(2) An amount necessary to raise the school district's net bonded indebtedness, as of the fiscal year the commission and the school district enter into the agreement under division (B) of this section, to within five thousand dollars of the required level of indebtedness.

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(D)(1) When the commission determines the basic project cost of the classroom facilities needs of a school district and the school district's portion of that basic project cost under division (C) of this section, the project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval thereof. The controlling board shall forthwith approve or reject the commission's determination, conditional approval, and the amount of the state's portion of the basic project cost; however, no state funds shall be encumbered under this section. Upon approval by the controlling board, the school district board may identify a discrete part of its classroom facilities needs, which shall include only new construction of or additions or major repairs to a particular building, to address with local resources. Upon identifying a part

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of the school district's basic project cost to address with local resources, the school district board may allocate any available school district moneys to pay the cost of that identified part, including the proceeds of an issuance of bonds if approved by the electors of the school district.

All local resources utilized under this division shall first be deposited in the project construction account required under section 3318.08 of the Revised Code.

(2) Unless the school district board exercises its option under division (D)(3) of this section, for a school district to qualify for participation in the program authorized under this section, one of the following conditions shall be satisfied:

(a) The electors of the school district by a majority vote shall approve the levy of taxes outside the ten-mill limitation for a period of twenty-three years at the rate of not less than one-half mill for each dollar of valuation to be used to pay the cost of maintaining the classroom facilities included in the basic project cost as determined by the commission. The form of the ballot to be used to submit the question whether to approve the tax required under this division to the electors of the school district shall be the form for an additional levy of taxes prescribed in section 3318.361 of the Revised Code, which may be combined in a single ballot question with the questions prescribed under section 5705.218 of the Revised Code.

(b) As authorized under division (C) of section 3318.05 of the Revised Code, the school district board shall earmark from the proceeds of a permanent improvement tax levied under section 5705.21 of the Revised Code, an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(c) As authorized under section 3318.051 of the Revised Code, the school district board shall, if approved by the commission, annually transfer into the maintenance fund required under section 3318.05 of the Revised Code the amount prescribed in section 3318.051 of the Revised Code in lieu of the tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(d) If the school district board has rescinded the agreement to make transfers under section 3318.051 of the Revised Code, as provided under division (F) of that section, the electors of the school district, in accordance with section 3318.063 of the Revised Code, first shall approve the levy of taxes outside the ten-mill limitation for the period specified in that section at a rate of not less than one-half mill for each dollar of valuation.

(e) The school district board shall apply the proceeds of a tax to leverage bonds as authorized under section 3318.052 of the Revised Code or dedicate a local donated contribution in the manner described in division (B) of section 3318.084 of the Revised Code in an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(3) A school district board may opt to delay taking any of the actions described in division (D)(2) of this section until ~~such time as~~ the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code. In order to exercise this option, the board shall certify to the commission a resolution indicating the board's intent to do so prior to entering into an agreement under division (B) of this section.

(4) If pursuant to division (D)(3) of this section a district

board opts to delay levying an additional tax until the district
becomes eligible for state assistance, it shall submit the
question of levying that tax to the district electors as follows:

(a) In accordance with section 3318.06 of the Revised Code if
it will also be necessary pursuant to division (E) of this section
to submit a proposal for approval of a bond issue;

(b) In accordance with section 3318.361 of the Revised Code
if it is not necessary to also submit a proposal for approval of a
bond issue pursuant to division (E) of this section.

(5) No state assistance under sections 3318.01 to 3318.20 of
the Revised Code shall be released until a school district board
that adopts and certifies a resolution under division (D) of this
section also demonstrates to the satisfaction of the commission
compliance with the provisions of division (D)(2) of this section.

Any amount required for maintenance under division (D)(2) of
this section shall be deposited into a separate fund as specified
in division (B) of section 3318.05 of the Revised Code.

(E)(1) If the school district becomes eligible for state
assistance under sections 3318.01 to 3318.20 of the Revised Code
based on its percentile ranking ~~as determined~~ under division
(B)(3) of this section, the commission shall conduct a new
assessment of the school district's classroom facilities needs and
shall recalculate the basic project cost based on this new
assessment. The basic project cost recalculated under this
division shall include the amount of expenditures made by the
school district board under division (D)(1) of this section. The
commission shall then recalculate the school district's portion of
the new basic project cost, which shall be the percentage of the
original basic project cost assigned to the school district as
its portion under division (C) of this section. The commission
shall deduct the expenditure of school district moneys made

under division (D)(1) of this section from the school district's 61897
portion of the basic project cost as recalculated under this 61898
division. If the amount of school district resources applied by 61899
the school district board to the school district's portion of 61900
the basic project cost under this section is less than the total 61901
amount of such portion as recalculated under this division, the 61902
school district board by a majority vote of all of its members 61903
shall, if it desires to seek state assistance under sections 61904
3318.01 to 3318.20 of the Revised Code, adopt a resolution as 61905
specified in section 3318.06 of the Revised Code to submit to the 61906
electors of the school district the question of approval of a 61907
bond issue in order to pay any additional amount of school 61908
district portion required for state assistance. Any tax levy 61909
approved under division (D) of this section satisfies the 61910
requirements to levy the additional tax under section 3318.06 of 61911
the Revised Code. 61912

(2) If the amount of school district resources applied by the 61913
school district board to the school district's portion of the 61914
basic project cost under this section is more than the total 61915
amount of such portion as recalculated under this division, within 61916
one year after the school district's portion is recalculated under 61917
division (E)(1) of this section the commission may grant to the 61918
school district the difference between the two calculated 61919
portions, but at no time shall the commission expend any state 61920
funds on a project in an amount greater than the state's portion 61921
of the basic project cost as recalculated under this division. 61922

Any reimbursement under this division shall be only for local 61923
resources the school district has applied toward construction cost 61924
expenditures for the classroom facilities approved by the 61925
commission, which shall not include any financing costs associated 61926
with that construction. 61927

The school district board shall use any moneys reimbursed to 61928

the district under this division to pay off any debt service the 61929
district owes for classroom facilities constructed under its 61930
project under this section before such moneys are applied to any 61931
other purpose. However, the district board first may deposit 61932
moneys reimbursed under this division into the district's general 61933
fund or a permanent improvement fund to replace local resources 61934
the district withdrew from those funds, as long as, and to the 61935
extent that, those local resources were used by the district for 61936
constructing classroom facilities included in the district's basic 61937
project cost. 61938

Sec. 3318.38. (A) As used in this section, "big-eight school 61939
district" has the same meaning as in section 3314.02 of the 61940
Revised Code. 61941

(B) There is hereby established the accelerated urban school 61942
building assistance program. Under the program, notwithstanding 61943
section 3318.02 of the Revised Code, any big-eight school district 61944
that has not been approved to receive assistance under sections 61945
3318.01 to 3318.20 of the Revised Code by July 1, 2002, may 61946
beginning on that date apply for approval of and be approved for 61947
such assistance. Except as otherwise provided in this section, any 61948
project approved and undertaken pursuant to this section shall 61949
comply with all provisions of sections 3318.01 to 3318.20 of the 61950
Revised Code. 61951

The Ohio school facilities commission shall provide 61952
assistance to any big-eight school district eligible for 61953
assistance under this section in the following manner: 61954

(1) Notwithstanding section 3318.02 of the Revised Code: 61955

(a) Not later than June 30, 2002, the commission shall 61956
conduct an on-site visit and shall assess the classroom facilities 61957
needs of each big-eight school district eligible for assistance 61958
under this section; 61959

(b) Beginning July 1, 2002, any big-eight school district eligible for assistance under this section may apply to the commission for conditional approval of its project as determined by the assessment conducted under division (B)(1)(a) of this section. The commission may conditionally approve that project and submit it to the controlling board for approval pursuant to section 3318.04 of the Revised Code.

(2) If the controlling board approves the project of a big-eight school district eligible for assistance under this section, the commission and the school district shall enter into an agreement as prescribed in section 3318.08 of the Revised Code. Any agreement executed pursuant to this division shall include any applicable segmentation provisions as approved by the commission under division (B)(3) of this section.

(3) Notwithstanding any provision to the contrary in sections 3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight school district eligible for assistance under this section may with the approval of the commission opt to divide the project as approved under division (B)(1)(b) of this section into discrete segments to be completed sequentially. Any project divided into segments shall comply with all other provisions of sections 3318.05, 3318.06, and 3318.08 of the Revised Code except as otherwise specified in this division.

If a project is divided into segments under this division:

(a) The school district need raise only the amount equal to its proportionate share, as determined under section 3318.032 of the Revised Code, of each segment at any one time and may seek voter approval of each segment separately;

(b) The state's proportionate share, as determined under section 3318.032 of the Revised Code, of only the segment which

has been approved by the school district electors or for which the district has applied a local donated contribution under section 3318.084 of the Revised Code shall be encumbered in accordance with section 3318.11 of the Revised Code. Encumbrance of additional amounts to cover the state's proportionate share of later segments shall be approved separately as they are approved by the school district electors or as the district applies a local donated contribution to the segments under section 3318.084 of the Revised Code.

~~(c) If it is necessary to levy the additional tax for maintenance under division (B) of section 3318.05 of the Revised Code with respect to any segment of the project, the district may utilize the provisions of section 3318.061 of the Revised Code to ensure that the maintenance tax extends for twenty-three years after the last segment of the project is undertaken.~~ The school district's maintenance levy requirement, as defined in section 3318.18 of the Revised Code, shall run for twenty-three years from the date the first segment is undertaken.

(4) For any project under this section, the state funds reserved and encumbered and the funds provided by the school district to pay the basic project cost of any segment of the project, or of the entire project if it is not divided into segments, shall be spent on the construction and acquisition of the project simultaneously in proportion to the state's and the school district's respective shares of that basic project cost as determined under section 3318.032 of the Revised Code.

Sec. 3318.44. (A) A joint vocational school district board of education may generate the school district's portion of the basic project cost of its project under sections 3318.40 to 3318.45 of the Revised Code using any combination of the following means if lawfully employed for the acquisition of classroom facilities:

(1) The issuance of securities in accordance with Chapter

133. and section 3311.20 of the Revised Code;	62022
(2) Local donated contributions as authorized under section 3318.084 of the Revised Code;	62023 62024
(3) A levy for permanent improvements under section 3311.21 or 5705.21 of the Revised Code;	62025 62026
(4) Bonds issued pursuant to division (B) of this section.	62027
(B) By resolution adopted by a majority of all its members, a school district board, in order to pay all or part of the school district's portion of its basic project cost, may apply the proceeds of a tax levied under section 5705.21 of the Revised Code for general permanent improvements if the proceeds of that levy lawfully may be used for general construction, renovation, repair, or maintenance of classroom facilities to ~~leverage~~ pay debt charges on and financing costs related to bonds ~~adequate~~ issued to pay all or part of the school district portion of the basic project cost of the school district's project under sections 3318.40 to 3318.45 of the Revised Code or to generate an amount equivalent to all or part of the amount required under section 3318.43 of the Revised Code to be used for maintenance of classroom facilities acquired under the project. Bonds issued under this division shall be Chapter 133. securities, <u>and may be issued as general obligation securities</u> , but the issuance of the bonds shall not be subject to a vote of the electors of the school district as long as the tax proceeds earmarked for payment of the ~~service~~ debt charges on the bonds may lawfully be used for that purpose. <u>Such bonds shall not be included in the calculation of net indebtedness under section 133.06 of the Revised Code if the resolution authorizing their issuance includes covenants to appropriate annually, from lawfully available proceeds of a property tax levied under section 5705.21 of the Revised Code, and to continue to levy that tax in amounts necessary to pay the debt charges on and financing costs related to the bonds as they become</u>	62028 62029 62030 62031 62032 62033 62034 62035 62036 62037 62038 62039 62040 62041 62042 62043 62044 62045 62046 62047 62048 62049 62050 62051 62052 62053

due. No property tax levied under section 5705.21 of the Revised Code that is pledged, or that the school district has covenanted to levy, collect, and appropriate annually to pay the debt charges on and financing costs related to the bonds under this section may be repealed while those bonds are outstanding. If such a tax is reduced by electors of the district or by the board of education while the bonds are outstanding, the board of education shall continue to levy and collect the tax under the authority of the original election authorizing the tax at a rate in each year that the board reasonably estimates will produce an amount in that year equal to the debt charges on the bonds in that year.

No state moneys shall be released for a project to which this division applies until the proceeds of any bonds issued under this division that are dedicated for payment of the school district's portion of the basic project cost are first deposited into the school district's project construction fund.

(C) A school district board of education may adopt a resolution proposing that any of the following questions be combined with a question specified in section 3318.45 of the Revised Code:

(1) A bond issue question under section 133.18 of the Revised Code;

(2) A tax levy question under section 3311.21 of the Revised Code;

(3) A tax levy question under section 5705.21 of the Revised Code.

Any question described in divisions (C)(1) to (3) of this section that is combined with a question proposed under section 3318.45 of the Revised Code shall be for the purpose of either paying for any permanent improvement, as defined in section 133.01

of the Revised Code, or generating operating revenue specifically 62084
for the facilities acquired under the school district's project 62085
under Chapter 3318. of the Revised Code or for both to the extent 62086
such purposes are permitted by the sections of law under which 62087
each is proposed. 62088

(D) The board of education of a joint vocational school 62089
district that receives assistance under this section may enter 62090
into an agreement for joint issuance of bonds as provided for in 62091
section 3318.085 of the Revised Code. 62092

Sec. 3319.073. (A) The board of education of each city and 62093
exempted village school district and the governing board of each 62094
educational service center shall adopt or adapt the curriculum 62095
developed by the department of education for, or shall develop, in 62096
consultation with public or private agencies or persons involved 62097
in child abuse prevention or intervention programs, a program of 62098
in-service training ~~for persons employed by any school district or~~ 62099
~~service center to work in an elementary school as a nurse,~~ 62100
~~teacher, counselor, school psychologist, or administrator in the~~ 62101
prevention of child abuse, violence, and substance abuse and the 62102
promotion of positive youth development. Each person employed by 62103
any school district or service center to work in ~~an elementary~~ 62104
school as a nurse, teacher, counselor, school psychologist, or 62105
administrator shall complete at least four hours of the in-service 62106
training ~~in the prevention of child abuse, violence, and substance~~ 62107
~~abuse and the promotion of positive youth development~~ within two 62108
years of commencing employment with the district or center, and 62109
every five years thereafter. A person who is employed by any 62110
school district or service center to work in an elementary school 62111
as a nurse, teacher, counselor, school psychologist, or 62112
administrator on ~~the effective date of this amendment~~ March 30, 62113
2007, shall complete at least four hours of the in-service 62114
training ~~required by this section within two years of the~~ 62115
~~effective date of this amendment~~ not later than March 30, 2009, 62116

and every five years thereafter. A person who is employed by any school district or service center to work in a middle or high school as a nurse, teacher, counselor, school psychologist, or administrator on the effective date of this amendment shall complete at least four hours of the in-service training not later than two years after the effective date of this amendment and every five years thereafter.

(B) Each board shall incorporate training in school safety and violence prevention into the in-service training required by division (A) of this section. For this purpose, the board shall adopt or adapt the curriculum developed by the department or shall develop its own curriculum in consultation with public or private agencies or persons involved in school safety and violence prevention programs.

Sec. 3319.08. (A) The board of education of each city, exempted village, local, and joint vocational school district and the governing board of each educational service center shall enter into written contracts for the employment and reemployment of all teachers. Contracts for the employment of teachers shall be of two types, limited contracts and continuing contracts. The board of each ~~such~~ school district or service center that authorizes compensation in addition to the base salary stated in the teachers' salary schedule for the performance of duties by a teacher that are in addition to the teacher's regular teaching duties, shall enter into a supplemental written contract with each teacher who is to perform additional duties. Such supplemental written contracts shall be limited contracts. Such written contracts and supplemental written contracts shall set forth the teacher's duties and shall specify the salaries and compensation to be paid for regular teaching duties and additional teaching duties, respectively, either or both of which may be increased but not diminished during the term for which the contract is made, except as provided in section 3319.12 of the Revised Code.

If a board adopts a motion or resolution to employ a teacher under a limited or continuing contract and the teacher accepts such employment, the failure of such parties to execute a written contract shall not void such employment contract.

(B) Teachers must be paid for all time lost when the schools in which they are employed are closed due to an epidemic or other public calamity, and for time lost due to illness or otherwise for not less than five days annually as authorized by regulations which each board shall adopt.

~~Contracts for the employment of teachers shall be of two types, limited contracts and continuing contracts.~~

~~(A)~~(C) A limited contract is:

(1) For a superintendent, a contract for such term as authorized by section 3319.01 of the Revised Code;

(2) For an assistant superintendent, principal, assistant principal, or other administrator, a contract for such term as authorized by section 3319.02 of the Revised Code;

(3) For all other teachers, a contract for a term not to exceed five years.

~~(B)~~(D) A continuing contract is a contract that remains in effect until the teacher resigns, elects to retire, or is retired pursuant to former section 3307.37 of the Revised Code, or until it is terminated or suspended and shall be granted only to the following:

(1) Any teacher holding a professional, permanent, or life teacher's certificate;

(2) Any teacher holding a professional educator license who

<u>meets the following conditions:</u>	62177
<u>(a) The teacher was initially issued a teacher's certificate or educator license prior to January 1, 2011.</u>	62178 62179
<u>(b) The teacher holds a professional educator license issued under section 3319.22 or 3319.222 or former section 3319.22 of the Revised Code or a senior professional educator license or lead professional educator license issued under section 3319.22 of the Revised Code.</u>	62180 62181 62182 62183 62184
<u>(c) The teacher has completed the applicable one of the following:</u>	62185 62186
~~(a)~~ <u>(i) If the teacher did not hold a ~~masters~~master's degree at the time of initially receiving a teacher's certificate under former law or an educator license, thirty semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the state board of education shall adopt;</u>	62187 62188 62189 62190 62191 62192 62193
~~(b)~~ <u>(ii) If the teacher held a ~~masters~~master's degree at the time of initially receiving a teacher's certificate under former law or an educator license, six semester hours of graduate coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the state board of education shall adopt.</u>	62194 62195 62196 62197 62198 62199 62200
~~This~~ <u>(3) Any teacher who meets the following conditions:</u>	62201
<u>(a) The teacher never held a teacher's certificate and was initially issued an educator license on or after January 1, 2011.</u>	62202 62203
<u>(b) The teacher holds a professional educator license, senior</u>	62204

<u>professional educator license, or lead professional educator</u>	62205
<u>license issued under section 3319.22 of the Revised Code.</u>	62206
<u>(c) The teacher has held an educator license for at least</u>	62207
<u>seven years.</u>	62208
<u>(d) The teacher has completed the applicable one of the</u>	62209
<u>following:</u>	62210
<u>(i) If the teacher did not hold a master's degree at the time</u>	62211
<u>of initially receiving an educator license, thirty semester hours</u>	62212
<u>of coursework in the area of licensure or in an area related to</u>	62213
<u>the teaching field since the initial issuance of that license, as</u>	62214
<u>specified in rules which the state board shall adopt;</u>	62215
<u>(ii) If the teacher held a master's degree at the time of</u>	62216
<u>initially receiving an educator license, six semester hours of</u>	62217
<u>graduate coursework in the area of licensure or in an area related</u>	62218
<u>to the teaching field since the initial issuance of that license,</u>	62219
<u>as specified in rules which the state board shall adopt.</u>	62220
<u>(E) Division (D) of this section applies only to continuing</u>	62221
<u>contracts entered into on or after August 18, 1969 the effective</u>	62222
<u>date of this amendment. Nothing in that division shall be</u>	62223
<u>construed to void or otherwise affect a continuing contract</u>	62224
<u>entered into prior to that date.</u>	62225
<u>Notwithstanding any provision to the contrary in Chapter</u>	62226
<u>4117. of the Revised Code, the requirements of division (D)(3) of</u>	62227
<u>this section prevail over any conflicting provisions of a</u>	62228
<u>collective bargaining agreement entered into on or after the</u>	62229
<u>effective date of this amendment.</u>	62230
<u>(F) Wherever the term "educator license" is used in this</u>	62231
<u>section without reference to a specific type of educator license,</u>	62232
<u>the term does not include an educator license for substitute</u>	62233

teaching issued under section 3319.226 of the Revised Code. 62234

Sec. 3319.081. Except as otherwise provided in division (G) 62235
of this section, in all school districts wherein the provisions of 62236
Chapter 124. of the Revised Code do not apply, the following 62237
employment contract system shall control for employees whose 62238
contracts of employment are not otherwise provided by law: 62239

(A) Newly hired regular nonteaching school employees, 62240
including regular hourly rate and per diem employees, shall enter 62241
into written contracts for their employment which shall be for a 62242
period of not more than one year. If such employees are rehired, 62243
their subsequent contract shall be for a period of two years. 62244

(B) After the termination of the two-year contract provided 62245
in division (A) of this section, if the contract of a nonteaching 62246
employee is renewed, the employee shall be continued in 62247
employment, and the salary provided in the contract may be 62248
increased but not reduced unless such reduction is a part of a 62249
uniform plan affecting the nonteaching employees of the entire 62250
district. 62251

(C) The contracts as provided for in this section may be 62252
terminated by a majority vote of the board of education. Except as 62253
provided in ~~sections 3319.0810 and~~ section 3319.172 of the Revised 62254
Code, the contracts may be terminated only for violation of 62255
written rules and regulations as set forth by the board of 62256
education or for incompetency, inefficiency, dishonesty, 62257
drunkenness, immoral conduct, insubordination, discourteous 62258
treatment of the public, neglect of duty, or any other acts of 62259
misfeasance, malfeasance, or nonfeasance. In addition to the right 62260
of the board of education to terminate the contract of an 62261
employee, the board may suspend an employee for a definite period 62262
of time or demote the employee for the reasons set forth in this 62263
division. The action of the board of education terminating the 62264
contract of an employee or suspending or demoting the employee 62265

shall be served upon the employee by certified mail. Within ten
days following the receipt of such notice by the employee, the
employee may file an appeal, in writing, with the court of common
pleas of the county in which such school board is situated. After
hearing the appeal the common pleas court may affirm, disaffirm,
or modify the action of the school board.

A violation of division (A)(7) of section 2907.03 of the
Revised Code is grounds for termination of employment of a
nonteaching employee under this division.

(D) All employees who have been employed by a school district
where the provisions of Chapter 124. of the Revised Code do not
apply, for a period of at least three years on November 24, 1967,
shall hold continuing contracts of employment pursuant to this
section.

(E) Any nonteaching school employee may terminate the
nonteaching school employee's contract of employment thirty days
subsequent to the filing of a written notice of such termination
with the treasurer of the board.

(F) A person hired exclusively for the purpose of replacing a
nonteaching school employee while such employee is on leave of
absence granted under section 3319.13 of the Revised Code is not a
regular nonteaching school employee under this section.

(G) All nonteaching employees employed pursuant to this
section and Chapter 124. of the Revised Code shall be paid for all
time lost when the schools in which they are employed are closed
owing to an epidemic or other public calamity. Nothing in this
division shall be construed as requiring payment in excess of an
employee's regular wage rate or salary for any time worked while
the school in which the employee is employed is officially closed
for the reasons set forth in this division.

Sec. 3319.088. As used in this section, "educational assistant" means any nonteaching employee in a school district who directly assists a teacher as defined in section 3319.09 of the Revised Code, by performing duties for which a license issued pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required.

(A) The state board of education shall issue educational aide permits and educational paraprofessional licenses for educational assistants and shall adopt rules for the issuance and renewal of such permits and licenses which shall be consistent with the provisions of this section. Educational aide permits and educational paraprofessional licenses may be of several types and the rules shall prescribe the minimum qualifications of education, health, and character for the service to be authorized under each type. The prescribed minimum qualifications may require special training or educational courses designed to qualify a person to perform effectively the duties authorized under an educational aide permit or educational paraprofessional license.

(B)(1) Any application for a permit or license, or a renewal or duplicate of a permit or license, under this section shall be accompanied by the payment of a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the state board of education licensure fund established under division (B) of section 3319.51 of the Revised Code.

(2) Any person applying for or holding a permit or license pursuant to this section is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code.

(C) Educational assistants shall at all times while in the

performance of their duties be under the supervision and direction	62328
of a teacher as defined in section 3319.09 of the Revised Code.	62329
Educational assistants may assist a teacher to whom assigned in	62330
the supervision of pupils, in assisting with instructional tasks,	62331
and in the performance of duties which, in the judgment of the	62332
teacher to whom the assistant is assigned, may be performed by a	62333
person not licensed pursuant to sections 3319.22 to 3319.30 of the	62334
Revised Code and for which a teaching license, issued pursuant to	62335
sections 3319.22 to 3319.30 of the Revised Code is not required.	62336
The duties of an educational assistant shall not include the	62337
assignment of grades to pupils. The duties of an educational	62338
~~assistant~~ <u>assistant</u> need not be performed in the physical	62339
presence of the teacher to whom assigned, but the activity of an	62340
educational assistant shall at all times be under the direction of	62341
the teacher to whom assigned. The assignment of an educational	62342
assistant need not be limited to assisting a single teacher. In	62343
the event an educational assistant is assigned to assist more than	62344
one teacher the assignments shall be clearly delineated and so	62345
arranged that the educational assistant shall never be subject to	62346
simultaneous supervision or direction by more than one teacher.	62347
Educational assistants assigned to supervise children shall,	62348
when the teacher to whom assigned is not physically present,	62349
maintain the degree of control and discipline ~~which~~ <u>that</u> would be	62350
maintained by the teacher, ~~but an educational assistant may not~~	62351
~~render corporal punishment.~~	62352
~~Except when expressly permitted solely for the purposes of~~	62353
~~section 3317.029 of the Revised Code, educational~~ <u>Educational</u>	62354
assistants may not be used in place of classroom teachers or other	62355
employees and any payment of compensation by boards of education	62356
to educational assistants for such services is prohibited. The	62357
ratio between the number of licensed teachers and the pupils in a	62358
school district may not be decreased by utilization of educational	62359
assistants and no grouping, or other organization of pupils, for	62360

utilization of educational assistants shall be established which 62361
is inconsistent with sound educational practices and procedures. A 62362
school district may employ up to one full time equivalent 62363
educational assistant for each six full time equivalent licensed 62364
employees of the district. Educational assistants shall not be 62365
counted as licensed employees for purposes of state support in the 62366
school foundation program and no grouping or regrouping of pupils 62367
with educational assistants may be counted as a class or unit for 62368
school foundation program purposes. Neither special courses 62369
required by the regulations of the state board of education, 62370
prescribing minimum qualifications of education for an educational 62371
assistant, nor years of service as an educational assistant shall 62372
be counted in any way toward qualifying for a teacher license, for 62373
a teacher contract of any type, or for determining placement on a 62374
salary schedule in a school district as a teacher. 62375

(D) Educational assistants employed by a board of education 62376
shall have all rights, benefits, and legal protection available to 62377
other nonteaching employees in the school district, except that 62378
provisions of Chapter 124. of the Revised Code shall not apply to 62379
any person employed as an educational assistant, and shall be 62380
members of the school employees retirement system. Educational 62381
assistants shall be compensated according to a salary plan adopted 62382
annually by the board. 62383

Except as provided in this section nonteaching employees 62384
shall not serve as educational assistants without first obtaining 62385
an appropriate educational aide permit or educational 62386
paraprofessional license from the state board of education. A 62387
nonteaching employee who is the holder of a valid educational aide 62388
permit or educational paraprofessional license shall neither 62389
render nor be required to render services inconsistent with the 62390
type of services authorized by the permit or license held. No 62391
person shall receive compensation from a board of education for 62392
services rendered as an educational assistant in violation of this 62393

provision. 62394

Nonteaching employees whose functions are solely 62395
secretarial-clerical and who do not perform any other duties as 62396
educational assistants, even though they assist a teacher and work 62397
under the direction of a teacher shall not be required to hold a 62398
permit or license issued pursuant to this section. Students 62399
preparing to become licensed teachers or educational assistants 62400
shall not be required to hold an educational aide permit or 62401
paraprofessional license for such periods of time as such students 62402
are assigned, as part of their training program, to work with a 62403
teacher in a school district. Such students shall not be 62404
compensated for such services. 62405

Following the determination of the assignment and general job 62406
description of an educational assistant and subject to supervision 62407
by the teacher's immediate administrative officer, a teacher to 62408
whom an educational assistant is assigned shall make all final 62409
determinations of the duties to be assigned to such assistant. 62410
Teachers shall not be required to hold a license designated for 62411
being a supervisor or administrator in order to perform the 62412
necessary supervision of educational assistants. 62413

(E) No person who is, or who has been employed as an 62414
educational assistant shall divulge, except to the teacher to whom 62415
assigned, or the administrator of the school in the absence of the 62416
teacher to whom assigned, or when required to testify in a court 62417
or proceedings, any personal information concerning any pupil in 62418
the school district which was obtained or obtainable by the 62419
educational assistant while so employed. Violation of this 62420
provision is grounds for disciplinary action or dismissal, or 62421
both. 62422

Sec. 3319.11. (A) As used in this section: 62423

(1) "Evaluation procedures" means the procedures adopted 62424

pursuant to division (B) of section 3319.111 of the Revised Code. 62425

(2) "Limited contract" means a limited contract, as described 62426
in section 3319.08 of the Revised Code, that a school district 62427
board of education or governing board of an educational service 62428
center enters into with a teacher who is not eligible for 62429
continuing service status. 62430

(3) "Extended limited contract" means a limited contract, as 62431
described in section 3319.08 of the Revised Code, that a board of 62432
education or governing board enters into with a teacher who is 62433
eligible for continuing service status. 62434

(B) Teachers eligible for continuing service status in any 62435
city, exempted village, local, or joint vocational school district 62436
or educational service center shall be those teachers qualified as 62437
described in division ~~(B)(1) or (2)~~(D) of section 3319.08 of the 62438
Revised Code, who within the last five years have taught for at 62439
least three years in the district or center, and those teachers 62440
who, having attained continuing contract status elsewhere, have 62441
served two years in the district or center, but the board, upon 62442
the recommendation of the superintendent, may at the time of 62443
employment or at any time within such two-year period, declare any 62444
of the latter teachers eligible. 62445

(1) Upon the recommendation of the superintendent that a 62446
teacher eligible for continuing service status be reemployed, a 62447
continuing contract shall be entered into between the board and 62448
the teacher unless the board by a three-fourths vote of its full 62449
membership rejects the recommendation of the superintendent. If 62450
the board rejects by a three-fourths vote of its full membership 62451
the recommendation of the superintendent that a teacher eligible 62452
for continuing service status be reemployed and the superintendent 62453
makes no recommendation to the board pursuant to division (C) of 62454
this section, the board may declare its intention not to reemploy 62455
the teacher by giving the teacher written notice on or before the 62456

thirtieth day of April of its intention not to reemploy the 62457
teacher. If evaluation procedures have not been complied with 62458
pursuant to division (A) of section 3319.111 of the Revised Code 62459
or the board does not give the teacher written notice on or before 62460
the thirtieth day of April of its intention not to reemploy the 62461
teacher, the teacher is deemed reemployed under an extended 62462
limited contract for a term not to exceed one year at the same 62463
salary plus any increment provided by the salary schedule. The 62464
teacher is presumed to have accepted employment under the extended 62465
limited contract for a term not to exceed one year unless such 62466
teacher notifies the board in writing to the contrary on or before 62467
the first day of June, and an extended limited contract for a term 62468
not to exceed one year shall be executed accordingly. Upon any 62469
subsequent reemployment of the teacher only a continuing contract 62470
may be entered into. 62471

(2) If the superintendent recommends that a teacher eligible 62472
for continuing service status not be reemployed, the board may 62473
declare its intention not to reemploy the teacher by giving the 62474
teacher written notice on or before the thirtieth day of April of 62475
its intention not to reemploy the teacher. If evaluation 62476
procedures have not been complied with pursuant to division (A) of 62477
section 3319.111 of the Revised Code or the board does not give 62478
the teacher written notice on or before the thirtieth day of April 62479
of its intention not to reemploy the teacher, the teacher is 62480
deemed reemployed under an extended limited contract for a term 62481
not to exceed one year at the same salary plus any increment 62482
provided by the salary schedule. The teacher is presumed to have 62483
accepted employment under the extended limited contract for a term 62484
not to exceed one year unless such teacher notifies the board in 62485
writing to the contrary on or before the first day of June, and an 62486
extended limited contract for a term not to exceed one year shall 62487
be executed accordingly. Upon any subsequent reemployment of a 62488
teacher only a continuing contract may be entered into. 62489

(3) Any teacher receiving written notice of the intention of a board not to reemploy such teacher pursuant to this division is entitled to the hearing provisions of division (G) of this section.

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(C)(1) If a board rejects the recommendation of the superintendent for reemployment of a teacher pursuant to division (B)(1) of this section, the superintendent may recommend reemployment of the teacher, if continuing service status has not previously been attained elsewhere, under an extended limited contract for a term not to exceed two years, provided that written notice of the superintendent's intention to make such recommendation has been given to the teacher with reasons directed at the professional improvement of the teacher on or before the thirtieth day of April. Upon subsequent reemployment of the teacher only a continuing contract may be entered into.

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(2) If a board of education takes affirmative action on a superintendent's recommendation, made pursuant to division (C)(1) of this section, of an extended limited contract for a term not to exceed two years but the board does not give the teacher written notice of its affirmative action on the superintendent's recommendation of an extended limited contract on or before the thirtieth day of April, the teacher is deemed reemployed under a continuing contract at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under such continuing contract unless such teacher notifies the board in writing to the contrary on or before the first day of June, and a continuing contract shall be executed accordingly.

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(3) A board shall not reject a superintendent's recommendation, made pursuant to division (C)(1) of this section, of an extended limited contract for a term not to exceed two years except by a three-fourths vote of its full membership. If a board

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rejects by a three-fourths vote of its full membership the 62522
recommendation of the superintendent of an extended limited 62523
contract for a term not to exceed two years, the board may declare 62524
its intention not to reemploy the teacher by giving the teacher 62525
written notice on or before the thirtieth day of April of its 62526
intention not to reemploy the teacher. If evaluation procedures 62527
have not been complied with pursuant to division (A) of section 62528
3319.111 of the Revised Code or if the board does not give the 62529
teacher written notice on or before the thirtieth day of April of 62530
its intention not to reemploy the teacher, the teacher is deemed 62531
reemployed under an extended limited contract for a term not to 62532
exceed one year at the same salary plus any increment provided by 62533
the salary schedule. The teacher is presumed to have accepted 62534
employment under the extended limited contract for a term not to 62535
exceed one year unless such teacher notifies the board in writing 62536
to the contrary on or before the first day of June, and an 62537
extended limited contract for a term not to exceed one year shall 62538
be executed accordingly. Upon any subsequent reemployment of the 62539
teacher only a continuing contract may be entered into. 62540

Any teacher receiving written notice of the intention of a 62541
board not to reemploy such teacher pursuant to this division is 62542
entitled to the hearing provisions of division (G) of this 62543
section. 62544

(D) A teacher eligible for continuing contract status 62545
employed under an extended limited contract pursuant to division 62546
(B) or (C) of this section, is, at the expiration of such extended 62547
limited contract, deemed reemployed under a continuing contract at 62548
the same salary plus any increment granted by the salary schedule, 62549
unless evaluation procedures have been complied with pursuant to 62550
division (A) of section 3319.111 of the Revised Code and the 62551
employing board, acting on the superintendent's recommendation 62552
that the teacher not be reemployed, gives the teacher written 62553
notice on or before the thirtieth day of April of its intention 62554

not to reemploy such teacher. A teacher who does not have
evaluation procedures applied in compliance with division (A) of
section 3319.111 of the Revised Code or who does not receive
notice on or before the thirtieth day of April of the intention of
the board not to reemploy such teacher is presumed to have
accepted employment under a continuing contract unless such
teacher notifies the board in writing to the contrary on or before
the first day of June, and a continuing contract shall be executed
accordingly.

Any teacher receiving a written notice of the intention of a
board not to reemploy such teacher pursuant to this division is
entitled to the hearing provisions of division (G) of this
section.

(E) A limited contract may be entered into by each board with
each teacher who has not been in the employ of the board for at
least three years and shall be entered into, regardless of length
of previous employment, with each teacher employed by the board
who ~~holds a provisional, temporary, or associate license, or who~~
~~holds a professional license and~~ is not eligible to be considered
for a continuing contract.

Any teacher employed under a limited contract, and not
eligible to be considered for a continuing contract, is, at the
expiration of such limited contract, considered reemployed under
the provisions of this division at the same salary plus any
increment provided by the salary schedule unless evaluation
procedures have been complied with pursuant to division (A) of
section 3319.111 of the Revised Code and the employing board,
acting upon the superintendent's written recommendation that the
teacher not be reemployed, gives such teacher written notice of
its intention not to reemploy such teacher on or before the
thirtieth day of April. A teacher who does not have evaluation
procedures applied in compliance with division (A) of section

3319.111 of the Revised Code or who does not receive notice of the intention of the board not to reemploy such teacher on or before the thirtieth day of April is presumed to have accepted such employment unless such teacher notifies the board in writing to the contrary on or before the first day of June, and a written contract for the succeeding school year shall be executed accordingly.

Any teacher receiving a written notice of the intention of a board not to reemploy such teacher pursuant to this division is entitled to the hearing provisions of division (G) of this section.

(F) The failure of a superintendent to make a recommendation to the board under any of the conditions set forth in divisions (B) to (E) of this section, or the failure of the board to give such teacher a written notice pursuant to divisions (C) to (E) of this section shall not prejudice or prevent a teacher from being deemed reemployed under either a limited or continuing contract as the case may be under the provisions of this section. A failure of the parties to execute a written contract shall not void any automatic reemployment provisions of this section.

(G)(1) Any teacher receiving written notice of the intention of a board of education not to reemploy such teacher pursuant to division (B), (C)(3), (D), or (E) of this section may, within ten days of the date of receipt of the notice, file with the treasurer of the board a written demand for a written statement describing the circumstances that led to the board's intention not to reemploy the teacher.

(2) The treasurer of a board, on behalf of the board, shall, within ten days of the date of receipt of a written demand for a written statement pursuant to division (G)(1) of this section, provide to the teacher a written statement describing the circumstances that led to the board's intention not to reemploy

the teacher. 62619

(3) Any teacher receiving a written statement describing the 62620
circumstances that led to the board's intention not to reemploy 62621
the teacher pursuant to division (G)(2) of this section may, 62622
within five days of the date of receipt of the statement, file 62623
with the treasurer of the board a written demand for a hearing 62624
before the board pursuant to divisions (G)(4) to (6) of this 62625
section. 62626

(4) The treasurer of a board, on behalf of the board, shall, 62627
within ten days of the date of receipt of a written demand for a 62628
hearing pursuant to division (G)(3) of this section, provide to 62629
the teacher a written notice setting forth the time, date, and 62630
place of the hearing. The board shall schedule and conclude the 62631
hearing within forty days of the date on which the treasurer of 62632
the board receives a written demand for a hearing pursuant to 62633
division (G)(3) of this section. 62634

(5) Any hearing conducted pursuant to this division shall be 62635
conducted by a majority of the members of the board. The hearing 62636
shall be held in executive session of the board unless the board 62637
and the teacher agree to hold the hearing in public. The 62638
superintendent, assistant superintendent, the teacher, and any 62639
person designated by either party to take a record of the hearing 62640
may be present at the hearing. The board may be represented by 62641
counsel and the teacher may be represented by counsel or a 62642
designee. A record of the hearing may be taken by either party at 62643
the expense of the party taking the record. 62644

(6) Within ten days of the conclusion of a hearing conducted 62645
pursuant to this division, the board shall issue to the teacher a 62646
written decision containing an order affirming the intention of 62647
the board not to reemploy the teacher reported in the notice given 62648
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 62649
this section or an order vacating the intention not to reemploy 62650

and expunging any record of the intention, notice of the 62651
intention, and the hearing conducted pursuant to this division. 62652

(7) A teacher may appeal an order affirming the intention of 62653
the board not to reemploy the teacher to the court of common pleas 62654
of the county in which the largest portion of the territory of the 62655
school district or service center is located, within thirty days 62656
of the date on which the teacher receives the written decision, on 62657
the grounds that the board has not complied with this section 62658
~~3319.11~~ or section 3319.111 of the Revised Code. 62659

Notwithstanding section 2506.04 of the Revised Code, the 62660
court in an appeal under this division is limited to the 62661
determination of procedural errors and to ordering the correction 62662
of procedural errors and shall have no jurisdiction to order a 62663
board to reemploy a teacher, except that the court may order a 62664
board to reemploy a teacher in compliance with the requirements of 62665
division (B), (C)(3), (D), or (E) of this section when the court 62666
determines that evaluation procedures have not been complied with 62667
pursuant to division (A) of section 3319.111 of the Revised Code 62668
or the board has not given the teacher written notice on or before 62669
the thirtieth day of April of its intention not to reemploy the 62670
teacher pursuant to division (B), (C)(3), (D), or (E) of this 62671
section. Otherwise, the determination whether to reemploy or not 62672
reemploy a teacher is solely a board's determination and not a 62673
proper subject of judicial review and, except as provided in this 62674
division, no decision of a board whether to reemploy or not 62675
reemploy a teacher shall be invalidated by the court on any basis, 62676
including that the decision was not warranted by the results of 62677
any evaluation or was not warranted by any statement given 62678
pursuant to division (G)(2) of this section. 62679

No appeal of an order of a board may be made except as 62680
specified in this division. 62681

(H)(1) In giving a teacher any notice required by division 62682

(B), (C), (D), or (E) of this section, the board or the superintendent shall do either of the following:	62683 62684
(a) Deliver the notice by personal service upon the teacher;	62685
(b) Deliver the notice by certified mail, return receipt requested, addressed to the teacher at the teacher's place of employment and deliver a copy of the notice by certified mail, return receipt requested, addressed to the teacher at the teacher's place of residence.	62686 62687 62688 62689 62690
(2) In giving a board any notice required by division (B), (C), (D), or (E) of this section, the teacher shall do either of the following:	62691 62692 62693
(a) Deliver the notice by personal delivery to the office of the superintendent during regular business hours;	62694 62695
(b) Deliver the notice by certified mail, return receipt requested, addressed to the office of the superintendent and deliver a copy of the notice by certified mail, return receipt requested, addressed to the president of the board at the president's place of residence.	62696 62697 62698 62699 62700
(3) When any notice and copy of the notice are mailed pursuant to division (H)(1)(b) or (2)(b) of this section, the notice or copy of the notice with the earlier date of receipt shall constitute the notice for the purposes of division (B), (C), (D), or (E) of this section.	62701 62702 62703 62704 62705
(I) The provisions of this section shall not apply to any supplemental written contracts entered into pursuant to section 3319.08 of the Revised Code.	62706 62707 62708
Sec. 3319.151. (A) No person shall reveal to any student any specific question that the person knows is part of a ~~test~~ <u>test</u>	62709 62710

assessment to be administered under section 3301.0711 of the Revised Code or in any other way assist a pupil to cheat on such a ~~test~~ assessment.

(B) On a finding by the state board of education, after investigation, that a school employee who holds a license issued under sections 3319.22 to 3319.31 of the Revised Code has violated division (A) of this section, the license of such teacher shall be suspended for one year. Prior to commencing an investigation, the board shall give the teacher notice of the allegation and an opportunity to respond and present a defense.

(C)(1) Violation of division (A) of this section is grounds for termination of employment of a nonteaching employee under division (C) of section 3319.081 or section 124.34 of the Revised Code.

(2) Violation of division (A) of this section is grounds for termination of a teacher contract under section 3319.16 of the Revised Code.

Sec. 3319.16. The contract of any teacher employed by the board of education of any city, exempted village, local, county, or joint vocational school district may not be terminated except ~~for gross inefficiency or immorality; for willful and persistent violations of reasonable regulations of the board of education; or for other good and just cause. Before~~ Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the provisions of this section relating to the grounds for termination of the contract of a teacher prevail over any conflicting provisions of a collective bargaining agreement entered into after the effective date of this amendment.

Before terminating any contract, the employing board shall furnish the teacher a written notice signed by its treasurer of its intention to consider the termination of ~~his~~ the teacher's

contract with full specification of the grounds for such 62742
consideration. The board shall not proceed with formal action to 62743
terminate the contract until after the tenth day after receipt of 62744
the notice by the teacher. Within ten days after receipt of the 62745
notice from the treasurer of the board, the teacher may file with 62746
the treasurer a written demand for a hearing before the board or 62747
before a referee, and the board shall set a time for the hearing 62748
which shall be within thirty days from the date of receipt of the 62749
written demand, and the treasurer shall give the teacher at least 62750
twenty days' notice in writing of the time and place of the 62751
hearing. If a referee is demanded by either the teacher or board, 62752
the treasurer also shall give twenty days' notice to the 62753
superintendent of public instruction. No hearing shall be held 62754
during the summer vacation without the teacher's consent. The 62755
hearing shall be private unless the teacher requests a public 62756
hearing. The hearing shall be conducted by a referee appointed 62757
pursuant to section 3319.161 of the Revised Code, if demanded; 62758
otherwise, it shall be conducted by a majority of the members of 62759
the board and shall be confined to the grounds given for the 62760
termination. The board shall provide for a complete stenographic 62761
record of the proceedings, a copy of the record to be furnished to 62762
the teacher. The board may suspend a teacher pending final action 62763
to terminate ~~his~~the teacher's contract if, in its judgment, the 62764
character of the charges warrants such action. 62765

Both parties may be present at such hearing, be represented 62766
by counsel, require witnesses to be under oath, cross-examine 62767
witnesses, take a record of the proceedings, and require the 62768
presence of witnesses in their behalf upon subpoena to be issued 62769
by the treasurer of the board. In case of the failure of any 62770
person to comply with a subpoena, a judge of the court of common 62771
pleas of the county in which the person resides, upon application 62772
of any interested party, shall compel attendance of the person by 62773
attachment proceedings as for contempt. Any member of the board or 62774
the referee may administer oaths to witnesses. After a hearing by 62775

a referee, the referee shall file ~~his~~his report within ten days 62776
after the termination of the hearing. After consideration of the 62777
referee's report, the board, by a majority vote, may accept or 62778
reject the referee's recommendation on the termination of the 62779
teacher's contract. After a hearing by the board, the board, by 62780
majority vote, may enter its determination upon its minutes. Any 62781
order of termination of a contract shall state the grounds for 62782
termination. If the decision, after hearing, is against 62783
termination of the contract, the charges and the record of the 62784
hearing shall be physically expunged from the minutes, and, if the 62785
teacher has suffered any loss of salary by reason of being 62786
suspended, ~~he~~the teacher shall be paid ~~his~~the teacher's full 62787
salary for the period of such suspension. 62788

Any teacher affected by an order of termination of contract 62789
may appeal to the court of common pleas of the county in which the 62790
school is located within thirty days after receipt of notice of 62791
the entry of such order. The appeal shall be an original action in 62792
the court and shall be commenced by the filing of a complaint 62793
against the board, in which complaint the facts shall be alleged 62794
upon which the teacher relies for a reversal or modification of 62795
such order of termination of contract. Upon service or waiver of 62796
summons in that appeal, the board immediately shall transmit to 62797
the clerk of the court for filing a transcript of the original 62798
papers filed with the board, a certified copy of the minutes of 62799
the board into which the termination finding was entered, and a 62800
certified transcript of all evidence adduced at the hearing or 62801
hearings before the board or a certified transcript of all 62802
evidence adduced at the hearing or hearings before the referee, 62803
whereupon the cause shall be at issue without further pleading and 62804
shall be advanced and heard without delay. The court shall examine 62805
the transcript and record of the hearing and shall hold such 62806
additional hearings as it considers advisable, at which it may 62807
consider other evidence in addition to the transcript and record. 62808

Upon final hearing, the court shall grant or deny the relief
prayed for in the complaint as may be proper in accordance with
the evidence adduced in the hearing. Such an action is a special
proceeding, and either the teacher or the board may appeal from
the decision of the court of common pleas pursuant to the Rules of
Appellate Procedure and, to the extent not in conflict with those
rules, Chapter 2505. of the Revised Code.

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In any court action, the board may utilize the services of
the prosecuting attorney, village solicitor, city director of law,
or other chief legal officer of a municipal corporation as
authorized by section 3313.35 of the Revised Code, or may employ
other legal counsel.

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A violation of division (A)(7) of section 2907.03 of the
Revised Code is grounds for termination of a teacher contract
under this section.

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Sec. 3319.161. For the purpose of providing referees for the
hearings required by section 3319.16 of the Revised Code, the
superintendent of public instruction shall compile a list of
resident electors from names that ~~he~~the superintendent shall
solicit annually from the state bar association.

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Upon receipt of notice that a referee has been demanded by a
teacher or by a board of education, the superintendent of public
instruction shall immediately designate three persons from such
list, from whom the referee to hear the matter shall be chosen,
and ~~he~~the superintendent shall immediately notify the designees,
the teacher, and the board of the school district involved. If
within five days of receipt of the notice, the teacher and board
are unable to select a mutually agreeable designee to serve as
referee, the superintendent of public instruction shall appoint
one of the three designees to serve as referee. The appointment of
the referee shall be entered in the minutes of the board. The
referee appointed shall be paid ~~his~~the referee's usual and

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customary fee for attending the hearing which shall be paid from 62841
the school district general fund upon vouchers approved by the 62842
superintendent of public instruction and presented to the 62843
treasurer of the district. No referee shall be a member of, an 62844
employee of, or teacher employed by the board of education nor 62845
related to any such person by consanguinity or marriage. ~~No person~~ 62846
~~shall be appointed to hear more than two contract termination~~ 62847
~~cases in any school year.~~ 62848

Sec. 3319.22. (A)(1) The state board of education shall 62849
~~adopt rules establishing the standards and requirements for~~ 62850
~~obtaining temporary, associate, provisional, and professional~~ 62851
issue the following educator licenses: 62852

(a) A resident educator license, which shall be valid for 62853
four years, except that the state board, on a case-by-case basis, 62854
may extend the license's duration as necessary to enable the 62855
license holder to complete the Ohio teacher residency program 62856
established under section 3319.223 of the Revised Code; 62857

(b) A professional educator license, which shall be valid for 62858
five years and shall be renewable; 62859

(c) A senior professional educator license, which shall be 62860
valid for five years and shall be renewable; 62861

(d) A lead professional educator license, which shall be 62862
valid for five years and shall be renewable. 62863

(2) The state board may issue any additional educator 62864
licenses of any categories, types, and levels the board elects to 62865
provide. However, no educator license shall be required for 62866
teaching children two years old or younger. 62867

~~(2)~~(3) The state board shall adopt rules establishing the 62868
standards and requirements for obtaining each educator license 62869

<u>issued under this section.</u>	62870
<u>(B) The rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A)(1) of this section:</u>	62871 62872 62873
<u>(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program.</u>	62874 62875 62876
<u>(2) An applicant for a professional educator license shall:</u>	62877
<u>(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization;</u>	62878 62879 62880
<u>(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code.</u>	62881 62882 62883 62884 62885 62886
<u>(3) An applicant for a senior professional educator license shall:</u>	62887 62888
<u>(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;</u>	62889 62890 62891
<u>(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;</u>	62892 62893 62894
<u>(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers</u>	62895 62896

<u>adopted by the state board under section 3319.61 of the Revised Code.</u>	62897 62898
<u>(4) An applicant for a lead professional educator license shall:</u>	62899 62900
<u>(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;</u>	62901 62902 62903
<u>(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;</u>	62904 62905 62906 62907
<u>(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;</u>	62908 62909 62910
<u>(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.</u>	62911 62912 62913 62914 62915
<u>(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code.</u>	62916 62917 62918 62919
<u>(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of the Ohio board of regents, in the manner and to the extent permitted by state and federal law.</u>	62920 62921 62922 62923 62924

~~(B)~~(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows:

(1) Notwithstanding division (D) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any rule that necessitates institutions' offering ~~teacher~~ preparation programs for educators and other school personnel that are approved by the ~~state board of education~~ chancellor of the Ohio board of regents under section ~~3319.23~~ 3333.048 of the Revised Code to revise the curriculum of those programs, the effective date shall not be as prescribed in division (D) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code. Instead, the effective date of such rules, or the amendment or rescission of such rules, shall be the date prescribed by section ~~3319.23~~ 3333.048 of the Revised Code.

(2) Notwithstanding the authority to adopt, amend, or rescind emergency rules in division (F) of section 119.03 of the Revised Code, this authority shall not apply to the state board of education with regard to rules for educator licenses.

~~(C)~~(F)(1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any educator license shall require a school district and a chartered nonpublic school to establish local professional development committees. In a nonpublic school, the chief administrative officer shall establish the committees in any manner acceptable to such officer. The committees established under this division shall determine whether coursework that a district or chartered nonpublic school teacher proposes to complete meets the requirement of the rules. The department of education shall

provide technical assistance and support to committees as the 62957
committees incorporate the professional development standards 62958
adopted by the state board of education pursuant to section 62959
3319.61 of the Revised Code into their review of coursework that 62960
is appropriate for license renewal. The rules shall establish a 62961
procedure by which a teacher may appeal the decision of a local 62962
professional development committee. 62963

(2) In any school district in which there is no exclusive 62964
representative established under Chapter 4117. of the Revised 62965
Code, the professional development committees shall be established 62966
as described in division ~~(C)~~(F)(2) of this section. 62967

Not later than the effective date of the rules adopted under 62968
this section, the board of education of each school district shall 62969
establish the structure for one or more local professional 62970
development committees to be operated by such school district. The 62971
committee structure so established by a district board shall 62972
remain in effect unless within thirty days prior to an anniversary 62973
of the date upon which the current committee structure was 62974
established, the board provides notice to all affected district 62975
employees that the committee structure is to be modified. 62976
Professional development committees may have a district-level or 62977
building-level scope of operations, and may be established with 62978
regard to particular grade or age levels for which an educator 62979
license is designated. 62980

Each professional development committee shall consist of at 62981
least three classroom teachers employed by the district, one 62982
principal employed by the district, and one other employee of the 62983
district appointed by the district superintendent. For committees 62984
with a building-level scope, the teacher and principal members 62985
shall be assigned to that building, and the teacher members shall 62986
be elected by majority vote of the classroom teachers assigned to 62987
that building. For committees with a district-level scope, the 62988

teacher members shall be elected by majority vote of the classroom
teachers of the district, and the principal member shall be
elected by a majority vote of the principals of the district,
unless there are two or fewer principals employed by the district,
in which case the one or two principals employed shall serve on
the committee. If a committee has a particular grade or age level
scope, the teacher members shall be licensed to teach such grade
or age levels, and shall be elected by majority vote of the
classroom teachers holding such a license and the principal shall
be elected by all principals serving in buildings where any such
teachers serve. The district superintendent shall appoint a
replacement to fill any vacancy that occurs on a professional
development committee, except in the case of vacancies among the
elected classroom teacher members, which shall be filled by vote
of the remaining members of the committee so selected.

Terms of office on professional development committees shall
be prescribed by the district board establishing the committees.
The conduct of elections for members of professional development
committees shall be prescribed by the district board establishing
the committees. A professional development committee may include
additional members, except that the majority of members on each
such committee shall be classroom teachers employed by the
district. Any member appointed to fill a vacancy occurring prior
to the expiration date of the term for which a predecessor was
appointed shall hold office as a member for the remainder of that
term.

The initial meeting of any professional development
committee, upon election and appointment of all committee members,
shall be called by a member designated by the district
superintendent. At this initial meeting, the committee shall
select a chairperson and such other officers the committee deems
necessary, and shall adopt rules for the conduct of its meetings.
Thereafter, the committee shall meet at the call of the

chairperson or upon the filing of a petition with the district 63022
superintendent signed by a majority of the committee members 63023
calling for the committee to meet. 63024

(3) In the case of a school district in which an exclusive 63025
representative has been established pursuant to Chapter 4117. of 63026
the Revised Code, professional development committees shall be 63027
established in accordance with any collective bargaining agreement 63028
in effect in the district that includes provisions for such 63029
committees. 63030

If the collective bargaining agreement does not specify a 63031
different method for the selection of teacher members of the 63032
committees, the exclusive representative of the district's 63033
teachers shall select the teacher members. 63034

If the collective bargaining agreement does not specify a 63035
different structure for the committees, the board of education of 63036
the school district shall establish the structure, including the 63037
number of committees and the number of teacher and administrative 63038
members on each committee; the specific administrative members to 63039
be part of each committee; whether the scope of the committees 63040
will be district levels, building levels, or by type of grade or 63041
age levels for which educator licenses are designated; the lengths 63042
of terms for members; the manner of filling vacancies on the 63043
committees; and the frequency and time and place of meetings. 63044
However, in all cases, except as provided in division ~~(C)~~(F)(4) of 63045
this section, there shall be a majority of teacher members of any 63046
professional development committee, there shall be at least five 63047
total members of any professional development committee, and the 63048
exclusive representative shall designate replacement members in 63049
the case of vacancies among teacher members, unless the collective 63050
bargaining agreement specifies a different method of selecting 63051
such replacements. 63052

(4) Whenever an administrator's coursework plan is being 63053

discussed or voted upon, the local professional development committee shall, at the request of one of its administrative members, cause a majority of the committee to consist of administrative members by reducing the number of teacher members voting on the plan.

~~(D)~~(G)(1) The department of education, educational service centers, county boards of mental retardation and developmental disabilities, regional professional development centers, special education regional resource centers, college and university departments of education, head start programs, the eTech Ohio commission, and the Ohio education computer network may establish local professional development committees to determine whether the coursework proposed by their employees who are licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to the effective date of this amendment, meet the requirements of the rules adopted under this section. They may establish local professional development committees on their own or in collaboration with a school district or other agency having authority to establish them.

Local professional development committees established by county boards of mental retardation and developmental disabilities shall be structured in a manner comparable to the structures prescribed for school districts in divisions ~~(E)~~(F)(2) and (3) of this section, as shall the committees established by any other entity specified in division ~~(D)~~(G)(1) of this section that provides educational services by employing or contracting for services of classroom teachers licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to the effective date of this amendment. All other entities specified in division ~~(D)~~(G)(1) of this section shall structure their committees in accordance with guidelines which shall be issued by

the state board. 63087

(2) Any public agency that is not specified in division 63088
~~(D)(G)~~(1) of this section but provides educational services and 63089
employs or contracts for services of classroom teachers licensed 63090
or certificated under this section or section 3319.222 of the 63091
Revised Code, or under the former version of either section as it 63092
existed prior to the effective date of this amendment, may 63093
establish a local professional development committee, subject to 63094
the approval of the department of education. The committee shall 63095
be structured in accordance with guidelines issued by the state 63096
board. 63097

Sec. 3319.221. (A) The state board of education shall adopt 63098
rules establishing the standards and requirements for obtaining a 63099
school nurse license and a school nurse wellness coordinator 63100
license. At a minimum, the rules shall require that an applicant 63101
for a school nurse license be licensed as a registered nurse under 63102
Chapter 4723. of the Revised Code. 63103

(B) If the state board requires any examinations for 63104
licensure under this section, the department of education shall 63105
provide the examination results received by the department to the 63106
chancellor of the Ohio board of regents, in the manner and to the 63107
extent permitted by state and federal law. 63108

(C) Any rules for licenses described in this section that the 63109
state board adopts, amends, or rescinds under this section, 63110
division (D) of section 3301.07 of the Revised Code, or any other 63111
law shall be adopted, amended, or rescinded under Chapter 119. of 63112
the Revised Code, except that the authority to adopt, amend, or 63113
rescind emergency rules under division (F) of section 119.03 of 63114
the Revised Code shall not apply to the state board with respect 63115
to rules for licenses described in this section. 63116

(D) Any registered nurse employed by a school district in the 63117

capacity of school nurse on January 1, 1973, or any registered
nurse employed by a city or general health district on January 1,
1973, to serve full-time in the capacity of school nurse in one or
more school districts, shall be considered to have fulfilled the
requirements for the issuance of a school nurse license under this
section ~~3319.22 of the Revised Code~~.

Sec. 3319.222. (A) Notwithstanding the amendments to and
repeal of statutes by the act that enacted this section, the state
board of education shall accept applications for new, and renewal
and upgrade of, temporary, associate, provisional, and
professional educator licenses, alternative educator licenses,
one-year conditional teaching permits, and school nurse licenses
through December 31, 2010, and issue them on the basis of the
applications received by that date in accordance with the former
statutes in effect immediately prior to amendment or repeal by
the act that enacted this section.

(B) A permanent teacher's certificate issued under former
sections 3319.22 to 3319.31 of the Revised Code prior to October
29, 1996, or under former section 3319.222 of the Revised Code as
it existed prior to the effective date of this section, shall be
valid for teaching in the subject areas and grades for which the
certificate was issued, except as the certificate is limited,
suspended, or revoked under section 3319.31 of the Revised Code.

(C) The following certificates, permits, or licenses shall be
valid until the certificate, permit, or license expires for
teaching in the subject areas and grades for which the
certificate, permit, or license was issued, except as the
certificate, permit, or license is limited, suspended, or revoked
under section 3319.31 of the Revised Code:

(1) Any professional teacher's certificate issued under
former section 3319.222 of the Revised Code, as it existed prior
to the effective date of this section;

<u>(2) Any temporary, associate, provisional, or professional educator license issued under former section 3319.22 of the Revised Code, as it existed prior to the effective date of this section, or under division (A) of this section;</u>	63150 63151 63152 63153
<u>(3) Any alternative educator license issued under former section 3319.26 of the Revised Code, as it existed prior to the effective date of this section, or under division (A) of this section;</u>	63154 63155 63156 63157
<u>(4) Any one-year conditional teaching permit issued under former section 3319.302 or 3319.304 of the Revised Code, as it existed prior to the effective date of this section, or under division (A) of this section.</u>	63158 63159 63160 63161
<u>(D) Any school nurse license issued under former section 3319.22 of the Revised Code, as it existed prior to the effective date of this section, or under division (A) of this section shall be valid until the license expires for employment as a school nurse, except as the license is limited, suspended, or revoked under section 3319.31 of the Revised Code.</u>	63162 63163 63164 63165 63166 63167
<u>(E) Nothing in this section shall be construed to prohibit a person from applying to the state board for an educator license issued under section 3319.22 of the Revised Code, a school nurse license or a school nurse wellness coordinator license issued under section 3319.221 of the Revised Code, or an alternative resident educator license issued under section 3319.26 of the Revised Code, as the section exists on and after the effective date of this section.</u>	63168 63169 63170 63171 63172 63173 63174 63175
<u>(F) On and after the effective date of this section, any reference in the Revised Code to educator licensing is hereby deemed to refer also to certification or licensure under divisions (A) to (D) of this section.</u>	63176 63177 63178 63179

Sec. 3319.223. (A) Not later than January 1, 2011, the superintendent of public instruction and the chancellor of the Ohio board of regents jointly shall establish the Ohio teacher residency program, which shall be a four-year, entry-level program for classroom teachers. The teacher residency program shall include at least the following components:

(1) Mentoring by teachers who hold a lead professional educator license issued under section 3319.22 of the Revised Code;

(2) Counseling to ensure that program participants receive needed professional development;

(3) Measures of appropriate progression through the program.

(B) The teacher residency program shall be aligned with the standards for teachers adopted by the state board of education under section 3319.61 of the Revised Code and best practices identified by the superintendent of public instruction.

(C) Each person who holds a resident educator license issued under section 3319.22 of the Revised Code or an alternative resident educator license issued under section 3319.26 of the Revised Code shall participate in the teacher residency program. Successful completion of the program shall be required to qualify any such person for a professional educator license issued under section 3319.22 of the Revised Code.

Sec. 3319.234. The teacher quality partnership, a consortium of teacher preparation programs that have been approved by the state board of education, chancellor of the Ohio board of regents under section 3319.23333.048 of the Revised Code, shall study the relationship of teacher performance on educator licensure assessments, as adopted by the state board of education under section 3319.22 of the Revised Code, to teacher effectiveness in

the classroom. Not later than September 1, 2008, the partnership
shall begin submitting annual data reports along with any other
data on teacher effectiveness the partnership determines
appropriate to the governor, the president and minority leader of
the senate, the speaker and minority leader of the house of
representatives, the chairpersons and ranking minority members of
the standing committees of the senate and the house of
representatives that consider education legislation, the
superintendent of public instruction, the state board of
education, and the chancellor of the Ohio board of regents,~~and~~
~~the partnership for continued learning.~~

Sec. 3319.235. (A) The standards for the preparation of
teachers adopted under section ~~3319.23~~3333.048 of the Revised
Code shall require any institution that provides a course of study
for the training of teachers to ensure that graduates of such
course of study are skilled at integrating educational technology
in the instruction of children, as evidenced by the graduate
having either demonstrated proficiency in such skills in a manner
prescribed by the department of education or completed a course
that includes training in such skills.

(B) The eTech Ohio commission shall establish model
professional development programs to assist teachers who completed
their teacher preparation prior to the effective date of division
(A) of this section to become skilled at integrating educational
technology in the instruction of children. The commission shall
provide technical assistance to school districts wishing to
establish such programs.

Sec. 3319.24. This section does not apply to any applicant
for an educator license that is designed for persons specializing
in teaching children in kindergarten through twelfth grade, or the
equivalent, in the area of dance, drama, theater, music, visual
arts, or physical education or a specialty area substantially

equivalent to any of these when such applicant will be teaching	63241
children in the specialty area specified in the license.	63242
(A) As used in this section:	63243
(1) "Coursework in the teaching of reading" means coursework	63244
that includes training in a range of instructional strategies for	63245
teaching reading, in the assessment of reading skills, and in the	63246
diagnosis and remediation of reading difficulties;	63247
(2) "Phonics" means the techniques and strategies used to	63248
teach children to match, blend, and translate letters of the	63249
alphabet into the sounds they represent, which techniques and	63250
strategies are systematically integrated and thoroughly practiced	63251
in a developmentally appropriate instructional program to assist	63252
the child in learning to read, write, and spell;	63253
(3) "Course in the teaching of phonics" means a course	63254
providing the background necessary for effectively teaching and	63255
assessing phonics, phonemic awareness, and word recognition,	63256
including, but not limited to, the following topics:	63257
(a) Phonological and morphological underpinnings of English	63258
spellings and the history thereof;	63259
(b) The nature and role of word recognition in proficient	63260
reading;	63261
(c) Methods and rationale for the instruction of phonemic	63262
awareness, decoding, spelling, and the application thereof in	63263
reading and writing;	63264
(d) Methods and rationale for the assessment of phonemic	63265
awareness, decoding, spelling, and the application thereof in	63266
reading and writing;	63267

(e) The relation of deficits in phonemic awareness, decoding, spelling, and word recognition to reading disabilities;

(4) "Phonemic awareness" means the awareness of sounds that make up spoken words and the ability to use this awareness of sounds in reading.

(B) The rules adopted under ~~division (A)~~ of section 3319.22 of the Revised Code shall require an applicant for ~~an initial provisional~~ a resident educator license designated for teaching children in grades kindergarten through six or the equivalent to have successfully completed at least six semester hours, or the equivalent, of coursework in the teaching of reading that includes at least one separate course of at least three semester hours, or the equivalent, in the teaching of phonics in the context of reading, writing, and spelling. In addition, such rules ~~shall require that such license be granted for a period of not more than two years, and~~ shall require that the ~~first renewal~~ subsequent issuance of such a professional educator license be contingent upon the ~~license holder~~ applicant having completed six additional semester hours or the equivalent of coursework in the teaching of reading. The rules shall permit ~~a license holder~~ an applicant to apply undergraduate coursework in order to meet ~~such renewal~~ this requirement for additional coursework.

Sec. 3319.25. Any teacher performance assessment entity with which the department of education or the state board of education contracts or any independent agent with whom such entity, the department, or the state board contracts to provide services as a teacher performance assessor, trainer of assessors, or assessment coordinator is not liable for damages in a civil action concerning the actions of such entity or agent made in the conduct of a teacher performance assessment unless those actions were conducted with malicious purpose, in bad faith, or in a wanton or reckless manner.

As used in this section, "teacher performance assessment" means an assessment prescribed by the state board of education to measure the classroom performance of a teacher who is a candidate for a ~~professional educator license~~ licensure based on observations conducted by a trained assessor while the teacher is engaged in actual classroom instruction.

Sec. 3319.26. (A) The state board of education shall adopt rules establishing the standards and requirements for obtaining an alternative resident educator license for teaching in grades ~~seven~~ four to twelve, or the equivalent, in a designated subject area. However, an alternative resident educator license in the area of intervention specialist, as defined by rule of the state board, shall be valid for teaching in grades kindergarten to twelve.

(B)(1) The superintendent of public instruction and the chancellor of the Ohio board of regents jointly shall develop an intensive pedagogical training institute to provide instruction in the principles and practices of teaching for individuals seeking an alternative resident educator license. The instruction shall cover such topics as student development and learning, pupil assessment procedures, curriculum development, classroom management, and teaching methodology.

(C) The rules adopted under this section shall require applicants for the alternative resident educator license to satisfy the following conditions prior to issuance of the license:

(a)(1) Hold a minimum of a baccalaureate degree;

(b)(2) Successfully complete ~~three semester hours or the equivalent of college coursework in the developmental characteristics of adolescent youths and three semester hours or the equivalent in teaching methods~~ the pedagogical training institute described in division (B) of this section;

~~(e)~~(3) Pass an examination in the subject area for which application is being made. 63331
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~~(2)~~(D) An alternative resident educator license shall be 63333
valid for ~~two~~four years ~~and shall not be renewable, except that~~ 63334
the state board, on a case-by-case basis, may extend the 63335
license's duration as necessary to enable the license holder to 63336
complete the Ohio teacher residency program established under 63337
section 3319.223 of the Revised Code. 63338

~~(3)~~(E) The rules shall require the holder of an alternative 63339
resident educator license, as a condition of continuing to hold 63340
the license, to ~~show~~do all of the following: 63341

(1) Participate in the Ohio teacher residency program; 63342

(2) Show satisfactory progress in taking and successfully 63343
completing ~~within two years~~ at least twelve additional semester 63344
hours, or the equivalent, of college coursework in the principles 63345
and practices of teaching in such topics as student development 63346
and learning, pupil assessment procedures, curriculum 63347
development, classroom management, and teaching methodology; 63348

(3) Take an assessment of professional knowledge in the 63349
second year of teaching under the license. 63350

~~(E)~~(F) The rules shall provide for the granting of a 63351
~~provisional~~professional educator license to a holder of an 63352
alternative resident educator license upon successfully completing 63353
all of the following: 63354

(1) ~~Two~~Four years of teaching under the alternative 63355
license; 63356

(2) The twelve semester hours, or the equivalent, of the 63357

additional college coursework described in division ~~(B)(3)~~(E)(2) of this section; 63358
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(3) The assessment of professional knowledge ~~that is~~ 63360
~~required of other applicants for a provisional educator license~~ 63361
described in division (E)(3) of this section. The standards for 63362
successfully completing this assessment and the manner of 63363
conducting the assessment shall be the same as for any other 63364
~~applicant for a provisional educator license~~individual who is 63365
required to take the assessment pursuant to rules adopted by the 63366
state board under section 3319.22 of the Revised Code. 63367

(4) The Ohio teacher residency program; 63368

(5) All other requirements for a professional educator 63369
license adopted by the state board under section 3319.22 of the 63370
Revised Code. 63371

Sec. 3319.28. (A) As used in this section, "STEM school" 63372
means a science, technology, engineering, and mathematics school 63373
established under Chapter 3326. of the Revised Code. 63374

(B) Notwithstanding any other provision of the Revised Code 63375
or any rule adopted by the state board of education to the 63376
contrary, the state board shall issue a two-year provisional 63377
educator license for teaching science, technology, engineering, 63378
or mathematics in grades six through twelve in a STEM school to 63379
any applicant who meets the following conditions: 63380

(1) Holds a bachelor's degree from an accredited institution 63381
of higher education in a field related to the subject area to be 63382
taught; 63383

(2) Has passed an examination prescribed by the state board 63384
in the subject area to be taught. 63385

(C) The holder of a provisional educator license issued under this section shall complete a structured apprenticeship program provided by an educational service center or a teacher preparation program approved under section ~~3319.233333~~ <u>048</u> of the Revised Code, in partnership with the STEM school that employs the license holder. The apprenticeship program shall include the following:	63386 63387 63388 63389 63390 63391 63392
(1) Mentoring by a teacher or administrator who regularly observes the license holder's classroom instruction, provides feedback on the license holder's teaching strategies and classroom management, and engages the license holder in discussions about methods for fostering and measuring student learning;	63393 63394 63395 63396 63397
(2) Regularly scheduled seminars or meetings that address the following topics:	63398 63399
(a) The statewide academic standards adopted by the state board under section 3301.079 of the Revised Code and the importance of aligning curriculum with those standards;	63400 63401 63402
(b) The achievement ~~tests~~ <u>assessments</u> prescribed by section 3301.0710 of the Revised Code;	63403 63404
(c) The school district and building accountability system established under Chapter 3302. of the Revised Code;	63405 63406
(d) Instructional methods and strategies;	63407
(e) Student development;	63408
(f) Assessing student progress and providing remediation and intervention, as necessary, to meet students' special needs;	63409 63410
(g) Classroom management and record keeping.	63411
(D) After two years of teaching under a provisional educator	63412

license issued under this section, a person may apply for a 63413
five-year professional educator license in the same subject area 63414
named in the provisional license. The state board shall issue the 63415
applicant a professional educator license if the applicant meets 63416
the following conditions: 63417

(1) The applicant completed the apprenticeship program 63418
described in division (C) of this section. 63419

(2) The applicant receives a positive recommendation 63420
indicating that the applicant is an effective teacher from both of 63421
the following: 63422

(a) The chief administrative officer of the STEM school that 63423
most recently employed the applicant as a classroom teacher; 63424

(b) The educational service center or teacher preparation 63425
program administrator in charge of the apprenticeship program 63426
completed by the applicant. 63427

(3) The applicant meets all other requirements for a 63428
professional educator license adopted by the state board under 63429
section 3319.22 of the Revised Code. 63430

(E) The department of education shall evaluate the 63431
experiences of STEM schools with classroom teachers holding 63432
provisional educator licenses issued under this section. The 63433
evaluation shall cover the first two school years for which 63434
licenses are issued and shall consider at least the schools' 63435
satisfaction with the teachers and the operation of the 63436
apprenticeship programs. 63437

Sec. 3319.291. (A) The state board of education shall 63438
require each of the following persons, at the times prescribed by 63439
division (A) of this section, to ~~submit two complete sets of~~ 63440
~~fingerprints and written permission that authorizes the~~ 63441

superintendent of public instruction to forward the fingerprints 63442
to the bureau of criminal identification and investigation 63443
pursuant to division (F) of section 109.57 of the Revised Code and 63444
that authorizes that bureau to forward the fingerprints to the 63445
federal bureau of investigation for purposes of obtaining any 63446
criminal records that the federal bureau maintains on ~~undergo a~~ 63447
criminal records check, unless the person has undergone a records 63448
check under this section or a former version of this section less 63449
than five years prior to that time. 63450

(1) Any person initially applying for any certificate, 63451
license, or permit described in this chapter or in division (B) of 63452
section 3301.071 or in section 3301.074 of the Revised Code at 63453
the time that application is made; 63454

(2) Any person applying for renewal of any certificate, 63455
license, or permit described in division (A)(1) of this section at 63456
the time that application is made; 63457

(3) Any person who is teaching under a professional teaching 63458
certificate issued under former ~~section 3319.22 or under~~ section 63459
3319.222 of the Revised Code upon a date prescribed by the state 63460
board; 63461

(4) Any person who is teaching under a permanent teaching 63462
certificate issued under former section 3319.22 as it existed 63463
prior to October 29, 1996, or under former section 3319.222 of 63464
the Revised Code upon a date prescribed by the state board and 63465
every five years thereafter. 63466

(B)(1) Except as otherwise provided in division (B)(2) of 63467
this section, the state board shall require each person subject to 63468
a criminal records check under this section to submit two complete 63469
sets of fingerprints and written permission that authorizes the 63470
superintendent of public instruction to forward the fingerprints 63471
to the bureau of criminal identification and investigation 63472

pursuant to division (F) of section 109.57 of the Revised Code and 63473
that authorizes that bureau to forward the fingerprints to the 63474
federal bureau of investigation for purposes of obtaining any 63475
criminal records that the federal bureau maintains on the person. 63476

(2) If both of the following conditions apply to a person 63477
subject to a criminal records check under this section, the state 63478
board shall require the person to submit one complete set of 63479
fingerprints and written permission that authorizes the 63480
superintendent of public instruction to forward the fingerprints 63481
to the bureau of criminal identification and investigation so that 63482
bureau may forward the fingerprints to the federal bureau of 63483
investigation for purposes of obtaining any criminal records that 63484
the federal bureau maintains on the person: 63485

(a) Under this section or any former version of this section, 63486
the state board or the superintendent of public instruction 63487
previously requested the superintendent of the bureau of criminal 63488
identification and investigation to determine whether the bureau 63489
has any information, gathered pursuant to division (A) of section 63490
109.57 of the Revised Code, on the person. 63491

(b) The person presents proof that the person has been a 63492
resident of this state for the five-year period immediately prior 63493
to the date upon which the person becomes subject to a criminal 63494
records check under this section. 63495

(C) Except as provided in division ~~(C)~~(D) of this section, 63496
prior to issuing or renewing any certificate, license, or permit 63497
for a person described in division (A)(1) or (2) of this section 63498
who is subject to a criminal records check and in the case of a 63499
person ~~required to submit fingerprints and written permission~~ 63500
~~under~~ described in division (A)(3) or (4) of this section who is 63501
subject to a criminal records check, the state board or the 63502
superintendent of public instruction shall do one of the 63503
following: 63504

(1) If the person is required to submit fingerprints and written permission under division (B)(1) of this section, request the superintendent of the bureau of criminal identification and investigation to ~~investigate and~~ determine whether the bureau has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, pertaining to ~~any~~the person ~~submitting fingerprints and written permission under this section~~ and to obtain any criminal records that the federal bureau of investigation has on the person.

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~~(C)~~(2) If the person is required to submit fingerprints and written permission under division (B)(2) of this section, request the superintendent of the bureau of criminal identification and investigation to obtain any criminal records that the federal bureau of investigation has on the person.

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(D) The state board or the superintendent of public instruction may choose not to request any information about a person required by division ~~(B)(C)~~ of this section if the person ~~applying for the issuance or renewal of a certificate, license, or permit described in division (A)(1) or (2) of this section or the person required to submit fingerprints and written permission under division (A)(3) or (4) of this section~~ provides proof that a criminal records check that satisfies the requirements of that division was conducted on the person as a condition of employment pursuant to section 3319.39 of the Revised Code within the immediately preceding year. The state board or the superintendent of public instruction may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by ~~at~~the person ~~applying for the issuance or renewal of a certificate, license, or permit described in this section~~ in lieu of requesting that information under division ~~(B)(C)~~ of this section if the records were issued by the bureau within the immediately preceding year.

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~~(D)~~(E)(1) If a person described in division (A)(3) or (4) of this section who is subject to a criminal records check fails to submit fingerprints and written permission by the date specified in the applicable division, and the state board or the superintendent of public instruction does not apply division ~~(C)~~(D) of this section to the person, the superintendent shall prepare a written notice stating that if the person does not submit the fingerprints and written permission within fifteen days after the date the notice was mailed, the person's professional or permanent teaching certificate will be inactivated. The superintendent shall send the notification by regular mail to the person's last known residence address or last known place of employment, as indicated in the department of education's records, or both.

If the person fails to submit the fingerprints and written permission within fifteen days after the date the notice was mailed, the superintendent of public instruction, on behalf of the state board, shall issue a written order inactivating the person's professional or permanent teaching certificate. The inactivation shall remain in effect until the person submits the fingerprints and written permission. The superintendent shall send the order by regular mail to the person's last known residence address or last known place of employment, as indicated in the department's records, or both. The order shall state the reason for the inactivation and shall explain that the inactivation remains in effect until the person complies with division ~~(A)~~(B) of this section.

The inactivation of a professional or permanent teaching certificate under division ~~(D)~~(E)(1) of this section does not constitute a suspension or revocation of the certificate by the state board under section 3319.31 of the Revised Code and the state board and the superintendent of public instruction need not provide the person with an opportunity for a hearing with respect

to the inactivation. 63570

(2) If a person whose professional or permanent teaching 63571
certificate has been inactivated under division ~~(D)~~(E)(1) of this 63572
section submits fingerprints and written permission as required by 63573
division ~~(A)~~(B) of this section, the superintendent of public 63574
instruction, on behalf of the state board, shall issue a written 63575
order reactivating the certificate. The superintendent shall send 63576
the order to the person by regular mail. 63577

~~(E)~~(F) Notwithstanding divisions (A) and ~~(B)~~to (C) of this 63578
section, if a person holds more than one certificate, license, or 63579
permit described in division (A)(1) of this section, the 63580
following shall apply: 63581

(1) If the certificates, licenses, or permits are of 63582
different durations, the person shall be subject to divisions 63583
~~(A)(2) and (B)~~to (C) of this section only when applying for 63584
renewal of the certificate, license, or permit that is of the 63585
longest duration. Prior to renewing any certificate, license, or 63586
permit with a shorter duration, the state board or the 63587
superintendent of public instruction shall determine whether the 63588
department of education has received any information about the 63589
person pursuant to section 109.5721 of the Revised Code, but the 63590
person shall not be subject to ~~division~~divisions ~~(A)(2) or (B)~~
to (C) of this section as long as the person's certificate, 63591
license, or permit with the longest duration is valid. 63592
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(2) If the certificates, licenses, or permits are of the same 63594
duration but do not expire in the same year, the person shall 63595
designate one of the certificates, licenses, or permits as the 63596
person's primary certificate, license, or permit and shall notify 63597
the department of that designation. The person shall be subject to 63598
divisions ~~(A)(2) and (B)~~to (C) of this section only when applying 63599
for renewal of the person's primary certificate, license, or 63600
permit. Prior to renewing any certificate, license, or permit 63601

that is not the person's primary certificate, license, or permit, 63602
the state board or the superintendent of public instruction shall 63603
determine whether the department has received any information 63604
about the person pursuant to section 109.5721 of the Revised 63605
Code, but the person shall not be subject to ~~division~~divisions 63606
(A)(2) ~~or (B)~~ to (C) of this section as long as the person's 63607
primary certificate, license, or permit is valid. 63608

(3) If the certificates, licenses, or permits are of the same 63609
duration and expire in the same year and the person applies for 63610
renewal of the certificates, licenses, or permits at the same 63611
time, the state board or the superintendent of public instruction 63612
shall request only one criminal records check of the person under 63613
division ~~(B)~~(C) of this section. 63614

Sec. 3319.303. (A) The state board of education shall adopt 63615
rules establishing standards and requirements for obtaining a 63616
pupil-activity program permit for any individual who does not hold 63617
a valid educator license, certificate, or permit issued by the 63618
state board under section 3319.22, 3319.26, or 3319.27, ~~3319.302,~~ 63619
~~or 3319.304~~ of the Revised Code. The permit issued under this 63620
section shall be valid for coaching, supervising, or directing a 63621
pupil-activity program under section 3313.53 of the Revised Code. 63622
Subject to the provisions of section 3319.31 of the Revised Code, 63623
a permit issued under this section shall be valid for three years 63624
and shall be renewable. 63625

(B) The state board shall adopt rules applicable to 63626
individuals who hold valid educator licenses, certificates, or 63627
permits issued by the state board under section 3319.22, 3319.26, 63628
or 3319.27, ~~3319.302,~~ ~~or 3319.304~~ of the Revised Code setting 63629
forth standards to assure any such individual's competence to 63630
direct, supervise, or coach a pupil-activity program. The rules 63631
adopted under this division shall not be more stringent than the 63632
standards set forth in rules applicable to individuals who do not 63633

hold such licenses, certificates, or permits adopted under 63634
division (A) of this section. 63635

Sec. 3319.36. (A) No treasurer of a board of education or 63636
educational service center shall draw a check for the payment of a 63637
teacher for services until the teacher files with the treasurer 63638
both of the following: 63639

(1) Such reports as are required by the state board of 63640
education, the school district board of education, or the 63641
superintendent of schools; 63642

(2) Except for a teacher who is engaged pursuant to section 63643
3319.301 of the Revised Code, a written statement from the city, 63644
exempted village, or local school district superintendent or the 63645
educational service center superintendent that the teacher has 63646
filed with the treasurer a legal educator license, or true copy of 63647
it, to teach the subjects or grades taught, with the dates of its 63648
validity. The state board of education shall prescribe the record 63649
and administration for such filing of educator licenses in 63650
educational service centers. 63651

(B) Notwithstanding division (A) of this section, the 63652
treasurer may pay either of the following: 63653

(1) Any teacher for services rendered during the first two 63654
months of the teacher's initial employment with the school 63655
district or educational service center, provided such teacher is 63656
the holder of a bachelor's degree or higher and has filed with the 63657
state board of education an application for the issuance of a 63658
~~provisional or professional~~an educator license described in 63659
division (A)(1) of section 3319.22 of the Revised Code. 63660

(2) Any substitute teacher for services rendered while 63661
conditionally employed under section 3319.101 of the Revised Code. 63662

(C) Upon notice to the treasurer given by the state board of education or any superintendent having jurisdiction that reports required of a teacher have not been made, the treasurer shall withhold the salary of the teacher until the required reports are completed and furnished.

Sec. 3319.391. This section applies to any person hired by a school district, educational service center, or chartered nonpublic school in any position that does not require a "license" issued by the state board of education, as defined in section 3319.31 of the Revised Code, and is not for the operation of a vehicle for pupil transportation.

(A) For each person to whom this section applies who is hired on or after November 14, 2007, the employer shall request a criminal records check in accordance with section 3319.39 of the Revised Code and shall request a subsequent criminal records check by the fifth day of September every fifth year thereafter. For each person to whom this division applies who is hired prior to November 14, 2007, the employer shall request a criminal records check by a date prescribed by the department of education and shall request a subsequent criminal records check by the fifth day of September every fifth year thereafter.

(B)(1) Each request for a criminal records check under this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person:

(a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and

investigation has any information, gathered pursuant to division 63695
(A) of section 109.57 of the Revised Code, on the person in 63696
conjunction with a criminal records check requested under section 63697
3319.39 of the Revised Code or under this section. 63698

(b) The person presents proof that the person has been a 63699
resident of this state for the five-year period immediately prior 63700
to the date upon which the person becomes subject to a criminal 63701
records check under this section. Upon 63702

(2) Upon receipt of a request under division (B)(1) of this 63703
section, the bureau superintendent shall conduct the criminal 63704
records check in accordance with section 109.572 of the Revised 63705
Code as if the request had been made under section 3319.39 of the 63706
Revised Code. However, as specified in division (B)(2) of section 63707
109.572 of the Revised Code, if the employer requests the 63708
superintendent only to obtain any criminal records that the 63709
federal bureau of investigation has on the person for whom the 63710
request is made, the superintendent shall not conduct the review 63711
prescribed by division (B)(1) of that section. 63712

(C) Any person who is the subject of a criminal records check 63713
under this section and has been convicted of or pleaded guilty to 63714
any offense described in division (B)(1) of section 3319.39 of the 63715
Revised Code shall not be hired or shall be released from 63716
employment, as applicable, unless the person meets the 63717
rehabilitation standards adopted by the department under division 63718
(E) of that section. 63719

Sec. 3319.41. ~~(A)(1) Beginning September 1, 1994, and except~~ 63720
~~as provided in division (C) of this section, no~~ No person employed 63721
or engaged as a teacher, principal, administrator, nonlicensed 63722
school employee, or bus driver in a public school may inflict or 63723
cause to be inflicted corporal punishment as a means of 63724
discipline upon a pupil attending such school, unless the board 63725
of education of the school district in which the school is 63726

located adopts a resolution no later than September 1, 1994, to
permit corporal punishment as a means of discipline and does not
adopt a resolution prohibiting corporal punishment pursuant to
division (B) of this section. No board shall adopt a resolution
permitting corporal punishment before receiving and studying the
report of the local discipline task force appointed under
division (A)(2) of this section.

(2) The board of education of each city, local, exempted
village, and joint vocational school district that has not adopted
a rule prohibiting corporal punishment under section 3313.20 of
the Revised Code prior to the effective date of this amendment
shall appoint, and any board that has adopted a rule under that
section prior to the effective date of this amendment may appoint,
no later than April 1, 1994, a local discipline task force to
conduct a study of effective discipline measures that are
appropriate for that school district. Members of the task force
shall include teachers, administrators, nonlicensed school
employees, school psychologists, members of the medical
profession, pediatricians when available, and representatives of
parents' organizations.

The task force shall hold meetings regularly. All meetings of
the task force shall be open to the public and at least one of the
meetings shall be for the purpose of inviting public
participation. The board of education shall provide public notice
of any public meeting of the task force in newspapers or other
periodicals of general circulation in the school district. The
task force shall report its findings and recommendations in
writing to the board of education no later than July 15, 1994. The
task force's written report must be available for inspection by
the public at the board's offices for at least five years after
being submitted to the board.

(B)(1) At any time after September 1, 1996, the board of

education of any city, local, exempted village, or joint 63759
vocational school district in which corporal punishment is 63760
permitted may adopt a resolution to prohibit corporal punishment. 63761
After the adoption of a resolution prohibiting corporal punishment 63762
pursuant to division (B)(1) of this section, the board of 63763
education of any city, local, exempted village, or joint 63764
vocational school district may adopt a resolution permitting 63765
corporal punishment after complying with division (B)(3) of this 63766
section. 63767

(2) At any time after September 1, 1998, the board of 63768
education of any city, local, exempted village, or joint 63769
vocational school district that did not adopt a resolution 63770
permitting corporal punishment as a means of discipline pursuant 63771
to division (A)(1) of this section may adopt a resolution 63772
permitting corporal punishment after complying with division 63773
(B)(3) of this section. 63774

(3)(a) The board of education of each city, local, exempted 63775
village, and joint vocational school district that intends to 63776
adopt a resolution permitting corporal punishment as a means of 63777
discipline pursuant to division (B)(1) or (2) of this section may 63778
adopt that resolution permitting corporal punishment as a means of 63779
discipline only after receiving and studying the report of the 63780
secondary local discipline task force appointed under division 63781
(B)(3)(b) of this section. 63782

(b) Any board of education described in division (B)(1) or 63783
(2) of this section that intends to adopt a resolution permitting 63784
corporal punishment as a means of discipline shall appoint a 63785
secondary local discipline task force to conduct a study of 63786
effective discipline measures that are appropriate for that school 63787
district. Membership on the secondary local discipline task force 63788
shall consist of the same types of persons that are required to be 63789
included as members of the local discipline task force pursuant to 63790

~~division (A)(2) of this section. The secondary local discipline task force shall follow the same procedures with respect to holding meetings, the provision of public notice, and the production and inspection of a written report of findings and recommendations that are applicable to the local discipline task force pursuant to division (A)(2) of this section, except that the secondary local discipline task force is not required to present its written report to the board of education on a date that is no later than July 15, 1994.~~

~~(C) The prohibition of corporal punishment by division (A) of this section or by a resolution adopted under division (B) of this section does not prohibit the use of reasonable force or restraint in accordance with division (G) of this section.~~

~~(D) If the board of education of any city, local, exempted village, or joint vocational school district does not prohibit corporal punishment on the effective date of this amendment but at any time after that date corporal punishment will be prohibited in the district pursuant to division (A)(1) or (B) of this section, the board shall do both of the following prior to the date on which the prohibition takes effect:~~

~~(1) Adopt a disciplinary policy for the district that includes alternative disciplinary measures;~~

~~(2) Consider what in-service training, if any, school district employees might need as part of implementing the policy adopted under division (D)(1) of this section.~~

~~(E) A person employed or otherwise engaged as a teacher, principal, or administrator by a board of education permitting corporal punishment pursuant to division (A)(1) of this section or by a nonpublic school, except as otherwise provided by the governing authority of the nonpublic school, may inflict or cause to be inflicted reasonable corporal punishment upon a pupil~~

attending the school to which the person is assigned whenever such
punishment is reasonably necessary in order to preserve discipline
while the student is subject to school authority.

~~(F) A board of education of a school district that permits
the use of corporal punishment as a means of discipline pursuant
to a resolution adopted by the board pursuant to division (A)(1)
of this section shall permit as part of its discipline policy the
parents, guardian, or custodian of a child that is attending any
school within the school district to request that corporal
punishment not be used as a means of discipline on that child;
upon the receipt of a request of that nature, shall ensure that an
alternative disciplinary measure is applied with respect to that
child; and shall include a procedure for the exercise of that
option in the resolution adopted pursuant to division (A)(1) of
this section.~~

~~(G)~~(C) Persons employed or engaged as teachers, principals,
or administrators in a school, whether public or private, and
nonlicensed school employees and school bus drivers may, within
the scope of their employment, use and apply such amount of force
and restraint as is reasonable and necessary to quell a
disturbance threatening physical injury to others, to obtain
possession of weapons or other dangerous objects upon the person
or within the control of the pupil, for the purpose of
self-defense, or for the protection of persons or property.

Sec. 3319.51. (A) The state board of education shall
annually establish the amount of the fees required to be paid for
any license, certificate, or permit issued under this chapter or
division (B) of section 3301.071, under sections or section
3301.074, 3319.088, 3319.29, 3319.302, and 3319.304, and under
division (A) of section 3319.303 of the Revised Code. The amount
of these fees shall be such that they, along with any
appropriation made to the fund established under division (B) of

this section, will be sufficient to cover the annual estimated
cost of administering the ~~sections of law listed~~requirements
described under division (B) of this section.

(B) There is hereby established in the state treasury the
state board of education licensure fund, which shall be used by
the state board of education solely to pay the cost of
administering requirements related to the issuance and renewal of
licenses, certificates, and permits described in this chapter and
sections 3301.071, and 3301.074, 3319.088, 3319.22, 3319.29,
3319.291, 3319.301, 3319.302, 3319.303, 3319.304, and 3319.31 of
the Revised Code. The fund shall consist of the amounts paid into
the fund pursuant to division (B) of section 3301.071, and
sections 3301.074, 3319.088, and 3319.29, 3319.302, and 3319.304,
and division (A) of section 3319.303 of the Revised Code and any
appropriations to the fund by the general assembly.

Sec. 3319.56. The department of education shall identify
promising practices in Ohio and throughout the country for
engaging teachers certified by the national board for professional
teaching standards, ~~and other masterlead teachers, as defined who~~
meet the criteria adopted by the educator standards board pursuant
to section 3319.61 of the Revised Code, in ways that add value
beyond their own classrooms. Practices identified by the
department as promising may include placing national board
certified and ~~masterlead~~ masterlead teachers in key roles in peer review
programs; having such teachers serve as coaches, mentors, and
trainers for other teachers; or having such teachers develop
curricula or instructional integration strategies.

Once the department has identified promising practices, the
department shall inform all school districts of the practices by
posting such information on the department's world wide web site.

Sec. 3319.57. (A) A grant program is hereby established
under which the department of education shall award grants to

assist certain schools in a city, exempted village, local, or	63886
joint vocational school district in implementing one of the	63887
following innovations:	63888
(1) The use of instructional specialists to mentor and	63889
support classroom teachers;	63890
(2) The use of building managers to supervise the	63891
administrative functions of school operation so that a school	63892
principal can focus on supporting instruction, providing	63893
instructional leadership, and engaging teachers as part of the	63894
instructional leadership team;	63895
(3) The reconfiguration of school leadership structure in a	63896
manner that allows teachers to serve in leadership roles so that	63897
teachers may share the responsibility for making and implementing	63898
school decisions;	63899
(4) The adoption of new models for restructuring the school	63900
day or school year, such as including teacher planning and	63901
collaboration time as part of the school day;	63902
(5) The creation of smaller schools or smaller units within	63903
larger schools for the purpose of facilitating teacher	63904
collaboration to improve and advance the professional practice of	63905
teaching;	63906
(6) The implementation of "grow your own" recruitment	63907
strategies that are designed to assist individuals who show a	63908
commitment to education become licensed teachers, to assist	63909
experienced teachers obtain licensure in subject areas for which	63910
there is need, and to assist teachers in becoming principals;	63911
(7) The provision of better conditions for new teachers, such	63912
as reduced teaching load and reduced class size;	63913

(8) The provision of incentives to attract qualified mathematics, science, or special education teachers;	63914 63915
(9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas;	63916 63917 63918
(10) The implementation of a program to increase the cultural competency of both new and veteran teachers;	63919 63920
(11) The implementation of a program to increase the subject matter competency of veteran teachers.	63921 63922
(B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria:	63923 63924 63925
(1) Be hard to staff, as defined by the department.	63926
(2) Use existing school district funds for the implementation of the innovation in an amount equal to the grant amount multiplied by (1 - the district's state share percentage for the fiscal year in which the grant is awarded).	63927 63928 63929 63930
For purposes of division (B)(2) of this section, "state share percentage" ~~shall be as calculated under section 3317.022 of the Revised Code, in the case of a city, local, or exempted village school district, or as calculated under section 3317.16~~ <u>has the same meaning as in section 3306.02 of the Revised Code, in the case of a joint vocational school district.</u>	63931 63932 63933 63934 63935 63936
(C) The amount and number of grants awarded under this section shall be determined by the department based on any appropriations made by the general assembly for grants under this section.	63937 63938 63939 63940

(D) The state board of education shall adopt rules for the administration of this grant program.

Sec. 3319.60. There is hereby established the educator standards board. The board shall develop and recommend to the state board of education standards for entering and continuing in the ~~teaching and principalship~~ educator professions and standards for educator professional development. The board membership shall reflect the diversity of the state in terms of gender, race, ethnic background, and geographic distribution.

(A) The board shall consist of the following members:

(1) The following eighteen members appointed by the state board of education ~~within sixty days of the effective date of this section:~~

~~(1) Eight~~ (a) Ten persons employed as teachers in a school district. ~~Two~~ Three persons appointed under this division shall be employed as teachers in a secondary school, two persons shall be employed as teachers in a middle school, ~~two~~ three persons shall be employed as teachers in an elementary school, one person shall be employed as a teacher in a pre-kindergarten classroom, and one person shall be a teacher who serves on a local professional development committee pursuant to section 3319.22 of the Revised Code. At least one person appointed under this division shall hold a teaching certificate or license issued by the national board for professional teaching standards. The Ohio education association shall submit a list of ~~twelve~~ fourteen nominees for these appointments and the state board shall appoint ~~six~~ seven members to the educator standards board from that list. The Ohio federation of teachers shall submit a list of ~~four~~ six nominees for these appointments and the state board shall appoint ~~two~~ three members to the educator standards board from that list. If there is an insufficient number of nominees from both lists to satisfy the membership requirements of this division, the state

board shall request additional nominees who satisfy those requirements. 63973
63974

(2)(b) One person employed as a teacher in a chartered, 63975
nonpublic school. Stakeholder groups selected by the state board 63976
shall submit a list of two nominees for this appointment. 63977

(3) ~~Four~~(c) Five persons employed as school administrators 63978
in a school district. Of ~~the four~~ those five persons ~~appointed~~ 63979
~~under this division~~, one person shall be employed as a secondary 63980
school principal, one person shall be employed as a middle school 63981
principal, one person shall be employed as an elementary school 63982
principal, one person shall be employed as a school district 63983
treasurer or business manager, and one person shall be employed as 63984
a school district superintendent. The buckeye association of 63985
school administrators shall submit a list of two nominees for the 63986
school district superintendent, the Ohio association of school 63987
business officials shall submit a list of two nominees for the 63988
school district treasurer or business manager, the Ohio 63989
association of elementary school administrators shall submit a 63990
list of two nominees for the elementary school principal, and the 63991
Ohio association of secondary school administrators shall submit a 63992
list of two nominees for the middle school principal and a list of 63993
two nominees for the secondary school principal. 63994

(4)(d) One person who is a member of a school district board 63995
of education. The Ohio school boards association shall submit a 63996
list of two nominees for this appointment. 63997

(5) ~~Three persons employed by institutions of higher~~ 63998
~~education that offer teacher preparation programs approved under~~ 63999
~~section 3319.23 of the Revised Code. One person appointed under~~ 64000
~~this division shall be employed by an institution of higher~~ 64001
~~education that has a certificate of authorization under Chapter~~ 64002
~~1713. of the Revised Code; one person shall be employed by a state~~ 64003
~~university, as defined in section 3345.011 of the Revised Code, or~~ 64004

~~a university branch; and one person shall be employed by a state community college, community college, or technical college. Of the two persons appointed under this division from an institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code and from a state university or university branch, one shall be employed in a college of education and one shall be employed in a college of arts and sciences. The chancellor of the Ohio board of regents shall submit two slates of nominees for these appointments and the state board shall appoint one slate as members of the educator standards board.~~

(6)(e) One person who is a parent of a student currently enrolled in a school operated by a school district. The Ohio parent teacher association shall submit a list of two nominees for this appointment.

(2) The chancellor of the Ohio board of regents shall appoint three persons employed by institutions of higher education that offer educator preparation programs. One person shall be employed by an institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code; one person shall be employed by a state university, as defined in section 3345.011 of the Revised Code, or a university branch; and one person shall be employed by a state community college, community college, or technical college. Of the two persons appointed from an institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code and from a state university or university branch, one shall be employed in a college of education and one shall be employed in a college of arts and sciences.

(3) The superintendent of public instruction or a designee of the superintendent, the chancellor of the Ohio board of regents or a designee of the chancellor, and the chairpersons and the ranking minority members of the education committees of the senate and

house of representatives shall serve as nonvoting, ex officio members. 64037
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(B) ~~Initial terms of office for nine members shall be for two~~ 64039
~~years and three years for eight members, beginning on the day all~~ 64040
~~members are appointed to the board. At the first meeting of the~~ 64041
~~board, members shall draw lots to determine the length of the term~~ 64042
~~each member shall serve. Thereafter terms~~ Terms of office shall be 64043
for two years. Each member shall hold office from the date of the 64044
member's appointment until the end of the term for which the 64045
member was appointed. At the first meeting, appointed members 64046
shall select a chairperson and a vice-chairperson. Vacancies on 64047
the board shall be filled in the same manner as ~~the original~~ 64048
prescribed for appointments under division (A) of this section. 64049
Any member appointed to fill a vacancy occurring prior to the 64050
expiration of the term for which the member's predecessor was 64051
appointed shall hold office for the remainder of such term. Any 64052
member shall continue in office subsequent to the expiration date 64053
of the member's term until the member's successor takes office, or 64054
until a period of sixty days has elapsed, whichever occurs first. 64055
The terms of office of members are renewable. 64056

(C) Members shall receive no compensation for their services. 64057

(D) The board shall establish guidelines for its operation. 64058
These guidelines shall require the creation of a standing 64059
subcommittee on higher education, and shall permit the creation of 64060
other standing subcommittees when necessary. The board shall 64061
determine the membership of any subcommittee it creates. The board 64062
may select persons who are not members of the board to participate 64063
in the deliberations of any subcommittee as representatives of 64064
stakeholder groups, but no such person shall vote on any issue 64065
before the subcommittee. 64066

Sec. 3319.61. (A) The educator standards board, in 64067
consultation with the chancellor of the Ohio board of regents, 64068

shall do all of the following: 64069

(1) Develop state standards for teachers and principals that 64070
reflect what teachers and principals are expected to know and be 64071
able to do at all stages of their careers. These standards shall 64072
be aligned with the statewide academic content standards for 64073
students adopted pursuant to section 3301.079 of the Revised Code, 64074
be primarily based on educator performance instead of years of 64075
experience or certain courses completed, and rely on 64076
evidence-based factors. These standards shall also be aligned 64077
with the operating standards adopted under division (D)(3) of 64078
section 3301.07 of the Revised Code. 64079

(a) The standards for teachers shall reflect the following 64080
additional criteria: 64081

(i) Alignment with the interstate new teacher assessment and 64082
support consortium standards; 64083

(ii) Differentiation among novice, experienced, and advanced 64084
teachers; 64085

(iii) Reliance on competencies that can be measured; 64086

(iv) Reliance on content knowledge, teaching skills, 64087
discipline-specific teaching methods, and requirements for 64088
professional development; 64089

(v) Alignment with a career-long system of professional 64090
development and evaluation that ensures teachers receive the 64091
support and training needed to achieve the teaching standards as 64092
well as reliable feedback about how well they meet the standards; 64093

(vi) The standards under section 3301.079 of the Revised 64094
Code, including standards on collaborative learning environments 64095
and interdisciplinary, project-based, real-world learning and 64096

<u>differentiated instruction;</u>	64097
<u>(vii) The Ohio leadership framework.</u>	64098
(b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards.	64099 64100
(2) <u>Develop standards for school district superintendents that reflect what superintendents are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the buckeye association of school administrators standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.</u>	64101 64102 64103 64104 64105 64106 64107
(3) <u>Develop standards for school district treasurers and business managers that reflect what treasurers and business managers are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the association of school business officials international standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.</u>	64108 64109 64110 64111 64112 64113 64114 64115
(4) <u>Develop standards for the renewal of educator licenses under sections 3301.074 and 3319.22 of the Revised Code;</u>	64116 64117
~~(3)~~ (5) <u>Develop standards for educator professional development;</u>	64118 64119
(6) <u>Investigate and make recommendations for the creation, expansion, and implementation of school building and school district leadership academies.</u>	64120 64121 64122
<u>The superintendent of public instruction, the chancellor of the Ohio board of regents, or the education standards board itself</u>	64123 64124

may request that the educator standards board update, review, or 64125
reconsider any standards developed under this section. 64126

(B) The educator standards board shall incorporate indicators 64127
of cultural competency into the standards developed under division 64128
(A) of this section. For this purpose, the educator standards 64129
board shall develop a definition of cultural competency based upon 64130
content and experiences that enable educators to know, understand, 64131
and appreciate the students, families, and communities that they 64132
serve and skills for addressing cultural diversity in ways that 64133
respond equitably and appropriately to the cultural needs of 64134
individual students. 64135

(C) In developing the standards under division (A) of this 64136
section, the educator standards board shall consider the impact of 64137
the standards on closing the achievement gap between students of 64138
different subgroups. 64139

(D) In developing the standards under division (A) of this 64140
section, the educator standards board shall ensure ~~that~~both of 64141
the following: 64142

(1) That teachers and principals have sufficient knowledge to 64143
provide appropriate instruction for students identified as gifted 64144
pursuant to Chapter 3324. of the Revised Code and to assist in the 64145
identification of such students, and have sufficient knowledge 64146
that will enable teachers to provide learning opportunities for 64147
all children to succeed; 64148

(2) That principals, superintendents, school treasurers, and 64149
school business managers have sufficient knowledge to provide 64150
principled, collaborative, foresighted, and data-based leadership 64151
that will provide learning opportunities for all children to 64152
succeed. 64153

(E) The standards for educator professional development 64154

developed under division (A) ~~(3)~~ <u>(5)</u> of this section shall include	64155
~~standards~~ <u>the following:</u>	64156
<u>(1) Standards for the inclusion of local professional</u>	64157
<u>development committees established under section 3319.22 of the</u>	64158
<u>Revised Code in the planning and design of professional</u>	64159
<u>development;</u>	64160
<u>(2) Standards</u> that address the crucial link between academic	64161
achievement and mental health issues.	64162
(F) The educator standards board shall also perform the	64163
following functions:	64164
~~(1) Collaborate with colleges and universities that offer~~	64165
~~teacher preparation programs approved pursuant to section 3319.23~~	64166
~~of the Revised Code to align teacher and principal preparation~~	64167
~~courses with the standards developed under division (A) of this~~	64168
~~section and with student academic content standards adopted under~~	64169
~~section 3301.079 of the Revised Code. The educator standards board~~	64170
~~shall study the model developed by the college of food,~~	64171
~~agricultural, and environmental sciences and the college of~~	64172
~~education of the Ohio state university for aligning teacher~~	64173
~~preparation programs in agricultural education with recognized~~	64174
~~standards for this purpose.~~	64175
~~(2) Monitor compliance with the teacher and principal~~	64176
~~standards developed under division (A) of this section and make~~	64177
~~recommendations to the state board of education for appropriate~~	64178
~~corrective action if such standards are not met;~~	64179
~~(3)~~ <u>(2)</u> Research, develop, and recommend policies on the	64180
professions of teaching and school administration;	64181
~~(4)~~ <u>(3)</u> Recommend policies to close the achievement gap	64182
between students of different subgroups;	64183

~~(5)~~(4) Define a "master teacher" in a manner that can be used uniformly by all school districts;

(5) Adopt criteria that a candidate for a lead professional educator license under section 3319.22 of the Revised Code who does not hold a valid certificate issued by the national board for professional teaching standards must meet to be considered a lead teacher for purposes of division (B)(4)(d) of that section.
It is the intent of the general assembly that ~~when defining "master teacher,"~~ the educator standards board shall adopt multiple, equal-weighted criteria to use in determining whether a person is a ~~master~~lead teacher. ~~Such~~The criteria shall be in addition to the other standards and qualifications prescribed in division (B)(4) of section 3319.22 of the Revised Code. The criteria may include, but shall not be limited to, attainment of a master's degree in an appropriate subject area, completion of other educational levels beyond a master's degree or other professional development courses, certification by the national board for professional teaching standards, or demonstration of a leadership role in the teacher's school building or district. The board shall determine the number of criteria that a teacher shall satisfy to be recognized as a masterlead teacher, which shall not be the total number of criteria adopted by the board.

(6) Develop model teacher and principal evaluation instruments and processes. The models shall be based on the standards developed under division (A) of this section.

(7) Develop a method of measuring the academic improvement made by individual students during a one-year period and make recommendations for incorporating the measurement as one of multiple evaluation criteria into each of the following:

(a) Eligibility for a professional educator license, senior professional educator license, lead professional educator license,

or principal license issued under section 3319.22 of the Revised Code; 64215
64216

(b) The Ohio teacher residency program established under section 3319.223 of the Revised Code; 64217
64218

(c) The model teacher and principal evaluation instruments and processes developed under division (F)(6) of this section. 64219
64220

(G) The educator standards board shall submit recommendations 64221
of standards developed under division (A) of this section to the 64222
state board of education ~~within one year after the educator~~ 64223
~~standards board first convenes~~ not later than September 1, 2010. 64224
The state board of education shall review those recommendations at 64225
the state board's regular meeting that next succeeds the date that 64226
the recommendations are submitted to the state board. At that 64227
meeting, the state board of education shall vote to either adopt 64228
standards based on those recommendations or request that the 64229
educator standards board reconsider its recommendations. The state 64230
board of education shall articulate reasons for requesting 64231
reconsideration of the recommendations but shall not direct the 64232
content of the recommendations. The educator standards board shall 64233
reconsider its recommendations if the state board of education so 64234
requests, may revise the recommendations, and shall resubmit the 64235
recommendations, whether revised or not, to the state board not 64236
later than two weeks prior to the state board's regular meeting 64237
that next succeeds the meeting at which the state board requested 64238
reconsideration of the initial recommendations. The state board of 64239
education shall review the recommendations as resubmitted by the 64240
educator standards board at the state board's regular meeting that 64241
next succeeds the meeting at which the state board requested 64242
reconsideration of the initial recommendations and may adopt the 64243
standards as resubmitted or, if the resubmitted standards have not 64244
addressed the state board's concerns, the state board may modify 64245
the standards prior to adopting them. The final responsibility to 64246

determine whether to adopt standards as described in division (A) 64247
of this section and the content of those standards, if adopted, 64248
belongs solely to the state board of education. 64249

Sec. 3319.611. The subcommittee on standards for 64250
superintendents of the education standards board is hereby 64251
established. The subcommittee shall consist of the following 64252
members: 64253

(A) The school district superintendent appointed to the 64254
educator standards board under section 3319.60 of the Revised 64255
Code, who shall act as chairperson of the subcommittee; 64256

(B) Three additional school district superintendents 64257
appointed by the state board of education, for terms of two years. 64258
The buckeye association of school administrators shall submit a 64259
list of six nominees for appointments under this section. 64260

(C) Three additional members of the educator standards board, 64261
appointed by the chairperson of the educator standards board; 64262

(D) The superintendent of public instruction and the 64263
chancellor of the Ohio board of regents, or their designees, who 64264
shall serve as nonvoting, ex officio members of the subcommittee. 64265

Members of the subcommittee shall receive no compensation for 64266
their services. The members appointed under divisions (B) and (C) 64267
of this section may be reappointed. 64268

The subcommittee shall assist the educator standards board in 64269
developing the standards for superintendents and with any 64270
additional matters the educator standards board directs the 64271
subcommittee to examine. 64272

Sec. 3319.612. The subcommittee on standards for school 64273
treasurers and business managers of the educator standards board 64274

is hereby established. The subcommittee shall consist of the 64275
following members: 64276

(A) The school district treasurer or business manager 64277
appointed to the educator standards board under section 3319.60 of 64278
the Revised Code, who shall act as chairperson of the 64279
subcommittee; 64280

(B) Three additional school district treasurers or business 64281
managers appointed by the state board of education for terms of 64282
two years. The Ohio association of school business officials shall 64283
submit a list of six nominees for appointments under this section. 64284

(C) Three additional members of the educator standards board, 64285
appointed by the chairperson of the educator standards board; 64286

(D) The superintendent of public instruction and the 64287
chancellor of the Ohio board of regents, or their designees, who 64288
shall serve as nonvoting, ex officio members of the subcommittee. 64289

Members of the subcommittee shall receive no compensation for 64290
their services. The members appointed under divisions (B) and (C) 64291
of this section may be reappointed. 64292

The subcommittee shall assist the educator standards board in 64293
developing the standards for school treasurers and business 64294
managers and with any additional matters the educator standards 64295
board directs the subcommittee to examine. 64296

Sec. 3319.63. The board of education of a school district 64297
that employs any person who is appointed to serve as a member of 64298
the educator standards board under division (A)(1)(a) or ~~(3)(c)~~ of 64299
section 3319.60, as a member of the subcommittee on standards for 64300
superintendents under division (B) or (C) of section 3319.611, or 64301
as a member of the subcommittee on standards for school 64302
treasurers and business managers under division (B) or (C) of 64303

section 3319.612 of the Revised Code shall grant that person paid 64304
professional leave for the purpose of attending meetings and 64305
conducting official business of the educator standards board and 64306
the subcommittees. 64307

Sec. 3319.70. (A) The school health services advisory 64308
council is hereby established. The council shall consist of the 64309
following members: 64310

(1) A registered nurse licensed under Chapter 4723. of the 64311
Revised Code who also is licensed as a school nurse pursuant to 64312
section 3319.221 or former section 3319.22 of the Revised Code and 64313
is a member of the Ohio association of school nurses, appointed by 64314
the governor; 64315

(2) A representative of the board of nursing, appointed by 64316
the governor; 64317

(3) A representative of the department of health who has 64318
expertise in school and adolescent health services, appointed by 64319
the director of health; 64320

(4) A representative of the department of education, 64321
appointed by the superintendent of public instruction; 64322

(5) A representative of the chancellor of the Ohio board of 64323
regents, appointed by the chancellor; 64324

(6) A representative of a nurse education program, appointed 64325
by the chancellor; 64326

(7) A representative of the department of development who has 64327
expertise in workforce development, appointed by the director of 64328
development; 64329

(8) A representative of the department of job and family 64330

services who has expertise in child and adolescent care, appointed 64331
by the director of job and family services; 64332

(9) A representative of the public, appointed by the 64333
governor. 64334

(B) Initial appointments to the council shall be made within 64335
thirty days after the effective date of this section. Members of 64336
the council shall serve at the pleasure of their appointing 64337
authorities. Vacancies shall be filled in the same manner as the 64338
original appointment. Members shall receive no compensation for 64339
their services, except to the extent that service on the council 64340
is part of their regular employment duties. 64341

(C) The representative of the department of education shall 64342
call the first meeting of the council. At that meeting, the 64343
members shall select a chairperson and vice-chairperson. 64344
Subsequent meetings of the council shall be held at the call of 64345
the chairperson. 64346

Sec. 3319.71. (A) The school health services advisory council 64347
shall make recommendations on the following topics: 64348

(1) The content of the course of instruction required to 64349
obtain a school nurse license under section 3319.221 of the 64350
Revised Code; 64351

(2) The content of the course of instruction required to 64352
obtain a school nurse wellness coordinator license under section 64353
3319.221 of the Revised Code; 64354

(3) Best practices for the use of school nurses and school 64355
nurse wellness coordinators in providing health and wellness 64356
programs for students and employees of school districts, community 64357
schools established under Chapter 3314. of the Revised Code, and 64358
STEM schools established under Chapter 3326. of the Revised Code. 64359

(B) The council shall issue its initial recommendations not later than March 31, 2010, and may issue subsequent recommendations as it considers necessary. Copies of all recommendations shall be provided to the state board of education, the chancellor of the Ohio board of regents, the board of nursing, and the health care coverage and quality council.

Sec. 3321.01. (A)(1) As used in this chapter, "parent," "guardian," or "other person having charge or care of a child" means either parent unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. If the child is in the legal or permanent custody of a person or government agency, "parent" means that person or government agency. When a child is a resident of a home, as defined in section 3313.64 of the Revised Code, and the child's parent is not a resident of this state, "parent," "guardian," or "other person having charge or care of a child" means the head of the home.

A child between six and eighteen years of age is "of compulsory school age" for the purpose of sections 3321.01 to 3321.13 of the Revised Code. A child under six years of age who has been enrolled in kindergarten also shall be considered "of compulsory school age" for the purpose of sections 3321.01 to 3321.13 of the Revised Code unless at any time the child's parent or guardian, at the parent's or guardian's discretion and in consultation with the child's teacher and principal, formally withdraws the child from kindergarten. The compulsory school age of a child shall not commence until the beginning of the term of such schools, or other time in the school year fixed by the rules of the board of the district in which the child resides.

(2) No child shall be admitted to a kindergarten or a first grade of a public school in a district in which all children are

admitted to kindergarten and the first grade in August or 64392
September unless the child is five or six years of age, 64393
respectively, by the thirtieth day of September of the year of 64394
admittance, or by the first day of a term or semester other than 64395
one beginning in August or September in school districts granting 64396
admittance at the beginning of such term or semester, except that 64397
in those school districts using or obtaining educationally 64398
accepted standardized testing programs for determining entrance, 64399
as approved by the board of education of such districts, the board 64400
shall admit a child to kindergarten or the first grade who fails 64401
to meet the age requirement, provided the child meets necessary 64402
standards as determined by such standardized testing programs. If 64403
the board of education has not established a standardized testing 64404
program, the board shall designate the necessary standards and a 64405
testing program it will accept for the purpose of admitting a 64406
child to kindergarten or first grade who fails to meet the age 64407
requirement. Each child who will be the proper age for entrance to 64408
kindergarten or first grade by the first day of January of the 64409
school year for which admission is requested shall be so tested 64410
upon the request of the child's parent. 64411

(3) Notwithstanding divisions (A)(2) and (D) of this section, 64412
beginning with the school year that starts in 2001 and continuing 64413
thereafter the board of education of any district may adopt a 64414
resolution establishing the first day of August in lieu of the 64415
thirtieth day of September as the required date by which students 64416
must have attained the age specified in those divisions. 64417

(B) As used in divisions (C) and (D) of this section, 64418
"successfully completed kindergarten" and "successful completion 64419
of kindergarten" mean that the child has completed the 64420
kindergarten requirements at one of the following: 64421

(1) A public or chartered nonpublic school; 64422

(2) A kindergarten class that is both of the following: 64423

(a) Offered by a day-care provider licensed under Chapter 5104. of the Revised Code;	64424 64425
(b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:	64426 64427
(i) A valid educator license issued under section 3319.22 of the Revised Code;	64428 64429
(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;	64430 64431 64432
(iii) Certification determined under division (G) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;	64433 64434 64435
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	64436 64437
(C) Except as provided in division (D) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.	64438 64439 64440
(D) Upon request of a parent, the requirement of division (C) of this section may be waived by the district's pupil personnel services committee in the case of a child who is at least six years of age by the thirtieth day of September of the year of admittance and who demonstrates to the satisfaction of the committee the possession of the social, emotional, and cognitive skills necessary for first grade.	64441 64442 64443 64444 64445 64446 64447
The board of education of each city, local, and exempted village school district shall establish a pupil personnel services committee. The committee shall be composed of all of the following	64448 64449 64450

to the extent such personnel are either employed by the district
or employed by the governing board of the educational service
center within whose territory the district is located and the
educational service center generally furnishes the services of
such personnel to the district:

(1) The director of pupil personnel services;

(2) An elementary school counselor;

(3) An elementary school principal;

(4) A school psychologist;

(5) A teacher assigned to teach first grade;

(6) A gifted coordinator.

The responsibilities of the pupil personnel services
committee shall be limited to the issuing of waivers allowing
admittance to the first grade without the successful completion of
kindergarten. The committee shall have no other authority except
as specified in this section.

(E) The scheduling of times for kindergarten classes and
length of the school day for kindergarten shall be determined by
the board of education of a city, exempted village, or local
school district, subject to section 3321.05 of the Revised Code.

(F) Any kindergarten class offered by a day-care provider or
school described by division (B)(1) or (B)(2)(a) of this section
shall be developmentally appropriate.

(G) Upon written request of a day-care provider described by
division (B)(2)(a) of this section, the department of education
shall determine whether certification held by a teacher employed
by the provider meets the requirement of division (B)(2)(b)(iii)

of this section and, if so, shall furnish the provider a statement
to that effect.

(H) ~~As used in this division, "all-day kindergarten" has the
same meaning as in section 3317.029 of the Revised Code.~~

~~(1) Any school district that is not eligible to receive
poverty-based assistance for all-day kindergarten under division
(D) of section 3317.029 of the Revised Code may charge fees or
tuition for students enrolled in all-day kindergarten. If a
district charges fees or tuition for all-day kindergarten under
this division, the district shall develop a sliding fee scale
based on family incomes.~~

(2) The department of education shall conduct an annual
survey of each school district ~~described in division (H)(1) of
this section~~ to determine the following:

~~(a) Whether the district charges fees or tuition for students
enrolled in all-day kindergarten;~~

~~(b) The amount of the fees or tuition charged;~~

~~(c)(1) How many of the students for whom tuition is charged
are eligible for free lunches under the "National School Lunch
Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as
amended, and how many of the students for whom tuition is charged
are eligible for reduced price lunches under those acts;~~

~~(d)(2) How many students are enrolled in traditional half-day
kindergarten rather than and how many students are enrolled in
all-day kindergarten, as defined in section 3321.05 of the Revised
Code.~~

Each district shall report to the department, in the manner

prescribed by the department, the information ~~described in~~ 64506
~~divisions (H)(2)(a) to (d) of this section~~required by this 64507
division. 64508

The department shall issue an annual report on the results of 64509
the survey and shall post the report on its web site. The 64510
department shall issue the first report not later than April 30, 64511
2008, and shall issue a report not later than the thirtieth day of 64512
April each year thereafter. 64513

Sec. 3321.041. (A) As used in this section, "extracurricular 64514
activity" means a pupil activity program that a school or school 64515
district operates and is not included in the school district's 64516
graded course of study, including an interscholastic 64517
extracurricular activity that a school or school district sponsors 64518
or participates in and that has participants from more than one 64519
school or school district. 64520

(B) Beginning in the 2009-2010 school year, if a student 64521
enrolled in a school district is absent from school for the sole 64522
purpose of traveling out of the state to participate in an 64523
enrichment activity approved by the district board of education or 64524
in an extracurricular activity, the district shall count that 64525
absence as an excused absence, up to a maximum of four days per 64526
school year. The district shall require any such student to 64527
complete any classroom assignments that the student misses because 64528
of the absence. 64529

(C) If a student will be absent from school for four or more 64530
consecutive school days for a purpose described in division (B) of 64531
this section, a classroom teacher employed by the school district 64532
shall accompany the student during the travel period to provide 64533
the student with instructional assistance. 64534

Sec. 3321.05. (A) As used in this section, "all-day 64535
kindergarten" means a kindergarten class that is in session five 64536

days per week for not less than the same number of clock hours 64537
each day as for students in grades one through six. 64538

(B) Any school district may operate all-day kindergarten or 64539
extended kindergarten, but ~~not~~ beginning in fiscal year 2011, each 64540
city, local, and exempted village school district shall provide 64541
all-day kindergarten to each student enrolled in kindergarten, 64542
except as specified in divisions (C) and (D) of this section. 64543

(C) The board of education of a school district may apply to 64544
the superintendent of public instruction for a waiver of the 64545
requirement to provide all-day kindergarten for all kindergarten 64546
students. In making the determination to grant or deny the waiver, 64547
the state superintendent may consider space concerns or 64548
alternative delivery approaches used by the school district. 64549

(D) No district shall require any student to attend 64550
kindergarten for more than one-half of the number of clock hours 64551
required each day for ~~traditional kindergarten~~ grades one through 64552
six by the minimum standards adopted under division (D) of section 64553
3301.07 of the Revised Code. Each school district ~~that operates~~ 64554
~~all-day or extended kindergarten~~ shall accommodate kindergarten 64555
students whose parents or guardians elect to enroll them for 64556
one-half of the minimum number of hours required each day for 64557
grades one through six. 64558

(E) A school district may use space in child day-care centers 64559
licensed under Chapter 5104. of the Revised Code to provide 64560
all-day kindergarten under this section. 64561

Sec. 3323.05. The state board of education shall establish 64562
procedures to ensure that children with disabilities and their 64563
parents are guaranteed procedural safeguards under this chapter 64564
with respect to a free appropriate public education. 64565

The procedures shall include, but need not be limited to: 64566

(A) An opportunity for the parents of a child with a disability to examine all records related to the child and to participate in meetings with respect to identification, evaluation, and educational placement of the child, and to obtain an independent educational evaluation of the child;

(B) Procedures to protect the rights of the child whenever the parents of the child are not known, an agency after making reasonable efforts cannot find the parents, or the child is a ward of the state, including the assignment, ~~in accordance with section 3323.051 of the Revised Code,~~ of an individual to act as a surrogate for the parents; made by the school district or other educational agency responsible for educating the child or by the court with jurisdiction over the child's custody. Such assignment shall be made in accordance with section 3323.051 of the Revised Code.

(C) Prior written notice to the child's parents of a school district's proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate education for the child. The procedures established under this division shall:

(1) Be designed to ensure that the written prior notice is in the native language of the parents, unless it clearly is not feasible to do so.

(2) Specify that the prior written notice shall include:

(a) A description of the action proposed or refused by the district;

(b) An explanation of why the district proposes or refuses to take the action and a description of each evaluation procedure, assessment, record, or report the district used as a basis for the

proposed or refused action;	64596
(c) A statement that the parents of a child with a disability have protection under the procedural safeguards and, if the notice is not in regard to an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;	64597 64598 64599 64600 64601
(d) Sources for parents to contact to obtain assistance in understanding the provisions of Part B of the "Individuals with Disabilities Education Improvement Act of 2004";	64602 64603 64604
(e) A description of other options considered by the IEP team and the reason why those options were rejected;	64605 64606
(f) A description of the factors that are relevant to the agency's proposal or refusal.	64607 64608
(D) An opportunity for the child's parents to present complaints to the superintendent of the child's school district of residence with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education under this chapter.	64609 64610 64611 64612 64613 64614
Within twenty school days after receipt of a complaint, the district superintendent or the superintendent's designee, without undue delay and at a time and place convenient to all parties, shall review the case, may conduct an administrative review, and shall notify all parties in writing of the superintendent's or designee's decision. Where the child is placed in a program operated by a county MR/DD board or other educational agency, the superintendent shall consult with the administrator of that county MR/DD board or agency.	64615 64616 64617 64618 64619 64620 64621 64622 64623
Any party aggrieved by the decision of the district	64624

superintendent or the superintendent's designee may file a 64625
complaint with the state board as provided under division (E) of 64626
this section, request mediation as provided under division (F) of 64627
this section, or present a due process complaint notice and 64628
request for a due process hearing in writing to the superintendent 64629
of the district, with a copy to the state board, as provided under 64630
division (G) of this section. 64631

(E) An opportunity for a party to file a complaint with the 64632
state board of education with respect to the identification, 64633
evaluation, or educational placement of the child, or the 64634
provision of a free appropriate public education to such child. 64635
The department of education shall review and, where appropriate, 64636
investigate the complaint and issue findings. 64637

(F) An opportunity for parents and a school district to 64638
resolve through mediation disputes involving any matter. 64639

(1) The procedures established under this section shall 64640
ensure that the mediation process is voluntary on the part of the 64641
parties, is not used to deny or delay a parent's right to a due 64642
process hearing or to deny any other rights afforded under this 64643
chapter, and is conducted by a qualified and impartial mediator 64644
who is trained in effective mediation techniques. 64645

(2) A school district may establish procedures to offer to 64646
parents and schools that choose not to use the mediation process, 64647
an opportunity to meet, at a time and location convenient to the 64648
parents, with a disinterested party to encourage the use, and 64649
explain the benefits, of the mediation process to the parents. The 64650
disinterested party shall be an individual who is under contract 64651
with a parent training and information center or community parent 64652
resource center in the state or is under contract with an 64653
appropriate alternative dispute resolution entity. 64654

(3) The department shall maintain a list of individuals who 64655

are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.	64656 64657 64658
(4) The department shall bear the cost of the mediation process, including the costs of meetings described in division (F)(2) of this section.	64659 64660 64661
(5) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.	64662 64663 64664
(6) Discussions that occur during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding.	64665 64666 64667
(7) In the case that a resolution is reached to resolve the complaint through the mediation process, the parties shall execute a legally binding agreement that sets forth the resolution and that:	64668 64669 64670 64671
(a) States that all discussions that occurred during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding;	64672 64673 64674 64675
(b) Is signed by both the parent and a representative for the school district who has the authority to bind the district;	64676 64677
(c) Is enforceable in any state court of competent jurisdiction or in a district court of the United States.	64678 64679
(G)(1) An opportunity for parents or a school district to present a due process complaint and request for a due process hearing to the superintendent of the school district of the child's residence with respect to the identification, evaluation,	64680 64681 64682 64683

or educational placement of the child, or the provision of a free
appropriate public education to the child. The party presenting
the due process complaint and request for a due process hearing
shall provide due process complaint notice to the other party and
forward a copy of the notice to the state board. The due process
complaint notice shall include:

(a) The name of the child, the address of the residence of
the child, or the available contact information in the case of a
homeless child, and the name of the school the child is attending;

(b) A description of the nature of the problem of the child
relating to the proposed initiation or change, including facts
relating to the problem;

(c) A proposed resolution of the problem to the extent known
and available to the party at the time.

A party shall not have a due process hearing until the party,
or the attorney representing the party, files a notice that meets
the requirement for filing a due process complaint notice.

A due process hearing shall be conducted by an impartial
hearing officer in accordance with standards and procedures
adopted by the state board. A hearing officer shall not be an
employee of the state board or any agency involved in the
education or care of the child or a person having a personal or
professional interest that conflicts with the person's objectivity
in the hearing. A hearing officer shall possess knowledge of, and
the ability to understand, the provisions of the "Individuals with
Disabilities Education Improvement Act of 2004," federal and state
regulations pertaining to that act, and legal interpretations of
that act by federal and state courts; possess the knowledge and
ability to conduct hearings in accordance with appropriate
standard legal practice; and possess the knowledge and ability to
render and write decisions in accordance with appropriate standard

legal practice. The due process requirements of section 615 of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1415, apply to due process complaint notices and requests for due process hearings and to due process hearings held under division (G) of this section, including, but not limited to, timelines for requesting hearings, requirements for sufficient complaint notices, resolution sessions, and sufficiency and hearing decisions.

(2) Discussions that occur during a resolution session shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding. If a resolution to the dispute is reached at a resolution session, the parties must execute a legally binding written settlement agreement which shall state that all discussions that occurred during the resolution process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding.

(3) A party to a hearing under division (G) of this section shall be accorded:

(a) The right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

(b) The right to present evidence and confront, cross-examine, and compel the attendance of witnesses;

(c) The right to a written or electronic verbatim record of the hearing;

(d) The right to written findings of fact and decisions, which findings of fact and decisions shall be made available to the public consistent with the requirements relating to the confidentiality of personally identifiable data, information, and

records collected and maintained by state educational agencies and 64745
local educational agencies; and shall be transmitted to the 64746
advisory panel established and maintained by the department for 64747
the purpose of providing policy guidance with respect to special 64748
education and related services for children with disabilities in 64749
the state. 64750

(H) An opportunity for any party aggrieved by the findings 64751
and decision rendered in a hearing under division (G) of this 64752
section to appeal within forty-five days of notification of the 64753
decision to the state board, which shall appoint a state level 64754
officer who shall review the case and issue a final order. The 64755
state level officer shall be appointed and shall review the case 64756
in accordance with standards and procedures adopted by the state 64757
board. 64758

Any party aggrieved by the final order of the state level 64759
officer may appeal the final order, in accordance with Chapter 64760
119. of the Revised Code, within forty-five days after 64761
notification of the order to the court of common pleas of the 64762
county in which the child's school district of residence is 64763
located, or to a district court of the United States within 64764
ninety days after the date of the decision of the state level 64765
review officer, as provided in section 615(i)(2) of the 64766
"Individuals with Disabilities Education Improvement Act of 64767
2004," 20 U.S.C. 1415(i)(2). 64768

Sec. 3323.091. (A) The department of mental health, the 64769
department of mental retardation and developmental disabilities, 64770
the department of youth services, and the department of 64771
rehabilitation and correction shall establish and maintain special 64772
education programs for children with disabilities in institutions 64773
under their jurisdiction according to standards adopted by the 64774
state board of education. 64775

(B) The superintendent of each state institution required to 64776

provide services under division (A) of this section, and each
county MR/DD board, providing special education for preschool
children with disabilities under this chapter may apply to the
state department of education for unit funding, which shall be
paid in accordance with sections 3317.052 and 3317.053 of the
Revised Code.

The superintendent of each state institution required to
provide services under division (A) of this section may apply to
the department of education for special education and related
services weighted funding for children with disabilities other
than preschool children with disabilities, calculated in
accordance with section 3317.201 of the Revised Code.

Each county MR/DD board providing special education for
children with disabilities other than preschool children with
disabilities may apply to the department of education for base
cost and special education and related services weighted funding
calculated in accordance with section 3317.20 of the Revised
Code.

(C) In addition to the authorization to apply for state
funding described in division (B) of this section, each state
institution required to provide services under division (A) of
this section is entitled to tuition payments calculated in the
manner described in division (C) of this section.

On or before the thirtieth day of June of each year, the
superintendent of each institution that during the school year
provided special education pursuant to this section shall prepare
a statement for each child with a disability under twenty-two
years of age who has received special education. The statement
shall contain the child's data verification code assigned
pursuant to division (D)(2) of section 3301.0714 of the Revised
Code and the name of the child's school district of residence.
Within sixty days after receipt of such statement, the department

of education shall perform one of the following: 64809

(1) For any child except a preschool child with a disability 64810
described in division (C)(2) of this section, pay to the 64811
institution submitting the statement an amount equal to the 64812
tuition calculated under division (A) of section 3317.08 of the 64813
Revised Code for the period covered by the statement, and deduct 64814
the same from the amount of state funds, if any, payable under 64815
sections ~~3317.022~~3306.13 and 3317.023 of the Revised Code, to the 64816
child's school district of residence or, if the amount of such 64817
state funds is insufficient, require the child's school district 64818
of residence to pay the institution submitting the statement an 64819
amount equal to the amount determined under this division. 64820

(2) For any preschool child with a disability not included 64821
in a unit approved under division (B) of section 3317.05 of the 64822
Revised Code, perform the following: 64823

(a) Pay to the institution submitting the statement an amount 64824
equal to the tuition calculated under division (B) of section 64825
3317.08 of the Revised Code for the period covered by the 64826
statement, except that in calculating the tuition under that 64827
section the operating expenses of the institution submitting the 64828
statement under this section shall be used instead of the 64829
operating expenses of the school district of residence; 64830

(b) Deduct from the amount of state funds, if any, payable 64831
under sections 3317.022 or 3306.13 and 3317.023 of the Revised 64832
Code to the child's school district of residence an amount equal 64833
to the amount paid under division (C)(2)(a) of this section. 64834

Sec. 3323.14. This section does not apply to any preschool 64835
child with a disability except if included in a unit approved 64836
under division (B) of section 3317.05 of the Revised Code. 64837

(A) Where a child who is a school resident of one school 64838

district receives special education from another district and the 64839
per capita cost to the educating district for that child exceeds 64840
the sum of the amount received by the educating district for that 64841
child under division (A) of section 3317.08 of the Revised Code 64842
and the amount received by the district from the state board of 64843
education for that child, then the board of education of the 64844
district of residence shall pay to the board of the school 64845
district that is providing the special education such excess cost 64846
as is determined by using a formula approved by the department of 64847
education and agreed upon in contracts entered into by the boards 64848
of the districts concerned at the time the district providing 64849
such special education accepts the child for enrollment. The 64850
department shall certify the amount of the payments under ~~Chapter~~ 64851
Chapters 3306. and 3317. of the Revised Code for such pupils 64852
with disabilities for each school year ending on the thirtieth 64853
day of July. 64854

(B) In the case of a child described in division (A) of this 64855
section who has been placed in a home, as defined in section 64856
3313.64 of the Revised Code, pursuant to the order of a court and 64857
who is not subject to section 3323.141 of the Revised Code, the 64858
district providing the child with special education and related 64859
services may charge to the child's district of residence the 64860
excess cost determined by formula approved by the department, 64861
regardless of whether the district of residence has entered into a 64862
contract with the district providing the services. If the district 64863
providing the services chooses to charge excess costs, the 64864
district may report the amount calculated under this division to 64865
the department. 64866

(C) If a district providing special education for a child 64867
reports an amount for the excess cost of those services, as 64868
authorized and calculated under division (A) or (B) of this 64869
section, the department shall pay that amount of excess cost to 64870
the district providing the services and shall deduct that amount 64871

from the child's district of residence in accordance with division 64872
(N) of section 3317.023 of the Revised Code. 64873

Sec. 3323.142. This section does not apply to any preschool 64874
child with a disability except if included in a unit approved 64875
under division (B) of section 3317.05 of the Revised Code. 64876

As used in this section, "per pupil amount" for a preschool 64877
child with a disability included in such an approved unit means 64878
the amount determined by dividing the amount received for the 64879
classroom unit in which the child has been placed by the number of 64880
children in the unit. For any other child, "per pupil amount" 64881
means the amount paid for the child under section 3317.20 of the 64882
Revised Code. 64883

When a school district places or has placed a child with a 64884
county MR/DD board for special education, but another district is 64885
responsible for tuition under section 3313.64 or 3313.65 of the 64886
Revised Code and the child is not a resident of the territory 64887
served by the county MR/DD board, the board may charge the 64888
district responsible for tuition with the educational costs in 64889
excess of the per pupil amount received by the board under ~~Chapter~~ 64890
Chapters 3306. and 3317. of the Revised Code. The amount of the 64891
excess cost shall be determined by the formula established by 64892
rule of the department of education under section 3323.14 of the 64893
Revised Code, and the payment for such excess cost shall be made 64894
by the school district directly to the county MR/DD board. 64895

A school district board of education and the county MR/DD 64896
board that serves the school district may negotiate and contract, 64897
at or after the time of placement, for payments by the board of 64898
education to the county MR/DD board for additional services 64899
provided to a child placed with the county MR/DD board and whose 64900
individualized education program established pursuant to section 64901
3323.08 of the Revised Code requires additional services that are 64902
not routinely provided children in the county MR/DD board's 64903

program but are necessary to maintain the child's enrollment and participation in the program. Additional services may include, but are not limited to, specialized supplies and equipment for the benefit of the child and instruction, training, or assistance provided by staff members other than staff members for which funding is received under Chapter 3306. or 3317. of the Revised Code.

Sec. 3324.05. (A) Each school district shall submit an annual report to the department of education specifying the number of students in each of grades kindergarten through twelfth screened, the number assessed, and the number identified as gifted in each category specified in section 3324.03 of the Revised Code.

(B) The department of education shall audit each school district's identification numbers at least once every three years and may select any district at random or upon complaint or suspicion of noncompliance for a further audit to determine compliance with sections 3324.03 to 3324.06 of the Revised Code.

(C) The department shall provide technical assistance to any district found in noncompliance under division (B) of this section. The department may reduce funds received by the district under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code by any amount if the district continues to be noncompliant.

Sec. 3325.08. (A) A diploma shall be granted by the superintendent of the state school for the blind and the superintendent of the state school for the deaf to any student enrolled in one of these state schools to whom all of the following apply:

(1) The student has successfully completed the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code;

(2) Subject to section 3313.614 of the Revised Code, the student has met the assessment requirements of division (A)(2)(a) or (b) of this section, as applicable.

(a) If the student entered the ninth grade prior to the date prescribed by rule of the state board of education under division (E)(2) of section 3301.0712 of the Revised Code, the student either:

~~(a)~~(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the ~~tests~~assessments prescribed by that division unless division (L) of section 3313.61 of the Revised Code applies to the student;

~~(b)~~(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the student entered the ninth grade on or after the date prescribed by rule of the state board under division (E)(2) of section 3301.0712 of the Revised Code, the student has attained on the entire assessment system prescribed under division (B)(2) of section 3301.0710 of the Revised Code at least the required passing composite score, designated under division (C)(1) of section 3301.0712 of the Revised Code, except to the extent that division (L) of section 3313.61 of the Revised Code applies to the student.

(3) The student is not eligible to receive an honors diploma granted pursuant to division (B) of this section.

No diploma shall be granted under this division to anyone except as provided under this division.

(B) In lieu of a diploma granted under division (A) of this section, the superintendent of the state school for the blind and

the superintendent of the state school for the deaf shall grant 64963
an honors diploma, in the same manner that the boards of 64964
education of school districts grant such diplomas under division 64965
(B) of section 3313.61 of the Revised Code, to any student 64966
enrolled in one of these state schools who accomplishes all of 64967
the following: 64968

(1) Successfully completes the individualized education 64969
program developed for the student for the student's high school 64970
education pursuant to section 3323.08 of the Revised Code; 64971

(2) Subject to section 3313.614 of the Revised Code, has met 64972
the assessment requirements of division (B)(2)(a) or (b) of this 64973
section, as applicable. 64974

(a) If the student entered the ninth grade prior to the date 64975
prescribed by rule of the state board under division (E)(2) of 64976
section 3301.0712 of the Revised Code, the student either: 64977

~~(a)~~(i) Has attained at least the applicable scores designated 64978
under division (B)(1) of section 3301.0710 of the Revised Code on 64979
all the ~~tests~~assessments prescribed under that division; 64980

~~(b)~~(ii) Has satisfied the alternative conditions prescribed 64981
in section 3313.615 of the Revised Code. 64982

(b) If the student entered the ninth grade on or after the 64983
date prescribed by rule of the state board under division (E)(2) 64984
of section 3301.0712 of the Revised Code, the student has 64985
attained on the entire assessment system prescribed under 64986
division (B)(2) of section 3301.0710 of the Revised Code at least 64987
the required passing composite score, designated under division 64988
(C)(1) of section 3301.0712 of the Revised Code. 64989

(3) Has met additional criteria for granting an honors 64990
diploma. 64991

These additional criteria shall be the same as those prescribed by the state board under division (B) of section 3313.61 of the Revised Code for the granting of such diplomas by school districts. No honors diploma shall be granted to anyone failing to comply with this division and not more than one honors diploma shall be granted to any student under this division.

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(C) A diploma or honors diploma awarded under this section shall be signed by the superintendent of public instruction and the superintendent of the state school for the blind or the superintendent of the state school for the deaf, as applicable. Each diploma shall bear the date of its issue and be in such form as the school superintendent prescribes.

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(D) Upon granting a diploma to a student under this section, the superintendent of the state school in which the student is enrolled shall provide notice of receipt of the diploma to the board of education of the school district where the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code when not residing at the state school for the blind or the state school for the deaf. The notice shall indicate the type of diploma granted.

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Sec. 3326.02. There is hereby established a STEM ~~subcommittee of the partnership for continued learning~~committee consisting of the following members:

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(A) The superintendent of public instruction;

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(B) The chancellor of the Ohio board of regents;

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(C) The director of development;

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(D) Four members of the public, two of whom shall be appointed by the governor, one of whom shall be appointed by the

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speaker of the house of representatives, and one of whom shall be
appointed by the president of the senate. Members of the public
shall be appointed based on their expertise in business or in
STEM fields ~~and shall not be at large members of the partnership~~
~~for continued learning~~. The initial members of the ~~subcommittee~~
committee shall be appointed under division (D) of this section
not later than forty-five days after ~~the effective date of this~~
~~section~~ June 30, 2007.

All members of the ~~subcommittee~~committee appointed under
division (D) of this section shall serve at the pleasure of
their appointing authority.

Members of the ~~subcommittee~~committee shall receive no
compensation for their services. The department of education
shall provide administrative support for the committee.

Sec. 3326.03. (A) The STEM ~~subcommittee~~committee shall
authorize the establishment of and award grants to science,
technology, engineering, and mathematics schools through a
request for proposals.

The STEM ~~subcommittee~~committee may approve up to five STEM
schools to operate under this chapter in the school year that
begins July 1, 2008. The limit prescribed in this paragraph does
not affect the number of schools that may be approved for
operation in subsequent school years.

No STEM school established under this chapter may open for
instruction earlier than July 1, 2008.

The ~~subcommittee~~committee shall determine the criteria for
the proposals, accept and evaluate the proposals, and choose
which proposals to approve to become a STEM school and to receive
grants. In approving proposals for STEM schools, the ~~subcommittee~~
committee shall consider locating the schools in diverse

geographic regions of the state so that all students have access to a STEM school.	65050 65051
(B) Proposals may be submitted only by a partnership of public and private entities consisting of at least all of the following:	65052 65053 65054
(1) A city, exempted village, local, or joint vocational school district;	65055 65056
(2) Higher education entities;	65057
(3) Business organizations.	65058
(C) Each proposal shall include at least the following:	65059
(1) Assurances that the STEM school will be under the oversight of a governing body and a description of the members of that governing body and how they will be selected;	65060 65061 65062
(2) Assurances that the STEM school will operate in compliance with this chapter and the provisions of the proposal as accepted by the ~~subcommittee~~ <u>committee</u> ;	65063 65064 65065
(3) Evidence that the school will offer a rigorous, diverse, integrated, and project-based curriculum to students in any of grades six through twelve, with the goal to prepare those students for college, the workforce, and citizenship, and that does all of the following:	65066 65067 65068 65069 65070
(a) Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;	65071 65072
(b) Incorporates scientific inquiry and technological design;	65073
(c) Includes the arts and humanities;	65074

(d) Emphasizes personalized learning and teamwork skills.	65075
(4) Evidence that the school will attract school leaders who support the curriculum principles of division (C)(3) of this section;	65076 65077 65078
(5) A description of how the school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;	65079 65080 65081
(6) Evidence that the school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development;	65082 65083 65084
(7) Evidence that the school will operate in collaboration with a partnership that includes institutions of higher education and businesses;	65085 65086 65087
(8) Assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities;	65088 65089 65090
(9) A description of how the school's assets will be distributed if the school closes for any reason.	65091 65092
Sec. 3326.04. (A) The STEM ~~subcommittee~~ <u>committee</u> shall award grants to support the operation of STEM programs of excellence to serve students in any of grades kindergarten through eight through a request for proposals.	65093 65094 65095 65096
(B) Proposals may be submitted by any of the following:	65097
(1) The board of education of a city, exempted village, or local school district;	65098 65099
(2) The governing authority of a community school established	65100

under Chapter 3314. of the Revised Code. 65101

(C) Each proposal shall demonstrate to the satisfaction of 65102
the STEM ~~subcommittee~~committee that the program meets at least 65103
the following standards: 65104

(1) The program will serve all students enrolled in the 65105
district or school in the grades for which the program is 65106
designed. 65107

(2) The program will offer a rigorous and diverse curriculum 65108
that is based on scientific inquiry and technological design, that 65109
emphasizes personalized learning and teamwork skills, and that 65110
will expose students to advanced scientific concepts within and 65111
outside the classroom. 65112

(3) The program will not limit participation of students on 65113
the basis of intellectual ability, measures of achievement, or 65114
aptitude. 65115

(4) The program will utilize an established capacity to 65116
capture and share knowledge for best practices and innovative 65117
professional development. 65118

(5) The program will operate in collaboration with a 65119
partnership that includes institutions of higher education and 65120
businesses. 65121

(6) The program will include teacher professional development 65122
strategies that are augmented by community and business partners. 65123

(D) The STEM ~~subcommittee~~committee shall give priority to 65124
proposals for new or expanding innovative programs. 65125

Sec. 3326.05. The ~~partnership for continued learning, through~~ 65126
the STEM ~~subcommittee~~committee may make recommendations to the 65127

general assembly and the governor for the training of STEM educators. 65128
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Sec. 3326.06. ~~The partnership for continued learning, through~~ 65130
~~the STEM subcommittee,~~ committee shall work with an Ohio-based 65131
nonprofit enterprise selected by the ~~subcommittee~~ committee to 65132
support the strategic and operational coordination of public and 65133
private STEM education initiatives and resources focused on 65134
curriculum development, instruction, assessment, teacher quality 65135
enhancement, leadership recruitment and training, and community 65136
engagement. The nonprofit enterprise selected by the STEM 65137
~~subcommittee~~ committee shall have the proven ability to 65138
accumulate resources to enhance education quality across the 65139
educational continuum, from preschool to college, shall have 65140
experience in large-scale management of science and technology 65141
resources, and shall have a documented institutional mission to 65142
advance STEM education. 65143

Sec. 3326.07. Each science, technology, engineering, and 65144
mathematics school established under this chapter is a public 65145
school, is part of the state's program of education, and may 65146
continue in operation for as long as the school is in compliance 65147
with the provisions of this chapter and with the proposal for its 65148
establishment as approved by the STEM ~~subcommittee~~ committee. If 65149
the school closes for any reason, its assets shall be distributed 65150
in the manner provided in the proposal for its establishment as 65151
required by division (C)(9) of section 3326.03 of the Revised 65152
Code. 65153

Sec. 3326.08. (A) The governing body of each science, 65154
technology, engineering, and mathematics school shall employ and 65155
fix the compensation for the administrative officers, teachers, 65156
and nonteaching employees of the STEM school necessary for the 65157
school to carry out its mission and shall oversee the operations 65158
of the school. The governing body of each STEM school shall 65159

employ a chief administrative officer to serve as the school's instructional and administrative leader. The chief administrative officer shall be granted the authority to oversee the recruitment, retention, and employment of teachers and nonteaching employees.

(B) The department of education shall monitor the oversight of each STEM school exercised by the school's governing body and shall monitor the school's compliance with this chapter and with the proposal for the establishment of the school as it was approved by the STEM ~~subcommittee of the partnership for continued learning~~ committee under section 3326.04 of the Revised Code. If the department finds that the school is not in compliance with this chapter or with the proposal, the department shall consult with the STEM ~~subcommittee~~ committee, and the ~~subcommittee~~ committee may order the school to close on the last day of the school year in which the ~~subcommittee~~ committee issues its order.

(C) The governing body of each STEM school shall comply with sections 121.22 and 149.43 of the Revised Code.

Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, ~~3301.0712~~, 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.86, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191,

3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117.,
1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123.,
4141., and 4167. of the Revised Code as if it were a school
district.

Sec. 3326.14. Each science, technology, engineering, and
mathematics school and its governing body shall administer the
~~tests~~assessments required by sections 3301.0710 ~~and~~, 3301.0711,
and 3301.0712 of the Revised Code, as if it were a school
district, except that, notwithstanding any provision of those
sections to the contrary, any student enrolled in a grade lower
than the tenth grade in a STEM school may take one or more of
the Ohio graduation tests prescribed under division (B)(1) of
section 3301.0710 of the Revised Code on any of the dates
prescribed ~~in division (C)(3) of that section~~ for that
assessment.

Sec. 3326.20. (A) As used in this section, "native student"
means a student entitled to attend school in the school district
under section 3313.64 or 3313.65 of the Revised Code.

(B) Unless the proposal for the establishment of a science,
technology, engineering, and mathematics school, as it was
approved by the STEM ~~subcommittee of the partnership for~~
continued learning committee under section 3326.03 of the Revised
Code, otherwise provides for the transportation of students to
and from the STEM school, the board of education of each city,
local, and exempted village school district shall provide
transportation to and from school for its district's native
students enrolled in the STEM school in the same manner that
section 3327.01 of the Revised Code requires for its native
students enrolled in nonpublic schools.

Sec. 3326.23. The governing body of each science,
technology, engineering, and mathematics school annually shall
provide the following assurances in writing to the department of

education not later than ten business days prior to the opening of the school:	65224 65225
(A) That the school has a plan for providing special education and related services to students with disabilities and has demonstrated the capacity to provide those services in accordance with Chapter 3323. of the Revised Code and federal law;	65226 65227 65228 65229 65230
(B) That the school has a plan and procedures for administering the achievement ~~tests~~ and diagnostic assessments prescribed by sections 3301.0710, <u>3301.0712</u> , and 3301.0715 of the Revised Code;	65231 65232 65233 65234
(C) That school personnel have the necessary training, knowledge, and resources to properly use and submit information to all databases maintained by the department for the collection of education data, including the education management information system established under section 3301.0714 of the Revised Code;	65235 65236 65237 65238 65239
(D) That all required information about the school has been submitted to the Ohio education directory system or any successor system;	65240 65241 65242
(E) That all classroom teachers are licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code or are engaged to teach pursuant to section 3319.301 of the Revised Code;	65243 65244 65245
(F) That the school's treasurer is in compliance with section 3326.21 of the Revised Code;	65246 65247
(G) That the school has complied with sections 3319.39 and 3319.391 of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing body members;	65248 65249 65250 65251

(H) That the school holds all of the following:	65252
(1) Proof of property ownership or a lease for the facilities used by the school;	65253 65254
(2) A certificate of occupancy;	65255
(3) Liability insurance for the school, as required by section 3326.11 of the Revised Code;	65256 65257
(4) A satisfactory health and safety inspection;	65258
(5) A satisfactory fire inspection;	65259
(6) A valid food permit, if applicable.	65260
(I) That the governing body has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	65261 65262 65263
(J) That the school has designated a date it will open for the school year for which the assurances are provided;	65264 65265
(K) That the school has met all of the governing body's requirements for opening and any other requirements of the governing body.	65266 65267 65268
Sec. 3326.33. ~~For~~ <u>Payments and deductions under this section for fiscal years 2010 and 2011 shall be made in accordance with section 3326.39 of the Revised Code.</u>	65269 65270 65271
<u>For</u> each student enrolled in a science, technology, engineering, and mathematics school established under this chapter, the department of education annually shall deduct from the state education aid of a student's resident school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the	65272 65273 65274 65275 65276 65277

school the sum of the following:	65278
(A) The sum of the formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.	65279 65280 65281
(B) If the student is receiving special education and related services pursuant to an IEP, the product of the applicable special education weight times the formula amount;	65282 65283 65284
(C) If the student is enrolled in vocational education programs or classes that are described in section 3317.014 of the Revised Code, are provided by the school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, the product of the applicable vocational education weight times the formula amount times the percentage of time the student spends in the vocational education programs or classes;	65285 65286 65287 65288 65289 65290 65291 65292 65293
(D) If the student is included in the poverty student count of the student's resident district, the per pupil amount of the district's payment under division (C) of section 3317.029 of the Revised Code;	65294 65295 65296 65297
(E) If the student is identified as limited English proficient and the student's resident district receives a payment for services to limited English proficient students under division (F) of section 3317.029 of the Revised Code, the per pupil amount of the district's payment under that division, calculated in the same manner as per pupil payments are calculated under division (C)(6) of section 3314.08 of the Revised Code;	65298 65299 65300 65301 65302 65303 65304
(F) If the student's resident district receives a payment under division (G), (H), or (I) of section 3317.029 of the Revised Code, the per pupil amount of the district's payments under each	65305 65306 65307

division, calculated in the same manner as per pupil payments are
calculated under divisions (C)(7) and (8) of section 3314.08 of
the Revised Code;

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(G) If the student's resident district receives a parity aid
payment under section 3317.0217 of the Revised Code, the per pupil
amount calculated for the district under division (C) or (D) of
that section.

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Sec. 3326.36. The department of education shall reduce the
amounts paid to a science, technology, engineering, and
mathematics school under section 3326.33 of the Revised Code to
reflect payments made to colleges under division (B) of section
3365.07 of the Revised Code or through alternative funding
agreements entered into under rules adopted under section 3365.12
of the Revised Code. A student shall be considered enrolled in
the school for any portion of the school year the student is
attending a college under Chapter 3365. of the Revised Code.

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Sec. 3326.37. The department of education shall not pay to
a science, technology, engineering, and mathematics school any
amount for any of the following:

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(A) Any student who has graduated from the twelfth grade of a
public or nonpublic school;

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(B) Any student who is not a resident of the state;

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(C) Any student who was enrolled in a STEM school during the
previous school year when ~~tests~~assessments were administered
under section 3301.0711 of the Revised Code but did not take one
or more of the ~~tests~~assessments required by that section and was
not excused pursuant to division (C)(1) or (3) of that section,
unless the superintendent of public instruction grants the
student a waiver from the requirement to take the ~~test~~
assessment. The superintendent may grant a waiver only for good

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cause in accordance with rules adopted by the state board of
education.

(D) Any student who has attained the age of twenty-two years,
except for veterans of the armed services whose attendance was
interrupted before completing the recognized twelve-year course of
the public schools by reason of induction or enlistment in the
armed forces and who apply for enrollment in a STEM school not
later than four years after termination of war or their honorable
discharge. If, however, any such veteran elects to enroll in
special courses organized for veterans for whom tuition is paid
under federal law, or otherwise, the department shall not pay to
the school any amount for that veteran.

Sec. 3326.39. For purposes of applying sections 3326.31 to
3326.37 of the Revised Code to fiscal years 2010 and 2011:

(A) The formula amount for STEM schools for fiscal year 2010
is \$5,718, and for fiscal year 2011 is \$5,703. These respective
amounts shall be applied wherein sections 3326.31 to 3326.37 of
the Revised Code the formula amount is specified, except for
deducting and paying amounts for special education weighted
funding and vocational education weighted funding.

(B) The base funding supplements under section 3317.012 of
the Revised Code shall be deemed in each year to be the amounts
specified in that section for fiscal year 2009.

(C) Special education additional weighted funding shall be
calculated by multiplying the applicable weight specified in
section 3317.013 of the Revised Code for fiscal year 2009 times
\$5,732.

(D) Vocational education additional weighted funding shall be
calculated by multiplying the applicable weight specified in
section 3317.014 of the Revised Code for fiscal year 2009 times

<u>\$5,732.</u>	65368
(E) <u>The per pupil amounts paid to a school district under sections 3317.029 and 3317.0217 of the Revised Code shall be deemed to be the respective per pupil amounts paid under those sections to that district for fiscal year 2009.</u>	65369 65370 65371 65372
Sec. 3326.51. (A) As used in this section:	65373
(1) "Resident district" has the same meaning as in section 3326.31 of the Revised Code.	65374 65375
(2) "STEM school sponsoring district" means a municipal, city, local, exempted village, or joint vocational school district that governs and controls a STEM school pursuant to this section.	65376 65377 65378
(B) Notwithstanding any other provision of this chapter to the contrary:	65379 65380
(1) If a proposal for a STEM school submitted under section 3326.03 of the Revised Code proposes that the governing body of the school be the board of education of a municipal, city, local, exempted village, or joint vocational school district that is one of the partners submitting the proposal, and the ~~partnership for continued learning~~ <u>STEM committee</u> approves that proposal, that school district board shall govern and control the STEM school as one of the schools of its district.	65381 65382 65383 65384 65385 65386 65387 65388
(2) The STEM school sponsoring district shall maintain a separate accounting for the STEM school as a separate and distinct operational unit within the district's finances. The auditor of state, in the course of an annual or biennial audit of the school district serving as the STEM school sponsoring district, shall audit that school district for compliance with the financing requirements of this section.	65389 65390 65391 65392 65393 65394 65395

(3) With respect to students enrolled in a STEM school whose resident district is the STEM school sponsoring district:	65396 65397
(a) The department of education shall make no deductions under section 3326.33 of the Revised Code from the STEM school sponsoring district's state payments.	65398 65399 65400
(b) The STEM school sponsoring district shall ensure that it allocates to the STEM school funds equal to or exceeding the amount that would be calculated pursuant to division (B) of section 3313.981 of the Revised Code for the students attending the school whose resident district is the STEM school sponsoring district.	65401 65402 65403 65404 65405 65406
(c) The STEM school sponsoring district is responsible for providing children with disabilities with a free appropriate public education under Chapter 3323. of the Revised Code.	65407 65408 65409
(d) The STEM school sponsoring district shall provide student transportation in accordance with laws and policies generally applicable to the district.	65410 65411 65412
(4) With respect to students enrolled in the STEM school whose resident district is another school district, the department shall make no payments or deductions under sections 3326.31 to 3326.49 of the Revised Code. Instead, the students shall be considered as open enrollment students and the department shall make payments and deductions in accordance with section 3313.981 of the Revised Code. The STEM school sponsoring district shall allocate the payments to the STEM school. The STEM school sponsoring district may enter into financial agreements with the students' resident districts, which agreements may provide financial support in addition to the funds received from the open enrollment calculation. The STEM school sponsoring district shall allocate all such additional funds to the STEM school.	65413 65414 65415 65416 65417 65418 65419 65420 65421 65422 65423 65424 65425

(5) Where the department is required to make, deny, reduce, or adjust payments to a STEM school sponsoring district pursuant to this section, it shall do so in such a manner that the STEM school sponsoring district may allocate that action to the STEM school.

(6) A STEM school sponsoring district and its board may assign its district employees to the STEM school, in which case section 3326.18 of the Revised Code shall not apply. The district and board may apply any other resources of the district to the STEM school in the same manner that it applies district resources to other district schools.

(7) Provisions of this chapter requiring a STEM school and its governing body to comply with specified laws as if it were a school district and in the same manner as a board of education shall instead require such compliance by the STEM school sponsoring district and its board of education, respectively, with respect to the STEM school. Where a STEM school or its governing body is required to perform a specific duty or permitted to take a specific action under this chapter, that duty is required to be performed or that action is permitted to be taken by the STEM school sponsoring district or its board of education, respectively, with respect to the STEM school.

(8) No provision of this chapter limits the authority, as provided otherwise by law, of a school district and its board of education to levy taxes and issue bonds secured by tax revenues.

(9) The treasurer of the STEM school sponsoring district or, if the STEM school sponsoring district is a municipal school district, the chief financial officer of the district, shall have all of the respective rights, authority, exemptions, and duties otherwise conferred upon the treasurer or chief financial officer by the Revised Code.

Sec. 3327.02. (A) After considering each of the following	65457
factors, the board of education of a city, exempted village, or	65458
local school district may determine that it is impractical to	65459
transport a pupil who is eligible for transportation to and from a	65460
school under section 3327.01 of the Revised Code:	65461
(1) The time and distance required to provide the	65462
transportation;	65463
(2) The number of pupils to be transported;	65464
(3) The cost of providing transportation in terms of	65465
equipment, maintenance, personnel, and administration;	65466
(4) Whether similar or equivalent service is provided to	65467
other pupils eligible for transportation;	65468
(5) Whether and to what extent the additional service	65469
unavoidably disrupts current transportation schedules;	65470
(6) Whether other reimbursable types of transportation are	65471
available.	65472
(B)(1) Based on its consideration of the factors established	65473
in division (A) of this section, the board may pass a resolution	65474
declaring the impracticality of transportation. The resolution	65475
shall include each pupil's name and the reason for impracticality.	65476
(2) The board shall report its determination to the state	65477
board of education in a manner determined by the state board.	65478
(3) The board of education of a local school district	65479
additionally shall submit the resolution for concurrence to the	65480
educational service center that contains the local district's	65481
territory. If the educational service center governing board	65482
considers transportation by school conveyance practicable, it	65483

shall so inform the local board and transportation shall be 65484
provided by such local board. If the educational service center 65485
board agrees with the view of the local board, the local board may 65486
offer payment in lieu of transportation as provided in this 65487
section. 65488

(C) After passing the resolution declaring the impracticality 65489
of transportation, the district board shall offer to provide 65490
payment in lieu of transportation by doing the following: 65491

(1) In accordance with guidelines established by the 65492
department of education, informing the pupil's parent, guardian, 65493
or other person in charge of the pupil of both of the following: 65494

(a) The board's resolution; 65495

(b) The right of the pupil's parent, guardian, or other 65496
person in charge of the pupil to accept the offer of payment in 65497
lieu of transportation or to reject the offer and instead request 65498
the department to initiate mediation procedures. 65499

(2) Issuing the pupil's parent, guardian, or other person in 65500
charge of the pupil a contract or other form on which the parent, 65501
guardian, or other person in charge of the pupil is given the 65502
option to accept or reject the board's offer of payment in lieu of 65503
transportation. 65504

(D) If the parent, guardian, or other person in charge of the 65505
pupil accepts the offer of payment in lieu of providing 65506
transportation, the board shall pay the parent, guardian, or other 65507
person in charge of the child an amount that shall be not less 65508
than the amount determined by the department of education as the 65509
minimum for payment in lieu of transportation, and not more than 65510
the amount determined by the department as the average cost of 65511
pupil transportation for the previous school year. Payment may be 65512
prorated if the time period involved is only a part of the school 65513

year. 65514

(E)(1)(a) Upon the request of a parent, guardian, or other 65515
person in charge of the pupil who rejected the payment in lieu of 65516
transportation, the department shall conduct mediation procedures. 65517

(b) If the mediation does not resolve the dispute, the state 65518
board of education shall conduct a hearing in accordance with 65519
Chapter 119. of the Revised Code. The state board may approve the 65520
payment in lieu of transportation or may order the board of 65521
education to provide transportation. The decision of the state 65522
board is binding in subsequent years and on future parties in 65523
interest provided the facts of the determination remain 65524
comparable. 65525

(2) The school district shall provide transportation for the 65526
pupil from the time the parent, guardian, or other person in 65527
charge of the pupil requests mediation until the matter is 65528
resolved under division (E)(1)(a) or (b) of this section. 65529

(F)(1) If the department determines that a school district 65530
board has failed or is failing to provide transportation as 65531
required by division (E)(2) of this section or as ordered by the 65532
state board under division (E)(1)(b) of this section, the 65533
department shall order the school district board to pay to the 65534
pupil's parent, guardian, or other person in charge of the pupil, 65535
an amount equal to the state average daily cost of transportation 65536
as determined by the state board of education for the previous 65537
year. The school district board shall make payments on a schedule 65538
ordered by the department. 65539

(2) If the department subsequently finds that a school 65540
district board is not in compliance with an order issued under 65541
division (F)(1) of this section and the affected pupils are 65542
enrolled in a nonpublic or community school, the department shall 65543
deduct the amount that the board is required to pay under that 65544

order from any payments the department makes to the school 65545
district board under ~~division (D)~~ of section ~~3317.022~~3306.12 of 65546
the Revised Code. The department shall use the moneys so deducted 65547
to make payments to the nonpublic or community school attended by 65548
the pupil. The department shall continue to make the deductions 65549
and payments required under this division until the school 65550
district board either complies with the department's order issued 65551
under division (F)(1) of this section or begins providing 65552
transportation. 65553

(G) A nonpublic or community school that receives payments 65554
from the department under division (F)(2) of this section shall do 65555
either of the following: 65556

(1) Disburse the entire amount of the payments to the parent, 65557
guardian, or other person in control of the pupil affected by the 65558
failure of the school district of residence to provide 65559
transportation; 65560

(2) Use the entire amount of the payments to provide 65561
acceptable transportation for the affected pupil. 65562

Sec. 3327.04. (A) The board of education of any city, 65563
exempted village, or local school district may contract with the 65564
board of another district for the admission or transportation, or 65565
both, of pupils into any school in such other district, on terms 65566
agreed upon by such boards. 65567

(B) The boards of two school districts may enter into a 65568
contract under this section to share the provision of 65569
transportation to a child who resides in one school district and 65570
attends school in the other district. Under such an agreement, 65571
one district may claim the total transportation subsidy available 65572
for such child under ~~division (D)~~ of section ~~3317.022~~3306.12 of 65573
the Revised Code and may agree to pay any portion of such subsidy 65574
to the other district sharing the provision of transportation to 65575

that child. The contract shall delineate the transportation
responsibilities of each district.

A school district that enters into a contract under this
section is not liable for any injury, death, or loss to the person
or property of a student that may occur while the student is being
furnished transportation by the other school district that is a
party to the contract.

(C) Whenever a board not maintaining a high school enters
into an agreement with one or more boards maintaining such school
for the schooling of all its high school pupils, the board making
such agreement is exempt from the payment of tuition at other high
schools of pupils living within three miles of the school
designated in the agreement. In case no such agreement is entered
into, the high school to be attended can be selected by the pupil
holding an eighth grade diploma, and the tuition shall be paid by
the board of the district of school residence.

Sec. 3327.05. (A) Except as provided in division (B) of this
section, no board of education of any school district shall
provide transportation for any pupil who is a school resident of
another school district unless the pupil is enrolled pursuant to
section 3313.98 of the Revised Code or the board of the other
district has given its written consent thereto. If the board of
any school district files with the state board of education a
written complaint that transportation for resident pupils is being
provided by the board of another school district contrary to this
division, the state board of education shall make an investigation
of such complaint. If the state board of education finds that
transportation is being provided contrary to this section, it may
withdraw from state funds due the offending district any part of
the amount that has been approved for transportation pursuant to
~~division (D) of section 3317.02~~23306.12 of the Revised Code.

(B) Notwithstanding division (D) of section 3311.19 and

division (D) of section 3311.52 of the Revised Code, this division
does not apply to any joint vocational or cooperative education
school district.

A board of education may provide transportation to and from
the nonpublic school of attendance if both of the following apply:

(1) The parent, guardian, or other person in charge of the
pupil agrees to pay the board for all costs incurred in providing
the transportation that are not reimbursed pursuant to Chapter
3306. or 3317. of the Revised Code;

(2) The pupil's school district of residence does not provide
transportation for public school pupils of the same grade as the
pupil being transported under this division, or that district is
not required under section 3327.01 of the Revised Code to
transport the pupil to and from the nonpublic school because the
direct travel time to the nonpublic school is more than thirty
minutes.

Upon receipt of the request to provide transportation, the
board shall review the request and determine whether the board
will accommodate the request. If the board agrees to transport the
pupil, the board may transport the pupil to and from the nonpublic
school and a collection point in the district, as determined by
the board. If the board transports the pupil, the board may
include the pupil in the district's transportation ADM reported to
the department of education under section 3317.03 of the Revised
Code and, accordingly, may receive a state payment under ~~division~~
~~(D) of section 3317.02~~ 3306.12 of the Revised Code for
transporting the pupil.

If the board declines to transport the pupil, the board, in a
written communication to the parent, guardian, or other person in
charge of the pupil, shall state the reasons for declining the
request.

Sec. 3327.10. (A) No person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from the educational service center governing board in case such person is employed by a service center or by a local school district under the supervision of the service center governing board, or by the superintendent of schools, in case such person is employed by the board of a city or exempted village school district, certifying that such person is at least eighteen years of age and is of good moral character and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the state board of education of each driver to ascertain the driver's physical fitness for such employment. Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(1) of this section, or upon a conviction or a guilty plea for a violation, or any other action, that results in a loss or suspension of driving rights. Failure to comply with such division may be cause for disciplinary action or termination of employment under division (C) of section 3319.081, or section 124.34 of the Revised Code.

(B) No person shall be employed as driver of a school bus or motor van not subject to the rules of the department of education pursuant to division (A) of this section who has not received a certificate from the school administrator or contractor certifying that such person is at least eighteen years of age, is of good moral character, and is qualified physically and otherwise for such position. Each driver shall have an annual physical examination which conforms to the state highway patrol rules,

ascertaining the driver's physical fitness for such employment.	65672
The examination shall be performed by one of the following:	65673
(1) A person licensed under Chapter 4731. of the Revised Code	65674
or by another state to practice medicine and surgery or	65675
osteopathic medicine and surgery;	65676
(2) A physician assistant;	65677
(3) A certified nurse practitioner;	65678
(4) A clinical nurse specialist;	65679
(5) A certified nurse-midwife.	65680
Any written documentation of the physical examination shall	65681
be completed by the individual who performed the examination.	65682
Any certificate may be revoked by the authority granting the	65683
same on proof that the holder has been guilty of failing to comply	65684
with division (D)(2) of this section.	65685
(C) Any person who drives a school bus or motor van must give	65686
satisfactory and sufficient bond except a driver who is an	65687
employee of a school district and who drives a bus or motor van	65688
owned by the school district.	65689
(D) No person employed as driver of a school bus or motor van	65690
under this section who is convicted of a traffic violation or who	65691
has had the person's commercial driver's license suspended shall	65692
drive a school bus or motor van until the person has filed a	65693
written notice of the conviction or suspension, as follows:	65694
(1) If the person is employed under division (A) of this	65695
section, the person shall file the notice with the superintendent,	65696
or a person designated by the superintendent, of the school	65697
district for which the person drives a school bus or motor van as	65698

an employee or drives a privately owned and operated school bus or
motor van under contract.

(2) If employed under division (B) of this section, the
person shall file the notice with the employing school
administrator or contractor, or a person designated by the
administrator or contractor.

(E) In addition to resulting in possible revocation of a
certificate as authorized by divisions (A) and (B) of this
section, violation of division (D) of this section is a minor
misdemeanor.

(F)(1) Not later than thirty days after June 30, 2007, each
owner of a school bus or motor van shall obtain the complete
driving record for each person who is currently employed or
otherwise authorized to drive the school bus or motor van. An
owner of a school bus or motor van shall not permit a person to
operate the school bus or motor van for the first time before the
owner has obtained the person's complete driving record.
Thereafter, the owner of a school bus or motor van shall obtain
the person's driving record not less frequently than semiannually
if the person remains employed or otherwise authorized to drive
the school bus or motor van. An owner of a school bus or motor
van shall not permit a person to resume operating a school bus or
motor van, after an interruption of one year or longer, before the
owner has obtained the person's complete driving record.

(2) The owner of a school bus or motor van shall not permit a
person to operate the school bus or motor van for six years after
the date on which the person pleads guilty to or is convicted of
a violation of section 4511.19 of the Revised Code or a
substantially equivalent municipal ordinance.

(3) An owner of a school bus or motor van shall not permit
any person to operate such a vehicle unless the person meets all

other requirements contained in rules adopted by the state board 65730
of education prescribing qualifications of drivers of school 65731
buses and other student transportation. 65732

(G) No superintendent of a school district, educational 65733
service center, community school, or public or private employer 65734
shall permit the operation of a vehicle used for pupil 65735
transportation within this state by an individual unless both of 65736
the following apply: 65737

(1) Information pertaining to that driver has been submitted 65738
to the department of education, pursuant to procedures adopted by 65739
that department. Information to be reported shall include the name 65740
of the employer or school district, name of the driver, driver 65741
license number, date of birth, date of hire, status of physical 65742
evaluation, and status of training. 65743

(2) The most recent criminal records check required by 65744
division (J) of this section, ~~including information from the~~ 65745
~~federal bureau of investigation,~~ has been completed and received 65746
by the superintendent or public or private employer. 65747

(H) A person, school district, educational service center, 65748
community school, nonpublic school, or other public or nonpublic 65749
entity that owns a school bus or motor van, or that contracts with 65750
another entity to operate a school bus or motor van, may impose 65751
more stringent restrictions on drivers than those prescribed in 65752
this section, in any other section of the Revised Code, and in 65753
rules adopted by the state board. 65754

(I) For qualified drivers who, on July 1, 2007, are employed 65755
by the owner of a school bus or motor van to drive the school 65756
bus or motor van, any instance in which the driver was convicted 65757
of or pleaded guilty to a violation of section 4511.19 of the 65758
Revised Code or a substantially equivalent municipal ordinance 65759
prior to two years prior to July 1, 2007, shall not be 65760

considered a disqualifying event with respect to division (F) of
this section.

(J)(1) This division applies to persons hired by a school
district, educational service center, community school, chartered
nonpublic school, or science, technology, engineering, and
mathematics school established under Chapter 3326. of the Revised
Code to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on
or after November 14, 2007, the employer shall request a
criminal records check in accordance with section 3319.39 of the
Revised Code and every six years thereafter. For each person to
whom this division applies who is hired prior to that date, the
employer shall request a criminal records check by a date
prescribed by the department of education and every six years
thereafter.

(2) This division applies to persons hired by a public or
private employer not described in division (J)(1) of this section
to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on
or after November 14, 2007, the employer shall request a
criminal records check prior to the person's hiring and every
six years thereafter. For each person to whom this division
applies who is hired prior to that date, the employer shall
request a criminal records check by a date prescribed by the
department and every six years thereafter.

(3) Each request for a criminal records check under division
(J) of this section shall be made to the superintendent of the
bureau of criminal identification and investigation in the manner
prescribed in section 3319.39 of the Revised Code, except that if
both of the following conditions apply to the person subject to
the records check, the employer shall request the superintendent

only to obtain any criminal records that the federal bureau of 65792
investigation has on the person: 65793

(a) The employer previously requested the superintendent to 65794
determine whether the bureau of criminal identification and 65795
investigation has any information, gathered pursuant to division 65796
(A) of section 109.57 of the Revised Code, on the person in 65797
conjunction with a criminal records check requested under section 65798
3319.39 of the Revised Code or under division (J) of this section. 65799

(b) The person presents proof that the person has been a 65800
resident of this state for the five-year period immediately prior 65801
to the date upon which the person becomes subject to a criminal 65802
records check under this section. ~~Upon~~ 65803

Upon receipt of a request, the ~~bureau~~ superintendent shall 65804
conduct the criminal records check in accordance with section 65805
109.572 of the Revised Code as if the request had been made under 65806
section 3319.39 of the Revised Code. However, as specified in 65807
division (B)(2) of section 109.572 of the Revised Code, if the 65808
employer requests the superintendent only to obtain any criminal 65809
records that the federal bureau of investigation has on the person 65810
for whom the request is made, the superintendent shall not conduct 65811
the review prescribed by division (B)(1) of that section. 65812

(K) Any person who is the subject of a criminal records check 65813
under division (J) of this section and has been convicted of or 65814
pleaded guilty to any offense described in division (C) of 65815
section 3319.31 of the Revised Code shall not be hired or shall 65816
be released from employment. 65817

Sec. 3329.16. If the superintendent of public instruction 65818
determines that a school district has expended for other purposes 65819
any moneys appropriated by the general assembly for the specific 65820
purpose of purchasing textbooks or other instructional materials, 65821
the superintendent shall notify the school district of this 65822

determination within seven days and shall deduct the amount so
expended from payments otherwise due to the district under Chapter
3306. or 3317. of the Revised Code.

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Sec. 3333.04. The chancellor of the Ohio board of regents
shall:

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(A) Make studies of state policy in the field of higher
education and formulate a master plan for higher education for the
state, considering the needs of the people, the needs of the
state, and the role of individual public and private institutions
within the state in fulfilling these needs;

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(B)(1) Report annually to the governor and the general
assembly on the findings from the chancellor's studies and the
master plan for higher education for the state;

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(2) Report at least semiannually to the general assembly and
the governor the enrollment numbers at each state-assisted
institution of higher education.

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(C) Approve or disapprove the establishment of new branches
or academic centers of state colleges and universities;

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(D) Approve or disapprove the establishment of state
technical colleges or any other state institution of higher
education;

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(E) Recommend the nature of the programs, undergraduate,
graduate, professional, state-financed research, and public
services which should be offered by the state colleges,
universities, and other state-assisted institutions of higher
education in order to utilize to the best advantage their
facilities and personnel;

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(F) Recommend to the state colleges, universities, and other

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state-assisted institutions of higher education graduate or 65851
professional programs, including, but not limited to, doctor of 65852
philosophy, doctor of education, and juris doctor programs, that 65853
could be eliminated because they constitute unnecessary 65854
duplication, as shall be determined using the process developed 65855
pursuant to this division, or for other good and sufficient cause. 65856
Prior to recommending a program for elimination, the chancellor 65857
shall request the board of regents to hold at least one public 65858
hearing on the matter and advise the chancellor on whether the 65859
program should be recommended for elimination. The board shall 65860
provide notice of each hearing within a reasonable amount of time 65861
prior to its scheduled date. Following the hearing, the board 65862
shall issue a recommendation to the chancellor. The chancellor 65863
shall consider the board's recommendation but shall not be 65864
required to accept it. 65865

For purposes of determining the amounts of any state 65866
instructional subsidies paid to state colleges, universities, and 65867
other state-assisted institutions of higher education, the 65868
chancellor may exclude students enrolled in any program that the 65869
chancellor has recommended for elimination pursuant to this 65870
division except that the chancellor shall not exclude any such 65871
student who enrolled in the program prior to the date on which the 65872
chancellor initially commences to exclude students under this 65873
division. 65874

The chancellor and state colleges, universities, and other 65875
state-assisted institutions of higher education shall jointly 65876
develop a process for determining which existing graduate or 65877
professional programs constitute unnecessary duplication. 65878

(G) Recommend to the state colleges, universities, and other 65879
state-assisted institutions of higher education programs which 65880
should be added to their present programs; 65881

(H) Conduct studies for the state colleges, universities, and 65882

other state-assisted institutions of higher education to assist 65883
them in making the best and most efficient use of their existing 65884
facilities and personnel; 65885

(I) Make recommendations to the governor and general assembly 65886
concerning the development of state-financed capital plans for 65887
higher education; the establishment of new state colleges, 65888
universities, and other state-assisted institutions of higher 65889
education; and the establishment of new programs at the existing 65890
state colleges, universities, and other institutions of higher 65891
education; 65892

(J) Review the appropriation requests of the public community 65893
colleges and the state colleges and universities and submit to the 65894
office of budget and management and to the chairpersons of the 65895
finance committees of the house of representatives and of the 65896
senate the chancellor's recommendations in regard to the biennial 65897
higher education appropriation for the state, including 65898
appropriations for the individual state colleges and universities 65899
and public community colleges. For the purpose of determining the 65900
amounts of instructional subsidies to be paid to state-assisted 65901
colleges and universities, the chancellor shall define "full-time 65902
equivalent student" by program per academic year. The definition 65903
may take into account the establishment of minimum enrollment 65904
levels in technical education programs below which support 65905
allowances will not be paid. Except as otherwise provided in this 65906
section, the chancellor shall make no change in the definition of 65907
"full-time equivalent student" in effect on November 15, 1981, 65908
which would increase or decrease the number of subsidy-eligible 65909
full-time equivalent students, without first submitting a fiscal 65910
impact statement to the president of the senate, the speaker of 65911
the house of representatives, the legislative service commission, 65912
and the director of budget and management. The chancellor shall 65913
work in close cooperation with the director of budget and 65914
management in this respect and in all other matters concerning the 65915

expenditures of appropriated funds by state colleges, 65916
universities, and other institutions of higher education. 65917

(K) Seek the cooperation and advice of the officers and 65918
trustees of both public and private colleges, universities, and 65919
other institutions of higher education in the state in performing 65920
the chancellor's duties and making the chancellor's plans, 65921
studies, and recommendations; 65922

(L) Appoint advisory committees consisting of persons 65923
associated with public or private secondary schools, members of 65924
the state board of education, or personnel of the state department 65925
of education; 65926

(M) Appoint advisory committees consisting of college and 65927
university personnel, or other persons knowledgeable in the field 65928
of higher education, or both, in order to obtain their advice and 65929
assistance in defining and suggesting solutions for the problems 65930
and needs of higher education in this state; 65931

(N) Approve or disapprove all new degrees and new degree 65932
programs at all state colleges, universities, and other 65933
state-assisted institutions of higher education; 65934

(O) Adopt such rules as are necessary to carry out the 65935
chancellor's duties and responsibilities. The rules shall 65936
prescribe procedures for the chancellor to follow when taking 65937
actions associated with the chancellor's duties and 65938
responsibilities and shall indicate which types of actions are 65939
subject to those procedures. The procedures adopted under this 65940
division shall be in addition to any other procedures prescribed 65941
by law for such actions. However, if any other provision of the 65942
Revised Code or rule adopted by the chancellor prescribes 65943
different procedures for such an action, the procedures adopted 65944
under this division shall not apply to that action to the extent 65945
they conflict with the procedures otherwise prescribed by law. The 65946

procedures adopted under this division shall include at least the following:	65947 65948
(1) Provision for public notice of the proposed action;	65949
(2) An opportunity for public comment on the proposed action, which may include a public hearing on the action by the board of regents;	65950 65951 65952
(3) Methods for parties that may be affected by the proposed action to submit comments during the public comment period;	65953 65954
(4) Submission of recommendations from the board of regents regarding the proposed action, at the request of the chancellor;	65955 65956
(5) Written publication of the final action taken by the chancellor and the chancellor's rationale for the action;	65957 65958
(6) A timeline for the process described in divisions (O)(1) to (5) of this section.	65959 65960
(P) Establish and submit to the governor and the general assembly a clear and measurable set of goals and timetables for their achievement for each program under the chancellor's supervision that is designed to accomplish any of the following:	65961 65962 65963 65964
(1) Increased access to higher education;	65965
(2) Job training;	65966
(3) Adult literacy;	65967
(4) Research;	65968
(5) Excellence in higher education;	65969
(6) Reduction in the number of graduate programs within the	65970

same subject area. 65971

In July of each odd-numbered year, the chancellor shall 65972
submit to the governor and the general assembly a report on 65973
progress made toward these goals. 65974

(Q) Make recommendations to the governor and the general 65975
assembly regarding the design and funding of the student financial 65976
aid programs specified in sections 3333.12, 3333.122, 3333.21 to 65977
~~3333.27~~3333.26, and 5910.02 of the Revised Code; 65978

(R) Participate in education-related state or federal 65979
programs on behalf of the state and assume responsibility for the 65980
administration of such programs in accordance with applicable 65981
state or federal law; 65982

(S) Adopt rules for student financial aid programs as 65983
required by sections 3333.12, 3333.122, 3333.21 to ~~3333.27~~ 65984
3333.26, 3333.28, and 5910.02 of the Revised Code, and perform 65985
any other administrative functions assigned to the chancellor by 65986
those sections; 65987

(T) Conduct enrollment audits of state-supported 65988
institutions of higher education; 65989

(U) Appoint consortia of college and university personnel 65990
to advise or participate in the development and operation of 65991
statewide collaborative efforts, including the Ohio supercomputer 65992
center, the Ohio academic resources network, OhioLink, and the 65993
Ohio learning network. For each consortium, the chancellor shall 65994
designate a college or university to serve as that consortium's 65995
fiscal agent, financial officer, and employer. Any funds 65996
appropriated for the consortia shall be distributed to the 65997
fiscal agents for the operation of the consortia. A consortium 65998
shall follow the rules of the college or university that serves 65999
as its fiscal agent. The chancellor may restructure existing 66000

consortia, appointed under this division, in accordance with 66001
procedures adopted under divisions (D)(1) to (6) of this section. 66002

(V) Adopt rules establishing advisory duties and 66003
responsibilities of the board of regents not otherwise prescribed 66004
by law; 66005

(W) Respond to requests for information about higher 66006
education from members of the general assembly and direct staff to 66007
conduct research or analysis as needed for this purpose. 66008

Sec. 3333.048. (A) Not later than one year after the 66009
effective date of this section, the chancellor of the Ohio board 66010
of regents and the superintendent of public instruction jointly 66011
shall do the following: 66012

(1) In accordance with Chapter 119. of the Revised Code, 66013
establish metrics and educator preparation programs for the 66014
preparation of educators and other school personnel and the 66015
institutions of higher education that are engaged in their 66016
preparation. The metrics and educator preparation programs shall 66017
be aligned with the standards and qualifications for educator 66018
licenses adopted by the state board of education under section 66019
3319.22 of the Revised Code and the requirements of the Ohio 66020
teacher residency program established under section 3319.223 of 66021
the Revised Code. The metrics and educator preparation programs 66022
also shall ensure that educators and other school personnel are 66023
adequately prepared to use the value-added progress dimension 66024
prescribed by section 3302.021 of the Revised Code. 66025

(2) Provide for the inspection of institutions of higher 66026
education desiring to prepare educators and other school 66027
personnel. 66028

(B) Not later than one year after the effective date of this 66029
section, the chancellor shall approve institutions of higher 66030

education engaged in the preparation of educators and other school personnel that maintain satisfactory training procedures and records of performance, as determined by the chancellor.

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(C) If the metrics established under division (A)(1) of this section require an institution of higher education that prepares teachers to satisfy the standards of an independent accreditation organization, the chancellor shall permit each institution to satisfy the standards of either the national council for accreditation of teacher education or the teacher education accreditation council.

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(D) The metrics and educator preparation programs established under division (A)(1) of this section may require an institution of higher education, as a condition of approval by the chancellor, to make changes in the curricula of its preparation programs for educators and other school personnel.

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Notwithstanding division (D) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, any metrics, educator preparation programs, rules, and regulations, or any amendment or rescission of such metrics, educator preparation programs, rules, and regulations, adopted under this section that necessitate institutions offering preparation programs for educators and other school personnel approved by the chancellor to revise the curricula of those programs shall not be effective for at least one year after the first day of January next succeeding the publication of the said change.

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Each institution shall allocate money from its existing appropriations to pay the cost of making the curricular changes.

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(E) The chancellor shall notify the state board of the metrics and educator preparation programs established under division (A)(1) of this section and the institutions of higher education approved under division (B) of this section. The state

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board shall publish the metrics, educator preparation programs, 66062
and approved institutions with the standards and qualifications 66063
for each type of educator license. 66064

(F) The graduates of institutions of higher education 66065
approved by the chancellor shall be licensed by the state board in 66066
accordance with the standards and qualifications adopted under 66067
section 3319.22 of the Revised Code. 66068

~~Sec. 3319.233.~~ Sec. 3333.049. ~~The state board of education~~ 66069
~~chancellor of the Ohio board of regents,~~ in collaboration with the 66070
~~Ohio board of regents~~ state board of education, shall issue an 66071
annual report on the quality of institutions approved for the 66072
preparation of teachers pursuant to section ~~3319.23~~ 3333.048 of 66073
the Revised Code. The ~~state board~~ chancellor shall prepare the 66074
report in collaboration with the state board of ~~regents~~ and the 66075
teacher quality partnership and shall use data collected by the 66076
partnership and other educational agencies as the basis for the 66077
information contained in the report. The report shall include at 66078
least the following information: 66079

(A) Identification of best practices in the preparation of 66080
teachers drawn from research conducted by the teacher quality 66081
partnership and other regional and national educational research 66082
efforts; 66083

(B) A plan for implementing best practices in approved 66084
teacher preparation institutions; 66085

(C) The number of graduates of approved teacher preparation 66086
institutions who graduated with a subject area specialty and teach 66087
grades seven through twelve. The number shall be disaggregated 66088
according to the subject areas of mathematics, science, foreign 66089
language, special education and related services, and any other 66090
subject area determined by the ~~state board~~ chancellor. 66091

(D) A plan to be implemented by the teacher preparation programs approved by the ~~state board~~chancellor under section ~~3319.23333.048~~ of the Revised Code for increasing the number of classroom teachers in science, mathematics, and foreign language toward meeting the identified needs for teachers in those subject areas throughout the state but especially in hard-to-staff schools.

The ~~state board~~chancellor shall submit the report to the governor, the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, and the ~~ehancellor of the state~~ board of regents.

Sec. 3333.122. (A) ~~As used in this section:~~

(1) ~~"Eligible student" means a student who is:~~

(a) ~~An Ohio resident who first enrolls in an undergraduate program in the 2006-2007 academic year or thereafter;~~

(b) ~~If the student first enrolled in an undergraduate program in the 2006-2007 or 2007-2008 academic year, the student is enrolled in one of the following:~~

(i) ~~An acerredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code, has a certificate of registration from the state board of career colleges and schools and program authorization to award an associate or bachelor's degree, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised~~

Code. Students who attend an institution that holds a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization issued under section 3332.05 of the Revised Code.	66122 66123 66124 66125 66126
(ii) A technical education program of at least two years duration sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964;	66127 66128 66129 66130
(iii) A nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code and that meets the requirements of Title VI of the Civil Rights Act of 1964.	66131 66132 66133 66134
(c) If the student first enrolled in an undergraduate program after the 2007-2008 academic year, the student is enrolled in one of the following:	66135 66136 66137
(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;	66138 66139 66140 66141 66142 66143 66144
(ii) An education program of at least two years duration sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code;	66145 66146 66147 66148 66149
(iii) A nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised	66150 66151

Code and that meets the requirements of Title VI of the Civil Rights Act of 1964. 66152
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(2) ~~A student who participated in either the early college high school program administered by the department of education or in the post-secondary enrollment options program pursuant to Chapter 3365. of the Revised Code before the 2006-2007 academic year shall not be excluded from eligibility for a needs-based financial aid grant under this section.~~ 66154
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(3) ~~"Resident"~~The chancellor of the Ohio board of regents shall adopt rules to carry out this section and as authorized under section 3333.123 of the Revised Code. The rules shall include definitions of the terms "resident," "expected family contribution" or "EFC," "full-time student," "three-quarters-time student," "half-time student," "one-quarter-time student," "state cost of attendance," and "accredited" shall be defined by rules adopted by the chancellor of the Ohio board of regents for the purpose of those sections. 66160
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(B) Only an Ohio resident who meets both of the following is eligible for a grant awarded under this section: 66169
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(1) The resident has an expected family contribution of two thousand one hundred ninety or less; 66171
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(2) The resident enrolls in one of the following: 66173

(a) An undergraduate program, or a nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code, at a state-assisted state institution of higher education, as defined in section 3345.12 of the Revised Code, that meets the requirements of Title VI of the Civil Rights Act of 1964; 66174
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(b) An undergraduate program, or a nursing diploma program 66180

approved by the board of nursing under division (A)(5) of section 66181
4723.06 of the Revised Code, at a private, nonprofit institution 66182
in this state holding a certificate of authorization pursuant to 66183
Chapter 1713. of the Revised Code; 66184

(c) An undergraduate program, or a nursing diploma program 66185
approved by the board of nursing under division (A)(5) of section 66186
4723.06 of the Revised Code, at a career college in this state 66187
that holds a certificate of registration from the state board of 66188
career colleges and schools under Chapter 3332. of the Revised 66189
Code or at a private institution exempt from regulation under 66190
Chapter 3332. of the Revised Code as prescribed in section 66191
3333.046 of the Revised Code, if the program has a certificate of 66192
authorization pursuant to Chapter 1713. of the Revised Code. 66193

(C)(1) The chancellor shall establish and administer a 66194
needs-based financial aid grants program based on the United 66195
States department of education's method of determining financial 66196
need and may adopt rules to carry out this section. The program 66197
shall be known as the Ohio college opportunity grant program. The 66198
general assembly shall support the needs-based financial aid 66199
program by such sums and in such manner as it may provide, but 66200
the chancellor also may ~~also~~ receive funds from other sources to 66201
support the program. If, for any academic year, the amounts 66202
available for support of the program are inadequate to provide 66203
grants to all eligible students, the chancellor shall do one of 66204
the following: 66205

(a) Give preference in the payment of grants ~~shall be given~~ 66206
in terms of based upon expected family contribution, beginning 66207
with the lowest expected family contribution category and 66208
proceeding upward by category to the highest expected family 66209
contribution category; 66210

(b) Proportionately reduce the amount of each grant to be 66211
awarded for the academic year under this section; 66212

(c) Use an alternate formula for such grants that addresses the shortage of available funds and has been submitted to and approved by the controlling board.

~~A(2)~~ The needs-based financial aid grant shall be paid to ~~an~~ the eligible student through the institution in which the student is enrolled, except that no needs-based financial aid grant shall be paid to any person serving a term of imprisonment. Applications for ~~such~~the grants shall be made as prescribed by the chancellor, and such applications may be made in conjunction with and upon the basis of information provided in conjunction with student assistance programs funded by agencies of the United States government or from financial resources of the institution of higher education. The institution shall certify that the student applicant meets the requirements set forth in ~~divisions (A)(1)(a) and (b)~~division (B) of this section. Needs-based financial aid grants shall be provided to an eligible student only as long as the student is making appropriate progress toward a nursing diploma or an associate or bachelor's degree. No student shall be eligible to receive a grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years. A grant made to an eligible student on the basis of less than full-time enrollment shall be based on the number of credit hours for which the student is enrolled and shall be computed in accordance with a formula adopted by rule issued by the chancellor. No student shall receive more than one grant on the basis of less than full-time enrollment.

~~A needs-based financial aid grant shall not exceed the total instructional and general charges of the institution.~~

~~(C) The tables in this division prescribe the maximum grant amounts covering two semesters, three quarters, or a comparable portion of one academic year. Grant amounts for additional terms in the same academic year shall be determined under division (D)~~

of this section. 66245

As used in the tables in division (C) of this section: 66246

(1) "Private institution" means an institution that is 66247
nonprofit and has a certificate of authorization pursuant to 66248
Chapter 1713. of the Revised Code. 66249

(2) "Career college" means either an institution that holds a 66250
certificate of registration from the state board of career 66251
colleges and schools or a private institution exempt from 66252
regulation under Chapter 3332. of the Revised Code as prescribed 66253
in section 3333.046 of the Revised Code. 66254

Full-time students shall be eligible to receive awards 66255
according to the following table: 66256

Full-Time Enrollment 66257

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	66258
\$2,101	\$2,190	\$300	\$600	\$480	66259
2,001	2,100	402	798	642	66260
1,901	2,000	498	1,002	798	66261
1,801	1,900	600	1,200	960	66262
1,701	1,800	702	1,398	1,122	66263
1,601	1,700	798	1,602	1,278	66264
1,501	1,600	900	1,800	1,440	66265
1,401	1,500	1,002	1,998	1,602	66266
1,301	1,400	1,098	2,202	1,758	66267
1,201	1,300	1,200	2,400	1,920	66268

1,101	1,200	1,302	2,598	2,082	66269
1,001	1,100	1,398	2,802	2,238	66270
901	1,000	1,500	3,000	2,400	66271
801	900	1,602	3,198	2,562	66272
701	800	1,698	3,402	2,718	66273
601	700	1,800	3,600	2,280	66274
501	600	1,902	3,798	3,042	66275
401	500	1,998	4,002	3,198	66276
301	400	2,100	4,200	3,360	66277
201	300	2,202	4,398	3,522	66278
101	200	2,298	4,602	3,678	66279
1	100	2,400	4,800	3,840	66280
0	0	2,496	4,992	3,996	66281

Three-quarters-time students shall be eligible to receive awards according to the following table: 66282
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Three-Quarters-Time Enrollment 66284

If the EFC is equal to or greater than:	And the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	66285
\$2,101	\$2,190	\$228	\$450	\$360	66286
2,001	2,100	300	600	480	66287
1,901	2,000	372	750	600	66288
1,801	1,900	450	900	720	66289
1,701	1,800	528	1,050	840	66290
1,601	1,700	600	1,200	960	66291
1,501	1,600	678	1,350	1,080	66292
1,401	1,500	750	1,500	1,200	66293
1,301	1,400	822	1,650	1,320	66294

1,201	1,300	900	1,800	1,440	66295
1,101	1,200	978	1,950	1,560	66296
1,001	1,100	1,050	2,100	1,680	66297
901	1,000	1,128	2,250	1,800	66298
801	900	1,200	2,400	1,920	66299
701	800	1,272	2,550	2,040	66300
601	700	1,350	2,700	2,160	66301
501	600	1,428	2,850	2,280	66302
401	500	1,500	3,000	2,400	66303
301	400	1,578	3,150	2,520	66304
201	300	1,650	3,300	2,640	66305
101	200	1,722	3,450	2,760	66306
1	100	1,800	3,600	2,880	66307
0	0	1,872	3,744	3,000	66308

Half-time students shall be eligible to receive awards 66309
according to the following table: 66310

Half-Time Enrollment 66311

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	66312
\$2,101	\$2,190	\$150	\$300	\$240	66313
2,001	2,100	204	402	324	66314
1,901	2,000	252	504	402	66315
1,801	1,900	300	600	480	66316
1,701	1,800	354	702	564	66317
1,601	1,700	402	804	642	66318
1,501	1,600	450	900	720	66319
1,401	1,500	504	1,002	804	66320

1,301	1,400	552	1,104	882	66321
1,201	1,300	600	1,200	960	66322
1,101	1,200	654	1,302	1,044	66323
1,001	1,100	702	1,404	1,122	66324
901	1,000	750	1,500	1,200	66325
801	900	804	1,602	1,284	66326
701	800	852	1,704	1,362	66327
601	700	900	1,800	1,440	66328
501	600	954	1,902	1,524	66329
401	500	1,002	2,004	1,602	66330
301	400	1,050	2,100	1,680	66331
201	300	1,104	2,202	1,764	66332
101	200	1,152	2,304	1,842	66333
1	100	1,200	2,400	1,920	66334
0	0	1,248	2,496	1,998	66335

One-quarter-time students shall be eligible to receive awards
according to the following table:

One-Quarter-Time Enrollment

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	66339
\$2,101	\$2,190	\$78	\$150	\$120	66340
2,001	2,100	102	198	162	66341
1,901	2,000	126	252	198	66342
1,801	1,900	150	300	240	66343
1,701	1,800	174	348	282	66344
1,601	1,700	198	402	318	66345
1,501	1,600	228	450	360	66346

1,401	1,500	252	498	402	66347
1,301	1,400	276	552	438	66348
1,201	1,300	300	600	480	66349
1,101	1,200	324	648	522	66350
1,001	1,100	348	702	558	66351
901	1,000	378	750	600	66352
801	900	402	798	642	66353
701	800	426	852	678	66354
601	700	450	900	720	66355
501	600	474	948	762	66356
401	500	498	1,002	798	66357
301	400	528	1,050	840	66358
201	300	552	1,098	882	66359
101	200	576	1,152	918	66360
1	100	600	1,200	960	66361
0	0	624	1,248	1,002	66362

(D)(1) Except as provided in division (D)(4) of this section, no grant awarded under this section shall exceed the total state cost of attendance. 66363
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(2) Subject to divisions (D)(1), (3), and (4) of this section, the amount of a grant awarded to a student under this section shall equal the student's remaining state cost of attendance after the student's Pell grant and expected family contribution are applied to the instructional and general charges for the undergraduate program. However, for students enrolled in a state university or college as defined in section 3345.12 of the Revised Code or a university branch, the chancellor may provide that the grant amount shall equal the student's remaining instructional and general charges for the undergraduate program after the student's Pell grant and expected family contribution have been applied to those charges, but, in no case, shall the grant amount for such a student exceed any maximum that the chancellor may set by rule. 66366
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(3) For a ~~full-time~~ student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant ~~determined under division (C)~~ of this section, the maximum grant amount shall be a percentage of the maximum ~~prescribed~~ specified in the applicable any table of that division established in rules adopted by the chancellor as provided in division (A) of this section. The maximum grant for a fourth quarter shall be one-third of the maximum amount ~~so prescribed under that division.~~ The maximum grant for a third semester shall be one-half of the maximum amount ~~so prescribed under that division.~~

(4) If a student is enrolled in a two-year institution of higher education and is eligible for an education and training voucher through the Ohio education and training voucher program that receives federal funding under the John H. Chafee foster care independence program, 42 U.S.C. 677, the amount of a grant awarded under this section may exceed the total state cost of attendance to additionally cover housing costs.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

(2) Division (F)(1) of this section does not apply ~~to~~in the
case of either of the following: 66411
66412

(a) ~~Any student enrolled in an~~The institution ~~that under~~
~~the~~pursuant to federal law appeals its loss of eligibility for 66413
federal financial aid and the United States secretary of 66414
education determines its cohort default rate after recalculation 66415
is lower than the rate specified in division (F)(1) of this 66416
section or the secretary determines due to mitigating 66417
circumstances that the institution may continue to participate in 66418
federal financial aid programs. The chancellor shall adopt rules 66419
requiring ~~institutions~~any such appellant to provide information 66420
to the chancellor regarding an appeal ~~to the chancellor~~. 66421
66422

(b) Any student who has previously received a grant ~~under~~ 66423
pursuant to any provision of this section, including prior to the 66424
section's amendment by H.B. 1 of the 128th general assembly, and 66425
who meets all other eligibility requirements of this section. 66426

(3) The chancellor shall adopt rules for the notification of 66427
all institutions whose students will be ineligible to participate 66428
in the grant program pursuant to division (F)(1) of this 66429
section. 66430

(4) A student's attendance at ~~any~~any institution whose 66431
students ~~lose eligibility~~are ineligible for grants ~~under~~due to 66432
division (F)(1) of this section shall not affect that student's 66433
eligibility to receive a grant when enrolled in another 66434
institution. 66435

(G) Institutions of higher education that enroll students 66436
receiving needs-based financial aid grants under this section 66437
shall report to the chancellor all students who have received 66438
such needs-based financial aid grants but are no longer eligible 66439
for all or part of ~~such~~those grants and shall refund any moneys 66440
due the state within thirty days after the beginning of the 66441

quarter or term immediately following the quarter or term in
which the student was no longer eligible to receive all or part
of the student's grant. There shall be an interest charge of one
per cent per month on all moneys due and payable after such
thirty-day period. The chancellor shall immediately notify the
office of budget and management and the legislative service
commission of all refunds so received.

Sec. 3333.123. (A) As used in this section:

(1) "The Ohio college opportunity grant program" means the
program established under section 3333.122 of the Revised Code.

(2) "Rules for the Ohio college opportunity grant program"
means the rules authorized in division (S) of section 3333.04 of
the Revised Code for the implementation of the program.

(B) In adopting rules for the Ohio college opportunity grant
program, the chancellor of the Ohio board of regents may include
provisions that give preferential or priority funding to
low-income students who in their primary and secondary school work
participate in or complete rigorous academic coursework, attain
passing scores on the ~~tests~~assessments prescribed in section
3301.0710 of the Revised Code, or meet other high academic
performance standards determined by the chancellor to reduce the
need for remediation and ensure academic success at the
postsecondary education level. Any such rules shall include a
specification of procedures needed to certify student achievement
of primary and secondary standards as well as the timeline for
implementation of the provisions authorized by this section.

Sec. 3333.16. As used in this section "state institution of
higher education" means an institution of higher education as
defined in section 3345.12 of the Revised Code.

(A) The chancellor of the Ohio board of regents shall do all

of the following: 66472

(1) Establish policies and procedures applicable to all state 66473
institutions of higher education that ensure that students can 66474
begin higher education at any state institution of higher 66475
education and transfer coursework and degrees to any other state 66476
institution of higher education without unnecessary duplication or 66477
institutional barriers. The purpose of this requirement is to 66478
allow students to attain their highest educational aspirations in 66479
the most efficient and effective manner for the students and the 66480
state. These policies and procedures shall require state 66481
institutions of higher education to make changes or modifications, 66482
as needed, to strengthen course content so as to ensure 66483
equivalency for that course at any state institution of higher 66484
education. 66485

(2) Develop and implement a universal course equivalency 66486
classification system for state institutions of higher education 66487
so that the transfer of students and the transfer and articulation 66488
of equivalent courses or specified learning modules or units 66489
completed by students are not inhibited by inconsistent judgment 66490
about the application of transfer credits. Coursework completed 66491
within such a system at one state institution of higher education 66492
and transferred to another institution shall be applied to the 66493
student's degree objective in the same manner as equivalent 66494
coursework completed at the receiving institution. 66495

(3) Develop a system of transfer policies that ensure that 66496
graduates with associate degrees which include completion of 66497
approved transfer modules shall be admitted to a state institution 66498
of higher education, shall be able to compete for admission to 66499
specific programs on the same basis as students native to the 66500
institution, and shall have priority over out-of-state associate 66501
degree graduates and transfer students. To assist a student in 66502
advising and transferring, all state institutions of higher 66503

education shall fully implement the ~~course applicability~~ 66504
information system for advising and transferring selected by, 66505
contracted for, or developed by the chancellor. 66506

(4) Examine the feasibility of developing a transfer 66507
marketing agenda that includes materials and interactive 66508
technology to inform the citizens of Ohio about the availability 66509
of transfer options at state institutions of higher education and 66510
to encourage adults to return to colleges and universities for 66511
additional education; 66512

(5) Study, in consultation with the state board of career 66513
colleges and schools, and in light of existing criteria and any 66514
other criteria developed by the articulation and transfer advisory 66515
council, the feasibility of credit recognition and transferability 66516
to state institutions of higher education for graduates who have 66517
received associate degrees from a career college or school with a 66518
certificate of registration from the state board of career 66519
colleges and schools under Chapter 3332. of the Revised Code. 66520

(B) All provisions of the existing articulation and transfer 66521
policy developed by the Ohio board of regents shall remain in 66522
effect except where amended by this section. 66523

Sec. 3333.28. (A) The chancellor of the Ohio board of 66524
regents shall establish the nurse education assistance program, 66525
the purpose of which shall be to make loans to students enrolled 66526
in prelicensure nurse education programs at institutions approved 66527
by the board of nursing under section 4723.06 of the Revised Code 66528
and postlicensure nurse education programs approved by the 66529
chancellor under section 3333.04 of the Revised Code or offered by 66530
an institution holding a certificate of authorization issued under 66531
Chapter 1713. of the Revised Code. The board of nursing shall 66532
assist the chancellor in administering the program. 66533

(B) There is hereby created in the state treasury the nurse 66534

education assistance fund, which shall consist of all money 66535
transferred to it pursuant to section 4743.05 of the Revised Code. 66536
The fund shall be used by the chancellor for loans made under 66537
division (A) of this section and for expenses of administering the 66538
loan program. 66539

(C) Between July 1, 2005, and January 1, 2012, the 66540
chancellor shall distribute money in the nurse education 66541
assistance fund in the following manner: 66542

(1)(a) Fifty per cent of available funds shall be awarded as 66543
loans to registered nurses enrolled in postlicensure nurse 66544
education programs described in division (A) of this section. To 66545
be eligible for a loan, the applicant shall provide the 66546
chancellor with a letter of intent to practice as a faculty 66547
member at a prelicensure or postlicensure program for nursing in 66548
this state upon completion of the applicant's academic program. 66549

(b) If the borrower of a loan under division (C)(1)(a) of 66550
this section secures employment as a faculty member of an approved 66551
nursing education program in this state within six months 66552
following graduation from an approved nurse education program, the 66553
chancellor may forgive the principal and interest of the student's 66554
loans received under division (C)(1)(a) of this section at a rate 66555
of twenty-five per cent per year, for a maximum of four years, for 66556
each year in which the borrower is so employed. A deferment of the 66557
service obligation, and other conditions regarding the forgiveness 66558
of loans may be granted as provided by the rules adopted under 66559
division (D)(7) of this section. 66560

(c) Loans awarded under division (C)(1)(a) of this section 66561
shall be awarded on the basis of the student's expected family 66562
contribution, with preference given to those applicants with the 66563
lowest expected family contribution. However, the chancellor may 66564
consider other factors the chancellor determines relevant in 66565
ranking the applications. 66566

(d) Each loan awarded to a student under division (C)(1)(a) 66567
of this section shall be not less than five thousand dollars per 66568
year. 66569

(2) Twenty-five per cent of available funds shall be awarded 66570
to students enrolled in prelicensure nurse education programs for 66571
registered nurses, as defined in section 4723.01 of the Revised 66572
Code. 66573

(3) Twenty-five per cent of available funds shall be awarded 66574
to students enrolled in ~~prelicensure professional~~ nurse education 66575
programs for ~~licensed practical nurses, as defined in section~~ 66576
~~4723.01 of the Revised Code~~ as determined by the chancellor, with 66577
preference given to programs aimed at increasing enrollment in an 66578
area of need. 66579

After January 1, 2012, the chancellor shall determine the 66580
manner in which to distribute loans under this section. 66581

(D) Subject to the requirements specified in division (C) of 66582
this section, the chancellor shall adopt rules in accordance with 66583
Chapter 119. of the Revised Code establishing: 66584

(1) Eligibility criteria for receipt of a loan; 66585

(2) Loan application procedures; 66586

(3) The amounts in which loans may be made and the total 66587
amount that may be loaned to an individual; 66588

(4) The total amount of loans that can be made each year; 66589

(5) The percentage of the money in the fund that must remain 66590
in the fund at all times as a fund balance; 66591

(6) Interest and principal repayment schedules; 66592

(7) Conditions under which a portion of principal and interest obligations incurred by an individual under the program will be forgiven; 66593
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(8) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession; 66596
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(9) Any other matters incidental to the operation of the program. 66599
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(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C)(1)(b) of this section, in the case of loans awarded under division (C)(1)(a) of this section, or by the chancellor under the rule adopted under division (D)(7) of this section, in the case of other loans awarded under this section. 66601
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(F) The receipt of a loan under this section shall not affect a student's eligibility for assistance, or the amount of that assistance, granted under section 3333.12, 3333.122, 3333.22, 3333.26, ~~3333.27~~, 5910.03, 5910.032, or 5919.34 of the Revised Code, but the rules of the chancellor may provide for taking assistance received under those sections into consideration when determining a student's eligibility for a loan under this section. 66608
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Sec. 3333.35. The state board of education and the chancellor of the Ohio board of regents shall strive to reduce unnecessary student remediation costs incurred by colleges and universities in this state, increase overall access for students to higher education, enhance the post-secondary enrollment options program in accordance with Chapter 3365. of the Revised Code, and enhance the alternative resident educator licensure program in accordance with section 3319.26 of the Revised Code. 66615
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Sec. 3333.38. (A) As used in this section:	66623
(1) "Institution of higher education" includes all of the following:	66624 66625
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	66626 66627
(b) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;	66628 66629
(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code;	66630 66631 66632
(d) An institution of higher education with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.	66633 66634 66635
(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.122, 3333.21, 3333.26, ~~3333.27~~ , 3333.28, 3333.372, <u>3333.391</u> , 5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an award under the choose Ohio first scholarship program established under section 3333.61 of the Revised Code, or financed by an award under the Ohio co-op/internship program established under section 3333.72 of the Revised Code, and any other post-secondary student financial assistance supported by state funds.	66636 66637 66638 66639 66640 66641 66642 66643 66644 66645
(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual	66646 66647 66648 66649 66650

applies for assistance of that nature: 66651

(1) A violation of section 2917.02 or 2917.03 of the Revised Code; 66652
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(2) A violation of section 2917.04 of the Revised Code that 66654
is a misdemeanor of the fourth degree; 66655

(3) A violation of section 2917.13 of the Revised Code that 66656
is a misdemeanor of the fourth or first degree and occurs within 66657
the proximate area where four or more others are acting in a 66658
course of conduct in violation of section 2917.11 of the Revised 66659
Code. 66660

(C) If an individual is convicted of, pleads guilty to, or is 66661
adjudicated a delinquent child for committing a violation of 66662
section 2917.02 or 2917.03 of the Revised Code, and if the 66663
individual is enrolled in a state-supported institution of higher 66664
education, the institution in which the individual is enrolled 66665
shall immediately dismiss the individual. No state-supported 66666
institution of higher education shall admit an individual of that 66667
nature for one academic year after the individual applies for 66668
admission to a state-supported institution of higher education. 66669
This division does not limit or affect the ability of a 66670
state-supported institution of higher education to suspend or 66671
otherwise discipline its students. 66672

Sec. 3333.39. The chancellor of the Ohio board of regents and 66673
the superintendent of public instruction shall establish and 66674
administer the teach Ohio program to promote and encourage 66675
citizens of this state to consider teaching as a profession. The 66676
program shall include all of the following: 66677

(A) A statewide program administered by a nonprofit 66678
corporation that has been in existence for at least fifteen years 66679
with demonstrated results in encouraging high school students from 66680

<u>economically disadvantaged groups to enter the teaching</u>	66681
<u>profession. The chancellor and superintendent jointly shall select</u>	66682
<u>the nonprofit corporation.</u>	66683
<u>(B) The Ohio teaching fellows program established under</u>	66684
<u>sections 3333.391 and 3333.392 of the Revised Code;</u>	66685
<u>(C) The Ohio teacher residency program established under</u>	66686
<u>section 3319.223 of the Revised Code;</u>	66687
<u>(D) Alternative licensure procedures established under</u>	66688
<u>section 3319.26 of the Revised Code;</u>	66689
<u>(E) Any other program as identified by the chancellor and the</u>	66690
<u>superintendent.</u>	66691
<u>Sec. 3333.391. (A) As used in this section and in section</u>	66692
<u>3333.392 of the Revised Code:</u>	66693
<u>(1) "Academic year" shall be as defined by the chancellor of</u>	66694
<u>the Ohio board of regents.</u>	66695
<u>(2) "Hard-to-staff school" and "hard-to-staff subject" shall</u>	66696
<u>be as defined by the department of education.</u>	66697
<u>(3) "Parent" means the parent, guardian, or custodian of a</u>	66698
<u>qualified student.</u>	66699
<u>(4) "Qualified service" means teaching at a qualifying</u>	66700
<u>school.</u>	66701
<u>(5) "Qualifying school" means a hard-to-staff school district</u>	66702
<u>building or a school district building that has a performance</u>	66703
<u>rating of academic watch or academic emergency under section</u>	66704
<u>3302.03 of the Revised Code at the time the recipient becomes</u>	66705
<u>employed by the district.</u>	66706

(B) If the chancellor of the Ohio board of regents determines that sufficient funds are available from general revenue fund appropriations made to the Ohio board of regents or to the chancellor, the chancellor and the superintendent of public instruction jointly may develop and agree on a plan for the Ohio teaching fellows program to promote and encourage high school seniors to enter and remain in the teaching profession. Upon agreement of such a plan, the chancellor shall establish and administer the program in conjunction with the superintendent and with the cooperation of teacher training institutions. Under the program, the chancellor annually shall provide scholarships to students who commit to teaching in a qualifying school for a minimum of four years upon graduation from a teacher training program at a state institution of higher education or an Ohio nonprofit institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code. The scholarships shall be for up to four years at the undergraduate level at an amount determined by the chancellor based on state appropriations.

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(C) The chancellor shall adopt a competitive process for awarding scholarships under the teaching fellows program, which shall include minimum grade point average and scores on national standardized tests for college admission. The process shall also give additional consideration to all of the following:

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(1) A person who has participated in the program described in division (A) of section 3333.39 of the Revised Code;

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(2) A person who plans to specialize in teaching students with special needs;

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(3) A person who plans to teach in the disciplines of science, technology, engineering, or mathematics.

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The chancellor shall require that all applicants to the

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teaching fellows program shall file a statement of service status 66738
in compliance with section 3345.32 of the Revised Code, if 66739
applicable, and that all applicants have not been convicted of, 66740
plead guilty to, or adjudicated a delinquent child for any 66741
violation listed in section 3333.38 of the Revised Code. 66742

(D) Teaching fellows shall complete the four-year teaching 66743
commitment within not more than seven years after graduating from 66744
the teacher training program. Failure to fulfill the commitment 66745
shall convert the scholarship into a loan to be repaid under 66746
section 3333.392 of the Revised Code. 66747

(E) The chancellor shall adopt rules in accordance with 66748
Chapter 119. of the Revised Code to administer this section and 66749
section 3333.392 of the Revised Code. 66750

Sec. 3333.392. (A) Each recipient who accepts a scholarship 66751
under the Ohio teaching fellows program created under section 66752
3333.391 of the Revised Code, or the recipient's parent if the 66753
recipient is younger than eighteen years of age, shall sign a 66754
promissory note payable to the state in the event the recipient 66755
does not satisfy the service requirement of division (D) of 66756
section 3333.391 of the Revised Code or the scholarship is 66757
terminated. The amount payable under the note shall be the amount 66758
of total scholarships accepted by the recipient under the program 66759
plus ten per cent interest accrued annually beginning on the first 66760
day of September after graduating from the teacher training 66761
program or immediately after termination of the scholarship. The 66762
period of repayment under the note shall be determined by the 66763
chancellor of the Ohio board of regents. The note shall stipulate 66764
that the obligation to make payments under the note is canceled 66765
following completion of four years of qualified service by the 66766
recipient in accordance with division (D) of section 3333.391 of 66767
the Revised Code, or if the recipient dies, becomes totally and 66768
permanently disabled, or is unable to complete the required 66769

qualified service as a result of a reduction in force at the 66770
recipient's school of employment before the obligation under the 66771
note has been satisfied. 66772

(B) Repayment of the principal amount of the scholarship and 66773
interest accrued shall be deferred while the recipient is enrolled 66774
in an approved teaching program, while the recipient is seeking 66775
employment to fulfill the service obligation, for a period not to 66776
exceed six months, or while the recipient is engaged in qualified 66777
service. 66778

(C) During the seven-year period following the recipient's 66779
graduation from an approved teaching program, the chancellor shall 66780
deduct twenty-five per cent of the outstanding balance that may be 66781
converted to a loan for each year the recipient teaches at a 66782
qualifying school. 66783

(D) The chancellor may terminate the scholarship, in which 66784
case the scholarship shall be converted to a loan to be repaid 66785
under division (A) of this section. 66786

(E) The scholarship shall be deemed terminated upon the 66787
recipient's withdrawal from school or the recipient's failure to 66788
meet the standards of the scholarship as determined by the 66789
chancellor and shall be converted to a loan to be repaid under 66790
division (A) of this section. 66791

(F) The chancellor and the attorney general shall collect 66792
payments on the converted loan in accordance with section 131.02 66793
of the Revised Code. 66794

Sec. 3333.42. No state institution of higher education, as 66795
defined in section 3345.011 of the Revised Code, shall charge a 66796
nonresident student who is a member of the armed forces of the 66797
United States and who is stationed in this state pursuant to 66798
military orders or who is a member of the Ohio national guard, or 66799

who is the spouse or dependent child of such a student, rates for 66800
tuition and fees that are higher than the rates charged to an 66801
Ohio resident. 66802

Sec. 3333.61. The chancellor of the Ohio board of regents 66803
shall establish and administer the Ohio innovation partnership, 66804
which shall consist of the choose Ohio first scholarship program 66805
and the Ohio research scholars program. Under the programs, the 66806
chancellor, subject to approval by the controlling board, shall 66807
make awards to state universities or colleges for programs and 66808
initiatives that recruit students and scientists in the fields of 66809
science, technology, engineering, mathematics, and medicine to 66810
state universities or colleges, in order to enhance regional 66811
educational and economic strengths and meet the needs of the 66812
state's regional economies. Awards may be granted for programs and 66813
initiatives to be implemented by a state university or college 66814
alone or in collaboration with other state institutions of higher 66815
education, nonpublic Ohio universities and colleges, or other 66816
public or private Ohio entities. If the chancellor makes an award 66817
to a program or initiative that is intended to be implemented by a 66818
state university or college in collaboration with other state 66819
institutions of higher education or nonpublic Ohio universities or 66820
colleges, the chancellor may provide that some portion of the 66821
award be received directly by the collaborating universities or 66822
colleges consistent with all terms of the Ohio innovation 66823
partnership. 66824

The choose Ohio first scholarship program shall assign a 66825
number of scholarships to state universities and colleges to 66826
recruit Ohio residents as undergraduate, or as provided in section 66827
3333.66 of the Revised Code graduate, students in the fields of 66828
science, technology, engineering, mathematics, and medicine, or 66829
in science, technology, engineering, mathematics, or medical 66830
education. Choose Ohio first scholarships shall be awarded to each 66831
participating eligible student as a grant to the state university 66832

or college the student is attending and shall be reflected on the
student's tuition bill. Choose Ohio first scholarships are
student-centered grants from the state to students to use to
attend a university or college and are not grants from the state
to universities or colleges.

Notwithstanding any other provision of this section or
sections 3333.62 to 3333.70 of the Revised Code, a nonpublic
four-year Ohio institution of higher education may submit a
proposal for choose Ohio first scholarships ~~if the proposal is to
be implemented in collaboration with a state university or
college or Ohio research scholars grants.~~ If the chancellor ~~grants~~
awards a nonpublic institution ~~an award of scholarships or~~
grants, the nonpublic institution shall comply with all
requirements of this section, sections 3333.62 to 3333.70 of the
Revised Code, and the rules adopted under this section that apply
to state universities or colleges awarded choose Ohio first
scholarships or Ohio research scholars grants.

The Ohio research scholars program shall award grants to use
in recruiting scientists to the faculties of state universities or
colleges.

The chancellor shall adopt rules in accordance with Chapter
119. of the Revised Code to administer the programs.

Sec. 3333.62. The chancellor of the Ohio board of regents
shall establish a competitive process for making awards under the
choose Ohio first scholarship program and the Ohio research
scholars program. The chancellor, on completion of that process,
shall make a recommendation to the controlling board asking for
approval of each award selected by the chancellor.

Any state university or college may apply for one or more
awards under one or both programs. The state university or college
shall submit a proposal and other documentation required by the

chancellor, in the form and manner prescribed by the chancellor, 66864
for each award it seeks. A proposal may propose an initiative to 66865
be implemented solely by the state university or college or in 66866
collaboration with other state institutions of higher education, 66867
nonpublic Ohio universities or colleges, or other public or 66868
nonpublic Ohio entities. A single proposal may seek an award under 66869
one or both programs. 66870

The chancellor shall determine which proposals will receive 66871
awards each fiscal year, and the amount of each award, on the 66872
basis of the merit of each proposal, which the chancellor, subject 66873
to approval by the controlling board, shall determine based on one 66874
or more of the following criteria: 66875

(A) The quality of the program that is the subject of the 66876
proposal and the extent to which additional resources will enhance 66877
its quality; 66878

(B) The extent to which the proposal is integrated with the 66879
strengths of the regional economy; 66880

(C) The extent to which the proposal is integrated with 66881
centers of research excellence within the private sector; 66882

(D) The amount of other institutional, public, or private 66883
resources, whether monetary or nonmonetary, that the proposal 66884
pledges to leverage; 66885

(E) The extent to which the proposal is collaborative with 66886
other public or nonpublic Ohio institutions of higher education; 66887

(F) The extent to which the proposal is integrated with the 66888
university's or college's mission and does not displace existing 66889
resources already committed to the mission; 66890

(G) The extent to which the proposal facilitates a more 66891

efficient utilization of existing faculty and programs;	66892
(H) The extent to which the proposal meets a statewide educational need;	66893 66894
(I) The demonstrated productivity or future capacity of the students or scientists to be recruited;	66895 66896
(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;	66897 66898
(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue baccalaureate degrees in science, technology, engineering, mathematics, or medicine;	66899 66900 66901 66902 66903 66904
(L) The extent to which the proposal encourages students enrolled in state universities to transfer into science, technology, engineering, mathematics, or medicine programs;	66905 66906 66907
(M) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner, for example, by facilitating students' completing two years at a two-year institution and two years at a state university or college;	66908 66909 66910 66911 66912
(N) The extent to which the proposal allows attendance at a state university or college of students who otherwise could not afford to attend;	66913 66914 66915
(O) The extent to which other institutional, public, or private resources pledged to the proposal will be deployed to assist in sustaining students' scholarships over their academic careers;	66916 66917 66918 66919

(P) The extent to which the proposal increases the likelihood
that students will successfully complete their degree programs in
science, technology, engineering, mathematics, or medicine or in
science, technology, engineering, mathematics, or medical
education;

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(Q) The extent to which the proposal ensures that a student
who is awarded a scholarship is appropriately qualified and
prepared to successfully complete a degree program in science,
technology, engineering, mathematics, or medicine or in science,
technology, engineering, mathematics, or medical education;

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(R) The extent to which the proposal will increase the number
of women participating in the choose Ohio first scholarship
program.

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Sec. 3333.66. (A) ~~In~~(1) Except as provided in division
(A)(2) of this section, in each academic year, no student who
receives a choose Ohio first scholarship shall receive less than
one thousand five hundred dollars or more than one-half of the
highest in-state undergraduate instructional and general fees
charged by all state universities. For this purpose, if Miami
university is implementing the pilot tuition restructuring plan
originally recognized in Am. Sub. H.B. 95 of the 125th general
assembly, that university's instructional and general fees shall
be considered to be the average full-time in-state undergraduate
instructional and general fee amount after taking into account the
Ohio resident and Ohio leader scholarships and any other credit
provided to all Ohio residents.

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(2) The chancellor of the Ohio board of regents may authorize
a state university or college or a nonpublic Ohio institution of
higher education to award a choose Ohio first scholarship in an
amount greater than one-half of the highest in-state undergraduate
instructional and general fees charged by all state universities

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to either of the following: 66951

(a) Any undergraduate student who qualifies for a scholarship 66952
and is enrolled in a program leading to a teaching profession in 66953
science, technology, engineering, mathematics, or medicine; 66954

(b) Any graduate student who qualifies for a scholarship, if 66955
any initiatives are selected for award under division (B) of this 66956
section. 66957

(B) ~~The chancellor of the Ohio board of regents~~ shall 66958
encourage state universities and colleges, alone or in 66959
collaboration with other state institutions of higher education, 66960
nonpublic Ohio universities and colleges, or other public or 66961
private Ohio entities, to submit proposals under the choose Ohio 66962
first scholarship program for initiatives that recruit Ohio 66963
residents enrolled in colleges and universities in other states or 66964
other countries to return to Ohio and enroll in state universities 66965
or colleges as graduate students in the fields of science, 66966
technology, engineering, mathematics, and medicine, or in the 66967
fields of science, technology, engineering, mathematics, or 66968
medical education. If such proposals are submitted and meet the 66969
chancellor's competitive criteria for awards, the chancellor, 66970
subject to approval by the controlling board, shall give at least 66971
one of the proposals preference for an award. 66972

(C) The general assembly intends that money appropriated for 66973
the choose Ohio first scholarship program in each fiscal year be 66974
used for scholarships in the following academic year. 66975

Sec. 3333.90. (A) As used in this section: 66976

(1) "Allocated state share of instruction" means, for any 66977
fiscal year, the amount of the state share of instruction 66978
appropriated to the Ohio board of regents by the general assembly 66979
that is allocated to a community or technical college or community 66980

<u>or technical college district for such fiscal year.</u>	66981
<u>(2) "Authority" means the Ohio building authority.</u>	66982
<u>(3) "Bond service charges" has the same meaning as in section 152.09 of the Revised Code.</u>	66983 66984
<u>(4) "Chancellor" means the chancellor of the Ohio board of regents.</u>	66985 66986
<u>(5) "Community or technical college" or "college" means any of the following state-supported or state-assisted institutions of higher education:</u>	66987 66988 66989
<u>(a) A community college as defined in section 3354.01 of the Revised Code;</u>	66990 66991
<u>(b) A technical college as defined in section 3357.01 of the Revised Code;</u>	66992 66993
<u>(c) A state community college as defined in section 3358.01 of the Revised Code.</u>	66994 66995
<u>(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:</u>	66996 66997 66998
<u>(a) A community college district as defined in section 3354.01 of the Revised Code;</u>	66999 67000
<u>(b) A technical college district as defined in section 3357.01 of the Revised Code;</u>	67001 67002
<u>(c) A state community college district as defined in section 3358.01 of the Revised Code.</u>	67003 67004
<u>(7) "Credit enhancement facilities" has the same meaning as</u>	67005

in section 133.01 of the Revised Code. 67006

(8) "Obligations" has the meaning as in section 152.09 or 3345.12 of the Revised Code, as the context requires. 67007
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(B) The board of trustees of any community or technical college district authorizing the issuance of obligations under section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the Revised Code, or for whose benefit and on whose behalf the authority proposes to issue obligations under division (G) of section 152.09 of the Revised Code, may adopt a resolution requesting the chancellor to enter into an agreement with the community or technical college district and the primary paying agent or fiscal agent for such obligations, providing for the withholding and deposit of funds otherwise due the district or the community or technical college it operates in respect of its allocated state share of instruction, for the payment of bond service charges on such obligations. 67009
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The board of trustees shall deliver to the chancellor a copy of the resolution and any additional pertinent information the chancellor may require. 67022
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The chancellor and the office of budget and management, and the authority in the case of obligations to be issued by the authority, shall evaluate each request received from a community or technical college district under this section. The chancellor, with the advice and consent of the director of budget and management and the authority in the case of obligations to be issued by the authority, shall approve each request if all of the following conditions are met: 67025
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(1) Approval of the request will enhance the marketability of the obligations for which the request is made; 67033
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(2) The chancellor and the office of budget and management, 67035

and the authority in the case of obligations to be issued by the 67036
authority, have no reason to believe the requesting community or 67037
technical college district or the community or technical college 67038
it operates will be unable to pay when due the bond service 67039
charges on the obligations for which the request is made, and bond 67040
service charges on those obligations are therefore not anticipated 67041
to be paid pursuant to this section from the allocated state share 67042
of instruction for purposes of Section 17 of Article VIII, Ohio 67043
Constitution. 67044

(3) Any other pertinent conditions established in rules 67045
adopted under division (H) of this section. 67046

(C) If the chancellor approves the request of a community or 67047
technical college district to withhold and deposit funds pursuant 67048
to this section, the chancellor shall enter into a written 67049
agreement with the district and the primary paying agent or fiscal 67050
agent for the obligations, which agreement shall provide for the 67051
withholding of funds pursuant to this section for the payment of 67052
bond service charges on those obligations. The agreement may also 67053
include both of the following: 67054

(1) Provisions for certification by the district to the 67055
chancellor, prior to the deadline for payment of the applicable 67056
bond service charges, whether the district and the community or 67057
technical college it operates are able to pay those bond service 67058
charges when due; 67059

(2) Requirements that the district or the community or 67060
technical college it operates deposits amounts for the payment of 67061
those bond service charges with the primary paying agent or fiscal 67062
agent for the obligations prior to the date on which the bond 67063
service charges are due to the owners or holders of the 67064
obligations. 67065

(D) Whenever a district or the community or technical college 67066

it operates notifies the chancellor that it will not be able to 67067
pay the bond service charges when they are due, subject to the 67068
withholding provisions of this section, or whenever the applicable 67069
paying agent or fiscal agent notifies the chancellor that it has 67070
not timely received from a district or from the college it 67071
operates the full amount needed for payment of the bond service 67072
charges when due to the holders or owners of such obligations, the 67073
chancellor shall immediately contact the district or college and 67074
the paying agent or fiscal agent to confirm that the district and 67075
the college are not able to make the required payment by the date 67076
on which it is due. 67077

If the chancellor confirms that the district and the college 67078
are not able to make the payment and the payment will not be made 67079
pursuant to a credit enhancement facility, the chancellor shall 67080
promptly pay to the applicable primary paying agent or fiscal 67081
agent the lesser of the amount due for bond service charges or the 67082
amount of the next periodic distribution scheduled to be made to 67083
the district or to the college in respect of its allocated state 67084
share of instruction. If this amount is insufficient to pay the 67085
total amount then due the agent for the payment of bond service 67086
charges, the chancellor shall continue to pay to the agent from 67087
each periodic distribution thereafter, and until the full amount 67088
due the agent for unpaid bond service charges is paid in full, the 67089
lesser of the remaining amount due the agent for bond service 67090
charges or the amount of the next periodic distribution scheduled 67091
to be made to the district or college in respect of its allocated 67092
state share of instruction. 67093

(E) The chancellor may make any payments under this section 67094
by direct deposit of funds by electronic transfer. 67095

Any amount received by a paying agent or fiscal agent under 67096
this section shall be applied only to the payment of bond service 67097
charges on the obligations of the community or technical college 67098

district or community or technical college subject to this section 67099
or to the reimbursement of the provider of a credit enhancement 67100
facility that has paid the bond service charges. 67101

(F) The chancellor may make payments under this section to 67102
paying agents or fiscal agents during any fiscal biennium of the 67103
state only from and to the extent that money is appropriated to 67104
the board of regents by the general assembly for distribution 67105
during such biennium for the state share of instruction and only 67106
to the extent that a portion of the state share of instruction has 67107
been allocated to the community or technical college district or 67108
community or technical college. Obligations of the authority or of 67109
a community or technical college district to which this section is 67110
made applicable do not constitute an obligation or a debt or a 67111
pledge of the faith, credit, or taxing power of the state, and the 67112
holders or owners of those obligations have no right to have 67113
excises or taxes levied or appropriations made by the general 67114
assembly for the payment of bond service charges on the 67115
obligations, and the obligations shall contain a statement to that 67116
effect. The agreement for or the actual withholding and payment of 67117
money under this section does not constitute the assumption by the 67118
state of any debt of a community or technical college district or 67119
a community or technical college, and bond service charges on the 67120
related obligations are not anticipated to be paid from the state 67121
general revenue fund for purposes of Section 17 of Article VIII, 67122
Ohio Constitution. 67123

(G) In the case of obligations subject to the withholding 67124
provisions of this section, the issuing community or technical 67125
college district, or the authority in the case of obligations 67126
issued by the authority, shall appoint a paying agent or fiscal 67127
agent who is not an officer or employee of the district or 67128
college. 67129

(H) The chancellor, with the advice and consent of the office 67130

of budget and management, may adopt reasonable rules not 67131
inconsistent with this section for the implementation of this 67132
section to secure payment of bond service charges on obligations 67133
issued by a community or technical college district or by the 67134
authority for the benefit of a community or technical college 67135
district or the community or technical college it operates. Those 67136
rules shall include criteria for the evaluation and approval or 67137
denial of community or technical college district requests for 67138
withholding under this section. 67139

(I) The authority granted by this section is in addition to 67140
and not a limitation on any other authorizations granted by or 67141
pursuant to law for the same or similar purposes. 67142

Sec. 3334.03. (A)(1) There is hereby created the Ohio 67143
tuition trust authority within the office of the chancellor of the 67144
Ohio board of regents, which shall have the powers enumerated in 67145
this chapter and which shall operate as a qualified state tuition 67146
program within the meaning of section 529 of the Internal Revenue 67147
Code. The exercise by the authority of its powers shall be and is 67148
hereby declared an essential state governmental function. The 67149
authority is subject to all provisions of law generally applicable 67150
to state agencies which do not conflict with the provisions of 67151
this chapter. 67152

(2) Except for the duties and responsibilities under this 67153
chapter of the Ohio tuition trust authority board as specified in 67154
divisions (B)(2) and (3) of this section, the Ohio tuition trust 67155
authority shall perform all duties and responsibilities specified 67156
under this chapter. 67157

(B) ~~The~~(1)(a) There is hereby created the Ohio tuition trust 67158
authority board, which shall consist of eleven members, no more 67159
than six of whom shall be of the same political party. Six members 67160
shall be appointed by the governor with the advice and consent of 67161
the senate as follows: one shall represent state institutions of 67162

higher education, one shall represent private nonprofit colleges
and universities located in Ohio, one shall have experience in
the field of marketing or public relations, one shall have
experience in the field of information systems design or
management, and two shall have experience in the field of
banking, investment banking, insurance, or law. Four members
shall be appointed by the speaker of the house of representatives
and the president of the senate as follows: the speaker of the
house of representatives shall appoint one member of the house
from each political party and the president of the senate shall
appoint one member of the senate from each political party. The
chancellor of the board of regents or the chancellor's designee
shall be an ex officio voting member; ~~provided, however, that~~
~~the chancellor may designate a vice-chancellor of the board of~~
~~regents to serve as the chancellor's representative. The~~
~~political party of the chancellor shall be deemed the political~~
~~party of the designee for purposes of determining that no more~~
~~than six members are of the same political party.~~

~~Initial gubernatorial appointees to the authority shall serve~~
~~staggered terms, with two terms expiring on January 31, 1991, one~~
~~term expiring on January 31, 1992, and one term expiring on~~
~~January 31, 1993. The governor shall appoint two additional~~
~~members to the authority no later than thirty days after March 30,~~
~~1999, and their initial terms shall expire January 31, 2002.~~
~~Thereafter, terms~~ Terms of office for gubernatorial appointees
shall be ~~for four years~~ staggered four-year terms. ~~The initial~~
~~terms of the four legislative members shall expire on January 31,~~
~~1991. Thereafter legislative~~ Legislative members shall serve
two-year terms, provided that legislative members may continue to
serve on the ~~authority~~ board only if they remain members of the
general assembly. Any vacancy on the ~~authority~~ board shall be
filled in the same manner as the original appointment, except
that any person appointed to fill a vacancy shall be appointed to
the remainder of the unexpired term. Any member is eligible for

reappointment. 67197

~~(C)~~(b) Any member may be removed by the appointing authority 67198
for misfeasance, malfeasance, or willful neglect of duty or for 67199
other cause after notice and a public hearing, unless the notice 67200
and hearing are waived in writing by the member. Members shall 67201
serve without compensation but shall receive their reasonable and 67202
necessary expenses incurred in the conduct of ~~authority~~the 67203
board's business. 67204

~~(D)~~(c) The speaker of the house of representatives and the 67205
president of the senate shall each designate a member of the 67206
~~authority~~board to serve as co-chairpersons. The six gubernatorial 67207
appointees and the chancellor ~~of the board of regents~~ or the 67208
chancellor's designee shall serve as the executive committee of 67209
the ~~authority~~board, and shall elect an executive chairperson 67210
from among the executive committee members. The ~~authority~~board 67211
and the executive committee may elect such other officers as 67212
determined by the ~~authority~~board or the executive committee 67213
respectively. The authority shall meet at least annually at the 67214
call of either co-chairperson and at such other times as either 67215
co-chairperson or the ~~authority~~board determines necessary. In 67216
the absence of both co-chairpersons, the executive chairperson 67217
shall serve as the presiding officer of the ~~authority~~board. The 67218
executive committee shall meet at the call of the executive 67219
chairperson or as the executive committee determines necessary. 67220
The ~~authority~~board may delegate to the executive committee such 67221
duties and responsibilities as the ~~authority~~board determines 67222
appropriate, except that the ~~authority~~board may not delegate to 67223
the executive committee ~~the final determination of the annual~~ 67224
~~price of a tuition unit~~, the final designation of bonds as college 67225
savings bonds; or providing of advice concerning and consent to 67226
the employment of an executive director of the Ohio tuition trust 67227
authority. Upon such delegation, the executive committee shall 67228
have the authority to act pursuant to such delegation without 67229

further approval or action by the authority board. A majority of
the authority board shall constitute a quorum of the authority
board, and the affirmative vote of a majority of the members
present shall be necessary for any action taken by the authority
board. A majority of the executive committee shall constitute a
quorum of the executive committee, and the affirmative vote of a
majority of the members present shall be necessary for any action
taken by the executive committee. No vacancy in the membership of
the authority board or the executive committee shall impair the
rights of a quorum to exercise all rights and perform all duties
of the authority board or the executive committee respectively.

(2) The Ohio tuition trust authority board solely shall
perform the duties and responsibilities specified in division
(B)(3) of this section and in all of the following:

(a) Section 3334.04 of the Revised Code, except for
administration responsibilities that include, but are not limited
to, marketing, promoting, and advertising;

(b) Division (A)(11) of section 3334.08 of the Revised Code
to provide advice and consent to the Ohio tuition trust authority
on the hiring of the executive director, provided that the
executive director shall not be hired unless a majority of the
board votes in favor of the hiring;

(c) Divisions (A) to (E), (G)(1), (K), (L), and (M) of
section 3334.11 of the Revised Code, except that the board shall
consult with the chancellor prior to any change in the order of
expenditures under division (B) of that section, prior to entering
into a contract under division (E) of that section, or prior to
establishing an entity authorized under division (K)(2) of that
section;

(d) Section 3334.12 of the Revised Code;

(e) Sections 3334.18 to 3334.21 of the Revised Code 67260
concerning investment and fiduciary duties that are required for 67261
the variable college savings program. In addition, prior to any 67262
change in the order of expenditures under division (F) of section 67263
3334.19 of the Revised Code, the board shall consult with the 67264
chancellor. 67265

(3) Subject to the advice and consent of the chancellor, the 67266
Ohio tuition trust authority board may remove at any time the 67267
executive director of the Ohio tuition trust authority hired under 67268
division (A)(11) of section 3334.08 of the Revised Code. 67269

Sec. 3334.07. (A) The Ohio tuition trust authority shall 67270
develop a plan for the sale of tuition units. ~~The Ohio board of~~ 67271
~~regents shall cooperate with the authority and provide technical~~ 67272
~~assistance upon request.~~ Not later than December 31, 2009, the 67273
authority shall conduct a study of guaranteed tuition program 67274
plans and submit a report that contains recommendations for a new 67275
guaranteed tuition plan to the speaker of the house of 67276
representatives, the president of the senate, and the governor. 67277
The authority shall include in the report consideration of a 67278
guaranteed tuition program plan in which the risks of the plan 67279
are shared equitably among institutions of higher education, the 67280
state, the Ohio tuition trust authority, and the investors in the 67281
program. 67282

(B) Annually, the authority shall determine the weighted 67283
average tuition of four-year state universities in the academic 67284
year that begins on or after the first day of August of the 67285
current calendar year, and shall establish the price of a tuition 67286
unit in the ensuing sales period. Such price shall be based on 67287
sound actuarial principles, and shall, to the extent actuarially 67288
possible, reasonably approximate one per cent of the weighted 67289
average tuition for that academic year plus the costs of 67290
administering the program that are in excess of general revenue 67291

fund appropriations for administrative costs. The sales period to which such price applies shall consist of twelve months, and the authority by rule shall establish the date on which the sales period begins. If circumstances arise during a sales period that the authority determines causes the price of tuition units to be insufficient to ensure the actuarial soundness of the Ohio tuition trust fund, the authority may adjust the price of tuition units purchased during the remainder of the sales period. To promote the purchase of tuition units and in accordance with actuarially sound principles, the authority may adjust the sales price as part of incentive programs, such as discounting for lump sum purchases and multi-year installment plans at a fixed rate of purchase.

(C) The authority may establish and administer more than one plan for the sale of tuition units within the Ohio tuition trust fund using similar principles specified in division (B) of this section or modeled after a plan that was included in the study that was conducted under division (A) of this section. If the authority establishes and administers more than one plan for the sale of tuition units, the money received under each plan shall be segregated and identified within the Ohio tuition trust fund.

Sec. 3334.08. (A) Subject to division (B) of this section, in addition to any other powers conferred by this chapter, the Ohio tuition trust authority may do any of the following:

(1) Impose reasonable residency requirements for beneficiaries of tuition units;

(2) Impose reasonable limits on the number of tuition unit participants;

(3) Impose and collect administrative fees and charges in connection with any transaction under this chapter;

(4) Purchase insurance from insurers licensed to do business

in this state providing for coverage against any loss in 67322
connection with the authority's property, assets, or activities or 67323
to further ensure the value of tuition units; 67324

(5) Indemnify or purchase policies of insurance on behalf of 67325
members, officers, and employees of the authority from insurers 67326
licensed to do business in this state providing for coverage for 67327
any liability incurred in connection with any civil action, 67328
demand, or claim against a director, officer, or employee by 67329
reason of an act or omission by the director, officer, or employee 67330
that was not manifestly outside the scope of the employment or 67331
official duties of the director, officer, or employee or with 67332
malicious purpose, in bad faith, or in a wanton or reckless 67333
manner; 67334

(6) Make, execute, and deliver contracts, conveyances, and 67335
other instruments necessary to the exercise and discharge of the 67336
powers and duties of the authority; 67337

(7) Promote, advertise, and publicize the Ohio college 67338
savings program and the variable college savings program; 67339

(8) Adopt rules under section 111.15 of the Revised Code for 67340
the implementation of the Ohio college savings program; 67341

(9) Contract, for the provision of all or part of the 67342
services necessary for the management and operation of the Ohio 67343
college savings program and the variable college savings program, 67344
with a bank, trust company, savings and loan association, 67345
insurance company, or licensed dealer in securities if the bank, 67346
company, association, or dealer is authorized to do business in 67347
this state and information about the contract is filed with the 67348
controlling board pursuant to division (D)(6) of section 127.16 of 67349
the Revised Code; 67350

(10) Contract for other services, or for goods, needed by the 67351

authority in the conduct of its business, including but not
limited to credit card services;

(11) Employ an executive director and other personnel as
necessary to carry out its responsibilities under this chapter,
and fix the compensation of these persons. All employees of the
authority shall be in the unclassified civil service and shall be
eligible for membership in the public employees retirement system.
In the hiring of the executive director, the Ohio tuition trust
authority shall obtain the advice and consent of the Ohio tuition
trust board created in section 3334.03 of the Revised Code,
provided that the executive director shall not be hired unless a
majority of the board votes in favor of the hiring. In addition,
the board may remove the executive director at any time subject to
the advice and consent of the chancellor of the Ohio board of
regents.

(12) Contract with financial consultants, actuaries,
auditors, and other consultants as necessary to carry out its
responsibilities under this chapter;

(13) Enter into agreements with any agency of the state or
its political subdivisions or with private employers under which
an employee may agree to have a designated amount deducted in each
payroll period from the wages or salary due the employee for the
purpose of purchasing tuition units pursuant to a tuition payment
contract or making contributions pursuant to a variable college
savings program contract;

(14) Enter into an agreement with the treasurer of state
under which the treasurer of state will receive, and credit to the
Ohio tuition trust fund or variable college savings program fund,
from any bank or savings and loan association authorized to do
business in this state, amounts that a depositor of the bank or
association authorizes the bank or association to withdraw
periodically from the depositor's account for the purpose of

purchasing tuition units pursuant to a tuition payment contract or	67384
making contributions pursuant to a variable college savings	67385
program contract;	67386
(15) Solicit and accept gifts, grants, and loans from any	67387
person or governmental agency and participate in any governmental	67388
program;	67389
(16) Impose limits on the number of units which may be	67390
purchased on behalf of or assigned or awarded to any beneficiary	67391
and on the total amount of contributions that may be made on	67392
behalf of a beneficiary;	67393
(17) Impose restrictions on the substitution of another	67394
individual for the original beneficiary under the Ohio college	67395
savings program;	67396
(18) Impose a limit on the age of a beneficiary, above which	67397
tuition units may not be purchased on behalf of that beneficiary;	67398
(19) Enter into a cooperative agreement with the treasurer of	67399
state to provide for the direct disbursement of payments under	67400
tuition payment or variable college savings program contracts;	67401
(20) Determine the other higher education expenses for which	67402
tuition units or contributions may be used;	67403
(21) Terminate any tuition payment or variable college	67404
savings program contract if no purchases or contributions are made	67405
for a period of three years or more and there are fewer than a	67406
total of five tuition units or less than a dollar amount set by	67407
rule on account, provided that notice of a possible termination	67408
shall be provided in advance, explaining any options to prevent	67409
termination, and a reasonable amount of time shall be provided	67410
within which to act to prevent a termination;	67411

(22) Maintain a separate account for each tuition payment or variable college savings program contract;	67412 67413
(23) Perform all acts necessary and proper to carry out the duties and responsibilities of the authority pursuant to this chapter.	67414 67415 67416
(B) The authority shall adopt rules under section 111.15 of the Revised Code for the implementation and administration of the variable college savings program. The rules shall provide taxpayers with the maximum tax advantages and flexibility consistent with section 529 of the Internal Revenue Code and regulations adopted thereunder with regard to disposition of contributions and earnings, designation of beneficiaries, and rollover of account assets to other programs.	67417 67418 67419 67420 67421 67422 67423 67424
(C) Except as otherwise specified in this chapter, the provisions of Chapters 123., 125., and 4117. of the Revised Code shall not apply to the authority. The department of administrative services shall, upon the request of the authority, act as the authority's agent for the purchase of equipment, supplies, insurance, or services, or the performance of administrative services pursuant to Chapter 125. of the Revised Code.	67425 67426 67427 67428 67429 67430 67431
Sec. 3334.11. (A) The assets of the Ohio tuition trust authority reserved for payment of the obligations of the authority pursuant to tuition payment contracts shall be placed in a fund, which is hereby created and shall be known as the Ohio tuition trust fund. The fund shall be in the custody of the treasurer of state, but shall not be part of the state treasury. That portion of payments received by the authority or the treasurer of state from persons purchasing tuition units under tuition payment contracts that the authority determines is actuarially necessary for the payment of obligations of the authority pursuant to tuition payment contracts, all interest and investment income earned by the fund, and all other receipts of the authority from	67432 67433 67434 67435 67436 67437 67438 67439 67440 67441 67442 67443

any other source that the authority determines appropriate, shall
be deposited in the fund. No purchaser or beneficiary of tuition
units shall have any claim against the funds of any state
institution of higher education. All investment fees and other
costs incurred in connection with the exercise of the investment
powers of the authority pursuant to divisions (D) and (E) of this
section shall be paid from the assets of the fund.

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(B) Unless otherwise provided by the authority, the assets of
the Ohio tuition trust fund shall be expended in the following
order:

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(1) To make payments to beneficiaries, or institutions of
higher education on behalf of beneficiaries, under division (B) of
section 3334.09 of the Revised Code;

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(2) To make refunds as provided in divisions (A) and (C) of
section 3334.10 of the Revised Code;

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(3) To pay the investment fees and other costs of
administering the fund.

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(C)(1) Except as may be provided in an agreement under
division (A)(19) of section 3334.08 of the Revised Code, all
disbursements from the Ohio tuition trust fund shall be made by
the treasurer of state on order of a designee of the authority.

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(2) The treasurer of state shall deposit any portion of the
Ohio tuition trust fund not needed for immediate use in the same
manner as state funds are deposited.

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(D) The authority is the trustee of the Ohio tuition trust
fund. The authority shall have full power to invest the assets of
the fund and in exercising this power shall be subject to the
limitations and requirements contained in divisions (K) to (M) of
this section and sections 145.112 and 145.113 of the Revised Code.

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The evidences of title of all investments shall be delivered to the treasurer of state or to a qualified trustee designated by the treasurer of state as provided in section 135.18 of the Revised Code. Assets of the fund shall be administered by the authority in a manner designed to be actuarially sound so that the assets of the fund will be sufficient to satisfy the obligations of the authority pursuant to tuition payment contracts and defray the reasonable expenses of administering the fund.

(E) ~~The public employees retirement board shall, with the approval of the authority, exercise the investment powers of the authority~~may enter into an agreement with any business, entity, or governmental agency to perform the investment duties of the authority as set forth in division (D) of this section ~~until the authority determines that assumption and exercise by the authority of the investment powers is financially and administratively feasible.~~ The investment powers shall be exercised by the ~~public employees retirement board~~business, entity, or governmental agency that entered into an agreement with the authority in a manner agreed upon by the authority that maximizes the return on investment and minimizes the administrative expenses.

(F)(1) The authority shall maintain a separate account for each tuition payment contract entered into pursuant to division (A) of section 3334.09 of the Revised Code for the purchase of tuition units on behalf of a beneficiary or beneficiaries showing the beneficiary or beneficiaries of that contract and the number of tuition units purchased pursuant to that contract. Upon request of any beneficiary or person who has entered into a tuition payment contract, the authority shall provide a statement indicating, in the case of a beneficiary, the number of tuition units purchased on behalf of the beneficiary, or in the case of a person who has entered into a tuition payment contract, the number of tuition units purchased, used, or refunded pursuant to that contract. A beneficiary and person that have entered into a

tuition payment contract each may file only one request under this division in any year. 67506
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(2) The authority shall maintain an account for each scholarship program showing the number of tuition units that have been purchased for or donated to the program and the number of tuition units that have been used. Upon the request of the entity that established the scholarship program, the authority shall provide a statement indicating these numbers. 67508
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(G)(1) In addition to the Ohio tuition trust fund, there is hereby established a reserve fund that shall be in the custody of the treasurer of state but shall not be part of the state treasury, and shall be known as the Ohio tuition trust reserve fund, and an operating fund that shall be part of the state treasury, and shall be known as the Ohio tuition trust operating fund. That portion of payments received by the authority or the treasurer of state from persons purchasing tuition units under tuition payment contracts that the authority determines is not actuarially necessary for the payment of obligations of the authority pursuant to tuition payment contracts, any interest and investment income earned by the reserve fund, any administrative charges and fees imposed by the authority on transactions under this chapter or on purchasers or beneficiaries of tuition units, and all other receipts from any other source that the authority determines appropriate, shall be deposited in the reserve fund to pay the operating expenses of the authority and the costs of administering the program. The assets of the reserve fund may be invested in the same manner and subject to the same limitations set forth in divisions (D), (E), and (K) to (M) of this section and sections 145.112 and 145.113 of the Revised Code. All investment fees and other costs incurred in connection with the exercise of the investment powers shall be paid from the assets of the reserve fund. Except as otherwise provided for in this chapter, all operating expenses of the authority and costs of 67514
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administering the program shall be paid from the operating fund. 67539
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(2) The treasurer shall, upon request of the authority, 67541
transfer funds from the reserve fund to the operating fund as the 67542
authority determines appropriate to pay those current operating 67543
expenses of the authority and costs of administering the program 67544
as the authority designates. Any interest or investment income 67545
earned on the assets of the operating fund shall be deposited in 67546
the operating fund. 67547

(H) In January of each year the authority shall report to 67548
each person who received any payments or refunds from the 67549
authority during the preceding year information relative to the 67550
value of the payments or refunds to assist in determining that 67551
person's tax liability. 67552

(I) The authority shall report to the tax commissioner any 67553
information, and at the times, as the tax commissioner requires to 67554
determine any tax liability that a person may have incurred during 67555
the preceding year as a result of having received any payments or 67556
refunds from the authority. 67557

(J) All records of the authority indicating the identity of 67558
purchasers and beneficiaries of tuition units or college savings 67559
bonds, the number of tuition units purchased, used, or refunded 67560
under a tuition payment contract, and the number of college 67561
savings bonds purchased, held, or redeemed are not public records 67562
within the meaning of section 149.43 of the Revised Code. 67563

(K)(1) The authority and other fiduciaries shall discharge 67564
their duties with respect to the funds with care, skill, prudence, 67565
and diligence under the circumstances then prevailing that a 67566
prudent person acting in a like capacity and familiar with such 67567
matters would use in the conduct of an enterprise of a like 67568
character and with like aims; and by diversifying the investments 67569

of the assets of the funds so as to minimize the risk of large
losses, unless under the circumstances it is clearly prudent not
to do so.

(2) To facilitate investment of the funds, the authority may
establish a partnership, trust, limited liability company,
corporation, including a corporation exempt from taxation under
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as
amended, or any other legal entity authorized to transact business
in this state.

(L) In exercising its fiduciary responsibility with respect
to the investment of the assets of the funds, it shall be the
intent of the authority to give consideration to investments that
enhance the general welfare of the state and its citizens where
the investments offer quality, return, and safety comparable to
other investments currently available to the authority. In
fulfilling this intent, equal consideration shall also be given to
investments otherwise qualifying under this section that involve
minority owned and controlled firms and firms owned and controlled
by women, either alone or in joint venture with other firms.

The authority shall adopt, in regular meeting, policies,
objectives, or criteria for the operation of the investment
program that include asset allocation targets and ranges, risk
factors, asset class benchmarks, time horizons, total return
objectives, and performance evaluation guidelines. In adopting
policies and criteria for the selection of agents with whom the
authority may contract for the administration of the assets of the
funds, the authority shall give equal consideration to minority
owned and controlled firms, firms owned and controlled by women,
and ventures involving minority owned and controlled firms and
firms owned and controlled by women that otherwise meet the
policies and criteria established by the authority. Amendments and
additions to the policies and criteria shall be adopted in regular

meeting. The authority shall publish its policies, objectives, 67602
and criteria under this provision no less often than annually and 67603
shall make copies available to interested parties. 67604

When reporting on the performance of investments, the 67605
authority shall comply with the performance presentation standards 67606
established by the association for investment management and 67607
research. 67608

(M) All investments shall be purchased at current market 67609
prices and the evidences of title of the investments shall be 67610
placed in the hands of the treasurer of state, who is hereby 67611
designated as custodian thereof, or in the hands of the treasurer 67612
of state's authorized agent. The treasurer of state or the agent 67613
shall collect the principal, dividends, distributions, and 67614
interest thereon as they become due and payable and place them 67615
when so collected into the custodial funds. 67616

The treasurer of state shall pay for investments purchased by 67617
the authority on receipt of written or electronic instructions 67618
from the authority or the authority's designated agent authorizing 67619
the purchase and pending receipt of the evidence of title of the 67620
investment by the treasurer of state or the treasurer of state's 67621
authorized agent. The authority may sell investments held by the 67622
authority, and the treasurer of state or the treasurer of state's 67623
authorized agent shall accept payment from the purchaser and 67624
deliver evidence of title of the investment to the purchaser on 67625
receipt of written or electronic instructions from the authority 67626
or the authority's designated agent authorizing the sale, and 67627
pending receipt of the moneys for the investments. The amount 67628
received shall be placed in the custodial funds. The authority 67629
and the treasurer of state may enter into agreements to establish 67630
procedures for the purchase and sale of investments under this 67631
division and the custody of the investments. 67632

No purchase or sale of any investment shall be made under 67633

this section except as authorized by the authority. 67634

Any statement of financial position distributed by the 67635
authority shall include fair value, as of the statement date, of 67636
all investments held by the authority under this section. 67637

Sec. 3334.111. (A) As used in this section: 67638

(1) "Minority business enterprise" has the meaning defined in 67639
section 122.71 of the Revised Code. 67640

(2) "Women's business enterprise" means a business, or a 67641
partnership, corporation, limited liability company, or joint 67642
venture of any kind, that is owned and controlled by women who are 67643
United States citizens and residents of this state. 67644

(B) The chancellor of the board of regents shall submit 67645
annually to the governor and to the general assembly (under 67646
section 101.68 of the Revised Code) a report containing the 67647
following information: 67648

(1) The name of each investment manager that is a minority 67649
business enterprise or a women's business enterprise with which 67650
the chancellor contracts; 67651

(2) The amount of assets managed by investment managers that 67652
are minority business enterprises or women's business enterprises, 67653
expressed as a percentage of assets managed by investment managers 67654
with which the chancellor has contracted; 67655

(3) Efforts by the chancellor to increase utilization of 67656
investment managers that are minority business enterprises or 67657
women's business enterprises. 67658

Sec. 3334.12. Notwithstanding anything to the contrary in 67659
sections 3334.07 and 3334.09 of the Revised Code: 67660

(A) Annually, the Ohio tuition trust authority shall have the actuarial soundness of the Ohio tuition trust fund evaluated by a nationally recognized actuary and shall determine whether additional assets are necessary to defray the obligations of the authority. If, after the authority sets the price for tuition units, circumstances arise that the executive director determines necessitate an additional evaluation of the actuarial soundness of the fund, the executive director shall have a nationally recognized actuary conduct the necessary evaluation. If the assets of the fund are insufficient to ensure the actuarial soundness of the fund, the authority shall adjust the price of subsequent purchases of tuition units to the extent necessary to help restore the actuarial soundness of the fund. If, at any time, the adjustment is likely, in the opinion of the authority, to diminish the marketability of tuition units to an extent that the continued sale of the units likely would not restore the actuarial soundness of the fund and external economic factors continue to negatively impact the soundness of the program, the authority may suspend sales, either permanently or temporarily, of tuition units. During any suspension, the authority shall continue to service existing college savings program accounts.

(B) Upon termination of ~~the program~~ all programs or liquidation of the Ohio tuition trust fund, the Ohio tuition trust reserve fund, and the Ohio tuition trust operating fund, any remaining assets of the funds after all obligations of the funds have been satisfied pursuant to division (B) of section 3334.11 of the Revised Code shall be transferred to the general revenue fund of the state.

(C) The authority shall prepare and cause to have audited an annual financial report on all financial activity of the Ohio tuition trust authority within ninety days of the end of the fiscal year. The authority shall transmit a copy of the audited financial report to the governor, the president of the senate, the

speaker of the house of representatives, and the minority leaders 67694
of the senate and the house of representatives. Copies of the 67695
audited financial report also shall be made available, upon 67696
request, to the persons entering into contracts with the authority 67697
and to prospective purchasers of tuition units and prospective 67698
contributors to variable college savings program accounts. 67699

Sec. 3343.04. The board of trustees of the Central state 67700
university shall meet in regular session at the university twice a 67701
year. ~~The first meeting shall be on the third Thursday in June,~~ 67702
~~and the second on the first Thursday in November of each year.~~ 67703
Other meetings may be called and held at such places as the board 67704
prescribes. A majority of the board present at any meeting shall 67705
constitute a quorum; but a majority of the board shall be 67706
necessary to elect or remove a president, business manager, or 67707
professor. The trustees shall receive no compensation for their 67708
services, but shall be paid their expenses for traveling and other 67709
reasonable and necessary expenses while engaged in the discharge 67710
of their official duties. 67711

Sec. 3345.011. "State university" means a public institution 67712
of higher education which is a body politic and corporate. Each of 67713
the following institutions of higher education shall be recognized 67714
as a state university: university of Akron, Bowling Green state 67715
university, Central state university, university of Cincinnati, 67716
Cleveland state university, Kent state university, Miami 67717
university, Ohio university, Ohio state university, Shawnee state 67718
university, university of Toledo, Wright state university, and 67719
Youngstown state university. 67720

"State institution of higher education" means any state 67721
university or college as defined in division (A)(1) of section 67722
3345.12 of the Revised Code, community college, state community 67723
college, university branch established under Chapter 3355. of the 67724
Revised Code, or technical college. 67725

"University system of Ohio" means the collective group of all 67726
of the state institutions of higher education. 67727

"Member of the university system of Ohio" means any 67728
individual state institution of higher education. 67729

Sec. 3345.062. If the partnership for continued learning, 67730
after consulting with the Ohio board of regents and the state 67731
board of education, does not complete and submit recommendations 67732
for legislative changes for the operation of the post-secondary 67733
enrollment options program, as required by division (B) of section 67734
3301.42 of the Revised Code as it existed prior to the effective 67735
date of this amendment, by the deadline prescribed in that 67736
division, each state university, as defined in section 3345.011 of 67737
the Revised Code, shall offer via the internet or interactive 67738
distance learning at least two college level courses, one each in 67739
science and mathematics, by which high school students may earn 67740
both high school and college credit. During such course, the 67741
university may include a single presentation, of not more than two 67742
minutes in length, that describes its other programs and courses. 67743
The university may assess a fee for the course required under this 67744
section of not more than one-tenth of the amount per credit hour 67745
normally assessed by the university for an undergraduate course at 67746
its main campus. 67747

Sec. 3345.12. (A) As used in this section and sections 67748
3345.07 and 3345.11 of the Revised Code, in other sections of the 67749
Revised Code that make reference to this section unless the 67750
context does not permit, and in related bond proceedings unless 67751
otherwise expressly provided: 67752

(1) "State university or college" means each of the state 67753
universities identified in section 3345.011 of the Revised Code 67754
and the northeastern Ohio universities college of medicine, and 67755
includes its board of trustees. 67756

(2) "Institution of higher education" or "institution" means
a state university or college, or a community college district,
technical college district, university branch district, or state
community college, and includes the applicable board of trustees
or, in the case of a university branch district, any other
managing authority.

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(3) "Housing and dining facilities" means buildings,
structures, and other improvements, and equipment, real estate,
and interests in real estate therefor, to be used for or in
connection with dormitories or other living quarters and
accommodations, or related dining halls or other food service and
preparation facilities, for students, members of the faculty,
officers, or employees of the institution of higher education, and
their spouses and families.

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(4) "Auxiliary facilities" means buildings, structures, and
other improvements, and equipment, real estate, and interests in
real estate therefor, to be used for or in connection with student
activity or student service facilities, housing and dining
facilities, dining halls, and other food service and preparation
facilities, vehicular parking facilities, bookstores, athletic and
recreational facilities, faculty centers, auditoriums, assembly
and exhibition halls, hospitals, infirmaries and other medical and
health facilities, research, and continuing education facilities.

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(5) "Education facilities" means buildings, structures, and
other improvements, and equipment, real estate, and interests in
real estate therefor, to be used for or in connection with,
classrooms or other instructional facilities, libraries,
administrative and office facilities, and other facilities, other
than auxiliary facilities, to be used directly or indirectly for
or in connection with the conduct of the institution of higher
education.

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(6) "Facilities" means housing and dining facilities,

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auxiliary facilities, or education facilities, and includes any
one, part of, or any combination of such facilities, and further
includes site improvements, utilities, machinery, furnishings, and
any separate or connected buildings, structures, improvements,
sites, open space and green space areas, utilities or equipment to
be used in, or in connection with the operation or maintenance of,
or supplementing or otherwise related to the services or
facilities to be provided by, such facilities.

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(7) "Obligations" means bonds or notes or other evidences of
obligation, including interest coupons pertaining thereto,
authorized to be issued under this section or section 3345.07,
3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised
Code.

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(8) "Bond service charges" means principal, including any
mandatory sinking fund or redemption requirements for the
retirement of obligations or assurances, interest, or interest
equivalent and other accreted amounts, and any call premium
required to be paid on obligations or assurances.

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(9) "Bond proceedings" means the resolutions, trust
agreement, indenture, and other agreements and credit enhancement
facilities, and amendments and supplements to the foregoing, or
any one or more or combination thereof, authorizing, awarding, or
providing for the terms and conditions applicable to, or providing
for the security or liquidity of, obligations or assurances, and
the provisions contained in those obligations or assurances.

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(10) "Costs of facilities" means the costs of acquiring,
constructing, reconstructing, rehabilitating, remodeling,
renovating, enlarging, improving, equipping, or furnishing
facilities, and the financing thereof, including the cost of
clearance and preparation of the site and of any land to be used
in connection with facilities, the cost of any indemnity and
surety bonds and premiums on insurance, all related direct

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administrative expenses and allocable portions of direct costs of	67821
the institution of higher education or state agency, cost of	67822
engineering, architectural services, design, plans, specifications	67823
and surveys, estimates of cost, legal fees, fees and expenses of	67824
trustees, depositories, bond registrars, and paying agents for the	67825
obligations, cost of issuance of the obligations and financing	67826
costs and fees and expenses of financial advisers and consultants	67827
in connection therewith, interest on the obligations from the date	67828
thereof to the time when interest is to be covered by available	67829
receipts or other sources other than proceeds of the obligations,	67830
amounts necessary to establish reserves as required by the bond	67831
proceedings, costs of audits, the reimbursements of all moneys	67832
advanced or applied by or borrowed from the institution or others,	67833
from whatever source provided, including any temporary advances	67834
from state appropriations, for the payment of any item or items of	67835
cost of facilities, and all other expenses necessary or incident	67836
to planning or determining feasibility or practicability with	67837
respect to facilities, and such other expenses as may be necessary	67838
or incident to the acquisition, construction, reconstruction,	67839
rehabilitation, remodeling, renovation, enlargement, improvement,	67840
equipment, and furnishing of facilities, the financing thereof and	67841
the placing of them in use and operation, including any one, part	67842
of, or combination of such classes of costs and expenses.	67843

(11) "Available receipts" means all moneys received by the	67844
institution of higher education, including income, revenues, and	67845
receipts from the operation, ownership, or control of facilities	67846
<u>or entrepreneurial projects</u> , grants, gifts, donations, and pledges	67847
and receipts therefrom, receipts from fees and charges, and the	67848
proceeds of the sale of obligations <u>or assurances</u> , including	67849
proceeds of obligations <u>or assurances</u> issued to refund obligations	67850
<u>or assurances</u> previously issued, but excluding any special fee,	67851
and receipts therefrom, charged pursuant to division (D) of	67852
section 154.21 of the Revised Code.	67853

(12) "Credit enhancement facilities" has the meaning given in division (H) of section 133.01 of the Revised Code.	67854 67855
(13) "Financing costs" has the meaning given in division (K) of section 133.01 of the Revised Code.	67856 67857
(14) "Interest" or "interest equivalent" has the meaning given in division (R) of section 133.01 of the Revised Code.	67858 67859
(15) " <u>Assurances" means bonds, notes, or other evidence of indebtedness, including interest coupons pertaining thereto, authorized to be issued under section 3345.36 of the Revised Code.</u>	67860 67861 67862
(16) " <u>Entrepreneurial project" has the same meaning as in section 3345.36 of the Revised Code.</u>	67863 67864
(17) " <u>Costs of entrepreneurial projects" means any costs related to the establishment or development of entrepreneurial projects pursuant to a resolution adopted under section 3345.36 of the Revised Code.</u>	67865 67866 67867 67868
(B) Obligations issued under section 3345.07 or 3345.11 of the Revised Code by a state university or college shall be authorized by resolution of its board of trustees. Obligations issued by any other institution of higher education shall be authorized by resolution of its board of trustees, or managing directors in the case of certain university branch districts, as applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code apply to obligations <u>and assurances</u> . Obligations <u>and assurances</u> may be issued to pay costs of facilities <u>or entrepreneurial projects</u> even if the institution anticipates the possibility of a future state appropriation to pay all or a portion of such costs.	67869 67870 67871 67872 67873 67874 67875 67876 67877 67878 67879
(C) Obligations <u>and assurances</u> shall be secured by a pledge of and lien on all or such part of the available receipts of the institution of higher education as it provides for in the bond	67880 67881 67882

proceedings, excluding moneys raised by taxation and state 67883
appropriations except as permitted by section 3333.90 of the 67884
Revised Code. Such pledge and lien may be made prior to all other 67885
expenses, claims, or payments, excepting any pledge of such 67886
available receipts previously made to the contrary and except as 67887
provided by any existing restrictions on the use thereof, or such 67888
pledge and lien may be made subordinate to such other expenses, 67889
claims, or payments, as provided in the bond proceedings. 67890
Obligations or assurances may be additionally secured by covenants 67891
of the institution to make, fix, adjust, collect, and apply such 67892
charges, rates, fees, rentals, and other items of available 67893
receipts as will produce pledged available receipts sufficient 67894
to meet bond service charges, reserve, and other requirements 67895
provided for in the bond proceedings. Notwithstanding this and 67896
any other sections of the Revised Code, the holders or owners of 67897
the obligations or assurances shall not be given the right and 67898
shall have no right to have excises or taxes levied by the 67899
general assembly for the payment of bond service charges thereon, 67900
and each such obligation or assurance shall bear on its face a 67901
statement to that effect and to the effect that the right to such 67902
payment is limited to the available receipts and special funds 67903
pledged to such purpose under the bond proceedings. 67904

All pledged available receipts and funds and the proceeds of 67905
obligations or assurances are trust funds and, subject to the 67906
provisions of this section and the applicable bond proceedings, 67907
shall be held, deposited, invested, reinvested, disbursed, 67908
applied, and used to such extent, in such manner, at such times, 67909
and for such purposes, as are provided in the bond proceedings. 67910

(D) The bond proceedings for obligations or assurances shall 67911
provide for the purpose thereof and the principal amount or 67912
maximum principal amount, and provide for or authorize the manner 67913
of determining the principal maturity or maturities, the sale 67914
price including any permitted discount, the interest rate or 67915

rates, which may be a variable rate or rates, or the maximum 67916
interest rate, the date of the obligations or assurances and the 67917
date or dates of payment of interest thereon, their 67918
denominations, the manner of sale thereof, and the establishment 67919
within or without the state of a place or places of payment of 67920
bond service charges. The bond proceedings also shall provide for 67921
a pledge of and lien on available receipts of the institution of 67922
higher education as provided in division (C) of this section, and 67923
a pledge of and lien on such fund or funds provided in the bond 67924
proceedings arising from available receipts, which pledges and 67925
liens may provide for parity with obligations or assurances 67926
theretofore or thereafter issued by the institution. The available 67927
receipts so pledged and thereafter received by the institution and 67928
the funds so pledged are immediately subject to the lien of such 67929
pledge without any physical delivery thereof or further act, and 67930
the lien of any such pledge is valid and binding against all 67931
parties having claims of any kind against the institution, 67932
irrespective of whether such parties have notice thereof, and 67933
shall create a perfected security interest for all purposes of 67934
Chapter 1309. of the Revised Code, without the necessity for 67935
separation or delivery of funds or for the filing or recording of 67936
the bond proceedings by which such pledge is created or any 67937
certificate, statement, or other document with respect thereto; 67938
and the pledge of such available receipts and funds shall be 67939
effective and the money therefrom and thereof may be applied to 67940
the purposes for which pledged without necessity for any act of 67941
appropriation. 67942

(E) The bond proceedings may contain additional provisions 67943
customary or appropriate to the financing or to the obligations or 67944
assurances or to particular obligations and assurances, 67945
including: 67946

(1) The acquisition, construction, reconstruction, equipment, 67947
furnishing, improvement, operation, alteration, enlargement, 67948

maintenance, insurance, and repair of facilities or
entrepreneurial projects, and the duties of the institution of
higher education with reference thereto; 67949
67950
67951

(2) The terms of the obligations or assurances, including 67952
provisions for their redemption prior to maturity at the option of 67953
the institution of higher education at such price or prices and 67954
under such terms and conditions as are provided in the bond 67955
proceedings; 67956

(3) Limitations on the purposes to which the proceeds of the 67957
obligations or assurances may be applied; 67958

(4) The rates or rentals or other charges for the use of or 67959
right to use the facilities or entrepreneurial projects financed 67960
by the obligations or assurances, or other properties the 67961
revenues or receipts from which are pledged to the obligations or 67962
assurances, and rules for assuring any applicable use and 67963
occupancy thereof, including limitations upon the right to modify 67964
such rates, rentals, other charges, or regulations; 67965

(5) The use and expenditure of the pledged available receipts 67966
in such manner and to such extent as shall be determined, which 67967
may include provision for the payment of the expenses of 67968
operation, maintenance, and repair of facilities or 67969
entrepreneurial projects so that such expenses, or part thereof, 67970
shall be paid or provided as a charge prior or subsequent to the 67971
payment of bond service charges and any other payments required 67972
to be made by the bond proceedings; 67973

(6) Limitations on the issuance of additional obligations or 67974
assurances; 67975

(7) The terms of any trust agreement or indenture securing 67976
the obligations or assurances or under which the same may be 67977
issued; 67978

(8) The deposit, investment, and application of funds, and the safeguarding of funds on hand or on deposit without regard to Chapter 131. or 135. of the Revised Code, and any bank or trust company or other financial institution that acts as depository of any moneys under the bond proceedings shall furnish such indemnifying bonds or pledge such securities as required by the bond proceedings or otherwise by the institution of higher education;

(9) The binding effect of any or every provision of the bond proceedings upon such officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;

(10) Any provision that may be made in a trust agreement or indenture;

(11) Any other or additional agreements with respect to the facilities of the institution of higher education or its entrepreneurial projects, their operation, the available receipts and funds pledged, and insurance of facilities or entrepreneurial projects and of the institution, its officers and employees.

(F) Such obligations or assurances may have the seal of the institution of higher education or a facsimile thereof affixed thereto or printed thereon and shall be executed by such officers as are designated in the bond proceedings, which execution may be by facsimile signatures. Any obligations or assurances may be executed by an officer who, on the date of execution, is the proper officer although on the date of such obligations or assurances such person was not the proper officer. In case any officer whose signature or a facsimile of whose signature appears

on any such obligation or assurance ceases to be such officer 68010
before delivery thereof, such signature or facsimile is 68011
nevertheless valid and sufficient for all purposes as if the 68012
person had remained such officer until such delivery; and in case 68013
the seal of the institution has been changed after a facsimile 68014
of the seal has been imprinted on such obligations or 68015
assurances, such facsimile seal continues to be sufficient as 68016
to such obligations or assurances and obligations or assurances 68017
issued in substitution or exchange therefor. 68018

(G) All such obligations or assurances are negotiable 68019
instruments and securities under Chapter 1308. of the Revised 68020
Code, subject to the provisions of the bond proceedings as to 68021
registration. The obligations or assurances may be issued in 68022
coupon or in registered form, or both. Provision may be made for 68023
the registration of any obligations or assurances with coupons 68024
attached thereto as to principal alone or as to both principal 68025
and interest, their exchange for obligations or assurances so 68026
registered, and for the conversion or reconversion into 68027
obligations or assurances with coupons attached thereto of any 68028
obligations or assurances registered as to both principal and 68029
interest, and for reasonable charges for such registration, 68030
exchange, conversion, and reconversion. 68031

(H) Pending preparation of definitive obligations or 68032
assurances, the institution of higher education may issue interim 68033
receipts or certificates which shall be exchanged for such 68034
definitive obligations or assurances. 68035

(I) Such obligations or assurances may be secured 68036
additionally by a trust agreement or indenture between the 68037
institution of higher education and a corporate trustee, which 68038
may be any trust company or bank having the powers of a trust 68039
company within or without this state but authorized to exercise 68040
trust powers within this state. Any such agreement or indenture 68041

may contain the resolution authorizing the issuance of the 68042
obligations or assurances, any provisions that may be contained 68043
in the bond proceedings as authorized by this section, and other 68044
provisions which are customary or appropriate in an agreement or 68045
indenture of such type, including: 68046

(1) Maintenance of each pledge, trust agreement, and 68047
indenture, or other instrument comprising part of the bond 68048
proceedings until the institution of higher education has fully 68049
paid the bond service charges on the obligations or assurances 68050
secured thereby, or provision therefor has been made; 68051

(2) In the event of default in any payments required to be 68052
made by the bond proceedings, or any other agreement of the 68053
institution of higher education made as a part of the contract 68054
under which the obligations or assurances were issued, enforcement 68055
of such payments or agreement by mandamus, the appointment of a 68056
receiver, suit in equity, action at law, or any combination of 68057
the foregoing; 68058

(3) The rights and remedies of the holders of obligations or 68059
assurances and of the trustee, and provisions for protecting and 68060
enforcing them, including limitations on rights of individual 68061
holders of obligations or assurances; 68062

(4) The replacement of any obligations or assurances that 68063
become mutilated or are destroyed, lost, or stolen; 68064

(5) Such other provisions as the trustee and the institution 68065
of higher education agree upon, including limitations, conditions, 68066
or qualifications relating to any of the foregoing. 68067

(J) Each duty of the institution of higher education and its 68068
officers or employees, undertaken pursuant to the bond proceedings 68069
or any related agreement or lease made under authority of law, is 68070
hereby established as a duty of such institution, and of each such 68071

officer or employee having authority to perform such duty, 68072
specially enjoined by law resulting from an office, trust, or 68073
station within the meaning of section 2731.01 of the Revised Code. 68074
The persons who are at the time the members of the board of 68075
trustees or the managing directors of the institution or its 68076
officers or employees are not liable in their personal capacities 68077
on such obligations or assurances, or lease, or other agreement of 68078
the institution. 68079

(K) The authority to issue obligations or assurances includes 68080
authority to: 68081

(1) Issue obligations or assurances in the form of bond 68082
anticipation notes and to renew them from time to time by the 68083
issuance of new notes. Such notes are payable solely from the 68084
available receipts and funds that may be pledged to the payment of 68085
such bonds, or from the proceeds of such bonds or renewal notes, 68086
or both, as the institution of higher education provides in its 68087
resolution authorizing such notes. Such notes may be additionally 68088
secured by covenants of the institution to the effect that it 68089
will do such or all things necessary for the issuance of such 68090
bonds or renewal notes in appropriate amount, and either 68091
exchange such bonds or renewal notes therefor or apply the 68092
proceeds thereof to the extent necessary, to make full payment 68093
of the bond service charges on such notes at the time or times 68094
contemplated, as provided in such resolution. Subject to the 68095
provisions of this division, all references to obligations or 68096
assurances in this section apply to such anticipation notes. 68097

(2) Issue obligations or assurances to refund, including 68098
funding and retirement of, obligations or assurances previously 68099
issued to pay costs of facilities or entrepreneurial projects. 68100
Such obligations or assurances may be issued in amounts sufficient 68101
for payment of the principal amount of the obligations or 68102
assurances to be so refunded, any redemption premiums thereon, 68103

principal maturities of any obligations or assurances maturing 68104
prior to the redemption of any other obligations or assurances on 68105
a parity therewith to be so refunded, interest accrued or to 68106
accrue to the maturity date or dates of redemption of such 68107
obligations or assurances, and any expenses incurred or to be 68108
incurred in connection with such refunding or the issuance of the 68109
obligations or assurances. 68110

(L) Obligations and assurances are lawful investments for 68111
banks, societies for savings, savings and loan associations, 68112
deposit guarantee associations, trust companies, trustees, 68113
fiduciaries, insurance companies, including domestic for life and 68114
domestic not for life, trustees or other officers having charge 68115
of sinking and bond retirement or other special funds of 68116
political subdivisions and taxing districts of this state, the 68117
commissioners of the sinking fund, the administrator of workers' 68118
compensation in accordance with the investment policy approved by 68119
the bureau of workers' compensation board of directors pursuant 68120
to section 4121.12 of the Revised Code, the state teachers 68121
retirement system, the public employees retirement system, the 68122
school employees retirement system, and the Ohio police and fire 68123
pension fund, notwithstanding any other provisions of the 68124
Revised Code or rules adopted pursuant thereto by any state 68125
agency with respect to investments by them, and are also 68126
acceptable as security for the deposit of public moneys. 68127

(M) All facilities or entrepreneurial projects purchased, 68128
acquired, constructed, or owned by an institution of higher 68129
education, or financed in whole or in part by obligations or 68130
assurances issued by an institution, and used for the purposes 68131
of the institution or other publicly owned and controlled 68132
college or university, is public property used exclusively for a 68133
public purpose, and such property and the income therefrom is 68134
exempt from all taxation and assessment within this state, 68135
including ad valorem and excise taxes. The obligations or 68136

assurances, the transfer thereof, and the income therefrom, 68137
including any profit made on the sale thereof, are at all times 68138
free from taxation within the state. The transfer of tangible 68139
personal property by lease under authority of this section or 68140
section 3345.07, 3345.11, 3345.36, 3354.121, 3355.091, 3357.112, 68141
or 3358.10 of the Revised Code is not a sale as used in Chapter 68142
5739. of the Revised Code. 68143

(N) The authority granted by this section is cumulative with 68144
the authority granted to institutions of higher education under 68145
Chapter 154. of the Revised Code, and nothing in this section 68146
impairs or limits the authority granted by Chapter 154. of the 68147
Revised Code. In any lease, agreement, or commitment made by an 68148
institution of higher education under Chapter 154. of the Revised 68149
Code, it may agree to restrict or subordinate any pledge it may 68150
thereafter make under authority of this section. 68151

(O) Title to lands acquired under this section and sections 68152
3345.07 and 3345.11 of the Revised Code by a state university or 68153
college shall be taken in the name of the state. 68154

(P) Except where costs of facilities or entrepreneurial 68155
projects are to be paid in whole or in part from funds 68156
appropriated by the general assembly, section 125.81 of the 68157
Revised Code and the requirement for certification with respect 68158
thereto under section 153.04 of the Revised Code do not apply to 68159
such facilities or entrepreneurial projects. 68160

(Q) A state university or college may sell or lease lands or 68161
interests in land owned by it or by the state for its use, or 68162
facilities authorized to be acquired or constructed by it under 68163
section 3345.07 or 3345.11 of the Revised Code, to permit the 68164
purchasers or lessees thereof to acquire, construct, equip, 68165
furnish, reconstruct, alter, enlarge, remodel, renovate, 68166
rehabilitate, improve, maintain, repair, or maintain and operate 68167
thereon and to provide by lease or otherwise to such institution, 68168

facilities authorized in section 3345.07 or 3345.11 of the Revised Code or entrepreneurial projects authorized under section 3345.36 of the Revised Code. Such land or interests therein shall be sold for such appraised value, or leased, and on such terms as the board of trustees determines. All deeds or other instruments relating to such sales or leases shall be executed by such officer of the state university or college as the board of trustees designates. The state university or college shall hold, invest, or use the proceeds of such sales or leases for the same purposes for which proceeds of borrowings may be used under sections 3345.07 and 3345.11 of the Revised Code or, if the proceeds relate to the sale or lease of entrepreneurial projects, for purposes of section 3345.36 of the Revised Code.

(R) An institution of higher education may pledge available receipts, to the extent permitted by division (C) of this section with respect to obligations, to secure the payments to be made by it under any lease, lease with option to purchase, or lease-purchase agreement authorized under this section or section 3345.07, 3345.11, 3345.36, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code.

Sec. 3345.32. (A) As used in this section:

(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code and the northeastern Ohio universities college of medicine.

(2) "Resident" has the meaning specified by rule of the chancellor of the Ohio board of regents.

(3) "Statement of selective service status" means a statement certifying one of the following:

(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military

Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended;	68199 68200
(b) That the individual filing the statement is not required to register with the selective service for one of the following reasons:	68201 68202 68203
(i) The individual is under eighteen or over twenty-six years of age.	68204 68205
(ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit.	68206 68207 68208
(iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a)(15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended.	68209 68210 68211
(iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.	68212 68213 68214
(4) "Institution of higher education" means any eligible institution approved by the United States department of education pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as amended, or any institution whose students are eligible for financial assistance under any of the programs described by division (E) of this section.	68215 68216 68217 68218 68219 68220
(B) The chancellor shall, by rule, specify the form of statements of selective service status to be filed in compliance with divisions (C) to (F) of this section. Each statement of selective service status shall contain a section wherein a male student born after December 31, 1959, certifies that the student has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C.	68221 68222 68223 68224 68225 68226 68227

App. 453, as amended. For those students not required to register
with the selective service, as specified in divisions
(A)(2)(b)(i) to (iv) of this section, a section shall be provided
on the statement of selective service status for the
certification of nonregistration and for an explanation of the
reason for the exemption. The chancellor may require that such
statements be accompanied by documentation specified by rule of
the chancellor.

(C) A state university or college that enrolls in any course,
class, or program a male student born after December 31, 1959, who
has not filed a statement of selective service status with the
university or college shall, regardless of the student's
residency, charge the student any tuition surcharge charged
students who are not residents of this state.

(D) No male born after December 31, 1959, shall be eligible
to receive any loan, grant, scholarship, or other financial
assistance for educational expenses granted under section 3315.33,
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, ~~3333.27, 3333.391,~~
5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an
award under the choose Ohio first scholarship program established
under section 3333.61 of the Revised Code, or financed by an
award under the Ohio co-op/internship program established under
section 3333.72 of the Revised Code, unless that person has
filed a statement of selective service status with that person's
institution of higher education.

(E) If an institution of higher education receives a
statement from an individual certifying that the individual has
registered with the selective service system in accordance with
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App.
453, as amended or that the individual is exempt from registration
for a reason other than that the individual is under eighteen
years of age, the institution shall not require the individual to

file any further statements. If it receives a statement certifying
that the individual is not required to register because the
individual is under eighteen years of age, the institution shall
require the individual to file a new statement of selective
service status each time the individual seeks to enroll for a new
academic term or makes application for a new loan or loan
guarantee or for any form of financial assistance for educational
expenses, until it receives a statement certifying that the
individual has registered with the selective service system or is
exempt from registration for a reason other than that the
individual is under eighteen years of age.

Sec. 3345.36. (A) For purposes of this section:

(1) "Entrepreneurial project" means an effort to develop or
commercialize technology through research or technology transfer
or investment of real or personal property, or both, including
undivided and other interests therein, acquired by gift or
purchase, constructed, reconstructed, enlarged, improved,
furnished, or equipped, or any combination thereof, by an
institution of higher education or by others.

(2) "Governmental agency" has the same meaning as in section
166.01 of the Revised Code.

(3) "Person" means individuals or entities engaged in
industry, commerce, distribution, or research.

(4) "Institution of higher education" has the same meaning as
in section 3345.12 of the Revised Code.

(5) "Stock or other ownership" means equity or other
ownership rights held or received in return for the grant of
rights to intellectual property developed by an institution of
higher education. "Stock or other ownership" excludes equity or
other ownership rights held or received in return for the

investment of money. 68290

(B) To create or preserve jobs and employment opportunities 68291
and to improve the economic welfare of the people of the state 68292
pursuant to Section 13 of Article VIII, Ohio Constitution, it is 68293
hereby declared to be the public policy of the state for 68294
institutions of higher education to facilitate and assist with 68295
establishing and developing entrepreneurial projects or to assist 68296
and cooperate with any governmental agency in achieving such 68297
purpose. An entrepreneurial project is hereby determined to 68298
qualify as property, structures, equipment, and facilities 68299
described in Section 13 of Article VIII, Ohio Constitution. 68300

In furtherance of such public policy, and pursuant to Section 68301
13 of Article VIII, Ohio Constitution, a board of trustees of an 68302
institution of higher education may do any of the following by 68303
resolution: 68304

(1) Enter into an agreement with persons and with 68305
governmental agencies to induce such persons to acquire, 68306
construct, reconstruct, rehabilitate, renovate, enlarge, improve, 68307
equip, furnish, or otherwise develop entrepreneurial projects; 68308

(2) Acquire stock or other ownership in an entrepreneurial 68309
project or a legal entity formed in connection with an 68310
entrepreneurial project; 68311

(3) Make or guarantee loans and borrow money and issue bonds, 68312
notes, or other evidence of indebtedness to provide moneys for the 68313
acquisition, construction, enlargement, improvement, equipment, 68314
maintenance, repair, or operation of entrepreneurial projects, 68315
provided that such bonds, notes, or other evidence of indebtedness 68316
shall not constitute debt for which the full faith and credit of 68317
the state or an instrumentality or political subdivision of the 68318
state may be pledged and moneys raised by taxation shall not be 68319
obligated or pledged for their repayment. 68320

Sec. 3345.61. As used in this section and sections 3345.62 68321
to 3345.66 of the Revised Code: 68322

(A) "Avoided capital costs" means a measured reduction in the 68323
cost of future equipment or other capital purchases that results 68324
from implementation of one or more energy or water conservation 68325
measures, when compared to an established baseline for previous 68326
such cost. 68327

(B) "Board of trustees of a state institution of higher 68328
education" means the board of trustees of a state institution of 68329
higher education as defined in section 3345.011 of the Revised 68330
Code. 68331

~~(B)~~(C) "Energy conservation measure" means an installation 68332
or modification of an installation in, or a remodeling of, an 68333
existing building in order to reduce energy consumption ~~and~~ 68334
~~operating costs~~. The term includes any of the following: 68335

(1) Installation or modification of insulation in the 68336
building structure and systems within the building; 68337

(2) Installation or modification of ~~a storm windows and doors~~ 68338
window or door, a multiglazed windows and doors window or door, 68339
~~and or a heat absorbing or heat reflective glazed and coated~~ 68340
window and door ~~systemssystem~~; installation of additional 68341
glazing; ~~reductionsa reduction~~ in glass area; ~~and or~~ other window 68342
~~and or~~ door system ~~modificationsmodification~~ that ~~reduceereduces~~ 68343
energy consumption and operating costs; 68344

(3) Installation or modification of an automatic energy 68345
control ~~systemssystem~~; 68346

(4) Replacement or modification of a heating, ventilating, or 68347
air conditioning ~~systemssystem~~; 68348

(5) Application of caulking and weatherstripping;	68349
(6) Replacement or modification of <u>a lighting fixtures</u>	68350
<u>fixture</u> to increase the energy efficiency of the system without	68351
increasing the overall illumination of a facility, unless such	68352
increase in illumination is necessary to conform to the applicable	68353
state or local building code for the proposed lighting system;	68354
(7) Installation or modification of <u>an</u> energy recovery	68355
~~systems~~ <u>system</u> ;	68356
(8) Installation or modification of cogeneration systems that	68357
produce steam or forms of energy such as heat, as well as	68358
electricity, for use primarily within a building or complex of	68359
buildings;	68360
(9) Any other modification, installation, or remodeling	68361
approved by the board of trustees of a state institution of higher	68362
education as an energy conservation measure for one or more	68363
buildings owned by the institution.	68364
~~(C)(D)~~ "Energy saving measure" means the acquisition and	68365
installation, by purchase, lease, lease-purchase, lease with an	68366
option to buy, or installment purchase, of an energy conservation	68367
measure and any attendant architectural and engineering consulting	68368
services.	68369
(E) " <u>Energy, water, or wastewater cost savings</u> " means a	68370
<u>measured reduction in, as applicable, the cost of fuel, energy or</u>	68371
<u>water consumption, wastewater production, or stipulated operation</u>	68372
<u>or maintenance resulting from the implementation of one or more</u>	68373
<u>energy or water conservation measures, when compared to an</u>	68374
<u>established baseline for previous such costs, respectively.</u>	68375
(F) " <u>Operating cost savings</u> " means a measured reduction in	68376

the cost of stipulated operation or maintenance created by the 68377
installation of new equipment or implementation of a new service, 68378
when compared with an established baseline for previous such 68379
stipulated costs. 68380

(G) "Water conservation measure" means an installation or 68381
modification of an installation in, or a remodeling of, an 68382
existing building or the surrounding grounds in order to reduce 68383
water consumption. The term includes any of the following: 68384

(1) Water-conserving fixture, appliance, or equipment, or the 68385
substitution of a nonwater-using fixture, appliance, or equipment; 68386

(2) Water-conserving, landscape irrigation equipment; 68387

(3) Landscaping measure that reduces storm water runoff 68388
demand and capture and hold applied water and rainfall, including 68389
landscape contouring such as the use of a berm, swale, or terrace 68390
and including the use of a soil amendment, including compost, that 68391
increases the water-holding capacity of the soil; 68392

(4) Rainwater harvesting equipment or equipment to make use 68393
of water collected as part of a storm water system installed for 68394
water quality control; 68395

(5) Equipment for recycling or reuse of water originating on 68396
the premises or from another source, including treated, municipal 68397
effluent; 68398

(6) Equipment needed to capture water for nonpotable uses 68399
from any nonconventional, alternate source, including air 68400
conditioning condensate or gray water; 68401

(7) Any other modification, installation, or remodeling 68402
approved by the board of trustees of a state institution of higher 68403
education, as defined in section 3345.011 of the Revised Code, as 68404

a water conservation measure for one or more buildings or the 68405
surrounding grounds owned by the institution. 68406

(H) "Water saving measure" means the acquisition and 68407
installation, by the purchase, lease, lease-purchase, lease with 68408
an option to buy, or installment purchases of a water conservation 68409
measure and any attendant architectural and engineering consulting 68410
services. 68411

Sec. 3345.62. The board of trustees of a state institution 68412
of higher education may contract with an energy or water services 68413
company, architect, professional engineer, contractor, or other 68414
person experienced in the design and implementation of energy or 68415
water conservation measures for a report containing an analysis 68416
and recommendations pertaining to the implementation of energy or 68417
water conservation measures that would ~~significantly reduce~~ result 68418
in energy consumption and, water, or wastewater cost savings, 68419
operating costs in buildings owned by cost savings, or avoided 68420
capital costs for the institution. The report shall include 68421
estimates of all costs of such installations, including the costs 68422
of design, engineering, installation, maintenance, repairs, and 68423
debt service, and estimates of the ~~amounts by which~~ energy 68424
~~consumption and, water, or wastewater cost savings,~~ operating 68425
~~costs would be reduced~~ cost savings, and avoided capital costs 68426
created. 68427

Sec. 3345.63. If the board of trustees of a state 68428
institution of higher education wishes to enter into a contract, 68429
other than an installment payment contract provided under section 68430
3345.64 of the Revised Code, to implement one or more energy or 68431
water saving measures, the board may proceed under the applicable 68432
competitive bidding requirements in Chapter 153. or section 68433
3354.16, 3355.12, 3357.16, or 3358.10 of the Revised Code or, 68434
notwithstanding those requirements, may enter into such a contract 68435
as provided in section 3345.65 of the Revised Code. 68436

Sec. 3345.64. In accordance with this section, the board of trustees of a state institution of higher education may enter into an installment payment contract for the implementation of one or more energy or water saving measures. Any such contract shall be subject to the competitive bidding requirements of Chapter 153. or section 3354.16, 3355.12, 3357.16, or 3358.10 of the Revised Code, as applicable to each such board, except as follows:

(A) If the board does not exempt the entire installment payment contract from the applicable competitive bidding requirements pursuant to division (B) of this section, the provisions of the contract dealing with interest charges and financing terms shall not be subject to the applicable competitive bidding requirements. Each such contract shall require repayment on the following terms:

(1) Not less than one-~~tenth~~fifteenth of the costs of the contract shall be paid within two years from the date of purchase;

~~(2)(a) The remaining balance of the costs of the contract, in the case of an installment payment contract for a cogeneration system described in division (B)(8) of section 3345.61 of the Revised Code, shall be paid within five~~fifteen years from the date of purchase;

~~(b) The remaining balance of the costs of the contract, in the case of an installment payment contract for an energy saving measure that is not a cogeneration system, shall be paid within ten years from the date of purchase.~~

(B) The board by majority vote may exempt from the applicable competitive bidding requirements an entire installment payment contract for the implementation of energy or water saving measures pursuant to this section and instead of those requirements shall enter into the contract as provided in section 3345.65 of the Revised Code.

Sec. 3345.65. To enter into a contract under this section 68468
pursuant to section 3345.63 or division (B) of section 3345.64 of 68469
the Revised Code, a board of trustees of a state institution of 68470
higher education shall request proposals from at least three 68471
parties for the implementation of energy or water saving measures. 68472
Prior to providing any interested party a copy of any such 68473
request, the board shall advertise, in a newspaper of general 68474
circulation in the county where the contract is to be performed, 68475
its intent to request proposals for the implementation of energy 68476
or water saving measures. The notice shall invite interested 68477
parties to submit proposals for consideration and shall be 68478
published at least thirty days prior to the date for accepting 68479
proposals. 68480

Upon receiving the proposals, the board shall analyze them. 68481
After considering the cost estimates of each proposal, how 68482
qualified each party submitting a proposal is to implement its 68483
proposal, and the institution's ability to pay for each with 68484
current revenues or by financing the cost of each, the board may 68485
select one or more proposals or, instead, reject all proposals. In 68486
selecting proposals, the board shall select the proposal or 68487
proposals most likely to result in the greatest savings when the 68488
cost of the proposal is compared to the ~~reduced~~ energy ~~and~~, water, 68489
or wastewater cost savings, operating cost savings, and avoided 68490
capital costs that will result from implementing the proposal. 68491

No board shall award a contract to implement energy or water 68492
saving measures under this section unless the board finds that ~~one~~ 68493
~~or both of the following circumstances exists, as applicable:~~ 68494

~~(A) In the case of a contract for a cogeneration system~~ 68495
~~described in division (B)(8) of section 3345.61 of the Revised~~ 68496
~~Code,~~ the cost of the contract is not likely to exceed the amount 68497
of ~~money the board would save in~~ energy and, water, or wastewater 68498
savings, operating cost savings, and avoided capital costs over no 68499

more than ~~five~~fifteen years; 68500

~~(B) In the case of any contract for any energy saving measure
other than a cogeneration system, the cost of the contract is not
likely to exceed the amount of money the board would save in
energy and operating costs over no more than ten years.~~ 68501
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Sec. 3345.66. The board of trustees of a state institution 68505
of higher education may issue notes of the institution signed by 68506
the ~~chairman~~chairperson and treasurer or other chief fiscal 68507
officer of the board and specifying the terms of the purchase and 68508
securing the payments provided in section 3345.64 of the Revised 68509
Code, payable at the times provided and bearing interest at a rate 68510
not exceeding a rate determined under section 9.95 of the Revised 68511
Code. The notes may contain an option for prepayment and are not 68512
subject to Chapter 133. of the Revised Code. Revenues derived from 68513
any source, other than money appropriated by the general assembly, 68514
that may be used for the purpose of ~~conserving~~implementing energy 68515
or water saving measures or for defraying the current operating 68516
expenses of the institution may be pledged to the payment of 68517
interest and the retirement of such notes. The notes may be sold 68518
at private sale or given to the contractor under the installment 68519
payment contract authorized by section 3345.64 of the Revised 68520
Code. 68521

Sec. 3349.242. Any agreement authorized by section 3349.241 68522
of the Revised Code may provide for the amounts of such 68523
participation by such school district or districts in the 68524
development, maintenance, and operation of such municipal 68525
university, but no funds granted to school districts under Chapter 68526
3306. or 3317. of the Revised Code shall be used for such 68527
purposes. By the terms of any such agreement the school district 68528
or districts and their residents shall be entitled to the 68529
educational advantages of said municipal university at the same 68530
rate of tuition, fees, and other charges as are provided for the 68531

residents of the municipal corporation in which such municipal
university is situated.

Sec. 3351.07. (A) For the purposes of this chapter,
"approved lender" means any bank as defined in section 1101.01 of
the Revised Code, any domestic savings and loan association as
defined in section 1151.01 of the Revised Code, any credit union
as defined in section 1733.01 of the Revised Code, any federal
credit union established pursuant to federal law, any insurance
company organized or authorized to do business in this state, any
pension fund eligible under the "Higher Education Amendments of
1968," 82 Stat. 1026, 20 U.S.C.A. 1085, as amended, the secondary
market operation designated under division (B) of this section, or
any secondary market operation established pursuant to the
"Education Amendments of 1972," 86 Stat. 261, 20 U.S.C.A. 1071, as
amended, or under the laws of any state.

(B) The governor may designate one nonprofit corporation
secondary market operation to be the single nonprofit private
agency designated by the state under the "Higher Education Act of
1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(D), as amended. A
designation in effect on the effective date of this amendment
expires December 31, 2009. Each designation after the effective
date of this amendment shall be made by competitive selection and
shall be valid for one year. The controlling board shall not waive
the competitive selection requirement.

(C) The nonprofit corporation designated by the governor
under division (B) of this section as the private agency secondary
market operation shall be considered to be an agency of the state,
in accordance with section 435(d)(1)(F) of the "Higher Education
Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(F), as
amended, exclusively for the purpose of functioning as a secondary
student loan market. The corporation shall be considered a state
agency only for the purposes of this division and no other

division or section of the Revised Code regarding state agencies 68564
shall apply to the corporation. No liability or obligation 68565
incurred by the corporation shall be considered to be a liability 68566
or debt of the state, nor shall the state be construed to act as 68567
guarantor of any debt of the corporation. 68568

(D) The nonprofit corporation designated under division (B) 68569
of this section shall designate a separate nonprofit corporation 68570
to operate exclusively for charitable and educational purposes, 68571
complementing and supplementing the designating corporation's 68572
secondary market operation for student loans authorized under the 68573
"Higher Education Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085, 68574
as amended, and promoting the general health and welfare of the 68575
state, the public interest, and a public purpose through improving 68576
student assistance programs by expanding access to higher 68577
education financing programs for students and families in need of 68578
student financial aid. In furtherance of such purposes, the 68579
separate nonprofit corporation may do all of the following: 68580

(1) Assist educational institutions in establishing financial 68581
aid programs to help students obtain an economical education; 68582

(2) Encourage financial institutions to increase educational 68583
opportunities by making funds available to both students and 68584
educational institutions; 68585

(3) Make available financial aid that supplements the 68586
financial assistance provided by eligible and approved lenders 68587
under state and federal programs; 68588

(4) Develop and administer programs that do all of the 68589
following: 68590

(a) Provide financial aid and incidental student financial 68591
aid information to students and their parents or other persons 68592
responsible for paying educational costs of those students at 68593

educational institutions;	68594
(b) Provide financial aid and information relating to it to	68595
and through educational institutions, enabling those institutions	68596
to assist students financially in obtaining an education and fully	68597
expanding their intellectual capacity and skills;	68598
(c) Better enable financial institutions to participate in	68599
student loan programs and other forms of financial aid, assisting	68600
students and educational institutions to increase education	68601
excellence and accessibility.	68602
(E) The nonprofit corporation designated under authority of	68603
division (D) of this section shall do both of the following:	68604
(1) Establish the criteria, standards, terms, and conditions	68605
for participation by students, parents, educational institutions,	68606
and financial institutions in that corporation's programs;	68607
(2) Provide the governor a report of its programs and a copy	68608
of its audited financial statements not later than one hundred	68609
eighty days after the end of each fiscal year of the corporation.	68610
No liability, obligation, or debt incurred by the corporation	68611
designated under authority of division (D) of this section or by	68612
any person under that corporation's programs shall be, or be	68613
considered to be, a liability, obligation, or debt of, or a pledge	68614
of the faith and credit of, the state, any political subdivision	68615
of the state, or any state-supported or state-assisted institution	68616
of higher education, nor shall the state or any political	68617
subdivision of the state or any state-supported or state-assisted	68618
institution of higher education be or be construed to act as an	68619
obligor under or guarantor of any liability, obligation, or debt	68620
of that corporation or of any person under that corporation's	68621
programs or incur or be construed to have incurred any other	68622
liability, obligation, or debt as a result of any acts of the	68623

corporation. 68624

(F) The nonprofit corporation designated under authority of 68625
division (D) of this section shall not be deemed to qualify by 68626
reason of the designation as a guarantor or an eligible lender 68627
under sections 435(d) and (j) of the "Higher Education Act of 68628
1965," 101 Stat. 347, 20 U.S.C.A. 1085(d) and (j), as amended. 68629

Sec. 3353.09. (A) Not later than January 1, 2010, the eTech 68630
Ohio commission shall develop and implement a state technology 68631
plan to create an aligned educational technology system that spans 68632
preschool to postsecondary education and complies with federal 68633
mandates. The commission periodically shall modify the plan as it 68634
determines necessary. 68635

(B) The commission shall consult with the state board of 68636
education in the development and modification of the state 68637
technology plan. 68638

Sec. 3353.20. (A) The eTech Ohio commission shall develop 68639
and implement an interactive distance learning pilot project to 68640
provide, beginning with the 2009-2010 school year, access to at 68641
least three interactive distance learning courses in each school 68642
year free of charge for all high schools operated by school 68643
districts. The courses offered shall include two advanced 68644
placement courses and one foreign language course. 68645

The commission shall do all of the following: 68646

(1) Contract for the development and offering of interactive 68647
distance learning courses; 68648

(2) Produce and broadcast the courses offered by the pilot 68649
project; 68650

(3) Provide the funds for schools to purchase video 68651

<u>conferencing telecommunications equipment and connectivity</u>	68652
<u>devices, if necessary, so that the schools may participate in the</u>	68653
<u>pilot project;</u>	68654
<u>(4) Assist schools in arranging for the purchase and</u>	68655
<u>installation of telecommunications equipment and connectivity</u>	68656
<u>devices, if necessary, so that the schools may participate in the</u>	68657
<u>pilot project;</u>	68658
<u>(5) Pay, for up to one school year, the cost of upgrading</u>	68659
<u>internet service for schools that currently have a connection not</u>	68660
<u>faster than 1.544 megabits per second;</u>	68661
<u>(6) Offer training in the use of the telecommunications</u>	68662
<u>equipment necessary to participate in the pilot project;</u>	68663
<u>(7) Administer and oversee the operation of the pilot</u>	68664
<u>project.</u>	68665
<u>(B) The department of education, in consultation with the</u>	68666
<u>chancellor of the Ohio board of regents, shall select courses to</u>	68667
<u>be offered by the pilot project and shall develop the standards</u>	68668
<u>for the curriculum of each course selected.</u>	68669
<u>(C) The commission and the department jointly, and in</u>	68670
<u>consultation with the chancellor, shall select the teachers to</u>	68671
<u>develop and teach the courses offered by the pilot project.</u>	68672
<u>(D) The commission, the department, and the chancellor</u>	68673
<u>jointly shall notify schools of and promote participation in the</u>	68674
<u>pilot project.</u>	68675
<u>(E) Each high school shall determine the manner in which and</u>	68676
<u>facilities at which students may participate in courses consistent</u>	68677
<u>with specifications for technology and connectivity required by</u>	68678
<u>the commission.</u>	68679

(F) The grade for a student enrolled in a course offered 68680
through the pilot project shall be assigned by the course teacher 68681
and shall be transmitted to the student's high school. 68682

(G) Not later than December 31, 2010, the superintendent of 68683
public instruction, the chancellor, and the commission shall 68684
submit to the governor and the general assembly, in accordance 68685
with section 101.68 of the Revised Code, a formative evaluation of 68686
the implementation and results of and legislative recommendations 68687
for changes in the pilot project. 68688

Sec. 3354.24. (A) The provisions of this section prevail 68689
over conflicting provisions of this chapter; however, except as 68690
otherwise provided in this section, the eastern gateway community 68691
college district and its board of trustees shall comply with the 68692
provisions of this chapter. 68693

(B) The territory of Columbiana, Mahoning, and Trumbull 68694
counties is hereby added to the territory of the community college 68695
district of Jefferson county, creating a new community college 68696
district to replace the former community college district of 68697
Jefferson county. The district created under this section shall be 68698
known as and operate under the name of "eastern gateway community 68699
college district," and its charter shall be amended to this name. 68700
The Jefferson county campus is hereby part of the eastern gateway 68701
community college district and shall remain in operation unless 68702
otherwise specified by the board of trustees of the community 68703
college. 68704

The eastern gateway community college district is divided 68705
into two taxing subdistricts, one consisting of the territory of 68706
Jefferson county, and the other consisting of the territories of 68707
Columbiana, Mahoning, and Trumbull counties. 68708

(C) On the effective date of this section as enacted by H.B. 68709

1 of the 128th general assembly, the government of the eastern gateway community college district shall be vested in a board of eleven trustees to be appointed by the governor, with the advice and consent of the senate. The board of trustees of the former community college district of Jefferson county is abolished on that date.

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The governor shall appoint the members of the board of trustees of the eastern gateway community college district as successors to the board of trustees of Jefferson community college as follows: Three members of the board of trustees shall be residents of Jefferson county. (The initial Jefferson county members shall be members of the board of trustees of the former community college district of Jefferson county, as it existed before the effective date of this section.) Eight members of the board of trustees shall be residents of Columbiana, Mahoning, and Trumbull counties.

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The initial board of trustees shall be appointed within ninety days after the effective date of this section for terms as follows: Of the trustees who are residents of Jefferson county, one trustee shall be appointed for a one-year term, one trustee shall be appointed for a three-year term, and one trustee shall be appointed for a five-year term. Of the trustees who are residents of Columbiana, Mahoning, and Trumbull counties, one trustee shall be appointed for a one-year term, two trustees shall be appointed for two-year terms, two trustees shall be appointed for three-year terms, two trustees shall be appointed for four-year terms, and one trustee shall be appointed for a five-year term.

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At the conclusion of each initial term, the term of office of each trustee shall be five years, each term ending on the same day of the same month of the year as did the term that it succeeds.

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Each trustee shall hold office from the date of the trustee's appointment until the end of the term for which the trustee was

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appointed. Any trustee appointed to fill a vacancy occurring 68742
before the expiration of the term for which the trustee's 68743
predecessor was appointed shall hold office for the remainder of 68744
that term. Any trustee shall continue in office subsequent to the 68745
expiration date of the trustee's term until the trustee's 68746
successor takes office, or until a period of sixty days has 68747
elapsed, whichever occurs first. 68748

If a vacancy occurs and the Jefferson county tax levy is no 68749
longer in place or a conversion under division (H) of this section 68750
has occurred, the governor shall fill the vacancy with a person 68751
residing within the eastern gateway community college district. 68752

(D) The board of trustees of the eastern gateway community 68753
college district shall continue to comply with division (G) of 68754
section 3354.09 of the Revised Code regarding tuition for students 68755
who are residents of Ohio but not residents of the district, and 68756
for students who are nonresidents of Ohio. The tuition rate shall 68757
be based on the student's county of residence and shall apply to 68758
all eastern gateway community college district classes in all 68759
district locations. Except as provided in division (F)(3) of this 68760
section, students who are residents of Columbiana, Mahoning, or 68761
Trumbull county shall continue to be charged tuition at the same 68762
rate as Ohio residents who are not residents of the district. 68763

(E)(1) Except as provided in divisions (E)(2) and (3) of this 68764
section, each member of the board of trustees shall have full 68765
voting rights on all matters that come before the board. 68766

(2) The three trustees representing Jefferson county shall 68767
have sole authority to vote on the following matters: 68768

(a) The Jefferson county tax levy; 68769

(b) The expenditure of revenue from that tax levy; 68770

(c) Levy-subsidized tuition rates. 68771

(3) The voting restrictions under division (E)(2) of this 68772
section apply until the electors of the Columbiana, Mahoning, and 68773
Trumbull county taxing subdistrict approve a tax levy under 68774
division (F)(3) of this section that is equivalent to the tax levy 68775
approved by the electors of Jefferson county for the support of 68776
the former community college district of Jefferson county on the 68777
effective date of this section. For the purposes of this division, 68778
the tax levy is an equivalent tax levy if either: 68779

(a) In the first tax year for which the tax is collected, it 68780
yields revenue per capita equal to or greater than the yield per 68781
capita of levies of the community college district in effect that 68782
year in Jefferson county, as jointly determined by the county 68783
auditors of Jefferson, Columbiana, Mahoning, and Trumbull 68784
counties; or 68785

(b) In the first tax year for which the tax is collected, the 68786
effective tax rate of the tax is equal to or greater than the 68787
effective tax rate of levies of the community college district in 68788
effect that tax year in Jefferson county, as jointly determined by 68789
the county auditors of Jefferson, Columbiana, Mahoning, and 68790
Trumbull counties. 68791

As used in this division, "effective tax rate" means the 68792
quotient obtained by dividing the total taxes charged and payable 68793
for a taxing subdistrict for a tax year after the reduction 68794
prescribed by section 319.301 of the Revised Code but before the 68795
reduction prescribed by section 319.302 or 323.152 of the Revised 68796
Code, by the taxable value for the taxing subdistrict for that tax 68797
year. 68798

(F)(1) For each taxing subdistrict of the eastern gateway 68799
community college district, the board of trustees may propose to 68800
levy a tax in accordance with the procedures prescribed in section 68801

3354.12 of the Revised Code, except the following terms used in 68802
that section shall have the meanings given them in this section: 68803

(a) "District" and "community college district" mean the 68804
appropriate taxing subdistrict defined in this section: 68805

(b) "Board of trustees of the community college district" 68806
means the board of trustees for the entire eastern gateway 68807
community college district. That board of trustees may propose 68808
separate levies for either of the two taxing subdistricts. 68809

(c) "Tax duplicate" means the tax duplicate of only the 68810
appropriate taxing subdistrict and not the tax duplicate of the 68811
entire eastern gateway community college district. 68812

(2) The board of trustees may propose to levy a tax on 68813
taxable property in Jefferson county to be voted on by the 68814
electors of Jefferson county as provided in division (F)(1) of 68815
this section. An affirmative vote by a majority of the electors of 68816
the subdistrict voting on the question is necessary for passage. 68817
Any money raised by a tax levied by the former community college 68818
district of Jefferson county or a subsequent tax levied in 68819
Jefferson county in accordance with division (F)(1) of this 68820
section shall be used solely for the benefit of Jefferson county 68821
residents attending the eastern gateway community college in the 68822
form of student tuition subsidies, student scholarships, and 68823
instructional facilities, equipment, and support services located 68824
within Jefferson county, or for any purpose approved by the 68825
electors. Such amounts shall be deposited into a separate fund of 68826
the taxing subdistrict, and shall be budgeted separately. 68827

(3) The board of trustees may propose to levy a tax on 68828
taxable property in Columbiana, Mahoning, and Trumbull counties to 68829
be voted on by the electors of the counties as provided in 68830
division (F)(1) of this section. An affirmative vote by a majority 68831
of the electors of the subdistrict voting on the question is 68832

necessary for passage. Any amounts raised by such a tax in the tax 68833
subdistrict shall be used solely for the benefit of residents of 68834
the subdistrict attending the eastern gateway community college in 68835
the form of student tuition subsidies, student scholarships, and 68836
instructional facilities, equipment, and support services located 68837
within Columbiana, Mahoning, and Trumbull counties, or for any 68838
purpose approved by the electors. Amounts collected shall be 68839
deposited into a separate fund from all other revenues collected 68840
by each taxing subdistrict. 68841

The board of trustees may adjust the rate of tuition charged 68842
to each taxing subdistrict's residents to an amount commensurate 68843
with the amount of tax the board of trustees dedicates for 68844
instructional and general services provided to the residents of 68845
the subdistrict. 68846

(G) The board of trustees of the eastern gateway community 68847
college district may issue bonds in accordance with section 68848
3354.11 of the Revised Code, but the board may limit the question 68849
of approval of the issue of those bonds to the electors of only 68850
one of the two taxing subdistricts, in which case the board also 68851
may limit the use of the property or improvements to the residents 68852
of that subdistrict. 68853

(H) If the tax levy in Jefferson county expires, is not 68854
renewed, or is not approved by the electors of Jefferson county 68855
and the other taxing subdistrict does not levy a tax for the 68856
purposes of this section, the board of trustees of the eastern 68857
gateway community college district shall submit a proposal to the 68858
chancellor of the board of regents to convert to a state community 68859
college and, upon the chancellor's approval of the proposal, enter 68860
into a transition agreement with the chancellor following the 68861
procedures set forth in section 3358.05 of the Revised Code for a 68862
technical college district. 68863

Sec. 3354.26. Notwithstanding the provisions in section 68864

3354.07 and division (A) of section 3354.09 of the Revised Code, 68865
which allow the board of trustees of a community college district 68866
to contract with a generally accredited public university or 68867
college for operation of such community college, the board of 68868
trustees of the Rio Grande community college district and the 68869
board of trustees of the university of Rio Grande, a private 68870
nonprofit corporation also located in Rio Grande, Ohio, may enter 68871
into ~~a contract~~ one or more contracts for the board of trustees of 68872
the university of Rio Grande to provide any services for the 68873
operation of the community college. ~~The, except the services of a~~ 68874
treasurer or other fiscal officer. Under the contracts, the 68875
community college board of trustees may employ a person to serve 68876
as president of the community college, and also may have that 68877
person serve as president of the university as established by the 68878
contract entered into pursuant to this section. The salary, 68879
benefits, and other compensation for any such employee for all 68880
duties shall be determined and paid solely by the community 68881
college. acquire the services of the president of the university 68882
and other personnel, except as otherwise provided in this section. 68883
The community college board shall have exclusive authority to 68884
employ and make personnel decisions regarding the treasurer or 68885
other fiscal officer of the community college and any other 68886
personnel the community college board considers necessary for the 68887
operation of the community college. The purpose of the contracts 68888
shall be to provide the necessary leadership and to secure the 68889
efficient and effective provision of educational services for the 68890
community college from the university. The board of trustees of 68891
Rio Grande community college may terminate any such contract if a 68892
majority of the members of the board determines that the contract 68893
is no longer in the best interests of the community college. Each 68894
such contract shall include a provision for termination of the 68895
contract. 68896

Sec. 3365.01. As used in this chapter: 68897

(A) "College" means any state-assisted college or university described in section 3333.041 of the Revised Code, any nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, any private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, and any institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code.	68898 68899 68900 68901 68902 68903 68904 68905 68906 68907
(B) "School district," except as specified in division (G) of this section, means any school district to which a student is admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of the Revised Code and does not include a joint vocational or cooperative education school district.	68908 68909 68910 68911 68912
(C) "Parent" has the same meaning as in section 3313.64 of the Revised Code.	68913 68914
(D) "Participant" means a student enrolled in a college under the post-secondary enrollment options program established by this chapter.	68915 68916 68917
(E) "Secondary grade" means the ninth through twelfth grades.	68918
(F) "School foundation payments" means the amount required to be paid to a school district for a fiscal year under ~~Chapter~~ <u>Chapters 3306. and</u> 3317. of the Revised Code.	68919 68920 68921
(G) "Tuition base" means, with respect to a participant's school district, the sum of the formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code <u>for fiscal year 2009</u> .	68922 68923 68924 68925 68926

The participant's "school district" in the case of a participant enrolled in a community school shall be the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(H) "Educational program" means enrollment in one or more school districts, in a nonpublic school, or in a college under division (B) of section 3365.04 of the Revised Code.

(I) "Nonpublic school" means a chartered or nonchartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.

(J) "School year" means the year beginning on the first day of July and ending on the thirtieth day of June.

(K) "Community school" means any school established pursuant to Chapter 3314. of the Revised Code that includes secondary grades.

(L) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

Sec. 3365.04. The rules adopted under section 3365.02 of the Revised Code shall provide for students to enroll in courses under either of the following options:

(A) The student may elect at the time of enrollment to be responsible for payment of all tuition and the cost of all textbooks, materials, and fees associated with the course. The college shall notify the student about payment of tuition and fees in the customary manner followed by the college. A student electing this option also shall elect, at the time of enrollment, whether to receive only college credit or high school credit and

college credit for the course. 68956

(1) The student may elect to receive only college credit for 68957
the course. Except as provided in section 3365.041 of the Revised 68958
Code, if the student successfully completes the course, the 68959
college shall award the student full credit for the course, but 68960
the board of education, community school governing authority, STEM 68961
school, or nonpublic participating school shall not award the high 68962
school credit. 68963

(2) The student may elect to receive both high school credit 68964
and college credit for the course. Except as provided in section 68965
3365.041 of the Revised Code, if the student successfully 68966
completes the course, the college shall award the student full 68967
credit for the course and the board of education, community school 68968
governing authority, STEM school, or nonpublic school shall award 68969
the student high school credit. 68970

(B) The student may elect at the time of enrollment for each 68971
course to have the college reimbursed under section 3365.07 of the 68972
Revised Code or as provided in alternative funding agreements 68973
entered into under rules adopted under section 3365.12 of the 68974
Revised Code. Except as provided in section 3365.041 of the 68975
Revised Code, if the student successfully completes the course, 68976
the college shall award the student full credit for the course, 68977
the board of education, community school governing authority, STEM 68978
school, or nonpublic school shall award the student high school 68979
credit, and the college shall be reimbursed in accordance with 68980
section 3365.07 of the Revised Code or alternative funding 68981
agreements entered into under rules adopted under section 3365.12 68982
of the Revised Code. 68983

When determining a school district's formula ADM under 68984
section 3317.03 of the Revised Code, the time a participant is 68985
attending courses under division (A) of this section shall be 68986
considered as time the participant is not attending or enrolled in 68987

school anywhere, and the time a participant is attending courses 68988
under division (B) of this section shall be considered as time the 68989
participant is attending or enrolled in the district's schools. 68990

Sec. 3365.041. (A) When a school district superintendent, 68991
the governing authority of a community school, or the chief 68992
administrative officer of a STEM school expels a student under 68993
division (B) of section 3313.66 of the Revised Code, the district 68994
superintendent, governing authority, or chief administrative 68995
officer shall send a written notice of the expulsion to any 68996
college in which the expelled student is enrolled under section 68997
3365.03 of the Revised Code at the time the expulsion is imposed. 68998
The notice shall indicate the date the expulsion is scheduled to 68999
expire. The notice also shall indicate whether the district board 69000
of education, community school governing authority, or the STEM 69001
school has adopted a policy under section 3313.613 of the 69002
Revised Code to deny high school credit for post-secondary 69003
courses taken during an expulsion. If the expulsion is extended 69004
under division (F) of section 3313.66 of the Revised Code, the 69005
district superintendent, community school governing authority, or 69006
STEM school chief administrative officer shall notify the 69007
college of the extension. 69008

(B) A college may withdraw its acceptance under section 69009
3365.03 of the Revised Code of a student who is expelled from 69010
school under division (B) of section 3313.66 of the Revised Code. 69011
As provided in section 3365.03 of the Revised Code, regardless of 69012
whether the college withdraws its acceptance of the student for 69013
the college term in which the student is expelled, the student is 69014
ineligible to enroll in a college under that section for 69015
subsequent college terms during the period of the expulsion, 69016
unless the student enrolls in another school district or community 69017
school, or a participating nonpublic school during that period. 69018

If a college withdraws its acceptance of an expelled student 69019

who elected either option of division (A)(1) or (2) of section 69020
3365.04 of the Revised Code, the college shall refund tuition and 69021
fees paid by the student in the same proportion that it refunds 69022
tuition and fees to students who voluntarily withdraw from the 69023
college at the same time in the term. 69024

If a college withdraws its acceptance of an expelled student 69025
who elected the option of division (B) of section 3365.04 of the 69026
Revised Code, the school district, community school, or STEM 69027
school shall not award high school credit for the college courses 69028
in which the student was enrolled at the time the college withdrew 69029
its acceptance, and any reimbursement under section 3365.07 of the 69030
Revised Code or through alternative funding agreements entered 69031
into under rules adopted under section 3365.12 of the Revised Code 69032
for the student's attendance prior to the withdrawal shall be the 69033
same as would be paid for a student who voluntarily withdrew from 69034
the college at the same time in the term. If the withdrawal 69035
results in the college's receiving no reimbursement, the college 69036
may require the student to return or pay for the textbooks and 69037
materials it provided the student free of charge under section 69038
3365.08 of the Revised Code. 69039

(C) When a student who elected the option of division (B) of 69040
section 3365.04 of the Revised Code is expelled under division (B) 69041
of section 3313.66 of the Revised Code from a school district, 69042
community school, or STEM school that has adopted a policy under 69043
section 3313.613 of the Revised Code, that election is 69044
automatically revoked for all college courses in which the student 69045
is enrolled during the college term in which the expulsion is 69046
imposed. Any reimbursement under section 3365.07 of the Revised 69047
Code or through alternative funding agreements entered into under 69048
rules adopted under section 3365.12 of the Revised Code for the 69049
student's attendance prior to the expulsion shall be the same as 69050
would be paid for a student who voluntarily withdrew from the 69051
college at the same time in the term. If the revocation results 69052

in the college's receiving no reimbursement, the college may 69053
require the student to return or pay for the textbooks and 69054
materials it provided the student free of charge under section 69055
3365.08 of the Revised Code. 69056

No later than five days after receiving an expulsion notice 69057
from the superintendent of a district, the governing authority of 69058
a community school, or the chief administrative officer of a STEM 69059
school that has adopted a policy under section 3313.613 of the 69060
Revised Code, the college shall send a written notice to the 69061
expelled student that the student's election of division (B) of 69062
section 3365.04 of the Revised Code is revoked. If the college 69063
elects not to withdraw its acceptance of the student, the student 69064
shall pay all applicable tuition and fees for the college courses 69065
and shall pay for the textbooks and materials that the college 69066
provided under section 3365.08 of the Revised Code. 69067

Sec. 3365.07. (A) The rules adopted under section 3365.02 of 69068
the Revised Code shall specify a method for each of the following: 69069

(1) Determining, with respect to any participant, the 69070
percentage of a full-time educational program constituted by the 69071
participant's total educational program. That percentage shall be 69072
the participant's full-time equivalency percentage for purposes of 69073
the computation required by division (B)(1) of this section. 69074

(2) In the case of a participant who is not enrolled in a 69075
participating nonpublic school, determining the percentage of a 69076
participant's school day during which the participant is 69077
participating in each of the following: 69078

(a) Programs provided by the city, local, or exempted village 69079
school district, a community school, or a STEM school; 69080

(b) Programs provided by a joint vocational school district; 69081

(c) Programs provided by a college under division (B) of
section 3365.04 of the Revised Code.

The sum of divisions (A)(2)(a) to (c) of this section shall equal
one hundred per cent.

(3) In the case of a participant who is not enrolled in a
participating nonpublic school, determining the percentage of a
participant's enrollment that shall be deemed to be enrollment in
a joint vocational school district and the percentage that shall
be deemed to be enrollment in a city, local, or exempted village
school district. The sum of such percentages shall equal one
hundred per cent.

(4) In the case of a participant who is enrolled in a
participating nonpublic school, determining the percentage of a
participant's school day during which the participant is
participating in programs provided by a college under division (B)
of section 3365.04 of the Revised Code.

(B) Each July, unless provided otherwise in an alternative
funding agreement entered into under rules adopted under section
3365.12 of the Revised Code, the department of education shall pay
each college for any participant enrolled in the college in the
prior school year under division (B) of section 3365.04 of the
Revised Code an amount computed as follows:

(1) Multiply the tuition base by the participant's full-time
equivalency percentage and multiply the resulting amount by a
percentage equal to the percentage of the participant's school day
apportioned to the college under division (A)(2)(c) or (4) of this
section, as applicable.

(2) Pay the college the lesser of:

(a) The amount computed under division (B)(1) of this section;	69110 69111
(b) The actual costs that would have been the responsibility of the participant had the participant elected to enroll under division (A) of section 3365.04 of the Revised Code, as verified by the department, of tuition, textbooks, materials, and fees directly related to any courses elected by the participant during the prior school year under division (B) of section 3365.04 of the Revised Code.	69112 69113 69114 69115 69116 69117 69118
(C) The department shall not reimburse any college for any course taken by a participant under division (A) of section 3365.04 of the Revised Code.	69119 69120 69121
(D) If the participant was not enrolled in a participating nonpublic school, the amount paid under division (B) of this section for each participant shall be subtracted from the school foundation payments made to the participant's school district or, if the participant was enrolled in a community school or a STEM school, from the payments made to the participant's school under section 3314.08 or 3326.33 of the Revised Code. If the participant was enrolled in a joint vocational school district, a portion of the amount shall be subtracted from the payments to the joint vocational school district and a portion shall be subtracted from the payments to the participant's city, local, or exempted village school district. The amount of the payment subtracted from the city, local, or exempted village school district shall be computed as follows:	69122 69123 69124 69125 69126 69127 69128 69129 69130 69131 69132 69133 69134 69135
(1) Add the following:	69136
(a) The percentage of the participant's enrollment in the school district, determined under division (A)(3) of this section; and	69137 69138 69139

(b) Twenty-five per cent times the percentage of the participant's enrollment in the joint vocational school district, determined under division (A)(3) of this section.

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(2) Multiply the sum obtained under division (D)(1) of this section by the amount computed under division (B)(2) of this section.

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The balance of the payment shall be subtracted from the joint vocational district's school foundation payments.

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(E) If the participant was enrolled in a participating nonpublic school, the amount paid under division (B) of this section shall be subtracted from moneys set aside by the general assembly for such purpose from funds appropriated for the purposes of section 3317.06 of the Revised Code.

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Sec. 3365.08. (A) A college that expects to receive or receives reimbursement under section 3365.07 of the Revised Code or through alternative funding agreements entered into under rules adopted under section 3365.12 of the Revised Code shall furnish to a participant all textbooks and materials directly related to a course taken by the participant under division (B) of section 3365.04 of the Revised Code. No college shall charge such participant for tuition, textbooks, materials, or other fees directly related to any such course.

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(B) No student enrolled under this chapter in a course for which credit toward high school graduation is awarded shall receive direct financial aid through any state or federal program.

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(C) If a school district provides transportation for resident school students in grades eleven and twelve under section 3327.01 of the Revised Code, a parent of a pupil enrolled in a course under division (A)(2) or (B) of section 3365.04 of the Revised

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Code may apply to the board of education for full or partial reimbursement for the necessary costs of transporting the student between the secondary school the student attends and the college in which the student is enrolled. Reimbursement may be paid solely from funds received by the district under ~~division (D) of section 3317.022~~3306.12 of the Revised Code. The state board of education shall establish guidelines, based on financial need, under which a district may provide such reimbursement.

(D) If a community school provides or arranges transportation for its pupils in grades nine through twelve under section 3314.091 of the Revised Code, a parent of a pupil of the community school who is enrolled in a course under division (A)(2) or (B) of section 3365.04 of the Revised Code may apply to the governing authority of the community school for full or partial reimbursement of the necessary costs of transporting the student between the community school and the college. The governing authority may pay the reimbursement in accordance with the state board's rules adopted under division (C) of this section solely from funds paid to it under section 3314.091 of the Revised Code.

Sec. 3365.09. Section 3365.07 ~~and~~ divisions (A) and (C) of section 3365.08, and agreements entered into under rules adopted under section 3365.12 of the Revised Code do not apply to any college course in which a student is enrolled if during the term such student is enrolled in the college course the student is also a full-time student in the student's district, community school, STEM school, or nonpublic school. The rules adopted under section 3365.02 of the Revised Code shall prescribe a method for determining whether a student is enrolled full-time in the student's district, community school, STEM school, or nonpublic school.

Sec. 3365.10. As used in this section, the "base amount" for any school year is one million dollars. "Full-time equivalency

percentage" and "percentage of the school day" enrolled in college 69201
shall be determined under the rules described by divisions (A)(1) 69202
and (4) of section 3365.07 of the Revised Code or the rules 69203
adopted under section 3365.12 of the Revised Code. 69204

(A) Each nonpublic school student who wishes to become a 69205
participant in any school year shall send to the department of 69206
education a copy of ~~his~~the student's acceptance from a college 69207
and an application. The application shall be made on forms 69208
provided by the state board and shall include information about 69209
the student's proposed participation, including the school year in 69210
which ~~he~~the student wishes to participate; the semesters or terms 69211
the student wishes to enroll during such year; the student's 69212
expected full-time equivalency percentage for each such semester 69213
or term; and the percentage of the school day each such semester 69214
or term that the student expects to be enrolled in programs 69215
provided by a college under division (B) of section 3365.04 of the 69216
Revised Code. The department shall mark each application with the 69217
date and time of receipt. 69218

(B) Calculations involving applications under this division 69219
shall be made in the order in which the applications are received. 69220

Upon receipt of an application under division (A) of this 69221
section, the department shall calculate the amount the college 69222
would be paid under division (B) of section 3365.07 of the Revised 69223
Code or through alternative funding agreements entered into under 69224
rules adopted under section 3365.12 of the Revised Code for the 69225
student's expected participation. ~~The~~For calculations made under 69226
division (B) of section 3365.07 of the Revised Code, the 69227
department shall subtract each such calculated amount from the 69228
base amount for that year, or the amount remaining for that year 69229
after the subtraction from the base amount of amounts previously 69230
calculated under this division as a result of prior applications 69231
for participation in that year, whichever is the lesser amount. 69232

(C) If such a subtraction under division (B) of this section results in a positive number, the department shall notify the applicant within three weeks of the receipt of ~~his~~the application that ~~he~~such applicant may participate in the post-secondary enrollment options program to the extent indicated in the application.

(D) If such a subtraction under division (B) of this section results in a negative number, the department shall, within one week of the receipt of such application, notify the applicant, the applicant's nonpublic school, and the college accepting the applicant that funds will not be available for the applicant's participation in the program during the year for which the application was made. The department shall also notify all applicants whose applications for that year are subsequently received, their nonpublic schools, and the colleges accepting them of the same fact.

(E) No applicant receiving notification under division (D) of this section may become a participant under division (B) of section 3365.04 of the Revised Code for the year for which ~~he~~the applicant applied and no college shall be paid under division (B) of section 3365.07 of the Revised Code or through alternative funding agreements entered into under rules adopted under section 3365.12 of the Revised Code for participation by any such applicant in such year.

Sec. 3365.12. The superintendent of public instruction and the chancellor of the Ohio board of regents jointly may adopt rules in accordance with Chapter 119. of the Revised Code permitting a board of education of a school district or joint vocational school district, governing authority of a community school, governing body of a STEM school, or governing authority of a participating nonpublic school to enter into an agreement with a college or university to use an alternate funding formula to

calculate, or an alternate method to transmit, the amount the 69265
college or university would be paid for a student participating in 69266
a program under this chapter, including the program known as 69267
seniors to sophomores. 69268

Rules adopted under this section may include, but need not be 69269
limited to, any of the following alternative funding options: 69270

(A) Direct payment of funds necessary to support students 69271
participating in a program under this chapter, including the 69272
seniors to sophomores program, by the school district, joint 69273
vocational school district, community school, STEM school, or any 69274
combination thereof, to the college or university in which the 69275
student enrolled; 69276

(B) Alternate funding formulas to calculate the amount of 69277
money to be paid to colleges for participants; 69278

(C) A negotiated amount to be paid, as agreed by the school 69279
district, joint vocational school district, community school, or 69280
STEM school and the college or university. 69281

Sec. 3375.79. There is hereby created in the state treasury 69282
the Bill and Melinda Gates foundation grant fund consisting of 69283
Bill and Melinda Gates foundation grants awarded to the state 69284
library of Ohio. The state library board shall use the fund for 69285
the improvement of public library services, interlibrary 69286
cooperation, or other library purposes. All investment earnings of 69287
the fund shall be credited to the fund. 69288

Sec. 3501.17. (A) The expenses of the board of elections 69289
shall be paid from the county treasury, in pursuance of 69290
appropriations by the board of county commissioners, in the same 69291
manner as other county expenses are paid. If the board of county 69292
commissioners fails to appropriate an amount sufficient to provide 69293
for the necessary and proper expenses of the board of elections 69294

pertaining to the conduct of elections, the board of elections 69295
may apply to the court of common pleas within the county, which 69296
shall fix the amount necessary to be appropriated and the amount 69297
shall be appropriated. Payments shall be made upon vouchers of the 69298
board of elections certified to by its chairperson or acting 69299
chairperson and the director or deputy director, upon warrants of 69300
the county auditor. 69301

The board of elections shall not incur any obligation 69302
involving the expenditure of money unless there are moneys 69303
sufficient in the funds appropriated therefor to meet the 69304
obligation. If the board of elections requests a transfer of funds 69305
from one of its appropriation items to another, the board of 69306
county commissioners shall adopt a resolution providing for the 69307
transfer except as otherwise provided in section 5705.40 of the 69308
Revised Code. The expenses of the board of elections shall be 69309
apportioned among the county and the various subdivisions as 69310
provided in this section, and the amount chargeable to each 69311
subdivision shall be withheld by the auditor from the moneys 69312
payable thereto at the time of the next tax settlement. At the 69313
time of submitting budget estimates in each year, the board of 69314
elections shall submit to the taxing authority of each 69315
subdivision, upon the request of the subdivision, an estimate of 69316
the amount to be withheld from the subdivision during the next 69317
fiscal year. 69318

(B) Except as otherwise provided in division (F) of this 69319
section, the compensation of the members of the board of 69320
elections and of the director, deputy director, and regular 69321
employees in the board's offices, other than compensation for 69322
overtime worked; the expenditures for the rental, furnishing, and 69323
equipping of the office of the board and for the necessary office 69324
supplies for the use of the board; the expenditures for the 69325
acquisition, repair, care, and custody of the polling places, 69326
booths, guardrails, and other equipment for polling places; the 69327

cost of tally sheets, maps, flags, ballot boxes, and all other 69328
permanent records and equipment; the cost of all elections held 69329
in and for the state and county; and all other expenses of the 69330
board which are not chargeable to a political subdivision in 69331
accordance with this section shall be paid in the same manner as 69332
other county expenses are paid. 69333

(C) The compensation of judges of elections and intermittent 69334
employees in the board's offices; the cost of renting, moving, 69335
heating, and lighting polling places and of placing and removing 69336
ballot boxes and other fixtures and equipment thereof, including 69337
voting machines, marking devices, and automatic tabulating 69338
equipment; the cost of printing and delivering ballots, cards of 69339
instructions, registration lists required under section 3503.23 69340
of the Revised Code, and other election supplies, including the 69341
supplies required to comply with division (H) of section 3506.01 69342
of the Revised Code; the cost of contractors engaged by the board 69343
to prepare, program, test, and operate voting machines, marking 69344
devices, and automatic tabulating equipment; and all other 69345
expenses of conducting primaries and elections in the odd-numbered 69346
years shall be charged to the subdivisions in and for which such 69347
primaries or elections are held. The charge for each primary or 69348
general election in odd-numbered years for each subdivision shall 69349
be determined in the following manner: first, the total cost of 69350
all chargeable items used in conducting such elections shall be 69351
ascertained; second, the total charge shall be divided by the 69352
number of precincts participating in such election, in order to 69353
fix the cost per precinct; third, the cost per precinct shall be 69354
prorated by the board of elections to the subdivisions conducting 69355
elections for the nomination or election of offices in such 69356
precinct; fourth, the total cost for each subdivision shall be 69357
determined by adding the charges prorated to it in each precinct 69358
within the subdivision. 69359

(D) The entire cost of special elections held on a day other 69360

than the day of a primary or general election, both in 69361
odd-numbered or in even-numbered years, shall be charged to the 69362
subdivision. Where a special election is held on the same day as a 69363
primary or general election in an even-numbered year, the 69364
subdivision submitting the special election shall be charged only 69365
for the cost of ballots and advertising. Where a special election 69366
is held on the same day as a primary or general election in an 69367
odd-numbered year, the subdivision submitting the special election 69368
shall be charged for the cost of ballots and advertising for such 69369
special election, in addition to the charges prorated to such 69370
subdivision for the election or nomination of candidates in each 69371
precinct within the subdivision, as set forth in the preceding 69372
paragraph. 69373

(E) Where a special election is held on the day specified by 69374
division (E) of section 3501.01 of the Revised Code for the 69375
holding of a primary election, for the purpose of submitting to 69376
the voters of the state constitutional amendments proposed by the 69377
general assembly, and a subdivision conducts a special election on 69378
the same day, the entire cost of the special election shall be 69379
divided proportionally between the state and the subdivision based 69380
upon a ratio determined by the number of issues placed on the 69381
ballot by each, except as otherwise provided in division (G) of 69382
this section. Such proportional division of cost shall be made 69383
only to the extent funds are available for such purpose from 69384
amounts appropriated by the general assembly to the secretary of 69385
state. If a primary election is also being conducted in the 69386
subdivision, the costs shall be apportioned as otherwise provided 69387
in this section. 69388

(F) When a precinct is open during a general, primary, or 69389
special election solely for the purpose of submitting to the 69390
voters a statewide ballot issue, the state shall bear the entire 69391
cost of the election in that precinct and shall reimburse the 69392
county for all expenses incurred in opening the precinct. 69393

(G)(1) The state shall bear the entire cost of advertising in newspapers statewide ballot issues, explanations of those issues, and arguments for or against those issues, as required by Section 1g of Article II and Section 1 of Article XVI, Ohio Constitution, and any other section of law. Appropriations made to the controlling board shall be used to reimburse the secretary of state for all expenses the secretary of state incurs for such advertising under division (G) of section 3505.062 of the Revised Code.

(2) There is hereby created in the state treasury the statewide ballot advertising fund. The fund shall receive transfers approved by the controlling board, and shall be used by the secretary of state to pay the costs of advertising state ballot issues as required under division (G)(1) of this section. Any such transfers may be requested from and approved by the controlling board prior to placing the advertising, in order to facilitate timely provision of the required advertising.

(H) The cost of renting, heating, and lighting registration places; the cost of the necessary books, forms, and supplies for the conduct of registration; and the cost of printing and posting precinct registration lists shall be charged to the subdivision in which such registration is held.

(I) At the request of a majority of the members of the board of elections, the board of county commissioners may, by resolution, establish an elections revenue fund. Except as otherwise provided in this division, the purpose of the fund shall be to accumulate revenue withheld by or paid to the county under this section for the payment of any expense related to the duties of the board of elections specified in section 3501.11 of the Revised Code, upon approval of a majority of the members of the board of elections. The fund shall not accumulate any revenue withheld by or paid to the county under this section for the

compensation of the members of the board of elections or of the
director, deputy director, or other regular employees in the
board's offices, other than compensation for overtime worked.

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Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the
Revised Code, the board of county commissioners may, by
resolution, transfer money to the elections revenue fund from any
other fund of the political subdivision from which such payments
lawfully may be made. Following an affirmative vote of a majority
of the members of the board of elections, the board of county
commissioners may, by resolution, rescind an elections revenue
fund established under this division. If an elections revenue fund
is rescinded, money that has accumulated in the fund shall be
transferred to the county general fund.

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(J) As used in this section:

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(1) "Political subdivision" and "subdivision" mean any board
of county commissioners, board of township trustees, legislative
authority of a municipal corporation, board of education, or any
other board, commission, district, or authority that is empowered
to levy taxes or permitted to receive the proceeds of a tax levy,
regardless of whether the entity receives tax settlement moneys as
described in division (A) of this section;

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(2) "Statewide ballot issue" means any ballot issue, whether
proposed by the general assembly or by initiative or referendum,
that is submitted to the voters throughout the state.

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Sec. 3503.18. ~~The chief health officer of each political
subdivision and the director of health shall file with the board
of elections, at least once each month, the names, dates of birth,
dates of death, and residences of all persons, over eighteen years
of age, who have died within such subdivision or within this state
or another state, respectively, within such month. At least once
each month the, each probate judge in this state shall file with~~

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the board of elections the names and residence addresses of all
persons over eighteen years of age who have been adjudicated
incompetent for the purpose of voting, as provided in section
5122.301 of the Revised Code. At least once each month the clerk
of the court of common pleas shall file with the board the names
and residence addresses of all persons who have been convicted
during the previous month of crimes that would disfranchise such
persons under existing laws of the state. Reports of conviction of
crimes under the laws of the United States that would disfranchise
an elector and that are provided to the secretary of state by any
United States attorney shall be forwarded by the secretary of
state to the appropriate board of elections.

Upon receiving ~~any~~ report ~~described in~~ required by this
section or section 3705.031 of the Revised Code, the board of
elections shall promptly cancel the registration of ~~the~~ each
elector named in the report. If the report contains a residence
address of an elector in a county other than the county in which
the board of elections is located, the director shall promptly
send a copy of the report to the appropriate board of elections,
which shall cancel the registration.

Sec. 3503.21. (A) The registration of a registered elector
shall be canceled upon the occurrence of any of the following:

(1) The filing by a registered elector of a written request
with a board of elections, on a form prescribed by the secretary
of state and signed by the elector, that the registration be
canceled. The filing of such a request does not prohibit an
otherwise qualified elector from reregistering to vote at any
time.

~~(2) The filing of a notice of the death of the registered
elector as provided in section 3503.18 of the Revised Code;~~

~~(3) The conviction of the registered elector of a felony~~

under the laws of this state, any other state, or the United States as provided in section 2961.01 of the Revised Code;	69488 69489
~~(4)~~ (3) The adjudication of incompetency of the registered elector for the purpose of voting as provided in section 5122.301 of the Revised Code;	69490 69491 69492
<u>(4) The receipt by a board of elections of a report required by section 3705.031 of the Revised Code that contains the name of the registered elector;</u>	69493 69494 69495
(5) The change of residence of the registered elector to a location outside the county of registration in accordance with division (B) of this section;	69496 69497 69498
(6) The failure of the registered elector, after having been mailed a confirmation notice, to do either of the following:	69499 69500
(a) Respond to such a notice and vote at least once during a period of four consecutive years, which period shall include two general federal elections;	69501 69502 69503
(b) Update the elector's registration and vote at least once during a period of four consecutive years, which period shall include two general federal elections.	69504 69505 69506
(B)(1) The secretary of state shall prescribe procedures to identify and cancel the registration in a prior county of residence of any registrant who changes the registrant's voting residence to a location outside the registrant's current county of registration. Any procedures prescribed in this division shall be uniform and nondiscriminatory, and shall comply with the Voting Rights Act of 1965. The secretary of state may prescribe procedures under this division that include the use of the national change of address service provided by the United States postal system through its licensees. Any program so prescribed	69507 69508 69509 69510 69511 69512 69513 69514 69515 69516

shall be completed not later than ninety days prior to the date of
any primary or general election for federal office.

(2) The registration of any elector identified as having
changed the elector's voting residence to a location outside the
elector's current county of registration shall not be canceled
unless the registrant is sent a confirmation notice on a form
prescribed by the secretary of state and the registrant fails to
respond to the confirmation notice or otherwise update the
registration and fails to vote in any election during the period
of two federal elections subsequent to the mailing of the
confirmation notice.

(C) The registration of a registered elector shall not be
canceled except as provided in this section, division (Q) of
section 3501.05 of the Revised Code, division (C)(2) of section
3503.19 of the Revised Code, or division (C) of section 3503.24 of
the Revised Code.

(D) Boards of elections shall send their voter registration
information to the secretary of state as required under section
3503.15 of the Revised Code. In the first quarter of each
odd-numbered year, the secretary of state shall send the
information to the national change of address service described in
division (B) of this section and request that service to provide
the secretary of state with a list of any voters sent by the
secretary of state who have moved within the last thirty-six
months. The secretary of state shall transmit to each appropriate
board of elections whatever lists the secretary of state receives
from that service. The board shall send a notice to each person on
the list transmitted by the secretary of state requesting
confirmation of the person's change of address, together with a
postage prepaid, preaddressed return envelope containing a form on
which the voter may verify or correct the change of address
information.

(E) The registration of a registered elector described in division (A)(6) or (B)(2) of this section shall be canceled not later than one hundred twenty days after the date of the second general federal election in which the elector fails to vote or not later than one hundred twenty days after the expiration of the four-year period in which the elector fails to vote or respond to a confirmation notice, whichever is later.

Sec. 3701.0211. (A) There is hereby created the hemophilia advisory council in the department of health. The council shall consist of the following members:

(1) The following nonvoting members:

(a) The director of health or the director's designee;

(b) The superintendent of insurance or the superintendent's designee;

(c) A representative of the department of job and family services.

(2) The following voting members, to be appointed by the governor with the advice and consent of the senate:

(a) Two individuals authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery who are currently treating patients with hemophilia or related bleeding disorders, one of whom specializes in pediatrics and one of whom specializes in the treatment of adults;

(b) An individual licensed under Chapter 4723. of the Revised Code to practice nursing who is currently treating patients with hemophilia or related bleeding disorders;

<u>(c) An individual licensed under Chapter 4757. of the Revised Code as an independent social worker or social worker who is currently treating patients with hemophilia or related bleeding disorders;</u>	69576 69577 69578 69579
<u>(d) A representative of a federally funded hemophilia treatment center;</u>	69580 69581
<u>(e) A representative of a health insuring corporation that holds a certificate of authority issued under Chapter 1751. of the Revised Code or a company authorized under Chapter 3923. of the Revised Code to do the business of sickness and accident insurance in this state;</u>	69582 69583 69584 69585 69586
<u>(f) A representative of an Ohio chapter of the national hemophilia foundation that serves the community of persons with hemophilia and related bleeding disorders;</u>	69587 69588 69589
<u>(g) An adult with hemophilia or caregiver of an adult with hemophilia;</u>	69590 69591
<u>(h) A caregiver of a minor with hemophilia;</u>	69592
<u>(i) A person with a bleeding disorder other than hemophilia or caregiver of a person with a bleeding disorder other than hemophilia;</u>	69593 69594 69595
<u>(j) A person with hemophilia who is a member of the Amish sect or a health professional currently treating persons with hemophilia who are members of the Amish sect.</u>	69596 69597 69598
<u>(B) Not later than ninety days after the effective date of this section, the governor shall make initial appointments to the council. Of the initial appointments, four shall be for terms ending two years after the effective date of this section, four shall be for terms ending three years after that date, and three</u>	69599 69600 69601 69602 69603

shall be for terms ending four years after that date. Thereafter, 69604
terms of office shall be two years, with each term ending on the 69605
same day of the same month as the term it succeeds. Each member 69606
shall hold office from the date of appointment until the end of 69607
the term for which the member was appointed. Members may be 69608
reappointed. 69609

Vacancies shall be filled in the same manner as original 69610
appointments. Any member appointed to fill a vacancy occurring 69611
prior to the expiration of the term for which the member's 69612
predecessor was appointed shall hold office for the remainder of 69613
that term. A member shall continue in office subsequent to the 69614
expiration date of the member's term until the member's successor 69615
takes office or until a period of sixty days has elapsed, 69616
whichever occurs first. 69617

(C) The voting members shall elect from among the council's 69618
members a chairperson who shall serve a one-year term. The council 69619
shall meet at the call of the chairperson, but not less than four 69620
times each year. A majority of the members of the council 69621
constitutes a quorum. 69622

(D) Members shall serve without compensation, but may be 69623
reimbursed for actual and necessary expenses incurred in the 69624
performance of their duties. 69625

(E) The council shall advise the director of health on all of 69626
the following: 69627

(1) Reviewing the impact of changes to both of the following: 69628

(a) Existing programs for persons with hemophilia and related 69629
bleeding disorders; 69630

(b) Existing policies for persons with hemophilia and 69631
related bleeding disorders. 69632

<u>(2) Developing standards of care and standards of treatment for persons with hemophilia and related bleeding disorders;</u>	69633 69634
<u>(3) Developing programs of care and programs of treatment for persons with hemophilia and related bleeding disorders, including self-administration of medication, home care, medical and dental procedures, and techniques designed to provide maximum control over bleeding episodes;</u>	69635 69636 69637 69638 69639
<u>(4) Reviewing data and making recommendations regarding the ability of persons with hemophilia and related bleeding disorders to obtain appropriate health insurance coverage and access to appropriate care;</u>	69640 69641 69642 69643
<u>(5) Coordinating with other state agencies and private organizations to develop community-based initiatives to increase awareness of hemophilia and related bleeding disorders.</u>	69644 69645 69646
<u>(F) The council shall annually submit to the governor and general assembly a report with recommendations on increasing access to care and treatment and obtaining appropriate health insurance coverage for persons with hemophilia and related bleeding disorders.</u>	69647 69648 69649 69650 69651
Sec. 3701.045. (A) The department of health, in consultation with the children's trust fund board established under section 3109.15 of the Revised Code and any bodies acting as child fatality review boards on ~~the effective date of this section~~ <u>October 5, 2000</u> , shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for child fatality review boards to follow in conducting a review of the death of a child. The rules shall do all of the following:	69652 69653 69654 69655 69656 69657 69658 69659
(1) Establish the format for the annual reports required by section 307.626 of the Revised Code;	69660 69661

(2) Establish guidelines for a child fatality review board to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report;

(3) Establish guidelines for a child fatality review board to follow in creating and maintaining the comprehensive database of child deaths required by section 307.623 of the Revised Code, including provisions establishing uniform record-keeping procedures;

(4) Establish guidelines for reporting child fatality review data to the department of health or a national child death review database, either of which must maintain the confidentiality of information that would permit a person's identity to be ascertained;

(5) Establish guidelines, materials, and training to help educate members of child fatality review boards about the purpose of the review process and the confidentiality of the information described in section 307.629 of the Revised Code and to make them aware that such information is not a public record under section 149.43 of the Revised Code.

(B) On or before the thirtieth day of September of each year, the department of health and the children's trust fund board jointly shall prepare and publish a report organizing and setting forth the data from the department of health child death review database or the national child death review database, data in all the reports provided by child fatality review boards in their annual reports for the previous calendar year, and recommending recommendations for any changes to law and policy that might prevent future deaths. The department and the children's trust fund board jointly shall provide a copy of the report to the governor, the speaker of the house of representatives, the

president of the senate, the minority leaders of the house of
representatives and the senate, each county or regional child
fatality review board, and each county or regional family and
children first council.

Sec. 3701.07. (A) The public health council shall adopt
rules in accordance with Chapter 119. of the Revised Code defining
and classifying hospitals and dispensaries and providing for the
reporting of information by hospitals and dispensaries. Except as
otherwise provided in the Revised Code, the rules providing for
the reporting of information shall not require inclusion of any
confidential patient data or any information concerning the
financial condition, income, expenses, or net worth of the
facilities other than that financial information already contained
in those portions of the medicare or medicaid cost report that is
necessary for the department of health to certify the per diem
cost under section 3701.62 of the Revised Code. The rules may
require the reporting of information in the following categories:

(1) Information needed to identify and classify the
institution;

(2) Information on facilities and type and volume of services
provided by the institution;

(3) The number of beds listed by category of care provided;

(4) The number of licensed or certified professional
employees by classification;

(5) The number of births that occurred at the institution the
previous calendar year;

(6) Any other information that the council considers relevant
to the safety of patients served by the institution.

Every hospital and dispensary, public or private, annually
shall register with and report to the department of health.
Reports shall be submitted in the manner prescribed in rules
adopted under this division.

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(B) Every governmental entity or private nonprofit
corporation or association whose employees or representatives are
defined as residents' rights advocates under divisions (E)(1) and
(2) of section 3721.10 or division (A)(10) of section 3722.01 of
the Revised Code shall register with the department of health on
forms furnished by the director of health and shall provide such
reasonable identifying information as the director may prescribe.

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The department shall compile a list of the governmental
entities, corporations, or associations registering under this
division and shall update the list annually. Copies of the list
shall be made available to nursing home administrators as defined
in division (C) of section 3721.10 of the Revised Code and to
adult care facility managers as defined in section 3722.01 of the
Revised Code.

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~~(C) Every governmental entity or private nonprofit
corporation or association whose employees or representatives act
as residents' rights advocates for community alternative homes
pursuant to section 3724.08 of the Revised Code shall register
with the department of health on forms furnished by the director
of health and shall provide such reasonable identifying
information as the director may prescribe.~~

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~~The department shall compile a list of the governmental
entities, corporations, and associations registering under this
division and shall update the list annually. Copies of the list
shall be made available to operators or residence managers of
community alternative homes as defined in section 3724.01 of the
Revised Code.~~

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Sec. 3701.136. (A) There is hereby created the sickle cell anemia advisory committee. The committee shall assist the director of health in fulfilling the director's duties under section 3701.131 of the Revised Code.

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(B) The director shall appoint five members to the committee who are familiar with sickle cell anemia, including researchers, health care professionals, and persons personally affected by sickle cell anemia.

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Not later than ninety days after the effective date of this section, the director shall make initial appointments to the committee. Of the initial appointments, one shall be for a term ending one year after the effective date of this section, two shall be for terms ending two years after that date, and two shall be for terms ending three years after that date. Thereafter, terms of office shall be three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed.

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Vacancies shall be filled in the same manner as original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

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Members of the committee shall serve without compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties.

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(C) The committee shall annually select from among its

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members a chairperson. The committee shall meet at the call of the 69783
chairperson, but not less than twice each year. A majority of the 69784
members of the committee constitutes a quorum. 69785

Sec. 3701.242. (A) An HIV test ~~shall~~may be performed ~~only~~ 69786
~~if, prior to the test, informed consent is obtained either by the~~ 69787
~~person or agency of state or local government ordering the test or~~ 69788
~~by the person or agency performing the test. Consent may be given~~ 69789
~~orally or in writing after the person or agency performing or~~ 69790
~~ordering the test has given the individual to be tested or his~~ 69791
~~guardian the following information:~~ 69792

(1) ~~An oral or written explanation of the test and testing~~ 69793
~~procedures, including the purposes and limitations of the test and~~ 69794
~~the meaning of its results;~~ 69795

(2) ~~An oral or written explanation that the test is~~ 69796
~~voluntary, that consent to be tested may be withdrawn, if the test~~ 69797
~~is performed on an outpatient basis, at any time before the~~ 69798
~~individual tested leaves the premises where blood is taken for the~~ 69799
~~test, or, if the test is performed on an inpatient basis, within~~ 69800
~~one hour after the blood is taken for the test, and that the~~ 69801
~~individual or guardian may elect to have an anonymous test;~~ 69802

(3) ~~An oral or written explanation about behaviors known to~~ 69803
~~pose risks for transmission of HIV infection.~~ 69804

~~The public health council shall adopt rules, pursuant to~~ 69805
~~recommendations of the director of health and in accordance with~~ 69806
~~Chapter 119. of the Revised Code, specifying the information~~ 69807
~~required by this section to be given to an individual before he is~~ 69808
~~given an HIV test. The rules shall contain specifications for an~~ 69809
~~informed consent form that includes the required information. The~~ 69810
~~director of health shall prepare and distribute the form. A person~~ 69811
~~or government agency required by division (A) of this section to~~ 69812
~~give information to an individual may satisfy the requirement by~~ 69813

~~obtaining the signature of the individual on the form prepared by
the director by or on the order of a health care provider who, in
the exercise of the provider's professional judgment, determines
the test to be necessary for providing diagnosis and treatment to
the individual to be tested, if the individual or the
individual's parent or guardian has given consent to the provider
for medical or other health care treatment. The health care
provider shall inform the individual of the individual's right
under division (D) of this section to an anonymous test.~~

(B) A minor may consent to be given an HIV test. The consent is not subject to disaffirmance because of minority. The parents or guardian of a minor giving consent under this division are not liable for payment and shall not be charged for an HIV test given to the minor without the consent of a parent or the guardian.

(C) ~~The person or government agency~~ health care provider ordering an HIV test shall provide post-test counseling for ~~the~~ an individual who was tested at the time he is told the result of the test or informed of a diagnosis of AIDS or of an AIDS-related condition receives an HIV-positive test result. ~~If the test was performed on the order of the individual tested, the person or government agency that performed the test shall provide counseling. The individual shall be given an oral or written explanation of the nature of AIDS and AIDS-related conditions and the relationship between the HIV test and those diseases and a list of resources for further counseling or support. When necessary, the individual shall be referred for further counseling to help him cope with the emotional consequences of learning the test result.~~ The public health council may adopt rules, pursuant to recommendations from the director of health and in accordance with Chapter 119. of the Revised Code, specifying the information to be provided in post-test counseling.

(D) ~~Any~~An individual ~~seeking an HIV test~~ shall have the right, ~~on his request~~, to an anonymous test. A health care facility or health care provider that does not provide anonymous testing shall refer an individual requesting an anonymous test to a site where it is available.

(E) Divisions ~~(A)~~(B) to (D) of this section do not apply to the performance of an HIV test in any of the following circumstances:

(1) When the test is performed in a medical emergency by a nurse or physician and the test results are medically necessary to avoid or minimize an immediate danger to the health or safety of the individual to be tested or another individual, except that post-test counseling shall be given to the individual ~~as soon as possible after the emergency is over~~if the individual receives an HIV-positive test result;

(2) When the test is performed for the purpose of research if the researcher does not know and cannot determine the identity of the individual tested;

(3) When the test is performed by a person who procures, processes, distributes, or uses a human body part from a deceased person donated for a purpose specified in Chapter 2108. of the Revised Code, if the test is medically necessary to ensure that the body part is acceptable for its intended purpose;

(4) When the test is performed on a person incarcerated in a correctional institution under the control of the department of rehabilitation and correction if the head of the institution has determined, based on good cause, that a test is necessary;

(5) When the test is performed ~~by or on the order of a physician who, in the exercise of his professional judgment, determines the test to be necessary for providing diagnosis and~~

~~treatment to the individual to be tested, if the individual or his~~ 69876
~~parent or guardian has given consent to the physician for medical~~ 69877
~~treatment in accordance with section 2907.27 of the Revised Code;~~ 69878

(6) When the test is performed on an individual after the 69879
infection control committee of a health care facility, or other 69880
body of a health care facility performing a similar function 69881
determines that a health care provider, emergency medical services 69882
worker, or peace officer, while rendering health or emergency care 69883
to an individual, has sustained a significant exposure to the body 69884
fluids of that individual, and the individual has refused to give 69885
consent for testing. 69886

~~(F) If the requirements of division (A) of this section have~~ 69887
~~been met, consent to be tested given under that division shall be~~ 69888
~~presumed to be valid and effective, and no evidence is admissible~~ 69889
~~in a civil action to impeach, modify, or limit the consent.~~ 69890

~~(G) The consent of the individual to be tested is not~~ 69891
~~required, and the individual or guardian may not elect to have an~~ 69892
~~anonymous test, when the test is ordered by a court in connection~~ 69893
~~with a criminal investigation.~~ 69894

Sec. 3701.247. (A)(1) Any of the following persons may bring 69895
an action in a probate court for an order compelling another 69896
person to undergo HIV testing: 69897

(a) A person who believes ~~he~~the person may have been exposed 69898
to HIV infection while rendering health or emergency care to the 69899
other person; 69900

(b) A peace officer who believes ~~he~~the peace officer may 69901
have been exposed to HIV infection while dealing with the other 69902
person in the performance of ~~his~~official duties. 69903

(2) The complaint in the action shall be accompanied by an 69904

affidavit in which the plaintiff attests to all of the following: 69905

(a) While rendering health or emergency care to the 69906
defendant, or while dealing with the defendant in the performance 69907
of ~~his~~the plaintiff's duties, the plaintiff sustained a 69908
significant exposure to body fluids of the defendant that are 69909
known to transmit HIV; 69910

(b) The plaintiff has reason to believe the defendant may 69911
have an HIV infection; 69912

(c) The plaintiff made a reasonable attempt to have the 69913
defendant submit to HIV testing in accordance with section 69914
3701.242 of the Revised Code, and notified the defendant that ~~he~~
the plaintiff would bring an action under this section on the 69916
defendant's refusal or failure to be tested, but the defendant has 69917
not been tested; 69918

(d) Within seven days after the exposure, the plaintiff took 69919
an HIV test ~~and also has received counseling pursuant to section~~
~~3701.242 of the Revised Code.~~ 69920
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In the complaint, the defendant shall be identified by a 69922
pseudonym and ~~his~~the defendant's name communicated to the court 69923
confidentially pursuant to a court order restricting the use of 69924
the name. Proceedings shall be conducted in chambers unless the 69925
defendant agrees to a hearing in open court. 69926

(B) The court shall hold a hearing on the complaint at the 69927
earliest possible time but not later than the third business day 69928
after the day the defendant is served with the complaint and 69929
notice of the hearing. The court shall enter judgment on the 69930
complaint on the day the hearing is concluded. 69931

(C) Notwithstanding division (A) of section 3701.242 of the 69932
Revised Code, the court may order the defendant to undergo HIV 69933

testing if it finds by clear and convincing evidence that the 69934
plaintiff has proved the matters attested to in ~~his~~the 69935
plaintiff's affidavit and has demonstrated that ~~he~~the plaintiff 69936
has a compelling need for the results of the test and no other 69937
means exist to accommodate the need. If granted, the order shall 69938
guard against unauthorized disclosure of the test results by 69939
specifying the persons and governmental entities that may have 69940
access to the results and by limiting further disclosure. The 69941
court shall require that the defendant be given test results and, 69942
if the defendant's test results are HIV-positive, that post-test 69943
counseling be provided ~~him~~the defendant in accordance with 69944
division (C) of section 3701.242 of the Revised Code. The court 69945
may order the plaintiff to pay the cost of the defendant's testing 69946
and counseling. 69947

Sec. 3701.344. As used in this section and sections 69948
3701.345, 3701.346, and 3701.347 of the Revised Code: 69949

(A) "Private water system" means any water system for the 69950
provision of water for human consumption, if such system has fewer 69951
than fifteen service connections and does not regularly serve an 69952
average of at least twenty-five individuals daily at least sixty 69953
days out of the year. A private water system includes any well, 69954
spring, cistern, pond, or hauled water and any equipment for the 69955
collection, transportation, filtration, disinfection, treatment, 69956
or storage of such water extending from and including the source 69957
of the water to the point of discharge from any pressure tank or 69958
other storage vessel; to the point of discharge from the water 69959
pump where no pressure tank or other storage vessel is present; 69960
or, in the case of multiple service connections serving more than 69961
one dwelling, to the point of discharge from each service 69962
connection. ~~A private~~"Private water system" does not include the 69963
water service line extending from the point of discharge to a 69964
structure. 69965

(B) Notwithstanding section 3701.347 of the Revised Code and
subject to division (C) of this section, rules adopted by the
public health council regarding private water systems shall
provide for the following:

(1) Except as otherwise provided in this division, boards of
health of city or general health districts shall be given the
exclusive power to establish fees in accordance with section
3709.09 of the Revised Code for administering and enforcing such
rules. Such fees shall establish a different rate for
administering and enforcing the rules relative to private water
systems serving single-family dwelling houses and nonsingle-family
dwelling houses. Except for an amount established by the public
health council, pursuant to division (B)(5) of this section, for
each new private water system installation, no portion of any fee
for administering and enforcing such rules shall be returned to
the department of health. If the director of health determines
that a board of health of a city or general health district is
unable to administer and enforce a private water system program in
the district, the director shall administer and enforce such a
program in the district and establish fees for such administration
and enforcement.

(2) Boards of health of city or general health districts
shall be given the exclusive power to determine the number of
inspections necessary for determining the safe drinking
characteristics of a private water system.

(3) Private water systems contractors, as a condition of
doing business in this state, shall annually register with, and
comply with surety bonding requirements of, the department of
health. No such contractor shall be permitted to register if ~~he~~
the contractor fails to comply with all applicable rules adopted
by the public health council and the board of health of the city
or general health district. The annual registration fee for

private water systems contractors shall be sixty-five dollars. The	69998
public health council, by rule adopted in accordance with Chapter	69999
119. of the Revised Code, may increase the annual registration	70000
fee. Before January 1, 1993, the fee shall not be increased by	70001
more than fifty per cent of the amount prescribed by this section.	70002
 (4) Boards of health of city or general health districts	70003
subject to such rules of the public health council shall have the	70004
option of determining whether bacteriological examinations shall	70005
be performed at approved laboratories of the state or at approved	70006
private laboratories.	70007
 (5) The public health council may establish fees for each new	70008
private water system installation, which shall be collected by the	70009
appropriate ~~city or general health district~~ <u>board of health</u> and	70010
~~returned~~ <u>transmitted</u> to the ~~department~~ <u>director</u> of health	70011
<u>pursuant to section 3709.092 of the Revised Code.</u>	70012
 (6) All fees ~~collected~~ <u>received</u> by the director of health	70013
under divisions (B)(1), (3), and (5) of this section shall be	70014
deposited in the state treasury to the credit of the general	70015
operations fund created in section 3701.83 of the Revised Code	70016
for use in the administration and enforcement of sections	70017
3701.344 to 3701.347 of the Revised Code and the rules pertaining	70018
to private water systems adopted under those sections or section	70019
3701.34 of the Revised Code.	70020
 (C) To the extent that rules adopted under division (B) of	70021
this section require health districts to follow specific	70022
procedures or use prescribed forms, no such procedure or form	70023
shall be implemented until it is approved by majority vote of an	70024
approval board of health commissioners, hereby created. Members of	70025
the board shall be the officers of the association of Ohio health	70026
commissioners, or any successor organization, and membership on	70027
the board shall be coterminous with holding an office of the	70028
association. No health district is required to follow a procedure	70029

or use a form required by a rule adopted under division (B) of
this section without the approval of the board.

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(D) A board of health shall collect well log filing fees on
behalf of the division of soil and water resources in the
department of natural resources in accordance with section
1521.05 of the Revised Code and rules adopted under it. The fees
shall be submitted to the division quarterly as provided in those
rules.

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Sec. 3701.611. (A) The governor shall create the help me
grow advisory council in accordance with 20 U.S.C. 1441, which
shall serve as the state interagency coordinating council, as
described in 20 U.S.C. 1441. Members of the council shall
reasonably represent the population of this state. The governor
shall appoint as a member of the council a representative of a
board of health of a city or general health district or an
authority having the duties of a board of health under section
3709.05 of the Revised Code.

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The governor shall appoint one of the council members to
serve as chairperson of the council, or the governor may delegate
appointment of the chairperson to the council. No member of the
council representing the department of health shall serve as
chairperson.

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(B) The council shall meet at least once in each quarter of
the calendar year. The chairperson may call additional meetings if
necessary.

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(C) A member of the council shall not vote on any matter that
is likely to provide a direct financial benefit to that member or
otherwise be a conflict of interest.

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(D) The governor may reimburse members of the council for
actual and necessary expenses incurred in the performance of their

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<u>official duties, including child care for the parent</u>	70060
<u>representatives described in 20 U.S.C. 1441(b)(1)(A). The governor</u>	70061
<u>also may compensate members of the council who are not employed or</u>	70062
<u>who must forfeit wages from other employment when performing</u>	70063
<u>official council business.</u>	70064
<u>(E) The department of health shall serve as the "lead</u>	70065
<u>agency," as described by 20 U.S.C. 1435(a)(10).</u>	70066
<u>(F) The help me grow advisory council shall do all of the</u>	70067
<u>following:</u>	70068
<u>(1) Advise and assist the department of health in the</u>	70069
<u>performance of the responsibilities described in 20 U.S.C.</u>	70070
<u>1435(a)(10), including the following:</u>	70071
<u>(a) Identification of the sources of fiscal and other support</u>	70072
<u>for services for early intervention programs;</u>	70073
<u>(b) Assignment of financial responsibility to the appropriate</u>	70074
<u>agency, in accordance with 20 U.S.C. 1437(a)(2);</u>	70075
<u>(c) Promotion of formal interagency agreements that define</u>	70076
<u>the financial responsibility of each agency for paying for early</u>	70077
<u>intervention services and procedures for resolving disputes;</u>	70078
<u>(2) Advise and assist the department of health in the</u>	70079
<u>preparation and amendment of applications related to the</u>	70080
<u>department of health's responsibilities described in 20 U.S.C.</u>	70081
<u>1435(a)(10);</u>	70082
<u>(3) Advise and assist the department of education regarding</u>	70083
<u>the transition of toddlers with disabilities to preschool and</u>	70084
<u>other appropriate services;</u>	70085
<u>(4) Prepare and submit an annual report to the governor,</u>	70086

before the thirtieth day of September, on the status of early 70087
intervention programs for infants and toddlers with disabilities 70088
and their families operated within this state during the most 70089
recent fiscal year. 70090

(G) The help me grow advisory council may advise and assist 70091
the department of health and the department of education regarding 70092
the provision of appropriate services for children age five and 70093
younger. The council may advise appropriate agencies about the 70094
integration of services for infants and toddlers with 70095
disabilities, and at-risk infants and toddlers and their families, 70096
regardless of whether at-risk infants and toddlers are eligible 70097
for early intervention services. 70098

(H) The help me grow advisory council shall promote 70099
family-centered programs and services that acknowledge and support 70100
the social, emotional, cognitive, intellectual, and physical 70101
development of children and the vital role of families in ensuring 70102
the well-being and success of children. 70103

Sec. 3701.78. (A) There is hereby created the commission on 70104
minority health, consisting of ~~eighteen~~twenty-one members. The 70105
governor shall appoint to the commission nine members from among 70106
health researchers, health planners, and health professionals. The 70107
governor also shall appoint two members who are representatives of 70108
the lupus awareness and education program. The speaker of the 70109
house of representatives shall appoint to the commission two 70110
members of the house of representatives, not more than one of whom 70111
is a member of the same political party, and the president of the 70112
senate shall appoint to the commission two members of the senate, 70113
not more than one of whom is a member of the same political party. 70114
The directors of health, mental health, mental retardation and 70115
developmental disabilities, alcohol and drug addiction services, 70116
and job and family services, or their designees, and the 70117
superintendent of public instruction, or the superintendent's 70118

designee, shall be members of the commission. The commission 70119
shall elect a chairperson from among its members. Of the members 70120
appointed by the governor, five shall be appointed to initial 70121
terms of one year, and four shall be appointed to initial terms 70122
of two years. Thereafter, all members appointed by the governor 70123
shall be appointed to terms of two years. All members of the 70124
commission appointed by the speaker of the house of 70125
representatives or the president of the senate shall be nonvoting 70126
members of the commission and be appointed within thirty days 70127
after the commencement of the first regular session of each 70128
general assembly, and shall serve until the expiration of the 70129
session of the general assembly during which they were appointed. 70130
Members of the commission shall serve without compensation, but 70131
shall be reimbursed for the actual and necessary expenses they 70132
incur in the performance of their official duties. 70133

(B) The commission shall promote health and the prevention of 70134
disease among members of minority groups. Each year the commission 70135
shall distribute grants from available funds to community-based 70136
health groups to be used to promote health and the prevention of 70137
disease among members of minority groups. As used in this 70138
division, "minority group" means any of the following economically 70139
disadvantaged groups: Blacks, American Indians, Hispanics, and 70140
Orientals. The commission shall adopt and maintain rules pursuant 70141
to Chapter 119. of the Revised Code to provide for the 70142
distribution of these grants. No group shall qualify to receive a 70143
grant from the commission unless it receives at least twenty per 70144
cent of its funds from sources other than grants distributed under 70145
this section. 70146

(C) The commission may appoint such employees as it considers 70147
necessary to carry out its duties under this section. The 70148
department of health shall provide office space for the 70149
commission. 70150

(D) The commission shall meet at the call of its chairperson 70151
to conduct its official business. A majority of the voting members 70152
of the commission constitute a quorum. The votes of at least eight 70153
voting members of the commission are necessary for the commission 70154
to take any official action or to approve the distribution of 70155
grants under this section. 70156

Sec. 3702.30. (A) As used in this section: 70157

(1) "Ambulatory surgical facility" means a facility, whether 70158
or not part of the same organization as a hospital, that is 70159
located in a building distinct from another in which inpatient 70160
care is provided, and to which any of the following apply: 70161

(a) Outpatient surgery is routinely performed in the 70162
facility, and the facility functions separately from a hospital's 70163
inpatient surgical service and from the offices of private 70164
physicians, podiatrists, and dentists. 70165

(b) Anesthesia is administered in the facility by an 70166
anesthesiologist or certified registered nurse anesthetist, and 70167
the facility functions separately from a hospital's inpatient 70168
surgical service and from the offices of private physicians, 70169
podiatrists, and dentists. 70170

(c) The facility applies to be certified by the United States 70171
centers for medicare and medicaid services as an ambulatory 70172
surgical center for purposes of reimbursement under Part B of the 70173
medicare program, Part B of Title XVIII of the "Social Security 70174
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 70175

(d) The facility applies to be certified by a national 70176
accrediting body approved by the centers for medicare and medicaid 70177
services for purposes of deemed compliance with the conditions for 70178
participating in the medicare program as an ambulatory surgical 70179
center. 70180

(e) The facility bills or receives from any third-party payer, governmental health care program, or other person or government entity any ambulatory surgical facility fee that is billed or paid in addition to any fee for professional services.	70181 70182 70183 70184
(f) The facility is held out to any person or government entity as an ambulatory surgical facility or similar facility by means of signage, advertising, or other promotional efforts.	70185 70186 70187
"Ambulatory surgical facility" does not include a hospital emergency department.	70188 70189
(2) "Ambulatory surgical facility fee" means a fee for certain overhead costs associated with providing surgical services in an outpatient setting. A fee is an ambulatory surgical facility fee only if it directly or indirectly pays for costs associated with any of the following:	70190 70191 70192 70193 70194
(a) Use of operating and recovery rooms, preparation areas, and waiting rooms and lounges for patients and relatives;	70195 70196
(b) Administrative functions, record keeping, housekeeping, utilities, and rent;	70197 70198
(c) Services provided by nurses, orderlies, technical personnel, and others involved in patient care related to providing surgery.	70199 70200 70201
"Ambulatory surgical facility fee" does not include any additional payment in excess of a professional fee that is provided to encourage physicians, podiatrists, and dentists to perform certain surgical procedures in their office or their group practice's office rather than a health care facility, if the purpose of the additional fee is to compensate for additional cost incurred in performing office-based surgery.	70202 70203 70204 70205 70206 70207 70208

(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.	70209 70210
(4) "Health care facility" means any of the following:	70211
(a) An ambulatory surgical facility;	70212
(b) A freestanding dialysis center;	70213
(c) A freestanding inpatient rehabilitation facility;	70214
(d) A freestanding birthing center;	70215
(e) A freestanding radiation therapy center;	70216
(f) A freestanding or mobile diagnostic imaging center.	70217
(5) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.	70218 70219
(B) By rule adopted in accordance with sections 3702.12 and 3702.13 of the Revised Code, the director of health shall establish quality standards for health care facilities. The standards may incorporate accreditation standards or other quality standards established by any entity recognized by the director.	70220 70221 70222 70223 70224
(C) Every ambulatory surgical facility shall require that each physician who practices at the facility comply with all relevant provisions in the Revised Code that relate to the obtaining of informed consent from a patient.	70225 70226 70227 70228
(D) The director shall issue a license to each health care facility that makes application for a license and demonstrates to the director that it meets the quality standards established by the rules adopted under division (B) of this section and satisfies the informed consent compliance requirements specified in division	70229 70230 70231 70232 70233

(C) of this section.	70234
(E)(1) Except as provided in <u>division (H) of this section and in section 3702.301 of the Revised Code</u> , no health care facility shall operate without a license issued under this section.	70235 70236 70237
(2) If the department of health finds that a physician who practices at a health care facility is not complying with any provision of the Revised Code related to the obtaining of informed consent from a patient, the department shall report its finding to the state medical board, the physician, and the health care facility.	70238 70239 70240 70241 70242 70243
(3) This division does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a health care facility and in favor of a patient who allegedly sustains harm as a result of the failure of the patient's physician to obtain informed consent from the patient prior to performing a procedure on or otherwise caring for the patient in the health care facility.	70244 70245 70246 70247 70248 70249 70250
(F) The rules adopted under division (B) of this section shall include all of the following:	70251 70252
(1) Provisions governing application for, renewal, suspension, and revocation of a license under this section;	70253 70254
(2) Provisions governing orders issued pursuant to section 3702.32 of the Revised Code for a health care facility to cease its operations or to prohibit certain types of services provided by a health care facility;	70255 70256 70257 70258
(3) Provisions governing the imposition under section 3702.32 of the Revised Code of civil penalties for violations of this section or the rules adopted under this section, including a scale for determining the amount of the penalties.	70259 70260 70261 70262

(G) An ambulatory surgical facility that performs or induces abortions shall comply with section 3701.791 of the Revised Code. 70263
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(H) The following entities are not required to obtain a license as a freestanding diagnostic imaging center issued under this section: 70265
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(1) A hospital registered under section 3701.07 of the Revised Code that provides diagnostic imaging; 70268
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(2) An entity that is reviewed as part of a hospital accreditation or certification program and that provides diagnostic imaging; 70270
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(3) An ambulatory surgical facility that provides diagnostic imaging in conjunction with or during any portion of a surgical procedure. 70273
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Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the Revised Code: 70276
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(A) "Applicant" means any person that submits an application for a certificate of need and who is designated in the application as the applicant. 70278
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(B) "Person" means any individual, corporation, business trust, estate, firm, partnership, association, joint stock company, insurance company, government unit, or other entity. 70281
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(C) "Certificate of need" means a written approval granted by the director of health to an applicant to authorize conducting a reviewable activity. 70284
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(D) "Health service area" means a geographic region designated by the director of health under section 3702.58 of the Revised Code. 70287
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(E) "Health service" means a clinically related service, such as a diagnostic, treatment, rehabilitative, or preventive service.	70290 70291
(F) "Health service agency" means an agency designated to serve a health service area in accordance with section 3702.58 of the Revised Code.	70292 70293 70294
(G) "Health care facility" means:	70295
(1) A hospital registered under section 3701.07 of the Revised Code;	70296 70297
(2) A nursing home licensed under section 3721.02 of the Revised Code, or by a political subdivision certified under section 3721.09 of the Revised Code;	70298 70299 70300
(3) A county home or a county nursing home as defined in section 5155.31 of the Revised Code that is certified under Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;	70301 70302 70303 70304
(4) A freestanding dialysis center;	70305
(5) A freestanding inpatient rehabilitation facility;	70306
(6) An ambulatory surgical facility;	70307
(7) A freestanding cardiac catheterization facility;	70308
(8) A freestanding birthing center;	70309
(9) A freestanding or mobile diagnostic imaging center;	70310
(10) A freestanding radiation therapy center.	70311
A health care facility does not include the offices of	70312

private physicians and dentists whether for individual or group
practice, residential facilities licensed under section 5123.19 of
the Revised Code, or an institution for the sick that is operated
exclusively for patients who use spiritual means for healing and
for whom the acceptance of medical care is inconsistent with their
religious beliefs, accredited by a national accrediting
organization, exempt from federal income taxation under section
501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26
U.S.C.A. 1, as amended, and providing twenty-four hour nursing
care pursuant to the exemption in division (E) of section 4723.32
of the Revised Code from the licensing requirements of Chapter
4723. of the Revised Code.

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(H) "Medical equipment" means a single unit of medical
equipment or a single system of components with related functions
that is used to provide health services.

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(I) "Third-party payer" means a health insuring corporation
licensed under Chapter 1751. of the Revised Code, a health
maintenance organization as defined in division (K) of this
section, an insurance company that issues sickness and accident
insurance in conformity with Chapter 3923. of the Revised Code, a
state-financed health insurance program under Chapter 3701.,
4123., or 5111. of the Revised Code, or any self-insurance plan.

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(J) "Government unit" means the state and any county,
municipal corporation, township, or other political subdivision of
the state, or any department, division, board, or other agency of
the state or a political subdivision.

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(K) "Health maintenance organization" means a public or
private organization organized under the law of any state that is
qualified under section 1310(d) of Title XIII of the "Public
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9.

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(L) "Existing health care facility" means either of the

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following: 70344

(1) A health care facility that is licensed or otherwise 70345
authorized to operate in this state in accordance with applicable 70346
law, including a county home or a county nursing home that is 70347
certified as of February 1, 2008, under Title XVIII or Title XIX 70348
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 70349
as amended, is staffed and equipped to provide health care 70350
services, and is actively providing health services; 70351

(2) A health care facility that is licensed or otherwise 70352
authorized to operate in this state in accordance with applicable 70353
law, including a county home or a county nursing home that is 70354
certified as of February 1, 2008, under Title XVIII or Title XIX 70355
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 70356
as amended, or that has beds registered under section 3701.07 of 70357
the Revised Code as skilled nursing beds or long-term care beds 70358
and has provided services for at least three hundred sixty-five 70359
consecutive days within the twenty-four months immediately 70360
preceding the date a certificate of need application is filed with 70361
the director of health. 70362

(M) "State" means the state of Ohio, including, but not 70363
limited to, the general assembly, the supreme court, the offices 70364
of all elected state officers, and all departments, boards, 70365
offices, commissions, agencies, institutions, and other 70366
instrumentalities of the state of Ohio. "State" does not include 70367
political subdivisions. 70368

(N) "Political subdivision" means a municipal corporation, 70369
township, county, school district, and all other bodies corporate 70370
and politic responsible for governmental activities only in 70371
geographic areas smaller than that of the state to which the 70372
sovereign immunity of the state attaches. 70373

(O) "Affected person" means: 70374

(1) An applicant for a certificate of need, including an applicant whose application was reviewed comparatively with the application in question;	70375
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(2) The person that requested the reviewability ruling in question;	70378
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(3) Any person that resides or regularly uses health care facilities within the geographic area served or to be served by the health care services that would be provided under the certificate of need or reviewability ruling in question;	70380
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(4) Any health care facility that is located in the health service area where the health care services would be provided under the certificate of need or reviewability ruling in question;	70384
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(5) Third-party payers that reimburse health care facilities for services in the health service area where the health care services would be provided under the certificate of need or reviewability ruling in question;	70387
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(6) Any other person who testified at a public hearing held under division (B) of section 3702.52 of the Revised Code or submitted written comments in the course of review of the certificate of need application in question.	70391
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(P) "Osteopathic hospital" means a hospital registered under section 3701.07 of the Revised Code that advocates osteopathic principles and the practice and perpetuation of osteopathic medicine by doing any of the following:	70395
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(1) Maintaining a department or service of osteopathic medicine or a committee on the utilization of osteopathic principles and methods, under the supervision of an osteopathic physician;	70399
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(2) Maintaining an active medical staff, the majority of which is comprised of osteopathic physicians;	70403 70404
(3) Maintaining a medical staff executive committee that has osteopathic physicians as a majority of its members.	70405 70406
(Q) "Ambulatory surgical facility" has the same meaning as in section 3702.30 of the Revised Code.	70407 70408
(R) ~~Except as otherwise provided in division (T) of this section, and until the termination date specified in section 3702.511 of the Revised Code, "reviewable activity" means any of the following:~~	70409 70410 70411 70412
(1) ~~The addition by any person of any of the following health services, regardless of the amount of operating costs or capital expenditures:~~	70413 70414 70415
(a) ~~A heart, heart-lung, lung, liver, kidney, bowel, pancreas, or bone marrow transplantation service, a stem cell harvesting and reinfusion service, or a service for transplantation of any other organ unless transplantation of the organ is designated by public health council rule not to be a reviewable activity;~~	70416 70417 70418 70419 70420 70421
(b) ~~A cardiac catheterization service;~~	70422
(c) ~~An open-heart surgery service;~~	70423
(d) ~~Any new, experimental medical technology that is designated by rule of the public health council.~~	70424 70425
(2) ~~The acceptance of high-risk patients, as defined in rules adopted under section 3702.57 of the Revised Code, by any cardiac catheterization service that was initiated without a certificate of need pursuant to division (R)(3)(b) of the version of this~~	70426 70427 70428 70429

section in effect immediately prior to April 20, 1995;	70430
~~(3)(a) The establishment, development, or construction of a~~	70431
~~new health care facility other than a new long-term care facility~~	70432
~~or a new hospital;~~	70433
~~(b) The establishment, development, or construction of a new~~	70434
~~hospital or the relocation of an existing hospital;~~	70435
~~(c) The relocation of hospital beds, other than long-term~~	70436
~~care, perinatal, or pediatric intensive care beds, into or out of~~	70437
~~a rural area.~~	70438
~~(4)(a) The replacement of an existing hospital;~~	70439
~~(b) The replacement of an existing hospital obstetric or~~	70440
~~newborn care unit or freestanding birthing center.~~	70441
~~(5)(a) The renovation of a hospital that involves a capital~~	70442
~~expenditure, obligated on or after June 30, 1995, of five million~~	70443
~~dollars or more, not including expenditures for equipment,~~	70444
~~staffing, or operational costs. For purposes of division (R)(5)(a)~~	70445
~~of this section, a capital expenditure is obligated:~~	70446
~~(i) When a contract enforceable under Ohio law is entered~~	70447
~~into for the construction, acquisition, lease, or financing of a~~	70448
~~capital asset;~~	70449
~~(ii) When the governing body of a hospital takes formal~~	70450
~~action to commit its own funds for a construction project~~	70451
~~undertaken by the hospital as its own contractor;~~	70452
~~(iii) In the case of donated property, on the date the gift~~	70453
~~is completed under applicable Ohio law.~~	70454
~~(b) The renovation of a hospital obstetric or newborn care~~	70455
~~unit or freestanding birthing center that involves a capital~~	70456

expenditure of five million dollars or more, not including	70457
expenditures for equipment, staffing, or operational costs.	70458
~~(6) Any change in the health care services, bed capacity, or~~	70459
~~site, or any other failure to conduct the reviewable activity in~~	70460
~~substantial accordance with the approved application for which a~~	70461
~~certificate of need was granted, if the change is made prior to~~	70462
~~the date the activity for which the certificate was issued ceases~~	70463
~~to be a reviewable activity;~~	70464
~~(7) Any of the following changes in perinatal bed capacity or~~	70465
~~pediatric intensive care bed capacity:~~	70466
~~(a) An increase in bed capacity;~~	70467
~~(b) A change in service or service level designation of~~	70468
~~newborn care beds or obstetric beds in a hospital or freestanding~~	70469
~~birthing center, other than a change of service that is provided~~	70470
~~within the service level designation of newborn care or obstetric~~	70471
~~beds as registered by the department of health;~~	70472
~~(c) A relocation of perinatal or pediatric intensive care~~	70473
~~beds from one physical facility or site to another, excluding the~~	70474
~~relocation of beds within a hospital or freestanding birthing~~	70475
~~center or the relocation of beds among buildings of a hospital or~~	70476
~~freestanding birthing center at the same site.~~	70477
~~(8) The expenditure of more than one hundred ten per cent of~~	70478
~~the maximum expenditure specified in a certificate of need;~~	70479
~~(9) Any transfer of a certificate of need issued prior to~~	70480
~~April 20, 1995, from the person to whom it was issued to another~~	70481
~~person before the project that constitutes a reviewable activity~~	70482
~~is completed, any agreement that contemplates the transfer of a~~	70483
~~certificate of need issued prior to that date upon completion of~~	70484
~~the project, and any transfer of the controlling interest in an~~	70485

entity that holds a certificate of need issued prior to that date.	70486
However, the transfer of a certificate of need issued prior to	70487
that date or agreement to transfer such a certificate of need from	70488
the person to whom the certificate of need was issued to an	70489
affiliated or related person does not constitute a reviewable	70490
transfer of a certificate of need for the purposes of this	70491
division, unless the transfer results in a change in the person	70492
that holds the ultimate controlling interest in the certificate of	70493
need.	70494
 (10)(a) The acquisition by any person of any of the following	70495
medical equipment, regardless of the amount of operating costs or	70496
capital expenditure:	70497
 (i) A cobalt radiation therapy unit;	70498
 (ii) A linear accelerator;	70499
 (iii) A gamma knife unit.	70500
 (b) The acquisition by any person of medical equipment with a	70501
cost of two million dollars or more. The cost of acquiring medical	70502
equipment includes the sum of the following:	70503
 (i) The greater of its fair market value or the cost of its	70504
lease or purchase;	70505
 (ii) The cost of installation and any other activities	70506
essential to the acquisition of the equipment and its placement	70507
into service.	70508
 (11) The addition of another cardiac catheterization	70509
laboratory to an existing cardiac catheterization service.	70510
 (S) Except as provided in division (F)(S) of this section,	70511
"reviewable activity" also means any of the following activities;	70512

none of which are subject to a termination date:	70513
(1) The establishment, development, or construction of a new long-term care facility;	70514 70515
(2) The replacement of an existing long-term care facility;	70516
(3) The renovation of a long-term care facility that involves a capital expenditure of two million dollars or more, not including expenditures for equipment, staffing, or operational costs;	70517 70518 70519 70520
(4) ~~Any~~ <u>Either</u> of the following changes in long-term care bed capacity:	70521 70522
(a) An increase in bed capacity;	70523
(b) A relocation of beds from one physical facility or site to another, excluding the relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site;	70524 70525 70526 70527
~~(c) A recategorization of hospital beds registered under section 3701.07 of the Revised Code from another registration category to skilled nursing beds or long-term care beds.~~	70528 70529 70530
(5) Any change in the health services, bed capacity, or site, or any other failure to conduct the reviewable activity in substantial accordance with the approved application for which a certificate of need concerning long-term care beds was granted, if the change is made within five years after the implementation of the reviewable activity for which the certificate was granted;	70531 70532 70533 70534 70535 70536
(6) The expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need concerning long-term care beds;	70537 70538 70539

~~(7) Any transfer of a certificate of need that concerns long term care beds and was issued prior to April 20, 1995, from the person to whom it was issued to another person before the project that constitutes a reviewable activity is completed, any agreement that contemplates the transfer of such a certificate of need upon completion of the project, and any transfer of the controlling interest in an entity that holds such a certificate of need. However, the transfer of a certificate of need that concerns long term care beds and was issued prior to April 20, 1995, or agreement to transfer such a certificate of need from the person to whom the certificate was issued to an affiliated or related person does not constitute a reviewable transfer of a certificate of need for purposes of this division, unless the transfer results in a change in the person that holds the ultimate controlling interest in the certificate of need.~~

~~(F)(S)~~ "Reviewable activity" does not include any of the following activities:

- (1) Acquisition of computer hardware or software;
- (2) Acquisition of a telephone system;
- (3) Construction or acquisition of parking facilities;
- (4) Correction of cited deficiencies that are in violation of federal, state, or local fire, building, or safety laws and rules and that constitute an imminent threat to public health or safety;
- (5) Acquisition of an existing health care facility that does not involve a change in the number of the beds, by service, or in the number or type of health services;
- (6) Correction of cited deficiencies identified by accreditation surveys of the joint commission on accreditation of healthcare organizations or of the American osteopathic

association;	70569
(7) Acquisition of medical equipment to replace the same or similar equipment for which a certificate of need has been issued if the replaced equipment is removed from service;	70570 70571 70572
(8) Mergers, consolidations, or other corporate reorganizations of health care facilities that do not involve a change in the number of beds, by service, or in the number or type of health services;	70573 70574 70575 70576
(9) Construction, repair, or renovation of bathroom facilities;	70577 70578
(10) Construction of laundry facilities, waste disposal facilities, dietary department projects, heating and air conditioning projects, administrative offices, and portions of medical office buildings used exclusively for physician services;	70579 70580 70581 70582
(11) Acquisition of medical equipment to conduct research required by the United States food and drug administration or clinical trials sponsored by the national institute of health. Use of medical equipment that was acquired without a certificate of need under division ~~(F)~~ <u>(S)</u> (11) of this section and for which premarket approval has been granted by the United States food and drug administration to provide services for which patients or reimbursement entities will be charged shall be a reviewable activity.	70583 70584 70585 70586 70587 70588 70589 70590 70591
(12) Removal of asbestos from a health care facility.	70592
Only that portion of a project that meets the requirements of <u>this</u> division ~~(F)~~ of ~~this section~~ is not a reviewable activity.	70593 70594
~~(U)~~ <u>(T)</u> "Small rural hospital" means a hospital that is located within a rural area, has fewer than one hundred beds, and	70595 70596

to which fewer than four thousand persons were admitted during the 70597
most recent calendar year. 70598

~~(V)~~(U) "Children's hospital" means any of the following: 70599

(1) A hospital registered under section 3701.07 of the 70600
Revised Code that provides general pediatric medical and surgical 70601
care, and in which at least seventy-five per cent of annual 70602
inpatient discharges for the preceding two calendar years were 70603
individuals less than eighteen years of age; 70604

(2) A distinct portion of a hospital registered under section 70605
3701.07 of the Revised Code that provides general pediatric 70606
medical and surgical care, has a total of at least one hundred 70607
fifty registered pediatric special care and pediatric acute care 70608
beds, and in which at least seventy-five per cent of annual 70609
inpatient discharges for the preceding two calendar years were 70610
individuals less than eighteen years of age; 70611

(3) A distinct portion of a hospital, if the hospital is 70612
registered under section 3701.07 of the Revised Code as a 70613
children's hospital and the children's hospital meets all the 70614
requirements of division ~~(V)~~(U)(1) of this section. 70615

~~(W)~~(V) "Long-term care facility" means any of the following: 70616

(1) A nursing home licensed under section 3721.02 of the 70617
Revised Code or by a political subdivision certified under section 70618
3721.09 of the Revised Code; 70619

(2) The portion of any facility, including a county home or 70620
county nursing home, that is certified as a skilled nursing 70621
facility or a nursing facility under Title XVIII or XIX of the 70622
"Social Security Act"; 70623

(3) The portion of any hospital that contains beds registered 70624

under section 3701.07 of the Revised Code as skilled nursing beds	70625
or long-term care beds.	70626
~~(X)~~ <u>(W)</u> "Long-term care bed" means a bed in a long-term care facility.	70627
	70628
~~(Y)~~ "Perinatal bed" means a bed in a hospital that is	70629
registered under section 3701.07 of the Revised Code as a newborn	70630
care bed or obstetric bed, or a bed in a freestanding birthing	70631
center.	70632
~~(Z)~~ <u>(X)</u> "Freestanding birthing center" means any facility in	70633
which deliveries routinely occur, regardless of whether the	70634
facility is located on the campus of another health care facility,	70635
and which is not licensed under Chapter 3711. of the Revised Code	70636
as a level one, two, or three maternity unit or a limited	70637
maternity unit.	70638
~~(AA)~~ <u>(Y)</u> (1) "Reviewability ruling" means a ruling issued by	70639
the director of health under division (A) of section 3702.52 of	70640
the Revised Code as to whether a particular proposed project is or	70641
is not a reviewable activity.	70642
(2) "Nonreviewability ruling" means a ruling issued under	70643
that division that a particular proposed project is not a	70644
reviewable activity.	70645
~~(BB)~~ <u>(Z)</u> (1) "Metropolitan statistical area" means an area of	70646
this state designated a metropolitan statistical area or primary	70647
metropolitan statistical area in United States office of	70648
management and budget bulletin no. 93-17, June 30, 1993, and its	70649
attachments.	70650
(2) "Rural area" means any area of this state not located	70651
within a metropolitan statistical area.	70652

~~(CC)~~(AA) "County nursing home" has the same meaning as in
section 5155.31 of the Revised Code.

Sec. 3702.52. The director of health shall administer a
state certificate of need program in accordance with sections
3702.51 to 3702.62 of the Revised Code and rules adopted under
those sections.

(A) The director shall issue rulings on whether a particular
proposed project is a reviewable activity. The director shall
issue a ruling not later than forty-five days after receiving a
request for a ruling accompanied by the information needed to make
the ruling. If the director does not issue a ruling in that time,
the project shall be considered to have been ruled not a
reviewable activity.

(B) The director shall review applications for certificates
of need. Each application shall be submitted to the director on
forms prescribed by the director, shall include all information
required by rules adopted under division (B) of section 3702.57 of
the Revised Code, and shall be accompanied by the application fee
established in rules adopted under division (G) of that section.

Application fees received by the director under this division
shall be deposited into the state treasury to the credit of the
certificate of need fund, which is hereby created. The director
shall use the fund only to pay the costs of administering sections
3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised
Code and rules adopted under those sections.

The director shall mail to the applicant a written notice
that the application meets the criteria for a complete application
specified in rules adopted under section 3702.57 of the Revised
Code, or a written request for additional information, not later
than thirty days after receiving an application or a response to
an earlier request for information. The director shall not make

more than two requests for additional information. 70684

The director may conduct a public informational hearing in 70685
the course of reviewing any application for a certificate of need, 70686
and shall conduct one if requested to do so by any affected person 70687
not later than fifteen days after the director mails the notice 70688
that the application is complete. The hearing shall be conducted 70689
in the community in which the activities authorized by the 70690
certificate of need would be carried out. Any affected person may 70691
testify at the hearing. The director may, with the health service 70692
agency's consent, designate a health service agency to conduct the 70693
hearing. 70694

Except during a public hearing or as necessary to comply with 70695
a subpoena issued under division ~~(F)~~(E) of this section, after a 70696
notice of completeness has been received, no person shall make 70697
revisions to information that was submitted to the director before 70698
the director mailed the notice of completeness or knowingly 70699
discuss in person or by telephone the merits of the application 70700
with the director. A person may supplement an application after a 70701
notice of completeness has been received by submitting clarifying 70702
information to the director. If one or more persons request a 70703
meeting in person or by telephone, the director shall make a 70704
reasonable effort to invite interested parties to the meeting or 70705
conference call. 70706

(C) All of the following apply to the process of granting or 70707
denying a certificate of need: 70708

(1) If the project proposed in a certificate of need 70709
application meets all of the applicable certificate of need 70710
criteria for approval under sections 3702.51 to 3702.62 of the 70711
Revised Code and the rules adopted under those sections, the 70712
director shall grant a certificate of need for all or part of the 70713
~~entire~~ project that is the subject of the application ~~immediately~~ 70714
~~after both of the following conditions are met:~~ 70715

~~(a) The board of trustees of the health service agency of the health service area in which the reviewable activity is proposed to be conducted recommends, prior to the deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, that the certificate of need be granted;~~

~~(b) The director does not receive any written objections to the application from any affected person by the thirtieth day after the director mails the notice of completeness by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section.~~

~~(2) In the case of certificate of need applications under comparative review, if the projects proposed in the applications meet all of the applicable certificate of need criteria for approval under sections 3702.51 to 3702.62 of the Revised Code and the rules adopted under those sections, the director shall grant certificates of need for the entire projects that are the subject of the applications immediately after both of the following conditions are met:~~

~~(a) The board of trustees of the health service agency of each health service area in which the reviewable activities are proposed to be conducted recommends, prior to the deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, that certificates of need be granted for each of the reviewable activities to be conducted in its health service area;~~

~~(b) The director does not receive any written objections to any of the applications from any affected person by the thirtieth day after the director mails the last notice of completeness.~~

~~The~~The director's grant of a certificate of need under

~~division (C)(1) or (2) of this section~~ does not affect, and sets
no precedent for, the director's decision to grant or deny other
applications for similar reviewable activities proposed to be
conducted in the same or different health service areas.

(3) If the director receives written objections to an
application from any affected person by the thirtieth day after
mailing the notice of completeness, ~~regardless of the health
service agency's recommendation~~, the director shall notify the
applicant and assign a hearing examiner to conduct an
adjudication hearing concerning the application in accordance
with Chapter 119. of the Revised Code. In the case of
applications under comparative review, if the director receives
written objections to any of the applications from any affected
person by the thirtieth day after the director mails the last
notice of completeness, ~~regardless of the health service agencies'
recommendation~~, the director shall notify all of the applicants
and appoint a hearing examiner to conduct a consolidated
adjudication hearing concerning the applications in accordance
with Chapter 119. of the Revised Code. The hearing examiner shall
be employed by or under contract with the department of health.

The adjudication hearings may be conducted in the health
service area in which the reviewable activity is proposed to be
conducted. Consolidated adjudication hearings for applications in
comparative review may be conducted in the geographic region in
which all of the reviewable activities will be conducted. The
applicant, the director, and the affected persons that filed
objections to the application shall be parties to the hearing. If
none of the affected persons that submitted written objections to
the application appears or prosecutes the hearing, the hearing
examiner shall dismiss the hearing and the director shall grant a
certificate of need for all or part of the ~~entire~~ project that is
the subject of the application if the proposed project meets all
of the applicable certificate of need criteria for approval under

sections 3702.51 to 3702.62 of the Revised Code and the rules
adopted under those sections. The affected persons bear the burden
of proving by a preponderance of evidence that the project is not
needed or that granting the certificate would not be in accordance
with sections 3702.51 to 3702.62 of the Revised Code or the rules
adopted under those sections.

(4) Except as provided in ~~divisions~~division (C)(1) and
~~(2)(5)~~ of this section, the director shall grant or deny
certificate of need applications for which an adjudication hearing
is not conducted under division (C)(3) of this section not later
than sixty days after mailing the notice of completeness or, in
the case of an application proposing addition of long-term care
beds, not later than sixty days after such other time as is
specified in rules adopted under section 3702.57 of the Revised
Code. ~~The~~Except as provided in division (C)(5) of this section,
the director shall grant or deny certificate of need
applications for which an adjudication hearing is conducted under
division (C)(3) of this section not later than thirty days after
the expiration of the time for filing objections to the report
and recommendation of the hearing examiner under section 119.09
of the Revised Code. The director shall base decisions concerning
applications for which an adjudication hearing is conducted under
division (C)(3) of this section on the report and recommendations
of the hearing examiner.

(5) Except as otherwise provided in division (C)~~(1), (2), or~~
(6) of this section, the director or the applicant may extend the
deadline prescribed in division (C)(4) of this section once, for
no longer than thirty days, by written notice before the end of
the ~~original thirty-day period~~deadline prescribed by division
(C)(4) of this section. An extension by the director under
division (C)(5) of this section shall apply to all applications
that are in comparative review.

(6) No applicant in a comparative review may extend the
deadline specified in division (C)(4) of this section.

(7) ~~Except as provided in divisions (C)(1) and (2) of this~~
~~section, the director may grant a certificate of need for all or~~
~~part of the project that is the subject of an application.~~ If the
director does not grant or deny the certificate by the applicable
deadline specified in division (C)(4) of this section or any
extension of it under division (C)(5) of this section, the
certificate shall be considered to have been granted.

(8) In granting a certificate of need, the director shall
specify as the maximum capital expenditure the certificate holder
may obligate under the certificate a figure equal to one hundred
ten per cent of the approved project cost.

(9) In granting a certificate of need, the director may
grant the certificate with conditions that must be met by the
holder of the certificate.

(D) The director shall monitor the activities of persons
granted certificates of need ~~concerning long-term care beds~~ during
the period beginning with the granting of the certificate of need
and ending five years after implementation of the activity for
which the certificate was granted.

~~In the case of any other certificate of need, the director~~
~~shall monitor the activities of persons granted certificates of~~
~~need during the period beginning with the granting of the~~
~~certificate of need and ending when the activity for which the~~
~~certificate was granted ceases to be a reviewable activity in~~
~~accordance with section 3702.511 of the Revised Code.~~

(E) When reviewing applications for certificates of need or
monitoring activities of persons granted certificates of need,
the director may issue and enforce, in the manner provided in

section 119.09 of the Revised Code, subpoenas duces tecum to 70841
compel the production of documents relevant to review of the 70842
application or monitoring of the activities. In addition, the 70843
director or the director's designee, which may include a health 70844
service agency, may visit the sites where the activities are or 70845
will be conducted. 70846

(F) The director may withdraw certificates of need. 70847

(G) The director shall conduct, on a regular basis, health 70848
system data collection and analysis activities and prepare 70849
reports. The director shall make recommendations based upon these 70850
activities to the public health council concerning the adoption of 70851
appropriate rules under section 3702.57 of the Revised Code. All 70852
health care facilities and other health care providers shall 70853
submit to the director, upon request, any information that is 70854
necessary to conduct reviews of certificate of need applications 70855
and to develop recommendations for criteria for reviews, and that 70856
is prescribed by rules adopted under division (H) of section 70857
3702.57 of the Revised Code. 70858

(H) Any decision to grant or deny a certificate of need shall 70859
consider the special needs and circumstances resulting from moral 70860
and ethical values and the free exercise of religious rights of 70861
health care facilities administered by religious organizations, 70862
and the special needs and circumstances of ~~children's hospitals,~~ 70863
~~inner city hospitals,~~ and ~~small rural hospitals~~ communities. 70864

Sec. 3702.524. (A) Except as provided in division (B) ~~or (C)~~ 70865
of this section, a certificate of need granted on or after April 70866
20, 1995, is not transferable prior to the completion of the 70867
reviewable activity for which it was granted. If any person 70868
holding a certificate of need issued on or after that date 70869
transfers the certificate of need to another person before the 70870
reviewable activity is completed, or enters into an agreement that 70871
contemplates the transfer of the certificate of need on the 70872

completion of the reviewable activity, the certificate of need is 70873
void. If the controlling interest in an entity that holds a 70874
certificate of need issued on or after that date is transferred 70875
prior to the completion of the reviewable activity, the 70876
certificate of need is void. 70877

(B) Division (A) of this section does not prohibit the 70878
transfer of a certificate of need issued on or after April 20, 70879
1995, between affiliated or related persons, as defined in rules 70880
adopted under section 3702.57 of the Revised Code, if the transfer 70881
does not result in a change in the person that holds the ultimate 70882
controlling interest, as defined in the rules, in the certificate 70883
of need. 70884

The transfer of a health care facility after the completion 70885
of a reviewable activity for which a certificate of need was 70886
issued on or after April 20, 1995, is not a transfer of the 70887
certificate of need, unless the facility is transferred pursuant 70888
to an agreement entered into prior to the completion of the 70889
reviewable activity. 70890

~~(C) Division (A) of this section does not apply to a transfer 70891
of a certificate of need that meets all of the following 70892
conditions: 70893~~

~~(1) The certificate of need is transferred for no more than 70894
the amount of money the person transferring the certificate 70895
expended for reasonable and necessary expenses incurred in 70896
applying for and obtaining the certificate; 70897~~

~~(2) The person holding the certificate of need is unable to 70898
complete the reviewable activity for which it was issued due to 70899
circumstances beyond the person's control, including zoning 70900
restrictions, natural disasters, or comparable events; 70901~~

~~(3) The director, after reviewing documentation supplied by 70902~~

~~the person transferring the certificate of need, certifies in writing prior to the transfer that the transfer meets the conditions specified in divisions (C)(1) and (2) of this section.~~

~~If the person that acquires a certificate of need under this division intends to implement the project other than in substantial compliance with the approved application for the certificate, that change is a reviewable activity for which the person must obtain another certificate of need.~~

Sec. 3702.525. (A) Not later than twenty-four months after the date the director of health mails the notice that the certificate of need has been granted or, if the grant or denial of the certificate of need is appealed under section 3702.60 of the Revised Code, not later than twenty-four months after issuance of an order granting the certificate that is not subject to further appeal, each person holding a certificate of need granted on or after April 20, 1995, shall:

(1) If the project for which the certificate of need was granted primarily involves construction and is to be financed primarily through external borrowing of funds, secure financial commitment for the stated purpose of developing the project and commence construction that continues uninterrupted except for interruptions or delays that are unavoidable due to reasons beyond the person's control, including labor strikes, natural disasters, material shortages, or comparable events;

(2) If the project for which the certificate of need was granted primarily involves construction and is to be financed primarily internally, receive formal approval from the holder's board of directors or trustees or other governing authority to commit specified funds for implementation of the project and commence construction that continues uninterrupted except for interruptions or delays that are unavoidable due to reasons beyond the person's control, including labor strikes, natural disasters,

material shortages, or comparable events; 70935

(3) If the project for which the certificate of need was 70936
granted primarily involves acquisition of medical equipment, enter 70937
into a contract to purchase or lease the equipment and to accept 70938
the equipment at the site for which the certificate was granted; 70939

(4) If the project for which the certificate of need was 70940
granted involves no capital expenditure or only minor renovations 70941
to existing structures, provide the health service or activity by 70942
the means specified in the approved application for the 70943
certificate; 70944

(5) If the project for which the certificate of need was 70945
granted primarily involves leasing a building or space that 70946
requires only minor renovations to the existing space, execute a 70947
lease and provide the health service or activity by the means 70948
specified in the approved application for the certificate; 70949

(6) If the project for which the certificate of need was 70950
granted primarily involves leasing a building or space that has 70951
not been constructed or requires substantial renovations to 70952
existing space, commence construction for the purpose of 70953
implementing the reviewable activity that continues uninterrupted 70954
except for interruptions or delays that are unavoidable due to 70955
reasons beyond the person's control, including labor strikes, 70956
natural disasters, material shortages, or comparable events. 70957

(B) The twenty-four-month period specified in division (A) of 70958
this section shall not be extended by any means, including the 70959
~~transfer of a certificate of need under division (C) of section~~ 70960
~~3702.524 of the Revised Code or~~ granting of a subsequent or 70961
replacement certificate of need. Each person holding a certificate 70962
of need granted on or after April 20, 1995, shall provide the 70963
director of health documentation of compliance with that division 70964
not later than the earlier of thirty days after complying with 70965

that division or five days after the twenty-four-month period 70966
expires. Not later than the earlier of fifteen days after 70967
receiving the documentation or fifteen days after the 70968
twenty-four-month period expires, the director shall send by 70969
certified mail a notice to the holder of the certificate of need 70970
specifying whether the holder has complied with division (A) of 70971
this section. 70972

(C) Notwithstanding division (B) of this section, the 70973
twenty-four-month period specified in division (A) of this section 70974
shall be extended for an additional twenty-four months for any 70975
certificate of need granted for the purchase and relocation of 70976
licensed nursing home beds on February 26, 1999. 70977

(D) A certificate of need granted on or after April 20, 1995, 70978
expires, regardless of whether the director sends a notice under 70979
division (B) of this section, if the holder fails to comply with 70980
division (A) or (C) of this section or to provide information 70981
under division (B) of this section as necessary for the director 70982
to determine compliance. 70983

Sec. 3702.53. (A) No person shall carry out any reviewable 70984
activity unless a certificate of need for such activity has been 70985
granted under sections 3702.51 to 3702.62 of the Revised Code or 70986
the person is exempted by division ~~(F)~~(S) of section 3702.51 or 70987
section ~~3702.527, 3702.528, 3702.529,~~ 3702.5210, or 3702.62 of the 70988
Revised Code from the requirement that a certificate of need be 70989
obtained. No person shall carry out any reviewable activity if a 70990
certificate of need authorizing that activity has been withdrawn 70991
by the director of health under section 3702.52 or 3702.526 of the 70992
Revised Code. No person shall carry out a reviewable activity if 70993
the certificate of need authorizing that activity is void pursuant 70994
to section 3702.524 of the Revised Code or has expired pursuant to 70995
section 3702.525 of the Revised Code. 70996

(B) No person shall separate portions of any proposal for any 70997

reviewable activity to evade the requirements of sections 3702.51 to 3702.62 of the Revised Code.	70998 70999
(C) No person granted a certificate of need shall carry out the reviewable activity authorized by the certificate of need other than in substantial accordance with the approved application for the certificate of need.	71000 71001 71002 71003
Sec. 3702.532. When the director of health determines that a person has violated section 3702.53 of the Revised Code, the director shall send a notice to the person by certified mail, return receipt requested, specifying the activity constituting the violation and the penalties imposed under section 3702.54, <u>or</u> 3702.541, ~~or 3702.542~~ of the Revised Code.	71004 71005 71006 71007 71008 71009
Sec. 3702.54. Except as provided in ~~sections~~ <u>section</u> 3702.541 ~~and 3702.542 and former section 3702.543~~ of the Revised Code, divisions (A) and (B) of this section apply when the director of health determines that a person has violated section 3702.53 of the Revised Code.	71010 71011 71012 71013 71014
(A) The director shall impose a civil penalty on the person in an amount equal to the greatest of the following:	71015 71016
(1) Three thousand dollars;	71017
(2) Five per cent of the operating cost of the activity that constitutes the violation during the period of time it was conducted in violation of section 3702.53 of the Revised Code;	71018 71019 71020
(3) ~~Two~~ <u>If a certificate of need was granted, two</u> per cent of the total <u>approved</u> capital cost associated with implementation of the activity <u>for which the certificate of need was granted</u> .	71021 71022 71023
In no event, however, shall the penalty exceed two hundred fifty thousand dollars.	71024 71025

(B)(1) Notwithstanding section 3702.52 of the Revised Code,	71026
the director shall refuse to accept for review any application for	71027
a certificate of need filed by or on behalf of the person, or any	71028
successor to the person or entity related to the person, for a	71029
period of not less than one year and not more than three years	71030
after the director mails the notice of the director's	71031
determination under section 3702.532 of the Revised Code or, if	71032
the determination is appealed under section 3702.60 of the Revised	71033
Code, the issuance of the order upholding the determination that	71034
is not subject to further appeal. In determining the length of	71035
time during which applications will not be accepted, the director	71036
may consider any of the following:	71037
(a) The nature and magnitude of the violation;	71038
(b) The ability of the person to have averted the violation;	71039
(c) Whether the person disclosed the violation to the	71040
director before the director commenced his investigation;	71041
(d) The person's history of compliance with sections 3702.51	71042
to 3702.62 and the rules adopted under section 3702.57 of the	71043
Revised Code;	71044
(e) Any community hardship that may result from refusing to	71045
accept future applications from the person.	71046
(2) Notwithstanding the one-year minimum imposed by division	71047
(B)(1) of this section, the director may establish a period of	71048
less than one year during which the director will refuse to accept	71049
certificate of need applications if, after reviewing all	71050
information available to the director, the director determines and	71051
expressly indicates in the notice mailed under section 3702.532 of	71052
the Revised Code that refusing to accept applications for a longer	71053
period would result in hardship to the community in which the	71054

person provides health services. The director's finding of
community hardship shall not affect the granting or denial of any
future certificate of need application filed by the person.

Sec. 3702.544. Each person required by section 3702.54, ~~or~~
~~3702.541, or 3702.542, or former section 3702.543~~ of the Revised
Code to pay a civil penalty shall do so not later than sixty days
after receiving the notice mailed under section 3702.532 of the
Revised Code or, if the person appeals under section 3702.60 of
the Revised Code the director of health's determination that a
violation has occurred, not later than sixty days after the
issuance of an order upholding the director's determination that
is not subject to further appeal. The civil penalties shall be
paid to the director. The director shall deposit them into the
certificate of need fund created by section 3702.52 of the Revised
Code.

Sec. 3702.55. ~~Except as provided in section 3702.542 of the~~
~~Revised Code, a~~ person that the director of health determines
has violated section 3702.53 of the Revised Code shall cease
conducting the activity that constitutes the violation or
utilizing the equipment or facility resulting from the violation
not later than thirty days after the person receives the notice
mailed under section 3702.532 of the Revised Code or, if the
person appeals the director's determination under section 3702.60
of the Revised Code, thirty days after the person receives an
order upholding the director's determination that is not subject
to further appeal. ~~A person that applies for a certificate of need~~
~~as described in section 3702.542 of the Revised Code shall cease~~
~~conducting the activity or using the equipment or facility in~~
~~accordance with the timetable established by the director of~~
~~health under that section.~~

If any person determined to have violated section 3702.53 of
the Revised Code fails to cease conducting an activity or using

equipment or a facility as required by this section ~~or a timetable~~ 71087
~~established under section 3702.542 of the Revised Code~~, or if the 71088
person continues to seek payment or reimbursement for services 71089
rendered or costs incurred in conducting the activity as 71090
prohibited by section 3702.56 of the Revised Code, in addition to 71091
the penalties imposed under section 3702.54; ~~or 3702.541, or~~ 71092
~~3702.542 or former section 3702.543~~ of the Revised Code: 71093

(A) The director of health may refuse to include any beds 71094
involved in the activity in the bed capacity of a hospital for 71095
purposes of registration under section 3701.07 of the Revised 71096
Code; 71097

(B) The director of health may refuse to license, or may 71098
revoke a license or reduce bed capacity previously granted to, a 71099
hospice care program under section 3712.04 of the Revised Code; a 71100
nursing home, rest home, or home for the aging under section 71101
3721.02 of the Revised Code; or any beds within any of those 71102
facilities that are involved in the activity; 71103

(C) A political subdivision certified under section 3721.09 71104
of the Revised Code may refuse to license, or may revoke a license 71105
or reduce bed capacity previously granted to, a nursing home, rest 71106
home, or home for the aging, or any beds within any of those 71107
facilities that are involved in the activity; 71108

(D) The director of mental health may refuse to license under 71109
section 5119.20 of the Revised Code, or may revoke a license or 71110
reduce bed capacity previously granted to, a hospital receiving 71111
mentally ill persons or beds within such a hospital that are 71112
involved in the activity; 71113

(E) The department of job and family services may refuse to 71114
enter into a provider agreement that includes a facility, beds, or 71115
services that result from the activity. 71116

Sec. 3702.57. (A) The public health council shall adopt rules establishing procedures and criteria for reviews of applications for certificates of need and issuance, denial, or withdrawal of certificates.

~~(1) The rules shall require that, in addition to any other applicable review requirements of sections 3702.51 to 3702.62 of the Revised Code and rules adopted thereunder, any application for a certificate of need from an osteopathic hospital be reviewed on the basis of the need for and the availability in the community of services and hospitals for osteopathic physicians and their patients, and in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and doctors of medicine at the student, internship, and residency training levels.~~

(2) In adopting rules that establish criteria for reviews of applications of certificates of need, the council shall consider the availability of and need for long-term care beds to provide care and treatment to persons diagnosed as having traumatic brain injuries and shall prescribe criteria for reviewing applications that propose to add long-term care beds to provide care and treatment to persons diagnosed as having traumatic brain injuries.

~~(3)~~(2) The criteria for reviews of applications for certificates of need shall relate to the need for the reviewable activity and shall pertain to all of the following matters:

(a) The impact of the reviewable activity on the cost and quality of health services in the relevant geographic area, including, but not limited, to the historical and projected utilization of the services to which the application pertains and the effect of the reviewable activity on utilization of other providers of similar services;

(b) The quality of the services to be provided as the result

of the activity, as evidenced by the historical performance of the 71148
persons that will be involved in providing the services and by the 71149
provisions that are proposed in the application to ensure quality, 71150
including but not limited to adequate available personnel, 71151
available ancillary and support services, available equipment, 71152
size and configuration of physical plant, and relations with other 71153
providers; 71154

(c) The impact of the reviewable activity on the availability 71155
and accessibility of the type of services proposed in the 71156
application to the population of the relevant geographic area, and 71157
the level of access to the services proposed in the application 71158
that will be provided to medically underserved individuals such as 71159
recipients of public assistance and individuals who have no health 71160
insurance or whose health insurance is insufficient; 71161

(d) The activity's short- and long-term financial feasibility 71162
and cost-effectiveness, the impact of the activity on the 71163
applicant's costs and charges, and a comparison of the applicant's 71164
costs and charges with those of providers of similar services in 71165
the applicant's proposed service area; 71166

(e) The advantages, disadvantages, and costs of alternatives 71167
to the reviewable activity; 71168

(f) The impact of the activity on all other providers of 71169
similar services in the health service area or other relevant 71170
geographic area, including the impact on their utilization, market 71171
share, and financial status; 71172

(g) The historical performance of the applicant and related 71173
or affiliated parties in complying with previously granted 71174
certificates of need and any applicable certification, 71175
accreditation, or licensure requirements; 71176

(h) The relationship of the activity to the current edition 71177

of the state health resources plan issued under section 3702.521	71178
of the Revised Code;	71179
(i) The historical performance of the applicant and related	71180
or affiliated parties in providing cost-effective health care	71181
services;	71182
(j) The special needs and circumstances of the applicant or	71183
population proposed to be served by the proposed project,	71184
including research activities, prevalence of particular diseases,	71185
unusual demographic characteristics, cost-effective contractual	71186
affiliations, and other special circumstances;	71187
(k) The appropriateness of the zoning status of the proposed	71188
site of the activity;	71189
(l) The participation by the applicant in research conducted	71190
by the United States food and drug administration or clinical	71191
trials sponsored by the national institutes of health.	71192
~~(4)(3)~~ The criteria for reviews of applications <u>shall include</u>	71193
<u>a formula for determining each county's long-term care bed need</u>	71194
<u>for purposes of section 3702.593 of the Revised Code and may</u>	71195
<u>include other formulas for determining need for beds and</u>	71196
<u>services.</u>	71197
~~(a) The criteria prescribing formulas shall not, either by~~	71198
~~themselves or in conjunction with any established occupancy~~	71199
~~guidelines, require, as a condition of being granted a certificate~~	71200
~~of need, that a hospital reduce its complement of registered beds~~	71201
~~or discontinue any service that is not related to the service or~~	71202
~~project for which the certificate of need is sought.~~	71203
~~(b) With respect to applications to conduct reviewable~~	71204
~~activities that are affected directly by the inpatient occupancy~~	71205
~~of a health care facility, including addition, relocation, or~~	71206

~~recategorization of beds or renovation or other construction~~ 71207
~~activities relating to inpatient services, the rules shall~~ 71208
~~prescribe criteria for determining whether the scope of the~~ 71209
~~proposed project is appropriate in light of the historical and~~ 71210
~~reasonably projected occupancy rates for the beds related to the~~ 71211
~~project.~~ 71212

~~(e) Any rules prescribing criteria that establish ratios of~~ 71213
~~beds, services, or equipment to population shall specify the bases~~ 71214
~~for establishing the ratios or mitigating factors or exceptions to~~ 71215
~~the ratios.~~ 71216

(B) The council shall adopt rules specifying all of the 71217
following: 71218

(1) Information that must be provided in applications for 71219
certificates of need, which shall include a plan for obligating 71220
the capital expenditure or implementing the proposed project on a 71221
timely basis in accordance with section 3702.525 of the Revised 71222
Code; 71223

(2) Procedures for reviewing applications for completeness of 71224
information; 71225

(3) Criteria for determining that the application is 71226
complete. 71227

(C) The council shall adopt rules specifying requirements 71228
that holders of certificates of need must meet in order for the 71229
certificates to remain valid and establishing definitions and 71230
requirements for obligation of capital expenditures and 71231
implementation of projects authorized by certificates of need. 71232

(D) The council shall adopt rules establishing criteria and 71233
procedures under which the director of health may withdraw a 71234
certificate of need if the holder fails to meet requirements for 71235

continued validity of the certificate. 71236

(E) The council shall adopt rules establishing procedures 71237
under which the department of health shall monitor project 71238
implementation activities of holders of certificates of need. The 71239
rules adopted under this division also may establish procedures 71240
for monitoring implementation activities of persons that have 71241
received nonreviewability rulings. 71242

(F) The council shall adopt rules establishing procedures 71243
under which the director of health shall review certificates of 71244
need whose holders exceed or appear likely to exceed an 71245
expenditure maximum specified in a certificate. 71246

(G) The council shall adopt rules establishing certificate of 71247
need application fees sufficient to pay the costs incurred by the 71248
department for administering sections 3702.51 to 3702.62 of the 71249
Revised Code and to pay health service agencies for the functions 71250
they perform under division (D)(5) of section 3702.58 of the 71251
Revised Code. Unless rules are adopted under this division 71252
establishing different application fees, the application fee for a 71253
project not involving a capital expenditure shall be three 71254
thousand dollars and the application fee for a project involving a 71255
capital expenditure shall be nine-tenths of one per cent of the 71256
capital expenditure proposed subject to a minimum of three 71257
thousand dollars and a maximum of twenty thousand dollars. 71258

(H) The council shall adopt rules specifying information that 71259
is necessary to conduct reviews of certificate of need 71260
applications and to develop recommendations for criteria for 71261
reviews that health care facilities and other health care 71262
providers are to submit to the director under division (G) of 71263
section 3702.52 of the Revised Code. 71264

(I) The council shall adopt rules defining "affiliated 71265
person," "related person," and "ultimate controlling interest" for 71266

purposes of section 3702.524 of the Revised Code. 71267

(J) The council shall adopt rules prescribing requirements 71268
for holders of certificates of need to demonstrate to the director 71269
under section 3702.526 of the Revised Code that reasonable 71270
progress is being made toward completion of the reviewable 71271
activity and establishing standards by which the director shall 71272
determine whether reasonable progress is being made. 71273

~~(K) The council shall adopt rules defining high-risk cardiac 71274
catheterization patients. High-risk patients shall include 71275
patients with significant ischemic syndromes or unstable 71276
myocardial infarction, patients who need intervention such as 71277
angioplasty or bypass surgery, patients who may require difficult 71278
or complex catheterization procedures such as transeptal 71279
assessment of valvular dysfunction, patients with critical aortic 71280
stenosis or congestive heart failure, and other patients specified 71281
by the council. 71282~~

~~(L)~~ The public health council shall adopt all rules under 71283
divisions (A) to ~~(K)~~(J) of this section in accordance with Chapter 71284
119. of the Revised Code. The council may adopt other rules as 71285
necessary to carry out the purposes of sections 3702.51 to 3702.62 71286
of the Revised Code. 71287

Sec. 3702.59. ~~(A) Notwithstanding any conflicting provision 71288
of sections 3702.51 to 3702.62 of the Revised Code, other than 71289
the provisions of sections 3702.5210, 3702.5211, 3702.5212, and 71290
3702.5213 of the Revised Code, both of the following apply under 71291
the certificate of need program: 71292~~

~~(1) Divisions (B) to (E) of this section apply to the review 71293
of certificate of need applications during the period beginning 71294
July 1, 1993, and ending June 30, 2009. 71295~~

~~(2) Beginning July 1, 2009, the director of health shall not 71296~~

~~accept for review under section 3702.52 of the Revised Code any~~ 71297
~~application for a certificate of need to recategorize hospital~~ 71298
~~beds as described in section 3702.522 of the Revised Code.~~ 71299

~~(B)(1) Except as provided in division (B)(2) of this section,~~ 71300
~~the director of health shall neither grant nor deny any~~ 71301
~~application for a certificate of need submitted prior to July 1,~~ 71302
~~1993, if the application was for any of the following and the~~ 71303
~~director had not issued a written decision concerning the~~ 71304
~~application prior to that date:~~ 71305

~~(a) Approval of beds in a new health care facility or an~~ 71306
~~increase of beds in an existing health care facility, if the beds~~ 71307
~~are proposed to be licensed as nursing home beds under Chapter~~ 71308
~~3721. of the Revised Code;~~ 71309

~~(b) Approval of beds in a new county home or new county~~ 71310
~~nursing home as defined in section 5155.31 of the Revised Code, or~~ 71311
~~an increase of beds in an existing county home or existing county~~ 71312
~~nursing home, if the beds are proposed to be certified as skilled~~ 71313
~~nursing facility beds under Title XVIII or nursing facility beds~~ 71314
~~under Title XIX of the "Social Security Act," 49 Stat. 620 (1935),~~ 71315
~~42 U.S.C.A. 301, as amended;~~ 71316

~~(c) Recategorization of hospital beds as described in section~~ 71317
~~3702.522 of the Revised Code, an increase of hospital beds~~ 71318
~~registered pursuant to section 3701.07 of the Revised Code as~~ 71319
~~long-term care beds or skilled nursing facility beds, or a~~ 71320
~~recategorization of hospital beds that would result in an increase~~ 71321
~~of beds registered pursuant to that section as long-term care beds~~ 71322
~~or skilled nursing facility beds.~~ 71323

~~On July 1, 1993, the director shall return each such~~ 71324
~~application to the applicant and, notwithstanding section 3702.52~~ 71325
~~of the Revised Code regarding the uses of the certificate of need~~ 71326
~~fund, shall refund to the applicant the application fee paid under~~ 71327

that section. Applications returned under division (B)(1) of this section may be resubmitted in accordance with section 3702.52 of the Revised Code no sooner than July 1, 2009.

(2) The director shall continue to review and shall issue a decision regarding any application submitted prior to July 1, 1993, to increase beds for either of the purposes described in division (B)(1)(a) or (b) of this section if the proposed increase in beds is attributable solely to a replacement or relocation of existing beds within the same county. The director shall authorize under such an application no additional beds beyond those being replaced or relocated.

(C)(1) Except as provided in division (C)(2) of this section, the director, during the period beginning July 1, 1993, and ending June 30, 2009, shall not accept for review under section 3702.52 of the Revised Code any application for a certificate of need for any of the purposes described in divisions (B)(1)(a) to (c) of this section.

(2)(a) The director of health shall accept for review any application for either of the purposes described in division (B)(1)(a) or (b) of this section if the proposed increase in beds is attributable solely to a replacement or relocation of existing beds from an existing health care facility within the same county. The director shall authorize under such an application no additional beds beyond those being replaced or relocated certificate of need applications as provided in sections 3702.592, 3702.593, and 3702.594 of the Revised Code.

(B) The director shall not approve an application for a certificate of need for addition of long-term care beds to an existing health care facility ~~by relocation of beds~~ or for the development of a new health care facility ~~by relocation of beds~~ unless all if any of the following ~~conditions are met~~apply:

~~(i)(1)~~ The existing health care facility ~~to~~in which the beds are being ~~relocated~~placed has ~~no~~one or more waivers for life safety code deficiencies, ~~no~~one or more state fire code violations, ~~and no~~or one or more state building code violations, ~~or~~and the project identified in the application ~~proposes~~does not propose to correct all life safety code deficiencies for which a waiver has been granted, all state fire code violations, and all state building code violations at the existing health care facility ~~to~~in which the beds are being ~~relocated~~placed;

~~(ii)(2)~~ During the sixty-month period preceding the filing of the application, ~~no~~a notice of proposed license revocation ~~of the facility's license~~ was issued under section 3721.03 of the Revised Code ~~to the operator or for the existing health care facility to~~ in which the beds are being ~~relocated~~placed or ~~to any health care facility~~a nursing home owned or operated by the applicant or ~~any principal participant in the same~~ corporation or other business;

~~(iii)~~ Neither the existing health care facility ~~to~~ which the beds are being ~~relocated~~ nor any health care facility owned or operated by the applicant or any principal participant in the same corporation or other business has had a long-standing pattern of violations of this chapter or deficiencies that caused one or more residents physical, emotional, mental, or psychosocial harm~~that operates or seeks to operate the health care facility in which the beds are being placed.~~

(3) During the period that precedes the filing of the application and is encompassed by the three most recent standard surveys of the existing health care facility in which the beds are being placed, the facility was cited on three or more separate occasions for final, nonappealable deficiencies that, under 42 C.F.R. 488.404, either constitute a pattern of

deficiencies resulting in actual harm that is not immediate jeopardy or are widespread deficiencies resulting in actual harm that is not immediate jeopardy.

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(4) During the period that precedes the filing of the application and is encompassed by the three most recent standard surveys of the existing health care facility in which the beds are being placed, the facility was cited on two or more separate occasions for final, nonappealable deficiencies that, under 42 C.F.R. 488.404, either constitute a pattern of deficiencies resulting in immediate jeopardy to resident health or safety or are widespread deficiencies resulting in immediate jeopardy to resident health or safety.

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(5) During the period that precedes the filing of the application and is encompassed by the three most recent standard surveys of the existing health care facility in which the beds are being placed, more than two nursing homes operated in this state by the applicant or the person who operates the facility in which the beds are being placed or, if the applicant or person operates more than twenty nursing homes in this state, more than ten per cent of those nursing homes, were each cited on three or more separate occasions for final, nonappealable deficiencies that, under 42 C.F.R. 488.404, either constitute a pattern of deficiencies resulting in actual harm that is not immediate jeopardy or are widespread deficiencies resulting in actual harm that is not immediate jeopardy.

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(6) During the period that precedes the filing of the application and is encompassed by the three most recent standard surveys of the existing health care facility in which the beds are being placed, more than two nursing homes operated in this state by the applicant or the person who operates the facility in which the beds are being placed or, if the applicant or person operates more than twenty nursing homes in this state, more than ten per

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cent of those nursing homes, were each cited on two or more 71423
separate occasions for final, nonappealable deficiencies that, 71424
under 42 C.F.R. 488.404, either constitute a pattern of 71425
deficiencies resulting in immediate jeopardy to resident health or 71426
safety or are widespread deficiencies resulting in immediate 71427
jeopardy to resident health or safety. 71428

(7) During the sixty-month period preceding the filing of 71429
the application, the applicant has violated this chapter on two or 71430
more separate occasions. 71431

In applying divisions (B)(1) to (6) of this section, the 71432
director shall not consider deficiencies cited before the current 71433
operator began to operate the health care facility at which the 71434
deficiencies were cited. The director may disregard deficiencies 71435
cited after the health care facility was acquired by the current 71436
operator if the deficiencies were attributable to circumstances 71437
that arose under the previous operator and the current operator 71438
has implemented measures to alleviate the circumstances. In the 71439
case of an application proposing development of a new health care 71440
facility by relocation of beds, the director shall not consider 71441
deficiencies that were solely attributable to the physical plant 71442
of the existing health care facility from which the beds are 71443
being relocated. 71444

~~(b)~~(C) The director also shall accept for review any 71445
application for the conversion of infirmary beds to long-term 71446
care beds if the infirmary meets all of the following conditions: 71447

~~(i)~~(1) Is operated exclusively by a religious order; 71448

~~(ii)~~(2) Provides care exclusively to members of religious 71449
orders who take vows of celibacy and live by virtue of their vows 71450
within the orders as if related; 71451

~~(iii)~~(3) Was providing care exclusively to members of such a 71452

religious order on January 1, 1994. 71453

~~(D) The director shall issue a decision regarding any case 71454
remanded by a court as the result of a decision issued by the 71455
director prior to July 1, 1993, to grant, deny, or withdraw a 71456
certificate of need for any of the purposes described in divisions 71457
(B)(1)(a) to (c) of this section. 71458~~

~~(E) The director shall not project the need for beds listed 71459
in division (B)(1) of this section for the period beginning July 71460
1, 1993, and ending June 30, 2009. At no time shall individuals 71461
other than those described in division (C)(2) of this section be 71462
admitted to a facility to use beds for which a certificate of need 71463
is approved under this division. 71464~~

Sec. 3702.592. (A) The director of health shall accept, for 71465
review under section 3702.52 of the Revised Code, certificate of 71466
need applications for any of the following purposes if the 71467
proposed increase in beds is attributable solely to a replacement 71468
or relocation of existing beds from an existing health care 71469
facility within the same county: 71470

(1) Approval of beds in a new health care facility or an 71471
increase of beds in an existing health care facility if the beds 71472
are proposed to be licensed as nursing home beds under Chapter 71473
3721. of the Revised Code; 71474

(2) Approval of beds in a new county home or new county 71475
nursing home, or an increase of beds in an existing county home or 71476
existing county nursing home if the beds are proposed to be 71477
certified as skilled nursing facility beds under the medicare 71478
program, Title XVIII of the "Social Security Act," 49 Stat. 286 71479
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 71480
the medicaid program, Title XIX of the "Social Security Act," 49 71481
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 71482

<u>(3) An increase of hospital beds registered pursuant to</u>	71483
<u>section 3701.07 of the Revised Code as long-term care beds;</u>	71484
<u>(4) An increase of hospital beds registered pursuant to</u>	71485
<u>section 3701.07 of the Revised Code as special skilled nursing</u>	71486
<u>beds that were originally authorized by and are operated in</u>	71487
<u>accordance with section 3702.522 of the Revised Code.</u>	71488
<u>(B) The director shall accept applications described in</u>	71489
<u>division (A) of this section at any time.</u>	71490
<u>Sec. 3702.593. (A) At the times specified in this section,</u>	71491
<u>the director of health shall accept, for review under section</u>	71492
<u>3702.52 of the Revised Code, certificate of need applications for</u>	71493
<u>any of the following purposes if the proposed increase in beds is</u>	71494
<u>attributable solely to relocation of existing beds from an</u>	71495
<u>existing health care facility in a county with excess beds to a</u>	71496
<u>health care facility in a county in which there are fewer</u>	71497
<u>long-term care beds than the county's bed need:</u>	71498
<u>(1) Approval of beds in a new health care facility or an</u>	71499
<u>increase of beds in an existing health care facility if the beds</u>	71500
<u>are proposed to be licensed as nursing home beds under Chapter</u>	71501
<u>3721. of the Revised Code;</u>	71502
<u>(2) Approval of beds in a new county home or new county</u>	71503
<u>nursing home, or an increase of beds in an existing county home or</u>	71504
<u>existing county nursing home if the beds are proposed to be</u>	71505
<u>certified as skilled nursing facility beds under the medicare</u>	71506
<u>program, Title XVIII of the "Social Security Act," 49 Stat. 286</u>	71507
<u>(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under</u>	71508
<u>the medicaid program, Title XIX of the "Social Security Act," 49</u>	71509
<u>Stat. 286 (1965), 42 U.S.C. 1396, as amended;</u>	71510
<u>(3) An increase of hospital beds registered pursuant to</u>	71511
<u>section 3701.07 of the Revised Code as long-term care beds.</u>	71512

(B) For the purpose of implementing this section, the 71513
director shall do all of the following: 71514

(1) Determine the long-term care bed supply for each county, 71515
which shall consist of all of the following: 71516

(a) Nursing home beds licensed under Chapter 3721. of the 71517
Revised Code; 71518

(b) Beds certified as skilled nursing facility beds under the 71519
medicare program or nursing facility beds under the medicaid 71520
program; 71521

(c) Beds in a county home or county nursing home that are 71522
certified under section 5155.38 of the Revised Code as having been 71523
in operation on July 1, 1993, and are eligible for licensure as 71524
nursing home beds; 71525

(d) Beds held as approved long-term care beds under a 71526
certificate of need approved by the director. 71527

(2) Determine the long-term care bed occupancy rate for the 71528
state at the time the determination is made; 71529

(3) For each county, determine the county's bed need by 71530
identifying the number of long-term care beds that would be needed 71531
in the county in order for the statewide occupancy rate for a 71532
projected population aged sixty-five and older to be ninety per 71533
cent. 71534

In determining each county's bed need, the director shall use 71535
the formula developed in rules adopted under section 3702.57 of 71536
the Revised Code. The director's first determination after the 71537
effective date of this section shall be made not later than April 71538
1, 2010. The second determination shall be made not later than 71539

April 1, 2012. Thereafter, a determination shall be made every 71540
four years. After each determination is made, the director shall 71541
publish the county's bed need on the web site maintained by the 71542
department of health. 71543

(C) The director's consideration of a certificate of need 71544
that would increase the number of beds in a county shall be 71545
consistent with the county's bed need determined under division 71546
(B) of this section except as follows: 71547

(1) If a county's occupancy rate is less than eighty-five per 71548
cent, the county shall be considered to have no need for 71549
additional beds. 71550

(2) Even if a county is determined not to need any additional 71551
long-term care beds, the director may approve an increase in beds 71552
equal to up to ten per cent of the county's bed supply if the 71553
county's occupancy rate is greater than ninety per cent. 71554

(D)(1) Applications made under this section shall be subject 71555
to comparative review. The review period for the first comparative 71556
review process after the effective date of this section shall 71557
begin July 1, 2010, and end June 30, 2012. Thereafter, the review 71558
period for each comparative review process shall be four years. 71559

(2) Certificate of need applications shall be accepted and 71560
reviewed from the first day of the review period through the 71561
thirtieth day of April of the following year. 71562

(3) Except for the first review period after the effective 71563
date of this section, each review period may consist of two 71564
phases. The first phase of the review period shall be the period 71565
during which the director accepts and reviews certificate of need 71566
applications as provided in division (D)(2) of this section. If 71567
the director determines that there will be acceptance and review 71568
of additional certificate of need applications, the second phase 71569

of the review period shall begin on the first day of July of the 71570
third year of the review period. The second phase shall be 71571
limited to acceptance and review of applications for 71572
redistribution of beds made available pursuant to division (G)(2) 71573
of this section. During the period between the first and second 71574
phases of the review period, the director shall act in accordance 71575
with division (H) of this section. 71576

(E) The director shall consider certificate of need 71577
applications in accordance with all of the following: 71578

(1) The number of beds approved for a county shall include 71579
only beds available for relocation from another county and shall 71580
not exceed the bed need of the receiving county; 71581

(2) The director shall consider the existence of community 71582
resources serving persons who are age sixty-five or older or 71583
disabled that are demonstrably effective in providing alternatives 71584
to long-term care facility placement. 71585

(3) The director shall approve relocation of beds from a 71586
county only if, after the relocation, the number of beds remaining 71587
in the county will exceed the county's bed need by at least one 71588
hundred beds; 71589

(4) The director shall approve relocation of beds from a 71590
health care facility only if, after the relocation, the number of 71591
beds in the facility's service area is at least equal to the state 71592
bed need rate. For purposes of this division, a facility's service 71593
area shall be either of the following: 71594

(a) The census tract in which the facility is located, if the 71595
facility is located in an area designated by the United States 71596
secretary of health and human services as a health professional 71597
shortage area under the "Public Health Service Act," 88 Stat. 682 71598
(1944), 42 U.S.C. 254(e), as amended; 71599

<u>(b) The area that is within a fifteen mile radius of the</u>	71600
<u>facility's location, if the facility is not located in a health</u>	71601
<u>professional shortage area.</u>	71602
<u>(F) In determining which applicants should receive preference</u>	71603
<u>in the comparative review process, the director shall consider all</u>	71604
<u>of the following as weighted priorities:</u>	71605
<u>(1) Whether the beds will be part of a continuing care</u>	71606
<u>retirement community;</u>	71607
<u>(2) Whether the beds will serve an underserved population,</u>	71608
<u>such as low-income individuals, individuals with disabilities, or</u>	71609
<u>individuals who are members of racial or ethnic minority groups;</u>	71610
<u>(3) Whether the project in which the beds will be included</u>	71611
<u>will provide alternatives to institutional care, such as adult</u>	71612
<u>day-care, home health care, respite or hospice care, mobile</u>	71613
<u>meals, residential care, independent living, or congregate living</u>	71614
<u>services;</u>	71615
<u>(4) Whether the health care facility's owner or operator will</u>	71616
<u>participate in medicaid waiver programs for alternatives to</u>	71617
<u>institutional care;</u>	71618
<u>(5) Whether the project in which the beds will be included</u>	71619
<u>will reduce alternatives to institutional care by converting</u>	71620
<u>residential care beds or other alternative care beds to long-term</u>	71621
<u>care beds;</u>	71622
<u>(6) Whether the facility in which the beds will be placed</u>	71623
<u>has positive resident and family satisfaction surveys;</u>	71624
<u>(7) Whether the facility in which the beds will be placed</u>	71625
<u>has fewer than fifty long-term care beds;</u>	71626

(8) Whether the health care facility in which the beds will be placed is located within the service area of a hospital and is designed to accept patients for rehabilitation after an in-patient hospital stay;

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(9) Whether the health care facility in which the beds will be placed is or proposes to become a nurse aide training and testing site;

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(10) The rating, under the centers for medicare and medicaid services' five star nursing home quality rating system, of the health care facility in which the beds will be placed.

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(G)(1) When a certificate of need application is approved during the initial phase of a four-year review period, on completion of the project under which the beds are relocated, that number of beds shall cease to be operated in the health care facility from which they were relocated and, if the licensure or certification of those beds cannot be or is not transferred to the facility to which the beds are relocated, the licensure or certification shall be surrendered.

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(2) In addition to the actions required by division (G)(1) of this section, the health care facility from which the beds were relocated shall reduce the number of beds operated in the facility by a number of beds equal to at least ten per cent of the number of beds relocated and shall surrender the licensure or certification of those beds. This reduction shall be made not later than the completion date of the project for which the beds were relocated.

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(H)(1) Once approval of certificate of need applications in the first phase of a four-year review period is complete, the director shall make a new determination of the bed need for each county by reducing the county's bed need by the number of beds approved for relocation to the county. The new bed-need

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determination shall be made not later than the first day of April 71658
of the third year of the review period. 71659

(2) The director may publish on the department's web site the 71660
remaining bed need for counties that will be considered for 71661
redistribution of beds that, in accordance with division (G)(2) of 71662
this section, have ceased or will cease to be operated. The 71663
director shall base the determination of whether to include a 71664
county on all of the following: 71665

(a) The statewide number of beds that, in accordance with 71666
division (G)(2) of this section, have ceased or will cease to be 71667
operated; 71668

(b) The county's remaining bed need; 71669

(c) The county's bed occupancy rate. 71670

(I) If the director publishes the remaining bed need for a 71671
county under division (H)(2) of this section, the director may, 71672
beginning on the first day of the second phase of the review 71673
period, accept certificate of need applications for redistribution 71674
to health care facilities in that county of beds that have ceased 71675
or will cease operation in accordance with division (G)(2) of 71676
this section. The total number of beds approved for 71677
redistribution in the second phase of a review period shall not 71678
exceed the number that have ceased or will cease operation in 71679
accordance with division (G)(2) of this section. Beds that are 71680
not approved for redistribution during the second phase of a 71681
review period shall not be available for redistribution at any 71682
future time. 71683

Sec. 3702.594. (A) The director of health shall accept, for 71684
review under section 3702.52 of the Revised Code, certificate of 71685
need applications for an increase in beds in an existing nursing 71686
home if all of the following conditions are met: 71687

<u>(1) The proposed increase is attributable solely to a</u>	71688
<u>relocation of licensed nursing home beds from an existing nursing</u>	71689
<u>home to another existing nursing home located in a county that is</u>	71690
<u>contiguous to the county from which the beds are to be relocated;</u>	71691
<u>(2) Not more than thirty nursing home beds are proposed for</u>	71692
<u>relocation;</u>	71693
<u>(3) After the proposed relocation, there will be existing</u>	71694
<u>nursing home beds remaining in the county from which the beds are</u>	71695
<u>relocated;</u>	71696
<u>(4) The beds are proposed to be licensed as nursing home beds</u>	71697
<u>under Chapter 3721. of the Revised Code.</u>	71698
<u>(B) The director shall accept applications described in</u>	71699
<u>division (A) of this section at any time.</u>	71700
Sec. 3702.60. (A) Any affected person may appeal a	71701
reviewability ruling issued on or after April 20, 1995, to the	71702
director of health in accordance with Chapter 119. of the Revised	71703
Code, and the director shall provide an adjudication hearing in	71704
accordance with that chapter. An affected person may appeal the	71705
director's ruling in the adjudication hearing to the tenth	71706
district court of appeals.	71707
(B) The certificate of need applicant or another affected	71708
person may appeal to the director in accordance with Chapter 119.	71709
of the Revised Code a decision issued by the director on or after	71710
April 20, 1995, to grant or deny a certificate of need application	71711
for which an adjudication hearing was not conducted under section	71712
3702.52 of the Revised Code, and the director shall provide an	71713
adjudication hearing in accordance with that chapter. The	71714
certificate of need applicant or an affected person that was a	71715
party to and participated in an adjudication hearing conducted	71716

under this division or section 3702.52 of the Revised Code may
appeal to the tenth district court of appeals the decision issued
by the director following the adjudication hearing. No person may
appeal to the director or a court the director's granting of a
certificate of need prior to June 30, 1995, under the version of
section 3702.52 of the Revised Code in effect immediately prior to
that date due to failure to submit timely written objections, no
person may appeal to the director or a court the director's
granting of a certificate of need under division (C)(1) ~~or (2)~~ of
section 3702.52 of the Revised Code.

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(C) The certificate of need holder may appeal to the director
in accordance with Chapter 119. of the Revised Code a decision
issued by the director under section 3702.52 or 3702.526 of the
Revised Code on or after April 20, 1995, to withdraw a certificate
of need, and the director shall provide an adjudication hearing in
accordance with that chapter. The person may appeal the director's
ruling in the adjudication hearing to the tenth district court of
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(D) Any person determined by the director to have violated
section 3702.53 of the Revised Code may appeal that determination,
or the penalties imposed under section 3702.54, or 3702.541, ~~or~~
~~3702.542 or former section 3702.543~~ of the Revised Code, to the
director in accordance with Chapter 119. of the Revised Code, and
the director shall provide an adjudication hearing in accordance
with that chapter. The person may appeal the director's ruling in
the adjudication hearing to the tenth district court of appeals.

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(E) Each person appealing under this section to the director
shall file with the director, not later than thirty days after the
decision, ruling, or determination of the director was mailed, a
notice of appeal designating the decision, ruling, or
determination appealed from.

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(F) Each person appealing under this section to the tenth

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district court of appeals shall file with the court, not later than thirty days after the date the director's adjudication order was mailed, a notice of appeal designating the order appealed from. The appellant also shall file notice with the director not later than thirty days after the date the order was mailed.

(1) Not later than thirty days after receipt of the notice of appeal, the director shall prepare and certify to the court the complete record of the proceedings out of which the appeal arises. The expense of preparing and transcribing the record shall be taxed as part of the costs of the appeal. In the event that the record or a part thereof is not certified within the time prescribed by this division, the appellant may apply to the court for an order that the record be certified.

(2) In hearing the appeal, the court shall consider only the evidence contained in the record certified to it by the director. The court may remand the matter to the director for the admission of additional evidence on a finding that the additional evidence is material, newly discovered, and could not with reasonable diligence have been ascertained before the hearing before the director. Except as otherwise provided by statute, the court shall give the hearing on the appeal preference over all other civil matters, irrespective of the position of the proceedings on the calendar of the court.

(3) The court shall affirm the director's order if it finds, upon consideration of the entire record and any additional evidence admitted under division (F)(2) of this section, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such a finding, it shall reverse, vacate, or modify the order.

(4) If the court determines that the director committed material procedural error, the court shall remand the matter to the director for further consideration or action.

(G) The court may award reasonable attorney's fees against the appellant if it determines that the appeal was frivolous. Sections 119.092, 119.093, and 2335.39 of the Revised Code do not apply to adjudication hearings under this section or section 3702.52 of the Revised Code and judicial appeals under this section.

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(H) No person may intervene in an appeal brought under this section.

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Sec. 3702.61. In addition to the sanctions imposed under sections 3702.54, 3702.541, ~~3702.542~~, and 3702.55 ~~and former section 3702.543~~ of the Revised Code, if any person violates section 3702.53 of the Revised Code, the attorney general may commence necessary legal proceedings in the court of common pleas of Franklin county to enjoin the person from such violation until the requirements of sections 3702.51 to 3702.62 of the Revised Code have been satisfied. At the request of the director of health, the attorney general shall commence any necessary proceedings. The court has jurisdiction to grant and, on a showing of a violation, shall grant appropriate injunctive relief.

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Sec. 3702.74. (A) A primary care physician who has signed a letter of intent under section 3702.73 of the Revised Code and the director of health may enter into a contract for the physician's participation in the physician loan repayment program. The physician's employer or other funding source may also be a party to the contract.

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(B) The contract shall include all of the following obligations:

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(1) The primary care physician agrees to provide primary care services in the health resource shortage area identified in the letter of intent for at least two years;

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(2) When providing primary care services in the health resource shortage area, the primary care physician agrees to do all of the following:	71811 71812 71813
(a) Provide primary care services for a minimum of forty hours per week, of which at least twenty-one hours will be spent providing patient care in an outpatient or ambulatory setting;	71814 71815 71816
(b) Provide primary care services without regard to a patient's ability to pay;	71817 71818
(c) Meet the conditions prescribed by the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the department of job and family services for participation in the medicaid program established under Chapter 5111. of the Revised Code and enter into a contract with the department to provide primary care services to recipients of the medical assistance program;	71819 71820 71821 71822 71823 71824 71825
~~(d) Meet the conditions established by the department of job and family services for participation in the disability medical assistance program established under Chapter 5115. of the Revised Code and enter into a contract with the department to provide primary care services to recipients of disability medical assistance.~~	71826 71827 71828 71829 71830 71831
(3) The department of health agrees, as provided in section 3702.75 of the Revised Code, to repay, so long as the primary care physician performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the primary care physician for expenses described in section 3702.75 of the Revised Code;	71832 71833 71834 71835 71836 71837 71838
(4) The primary care physician agrees to pay the department	71839

of health an amount established by rules adopted under section 71840
3702.79 of the Revised Code if the physician fails to complete 71841
the service obligation agreed to under division (B)(1) of this 71842
section. 71843

(C) The contract may include any other terms agreed upon by 71844
the parties. 71845

Sec. 3702.87. The director of health shall designate, as 71846
dental health resource shortage areas, areas in this state that 71847
experience special dental health problems and dentist practice 71848
patterns that limit access to dental care. The designations shall 71849
be made by rule and may apply to a geographic area, one or more 71850
facilities within a particular area, or a population group within 71851
a particular area. The director shall consider for designation as 71852
a dental health resource shortage area, any area in this state 71853
that has been designated by the United States secretary of health 71854
and human services as a health professional shortage area under 71855
Title III of the "Public Health Service Act," 58 Stat. 682 (1944), 71856
42 U.S.C. 201, as amended. 71857

Sec. 3702.89. (A) An individual who ~~is will~~ not ~~receiving~~ 71858
~~national health service corps tuition or student~~ have an 71859
outstanding obligation for dental service to the federal 71860
government, a state, or other entity at the time of participation 71861
in the dentist loan repayment assistance program and meets one of 71862
the following requirements may apply for participation in the 71863
dentist loan repayment program: 71864

(1) The applicant is a dental student enrolled in the final 71865
year of dental college. 71866

(2) The applicant is a dental resident in the final year of 71867
residency. 71868

(3) The applicant ~~has been engaged in the~~ holds a valid 71869

license to practice of dentistry for not more than three years 71870
prior to submitting the application issued under Chapter 4715. of 71871
the Revised Code. 71872

(B) An application for participation in the dentist loan 71873
repayment program shall be submitted to the director of health on 71874
a form the director shall prescribe. The following information 71875
shall be included or supplied: 71876

(1) The applicant's name, permanent address or address at 71877
which the applicant is currently residing if different from the 71878
permanent address, and telephone number; 71879

(2) The dental college the applicant attended or is attending 71880
~~or attended~~, dates of attendance, and verification of attendance; 71881

(3) If the applicant has completed a dental residency program 71882
or is a dental resident, the facility or institution ~~at which~~ 71883
where the dental residency was completed or is being performed, 71884
and, if completed, the date of completion; 71885

(4) A summary and verification of the educational expenses 71886
for which the applicant seeks reimbursement under the program; 71887

(5) If the applicant is a dentist, verification of the 71888
applicant's license issued under Chapter 4715. of the Revised Code 71889
to practice dentistry and proof of good standing; 71890

(6) Verification of the applicant's United States citizenship 71891
or status as a legal alien. 71892

Sec. 3702.90. If funds are available in the dentist loan 71893
repayment fund created under section 3702.95 of the Revised Code 71894
and the general assembly has appropriated the funds for the 71895
program, the director of health shall approve an applicant for 71896
participation in the program on finding in accordance with the 71897

priorities established under section 3702.88 of the Revised Code 71898
that the applicant is eligible for participation and is needed in 71899
a dental health resource shortage area. 71900

On approving an application, the director shall notify and 71901
enter into discussions with the applicant. The object of the 71902
discussions is to facilitate recruitment of the applicant to a 71903
site within a dental health resource shortage area at which, 71904
according to the priorities established under section 3702.88 of 71905
the Revised Code, the applicant is needed. ~~The director may pay~~ 71906
~~the costs incurred by the applicant and the applicant's spouse for~~ 71907
~~travel, meals, and lodging in making one visit to one dental~~ 71908
~~health resource shortage area. The director may also refer an~~ 71909
~~applicant to the Ohio dental association for assistance in being~~ 71910
~~recruited to a site within a dental health resource shortage area~~ 71911
~~at which the applicant will agree to be placed.~~ 71912

If the director and applicant agree on the applicant's 71913
placement at a particular site within a dental health resource 71914
shortage area, the applicant shall sign and deliver to the 71915
director a letter of intent agreeing to that placement. 71916

Sec. 3702.91. (A) An individual who has signed a letter of 71917
intent under section 3702.90 of the Revised Code may enter into a 71918
contract with the director of health for participation in the 71919
dentist loan repayment program. ~~A lending institution~~ The 71920
dentist's employer or other funding source may also be a party to 71921
the contract. 71922

(B) The contract shall include all of the following 71923
obligations: 71924

(1) The individual agrees to provide dental services in the 71925
dental health resource shortage area identified in the letter of 71926
intent for at least ~~one year~~ two years. 71927

(2) When providing dental services in the dental health resource shortage area, the individual agrees to do all of the following:	71928 71929 71930
(a) Provide dental services for a minimum of forty hours per week;	71931 71932
(b) Provide dental services without regard to a patient's ability to pay;	71933 71934
(c) Meet the conditions prescribed by the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the department of job and family services for participation in the medicaid program established under Chapter 5111. of the Revised Code and enter into a contract with the department to provide dental services to medicaid recipients.	71935 71936 71937 71938 71939 71940
(3) The department of health agrees, as provided in section 3702.85 of the Revised Code, to repay, so long as the individual performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the individual for expenses described in section 3702.85 of the Revised Code ~~up to but not exceeding twenty thousand dollars per year of service.~~	71941 71942 71943 71944 71945 71946 71947
(4) The individual agrees to pay the department of health ~~the following as damages~~ <u>an amount established by rules adopted under section 3702.86 of the Revised Code</u> , if the individual fails to complete the service obligation agreed to under division (B)(1) of this section:	71948 71949 71950 71951 71952
(a) ~~If the failure occurs during the first two years of the service obligation, three times the total amount the department has agreed to repay under division (B)(3) of this section;~~	71953 71954 71955
(b) ~~If the failure occurs after the first two years of the~~	71956

service obligation, three times the amount the department is 71957
still obligated to repay under division (B)(3) of this section. 71958

(C) The contract may include any other terms agreed upon by 71959
the parties, ~~including an assignment to the department of health~~ 71960
~~of the individual's duty to pay the principal and interest of a~~ 71961
~~government or other educational loan taken by the individual for~~ 71962
~~expenses described in section 3702.85 of the Revised Code. If the~~ 71963
~~department assumes the individual's duty to pay a loan, the~~ 71964
~~contract shall set forth the total amount of principal and~~ 71965
~~interest to be paid, an amortization schedule, and the amount of~~ 71966
~~each payment to be made under the schedule.~~ 71967

(D) Not later than the thirty-first day of January of each 71968
year, the department of health shall mail to each individual to 71969
whom or on whose behalf repayment is made under the dentist loan 71970
repayment program a statement showing the amount of principal and 71971
interest repaid by the department pursuant to the contract in the 71972
preceding year. The statement shall be sent by ordinary mail with 71973
address correction and forwarding requested in the manner 71974
prescribed by the United States postal service. 71975

Sec. 3702.92. There is hereby created the dentist loan 71976
repayment advisory board. The board shall consist of the following 71977
members: 71978

(A) ~~One member~~ Two members of the house of representatives, 71979
one from each political party, appointed by the speaker of the 71980
house of representatives; 71981

(B) ~~One member~~ Two members of the senate, one from each 71982
political party, appointed by the president of the senate; 71983

(C) A representative of the board of regents, appointed by 71984
the chancellor; 71985

(D) The director of health or an employee of the department
of health designated by the director;

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(E) ~~Three~~Four representatives of the dental profession,
appointed by the governor from persons nominated by the Ohio
dental association.

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Terms of office of the appointed members shall be two years,
with each term commencing on the twenty-eighth day of January and
ending on the twenty-seventh day of January of the second year
after appointment. The governor ~~shall appoint the dental~~
~~profession representatives not later than ninety days after~~
~~October 29, 2003. The terms of all members shall commence~~
~~ninety-one days after October 29, 2003. Of the initial~~
~~appointments made by the governor, two shall serve a term of one~~
~~year and one shall serve a term of two years. The initial~~
~~appointment made by the~~ speaker of the house of representatives
~~shall be for a term of one year. The initial appointment made by~~
~~the, and~~ president of the senate shall be for a term of two years
make each of their respective appointments not later than the
twenty-seventh day of January of the year in which the term of the
member being appointed is to commence. Each member shall hold
office from the date of appointment until the end of the term for
which the member was appointed, except that a legislative member
ceases to be a member of the board on ceasing to be a member of
the general assembly. No person shall be appointed to the board
for more than two consecutive terms.

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Vacancies shall be filled in the manner prescribed for the
original appointment. A member appointed to fill a vacancy
occurring prior to the expiration of the term for which the
member's predecessor was appointed shall hold office for the
remainder of that term. A member shall continue in office
subsequent to the expiration of the member's term until a
successor takes office or until sixty days have elapsed, whichever

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occurs first. ~~No person shall be appointed to the board for more than two consecutive terms. Thereafter, terms of office shall be two years. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed, except that a legislative member ceases to be a member of the board on ceasing to be a member of the general assembly.~~

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The governor, speaker, or president may remove a member for whom the governor, speaker, or president was the appointing authority, for misfeasance, malfeasance, or willful neglect of duty.

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The board shall designate a member to serve as chairperson of the board.

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The board shall meet at least once annually. The chairperson shall call special meetings as needed or upon the request of four members.

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~~Four~~Six members of the board constitute a quorum to transact and vote on all business coming before the board.

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Members of the board shall serve without compensation, ~~but may be reimbursed for reasonable and necessary expenses incurred in the discharge of their duties.~~

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The department of health shall provide the board with staff assistance as requested by the board.

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Sec. 3702.93. The dentist loan repayment advisory board shall determine the amounts that will be paid as loan repayments on behalf of participants in the dentist loan repayment program. ~~No~~ In the first and second years, no repayment shall exceed ~~twenty~~ twenty-five thousand dollars in ~~any~~each year, ~~except that if. In the third and fourth years, no repayment shall exceed thirty-five thousand dollars in each year. If, however, a repayment results in~~

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an increase in the participant's federal, state, or local income
tax liability, the department of health, at the participant's
request and with the approval of the director of health, may
reimburse the participant for the increased tax liability,
regardless of the amount of the repayment in that year. ~~Total~~
~~repayment on behalf of a participant shall not exceed eighty~~
~~thousand dollars over the time of participation in the program.~~

Sec. 3702.94. The dentist loan repayment advisory board,
annually on or before the first day of March, shall submit a
report to the governor and general assembly describing the
operations of the dentist loan repayment program during the
previous calendar year. The report shall include information about
all of the following:

(A) The number of requests received by the director of health
that a particular area be designated as a dental health resource
shortage area;

(B) The areas that have been designated as dental health
resource shortage areas and the priorities that have been assigned
to them;

(C) The number of applicants for participation in the dentist
loan repayment program;

(D) The number of dentists assigned to dental health resource
shortage areas and the payments made on behalf of those dentists
under the dentist loan repayment program;

(E) The dental health resource shortage areas that have not
been matched with all of the dentists they need;

(F) The number of dentists failing to complete their service
obligations, the amount of damages owed, and the amount of damages
collected.

Sec. 3703.01. (A) Except as otherwise provided in this	72076
section, the division of ~~industrial compliance~~ <u>labor</u> in the	72077
department of commerce shall do all of the following:	72078
(1) Inspect all nonresidential buildings within the meaning	72079
of section 3781.06 of the Revised Code;	72080
(2) Condemn all unsanitary or defective plumbing that is	72081
found in connection with those places;	72082
(3) Order changes in plumbing necessary to insure the safety	72083
of the public health.	72084
(B)(1)(a) The division of ~~industrial compliance~~ <u>labor</u> , boards	72085
of health of city and general health districts, and county	72086
building departments shall not inspect plumbing or collect fees	72087
for inspecting plumbing in particular types of buildings in any	72088
municipal corporation that is certified by the board of building	72089
standards under section 3781.10 of the Revised Code to exercise	72090
enforcement authority for plumbing in those types of buildings.	72091
(b) The division shall not inspect plumbing or collect fees	72092
for inspecting plumbing in particular types of buildings in any	72093
health district that employs one or more plumbing inspectors	72094
certified pursuant to division (D) of this section to enforce	72095
Chapters 3781. and 3791. of the Revised Code and the rules adopted	72096
pursuant to those chapters relating to plumbing in those types of	72097
buildings.	72098
(c) The division shall not inspect plumbing or collect fees	72099
for inspecting plumbing in particular types of buildings in any	72100
health district where the county building department is	72101
authorized to inspect those types of buildings pursuant to a	72102
contract described in division (C)(1) of this section.	72103

(d) The division shall not inspect plumbing or collect fees	72104
for inspecting plumbing in particular types of buildings in any	72105
health district where the board of health has entered into a	72106
contract with the board of health of another district to conduct	72107
inspections pursuant to division (C)(2) of this section.	72108
(2) No county building department shall inspect plumbing or	72109
collect fees for inspecting plumbing in any type of building in a	72110
health district unless the department is authorized to inspect	72111
that type of building pursuant to a contract described in division	72112
(C)(1) of this section.	72113
(3) No municipal corporation shall inspect plumbing or	72114
collect fees for inspecting plumbing in types of buildings for	72115
which it is not certified by the board of building standards	72116
under section 3781.10 of the Revised Code to exercise enforcement	72117
authority.	72118
(4) No board of health of a health district shall inspect	72119
plumbing or collect fees for inspecting plumbing in types of	72120
buildings for which it does not have a plumbing inspector	72121
certified pursuant to division (D) of this section.	72122
(C)(1) The board of health of a health district may enter	72123
into a contract with a board of county commissioners to authorize	72124
the county building department to inspect plumbing in buildings	72125
within the health district. The contract may designate that the	72126
department inspect either residential or nonresidential buildings,	72127
as those terms are defined in section 3781.06 of the Revised Code,	72128
or both types of buildings, so long as the department employs or	72129
contracts with a plumbing inspector certified pursuant to	72130
division (D) of this section to inspect the types of buildings	72131
the contract designates. The board of health may enter into a	72132
contract regardless of whether the health district employs any	72133
certified plumbing inspectors to enforce Chapters 3781. and	72134

3791. of the Revised Code. 72135

(2) The board of health of a health district, regardless of 72136
whether it employs any certified plumbing inspectors to enforce 72137
Chapters 3781. and 3791. of the Revised Code, may enter into a 72138
contract with the board of health of another health district to 72139
authorize that board to inspect plumbing in buildings within the 72140
contracting board's district. The contract may designate the 72141
inspection of either residential or nonresidential buildings as 72142
defined in section 3781.06 of the Revised Code, or both types of 72143
buildings, so long as the board that performs the inspections 72144
employs a plumbing inspector certified pursuant to division (D) of 72145
this section to inspect the types of buildings the contract 72146
designates. 72147

(D) The superintendent of ~~industrial compliance~~ labor shall 72148
adopt rules prescribing minimum qualifications based on education, 72149
training, experience, or demonstrated ability, that the 72150
superintendent shall use in certifying or recertifying plumbing 72151
inspectors to do plumbing inspections for health districts and 72152
county building departments that are authorized to perform 72153
inspections pursuant to a contract under division (C)(1) of this 72154
section, and for continuing education of plumbing inspectors. 72155
Those minimum qualifications shall be related to the types of 72156
buildings for which a person seeks certification. 72157

(E) The superintendent may enter into reciprocal 72158
registration, licensure, or certification agreements with other 72159
states and other agencies of this state relative to plumbing 72160
inspectors if both of the following apply: 72161

(1) The requirements for registration, licensure, or 72162
certification of plumbing inspectors under the laws of the other 72163
state or laws administered by the other agency are substantially 72164
equal to the requirements the superintendent adopts under division 72165
(D) of this section for certifying plumbing inspectors. 72166

(2) The other state or agency extends similar reciprocity to persons certified under this chapter.	72167 72168
(F) The superintendent may select and contract with one or more persons to do all of the following regarding examinations for certification of plumbing inspectors:	72169 72170 72171
(1) Prepare, administer, score, and maintain the confidentiality of the examination;	72172 72173
(2) Maintain responsibility for all expenses required to comply with division (F)(1) of this section;	72174 72175
(3) Charge each applicant a fee for administering the examination in an amount the superintendent authorizes;	72176 72177
(4) Design the examination for certification of plumbing inspectors to determine an applicant's competence to inspect plumbing.	72178 72179 72180
(G) Standards and methods prescribed in local plumbing regulations shall not be less than those prescribed in Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters.	72181 72182 72183 72184
(H) Notwithstanding any other provision of this section, the division shall make a plumbing inspection of any building or other place that there is reason to believe is in a condition to be a menace to the public health.	72185 72186 72187 72188
Sec. 3703.03. In the administration of sections 3703.01 to ~~3703.09~~ <u>3703.08</u> of the Revised Code, the division of ~~industrial compliance~~ <u>labor</u> shall enforce rules governing plumbing adopted by the board of building standards under authority of sections 3781.10 and 3781.11 of the Revised Code, and register those	72189 72190 72191 72192 72193

persons engaged in or at the plumbing business. 72194

Plans and specifications for all plumbing to be installed in 72195
or for buildings coming within such sections shall be submitted to 72196
and approved by the division before the contract for plumbing is 72197
let. 72198

Sec. 3703.04. The superintendent of ~~industrial compliance~~ 72199
labor shall appoint such number of plumbing inspectors as is 72200
required. The inspectors shall be practical plumbers with at least 72201
seven years' experience, and skilled and well-trained in matters 72202
pertaining to sanitary regulations concerning plumbing work. 72203

Sec. 3703.05. Plumbing inspectors employed by the division 72204
of ~~industrial compliance~~labor assigned to the enforcement of 72205
sections 3703.01 to ~~3703.09~~3703.08 of the Revised Code may, 72206
between sunrise and sunset, enter any building where there is good 72207
and sufficient reason to believe that the sanitary condition of 72208
the premises endangers the public health, for the purpose of 72209
making an inspection to ascertain the condition of the premises. 72210

Sec. 3703.06. When any building is found to be in a sanitary 72211
condition or when changes which are ordered, under authority of 72212
this chapter, in the plumbing, drainage, or ventilation have been 72213
made, and after a thorough inspection and approval by the 72214
superintendent of ~~industrial compliance~~labor, the superintendent 72215
shall issue a certificate, which shall be posted in a conspicuous 72216
place for the benefit of the public at large. Upon notification by 72217
the superintendent, the certificate shall be revoked for any 72218
violation of those sections. 72219

Sec. 3703.07. No plumbing work shall be done in any building 72220
or place coming within the jurisdiction of the division of 72221
~~industrial compliance~~labor, except in cases of repairs or leaks 72222
in existing plumbing, until a permit has been issued by the 72223
division. 72224

Before granting such permit, an application shall be made by the owner of the property or by the person, firm, or corporation which is to do the work. The application shall be made on a form prepared by the division for the purpose, and each application shall be accompanied by a fee of twenty-seven dollars, and an additional fee of seven dollars for each trap, vented fixture, appliance, or device. Each application also shall be accompanied by a plan approval fee of eighteen dollars for work containing one through twenty fixtures; thirty-six dollars for work containing twenty-one through forty fixtures; and fifty-four dollars for work containing forty-one or more fixtures.

Whenever a reinspection is made necessary by the failure of the applicant or plumbing contractor to have the work ready for inspection when so reported, or by reason of faulty or improper installation, the person shall pay a fee of forty-five dollars for each reinspection.

All fees collected pursuant to this section shall be paid into the state treasury to the credit of the ~~industrial compliance~~ labor operating fund created in section 121.084 of the Revised Code.

The superintendent of ~~industrial compliance~~ labor, by rule adopted in accordance with Chapter 119. of the Revised Code, may increase the fees required by this section and may establish fees to pay the costs of the division to fulfill its duties established by this chapter, including, but not limited to, fees for administering a program for continuing education for, and certifying and recertifying plumbing inspectors. The fees shall bear some reasonable relationship to the cost of administering and enforcing the provisions of this chapter.

Sec. 3703.08. Any owner, agent, or manager of a building in which an inspection is made by the division of ~~industrial~~

~~compliance~~labor, a board of health of a health district, or a
certified department of building inspection of a municipal
corporation or a county shall have the entire system of drainage
and ventilation repaired, as the division, board of health, or
department of building inspection directs by its order. After due
notice to repair that work is given, the owner, agent, or manager
shall notify the public authority that issued the order when the
work is ready for its inspection. No person shall fail to have
the work ready for inspection at the time specified in the
notice.

Sec. 3703.10. All prosecutions and proceedings by the
division of ~~industrial compliance~~labor for the violation of
sections 3703.01 to ~~3703.09~~3703.08 of the Revised Code, or for
the violation of any of the orders or rules of the division under
those sections, shall be instituted by the superintendent of
~~industrial compliance~~labor. All fines or judgments collected by
the division shall be paid into the state treasury to the credit
of the ~~industrial compliance~~labor operating fund created by
section 121.084 of the Revised Code.

The superintendent, the board of health of a general or city
health district, or any person charged with enforcing the rules of
the division adopted under sections 3703.01 to ~~3703.09~~3703.08 of
the Revised Code may petition the court of common pleas for
injunctive or other appropriate relief requiring any person
violating a rule adopted or order issued by the superintendent
under those sections to comply with the rule or order. The court
of common pleas of the county in which the offense is alleged to
be occurring may grant injunctive or other appropriate relief.

The superintendent may do all of the following:

(A) Deny an applicant certification as a plumbing inspector;

(B) Suspend or revoke the certification of a plumbing

inspector;	72287
(C) Examine any certified plumbing inspector under oath;	72288
(D) Examine the records and books of any certified plumbing inspector if the superintendent finds the material to be examined relevant to a determination described in division (A), (B), or (C) of this section.	72289 72290 72291 72292
Sec. 3703.21. (A) Within ninety days after ~~the effective date of this section~~ <u>September 16, 2004</u> , the superintendent of ~~the division of industrial compliance~~ <u>labor</u> shall appoint a backflow advisory board consisting of not more than ten members, who shall serve at the pleasure of the superintendent. The superintendent shall appoint a representative from the plumbing section of the division of ~~industrial compliance~~ <u>labor</u> , three representatives recommended by the plumbing administrator of the division of ~~industrial compliance~~ <u>labor</u> , a representative of the drinking water program of the Ohio environmental protection agency, three representatives recommended by the director of environmental protection, and not more than two members who are not employed by the plumbing or water industry.	72293 72294 72295 72296 72297 72298 72299 72300 72301 72302 72303 72304 72305
The board shall advise the superintendent on matters pertaining to the training and certification of backflow technicians.	72306 72307 72308
(B) The superintendent shall adopt rules in accordance with Chapter 119. of the Revised Code to provide for the certification of backflow technicians. The rules shall establish all of the following requirements, specifications, and procedures:	72309 72310 72311 72312
(1) Requirements and procedures for the initial certification of backflow technicians, including eligibility criteria and application requirements and fees;	72313 72314 72315

(2) Specifications concerning and procedures for taking examinations required for certification as a backflow technician, including eligibility criteria to take the examination and application requirements and fees for taking the examination;	72316 72317 72318 72319
(3) Specifications concerning and procedures for renewing a certification as a backflow technician, including eligibility criteria, application requirements, and fees for renewal;	72320 72321 72322
(4) Specifications concerning and procedures for both of the following:	72323 72324
(a) Approval of training agencies authorized to teach required courses to candidates for certification as backflow technicians or continuing education courses to certified backflow technicians;	72325 72326 72327 72328
(b) Renewal of the approval described in division (B)(4)(a) of this section.	72329 72330
(5) Education requirements that candidates for initial certification as backflow technicians must satisfy and continuing education requirements that certified backflow technicians must satisfy;	72331 72332 72333 72334
(6) Grounds and procedures for denying, suspending, or revoking certification, or denying the renewal of certification, as a backflow technician;	72335 72336 72337
(7) Procedures for issuing administrative orders for the remedy of any violation of this section or any rule adopted pursuant to division (B) of this section, including, but not limited to, procedures for assessing a civil penalty authorized under division (D) of this section;	72338 72339 72340 72341 72342
(8) Any provision the superintendent determines is necessary	72343

to administer or enforce this section. 72344

(C) No individual shall engage in the installation, testing, 72345
or repair of any isolation backflow prevention device unless that 72346
individual possesses a valid certification as a backflow 72347
technician. This division does not apply with respect to the 72348
installation, testing, or repair of any containment backflow 72349
prevention device. 72350

(D) Whoever violates division (C) of this section or any rule 72351
adopted pursuant to division (B) of this section shall pay a civil 72352
penalty of not more than five thousand dollars for each day that 72353
the violation continues. The superintendent may, by order, assess 72354
a civil penalty under this division, or may request the attorney 72355
general to bring a civil action to impose the civil penalty in the 72356
court of common pleas of the county in which the violation 72357
occurred or where the violator resides. 72358

(E) Any action taken under a rule adopted pursuant to 72359
division (B)(6) of this section is subject to the appeal process 72360
of Chapter 119. of the Revised Code. An administrative order 72361
issued pursuant to rules adopted under division (B)(7) of this 72362
section and an appeal to that type of administrative order shall 72363
be executed in accordance with Chapter 119. of the Revised Code. 72364

(F) As used in this section: 72365

(1) "Isolation backflow prevention device" means a device for 72366
the prevention of the backflow of liquids, solids, or gases that 72367
is regulated by the building code adopted pursuant to section 72368
3781.10 of the Revised Code and rules adopted pursuant to this 72369
section. 72370

(2) "Containment backflow prevention device" means a device 72371
for the prevention of the backflow of liquids, solids, or gases 72372
that is installed by the supplier of, or as a requirement of, any 72373

public water system as defined in division (A) of section 6109.01
of the Revised Code. 72374
72375

Sec. 3703.99. Whoever violates sections 3703.01 to ~~3703.09~~
3703.08 of the Revised Code, or any rule the division of 72376
72377
~~industrial compliance~~labor is required to enforce under such 72378
72379
sections, shall be fined not less than ten nor more than one 72380
hundred dollars or imprisoned for not less than ten nor more than 72381
ninety days, or both. No person shall be imprisoned under this 72382
section for the first offense, and the prosecution always shall be 72383
as for a first offense unless the affidavit upon which the 72384
prosecution is instituted contains the allegation that the offense 72385
is a second or repeated offense.

Sec. 3704.03. The director of environmental protection may 72386
do any of the following: 72387

(A) Develop programs for the prevention, control, and 72388
abatement of air pollution; 72389

(B) Advise, consult, contract, and cooperate with any 72390
governmental or private agency in the furtherance of the purposes 72391
of this chapter; 72392

(C) Encourage, participate in, or conduct studies, 72393
investigations, and research relating to air pollution, collect 72394
and disseminate information, and conduct education and training 72395
programs relating to the causes, prevention, control, and 72396
abatement of air pollution; 72397

(D) Adopt, modify, and rescind rules prescribing ambient air 72398
quality standards for the state as a whole or for various areas of 72399
the state that are consistent with and no more stringent than the 72400
national ambient air quality standards in effect under the federal 72401
Clean Air Act; 72402

(E) Adopt, modify, suspend, and rescind rules for the prevention, control, and abatement of air pollution, including rules prescribing for the state as a whole or for various areas of the state emission standards for air contaminants, and other necessary rules for the purpose of achieving and maintaining compliance with ambient air quality standards in all areas within the state as expeditiously as practicable, but not later than any deadlines applicable under the federal Clean Air Act; rules for the prevention or control of the emission of hazardous or toxic air contaminants; rules prescribing fugitive dust limitations and standards that are related, on an areawide basis, to attainment and maintenance of ambient air quality standards; rules prescribing shade, density, or opacity limitations and standards for emissions, provided that with regard to air contaminant sources for which there are particulate matter emission standards in addition to a shade, density, or opacity rule, upon demonstration by such a source of compliance with those other standards, the shade, density, or opacity rule shall provide for establishment of a shade, density, or opacity limitation for that source that does not require the source to reduce emissions below the level specified by those other standards; rules for the prevention or control of odors and air pollution nuisances; rules that prevent significant deterioration of air quality to the extent required by the federal Clean Air Act; rules for the protection of visibility as required by the federal Clean Air Act; and rules prescribing open burning limitations and standards. In adopting, modifying, suspending, or rescinding any such rules, the director, to the extent consistent with the federal Clean Air Act, shall hear and give consideration to evidence relating to all of the following:

(1) Conditions calculated to result from compliance with the rules, the overall cost within this state of compliance with the rules, and their relation to benefits to the people of the state to be derived from that compliance;

(2) The quantity and characteristics of air contaminants, the frequency and duration of their presence in the ambient air, and the dispersion and dilution of those contaminants;

(3) Topography, prevailing wind directions and velocities, physical conditions, and other factors that may or may combine to affect air pollution.

Consistent with division (K) of section 3704.036 of the Revised Code, the director shall consider alternative emission limits proposed by the owner or operator of an air contaminant source that is subject to an emission limit established in rules adopted under this division and shall accept those alternative emission limits that the director determines to be equivalent to emission limits established in rules adopted under this division.

(F)(1) Adopt, modify, suspend, and rescind rules consistent with the purposes of this chapter prohibiting the location, installation, construction, or modification of any air contaminant source or any machine, equipment, device, apparatus, or physical facility intended primarily to prevent or control the emission of air contaminants unless an installation permit therefor has been obtained from the director or the director's authorized representative.

(2)(a) Applications for installation permits shall be accompanied by plans, specifications, construction schedules, and such other pertinent information and data, including data on ambient air quality impact and a demonstration of best available technology, as the director may require. Installation permits shall be issued for a period specified by the director and are transferable. The director shall specify in each permit the applicable emission standards and that the permit is conditioned upon payment of the applicable fees as required by section 3745.11 of the Revised Code and upon the right of the director's

authorized representatives to enter upon the premises of the 72468
person to whom the permit has been issued, at any reasonable time 72469
and subject to safety requirements of the person in control of the 72470
premises, for the purpose of determining compliance with such 72471
standards, this chapter, the rules adopted thereunder, and the 72472
conditions of any permit, variance, or order issued thereunder. 72473
Each proposed new or modified air contaminant source shall provide 72474
such notice of its proposed installation or modification to other 72475
states as is required under the federal Clean Air Act. 72476
Installation permits shall include the authorization to operate 72477
sources installed and operated in accordance with terms and 72478
conditions of the installation permits for a period not to exceed 72479
one year from commencement of operation, which authorization shall 72480
constitute an operating permit under division (G) of this section 72481
and rules adopted under it. 72482

No installation permit shall be required for activities that 72483
are subject to and in compliance with a plant-wide applicability 72484
limit issued by the director in accordance with rules adopted 72485
under this section. 72486

No installation permit shall be issued except in accordance 72487
with all requirements of this chapter and rules adopted 72488
thereunder. No application shall be denied or permit revoked or 72489
modified without a written order stating the findings upon which 72490
denial, revocation, or modification is based. A copy of the order 72491
shall be sent to the applicant or permit holder by certified mail. 72492

(b) An air contaminant source that is the subject of an 72493
installation permit shall be installed or modified in accordance 72494
with the permit not later than eighteen months after the permit's 72495
effective date at which point the permit shall terminate unless 72496
one of the following applies: 72497

(i) The owner or operator has undertaken a continuing program 72498
of installation or modification during the eighteen-month period. 72499

<u>(ii) The owner or operator has entered into a binding</u>	72500
<u>contractual obligation to undertake and complete within a</u>	72501
<u>reasonable period of time a continuing program of installation or</u>	72502
<u>modification of the air contaminant source during the</u>	72503
<u>eighteen-month period.</u>	72504
<u>(iii) The director has extended the date by which the air</u>	72505
<u>contaminant source that is the subject of the installation permit</u>	72506
<u>must be installed or modified.</u>	72507
<u>(iv) The installation permit is the subject of an appeal by a</u>	72508
<u>party other than the owner or operator of the air contaminant</u>	72509
<u>source that is the subject of the installation permit, in which</u>	72510
<u>case the date of termination of the permit is not later than</u>	72511
<u>eighteen months after the effective date of the permit plus the</u>	72512
<u>number of days between the date in which the permit was appealed</u>	72513
<u>and the date on which all appeals concerning the permit have been</u>	72514
<u>resolved.</u>	72515
<u>(v) The installation permit has been superseded by a</u>	72516
<u>subsequent installation permit, in which case the original</u>	72517
<u>installation permit terminates on the effective date of the</u>	72518
<u>superseding installation permit.</u>	72519
<u>Division (F)(2)(b) of this section applies to an installation</u>	72520
<u>permit that has not terminated as of the effective date of this</u>	72521
<u>amendment.</u>	72522
<u>The director may adopt rules in accordance with Chapter 119.</u>	72523
<u>of the Revised Code for the purpose of establishing additional</u>	72524
<u>requirements that are necessary for the implementation of division</u>	72525
<u>(F)(2)(b) of this section.</u>	72526
<u>(3) Not later than two years after August 3, 2006, the</u>	72527
<u>director shall adopt a rule in accordance with Chapter 119. of</u>	72528

the Revised Code specifying that a permit to install is required	72529
only for new or modified air contaminant sources that emit any of	72530
the following air contaminants:	72531
(a) An air contaminant or precursor of an air contaminant for	72532
which a national ambient air quality standard has been adopted	72533
under the federal Clean Air Act;	72534
(b) An air contaminant for which the air contaminant source	72535
is regulated under the federal Clean Air Act;	72536
(c) An air contaminant that presents, or may present, through	72537
inhalation or other routes of exposure, a threat of adverse human	72538
health effects, including, but not limited to, substances that are	72539
known to be, or may reasonably be anticipated to be, carcinogenic,	72540
mutagenic, teratogenic, or neurotoxic, that cause reproductive	72541
dysfunction, or that are acutely or chronically toxic, or a threat	72542
of adverse environmental effects whether through ambient	72543
concentrations, bioaccumulation, deposition, or otherwise, and	72544
that is identified in the rule by chemical name and chemical	72545
abstract service number.	72546
The director may modify the rule adopted under division	72547
(F)(3)(c) of this section for the purpose of adding or deleting	72548
air contaminants. For each air contaminant that is contained in or	72549
deleted from the rule adopted under division (F)(3)(c) of this	72550
section, the director shall include in a notice accompanying any	72551
proposed or final rule an explanation of the director's	72552
determination that the air contaminant meets the criteria	72553
established in that division and should be added to, or no longer	72554
meets the criteria and should be deleted from, the list of air	72555
contaminants. The explanation shall include an identification of	72556
the scientific evidence on which the director relied in making the	72557
determination. Until adoption of the rule under division (F)(3)(c)	72558
of this section, nothing shall affect the director's authority to	72559
issue, deny, modify, or revoke permits to install under this	72560

chapter and rules adopted under it. 72561

(4)(a) Applications for permits to install new or modified 72562
air contaminant sources shall contain sufficient information 72563
regarding air contaminants for which the director may require a 72564
permit to install to determine conformity with the environmental 72565
protection agency's document entitled "Review of New Sources of 72566
Air Toxics Emissions, Option A," dated May 1986, which the 72567
director shall use to evaluate toxic emissions from new or 72568
modified air contaminant sources. The director shall make copies 72569
of the document available to the public upon request at no cost 72570
and post the document on the environmental protection agency's web 72571
site. Any inconsistency between the document and division (F)(4) 72572
of this section shall be resolved in favor of division (F)(4) of 72573
this section. 72574

(b) The maximum acceptable ground level concentration of an 72575
air contaminant shall be calculated in accordance with the 72576
document entitled "Review of New Sources of Air Toxics Emissions, 72577
Option A." Modeling shall be conducted to determine the increase 72578
in the ground level concentration of an air contaminant beyond the 72579
facility's boundary caused by the emissions from a new or modified 72580
source that is the subject of an application for a permit to 72581
install. Modeling shall be based on the maximum hourly rate of 72582
emissions from the source using information including, but not 72583
limited to, any emission control devices or methods, operational 72584
restrictions, stack parameters, and emission dispersion devices or 72585
methods that may affect ground level concentrations, either 72586
individually or in combination. The director shall determine 72587
whether the activities for which a permit to install is sought 72588
will cause an increase in the ground level concentration of one or 72589
more relevant air contaminants beyond the facility's boundary by 72590
an amount in excess of the maximum acceptable ground level 72591
concentration. In making the determination as to whether the 72592
maximum acceptable ground level concentration will be exceeded, 72593

the director shall give consideration to the modeling conducted 72594
under division (F)(4)(b) of this section and other relevant 72595
information submitted by the applicant. 72596

(c) If the modeling conducted under division (F)(4)(b) of 72597
this section with respect to an application for a permit to 72598
install demonstrates that the maximum ground level concentration 72599
from a new or modified source will be greater than or equal to 72600
eighty per cent, but less than one hundred per cent of the maximum 72601
acceptable ground level concentration for an air contaminant, the 72602
director may establish terms and conditions in the permit to 72603
install for the air contaminant source that will require the owner 72604
or operator of the air contaminant source to maintain emissions of 72605
that air contaminant commensurate with the modeled level, which 72606
shall be expressed as allowable emissions per day. In order to 72607
calculate the allowable emissions per day, the director shall 72608
multiply the hourly emission rate modeled under division (F)(4)(b) 72609
of this section to determine the ground level concentration by the 72610
operating schedule that has been identified in the permit to 72611
install application. Terms and conditions imposed under division 72612
(F)(4)(c) of this section are not federally enforceable 72613
requirements and, if included in a Title V permit, shall be placed 72614
in the portion of the permit that is only enforceable by the 72615
state. 72616

(d) If the modeling conducted under division (F)(4)(b) of 72617
this section with respect to an application for a permit to 72618
install demonstrates that the maximum ground level concentration 72619
from a new or modified source will be less than eighty per cent of 72620
the maximum acceptable ground level concentration, the owner or 72621
operator of the source annually shall report to the director, on a 72622
form prescribed by the director, whether operations of the source 72623
are consistent with the information regarding the operations that 72624
was used to conduct the modeling with regard to the permit to 72625
install application. The annual report to the director shall be in 72626

lieu of an emission limit or other permit terms and conditions 72627
imposed pursuant to division (F)(4) of this section. The director 72628
may consider any significant departure from the operations of the 72629
source described in the permit to install application that results 72630
in greater emissions than the emissions rate modeled to determine 72631
the ground level concentration as a modification and require the 72632
owner or operator to submit a permit to install application for 72633
the increased emissions. The requirements established in division 72634
(F)(4)(d) of this section are not federally enforceable 72635
requirements and, if included in a Title V permit, shall be placed 72636
in the portion of the permit that is only enforceable by the 72637
state. 72638

(e) Division (F)(4) of this section and the document entitled 72639
"Review of New Sources of Air Toxics Emissions, Option A" shall 72640
not be included in the state implementation plan under section 110 72641
of the federal Clean Air Act and do not apply to an air 72642
contaminant source that is subject to a maximum achievable control 72643
technology standard or residual risk standard under section 112 of 72644
the federal Clean Air Act, to a particular air contaminant 72645
identified under 40 C.F.R. 51.166, division (b)(23), for which the 72646
director has determined that the owner or operator of the source 72647
is required to install best available control technology for that 72648
particular air contaminant, or to a particular air contaminant for 72649
which the director has determined that the source is required to 72650
meet the lowest achievable emission rate, as defined in 40 C.F.R. 72651
part 51, Appendix S, for that particular air contaminant. 72652

(f)(i) Division (F)(4) of this section and the document 72653
entitled "Review of New Sources of Air Toxics Emissions, Option A" 72654
do not apply to parking lots, storage piles, storage tanks, 72655
transfer operations, grain silos, grain dryers, emergency 72656
generators, gasoline dispensing operations, air contaminant 72657
sources that emit air contaminants solely from the combustion of 72658
fossil fuels, or the emission of wood dust, sand, glass dust, coal 72659

dust, silica, and grain dust. 72660

(ii) Notwithstanding division (F)(4)(f)(i) of this section, 72661
the director may require an individual air contaminant source that 72662
is within one of the source categories identified in division 72663
(F)(4)(f)(i) of this section to submit information in an 72664
application for a permit to install a new or modified source in 72665
order to determine the source's conformity to the document if the 72666
director has information to conclude that the particular new or 72667
modified source will potentially cause an increase in ground level 72668
concentration beyond the facility's boundary that exceeds the 72669
maximum acceptable ground level concentration as set forth in the 72670
document. 72671

(iii) The director may adopt rules in accordance with Chapter 72672
119. of the Revised Code that are consistent with the purposes of 72673
this chapter and that add to or delete from the source category 72674
exemptions established in division (F)(4)(f)(i) of this section. 72675

(5) Not later than one year after August 3, 2006, the 72676
director shall adopt rules in accordance with Chapter 119. of the 72677
Revised Code specifying activities that do not, by themselves, 72678
constitute beginning actual construction activities related to 72679
the installation or modification of an air contaminant source for 72680
which a permit to install is required such as the grading and 72681
clearing of land, on-site storage of portable parts and 72682
equipment, and the construction of foundations or buildings that 72683
do not themselves emit air contaminants. The rules also shall 72684
allow specified initial activities that are part of the 72685
installation or modification of an air contaminant source, such 72686
as the installation of electrical and other utilities for the 72687
source, prior to issuance of a permit to install, provided that 72688
the owner or operator of the source has filed a complete 72689
application for a permit to install, the director or the 72690
director's designee has determined that the application is 72691

complete, and the owner or operator of the source has notified the director that this activity will be undertaken prior to the issuance of a permit to install. Any activity that is undertaken by the source under those rules shall be at the risk of the owner or operator. The rules shall not apply to activities that are precluded prior to permit issuance under section 111, section 112, Part C of Title I, and Part D of Title I of the federal Clean Air Act.

(G) Adopt, modify, suspend, and rescind rules prohibiting the operation or other use of any new, modified, or existing air contaminant source unless an operating permit has been obtained from the director or the director's authorized representative, or the air contaminant source is being operated in compliance with the conditions of a variance issued pursuant to division (H) of this section. Applications for operating permits shall be accompanied by such plans, specifications, and other pertinent information as the director may require. Operating permits may be issued for a period determined by the director not to exceed ten years, are renewable, and are transferable. The director shall specify in each operating permit that the permit is conditioned upon payment of the applicable fees as required by section 3745.11 of the Revised Code and upon the right of the director's authorized representatives to enter upon the premises of the person to whom the permit has been issued, at any reasonable time and subject to safety requirements of the person in control of the premises, for the purpose of determining compliance with this chapter, the rules adopted thereunder, and the conditions of any permit, variance, or order issued thereunder. Operating permits may be denied or revoked for failure to comply with this chapter or the rules adopted thereunder. An operating permit shall be issued only upon a showing satisfactory to the director or the director's representative that the air contaminant source is being operated in compliance with applicable emission standards and other rules or upon submission of a schedule of compliance

satisfactory to the director for a source that is not in 72726
compliance with all applicable requirements at the time of permit 72727
issuance, provided that the compliance schedule shall be 72728
consistent with and at least as stringent as that contained in any 72729
judicial consent decree or administrative order to which the air 72730
contaminant source is subject. The rules shall provide for the 72731
issuance of conditional operating permits for such reasonable 72732
periods as the director may determine to allow the holder of an 72733
installation permit, who has constructed, installed, located, or 72734
modified a new air contaminant source in accordance with the 72735
provisions of an installation permit, to make adjustments or 72736
modifications necessary to enable the new air contaminant source 72737
to comply with applicable emission standards and other rules. 72738
Terms and conditions of operating permits issued pursuant to this 72739
division shall be federally enforceable for the purpose of 72740
establishing the potential to emit of a stationary source and 72741
shall be expressly designated as federally enforceable. Any such 72742
federally enforceable restrictions on a source's potential to emit 72743
shall include both an annual limit and a short-term limit of not 72744
more than thirty days for each pollutant to be restricted together 72745
with adequate methods for establishing compliance with the 72746
restrictions. In other respects, operating permits issued pursuant 72747
to this division are enforceable as state law only. No application 72748
shall be denied or permit revoked or modified without a written 72749
order stating the findings upon which denial, revocation, or 72750
modification is based. A copy of the order shall be sent to the 72751
applicant or permit holder by certified mail. 72752

(H) Adopt, modify, and rescind rules governing the issuance, 72753
revocation, modification, or denial of variances that authorize 72754
emissions in excess of the applicable emission standards. 72755

No variance shall be issued except pursuant to those rules. 72756
The rules shall prescribe conditions and criteria in furtherance 72757
of the purposes of this chapter and consistent with the federal 72758

Clean Air Act governing eligibility for issuance of variances, 72759
which shall include all of the following: 72760

(1) Provisions requiring consistency of emissions authorized 72761
by a variance with timely attainment and maintenance of ambient 72762
air quality standards; 72763

(2) Provisions prescribing the classes and categories of air 72764
contaminants and air contaminant sources for which variances may 72765
be issued; 72766

(3) Provisions defining the circumstances under which an 72767
applicant shall demonstrate that compliance with applicable 72768
emission standards is technically infeasible, economically 72769
unreasonable, or impossible because of conditions beyond the 72770
control of the applicant; 72771

(4) Other provisions prescribed in furtherance of the goals 72772
of this chapter. 72773

The rules shall prohibit the issuance of variances from any 72774
emission limitation that was applicable to a source pursuant to an 72775
installation permit and shall prohibit issuance of variances that 72776
conflict with the federal Clean Air Act. 72777

Applications for variances shall be accompanied by such 72778
information as the director may require. In issuing variances, the 72779
director may order the person to whom a variance is issued to 72780
furnish plans and specifications and such other information and 72781
data, including interim reports, as the director may require and 72782
to proceed to take such action within such time as the director 72783
may determine to be appropriate and reasonable to prevent, 72784
control, or abate the person's existing emissions of air 72785
contaminants. The director shall specify in each variance that the 72786
variance is conditioned upon payment of the applicable fees as 72787
required by section 3745.11 of the Revised Code and upon the right 72788

of the director's authorized representatives to enter upon the 72789
premises of the person to whom the variance has been issued, at 72790
any reasonable time and subject to safety requirements of the 72791
person in control of the premises, for the purpose of determining 72792
compliance with this chapter, the rules adopted thereunder, and 72793
the conditions of any permit, variance, or order issued 72794
thereunder. 72795

The director may hold a public hearing on an application for 72796
a variance or renewal thereof at a location in the county where 72797
the variance is sought. The director shall give not less than 72798
twenty days' notice of the hearing to the applicant by certified 72799
mail and cause at least one publication of notice in a newspaper 72800
with general circulation in the county where the variance is 72801
sought. The director shall keep available for public inspection at 72802
the principal office of the environmental protection agency a 72803
current schedule of pending applications for variances and a 72804
current schedule of pending variance hearings. The director shall 72805
make a complete stenographic record of testimony and other 72806
evidence submitted at the hearing. The director shall make a 72807
written determination to issue, renew, or deny the variance and 72808
shall enter the determination and the basis therefor into the 72809
record of the hearing. The director shall issue, renew, or deny an 72810
application for a variance or renewal thereof, or issue a proposed 72811
action upon the application pursuant to section 3745.07 of the 72812
Revised Code, within six months of the date upon which the 72813
director receives a complete application with all pertinent 72814
information and data required by the director. 72815

Any variance granted pursuant to rules adopted under this 72816
division shall be for a period specified by the director, not to 72817
exceed three years, and may be renewed from time to time on such 72818
terms and for such periods, not to exceed three years each, as the 72819
director determines to be appropriate. A variance may be revoked, 72820
or renewal denied, for failure to comply with conditions specified 72821

in the variance. No variance shall be issued, denied, revoked, or
modified without a written order stating the findings upon which
the issuance, denial, revocation, or modification is based. A copy
of the order shall be sent to the applicant or variance holder by
certified mail.

(I) Require the owner or operator of an air contaminant
source to install, employ, maintain, and operate such emissions,
ambient air quality, meteorological, or other monitoring devices
or methods as the director shall prescribe; to sample those
emissions at such locations, at such intervals, and in such manner
as the director prescribes; to maintain records and file periodic
reports with the director containing information as to location,
size, and height of emission outlets, rate, duration, and
composition of emissions, and any other pertinent information the
director prescribes; and to provide such written notice to other
states as the director shall prescribe. In requiring monitoring
devices, records, and reports, the director, to the extent
consistent with the federal Clean Air Act, shall give
consideration to technical feasibility and economic reasonableness
and allow reasonable time for compliance. For sources where a
specific monitoring, record-keeping, or reporting requirement is
specified for a particular air contaminant from a particular air
contaminant source in an applicable regulation adopted by the
United States environmental protection agency under the federal
Clean Air Act or in an applicable rule adopted by the director,
the director shall not impose an additional requirement in a
permit that is a different monitoring, record-keeping, or
reporting requirement other than the requirement specified in the
applicable regulation or rule for that air contaminant except as
otherwise agreed to by the owner or operator of the air
contaminant source and the director. If two or more regulations or
rules impose different monitoring, record-keeping, or reporting
requirements for the same air contaminant from the same air
contaminant source, the director may impose permit terms and

conditions that consolidate or streamline the monitoring, 72856
record-keeping, or reporting requirements in a manner that 72857
conforms with each applicable requirement. To the extent 72858
consistent with the federal Clean Air Act and except as otherwise 72859
agreed to by the owner or operator of an air contaminant source 72860
and the director, the director shall not require an operating 72861
restriction that has the practical effect of increasing the 72862
stringency of an existing applicable emission limitation or 72863
standard. 72864

(J) Establish, operate, and maintain monitoring stations and 72865
other devices designed to measure air pollution and enter into 72866
contracts with any public or private agency for the establishment, 72867
operation, or maintenance of such stations and devices; 72868

(K) By rule adopt procedures for giving reasonable public 72869
notice and conducting public hearings on any plans for the 72870
prevention, control, and abatement of air pollution that the 72871
director is required to submit to the federal government; 72872

(L) Through any employee, agent, or authorized representative 72873
of the director or the environmental protection agency, enter upon 72874
private or public property, including improvements thereon, at any 72875
reasonable time, to make inspections, take samples, conduct tests, 72876
and examine records or reports pertaining to any emission of air 72877
contaminants and any monitoring equipment or methods and to 72878
determine if there are any actual or potential emissions from such 72879
premises and, if so, to determine the sources, amounts, contents, 72880
and extent of those emissions, or to ascertain whether there is 72881
compliance with this chapter, any orders issued or rules adopted 72882
thereunder, or any other determination of the director. The 72883
director, at reasonable times, may have access to and copy any 72884
such records. If entry or inspection authorized by this division 72885
is refused, hindered, or thwarted, the director or the director's 72886
authorized representative may by affidavit apply for, and any 72887

judge of a court of record may issue, an appropriate inspection	72888
warrant necessary to achieve the purposes of this chapter within	72889
the court's territorial jurisdiction.	72890
(M) Accept and administer gifts or grants from the federal	72891
government and from any other source, public or private, for	72892
carrying out any of the functions under this chapter;	72893
(N) Obtain necessary scientific, technical, and laboratory	72894
services;	72895
(O) Establish advisory boards in accordance with section	72896
121.13 of the Revised Code;	72897
(P) Delegate to any city or general health district or	72898
political subdivision of the state any of the director's	72899
enforcement and monitoring powers and duties, other than	72900
rule-making powers, as the director elects to delegate, and in	72901
addition employ, compensate, and prescribe the powers and duties	72902
of such officers, employees, and consultants as are necessary to	72903
enable the director to exercise the authority and perform duties	72904
imposed upon the director by law. Technical and other services	72905
shall be performed, insofar as practical, by personnel of the	72906
environmental protection agency.	72907
(Q) Certify to the government of the United States or any	72908
agency thereof that an industrial air pollution facility is in	72909
conformity with the state program or requirements for control of	72910
air pollution whenever such certificate is required for a taxpayer	72911
pursuant to any federal law or requirements;	72912
(R) Issue, modify, or revoke orders requiring abatement of or	72913
prohibiting emissions that violate applicable emission standards	72914
or other requirements of this chapter and rules adopted	72915
thereunder, or requiring emission control devices or measures in	72916
order to comply with applicable emission standards or other	72917

requirements of this chapter and rules adopted thereunder. Any 72918
such order shall require compliance with applicable emission 72919
standards by a specified date and shall not conflict with any 72920
requirement of the federal Clean Air Act. In the making of such 72921
orders, the director, to the extent consistent with the federal 72922
Clean Air Act, shall give consideration to, and base the 72923
determination on, evidence relating to the technical feasibility 72924
and economic reasonableness of compliance with such orders and 72925
their relation to benefits to the people of the state to be 72926
derived from such compliance. If, under the federal Clean Air Act, 72927
any such order shall provide for the posting of a bond or surety 72928
to secure compliance with the order as a condition of issuance of 72929
the order, the order shall so provide, but only to the extent 72930
required by the federal Clean Air Act. 72931

(S) To the extent provided by the federal Clean Air Act, 72932
adopt, modify, and rescind rules providing for the administrative 72933
assessment and collection of monetary penalties, not in excess of 72934
those required pursuant to the federal Clean Air Act, for failure 72935
to comply with any emission limitation or standard, compliance 72936
schedule, or other requirement of any rule, order, permit, or 72937
variance issued or adopted under this chapter or required under 72938
the applicable implementation plan whether or not the source is 72939
subject to a federal or state consent decree. The director may 72940
require the submission of compliance schedules, calculations of 72941
penalties for noncompliance, and related information. Any orders, 72942
payments, sanctions, or other requirements imposed pursuant to 72943
rules adopted under this division shall be in addition to any 72944
other permits, orders, payments, sanctions, or other requirements 72945
established under this chapter and shall not affect any civil or 72946
criminal enforcement proceedings brought under any provision of 72947
this chapter or any other provision of state or local law. This 72948
division does not apply to any requirement of this chapter 72949
regarding the prevention or abatement of odors. 72950

(T) Require new or modified air contaminant sources to install best available technology, but only in accordance with this division. With respect to permits issued pursuant to division (F) of this section beginning three years after August 3, 2006, best available technology for air contaminant sources and air contaminants emitted by those sources that are subject to standards adopted under section 112, Part C of Title I, and Part D of Title I of the federal Clean Air Act shall be equivalent to and no more stringent than those standards. For an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act, best available technology only shall be required to the extent required by rules adopted under Chapter 119. of the Revised Code for permit to install applications filed three or more years after August 3, 2006.

Best available technology requirements established in rules adopted under this division shall be expressed only in one of the following ways that is most appropriate for the applicable source or source categories:

(1) Work practices;

(2) Source design characteristics or design efficiency of applicable air contaminant control devices;

(3) Raw material specifications or throughput limitations averaged over a twelve-month rolling period;

(4) Monthly allowable emissions averaged over a twelve-month rolling period.

Best available technology requirements shall not apply to an air contaminant source that has the potential to emit, taking into account air pollution controls installed on the source, less than ten tons per year of emissions of an air contaminant or precursor

of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act. In addition, best available technology requirements established in rules adopted under this division shall not apply to any existing, new, or modified air contaminant source that is subject to a plant-wide applicability limit that has been approved by the director. Further, best available technology requirements established in rules adopted under this division shall not apply to general permits issued prior to January 1, 2006, under rules adopted under this chapter.

For permits to install issued three or more years after August 3, 2006, any new or modified air contaminant source that has the potential to emit, taking into account air pollution controls installed on the source, ten or more tons per year of volatile organic compounds or nitrogen oxides shall meet, at a minimum, the requirements of any applicable reasonably available control technology rule in effect as of January 1, 2006, regardless of the location of the source.

(U) Consistent with section 507 of the federal Clean Air Act, adopt, modify, suspend, and rescind rules for the establishment of a small business stationary source technical and environmental compliance assistance program as provided in section 3704.18 of the Revised Code;

(V) Provide for emissions trading, marketable permits, auctions of emission rights, and economic incentives that would reduce the cost or increase the efficiency of achieving a specified level of environmental protection;

(W) Provide for the construction of an air contaminant source prior to obtaining a permit to install pursuant to division (F) of this section if the applicant demonstrates that the source will be installed to comply with all applicable emission limits and will not adversely affect public health or safety or the environment

and if the director determines that such an action will avoid an
unreasonable hardship on the owner or operator of the source. Any
such determination shall be consistent with the federal Clean Air
Act.

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(X) Exercise all incidental powers, including adoption of
rules, required to carry out this chapter.

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The environmental protection agency shall develop a plan to
control air pollution resulting from state-operated facilities and
property.

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Sec. 3704.14. ~~(A) The director of environmental protection shall continue to implement an enhanced motor vehicle inspection and maintenance program for a period of two years beginning on January 1, 2006, and ending on December 31, 2007, in counties in which a motor vehicle inspection and maintenance program is federally mandated. The program shall be substantially similar to the enhanced program implemented in those counties under a contract that is scheduled to expire on December 31, 2005. The~~⁽¹⁾
If the director of environmental protection determines that implementation of a motor vehicle inspection and maintenance program is necessary for the state to effectively comply with the federal Clean Air Act after June 30, 2009, the director may provide for the implementation of the program in those counties in this state in which such a program is federally mandated. Upon making such a determination, the director of environmental protection may request the director of administrative services to extend the terms of the contract that was entered into under the authority of Section 7 of Am. Sub. H.B. 24 of the 127th general assembly. Upon receiving the request, the director of administrative services shall extend the contract, beginning on July 1, 2009, in accordance with this section. The contract shall be extended for a period of up to six months with the contractor who conducted the motor vehicle inspection and maintenance program

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under that contract. 73045

(2) Prior to the expiration of the contract extension that is 73046
authorized by division (A)(1) of this section, the director of 73047
environmental protection may request the director of 73048
administrative services to enter into a contract with a vendor to 73049
operate a motor vehicle inspection and maintenance program in each 73050
county in this state in which such a program is federally mandated 73051
through June 30, 2011, with an option for the state to renew the 73052
contract through June 30, 2012. The contract shall ensure that the 73053
motor vehicle inspection and maintenance program achieves at least 73054
the same ozone precursor reductions as achieved by the program 73055
operated under the authority of the contract that was extended 73056
under division (A)(1) of this section. The director of 73057
administrative services shall select a vendor through a 73058
competitive selection process in compliance with Chapter 125. of 73059
the Revised Code. 73060

(3) Notwithstanding any law to the contrary, the director of 73061
administrative services shall ensure that a competitive selection 73062
process regarding a contract to operate a motor vehicle inspection 73063
and maintenance program in this state incorporates the following 73064
elements, which shall be included in the contract: 73065

(a) A requirement that the vendor selected to operate the 73066
program provide notification of the program's requirements to each 73067
owner of a motor vehicle that is required to be inspected under 73068
the program. The contract shall require the notification to be 73069
provided not later than sixty days prior to the date by which the 73070
owner of the motor vehicle is required to have the motor vehicle 73071
inspected. The director of environmental protection and the vendor 73072
shall jointly agree on the content of the notice. However, the 73073
notice shall include at a minimum the locations of all inspection 73074
facilities within a specified distance of the address that is 73075
listed on the owner's motor vehicle registration. 73076

(b) A requirement that the vendor selected to operate the 73077
program spend not more than five hundred thousand dollars over the 73078
term of the contract for public education regarding the locations 73079
at which motor vehicle inspections will be conducted; 73080

(c) A requirement that the vendor selected to operate the 73081
program acquire all facilities that were previously utilized for 73082
motor vehicle emissions inspections via arm's-length transactions 73083
at the discretion of the interested parties if the vendor chooses 73084
to utilize those inspection facilities for purposes of the 73085
contract. The competitive selection process shall not include a 73086
requirement that a vendor pay book value for such facilities. 73087

(d) A requirement that the motor vehicle inspection and 73088
maintenance program utilize established local businesses, such as 73089
existing motor vehicle repair facilities, for the purpose of 73090
expanding the number of inspection facilities for consumer 73091
convenience and increased local business participation. 73092

(4) A motor vehicle inspection and maintenance program 73093
operated under this section shall comply with division (B) of this 73094
section. The director of environmental protection shall administer 73095
the motor vehicle inspection and maintenance program operated 73096
under this section. 73097

(B) The motor vehicle inspection and maintenance program 73098
authorized by this section, at a minimum, shall do all of the 73099
following: 73100

(1) Comply with the federal Clean Air Act; 73101

(2) Provide for the extension of a contract for a period of 73102
two years, beginning on January 1, 2006, and ending on December 73103
31, 2007, with the contractor who conducted the enhanced motor 73104
vehicle inspection and maintenance program in those federally 73105
mandated counties pursuant to a contract entered into under former 73106

~~section 3704.14 of the Revised Code as that section existed prior~~ 73107
~~to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th~~ 73108
~~General Assembly;~~ 73109

~~(3)~~ Provide for the issuance of inspection certificates; 73110

~~(4)~~(3) Provide for a new car exemption for motor vehicles 73111
four years old or newer and provide that a new motor vehicle is 73112
exempt for four years regardless of whether legal title to the 73113
motor vehicle is transferred during that period. 73114

~~(B)~~(C)~~The director shall not implement a motor vehicle~~ 73115
~~inspection and maintenance program in any county other than a~~ 73116
~~county in which a motor vehicle inspection and maintenance~~ 73117
~~program is federally mandated~~A motor vehicle inspection and 73118
maintenance program shall not be implemented in any county in 73119
which such a program is not authorized under division (A) of this 73120
section without the approval of the general assembly through the 73121
enactment of legislation. Further, a motor vehicle inspection and 73122
maintenance program shall not be implemented in any county beyond 73123
June 30, 2012, without the approval of the general assembly 73124
through the enactment of legislation. 73125

~~(C)~~(D) The director of environmental protection shall adopt 73126
rules in accordance with Chapter 119. of the Revised Code that 73127
the director determines are necessary to implement this section. 73128
The director may continue to implement and enforce rules 73129
pertaining to the ~~enhanced~~ motor vehicle inspection and 73130
maintenance program previously implemented under former section 73131
3704.14 of the Revised Code as that section existed prior to its 73132
repeal and reenactment by Am. Sub. H.B. 66 of the 126th general 73133
assembly, provided that the rules do not conflict with this 73134
section. 73135

~~(D)~~(E) There is hereby created in the state treasury the 73136
~~motor vehicle inspection and maintenance~~auto emissions test fund, 73137

which shall consist of money received by the director from any fees for inspections that are established in rules adopted cash transfers, state and local grants, and other contributions that are received for the purpose of funding the program established under this section. The director of environmental protection shall use money in the fund solely for the implementation, supervision, administration, operation, and enforcement of the enhanced motor vehicle inspection and maintenance program established under this section. Money in the fund shall not be used for either of the following:

(1) To pay for the inspection costs incurred by a motor vehicle dealer so that the dealer may provide inspection certificates to an individual purchasing a motor vehicle from the dealer when that individual resides in a county that is subject to the motor vehicle inspection and maintenance program;

(2) To provide payment for more than one free passing emissions inspection or a total of three emissions inspections for a motor vehicle in any three-hundred-sixty-five day period. The owner or lessee of a motor vehicle is responsible for inspection fees that are related to emissions inspections beyond one free passing emissions inspection or three total emissions inspections in any three-hundred-sixty-five day period. Inspection fees that are charged by a contractor conducting emissions inspections under a motor vehicle inspection and maintenance program shall be approved by the director of environmental protection.

(E)(F) The enhanced motor vehicle inspection and maintenance program established under this section expires on December 31, 2007, upon the termination of all contracts entered into under this section and shall not be continued implemented beyond that the final date unless otherwise federally mandated on which termination occurs.

Sec. 3704.144. Gifts, grants, and contributions for the

purpose of adding pollution control equipment to diesel-powered 73170
school buses, including contributions that are made pursuant to 73171
the settlement of an administrative action or civil action that is 73172
brought at the request of the director of environmental protection 73173
pursuant to Chapter 3704., 3714., 3734., 6109., or 6111. of the 73174
Revised Code, shall be credited to the clean diesel school bus 73175
fund, which is hereby created in the state treasury. The director 73176
shall use money credited to the fund to make grants to school 73177
districts in the state and to county boards of developmental 73178
disabilities for the purpose of adding pollution control 73179
equipment to diesel-powered school buses and to pay the 73180
environmental protection agency's costs incurred in administering 73181
this section. In addition, the director may use money credited to 73182
the fund to make grants to school districts and to county boards 73183
of developmental disabilities for the purpose of maintaining 73184
pollution control equipment that is installed on diesel-powered 73185
school buses and to pay the additional cost incurred by a school 73186
district or a county board for using ultra-low sulfur diesel fuel 73187
instead of diesel fuel for the operation of diesel-powered school 73188
buses. 73189

In making grants under this section, the director shall give 73190
priority to school districts and to county boards of developmental 73191
disabilities that are located in a county that is designated as 73192
nonattainment by the United States environmental protection 73193
agency for the fine particulate national ambient air quality 73194
standard under the federal Clean Air Act. In addition, the 73195
director may give a higher priority to a school district or a 73196
county board of developmental disabilities that employs 73197
additional measures that reduce air pollution from the district's 73198
or the county board's school bus fleet. 73199

The director shall adopt rules establishing procedures and 73200
requirements that are necessary to implement this section, 73201
including procedures and requirements governing applications for 73202

grants. 73203

Sec. 3705.03. (A) The director of health shall designate the 73204
state registrar, who shall head the office of vital statistics 73205
and do all of the following: 73206

(1) Administer and enforce this chapter, the rules issued 73207
under this chapter, and the instructions of the director for the 73208
efficient administration of the system of vital statistics; 73209

(2) Direct and supervise the system of vital statistics and 73210
be custodian of the vital records; 73211

(3) Direct, supervise, and control the activities of all 73212
persons engaged in activities governed by this chapter; 73213

(4) Conduct training programs to promote uniformity of policy 73214
and procedures throughout the state in matters pertaining to the 73215
system of vital statistics; 73216

(5) Comply with the requirements in section 3705.031 of the 73217
Revised Code. 73218

(B) To preserve vital records, the state registrar may 73219
prepare a typewritten, photographic, electronic, or other 73220
reproduction of certificates or reports in the office of vital 73221
statistics. These reproductions, when certified by the director or 73222
state registrar, shall be accepted as the original records. The 73223
documents from which the reproductions have been made and verified 73224
may be disposed of as provided by rules that shall be adopted by 73225
the director. 73226

Sec. 3705.031. (A) Once each calendar month, the state 73227
registrar shall review all death certificates the state registrar 73228
receives, pursuant to section 3705.07 of the Revised Code, from 73229
each local registrar of vital statistics in this state, and from a 73230

vital statistics official in another state, in the preceding 73231
calendar month. The state registrar shall identify those death 73232
certificates that pertain to individuals who were at least 73233
eighteen years of age at the time of death. 73234

(B) From each death certificate identified pursuant to 73235
division (A) of this section, the registrar shall determine the 73236
following information: 73237

(1) The decedent's name; 73238

(2) The decedent's date of birth; 73239

(3) The decedent's date of death; 73240

(4) The decedent's age on the date of death; 73241

(5) The address of the decedent's residence on the date of 73242
death; 73243

(6) The county and state in which the decedent's residence on 73244
the date of death was located. 73245

(C) Not later than the end of the calendar month in which a 73246
review under division (A) of this section occurs, the state 73247
registrar shall file with each county auditor and county board of 73248
elections in this state a report that summarizes the information 73249
in divisions (B)(1) to (6) of this section for each decedent whose 73250
residence was located in that county. 73251

Sec. 3705.24. (A)(1) The public health council shall, in 73252
accordance with section 111.15 of the Revised Code, adopt rules 73253
prescribing fees for the following items or services provided by 73254
the state office of vital statistics: 73255

(a) Except as provided in division (A)(4) of this section: 73256

(i) A certified copy of a vital record or a certification of birth;	73257 73258
(ii) A search by the office of vital statistics of its files and records pursuant to a request for information, regardless of whether a copy of a record is provided;	73259 73260 73261
(iii) A copy of a record provided pursuant to a request;	73262
(b) Replacement of a birth certificate following an adoption, legitimation, paternity determination or acknowledgement, or court order;	73263 73264 73265
(c) Filing of a delayed registration of a vital record;	73266
(d) Amendment of a vital record that is requested later than one year after the filing date of the vital record;	73267 73268
(e) Any other documents or services for which the public health council considers the charging of a fee appropriate.	73269 73270
(2) Fees prescribed under division (A)(1)(a) of this section shall not be less than ~~seven~~ <u>twelve</u> dollars.	73271 73272
(3) Fees prescribed under division (A)(1) of this section shall be collected in addition to any fees required by sections 3109.14 and 3705.242 of the Revised Code.	73273 73274 73275
(4) Fees prescribed under division (A) of this section shall not apply to certifications issued under division (H) of this section or copies provided under section 3705.241 of the Revised Code.	73276 73277 73278 73279
(B) In addition to the fees prescribed under division (A) of this section or section 3709.09 of the Revised Code, the office of vital statistics or the board of health of a city or general health district shall charge a five-dollar fee for each certified	73280 73281 73282 73283

copy of a vital record and each certification of birth. This fee shall be deposited in the general operations fund created under section 3701.83 of the Revised Code and be used to support the operations, the modernization, and the automation of the vital records program in this state. A board of health shall forward all fees collected under this division to the department of health not later than thirty days after the end of each calendar quarter.

(C) Except as otherwise provided in division (H) of this section, and except as provided in section 3705.241 of the Revised Code, fees collected by the director of health under sections 3705.01 to 3705.29 of the Revised Code shall be paid into the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code. Except as provided in division (B) or (I) of this section, money generated by the fees shall be used only for administration and enforcement of this chapter and the rules adopted under it. Amounts submitted to the department of health for copies of vital records or services in excess of the fees imposed by this section shall be dealt with as follows:

(1) An overpayment of two dollars or less shall be retained by the department and deposited in the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code.

(2) An overpayment in excess of two dollars shall be returned to the person who made the overpayment.

(D) If a local registrar is a salaried employee of a city or a general health district, any fees the local registrar receives pursuant to section 3705.23 of the Revised Code shall be paid into the general fund of the city or the health fund of the general health district.

Each local registrar of vital statistics, or each health	73315
district where the local registrar is a salaried employee of the	73316
district, shall be entitled to a fee for each birth, fetal death,	73317
death, or military service certificate properly and completely	73318
made out and registered with the local registrar or district and	73319
correctly copied and forwarded to the office of vital statistics	73320
in accordance with the population of the primary registration	73321
district at the last federal census. The fee for each birth, fetal	73322
death, death, or military service certificate shall be:	73323
(1) In primary registration districts of over two hundred	73324
fifty thousand, twenty cents;	73325
(2) In primary registration districts of over one hundred	73326
twenty-five thousand and less than two hundred fifty thousand,	73327
sixty cents;	73328
(3) In primary registration districts of over fifty thousand	73329
and less than one hundred twenty-five thousand, eighty cents;	73330
(4) In primary registration districts of less than fifty	73331
thousand, one dollar.	73332
(E) The director of health shall annually certify to the	73333
county treasurers of the several counties the number of birth,	73334
fetal death, death, and military service certificates registered	73335
from their respective counties with the names of the local	73336
registrars and the amounts due each registrar and health district	73337
at the rates fixed in this section. Such amounts shall be paid by	73338
the treasurer of the county in which the registration districts	73339
are located. No fees shall be charged or collected by registrars	73340
except as provided by this chapter and section 3109.14 of the	73341
Revised Code.	73342
(F) A probate judge shall be paid a fee of fifteen cents for	73343
each certified abstract of marriage prepared and forwarded by the	73344

probate judge to the department of health pursuant to section 73345
3705.21 of the Revised Code. The fee shall be in addition to the 73346
fee paid for a marriage license and shall be paid by the 73347
applicants for the license. 73348

(G) The clerk of a court of common pleas shall be paid a fee 73349
of one dollar for each certificate of divorce, dissolution, and 73350
annulment of marriage prepared and forwarded by the clerk to the 73351
department pursuant to section 3705.21 of the Revised Code. The 73352
fee for the certified abstract of divorce, dissolution, or 73353
annulment of marriage shall be added to the court costs allowed in 73354
these cases. 73355

(H) The fee for an heirloom certification of birth issued 73356
pursuant to division (B)(2) of section 3705.23 of the Revised Code 73357
shall be an amount prescribed by rule by the director of health 73358
plus any fee required by section 3109.14 of the Revised Code. In 73359
setting the amount of the fee, the director shall establish a 73360
surcharge in addition to an amount necessary to offset the expense 73361
of processing heirloom certifications of birth. The fee prescribed 73362
by the director of health pursuant to this division shall be 73363
deposited into the state treasury to the credit of the heirloom 73364
certification of birth fund which is hereby created. Money 73365
credited to the fund shall be used by the office of vital 73366
statistics to offset the expense of processing heirloom 73367
certifications of birth. However, the money collected for the 73368
surcharge, subject to the approval of the controlling board, shall 73369
be used for the purposes specified by the family and children 73370
first council pursuant to section 121.37 of the Revised Code. 73371

(I) Four dollars of each fee collected by the director of 73372
health or the board of health of a city or general health district 73373
for an item or service described in division (A)(1)(a) of this 73374
section shall be transferred to the office of vital statistics 73375
not later than thirty days after the end of each calendar quarter 73376

and shall be used to support public health systems. 73377

Sec. 3706.04. The Ohio air quality development authority 73378
may: 73379

(A) Adopt bylaws for the regulation of its affairs and the 73380
conduct of its business; 73381

(B) Adopt an official seal; 73382

(C) Maintain a principal office and suboffices at such places 73383
within the state as it designates; 73384

(D) Sue and plead in its own name; be sued and impleaded in 73385
its own name with respect to its contracts or torts of its 73386
members, employees, or agents acting within the scope of their 73387
employment, or to enforce its obligations and covenants made under 73388
sections 3706.05, 3706.07, and 3706.12 of the Revised Code. Any 73389
such actions against the authority shall be brought in the court 73390
of common pleas of the county in which the principal office of the 73391
authority is located, or in the court of common pleas of the 73392
county in which the cause of action arose, provided such county is 73393
located within this state, and all summonses, exceptions, and 73394
notices of every kind shall be served on the authority by leaving 73395
a copy thereof at the principal office with the person in charge 73396
thereof or with the secretary-treasurer of the authority. 73397

(E) Make loans and grants to governmental agencies for the 73398
acquisition or construction of air quality projects by any such 73399
governmental agency and adopt rules and procedures for making such 73400
loans and grants; 73401

(F) Acquire, construct, reconstruct, enlarge, improve, 73402
furnish, equip, maintain, repair, operate, lease or rent to, or 73403
contract for operation by, a person or governmental agency, air 73404
quality projects, and establish rules for the use of such 73405

projects;	73406
(G) Make available the use or services of any air quality project to one or more persons, one or more governmental agencies, or any combination thereof;	73407 73408 73409
(H) Issue air quality revenue bonds and notes and air quality revenue refunding bonds of the state, payable solely from revenues as provided in section 3706.05 of the Revised Code, unless the bonds be refunded by refunding bonds, for the purpose of paying any part of the cost of one or more air quality projects or parts thereof;	73410 73411 73412 73413 73414 73415
(I) Acquire by gift or purchase, hold, and dispose of real and personal property in the exercise of the powers of the authority and the performance of its duties under this chapter;	73416 73417 73418
(J) Acquire, in the name of the state, by purchase or otherwise, on such terms and in such manner as the authority finds proper, or by the exercise of the right of condemnation in the manner provided by section 3706.17 of the Revised Code, such public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements, and interests as it finds necessary for carrying out this chapter, but excluding the acquisition by the exercise of the right of condemnation of any air quality facility owned by any person or governmental agency; and compensation shall be paid for public or private lands so taken;	73419 73420 73421 73422 73423 73424 73425 73426 73427 73428 73429
(K) Make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers under this chapter.	73430 73431 73432
(1) When the cost under any such contract or agreement, other than compensation for personal services, involves an expenditure of more than two thousand dollars, the authority shall make a	73433 73434 73435

written contract with the lowest responsive and responsible
bidder, in accordance with section 9.312 of the Revised Code,
after advertisement for not less than two consecutive weeks in a
newspaper of general circulation in Franklin county, and in such
other publications as the authority determines, which notice shall
state the general character of the work and the general character
of the materials to be furnished, the place where plans and
specifications therefor may be examined, and the time and place of
receiving bids; provided, that a contract or lease for the
operation of an air quality project constructed and owned by the
authority or an agreement for cooperation in the acquisition or
construction of an air quality project pursuant to section 3706.12
of the Revised Code or any contract for the construction of an air
quality project that is to be leased by the authority to, and
operated by, persons who are not governmental agencies and the
cost of such project is to be amortized exclusively from rentals
or other charges paid to the authority by persons who are not
governmental agencies is not subject to the foregoing requirements
and the authority may enter into such contract, lease, or
agreement pursuant to negotiation and upon such terms and
conditions and for such period as it finds to be reasonable and
proper in the circumstances and in the best interests of proper
operation or of efficient acquisition or construction of such
project.

(2) Each bid for a contract for the construction, demolition,
alteration, repair, or reconstruction of an improvement shall
contain the full name of every person interested in it and meet
the requirements of section 153.54 of the Revised Code.

(3) Each bid for a contract except as provided in division
(K)(2) of this section shall contain the full name of every person
interested in it and shall be accompanied by a sufficient bond or
certified check on a solvent bank that if the bid is accepted a
contract will be entered into and the performance thereof secured.

(4) The authority may reject any and all bids.	73469
(5) A bond with good and sufficient surety, approved by the authority, shall be required of every contractor awarded a contract except as provided in division (K)(2) of this section, in an amount equal to at least fifty per cent of the contract price, conditioned upon the faithful performance of the contract.	73470 73471 73472 73473 73474
(L) Employ managers, superintendents, and other employees and retain or contract with consulting engineers, financial consultants, accounting experts, architects, attorneys, and such other consultants and independent contractors as are necessary in its judgment to carry out this chapter, and fix the compensation thereof. All expenses thereof shall be payable solely from the proceeds of air quality revenue bonds or notes issued under this chapter, from revenues, or from funds appropriated for such purpose by the general assembly.	73475 73476 73477 73478 73479 73480 73481 73482 73483
(M) Receive and accept from any federal agency, subject to the approval of the governor, grants for or in aid of the construction of any air quality project or for research and development with respect to air quality facilities, and receive and accept aid or contributions from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions are made;	73484 73485 73486 73487 73488 73489 73490 73491
(N) Engage in research and development with respect to air quality facilities;	73492 73493
(O) Purchase fire and extended coverage and liability insurance for any air quality project and for the principal office and suboffices of the authority, insurance protecting the authority and its officers and employees against liability for damage to property or injury to or death of persons arising from	73494 73495 73496 73497 73498

its operations, and any other insurance the authority may agree to provide under any resolution authorizing its air quality revenue bonds or in any trust agreement securing the same;	73499 73500 73501
(P) Charge, alter, and collect rentals and other charges for the use or services of any air quality project as provided in section 3706.13 of the Revised Code;	73502 73503 73504
(Q) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;	73505 73506
(R) <u>In accordance with section 54D(e) of the Internal Revenue Code, 26 U.S.C. 54D(e), allocate the national qualified energy conservation bond limitation allocated to the state and reallocate any portion of an allocation waived by a county or municipality.</u>	73507 73508 73509 73510 73511
(S) Do all acts necessary or proper to carry out the powers expressly granted in this chapter.	73512 73513
Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.	73514 73515 73516 73517
Sec. 3706.25. As used in sections 3706.25 to 3706.30 of the Revised Code:	73518 73519
(A) "Advanced energy project" means any technologies, products, activities, or management practices or strategies that facilitate the generation or use of electricity <u>or energy</u> and that reduce or support the reduction of energy consumption or support the production of clean, renewable energy for industrial, distribution, commercial, institutional, governmental, research, not-for-profit, or residential energy users including, but not limited to, advanced energy resources and renewable energy	73520 73521 73522 73523 73524 73525 73526 73527

resources. "Advanced energy project" includes any project
described in division (A), (B), or (C) of section 4928.621 of the
Revised Code.

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(B) "Advanced energy resource" means any of the following:

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(1) Any method or any modification or replacement of any
property, process, device, structure, or equipment that increases
the generation output of an electric generating facility to the
extent such efficiency is achieved without additional carbon
dioxide emissions by that facility;

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(2) Any distributed generation system consisting of customer
cogeneration of electricity and thermal output simultaneously,
primarily to meet the energy needs of the customer's facilities;

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(3) Advanced nuclear energy technology consisting of
generation III technology as defined by the nuclear regulatory
commission; other, later technology; or significant improvements
to existing facilities;

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(4) Any fuel cell used in the generation of electricity,
including, but not limited to, a proton exchange membrane fuel
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or
solid oxide fuel cell;

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(5) Advanced solid waste or construction and demolition
debris conversion technology, including, but not limited to,
advanced stoker technology, and advanced fluidized bed
gasification technology, that results in measurable greenhouse
gas emissions reductions as calculated pursuant to the United
States environmental protection agency's waste reduction model
(WARM).

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(C) "Renewable energy resource" means solar photovoltaic or
solar thermal energy, wind energy, power produced by a

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hydroelectric facility, geothermal energy, fuel derived from 73557
solid wastes, as defined in section 3734.01 of the Revised 73558
Code, through fractionation, biological decomposition, or other 73559
process that does not principally involve combustion, biomass 73560
energy, biologically derived methane gas, or energy derived 73561
from nontreated by-products of the pulping process or wood 73562
manufacturing process, including bark, wood chips, sawdust, 73563
and lignin in spent pulping liquors. "Renewable energy 73564
resource" includes, but is not limited to, any fuel cell used 73565
in the generation of electricity, including, but not limited 73566
to, a proton exchange membrane fuel cell, phosphoric acid fuel 73567
cell, molten carbonate fuel cell, or solid oxide fuel cell; wind 73568
turbine located in the state's territorial waters of Lake Erie; 73569
methane gas emitted from an abandoned coal mine; storage 73570
facility that will promote the better utilization of a renewable 73571
energy resource that primarily generates off peak; or 73572
distributed generation system used by a customer to generate 73573
electricity from any such energy. As used in this division, 73574
"hydroelectric facility" means a hydroelectric generating 73575
facility that is located at a dam on a river, or on any water 73576
discharged to a river, that is within or bordering this state 73577
or within or bordering an adjoining state and meets all of the 73578
following standards: 73579

(1) The facility provides for river flows that are not 73580
detrimental for fish, wildlife, and water quality, including 73581
seasonal flow fluctuations as defined by the applicable licensing 73582
agency for the facility. 73583

(2) The facility demonstrates that it complies with the 73584
water quality standards of this state, which compliance may 73585
consist of certification under Section 401 of the "Clean Water 73586
Act of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and 73587
demonstrates that it has not contributed to a finding by this 73588
state that the river has impaired water quality under Section 73589

303(d) of the "Clean Water Act of 1977," 114 Stat. 870, 33 U.S.C. 1313.	73590 73591
(3) The facility complies with mandatory prescriptions regarding fish passage as required by the federal energy regulatory commission license issued for the project, regarding fish protection for riverine, anadromous, and catadromus fish.	73592 73593 73594 73595
(4) The facility complies with the recommendations of the Ohio environmental protection agency and with the terms of its federal energy regulatory commission license regarding watershed protection, mitigation, or enhancement, to the extent of each agency's respective jurisdiction over the facility.	73596 73597 73598 73599 73600
(5) The facility complies with provisions of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as amended.	73601 73602 73603
(6) The facility does not harm cultural resources of the area. This can be shown through compliance with the terms of its federal energy regulatory commission license or, if the facility is not regulated by that commission, through development of a plan approved by the Ohio historic preservation office, to the extent it has jurisdiction over the facility.	73604 73605 73606 73607 73608 73609
(7) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge.	73610 73611 73612 73613 73614 73615 73616 73617
(8) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the	73618 73619

particular agency has jurisdiction over the facility. 73620

Sec. 3707.26. ~~(A) Annually~~Semiannually, and more often, if 73621
in its judgment necessary, the board of health of a city or 73622
general health district shall inspect the sanitary condition of 73623
all schools and school buildings within its jurisdiction, and may 73624
disinfect any school building. During an epidemic or threatened 73625
epidemic, or when a dangerous communicable disease is unusually 73626
prevalent, ~~or for any other imminent public health threat as~~ 73627
~~determined by the board,~~ the board may close any school and 73628
prohibit public gatherings for such time as is necessary. 73629

~~(B) The director of health shall adopt rules establishing 73630
minimum standards for inspections conducted under this section. 73631
The rules shall be adopted in accordance with Chapter 119. of the 73632
Revised Code and in consultation with the association of Ohio 73633
health commissioners, the Ohio environmental health association, 73634
the Ohio school boards association, and the Ohio education 73635
association. Initial rules shall be adopted not later than 73636
eighteen months after the effective date of this amendment. 73637~~

Sec. 3709.09. (A) The board of health of a city or general 73638
health district may, by rule, establish a uniform system of fees 73639
to pay the costs of any services provided by the board. 73640

The fee for issuance of a certified copy of a vital record or 73641
a certification of birth shall not be less than the fee prescribed 73642
for the same service under division (A)(1) of section 3705.24 of 73643
the Revised Code and shall include the fees required by division 73644
(B) of section 3705.24 and section 3109.14 of the Revised Code. 73645

Fees for services provided by the board for purposes 73646
specified in sections 3701.344, 3711.10, 3718.06, 3729.07, 73647
3730.03, 3733.04, 3733.25, and 3749.04 of the Revised Code shall 73648
be established in accordance with rules adopted under division (B) 73649
of this section. The district advisory council, in the case of a 73650

general health district, and the legislative authority of the
city, in the case of a city health district, may disapprove any
fee established by the board of health under this division, and
any such fee, as disapproved, shall not be charged by the board of
health.

(B) The public health council shall adopt rules under section
111.15 of the Revised Code that establish fee categories and a
uniform ~~methodologies~~ methodology for use in calculating the costs
of services provided for purposes specified in sections 3701.344,
3711.10, 3718.06, 3729.07, 3730.03, 3733.04, 3733.25, and 3749.04
of the Revised Code. In adopting the rules, the public health
council shall consider recommendations it receives from advisory
boards established either by statute or the director of health
for entities subject to the fees.

(C) ~~At least thirty days prior to establishing a~~ Except when
~~a board of health establishes a fee by adopting a rule as an~~
~~emergency measure, the board of health shall hold a public hearing~~
~~regarding each proposed fee for a service provided by the board~~
~~for a purpose specified in section 3701.344, 3711.10, 3718.06,~~
~~3729.07, 3730.03, 3733.04, 3733.25, or 3749.04 of the Revised~~
~~Code, a board of health shall notify any entity that would be~~
~~affected by the proposed fee of the amount of the proposed fee.~~
If a public hearing is held, at least twenty days prior to the
public hearing the board shall give written notice of the hearing
to each entity affected by the proposed fee. The notice shall be
mailed to the last known address of each entity and shall specify
the date, time, and place of the hearing and the amount of the
proposed fee.

(D) If payment of a fee established under this section is not
received by the day on which payment is due, the board of health
shall assess a penalty. The amount of the penalty shall be equal
to twenty-five per cent of the applicable fee.

(E) All rules adopted by a board of health under this section shall be adopted, recorded, and certified as are ordinances of municipal corporations and the record thereof shall be given in all courts the same effect as is given such ordinances, but the advertisements of such rules shall be by publication in one newspaper of general circulation within the health district. Publication shall be made once a week for two consecutive weeks and such rules shall take effect and be in force ten days from the date of the first publication.

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Sec. 3709.092. (A) A board of health of a city or general health district shall transmit to the director of health all fees or additional amounts that the public health council requires to be collected under sections 3701.344, 3718.06, 3729.07, 3733.04, 3733.25, and 3749.04 of the Revised Code. The fees and amounts shall be transmitted according to the following schedule:

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(1) For fees and amounts received by the board on or after the first day of January but not later than the thirty-first day of March, transmit the fees and amounts not later than the fifteenth day of May;

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(2) For fees and amounts received by the board on or after the first day of April but not later than the thirtieth day of June, transmit the fees and amounts not later than the fifteenth day of August;

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(3) For fees and amounts received by the board on or after the first day of July but not later than the thirtieth day of September, transmit the fees and amounts not later than the fifteenth day of November;

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(4) For fees and amounts received by the board on or after the first day of October but not later than the thirty-first day of December, transmit the fees and amounts not later than the fifteenth day of February of the following year.

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(B) The director shall deposit the fees and amounts received under this section into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. Each amount shall be used solely for the purpose for which it was collected.

Sec. 3712.01. As used in this chapter:

(A) "Hospice care program" means a coordinated program of home, outpatient, and inpatient care and services that is operated by a person or public agency and that provides the following care and services to hospice patients, including services as indicated below to hospice patients' families, through a medically directed interdisciplinary team, under interdisciplinary plans of care established pursuant to section 3712.06 of the Revised Code, in order to meet the physical, psychological, social, spiritual, and other special needs that are experienced during the final stages of illness, dying, and bereavement:

(1) Nursing care by or under the supervision of a registered nurse;

(2) Physical, occupational, or speech or language therapy, unless waived by the department of health pursuant to rules adopted under division (A) of section 3712.03 of the Revised Code;

(3) Medical social services by a social worker under the direction of a physician;

(4) Services of a home health aide;

(5) Medical supplies, including drugs and biologicals, and the use of medical appliances;

(6) Physician's services;

(7) Short-term inpatient care, including both palliative and respite care and procedures;	73741 73742
(8) Counseling for hospice patients and hospice patients' families;	73743 73744
(9) Services of volunteers under the direction of the provider of the hospice care program;	73745 73746
(10) Bereavement services for hospice patients' families.	73747
(B) "Hospice patient" means a patient who has been diagnosed as terminally ill, has an anticipated life expectancy of six months or less, and has voluntarily requested and is receiving care from a person or public agency licensed under this chapter to provide a hospice care program.	73748 73749 73750 73751 73752
(C) "Hospice patient's family" means a hospice patient's immediate family members, including a spouse, brother, sister, child, or parent, and any other relative or individual who has significant personal ties to the patient and who is designated as a member of the patient's family by mutual agreement of the patient, the relative or individual, and the patient's interdisciplinary team.	73753 73754 73755 73756 73757 73758 73759
(D) "Interdisciplinary team" means a working unit composed of professional and lay persons that includes at least a physician, a registered nurse, a social worker, a member of the clergy or a counselor, and a volunteer.	73760 73761 73762 73763
(E) "Palliative care" means treatment <u>for a patient with a serious or life-threatening illness</u> directed at controlling pain, relieving other symptoms, and ~~focusing on the special needs~~ <u>enhancing the quality of life of a hospice</u> the patient and the hospice patient's family as ~~they experience the stress of the dying process~~ rather than treatment ~~aimed at investigation and~~	73764 73765 73766 73767 73768 73769

intervention for the purpose of cure or prolongation of life.	73770
<u>Nothing in this section shall be interpreted to mean that</u>	73771
<u>palliative care can be provided only as a component of a hospice</u>	73772
<u>care program.</u>	73773
(F) "Physician" means a person authorized under Chapter 4731.	73774
of the Revised Code to practice medicine and surgery or	73775
osteopathic medicine and surgery.	73776
(G) "Attending physician" means the physician identified by	73777
the hospice patient or the hospice patient's family as having	73778
primary responsibility for the hospice patient's medical care.	73779
(H) "Registered nurse" means a person registered under	73780
Chapter 4723. of the Revised Code to practice professional	73781
nursing.	73782
(I) "Social worker" means a person licensed under Chapter	73783
4757. of the Revised Code to practice as a social worker or	73784
independent social worker.	73785
Sec. 3712.03. (A) In accordance with Chapter 119. of the	73786
Revised Code, the public health council shall adopt, and may amend	73787
and rescind, rules:	73788
(1) Providing for the licensing of persons or public agencies	73789
providing hospice care programs within this state by the	73790
department of health and for the suspension and revocation of	73791
licenses;	73792
(2) Establishing a license fee and license renewal fee ~~not~~	73793
~~to~~ , <u>neither of which shall, except as provided in division (B) of</u>	73794
<u>this section</u> , exceed ~~three~~ <u>six</u> hundred dollars. The fees shall	73795
cover the three-year period during which an existing license is	73796
valid as provided in division (B) of section 3712.04 of the	73797
Revised Code.	73798

(3) Establishing an inspection fee not to exceed, <u>except as provided in division (B) of this section</u> , one thousand seven hundred fifty dollars;	73799 73800 73801
(4) Establishing requirements for hospice care program facilities and services;	73802 73803
(5) Providing for a waiver of the requirement for the provision of physical, occupational, or speech or language therapy contained in division (A)(2) of section 3712.01 of the Revised Code when the requirement would create a hardship because such therapy is not readily available in the geographic area served by the provider of a hospice care program;	73804 73805 73806 73807 73808 73809
(6) Providing for the granting of licenses to provide hospice care programs to persons and public agencies that are accredited or certified to provide such programs by an entity whose standards for accreditation or certification equal or exceed those provided for licensure under this chapter and rules adopted under it; ~~and~~	73810 73811 73812 73813 73814
(7) Establishing interpretive guidelines for each rule.	73815
(B) Subject to the approval of the controlling board, the public health council may establish fees in excess of the <u>maximum</u> amounts ~~provided by sections 3712.01 and 3712.03 to 3712.06 of the Revised Code~~ <u>specified in this section</u> , provided that the fees do not exceed those amounts by greater than fifty per cent.	73816 73817 73818 73819 73820
(C) The department of health shall:	73821
(1) Grant, suspend, and revoke licenses for hospice care programs in accordance with this chapter and rules adopted under it;	73822 73823 73824
(2) Make such inspections as are necessary to determine	73825

whether hospice care program facilities and services meet the	73826
requirements of this chapter and rules adopted under it; and	73827
(3) Implement and enforce this chapter and rules adopted	73828
under it.	73829
Sec. 3713.01. As used in sections 3713.01 to 3713.10 of the	73830
Revised Code:	73831
(A) "Person" has the same meaning as used in division (C) of	73832
section 1.59 of the Revised Code and also means any limited	73833
company, limited liability partnership, joint stock company, or	73834
other association.	73835
(B) "Bedding" means any upholstered furniture, any mattress,	73836
upholstered spring, comforter, bolster, pad, cushion, pillow,	73837
mattress protector, quilt, and any other upholstered article, to	73838
be used for sleeping, resting, or reclining purposes, and any	73839
glider, hammock, or other substantially similar article that is	73840
wholly or partly upholstered.	73841
(C) "Secondhand" means any article, or material, or portion	73842
thereof of which prior use has been made in any manner whatsoever.	73843
(D) "Remade, repaired, or renovated articles not for sale"	73844
means any article that is remade, repaired, or renovated for and	73845
is returned to the owner for the owner's own use.	73846
(E) "Sale," "sell," or "sold" shall, in the corresponding	73847
tense, mean sell, offer to sell, or deliver or consign in sale, or	73848
possess with intent to sell, or deliver in sale.	73849
(F) "Upholstered furniture" means any article of furniture	73850
wholly or partly stuffed or filled with material and that is used	73851
or intended for use for sitting, resting, or reclining purposes.	73852

(G) "Stuffed toy" means any article intended for use as a plaything or for an educational or recreational purpose that is wholly or partially stuffed with material.

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(H) "Tag" or "label" means any material prescribed by the superintendent of ~~industrial compliance~~ labor to be attached to an article that contains information required under this chapter.

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Sec. 3713.02. (A) Except as provided in section 3713.05 of the Revised Code, no person shall import, manufacture, renovate, wholesale, or reupholster stuffed toys or articles of bedding in this state without first registering to do so with the superintendent of ~~industrial compliance~~ labor in accordance with section 3713.05 of the Revised Code.

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(B) No person shall manufacture, offer for sale, sell, deliver, or possess for the purpose of manufacturing, selling, or delivering, an article of bedding or a stuffed toy that is not labeled in accordance with section 3713.08 of the Revised Code.

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(C) No person shall manufacture, offer for sale, sell, deliver, or possess for the purpose of manufacturing, selling, or delivering, an article of bedding or a stuffed toy that is falsely labeled.

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(D) No person shall sell or offer for sale any secondhand article of bedding or any secondhand stuffed toy that has not been sanitized in accordance with section 3713.08 of the Revised Code.

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(E) The possession of any article of bedding or stuffed toy in the course of business by a person required to obtain registration under this chapter, or by that person's agent or servant shall be prima-facie evidence of the person's intent to sell the article of bedding or stuffed toy.

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Sec. 3713.03. The superintendent of ~~industrial compliance~~

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labor in the department of commerce shall administer and enforce
this chapter.

Sec. 3713.04. (A) In accordance with Chapter 119. of the
Revised Code, the superintendent of ~~industrial compliance~~labor
shall:

(1) Adopt rules pertaining to the definition, name, and
description of materials necessary to carry out this chapter;

(2) Determine the testing standards, fees, and charges to be
paid for making any test or analysis required pursuant to section
3713.08 of the Revised Code.

(B) In accordance with Chapter 119. of the Revised Code, the
superintendent may adopt rules regarding the following:

(1) Establishing an initial application fee or an annual
registration renewal fee not more than fifty per cent higher than
the fees set forth in section 4713.05 of the Revised Code;

(2) Establishing standards, on a reciprocal basis, for the
acceptance of labels and laboratory analyses from other states
where the labeling requirements and laboratory analysis standards
are substantially equal to the requirements of this state,
provided the other state extends similar reciprocity to labels and
laboratory analysis conducted under this chapter;

(3) Any other rules necessary to administer and carry out
this chapter.

(C) The superintendent may do any of the following:

(1) Issue administrative orders, conduct hearings, and take
all actions necessary under the authority of Chapter 119. of the
Revised Code for the administration of this chapter. The authority

granted under this division shall include the authority to
suspend, revoke, or deny registration under this chapter.

(2) Establish and maintain facilities within the department
of commerce to make tests and analysis of materials used in the
manufacture of bedding and stuffed toys. The superintendent also
may designate established laboratories in various sections of the
state that are qualified to make these tests. If the
superintendent exercises this authority, the superintendent shall
adopt rules to determine the fees and charges to be paid for
making the tests or analyses authorized under this section.

(3) Exercise such other powers and duties as are necessary to
carry out the purpose and intent of this chapter.

Sec. 3713.05. (A) Applications to register to import,
manufacture, renovate, wholesale, make, or reupholster stuffed
toys or bedding in this state shall be made in writing on forms
provided by the superintendent of ~~industrial compliance~~ labor. The
application shall be accompanied by a registration fee of fifty
dollars per person unless the applicant engages only in
renovation, in which case the registration fee shall be
thirty-five dollars.

(B) Upon receipt of the application and the appropriate fee,
the superintendent shall register the applicant and assign a
registration number to the registrant.

(C) Notwithstanding section 3713.02 of the Revised Code and
division (A) of this section, the following are exempt from
registration:

(1) An organization described in section 501(c)(3) of the
"Internal Revenue Code of 1986," and exempt from income tax under
section 501(a) of that code and that is operated exclusively to
provide recreation or social services;

(2) A person who is not regularly engaged in the business of manufacturing, making, wholesaling, or importing stuffed toys but who manufactures or makes stuffed toys as a leisure pursuit and who sells one hundred or fewer stuffed toys within one calendar year;

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(3) A person who is not regularly engaged in the business of manufacturing, making, wholesaling, or importing quilts, comforters, pillows, or cushions, but who manufactures or makes these items as a leisure pursuit and who sells five or fewer quilts, ten or fewer comforters, or twenty or fewer pillows or cushions within one calendar year.

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(D) Notwithstanding division (C)(2) or (3) of this section, a person exempt under that division must attach a label to each stuffed toy that contains all of the following information:

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(1) The person's name and address;

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(2) A statement that the person is not registered by the state of Ohio;

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(3) A statement that the contents of the product have not been inspected.

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Sec. 3713.06. (A) Any person required to register under division (A) of section 3713.02 of the Revised Code who imports bedding or stuffed toys into this state for retail sale or use in this state and any person required to register under division (A) of section 3713.02 of the Revised Code who manufactures bedding or stuffed toys in this state for retail sale or use in this state shall submit a report to the superintendent of ~~industrial compliance~~ labor, in a form and manner prescribed by the superintendent. The form shall be submitted once every six months and shall show the total number of items of bedding or stuffed

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toys imported into this state or manufactured in this state. Each
report shall be accompanied by a fee of four cents for each item
of bedding or stuffed toy imported into this state or manufactured
in this state.

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(B) Every importer, manufacturer, or wholesaler of stuffed
toys or articles of bedding, and every mobile home and
recreational vehicle dealer, conversion van dealer, secondhand
dealer, and auction house shall retain records, designated by the
superintendent in rule, for the time period established in rule.

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(C) Every importer, manufacturer, or wholesaler of stuffed
toys or articles of bedding, and every mobile home and
recreational vehicle dealer, conversion van dealer, secondhand
dealer, and auction house shall make sufficient investigation of
its records to ensure that the information reported to the
superintendent under division (A) of this section is accurate.

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Sec. 3713.07. (A) Registration obtained under this chapter
expires annually on the last day of the month in the month that
the registration was obtained. The superintendent of ~~industrial~~
~~compliance~~ labor shall renew the registration in accordance with
Chapter 4745. of the Revised Code.

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(B) Failure on the part of any registrant to renew
registration prior to its expiration, when notified as required in
this section, shall not deprive the person of the right to renewal
within the ninety days that follow expiration, but the fee to be
paid for renewal after its expiration shall be one hundred dollars
plus the standard registration fee for the registrant.

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(C) If a registrant fails to renew registration within ninety
days of the date that it expired, the former registrant shall
comply with the registration requirements under section 3713.05 of
the Revised Code to obtain valid registration.

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Sec. 3713.08. (A) All persons required to register under	73998
division (A) of section 3713.02 of the Revised Code manufacturing,	73999
making, or wholesaling bedding or stuffed toys, or both, that are	74000
sold or offered for sale shall have the material content of their	74001
products tested and analyzed at an established laboratory	74002
designated by the superintendent of ~~industrial compliance~~ <u>labor</u>	74003
before the bedding or stuffed toys are sold or offered for sale.	74004
 (B) Every stuffed toy or item of bedding sold or offered for	74005
sale shall have a label affixed to it that reports the contents of	74006
the stuffed toy or bedding material in conformity with	74007
requirements established by the superintendent, a registration	74008
number, and any other identifying information as required by the	74009
superintendent.	74010
 (C) The seller of any secondhand articles of bedding or	74011
stuffed toys shall sanitize all items in accordance with rules	74012
established by the superintendent prior to the sale of or the	74013
offering for sale of any secondhand articles.	74014
 (D) This section does not apply to any of the following:	74015
 (1) Persons who meet the qualifications of division (C)(2) or	74016
(3) of section 3713.05 of the Revised Code;	74017
 (2) The sale of furniture more than fifty years old;	74018
 (3) The sale of furniture from the home of the owner directly	74019
to the purchaser.	74020
 Sec. 3713.09. (A) The superintendent of ~~industrial compliance~~	74021
<u>labor</u> may appoint inspectors and periodically inspect and	74022
investigate any establishment where bedding or stuffed toys are	74023
manufactured, made, remade, renovated, repaired, sanitized, sold,	74024
or offered for sale, or where previously used material is	74025
processed for use in the manufacture of bedding or stuffed toys.	74026

(1) Each inspector shall make a written report to the superintendent of each examination and inspection complete with the inspector's findings and recommendations. Inspectors may place "off sale" any article of bedding or stuffed toy offered for sale, or found in the possession of any person with the intent to sell, in violation of section 3713.02 of the Revised Code. Inspectors shall perform other duties related to inspection and examination as prescribed by the superintendent.

(2) When articles are placed "off sale" under division (A)(1) of this section, they shall be tagged, and the tag shall not be removed except by an authorized representative of the division of ~~industrial compliance~~ labor after the violator demonstrates to the satisfaction of the superintendent proof of compliance with the requirements of section 3713.08 of the Revised Code.

(B)(1) When an inspector has cause to believe that any bedding or stuffed toy is not tagged or labeled in accordance with section 3713.08 of the Revised Code, the inspector may open any seam of the bedding or stuffed toy in question to examine the material used or contained within it and take a reasonable amount of the material for testing and analysis and, if necessary, examine any and all purchase records in order to determine the contents or the kind of material used in the bedding or stuffed toy in question. An inspector may seize and hold evidence of any article of bedding, stuffed toy, or material manufactured, made, possessed, renovated, remade, or repaired, sold, or offered for sale contrary to this chapter.

(2) Immediately after seizing articles believed to be in violation of this chapter, the inspector immediately shall report the seizure to the superintendent. The superintendent shall hold a hearing in accordance with Chapter 119. of the Revised Code or make a ruling in the matter. If the superintendent finds that the article of bedding, stuffed toy, or material is not in violation

of this chapter, the superintendent shall order the item or items
returned to the owner. If the superintendent finds a violation of
this chapter, the superintendent may do either of the following:

(a) Return the articles to the owner for proper treatment,
tagging or labeling, or other action as ordered by the
superintendent, subject to the requirement that the articles be
reinspected at cost to the owner, prior to being sold or offered
for sale;

(b) Report the violation to the appropriate prosecuting
attorney or city law director.

(C) The superintendent, at reasonable times and upon
reasonable notice, may examine or cause to be examined the records
of any importer, manufacturer, or wholesaler of stuffed toys or
articles of bedding, mobile home and recreational vehicle dealer,
conversion van dealer, secondhand dealer, or auction house to
determine compliance with this chapter. The superintendent may
enter into contracts, pursuant to procedures prescribed by the
superintendent, with persons to examine these records to determine
compliance with this chapter. These persons may collect and remit
to the superintendent any amounts due under this chapter.

(D) Records audited pursuant to division (C) of this section
are confidential and shall not be disclosed except as required by
section 149.43 of the Revised Code, or as the superintendent finds
necessary for the proper administration of this chapter.

(E) In the case of any investigation or examination, or both,
that requires investigation or examination outside of this state
of any importer, manufacturer, or wholesaler of stuffed toys or
articles of bedding, or of any mobile home or recreational vehicle
dealer, conversion van dealer, secondhand dealer, or auction
house, the superintendent may require the investigated or examined
person to pay the actual expense of the investigation or

examination. The superintendent shall provide an itemized statement of actual expenses to the investigated or examined person.

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(F) Whenever the superintendent has reason to believe, from the superintendent's own information, upon complaint, or otherwise, that any person has engaged in, is engaging in, or is about to engage in any practice prohibited by this chapter, or when the superintendent has reason to believe that it is necessary for public health and safety, the superintendent may do any of the following:

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(1) Investigate violations of this chapter, and for that purpose, may subpoena witnesses in connection with the investigation. The superintendent may make application to the appropriate court of common pleas for an order enjoining the violation of this chapter, and upon a showing by the superintendent that any registrant or person acting in a manner that requires registration has violated or is about to violate this chapter, an injunction, restraining order, or other order as may be appropriate shall be granted by the court.

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(2) Compel by subpoena the attendance of witnesses to testify in relation to any matter over which the superintendent has jurisdiction and that is the subject of inquiry and investigation by the superintendent, and require the production of any book, paper, or document pertaining to the matter. In case any person fails to file any statement or report, obey any subpoena, give testimony, or produce any books, records, or papers as required by a subpoena, the court of common pleas of any county in the state, upon application made to it by the superintendent, shall compel obedience by attachment proceedings for contempt.

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(3) Suspend or revoke the registration of any importer, manufacturer, or wholesaler of stuffed toys or articles of bedding, mobile home or recreational vehicle dealer, conversion

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van dealer, secondhand dealer, or auction house;	74122
(4) Submit evidence of the violation or violations to any	74123
city prosecutor, city director of law, or prosecuting attorney	74124
with authority to prosecute. If the city prosecutor, city director	74125
of law, or prosecuting attorney with authority to prosecute fails	74126
to prosecute, the superintendent shall submit the evidence to the	74127
attorney general who may proceed with the prosecution.	74128
Sec. 3713.10. All money collected under this chapter shall	74129
be deposited into the state treasury to the credit of the	74130
~~industrial compliance~~ labor operating fund created under section	74131
121.084 of the Revised Code.	74132
Sec. 3714.03. (A) As used in this section:	74133
(1) "Aquifer system" means one or more geologic units or	74134
formations that are wholly or partially saturated with water and	74135
are capable of storing, transmitting, and yielding significant	74136
amounts of water to wells or springs.	74137
(2) "Category 3 wetland" means a wetland that supports	74138
superior habitat or hydrological or recreational functions as	74139
determined by an appropriate wetland evaluation methodology	74140
acceptable to the director of environmental protection. "Category	74141
3 wetland" includes a wetland with high levels of diversity, a	74142
high proportion of native species, and high functional values and	74143
includes, but is not limited to, a wetland that contains or	74144
provides habitat for threatened or endangered species. "Category 3	74145
wetland" may include high quality forested wetlands, including old	74146
growth forested wetlands, mature forested riparian wetlands,	74147
vernal pools, bogs, fens, and wetlands that are scarce regionally.	74148
(3) "Natural area" means either of the following:	74149
(a) An area designated by the director of natural resources	74150

as a wild, scenic, or recreational river under section ~~4517.14~~
1547.81 of the Revised Code; 74151
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(b) An area designated by the United States department of the 74153
interior as a national wild, scenic, or recreational river. 74154

(4) "Occupied dwelling" means a residential dwelling and also 74155
includes a place of worship as defined in section 5104.01 of the 74156
Revised Code, a child day-care center as defined in that section, 74157
a hospital as defined in section 3727.01 of the Revised Code, a 74158
nursing home as defined in that section, a school, and a 74159
restaurant or other eating establishment. "Occupied dwelling" does 74160
not include a dwelling owned or controlled by the owner or 74161
operator of a construction and demolition debris facility to which 74162
the siting criteria established under this section are being 74163
applied. 74164

(5) "Residential dwelling" means a building used or intended 74165
to be used in whole or in part as a personal residence by the 74166
owner, part-time owner, or lessee of the building or any person 74167
authorized by the owner, part-time owner, or lessee to use the 74168
building as a personal residence. 74169

(B) Neither the director of environmental protection nor any 74170
board of health shall issue a permit to install under section 74171
3714.051 of the Revised Code to establish a new construction and 74172
demolition debris facility when any portion of the facility is 74173
proposed to be located in either of the following locations: 74174

(1) Within the boundaries of a one-hundred-year flood plain, 74175
as those boundaries are shown on the applicable maps prepared 74176
under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 74177
U.S.C.A. 4001, as amended, unless the owner or operator has 74178
obtained an exemption from division (B)(1) of this section in 74179
accordance with section 3714.04 of the Revised Code. If no such 74180
maps have been prepared, the boundaries of a one-hundred-year 74181

flood plain shall be determined by the applicant for a permit
based upon standard methodologies set forth in "urban hydrology
for small watersheds" (soil conservation service technical release
number 55) and section 4 of the "national engineering hydrology
handbook" of the soil conservation service of the United States
department of agriculture.

(2) Within the boundaries of a sole source aquifer designated
by the administrator of the United States environmental protection
agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974),
42 U.S.C.A. 300f, as amended.

(C) Neither the director nor any board shall issue a permit
to install under section 3714.051 of the Revised Code to establish
a new construction and demolition debris facility when the
horizontal limits of construction and demolition debris placement
at the new facility are proposed to be located in any of the
following locations:

(1) Within one hundred feet of a perennial stream as defined
by the United States geological survey seven and one-half minute
quadrangle map or a category 3 wetland;

(2) Within one hundred feet of the facility's property line;

(3)(a) Except as provided in division (C)(3)(b) of this
section, within five hundred feet of a residential or public water
supply well.

(b) Division (C)(3)(a) of this section does not apply to a
residential well under any of the circumstances specified in
divisions (C)(3)(b)(i) to (iii) of this section as follows:

(i) The well is controlled by the owner or operator of the
construction and demolition debris facility.

(ii) The well is hydrologically separated from the horizontal limits of construction and demolition debris placement.	74210 74211
(iii) The well is at least three hundred feet upgradient from the horizontal limits of construction and demolition debris placement and division (D) of this section does not prohibit the issuance of the permit to install.	74212 74213 74214 74215
(4) Within five hundred feet of a park created or operated pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 of the Revised Code, a state park established or dedicated under Chapter 1541. of the Revised Code, a state park purchase area established under section 1541.02 of the Revised Code, a national recreation area, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, located in this state, or any area located in this state that is recommended by the secretary for study for potential inclusion in the national park system in accordance with "The Act of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended;	74216 74217 74218 74219 74220 74221 74222 74223 74224 74225 74226 74227 74228
(5) Within five hundred feet of a natural area, any area established by the department of natural resources as a state wildlife area under Chapter 1531. of the Revised Code and rules adopted under it, any area that is formally dedicated as a nature preserve under section 1517.05 of the Revised Code, or any area designated by the United States department of the interior as a national wildlife refuge;	74229 74230 74231 74232 74233 74234 74235
(6) Within five hundred feet of a lake or reservoir of one acre or more that is hydrogeologically connected to ground water. For purposes of division (C)(6) of this section, a lake or reservoir does not include a body of water constructed and used for purposes of surface water drainage or sediment control.	74236 74237 74238 74239 74240

(7) Within five hundred feet of a state forest purchased or otherwise acquired under Chapter 1503. of the Revised Code;	74241 74242
(8) Within five hundred feet of land that is placed on the state registry of historic landmarks under section 149.55 of the Revised Code;	74243 74244 74245
(9) Within five hundred feet of an occupied dwelling unless written permission is given by the owner of the dwelling.	74246 74247
(D) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the limits of construction and demolition debris placement at the new facility are proposed to have an isolation distance of less than five feet from the uppermost aquifer system that consists of material that has a maximum hydraulic conductivity of 1×10^{-5} cm/sec and all of the geologic material comprising the isolation distance has a hydraulic conductivity equivalent to or less than 1×10^{-6} cm/sec.	74248 74249 74250 74251 74252 74253 74254 74255 74256 74257
(E) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the road that is designated by the owner or operator as the main hauling road at the facility to and from the limits of construction and demolition debris placement is proposed to be located within five hundred feet of an occupied dwelling unless written permission is given by the owner of the occupied dwelling.	74258 74259 74260 74261 74262 74263 74264 74265
(F) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility unless the new facility will have all of the following:	74266 74267 74268 74269
(1) Access roads that shall be constructed in a manner that	74270

allows use in all weather conditions and will withstand the 74271
anticipated degree of use and minimize erosion and generation of 74272
dust; 74273

(2) Surface water drainage and sediment controls that are 74274
required by the director; 74275

(3) If the facility is proposed to be located in an area in 74276
which an applicable zoning resolution allows residential 74277
construction, vegetated earthen berms or an equivalent barrier 74278
with a minimum height of six feet separating the facility from 74279
adjoining property. 74280

(G)(1) The siting criteria established in this section shall 74281
be applied to an application for a permit to install at the time 74282
that the application is submitted to the director or a board of 74283
health, as applicable. Circumstances related to the siting 74284
criteria that change after the application is submitted shall not 74285
be considered in approving or disapproving the application. 74286

(2) The siting criteria established in this section by this 74287
amendment do not apply to an expansion of a construction and 74288
demolition debris facility that was in operation prior to ~~the~~ 74289
~~effective date of this amendment~~ December 22, 2005, onto property 74290
within the property boundaries identified in the application for 74291
the initial license for that facility or any subsequent license 74292
issued for that facility up to and including the license issued 74293
for that facility for calendar year 2005. The siting criteria 74294
established in this section prior to ~~the effective date of this~~ 74295
~~amendment~~ December 22, 2005, apply to such an expansion. 74296

Sec. 3714.07. (A)(1) For the purpose of assisting boards of 74297
health and the environmental protection agency in administering 74298
and enforcing this chapter and rules adopted under it, there is 74299
hereby levied on the disposal of construction and demolition 74300
debris at a construction and demolition debris facility that is 74301

licensed under this chapter or at a solid waste facility that is 74302
licensed under Chapter 3734. of the Revised Code a fee of thirty 74303
cents per cubic yard or sixty cents per ton, as applicable. 74304

(2) The owner or operator of a construction and demolition 74305
debris facility or a solid waste facility shall determine if cubic 74306
yards or tons will be used as the unit of measurement. In 74307
estimating the fee based on cubic yards, the owner or operator 74308
shall utilize either the maximum cubic yard capacity of the 74309
container, or the hauling volume of the vehicle, that transports 74310
the construction and demolition debris to the facility or the 74311
cubic yards actually logged for disposal by the owner or operator 74312
in accordance with rules adopted under section 3714.02 of the 74313
Revised Code. If basing the fee on tonnage, the owner or operator 74314
shall use certified scales to determine the tonnage of 74315
construction and demolition debris that is transported to the 74316
facility for disposal. 74317

(3) The owner or operator of a construction and demolition 74318
debris facility or a solid waste facility shall collect the fee 74319
levied under division (A) of this section as a trustee for the 74320
health district having jurisdiction over the facility, if that 74321
district is on the approved list under section 3714.09 of the 74322
Revised Code, or for the state. The owner or operator shall 74323
prepare and file with the appropriate board of health or the 74324
director of environmental protection monthly returns indicating 74325
the total volume or weight, as applicable, of construction and 74326
demolition debris received for disposal at the facility and the 74327
total amount of money required to be collected on the construction 74328
and demolition debris disposed of during that month. Not later 74329
than thirty days after the last day of the month to which the 74330
return applies, the owner or operator shall mail to the board of 74331
health or the director the return for that month together with the 74332
money required to be collected on the construction and demolition 74333
debris disposed of during that month or may submit the return and 74334

money electronically in a manner approved by the director. The 74335
owner or operator may request, in writing, an extension of not 74336
more than thirty days after the last day of the month to which the 74337
return applies. A request for extension may be denied. If the 74338
owner or operator submits the money late, the owner or operator 74339
shall pay a penalty of ten per cent of the amount of the money due 74340
for each month that it is late. 74341

(4) Of the money that is collected from a construction and 74342
demolition debris facility or a solid waste facility on a per 74343
cubic yard or per ton basis under this section, a board of health 74344
shall transmit three cents per cubic yard or six cents per ton, as 74345
applicable, to the director not later than forty-five days after 74346
the receipt of the money. The money retained by a board of health 74347
under this section shall be paid into a special fund, which is 74348
hereby created in each health district, and used solely to 74349
administer and enforce this chapter and rules adopted under it. 74350

The director shall transmit all money received from the 74351
boards of health of health districts under this section and all 74352
money from the disposal fee collected by the director under this 74353
section to the treasurer of state to be credited to the 74354
construction and demolition debris facility oversight fund, which 74355
is hereby created in the state treasury. The fund shall be 74356
administered by the director, and money credited to the fund shall 74357
be used exclusively for the administration and enforcement of this 74358
chapter and rules adopted under it. 74359

(B) The board of health of a health district or the director 74360
may enter into an agreement with the owner or operator of a 74361
construction and demolition debris facility or a solid waste 74362
facility for the quarterly payment of the money collected from the 74363
disposal fee. The board of health shall notify the director of any 74364
such agreement. Not later than forty-five days after receipt of 74365
the quarterly payment, the board of health shall transmit the 74366

amount established in division (A)(4) of this section to the 74367
director. The money retained by the board of health shall be 74368
deposited in the special fund of the district as required under 74369
that division. Upon receipt of the money from a board of health, 74370
the director shall transmit the money to the treasurer of state to 74371
be credited to the construction and demolition debris facility 74372
oversight fund. 74373

(C) If a construction and demolition debris facility or a 74374
solid waste facility is located within the territorial boundaries 74375
of a municipal corporation or the unincorporated area of a 74376
township, the municipal corporation or township may appropriate up 74377
to four cents per cubic yard or up to eight cents per ton of the 74378
disposal fee required to be paid by the facility under division 74379
(A) of this section for the same purposes that a municipal 74380
corporation or township may levy a fee under division (C) of 74381
section 3734.57 of the Revised Code. 74382

The legislative authority of the municipal corporation or 74383
township may appropriate the money from the fee by enacting an 74384
ordinance or adopting a resolution establishing the amount of the 74385
fee to be appropriated. Upon doing so, the legislative authority 74386
shall mail a certified copy of the ordinance or resolution to the 74387
board of health of the health district in which the construction 74388
and demolition debris facility or the solid waste facility is 74389
located or, if the facility is located in a health district that 74390
is not on the approved list under section 3714.09 of the Revised 74391
Code, to the director. Upon receipt of the copy of the ordinance 74392
or resolution and not later than forty-five days after receipt of 74393
money collected from the fee, the board or the director, as 74394
applicable, shall transmit to the treasurer or other appropriate 74395
officer of the municipal corporation or clerk of the township that 74396
portion of the money collected from the disposal fee by the owner 74397
or operator of the facility that is required by the ordinance or 74398
resolution to be paid to that municipal corporation or township. 74399

Money received by the treasurer or other appropriate officer of a municipal corporation under this division shall be paid into the general fund of the municipal corporation. Money received by the clerk of a township under this division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the clerk of the township, as appropriate, shall maintain separate records of the money received under this division.

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The legislative authority of a municipal corporation or township may cease collecting money under this division by repealing the ordinance or resolution that was enacted or adopted under this division.

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The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements for prorating the amount of the fee that may be appropriated under this division by a municipal corporation or township in which only a portion of a construction and demolition debris facility is located within the territorial boundaries of the municipal corporation or township.

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(D) The board of county commissioners of a county in which a construction and demolition debris facility or a solid waste facility is located may appropriate up to three cents per cubic yard or up to six cents per ton of the disposal fee required to be paid by the facility under division (A) of this section for the same purposes that a solid waste management district may levy a fee under division (B) of section 3734.57 of the Revised Code.

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The board of county commissioners may appropriate the money from the fee by adopting a resolution establishing the amount of the fee to be appropriated. Upon doing so, the board of county commissioners shall mail a certified copy of the resolution to the board of health of the health district in which the construction

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and demolition debris facility or the solid waste facility is 74431
located or, if the facility is located in a health district that 74432
is not on the approved list under section 3714.09 of the Revised 74433
Code, to the director. Upon receipt of the copy of the resolution 74434
and not later than forty-five days after receipt of money 74435
collected from the fee, the board of health or the director, as 74436
applicable, shall transmit to the treasurer of the county that 74437
portion of the money collected from the disposal fee by the owner 74438
or operator of the facility that is required by the resolution to 74439
be paid to that county. 74440

Money received by a county treasurer under this division 74441
shall be paid into the general fund of the county. The county 74442
treasurer shall maintain separate records of the money received 74443
under this division. 74444

A board of county commissioners may cease collecting money 74445
under this division by repealing the resolution that was adopted 74446
under this division. 74447

(E)(1) This section does not apply to the disposal of 74448
construction and demolition debris at a solid waste facility that 74449
is licensed under Chapter 3734. of the Revised Code if there is no 74450
construction and demolition debris facility licensed under this 74451
chapter within thirty-five miles of the solid waste facility as 74452
determined by a facility's property boundaries. 74453

(2) This section does not apply to the disposal of 74454
construction and demolition debris at a solid waste facility that 74455
is licensed under Chapter 3734. of the Revised Code if the owner 74456
or operator of the facility chooses to collect fees on the 74457
disposal of the construction and demolition debris that are 74458
identical to the fees that are collected under Chapters 343. and 74459
3734. of the Revised Code on the disposal of solid wastes at that 74460
facility. 74461

(3) This section does not apply to the disposal of source
separated materials that are exclusively composed of reinforced or
nonreinforced concrete, asphalt, clay tile, building or paving
brick, or building or paving stone at a construction and
demolition debris facility that is licensed under this chapter
when either of the following applies:

(a) The materials are placed within the limits of
construction and demolition debris placement at the facility as
specified in the license issued to the facility under section
3714.06 of the Revised Code, are not placed within the unloading
zone of the facility, and are used as a fire prevention measure in
accordance with rules adopted by the director under section
3714.02 of the Revised Code.

(b) The materials are not placed within the unloading zone of
the facility or within the limits of construction and demolition
debris placement at the facility as specified in the license
issued to the facility under section 3714.06 of the Revised Code,
but are used as fill material, either alone or in conjunction with
clean soil, sand, gravel, or other clean aggregates, in legitimate
fill operations for construction purposes at the facility or to
bring the facility up to a consistent grade.

Sec. 3715.041. (A)(1) As used in this section, "food
processing establishment" has the same meaning as in section
3715.021 of the Revised Code.

(2) A person that operates a food processing establishment
shall register the establishment annually with the director of
agriculture. The person shall submit an application for
registration or renewal on a form prescribed and provided by the
director. Except as provided in division (G) of this section, an
application for registration or renewal shall be accompanied by a
registration fee in an amount established in rules adopted under
this section. If a person files an application for registration on

or after the first day of August of any year, the fee shall be 74494
one-half of the annual registration fee. 74495

(B)(1) The director shall inspect the food processing 74496
establishment for which an application for initial registration 74497
has been submitted. If, upon inspection, the director finds that 74498
the establishment is in compliance with this chapter and Chapter 74499
911., 913., 915., or 925. of the Revised Code, as applicable, or 74500
applicable rules adopted under those chapters, the director 74501
shall issue a certificate of registration to the food processing 74502
establishment. A food processing establishment registration 74503
expires on the thirty-first day of January and is valid until 74504
that date unless it is suspended or revoked under this section. 74505

(2) A person that is operating a food processing 74506
establishment on the effective date of this section shall apply to 74507
the director for a certificate of registration not later than 74508
ninety days after the effective date of this section. If an 74509
application is not filed with the director or postmarked on or 74510
before ninety days after the effective date of this section, the 74511
director shall assess a late fee in an amount established in rules 74512
adopted under this section. 74513

(C)(1) A food processing establishment registration may be 74514
renewed by the director. A person seeking registration renewal 74515
shall submit an application for renewal to the director not later 74516
than the thirty-first day of January. The director shall issue a 74517
renewed certificate of registration on receipt of a complete 74518
renewal application except as provided in division (C)(2) of this 74519
section. 74520

(2) If a renewal application is not filed with the director 74521
or postmarked on or before the thirty-first day of January, the 74522
director shall assess a late fee in an amount established in rules 74523
adopted under this section. The director shall not renew the 74524
registration until the applicant pays the late fee. 74525

(D) A copy of the food processing establishment registration certificate shall be conspicuously displayed in an area of the establishment to which customers of the establishment have access.

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(E)(1) The director or the director's designee may issue an order suspending or revoking a food processing establishment registration upon determining that the registration holder is in violation of this chapter or Chapter 911., 913., 915., or 925. of the Revised Code, as applicable, or applicable rules adopted under those chapters. Except as provided in division (E)(2) of this section, a registration shall not be suspended or revoked until the registration holder is provided an opportunity to appeal the suspension or revocation in accordance with Chapter 119. of the Revised Code.

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(2) If the director determines that a food processing establishment presents an immediate danger to the public health, the director may issue an order immediately suspending the establishment's registration without affording the registration holder an opportunity for a hearing. The director then shall afford the registration holder a hearing in accordance with Chapter 119. of the Revised Code not later than ten days after the date of suspension.

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(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

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(1) The amount of the registration fee that must be submitted with an application for a food processing establishment registration and with an application for renewal;

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(2) The amount of the late fee that is required in division (B)(2) of this section;

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<u>(3) The amount of the fee for the late renewal of a food processing establishment registration that is required in division (C)(2) of this section:</u>	74555 74556 74557
<u>(4) Any other procedures and requirements that are necessary to administer and enforce this section.</u>	74558 74559
<u>(G) The following are not required to pay any registration fee that is otherwise required in this section:</u>	74560 74561
<u>(1) Home bakeries registered under section 911.02 of the Revised Code:</u>	74562 74563
<u>(2) Canneries licensed under section 913.02 of the Revised Code:</u>	74564 74565
<u>(3) Soft drink plants licensed under section 913.23 of the Revised Code:</u>	74566 74567
<u>(4) Cold-storage warehouses licensed under section 915.02 of the Revised Code:</u>	74568 74569
<u>(5) Persons licensed under section 915.15 of the Revised Code:</u>	74570 74571
<u>(6) Persons that are engaged in egg production and that maintain annually five hundred or fewer laying hens.</u>	74572 74573
<u>(H) All money that is collected under this section shall be credited to the food safety fund created in section 915.24 of the Revised Code.</u>	74574 74575 74576
Sec. 3715.87. (A) As used in this section and in sections 3715.871, 3715.872, and 3715.873 of the Revised Code:	74577 74578
<u>(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.</u>	74579 74580

(2) "Health care facility" has the same meaning as in section 1337.11 of the Revised Code. 74581
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~~(2)~~(3) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 74583
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~~(3)~~(4) "Nonprofit clinic" means a charitable nonprofit corporation organized and operated pursuant to Chapter 1702. of the Revised Code, or any charitable organization not organized and not operated for profit, that provides health care services to indigent and uninsured persons as defined in section 2305.234 of the Revised Code. "Nonprofit clinic" does not include a hospital as defined in section 3727.01 of the Revised Code, a facility licensed under Chapter 3721. of the Revised Code, or a facility that is operated for profit. 74585
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~~(4)~~(5) "Prescription drug" means any drug to which the following applies: 74594
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(a) Under the "Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend, "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription. 74596
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(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription. 74603
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(B) The state board of pharmacy shall establish a drug repository program to accept and dispense prescription drugs donated or given for the purpose of being dispensed to individuals who are residents of this state and meet eligibility standards established in rules adopted by the board under section 3715.873 74605
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of the Revised Code. ~~Only~~Except as provided in division (C) of
this section, all of the following conditions shall apply to the
program:

(1) Only drugs in their original sealed and tamper-evident
unit dose packaging may be accepted and dispensed. ~~The;~~

(2) The packaging must be unopened, except that drugs
packaged in single unit doses may be accepted and dispensed when
the outside packaging is opened if the single unit dose packaging
is undisturbed. ~~Drugs;~~

(3) Drugs donated by individuals bearing an expiration date
that is less than six months from the date the drug is donated
shall not be accepted or dispensed. ~~A;~~

(4) A drug shall not be accepted or dispensed if there is
reason to believe that it is adulterated as described in section
3715.63 of the Revised Code. ~~Subject~~

(C) Orally administered cancer drugs that are not controlled
substances and that do not require refrigeration, freezing, or
storage at a special temperature may be accepted and dispensed
even if not in original sealed and tamper-evident unit dose
packaging, subject to rules adopted by the board pursuant to
section 3715.873 of the Revised Code.

(D) Subject to the limitations specified in ~~this division~~
divisions (B) and (C) of this section, unused drugs dispensed for
purposes of the medicaid program may be accepted and dispensed
under the drug repository program.

Sec. 3715.871. (A) Any person, including a pharmacy, drug
manufacturer, or health care facility, or any government entity
may donate or give prescription drugs to the drug repository
program. The drugs must be donated or given at a pharmacy,

hospital, or nonprofit clinic that elects to participate in the 74639
drug repository program and meets criteria for participation in 74640
the program established in rules adopted by the state board of 74641
pharmacy under section 3715.873 of the Revised Code. Participation 74642
in the program by pharmacies, hospitals, and nonprofit clinics is 74643
voluntary. Nothing in this or any other section of the Revised 74644
Code requires a pharmacy, hospital, or nonprofit clinic to 74645
participate in the program. 74646

(B) A pharmacy, hospital, or nonprofit clinic eligible to 74647
participate in the program shall dispense drugs donated or given 74648
under this section to individuals who are residents of this state 74649
and meet the eligibility standards established in rules adopted by 74650
the board under section 3715.873 of the Revised Code or to other 74651
government entities and nonprofit private entities to be dispensed 74652
to individuals who meet the eligibility standards. A drug may be 74653
dispensed only pursuant to a prescription issued by a licensed 74654
health professional authorized to prescribe drugs, as defined in 74655
section 4729.01 of the Revised Code. A pharmacy, hospital, or 74656
nonprofit clinic that accepts donated or given drugs shall comply 74657
with all applicable federal laws and laws of this state dealing 74658
with storage and distribution of dangerous drugs and shall, in 74659
accordance with rules adopted pursuant to section 3715.873 of the 74660
Revised Code, inspect all drugs prior to dispensing them to 74661
determine that they are not adulterated. The pharmacy, hospital, 74662
or nonprofit clinic may charge individuals receiving donated or 74663
given drugs a handling fee established in accordance with rules 74664
adopted by the board under section 3715.873 of the Revised Code. 74665
Drugs donated or given to the repository may not be resold. 74666

Sec. 3715.873. In consultation with the director of health, 74667
the state board of pharmacy shall adopt rules governing the drug 74668
repository program that establish all of the following: 74669

(A) Eligibility criteria for pharmacies, hospitals, and 74670

nonprofit clinics to receive and dispense drugs donated or given under the program;	74671 74672
(B) Standards and procedures for accepting, safely storing, and dispensing drugs donated or given;	74673 74674
(C) ~~Standards~~ <u>With respect to drugs that are donated or given, other than orally administered cancer drugs described in division (C) of section 3715.87 of the Revised Code that are not in original sealed and tamper-evident unit dose packaging,</u> standards and procedures for inspecting ~~the drugs donated or given~~ to determine that the original unit dose packaging is sealed and tamper-evident and that the drugs are unadulterated, safe, and suitable for dispensing;	74675 74676 74677 74678 74679 74680 74681 74682
(D) <u>With respect to orally administered cancer drugs described in division (C) of section 3715.87 of the Revised Code that are not in original sealed and tamper-evident unit dose packaging, standards and procedures to determine based on a basic visual inspection that the drugs appear to be unadulterated, safe, and suitable for dispensing;</u>	74683 74684 74685 74686 74687 74688
(E) Eligibility standards based on economic need for individuals to receive drugs;	74689 74690
~~(E)~~ (F) A means, such as an identification card, by which an individual who is eligible to receive drugs under the program may demonstrate eligibility to the pharmacy, hospital, or nonprofit clinic dispensing the drugs;	74691 74692 74693 74694
~~(F)~~ (G) A form that an individual receiving a drug under the program must sign before receiving the drug to confirm that the individual understands the immunity provisions of the program;	74695 74696 74697
~~(G)~~ (H) A formula to determine the amount of a handling fee that pharmacies, hospitals, and nonprofit clinics may charge to	74698 74699

drug recipients to cover restocking and dispensing costs;	74700
~~(H)~~ (I) In addition, for drugs donated or given to the program	74701
by individuals:	74702
(1) A list of drugs, arranged either by category or by	74703
individual drug, that the program will accept from individuals;	74704
<u>The list shall include orally administered cancer drugs that are</u>	74705
<u>described in division (C) of section 3715.87 of the Revised Code.</u>	74706
(2) A list of drugs, arranged either by category or by	74707
individual drug, that the program will not accept from	74708
individuals. <u>The list shall not include orally administered cancer</u>	74709
<u>drugs that are described in division (C) of section 3715.87 of the</u>	74710
<u>Revised Code.</u> The list must include a statement as to why the drug	74711
is ineligible to be donated or given.	74712
(3) A form each donor must sign stating that the donor is the	74713
owner of the drugs and intends to voluntarily donate them to the	74714
program.	74715
~~(H)~~ (J) In addition, for drugs donated to the program by	74716
health care facilities:	74717
(1) A list of drugs, arranged either by category or by	74718
individual drug, that the program will accept from health care	74719
facilities; <u>The list shall include orally administered cancer</u>	74720
<u>drugs that are described in division (C) of section 3715.87 of the</u>	74721
<u>Revised Code.</u>	74722
(2) A list of drugs, arranged either by category or by	74723
individual drug, that the program will not accept from health care	74724
facilities. <u>The list shall not include orally administered cancer</u>	74725
<u>drugs that are described in division (C) of section 3715.87 of the</u>	74726
<u>Revised Code.</u> The list must include a statement as to why the drug	74727
is ineligible to be donated or given.	74728

~~(J)~~(K) Any other standards and procedures the board considers appropriate. 74729
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The rules shall be adopted in accordance with Chapter 119. of 74731
the Revised Code. 74732

Sec. 3717.07. (A) For purposes of establishing a licensing 74733
fee under sections 3717.25 and 3717.45 of the Revised Code, the 74734
director of agriculture and the public health council shall adopt 74735
rules establishing a uniform methodologies~~methodologies~~methodology for use in 74736
calculating the costs of licensing retail food establishments in 74737
the categories specified by the director and a uniform methodology 74738
for use in calculating the costs of licensing food service 74739
operations in the categories specified by the council. In adopting 74740
the rules, the director of agriculture and the public health 74741
council shall consider any recommendations received from advisory 74742
boards or other entities representing the interests of retail food 74743
establishments and food service operations. 74744

(B) The rules shall include provisions that do all of the 74745
following: 74746

(1) Provide for calculations to be made according to fiscal 74747
years rather than licensing periods; 74748

(2) Limit the direct costs that may be attributed to the use 74749
of sanitarians by establishing appropriate statewide averages that 74750
may not be exceeded; 74751

(3) Limit the indirect costs that may be included in the 74752
calculation of fees to an amount that does not exceed thirty per 74753
cent of the cost of the licensing program; 74754

(4) Provide for a proportionate reduction in the fees to be 74755
charged if a licensor included anticipated costs in the 74756

immediately preceding calculation of licensing fees and the total
amount of the anticipated costs was not incurred;

(5) Provide for a proportionate reduction in the fees to be
charged if it is discovered through an audit by the auditor of
state or through any other means that the licensor has charged or
is charging a licensing fee that exceeds the amount that should
have been charged;

(6) Provide for a twenty per cent reduction in the fees to be
charged when the reduction is imposed as a penalty under division
(C) of section 3717.071 of the Revised Code;

(7) With regard to any fees charged for licensing vending
machine locations, the rules shall prohibit a licensor from
increasing fees by a percentage of increase over the previous
year's fee that exceeds the percentage of increase in the consumer
price index for all urban consumers (United States city average,
all items), prepared by the United States department of labor,
bureau of labor statistics, for the immediately preceding calendar
year.

Sec. 3717.23. (A) Each person or government entity seeking a
retail food establishment license or the renewal of a license
shall apply to the appropriate licensor on a form provided by the
licensor. A licensor shall use a form prescribed and furnished to
the licensor by the director of agriculture or a form prescribed
by the licensor that has been approved by the director. The
applicant shall include with the application all information
necessary for the licensor to process the application, as
requested by the licensor.

An application for a retail food establishment license, other
than an application for a mobile retail food establishment
license, shall be submitted to the licensor for the health
district in which the retail food establishment is located. An

application for a mobile retail food establishment license shall 74788
be submitted to the licensor for the health district in which the 74789
applicant's business headquarters are located, or, if the 74790
headquarters are located outside this state, to the licensor for 74791
the district where the applicant will first operate in this state. 74792

(B) The licensor shall review all applications received. The 74793
licensor shall issue a license for a new retail food establishment 74794
when the applicant submits a complete application and the licensor 74795
determines that the applicant meets all other requirements of this 74796
chapter and the rules adopted under it for receiving the license. 74797
The licensor shall issue a renewed license on receipt of a 74798
complete renewal application. 74799

The licensor shall issue licenses for retail food 74800
establishments on forms prescribed and furnished by the director 74801
of agriculture. If the license is for a mobile retail food 74802
establishment, the licensor shall post the establishment's layout, 74803
equipment, and items to be sold on the back of the license. 74804

A mobile retail food establishment license issued by one 74805
licensor shall be recognized by all other licensors in this state. 74806

(C)(1) A retail food establishment license expires at the end 74807
of the licensing period for which the license is issued, except as 74808
follows: 74809

(a) A license issued to a new retail food establishment after 74810
the first day of December does not expire until the end of the 74811
licensing period next succeeding issuance of the license. 74812

(b) A temporary retail food establishment license expires at 74813
the end of the period for which it is issued. 74814

(2) All retail food establishment licenses remain valid until 74815
scheduled to expire unless earlier suspended or revoked under 74816

section 3717.29 or 3717.30 of the Revised Code. 74817

(D) A retail food establishment license may be renewed, 74818
except that a temporary retail food establishment license is not 74819
renewable. A person or government entity seeking license renewal 74820
shall submit an application for renewal to the licensor not later 74821
than the first day of March, except in the case of a mobile or 74822
seasonal retail food establishment, when the renewal application 74823
shall be submitted before commencing operation in a new licensing 74824
period. A licensor may renew a license prior to the first day of 74825
March or the first day of operation in a new licensing period, but 74826
not before the first day of February immediately preceding the 74827
licensing period for which the license is being renewed. 74828

If a person or government entity does not file a renewal 74829
application with the licensor postmarked on or before the first 74830
day of March or, in the case of a mobile or seasonal retail food 74831
establishment, the first day of operation in a new licensing 74832
period, the licensor shall assess a penalty if the licensor 74833
charges a license renewal fee. The amount of the penalty shall be 74834
~~the lesser of fifty dollars or twenty-five per cent of the fee~~ 74835
~~charged for renewing the license, if the licensor charges renewal~~ 74836
~~fees~~. If an applicant is subject to a penalty, the licensor shall 74837
not renew the license until the applicant pays the penalty. 74838

(E)(1) A licensor may issue not more than ten temporary 74839
retail food establishment licenses per licensing period to the 74840
same person or government entity to operate at different events 74841
within the licensor's jurisdiction. For each particular event, a 74842
licensor may issue only one temporary retail food establishment 74843
license to the same person or government entity. 74844

(2) A licensor may issue a temporary retail food 74845
establishment license to operate for more than five consecutive 74846
days if both of the following apply: 74847

(a) The establishment will be operated at an event organized by a county agricultural society or independent agricultural society organized under Chapter 1711. of the Revised Code.

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(b) The person who will receive the license is a resident of the county or one of the counties for which the agricultural society was organized.

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(3) A person may be granted only one temporary retail food establishment license per licensing period pursuant to division (E)(2) of this section.

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(F) The licensor may place restrictions or conditions on a retail food establishment license, based on the equipment or facilities of the establishment, limiting the types of food that may be stored, processed, prepared, manufactured, or otherwise held or handled for retail sale. Limitations pertaining to a mobile retail food establishment shall be posted on the back of the license.

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(G) The person or government entity holding a license for a retail food establishment shall display the license for that retail food establishment at all times at the licensed location.

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(H) With the assistance of the department of agriculture, the licensor, to the extent practicable, shall computerize the process for licensing retail food establishments.

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Sec. 3717.25. (A) A licensor may charge fees for issuing and renewing retail food establishment licenses. Any licensing fee charged shall be used solely for the administration and enforcement of the provisions of this chapter and the rules adopted under it applicable to retail food establishments.

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Any licensing fee charged under this section shall be based on the licensor's costs of regulating retail food establishments,

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as determined according to the uniform methodologies established 74877
under section 3717.07 of the Revised Code. If the licensor is a 74878
board of health, a fee may be disapproved by the district advisory 74879
council in the case of a general health district or the 74880
legislative authority of the city in the case of a city health 74881
district. A disapproved fee shall not be charged by the board of 74882
health. 74883

~~At least thirty days prior to establishing~~Except when a 74884
licensing fee is established as an emergency measure, the licensor 74885
shall hold a public hearing regarding the proposed fee. At least 74886
~~thirty~~twenty days prior to ~~the~~holding a public hearing, the 74887
licensor shall give written notice of the hearing to each person 74888
or government entity holding a retail food establishment license 74889
that may be affected by the proposed fee. The notice shall be 74890
mailed to the last known address of the licensee and shall specify 74891
the date, time, and place of the hearing and the amount of the 74892
proposed fee. On request, the licensor shall provide the completed 74893
uniform methodology used in the calculation of the licensor's 74894
costs and the proposed fee. 74895

(B) In addition to licensing fees, a licensor may charge fees 74896
for any of the following: 74897

(1) Review of facility layout and equipment specifications 74898
pertaining to retail food establishments, other than mobile and 74899
temporary retail food establishments; 74900

(2) Any necessary collection and bacteriological examination 74901
of samples from retail food establishments or similar services 74902
specified in rules adopted under this chapter by the director of 74903
agriculture; 74904

(3) Attendance at a course of study offered by the licensor 74905
in food protection as it pertains to retail food establishments, 74906
if the course is approved under section 3717.09 of the Revised 74907

Code.	74908
(C)(1) The director may determine by rule an amount to be collected from applicants for retail food establishment licenses for use by the director in administering and enforcing the provisions of this chapter and the rules adopted under it applicable to retail food establishments. Licensors shall collect the amount prior to issuing an applicant's new or renewed license. If a licensing fee is charged under this section, the licensor shall collect the amount at the same time the fee is collected. Licensors are not required to provide notice or hold public hearings regarding amounts <u>to be collected under this division.</u>	74909 74910 74911 74912 74913 74914 74915 74916 74917 74918
~~Not later than sixty days after the last day of the month in which a license is issued, the~~ (2) A licensor shall certify the amount collected under ~~this division~~ (C)(1) of this section and transmit the amount to the treasurer of state. <u>All according to the following schedule:</u>	74919 74920 74921 74922 74923
<u>(a) For amounts received by the licensor on or after the first day of January but not later than the thirty-first day of March, transmit the amounts not later than the fifteenth day of May;</u>	74924 74925 74926 74927
<u>(b) For amounts received by the licensor on or after the first day of April but not later than the thirtieth day of June, transmit the amounts not later than the fifteenth day of August;</u>	74928 74929 74930
<u>(c) For amounts received by the licensor on or after the first day of July but not later than the thirtieth day of September, transmit the amounts not later than the fifteenth day of November;</u>	74931 74932 74933 74934
<u>(d) For amounts received by the licensor on or after the first day of October but not later than the thirty-first day of December, transmit the amounts not later than the fifteenth day of</u>	74935 74936 74937

February of the following year. 74938

(3) All amounts received under division (C)(2) of this section shall be deposited into the food safety fund created in section 915.24 of the Revised Code. The director shall use the amounts solely for the administration and enforcement of the provisions of this chapter and the rules adopted under it applicable to retail food establishments. 74939
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(4) When adopting rules regarding the amounts collected under ~~this~~ division (C)(1) of this section, the director shall make available during the rule making process the current and projected expenses of administering and enforcing the provisions of this chapter and the rules adopted under it applicable to retail food establishments and the total of all amounts that have been deposited in the food safety fund pursuant to ~~this~~ division (C)(3) of this section. 74945
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Sec. 3717.43. (A) Each person or government entity requesting a food service operation license or the renewal of a license shall apply to the appropriate licenser on a form provided by the licenser. Licensers shall use a form prescribed and furnished to the licenser by the director of health or a form prescribed by the licenser that has been approved by the director. The applicant shall include with the application all information necessary for the licenser to process the application, as requested by the licenser. 74953
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An application for a food service operation license, other than an application for a mobile or catering food service operation license, shall be submitted to the licenser for the health district in which the food service operation is located. An application for a mobile food service operation license shall be submitted to the licenser for the health district in which the applicant's business headquarters are located, or, if the headquarters are located outside this state, to the licenser for 74962
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the district where the applicant will first operate in this state. 74970
An application for a catering food service operation license shall 74971
be submitted to the licensor for the district where the 74972
applicant's base of operation is located. 74973

(B) The licensor shall review all applications received. The 74974
licensor shall issue a license for a new food service operation 74975
when the applicant submits a complete application and the licensor 74976
determines that the applicant meets all other requirements of this 74977
chapter and the rules adopted under it for receiving the license. 74978
The licensor shall issue a renewed license on receipt of a 74979
complete renewal application. 74980

The licensor shall issue licenses for food service operations 74981
on forms prescribed and furnished by the director of health. If 74982
the license is for a mobile food service operation, the licensor 74983
shall post the operation's layout, equipment, and menu on the back 74984
of the license. 74985

A mobile or catering food service operation license issued by 74986
one licensor shall be recognized by all other licensors in this 74987
state. 74988

(C)(1) A food service operation license expires at the end of 74989
the licensing period for which the license is issued, except as 74990
follows: 74991

(a) A license issued to a new food service operation after 74992
the first day of December shall not expire until the end of the 74993
licensing period next succeeding issuance of the license. 74994

(b) A temporary food service operation license expires at the 74995
end of the period for which it is issued. 74996

(2) All food service operation licenses remain valid until 74997
they are scheduled to expire unless earlier suspended or revoked 74998

under section 3717.49 of the Revised Code. 74999

(D) A food service operation license may be renewed, except 75000
that a temporary food service operation license is not renewable. 75001
A person or government entity seeking license renewal shall submit 75002
an application for renewal to the licensor not later than the 75003
first day of March, except that in the case of a mobile or 75004
seasonal food service operation the renewal application shall be 75005
submitted before commencing operation in a new licensing period. A 75006
licensor may renew a license prior to the first day of March or 75007
the first day of operation in a new licensing period, but not 75008
before the first day of February immediately preceding the 75009
licensing period for which the license is being renewed. 75010

If a renewal application is not filed with the licensor or 75011
postmarked on or before the first day of March or, in the case of 75012
a mobile or seasonal food service operation, the first day of 75013
operation in a new licensing period, the licensor shall assess a 75014
penalty if the licensor charges a license renewal fee. The amount 75015
of the penalty shall be ~~the lesser of fifty dollars or twenty-five~~ 75016
per cent of the renewal fee charged for renewing licenses, ~~if the~~ 75017
~~licensor charges renewal fees~~. If an applicant is subject to a 75018
penalty, the licensor shall not renew the license until the 75019
applicant pays the penalty. 75020

(E)(1) A licensor may issue not more than ten temporary food 75021
service operation licenses per licensing period to the same person 75022
or government entity to operate at different events within the 75023
licensor's jurisdiction. For each particular event, a licensor may 75024
issue only one temporary food service operation license to the 75025
same person or government entity. 75026

(2) A licensor may issue a temporary food service operation 75027
license to operate for more than five consecutive days if both of 75028
the following apply: 75029

(a) The operation will be operated at an event organized by a county agricultural society or independent agricultural society organized under Chapter 1711. of the Revised Code;	75030 75031 75032
(b) The person who will receive the license is a resident of the county or one of the counties for which the agricultural society was organized.	75033 75034 75035
(3) A person may be granted only one temporary food service operation license per licensing period pursuant to division (E)(2) of this section.	75036 75037 75038
(F) The licensor may place restrictions or conditions on a food service operation license limiting the types of food that may be prepared or served by the food service operation based on the equipment or facilities of the food service operation. Limitations pertaining to a mobile or catering food service operation shall be posted on the back of the license.	75039 75040 75041 75042 75043 75044
(G) The person or government entity holding a license for a food service operation shall display the license for that food service operation at all times at the licensed location. A person or government entity holding a catering food service operation license shall also maintain a copy of the license at each catered event.	75045 75046 75047 75048 75049 75050
(H) With the assistance of the department of health, the licensor, to the extent practicable, shall computerize the process for licensing food service operations.	75051 75052 75053
Sec. 3717.45. (A) A licensor may charge fees for issuing and renewing food service operation licenses. Any licensing fee charged shall be used solely for the administration and enforcement of the provisions of this chapter and the rules adopted under it applicable to food service operations.	75054 75055 75056 75057 75058

Any licensing fee charged under this section shall be based
on the licensor's costs of regulating food service operations, as
determined according to the uniform ~~methodologies~~methodology
established under section 3717.07 of the Revised Code. If the
licensor is a board of health, a fee may be disapproved by the
district advisory council in the case of a general health district
or the legislative authority of the city in the case of a city
health district. A disapproved fee shall not be charged by the
board of health.

~~At least thirty days prior to establishing~~Except when a
licensing fee is established as an emergency measure, the licensor
shall hold a public hearing regarding the proposed fee. At least
~~thirty~~twenty days prior to ~~the~~holding a public hearing, the
licensor shall give written notice of the hearing to each person
or government entity holding a food service operation license
that may be affected by the proposed fee. The notice shall be
mailed to the last known address of the licensee and shall
specify the date, time, and place of the hearing and the amount
of the proposed fee. On request, the licensor shall provide the
completed uniform methodology used in the calculation of the
licensor's costs and the proposed fee.

(B) In addition to licensing fees, a licensor may charge fees
for the following:

(1) Review of facility layout and equipment specifications
pertaining to food service operations, other than mobile and
temporary food service operations, or similar reviews conducted
for vending machine locations;

(2) Any necessary collection and bacteriological examination
of samples from food service operations, or similar services
specified in rules adopted under this chapter by the public health
council;

(3) Attendance at a course of study offered by the licensor 75090
in food protection as it pertains to food service operations, if 75091
the course is approved under section 3717.09 of the Revised Code. 75092

(C)(1) The public health council may determine by rule an 75093
amount to be collected from applicants for food service operation 75094
licenses for use by the director of health in administering and 75095
enforcing the provisions of this chapter and the rules adopted 75096
under it applicable to food service operations. Licensors shall 75097
collect the amount prior to issuing an applicant's new or renewed 75098
license. If a licensing fee is charged under this section, the 75099
licensor shall collect the amount at the same time the fee is 75100
collected. Licensors are not required to provide notice or hold 75101
public hearings regarding amounts to be collected under this 75102
division. 75103

~~Not later than sixty days after the last day of the month in~~ 75104
~~which a license is issued, the~~ 75105

(2) A licensor shall certify the amount collected under this 75106
division (C)(1) of this section and transmit the amount to the 75107
treasurer of state. All according to the following schedule: 75108

(a) For amounts received by the licensor on or after the 75109
first day of January but not later than the thirty-first day of 75110
March, transmit the amounts not later than the fifteenth day of 75111
May; 75112

(b) For amounts received by the licensor on or after the 75113
first day of April but not later than the thirtieth day of June, 75114
transmit the amounts not later than the fifteenth day of August; 75115

(c) For amounts received by the licensor on or after the 75116
first day of July but not later than the thirtieth day of 75117
September, transmit the amounts not later than the fifteenth day 75118
of November; 75119

(d) For amounts received by the licensor on or after the first day of October but not later than the thirty-first day of December, transmit the amounts not later than the fifteenth day of February of the following year.

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(3) All amounts received under division (C)(2) of this section shall be deposited into the general operations fund created in section 3701.83 of the Revised Code. The director shall use the amounts solely for the administration and enforcement of the provisions of this chapter and the rules adopted under it applicable to food service operations.

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(4) The director may submit recommendations to the public health council regarding the amounts collected under this division (C)(1) of this section. When making recommendations, the director shall submit a report stating the current and projected expenses of administering and enforcing the provisions of this chapter and the rules adopted under it applicable to food service operations and the total of all amounts that have been deposited in the general operations fund pursuant to ~~this~~ division (C)(3) of this section. The director may include in the report any recommendations for modifying the department's administration and enforcement of the provisions of this chapter and the rules adopted under it applicable to food service operations.

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Sec. 3718.03. (A) There is hereby created the sewage treatment system technical advisory committee consisting of the director of health or the director's designee and ten members who are knowledgeable about sewage treatment systems and technologies. Of the ten members, four shall be appointed by the governor, three shall be appointed by the president of the senate, and three shall be appointed by the speaker of the house of representatives.

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(1) Of the members appointed by the governor, one shall

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represent academia, one shall be a representative of the public 75151
who is not employed by the state or any of its political 75152
subdivisions and who does not have a pecuniary interest in 75153
household sewage treatment systems, one shall be an engineer from 75154
the environmental protection agency, and one shall be selected 75155
from among soil scientists in the division of soil and water 75156
~~conservation~~resources in the department of natural resources. 75157

(2) Of the members appointed by the president of the senate, 75158
one shall be a health commissioner who is a member of and 75159
recommended by the association of Ohio health commissioners, one 75160
shall represent the interests of manufacturers of household sewage 75161
treatment systems, and one shall represent installers and service 75162
providers. 75163

(3) Of the members appointed by the speaker of the house of 75164
representatives, one shall be a health commissioner who is a 75165
member of and recommended by the association of Ohio health 75166
commissioners, one shall represent the interests of manufacturers 75167
of household sewage treatment systems, and one shall be a 75168
sanitarian who is registered under Chapter 4736. of the Revised 75169
Code and who is a member of the Ohio environmental health 75170
association. 75171

(B) Terms of members appointed to the committee shall be for 75172
three years, with each term ending on the same day of the same 75173
month as did the term that it succeeds. Each member shall serve 75174
from the date of appointment until the end of the term for which 75175
the member was appointed. 75176

Members may be reappointed. Vacancies shall be filled in the 75177
same manner as provided for original appointments. Any member 75178
appointed to fill a vacancy occurring prior to the expiration date 75179
of the term for which the member was appointed shall hold office 75180
for the remainder of that term. A member shall continue to serve 75181
after the expiration date of the member's term until the member's 75182

successor is appointed or until a period of sixty days has
elapsed, whichever occurs first. The applicable appointing
authority may remove a member from the committee for failure to
attend two consecutive meetings without showing good cause for
the absences.

(C) The technical advisory committee annually shall select
from among its members a chairperson and a vice-chairperson and a
secretary to keep a record of its proceedings. A majority vote of
the members of the full committee is necessary to take action on
any matter. The committee may adopt bylaws governing its
operation, including bylaws that establish the frequency of
meetings.

(D) Serving as a member of the sewage treatment system
technical advisory committee does not constitute holding a public
office or position of employment under the laws of this state and
does not constitute grounds for removal of public officers or
employees from their offices or positions of employment. Members
of the committee shall serve without compensation for attending
committee meetings.

(E) A member of the committee shall not have a conflict of
interest with the position. For the purposes of this division,
"conflict of interest" means the taking of any action that
violates any provision of Chapter 102. or 2921. of the Revised
Code.

(F) The sewage treatment system technical advisory committee
shall do all of the following:

(1) Develop with the department of health standards and
guidelines for approving or disapproving a sewage treatment
system or components of a system under section 3718.04 of the
Revised Code;

(2) Develop with the department an application form to be submitted to the director by an applicant for approval or disapproval of a sewage treatment system or components of a system and specify the information that must be included with an application form;	75213 75214 75215 75216 75217
(3) Advise the director on the approval or disapproval of an application sent to the director under section 3718.04 of the Revised Code requesting approval of a sewage treatment system or components of a system;	75218 75219 75220 75221
(4) Pursue and recruit in an active manner the research, development, introduction, and timely approval of innovative and cost-effective household sewage treatment systems and components of a system for use in this state, which shall include conducting pilot projects to assess the effectiveness of a system or components of a system;	75222 75223 75224 75225 75226 75227
(5) By January 1, 2008, provide the household sewage and small flow on-site sewage treatment system study commission created by Am. Sub. H.B. 119 of the 127th general assembly with a list of available alternative systems and the estimated cost of each system.	75228 75229 75230 75231 75232
(G) The chairperson of the committee shall prepare and submit an annual report concerning the activities of the committee to the general assembly not later than ninety days after the end of the calendar year. The report shall discuss the number of applications submitted under section 3718.04 of the Revised Code for the approval of a new sewage treatment system or a component of a system, the number of such systems and components that were approved, any information that the committee considers beneficial to the general assembly, and any other information that the chairperson determines is beneficial to the general assembly. If other members of the committee determine that certain information should be included in the report, they shall submit	75233 75234 75235 75236 75237 75238 75239 75240 75241 75242 75243 75244

the information to the chairperson not later than thirty days 75245
after the end of the calendar year. 75246

(H) The department shall provide meeting space for the 75247
committee. The committee shall be assisted in its duties by the 75248
staff of the department. 75249

(I) Sections 101.82 to 101.87 of the Revised Code do not 75250
apply to the sewage treatment system technical advisory committee. 75251

Sec. 3718.06. (A)(1) A board of health shall establish fees 75252
in accordance with section 3709.09 of the Revised Code for the 75253
purpose of carrying out its duties under this chapter and rules 75254
adopted under it, including a fee for an installation permit 75255
issued by the board. All fees so established and collected by the 75256
board shall be deposited in a special fund of the district to be 75257
used exclusively by the board in carrying out those duties. 75258

(2) In accordance with Chapter 119. of the Revised Code, the 75259
public health council may establish by rule a fee to be collected 75260
from applicants for installation permits issued under rules 75261
adopted under this chapter. The director of health shall use the 75262
proceeds from that fee for administering and enforcing this 75263
chapter and the rules adopted under it by the council. A board of 75264
health shall collect and transmit the fee ~~at the same time that it~~ 75265
~~collects the fee established by it under division (A)(1) of this~~ 75266
~~section for installation permits.~~ 75267

~~Not later than sixty days after the last day of the month in~~ 75268
~~which an installation permit is issued, a board shall certify the~~ 75269
~~amount collected under division (A)(2) of this section and~~ 75270
~~transmit the amount to the treasurer of state. All money so~~ 75271
~~received shall be deposited in the state treasury to the credit of~~ 75272
~~the general operations fund created in section 3701.83 of the~~ 75273
~~Revised Code to the director pursuant to section 3709.092 of the~~ 75274
Revised Code. The director shall use the money so credited solely 75275

for the administration and enforcement of this chapter and the 75276
rules adopted under it by the public health council. 75277

(B) The director may submit recommendations to the council 75278
regarding the amount of the fee collected under division (A)(2) of 75279
this section for installation permits. When making the 75280
recommendations, the director shall submit a report stating the 75281
current and projected expenses of administering and enforcing this 75282
chapter and the rules adopted under it by the council and the 75283
total of all money that has been deposited to the credit of the 75284
general operations fund under division (A)(2) of this section. The 75285
director may include in the report any recommendations for 75286
modifying the requirements established under this chapter and the 75287
rules adopted under it by the council. 75288

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 75289
3721.99 of the Revised Code: 75290

(1)(a) "Home" means an institution, residence, or facility 75291
that provides, for a period of more than twenty-four hours, 75292
whether for a consideration or not, accommodations to three or 75293
more unrelated individuals who are dependent upon the services of 75294
others, including a nursing home, residential care facility, home 75295
for the aging, and a veterans' home operated under Chapter 5907. 75296
of the Revised Code. 75297

(b) "Home" also means both of the following: 75298

(i) Any facility that a person, as defined in section 3702.51 75299
of the Revised Code, proposes for certification as a skilled 75300
nursing facility or nursing facility under Title XVIII or XIX of 75301
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 75302
as amended, and for which a certificate of need, other than a 75303
certificate to recategorize hospital beds as described in section 75304
3702.522 of the Revised Code or division (R)(7)(d) of the version 75305
of section 3702.51 of the Revised Code in effect immediately prior 75306

to April 20, 1995, has been granted to the person under sections 3702.51 to 3702.62 of the Revised Code after August 5, 1989;	75307 75308
(ii) A county home or district home that is or has been licensed as a residential care facility.	75309 75310
(c) "Home" does not mean any of the following:	75311
(i) Except as provided in division (A)(1)(b) of this section, a public hospital or hospital as defined in section 3701.01 or 5122.01 of the Revised Code;	75312 75313 75314
(ii) A residential facility for mentally ill persons as defined under section 5119.22 of the Revised Code;	75315 75316
(iii) A residential facility as defined in section 5123.19 of the Revised Code;	75317 75318
(iv) ~~A community alternative home as defined in section 3724.01 of the Revised Code;~~	75319 75320
~~(v)~~ An adult care facility as defined in section 3722.01 of the Revised Code;	75321 75322
~~(vi)~~ <u>(v)</u> An alcohol or drug addiction program as defined in section 3793.01 of the Revised Code;	75323 75324
~~(vii)~~ <u>(vi)</u> A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;	75325 75326
~~(viii)~~ <u>(vii)</u> A facility providing services under contract with the department of mental retardation and developmental disabilities under section 5123.18 of the Revised Code;	75327 75328 75329
~~(ix)~~ <u>(viii)</u> A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	75330 75331 75332

~~(x)~~(ix) A facility, infirmary, or other entity that is
operated by a religious order, provides care exclusively to
members of religious orders who take vows of celibacy and live by
virtue of their vows within the orders as if related, and does not
participate in the medicare program established under Title XVIII
of the "Social Security Act" or the medical assistance program
established under Chapter 5111. of the Revised Code and Title XIX
of the "Social Security Act," if on January 1, 1994, the facility,
infirmary, or entity was providing care exclusively to members of
the religious order;

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~~(xi)~~(x) A county home or district home that has never been
licensed as a residential care facility.

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(2) "Unrelated individual" means one who is not related to
the owner or operator of a home or to the spouse of the owner or
operator as a parent, grandparent, child, grandchild, brother,
sister, niece, nephew, aunt, uncle, or as the child of an aunt or
uncle.

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(3) "Mental impairment" does not mean mental illness as
defined in section 5122.01 of the Revised Code or mental
retardation as defined in section 5123.01 of the Revised Code.

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(4) "Skilled nursing care" means procedures that require
technical skills and knowledge beyond those the untrained person
possesses and that are commonly employed in providing for the
physical, mental, and emotional needs of the ill or otherwise
incapacitated. "Skilled nursing care" includes, but is not limited
to, the following:

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(a) Irrigations, catheterizations, application of dressings,
and supervision of special diets;

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(b) Objective observation of changes in the patient's

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condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment;	75362 75363
(c) Special procedures contributing to rehabilitation;	75364
(d) Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication;	75365 75366 75367
(e) Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.	75368 75369 75370
(5)(a) "Personal care services" means services including, but not limited to, the following:	75371 75372
(i) Assisting residents with activities of daily living;	75373
(ii) Assisting residents with self-administration of medication, in accordance with rules adopted under section 3721.04 of the Revised Code;	75374 75375 75376
(iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under section 3721.04 of the Revised Code.	75377 75378 75379 75380
(b) "Personal care services" does not include "skilled nursing care" as defined in division (A)(4) of this section. A facility need not provide more than one of the services listed in division (A)(5)(a) of this section to be considered to be providing personal care services.	75381 75382 75383 75384 75385
(6) "Nursing home" means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who	75386 75387 75388

require personal care services but not skilled nursing care. A 75389
nursing home is licensed to provide personal care services and 75390
skilled nursing care. 75391

(7) "Residential care facility" means a home that provides 75392
either of the following: 75393

(a) Accommodations for seventeen or more unrelated 75394
individuals and supervision and personal care services for three 75395
or more of those individuals who are dependent on the services of 75396
others by reason of age or physical or mental impairment; 75397

(b) Accommodations for three or more unrelated individuals, 75398
supervision and personal care services for at least three of those 75399
individuals who are dependent on the services of others by reason 75400
of age or physical or mental impairment, and, to at least one of 75401
those individuals, any of the skilled nursing care authorized by 75402
section 3721.011 of the Revised Code. 75403

(8) "Home for the aging" means a home that provides services 75404
as a residential care facility and a nursing home, except that the 75405
home provides its services only to individuals who are dependent 75406
on the services of others by reason of both age and physical or 75407
mental impairment. 75408

The part or unit of a home for the aging that provides 75409
services only as a residential care facility is licensed as a 75410
residential care facility. The part or unit that may provide 75411
skilled nursing care beyond the extent authorized by section 75412
3721.011 of the Revised Code is licensed as a nursing home. 75413

(9) "County home" and "district home" mean a county home or 75414
district home operated under Chapter 5155. of the Revised Code. 75415

(B) The public health council may further classify homes. For 75416
the purposes of this chapter, any residence, institution, hotel, 75417

congregate housing project, or similar facility that meets the 75418
definition of a home under this section is such a home regardless 75419
of how the facility holds itself out to the public. 75420

(C) For purposes of this chapter, personal care services or 75421
skilled nursing care shall be considered to be provided by a 75422
facility if they are provided by a person employed by or 75423
associated with the facility or by another person pursuant to an 75424
agreement to which neither the resident who receives the services 75425
nor the resident's sponsor is a party. 75426

(D) Nothing in division (A)(4) of this section shall be 75427
construed to permit skilled nursing care to be imposed on an 75428
individual who does not require skilled nursing care. 75429

Nothing in division (A)(5) of this section shall be construed 75430
to permit personal care services to be imposed on an individual 75431
who is capable of performing the activity in question without 75432
assistance. 75433

(E) Division (A)(1)(c)~~(x)~~(ix) of this section does not 75434
prohibit a facility, infirmary, or other entity described in that 75435
division from seeking licensure under sections 3721.01 to 3721.09 75436
of the Revised Code or certification under Title XVIII or XIX of 75437
the "Social Security Act." However, such a facility, infirmary, or 75438
entity that applies for licensure or certification must meet the 75439
requirements of those sections or titles and the rules adopted 75440
under them and obtain a certificate of need from the director of 75441
health under section 3702.52 of the Revised Code. 75442

(F) Nothing in this chapter, or rules adopted pursuant to it, 75443
shall be construed as authorizing the supervision, regulation, or 75444
control of the spiritual care or treatment of residents or 75445
patients in any home who rely upon treatment by prayer or 75446
spiritual means in accordance with the creed or tenets of any 75447
recognized church or religious denomination. 75448

Sec. 3721.02. (A) The director of health shall license homes 75449
and establish procedures to be followed in inspecting and 75450
licensing homes. The director may inspect a home at any time. Each 75451
home shall be inspected by the director at least once prior to the 75452
issuance of a license and at least once every fifteen months 75453
thereafter. The state fire marshal or a township, municipal, or 75454
other legally constituted fire department approved by the marshal 75455
shall also inspect a home prior to issuance of a license, at least 75456
once every fifteen months thereafter, and at any other time 75457
requested by the director. A home does not have to be inspected 75458
prior to issuance of a license by the director, state fire 75459
marshal, or a fire department if ownership of the home is assigned 75460
or transferred to a different person and the home was licensed 75461
under this chapter immediately prior to the assignment or 75462
transfer. The director may enter at any time, for the purposes of 75463
investigation, any institution, residence, facility, or other 75464
structure that has been reported to the director or that the 75465
director has reasonable cause to believe is operating as a nursing 75466
home, residential care facility, or home for the aging without a 75467
valid license required by section 3721.05 of the Revised Code or, 75468
in the case of a county home or district home, is operating 75469
despite the revocation of its residential care facility license. 75470
The director may delegate the director's authority and duties 75471
under this chapter to any division, bureau, agency, or official of 75472
the department of health. 75473

(B) A single facility may be licensed both as a nursing home 75474
pursuant to this chapter and as an adult care facility pursuant to 75475
Chapter 3722. of the Revised Code if the director determines that 75476
the part or unit to be licensed as a nursing home can be 75477
maintained separate and discrete from the part or unit to be 75478
licensed as an adult care facility. 75479

(C) In determining the number of residents in a home for the 75480

purpose of licensing, the director shall consider all the 75481
individuals for whom the home provides accommodations as one group 75482
unless one of the following is the case: 75483

(1) The home is a home for the aging, in which case all the 75484
individuals in the part or unit licensed as a nursing home shall 75485
be considered as one group, and all the individuals in the part or 75486
unit licensed as a rest home shall be considered as another group. 75487

(2) The home is both a nursing home and an adult care 75488
facility. In that case, all the individuals in the part or unit 75489
licensed as a nursing home shall be considered as one group, and 75490
all the individuals in the part or unit licensed as an adult care 75491
facility shall be considered as another group. 75492

(3) The home maintains, in addition to a nursing home or 75493
residential care facility, a separate and discrete part or unit 75494
that provides accommodations to individuals who do not require or 75495
receive skilled nursing care and do not receive personal care 75496
services from the home, in which case the individuals in the 75497
separate and discrete part or unit shall not be considered in 75498
determining the number of residents in the home if the separate 75499
and discrete part or unit is in compliance with the Ohio basic 75500
building code established by the board of building standards under 75501
Chapters 3781. and 3791. of the Revised Code and the home permits 75502
the director, on request, to inspect the separate and discrete 75503
part or unit and speak with the individuals residing there, if 75504
they consent, to determine whether the separate and discrete part 75505
or unit meets the requirements of this division. 75506

(D)(1) The director of health shall charge ~~an~~the following 75507
application fee and ~~an~~ annual renewal licensing and inspection fee 75508
~~of one hundred seventy dollars~~ for each fifty persons or part 75509
thereof of a home's licensed capacity: 75510

(a) For state fiscal year 2010, two hundred twenty dollars; 75511

<u>(b) For state fiscal year 2011, two hundred seventy dollars;</u>	75512
<u>(c) For each state fiscal year thereafter, three hundred</u>	75513
<u>twenty dollars. All</u>	75514
<u>(2) All fees collected by the director for the issuance or</u>	75515
renewal of licenses shall be deposited into the state treasury to	75516
the credit of the general operations fund created in section	75517
3701.83 of the Revised Code for use only in administering and	75518
enforcing this chapter and rules adopted under it.	75519
(E)(1) Except as otherwise provided in this section, the	75520
results of an inspection or investigation of a home that is	75521
conducted under this section, including any statement of	75522
deficiencies and all findings and deficiencies cited in the	75523
statement on the basis of the inspection or investigation, shall	75524
be used solely to determine the home's compliance with this	75525
chapter or another chapter of the Revised Code in any action or	75526
proceeding other than an action commenced under division (I) of	75527
section 3721.17 of the Revised Code. Those results of an	75528
inspection or investigation, that statement of deficiencies, and	75529
the findings and deficiencies cited in that statement shall not be	75530
used in any court or in any action or proceeding that is pending	75531
in any court and are not admissible in evidence in any action or	75532
proceeding unless that action or proceeding is an appeal of an	75533
action by the department of health under this chapter or is an	75534
action by any department or agency of the state to enforce this	75535
chapter or another chapter of the Revised Code.	75536
(2) Nothing in division (E)(1) of this section prohibits the	75537
results of an inspection or investigation conducted under this	75538
section from being used in a criminal investigation or	75539
prosecution.	75540
Sec. 3721.071. The buildings in which a home is housed shall	75541

be equipped with both an automatic fire extinguishing system and 75542
fire alarm system. Such systems shall conform to standards set 75543
forth in the regulations of the board of building standards and 75544
the state fire marshal. 75545

The time for compliance with the requirements imposed by this 75546
section shall be January 1, 1975, except that the date for 75547
compliance with the automatic fire extinguishing requirements is 75548
extended to January 1, 1976, provided the buildings of the home 75549
are otherwise in compliance with fire safety laws and regulations 75550
and: 75551

(A) The home within thirty days after August 4, 1975, files a 75552
written plan with the state fire marshal's office that: 75553

(1) Outlines the interim safety procedures which shall be 75554
carried out to reduce the possibility of a fire; 75555

(2) Provides evidence that the home has entered into an 75556
agreement for a fire safety inspection to be conducted not less 75557
than monthly by a qualified independent safety engineer consultant 75558
or a township, municipal, or other legally constituted fire 75559
department, or by a township or municipal fire prevention officer; 75560

(3) Provides verification that the home has entered into a 75561
valid contract for the installation of an automatic fire 75562
extinguishing system or fire alarm system, or both, as required to 75563
comply with this section; 75564

(4) Includes a statement regarding the expected date for the 75565
completion of the fire extinguishing system or fire alarm system, 75566
or both. 75567

(B) Inspections by a qualified independent safety engineer 75568
consultant or a township, municipal, or other legally constituted 75569
fire department, or by a township or municipal fire prevention 75570

officer are initiated no later than sixty days after August 4, 1975, and are conducted no less than monthly thereafter, and reports of the consultant, fire department, or fire prevention officer identifying existing hazards and recommended corrective actions are submitted to the state fire marshal, the division of ~~industrial compliance~~ labor in the department of commerce, and the department of health.

It is the express intent of the general assembly that the department of job and family services shall terminate payments under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, to those homes which do not comply with the requirements of this section for the submission of a written fire safety plan and the deadline for entering into contracts for the installation of systems.

Sec. 3721.23. (A) The director of health shall receive, review, and investigate allegations of abuse or neglect of a resident or misappropriation of the property of a resident by any individual used by a long-term care facility or residential care facility to provide services to residents.

(B) The director shall make findings regarding alleged abuse, neglect, or misappropriation of property after doing both of the following:

(1) Investigating the allegation and determining that there is a reasonable basis for it;

(2) Giving notice to the individual named in the allegation and affording the individual a reasonable opportunity for a hearing.

Notice to the person named in an allegation shall be given and the hearing shall be conducted pursuant to rules adopted by the director under section 3721.26 of the Revised Code. For

purposes of conducting a hearing under this section, the director 75601
may issue subpoenas compelling attendance of witnesses or 75602
production of documents. The subpoenas shall be served in the same 75603
manner as subpoenas and subpoenas duces tecum issued for a trial 75604
of a civil action in a court of common pleas. If a person who 75605
is served a subpoena fails to attend a hearing or to produce 75606
documents, or refuses to be sworn or to answer any questions, 75607
the director may apply to the common pleas court of the county 75608
in which the person resides, or the county in which the 75609
long-term care facility or residential care facility is 75610
located, for a contempt order, as in the case of a failure of a 75611
person who is served a subpoena issued by the court to attend 75612
or to produce documents or a refusal of such person to testify. 75613

(C)(1) If the director finds that an individual used by a 75614
long-term care facility or residential care facility has neglected 75615
or abused a resident or misappropriated property of a resident, 75616
the director shall notify the individual, the facility using the 75617
individual, and the attorney general, county prosecutor, or other 75618
appropriate law enforcement official. The director also shall do 75619
the following: 75620

(a) If the individual is used by a long-term care facility as 75621
a nurse aide, the director shall, in accordance with section 75622
3721.32 of the Revised Code, include in the nurse aide registry 75623
established under that section a statement detailing the findings 75624
pertaining to the individual. 75625

(b) If the individual is a licensed health professional used 75626
by a long-term care facility or residential care facility to 75627
provide services to residents, the director shall notify the 75628
appropriate professional licensing authority established under 75629
Title XLVII of the Revised Code. 75630

(c) If the individual is used by a long-term care facility 75631
and is neither a nurse aide nor a licensed health professional, or 75632

is used by a residential care facility and is not a licensed health professional, the director shall, in accordance with section 3721.32 of the Revised Code, include in the nurse aide registry a statement detailing the findings pertaining to the individual.

(2) A nurse aide or other individual about whom a statement is required by this division to be included in the nurse aide registry may provide the director with a statement disputing the director's findings and explaining the circumstances of the allegation. The statement shall be included in the nurse aide registry with the director's findings.

(D)(1) If the director finds that alleged neglect or abuse of a resident or misappropriation of property of a resident cannot be substantiated, the director shall notify the individual and expunge all files and records of the investigation and the hearing by doing all of the following:

(a) Removing and destroying the files and records, originals and copies, and deleting all index references;

(b) Reporting to the individual the nature and extent of any information about the individual transmitted to any other person or government entity by the director of health;

(c) Otherwise ensuring that any examination of files and records in question show no record whatever with respect to the individual.

(2)(a) If, in accordance with division (C)(1)(a) or (c) of this section, the director includes in the nurse aide registry a statement of a finding of neglect, the individual found to have neglected a resident may, not earlier than one year after the date of the finding, petition the director to rescind the finding and remove the statement and any accompanying information from the

nurse aide registry. The director shall consider the petition. If 75663
in the judgment of the director, the neglect was a singular 75664
occurrence and the employment and personal history of the 75665
individual does not evidence abuse or any other incident of 75666
neglect of residents, the director shall notify the individual and 75667
remove the statement and any accompanying information from the 75668
nurse aide registry. The director shall expunge all files and 75669
records of the investigation and the hearing, except the petition 75670
for rescission of the finding of neglect and the director's notice 75671
that the rescission has been approved. 75672

(b) A petition for rescission of a finding of neglect and the 75673
director's notice that the rescission has been approved are not 75674
public records for the purposes of section 149.43 of the Revised 75675
Code. 75676

(3) When files and records have been expunged under division 75677
(D)(1) or (2) of this section, all rights and privileges are 75678
restored, and the individual, the director, and any other person 75679
or government entity may properly reply to an inquiry that no such 75680
record exists as to the matter expunged. 75681

Sec. 3721.50. As used in sections 3721.50 to 3721.58 of the 75682
Revised Code: 75683

(A) "Franchise permit fee rate" means the amount determined 75684
as follows: 75685

(1) Determine the difference between the following: 75686

(a) The total net patient revenue, less medicaid per diem 75687
payments, of all nursing homes and hospital long-term care units 75688
as shown on cost reports filed under section 5111.26 of the 75689
Revised Code for the calendar year immediately preceding the 75690
fiscal year for which the franchise permit fee is assessed under 75691
section 3721.51 of the Revised Code; 75692

<u>(b) The total net patient revenue, less medicaid per diem payments, of all nursing homes and hospital long-term care units as shown on cost reports filed under section 5111.26 of the Revised Code for the calendar year immediately preceding the calendar year that immediately precedes the fiscal year for which the franchise permit fee is assessed under section 3721.51 of the Revised Code.</u>	75693 75694 75695 75696 75697 75698 75699
<u>(2) Multiply the amount determined under division (A)(1) of this section by five and five-tenths per cent;</u>	75700 75701
<u>(3) Divide the amount determined under division (A)(2) of this section by the total number of days in the fiscal year for which the franchise permit fee is assessed under section 3721.51 of the Revised Code;</u>	75702 75703 75704 75705
<u>(4) Subtract eleven dollars and ninety-five cents from the amount determined under division (A)(3) of this section;</u>	75706 75707
<u>(5) Add eleven dollars and ninety-five cents to the amount determined under division (A)(4) of this section.</u>	75708 75709
<u>(B) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.</u>	75710 75711
<u>~~(B)~~(C) "Hospital long-term care unit" means any distinct part of a hospital in which any of the following beds are located:</u>	75712 75713
<u>(1) Beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds;</u>	75714 75715 75716
<u>(2) Beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code.</u>	75717 75718
<u>(D) "Inpatient days" means all days during which a resident</u>	75719

of a nursing facility, regardless of payment source, occupies a
bed in the nursing facility that is included in the facility's
certified capacity under Title XIX. Therapeutic or hospital leave
days for which payment is made under section 5111.26 of the
Revised Code are considered inpatient days proportionate to the
percentage of the facility's per resident per day rate paid for
those days.

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~~(C)~~(E) "Medicaid" has the same meaning as in section 5111.01
of the Revised Code.

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~~(D)~~(F) "Medicaid day" means all days during which a resident
who is a medicaid recipient occupies a bed in a nursing facility
that is included in the facility's certified capacity under Title
XIX. Therapeutic or hospital leave days for which payment is made
under section 5111.26 of the Revised Code are considered medicaid
days proportionate to the percentage of the nursing facility's
per resident per day rate for those days.

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~~(E)~~(G) "Medicare" means the program established by Title
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(H) "Nursing facility" has the same meaning as in section
5111.20 of the Revised Code.

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~~(F)~~(I)(1) "Nursing home" means all of the following:

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(a) A nursing home licensed under section 3721.02 or 3721.09
of the Revised Code, including any part of a home for the aging
licensed as a nursing home;

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(b) A facility or part of a facility, other than a hospital,
that is certified as a skilled nursing facility under Title XVIII;

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(c) A nursing facility, other than a portion of a hospital
certified as a nursing facility.

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(2) "Nursing home" does not include any of the following:	75748
(a) A county home, county nursing home, or district home operated pursuant to Chapter 5155. of the Revised Code;	75749 75750
(b) A nursing home maintained and operated by the Ohio veterans' home agency under section 5907.01 of the Revised Code;	75751 75752
(c) A nursing home or part of a nursing home licensed under section 3721.02 or 3721.09 of the Revised Code that is certified as an intermediate care facility for the mentally retarded under Title XIX.	75753 75754 75755 75756
~~(G)~~ (J) "Title XIX" means Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended.	75757 75758
~~(H)~~ (K) "Title XVIII" means Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.	75759 75760
Sec. 3721.51. The department of job and family services shall do all of the following:	75761 75762
(A) Subject to ~~division~~ <u>sections 3721.512 and 3721.513 of the Revised Code and divisions (C) and (D)</u> of this section and for the purposes specified in sections 3721.56 and 3721.561 of the Revised Code, determine an annual franchise permit fee on each nursing home in an amount equal to ~~six dollars and twenty-five cents~~ <u>the franchise permit fee rate</u> multiplied by the product of the following:	75763 75764 75765 75766 75767 75768 75769
(1) The number of beds licensed as nursing home beds, plus any other beds certified as skilled nursing facility beds under Title XVIII or nursing facility beds under Title XIX on the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code;	75770 75771 75772 75773 75774

(2) The number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code.

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(B) Subject to ~~division~~ sections 3721.512 and 3721.513 of the Revised Code and divisions (C) and (D) of this section and for the purposes specified in sections 3721.56 and 3721.561 of the Revised Code, determine an annual franchise permit fee on each hospital in an amount equal to ~~six dollars and twenty-five cents~~, the franchise permit fee rate multiplied by the product of the following:

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(1) The number of beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds, plus any other beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code, on the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code;

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(2) The number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code.

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(C) If the total amount of the franchise permit fee assessed under divisions (A) and (B) of this section for a fiscal year exceeds five and one-half per cent of the actual net patient revenue for all nursing homes and hospital long-term care units for that fiscal year, do both of the following:

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(1) Recalculate the assessments under divisions (A) and (B) of this section using a per bed per day rate equal to five and one-half per cent of actual net patient revenue for all nursing homes and hospital long-term care units for that fiscal year;

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(2) Refund the difference between the amount of the franchise permit fee assessed for that fiscal year under divisions (A) and (B) of this section and the amount recalculated under division (C)(1) of this section as a credit against the assessments imposed under divisions (A) and (B) of this section for the subsequent fiscal year.

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(D) If the United States centers for medicare and medicaid services determines that the franchise permit fee established by sections 3721.50 to 3721.58 of the Revised Code is an impermissible health care related tax under section 1903(w) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as amended, take all necessary actions to cease implementation of sections 3721.50 to 3721.58 of the Revised Code in accordance with rules adopted under section 3721.58 of the Revised Code.

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Sec. 3721.511. (A) Not later than four months after the effective date of this section, the department of job and family services shall apply to the United States secretary of health and human services for a waiver under 42 U.S.C. 1396b(w)(3)(E) as necessary to do both of the following regarding the franchise permit fee imposed by section 3721.51 of the Revised Code:

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(1) Reduce the franchise permit fee to zero dollars for each nursing home licensed under section 3721.02 or 3721.09 of the Revised Code to which either of the following applies:

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(a) The nursing home:

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(i) Is exempt from state taxation under section 140.08 of the Revised Code or is exempt from state taxation as a home for the aged as defined in section 5701.13 of the Revised Code;

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(ii) Is exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986;

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<u>(iii) Does not participate in medicaid or medicare; and</u>	75834
<u>(iv) Provides services for the life of each resident without</u>	75835
<u>regard to the resident's ability to secure payment for the</u>	75836
<u>services.</u>	75837
<u>(b) The nursing home:</u>	75838
<u>(i) Has had a written affiliation agreement with a university</u>	75839
<u>in this state for education and research related to Alzheimer's</u>	75840
<u>disease for each of the twenty years preceding the effective date</u>	75841
<u>of this section and has such an agreement on the effective date of</u>	75842
<u>this section;</u>	75843
<u>(ii) Was constructed pursuant to a certificate of need</u>	75844
<u>granted under Section 3 of Am. Sub. S.B. 256 of the 116th General</u>	75845
<u>Assembly; and</u>	75846
<u>(iii) Does not participate in medicaid or medicare.</u>	75847
<u>(2) For each nursing facility with more than two hundred beds</u>	75848
<u>certified as nursing facility beds under Title XIX, reduce the</u>	75849
<u>franchise permit fee for a number of the nursing facility's beds</u>	75850
<u>specified by the department to the amount necessary to obtain</u>	75851
<u>approval of the waiver sought under this section.</u>	75852
<u>(B) The effective date of the waiver sought under this</u>	75853
<u>section shall be the first day of the calendar quarter beginning</u>	75854
<u>after the United States secretary approves the waiver.</u>	75855
<u>Sec. 3721.512. If the United States secretary of health and</u>	75856
<u>human services approves the waiver sought under section 3721.511</u>	75857
<u>of the Revised Code, the department of job and family services</u>	75858
<u>shall, for each nursing home and hospital that qualifies for a</u>	75859
<u>reduction of its franchise permit fee under the waiver, reduce the</u>	75860
<u>franchise permit fee in accordance with the terms of the waiver.</u>	75861

For purposes of the first fiscal year during which the waiver takes effect, the department shall determine the amount of the reduction not later than the effective date of the waiver and shall mail to each nursing home and hospital qualifying for the reduction notice of the reduction not later than the last day of the first month of the calendar quarter that begins after the United States secretary approves the waiver. For purposes of subsequent fiscal years, the department shall make such determinations and mail such notices in accordance with section 3721.53 of the Revised Code.

Sec. 3721.513. (A) If the United States secretary of health and human services approves the waiver sought under section 3721.511 of the Revised Code, the department of job and family services may do both of the following regarding the franchise permit fee imposed by section 3721.51 of the Revised Code:

(1) Determine how much money the franchise permit fee would have raised in a fiscal year if not for the waiver;

(2) For each nursing home and hospital subject to the franchise permit fee, other than a nursing home or hospital that has its franchise permit fee reduced under section 3721.512 of the Revised Code, uniformly increase the amount of the franchise permit fee for a fiscal year to an amount that will have the franchise permit fee raise an amount of money that does not exceed the amount determined under division (A)(1) of this section for that fiscal year.

(B) If the department increases the franchise permit fee in accordance with division (A) of this section for the first fiscal year during which the waiver takes effect, the department shall determine the amount of the increase not later than the effective date of the waiver and shall mail to each nursing home and hospital subject to the increase notice of the increase not later than the last day of the first month of the calendar quarter that

begins after the United States secretary approves the waiver. If 75894
the department increases the franchise permit fee in accordance 75895
with division (A) of this section for a subsequent fiscal year, 75896
the department shall make such determinations and mail such 75897
notices in accordance with section 3721.53 of the Revised Code. 75898

Sec. 3721.53. (A) Not later than the fifteenth day of ~~August~~ 75899
September of each year, the department of job and family services 75900
shall determine the annual franchise permit fee for each nursing 75901
home and hospital in accordance with ~~division (A) of section~~ 75902
3721.51 of the Revised Code and ~~the annual franchise permit fee~~ 75903
~~for each hospital~~ any adjustments made in accordance with 75904
~~division (B) of that section~~ sections 3721.512 and 3721.513 of 75905
the Revised Code. 75906

(B) Not later than the first day of ~~September~~ October of each 75907
year, the department shall mail to each nursing home and hospital 75908
notice of the amount of the franchise permit fee that has been 75909
determined for the nursing home or hospital. 75910

(C) Each nursing home and hospital shall pay its fee under 75911
section 3721.51 of the Revised Code, as adjusted in accordance 75912
with sections 3721.512 and 3721.513 of the Revised Code, to the 75913
department in ~~quarterly~~ four installment payments not later than 75914
forty-five days after the last day of each ~~September~~ October, 75915
December, March, and June. 75916

(D) No nursing home or hospital shall directly bill its 75917
residents for the fee paid under this section, or otherwise 75918
directly pass the fee through to its residents. 75919

Sec. 3721.55. (A) A nursing home or hospital may appeal the 75920
fee imposed under section 3721.51 of the Revised Code, as adjusted 75921
under section 3721.512 or 3721.513 of the Revised Code, solely on 75922
the grounds that the department of job and family services 75923
committed a material error in determining the amount of the fee. A 75924

request for an appeal must be received by the department not later than fifteen days after the date the department mails the notice of the fee and must include written materials setting forth the basis for the appeal.

(B) If a nursing home or hospital submits a request for an appeal within the time required under division (A) of this section, the department of job and family services shall hold a public hearing in Columbus not later than thirty days after the date the department receives the request for an appeal. The department shall, not later than ten days before the date of the hearing, mail a notice of the date, time, and place of the hearing to the nursing home or hospital. The department may hear all the requested appeals in one public hearing.

(C) On the basis of the evidence presented at the hearing or any other evidence submitted by the nursing home or hospital, the department may adjust a fee. The department's decision is final.

Sec. 3721.56. (A) There is hereby created in the state treasury the home- and community-based services for the aged fund. ~~Sixteen per cent~~ The percentage specified under division (B) of this section of all payments and penalties paid by nursing homes and hospitals under sections 3721.53 and 3721.54 of the Revised Code shall be deposited into the fund. The departments of job and family services and aging shall use the moneys in the fund to fund the following in accordance with rules adopted under section 3721.58 of the Revised Code:

~~(A)~~ (1) The medicaid program established under Chapter 5111. of the Revised Code, including the PASSPORT program established under section 173.40 of the Revised Code;

~~(B)~~ (2) The residential state supplement program established under section 173.35 of the Revised Code.

(B) The percentage specified in this division is the 75955
percentage determined by dividing one by the following: 75956

(1) Except as provided in division (B)(2) of this section, 75957
the franchise permit fee rate; 75958

(2) If the department of job and family services recalculates 75959
the amount of the assessments for a fiscal year under division (C) 75960
of section 3721.51 of the Revised Code, the amount of the per bed 75961
per day rate so recalculated for that fiscal year. 75962

Sec. 3722.01. (A) As used in this chapter: 75963

(1) "Owner" means the person who owns the business of and who 75964
ultimately controls the operation of an adult care facility and to 75965
whom the manager, if different from the owner, is responsible. 75966

(2) "Manager" means the person responsible for the daily 75967
operation of an adult care facility. The manager and the owner of 75968
a facility may be the same person. 75969

(3) "Adult" means an individual eighteen years of age or 75970
older. 75971

(4) "Unrelated" means that an adult resident is not related 75972
to the owner or manager of an adult care facility or to the 75973
owner's or manager's spouse as a parent, grandparent, child, 75974
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 75975
uncle, or as the child of an aunt or uncle. 75976

(5) "Skilled nursing care" means skilled nursing care as 75977
defined in section 3721.01 of the Revised Code. 75978

(6)(a) "Personal care services" means services including, but 75979
not limited to, the following: 75980

(i) ~~Assisting residents~~ Assistance with activities of daily 75981

living;	75982
(ii) ~~Assisting residents~~ <u>Assistance</u> with self-administration of medication, in accordance with rules adopted by the public health council pursuant to this chapter;	75983 75984 75985
(iii) ~~Preparing~~ <u>Preparation of</u> special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted by the public health council pursuant to this chapter.	75986 75987 75988 75989 75990
(b) "Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(6)(a) of this section <u>for the facility</u> to be considered to be providing personal care services.	75991 75992 75993 75994 75995
(7) "Adult family home" means a residence or facility that provides accommodations <u>and supervision</u> to three to five unrelated adults ~~and supervision and personal care services to,~~ at least three of ~~these adults~~ <u>whom require personal care services</u> .	75996 75997 75998 75999
(8) "Adult group home" means a residence or facility that provides accommodations <u>and supervision</u> to six to sixteen unrelated adults ~~and provides supervision and personal care services to,~~ at least three of ~~the unrelated adults~~ <u>whom require personal care services</u> .	76000 76001 76002 76003 76004
(9) "Adult care facility" means an adult family home or an adult group home. For the purposes of this chapter, any residence, facility, institution, hotel, congregate housing project, or similar facility that provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom ~~are provided~~ <u>require</u> personal care services, is an adult care facility regardless of how the facility holds itself out to the public.	76005 76006 76007 76008 76009 76010 76011

"Adult care facility" does not include:	76012
(a) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	76013 76014 76015
(b) A nursing home, residential care facility, or home for the aging as defined in section 3721.01 of the Revised Code;	76016 76017
(c) ~~A community alternative home as defined in section 3724.01 of the Revised Code;~~	76018 76019
(~~d~~) An alcohol and drug addiction program as defined in section 3793.01 of the Revised Code;	76020 76021
(~~e~~)(d) A residential facility for the mentally ill licensed by the department of mental health under section 5119.22 of the Revised Code;	76022 76023 76024
(~~f~~)(e) A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;	76025 76026
(~~g~~)(f) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of mental retardation and developmental disabilities;	76027 76028 76029
(~~h~~)(g) Any residence, institution, hotel, congregate housing project, or similar facility that provides personal care services to fewer than three residents or that provides, for any number of residents, only housing, housekeeping, laundry, meal preparation, social or recreational activities, maintenance, security, transportation, and similar services that are not personal care services or skilled nursing care;	76030 76031 76032 76033 76034 76035 76036
(~~i~~)(h) Any facility that receives funding for operating costs from the department of development under any program established	76037 76038

to provide emergency shelter housing or transitional housing for the homeless; 76039
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~~(j)~~(i) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code; 76041
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~~(k)~~(i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C.A. 630, as amended, and used exclusively for the placement and care of veterans; 76044
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~~(l) Until January 1, 1994, the portion of a facility in which care is provided exclusively to members of a religious order if the facility is owned by or part of a nonprofit institution of higher education authorized to award degrees by the Ohio board of regents under Chapter 1713. of the Revised Code.~~ 76048
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(10) "Residents' rights advocate" means: 76053

(a) An employee or representative of any state or local government entity that has a responsibility for residents of adult care facilities and has registered with the department of health under section 3701.07 of the Revised Code; 76054
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(b) An employee or representative, other than a manager or employee of an adult care facility or nursing home, of any private nonprofit corporation or association that qualifies for tax-exempt status under section 501(a) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(a), as amended, that has registered with the department of health under section 3701.07 of the Revised Code, and whose purposes include educating and counseling residents, assisting residents in resolving problems and complaints concerning their care and treatment, and assisting them in securing adequate services. 76058
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(11) "Sponsor" means an adult relative, friend, or guardian of a resident of an adult care facility who has an interest in or responsibility for the resident's welfare.

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(12) "Ombudsperson" means a "representative of the office of the state long-term care ombudsperson program" as defined in section 173.14 of the Revised Code.

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(13) "Mental health agency" means a community mental health agency, as defined in section 5119.22 of the Revised Code, under contract with ~~aan ADAMHS board of alcohol, drug addiction, and mental health services~~ pursuant to division (A)(8)(a) of section 340.03 of the Revised Code.

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(14) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services;

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(15) "Mental health resident program participation agreement" means a written agreement between an adult care facility and the ADAMHS board serving the alcohol, drug addiction, and mental health service district in which the facility is located, under which the facility is authorized to admit residents who are receiving or are eligible for publicly funded mental health services.

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(16) "PASSPORT administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program created under section 173.40 of the Revised Code.

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(B) For purposes of this chapter, personal care services or skilled nursing care shall be considered to be provided by a facility if they are provided by a person employed by or associated with the facility or by another person pursuant to an agreement to which neither the resident who receives the services nor the resident's sponsor is a party.

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(C) Nothing in division (A)(6) of this section shall be construed to permit personal care services to be imposed upon a resident who is capable of performing the activity in question without assistance.

Sec. 3722.011. (A) All medication taken by residents of an adult care facility shall be self-administered, except that medication may be administered to a resident ~~by a home health agency, hospice care program, nursing home staff, mental health agency, or board of alcohol, drug addiction, and mental health services under~~ as part of the skilled nursing care provided in accordance with division (B) of section 3722.16 of the Revised Code. ~~Members of the staff of an adult care facility shall not administer medication to residents.~~ No person shall be admitted to or retained by an adult care facility unless the person is capable of ~~taking~~ self-administering the person's ~~own~~ medication and biologicals, as determined in writing by ~~the person's personal~~ a physician, except that a person may be admitted to or retained by such a facility if the person's medication is administered ~~by a home health agency, hospice care program, nursing home staff, mental health agency, or board of alcohol, drug addiction, and mental health services under~~ as part of the skilled nursing care provided in accordance with division (B) of section 3722.16 of the Revised Code. ~~Members~~

(B) Members of the staff of an adult care facility shall not administer medication to residents but may do any of the following:

~~(A)~~ Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

~~(B)~~ Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted by the public health

council pursuant to this chapter, and handing it to the resident. 76129
If the resident is physically unable to open the container, a 76130
staff member may open the container for the resident. 76131

(C) Assist a physically impaired but mentally alert resident, 76132
such as a resident with arthritis, cerebral palsy, or Parkinson's 76133
disease, in removing oral or topical medication from containers 76134
and in consuming or applying the medication, upon request by or 76135
with the consent of the resident. If a resident is physically 76136
unable to place a dose of medicine to the resident's mouth without 76137
spilling it, a staff member may place the dose in a container and 76138
place the container to the mouth of the resident. 76139

Sec. 3722.02. A person seeking a license to operate an adult 76140
care facility shall submit to the director of health an 76141
application on a form prescribed by the director and the 76142
following: 76143

(A) In the case of an adult group home seeking licensure as 76144
an adult care facility, evidence that the home has been inspected 76145
and approved by a local certified building department or by the 76146
division of ~~industrial compliance~~ labor in the department of 76147
commerce as meeting the applicable requirements of sections 76148
3781.06 to 3781.18 and 3791.04 of the Revised Code and any rules 76149
adopted under those sections and evidence that the home has been 76150
inspected by the state fire marshal or fire prevention officer of 76151
a municipal, township, or other legally constituted fire 76152
department approved by the state fire marshal and found to be in 76153
compliance with rules adopted under section 3737.83 of the 76154
Revised Code regarding fire prevention and safety in adult group 76155
homes; 76156

(B) Valid approvals of the facility's water and sewage 76157
systems issued by the responsible governmental entity, if 76158
applicable; 76159

(C) A statement of ownership containing the following information:	76160 76161
(1) If the owner is an individual, the owner's name, address, telephone number, business address, business telephone number, and occupation. If the owner is an association, corporation, or partnership, the business activity, address, and telephone number of the entity and the name of every person who has an ownership interest of five per cent or more in the entity.	76162 76163 76164 76165 76166 76167
(2) If the owner does not own the building or if the owner owns only part of the building in which the facility is housed, the name of each person who has an ownership interest of five per cent or more in the building;	76168 76169 76170 76171
(3) The address of any adult care facility and any facility described in divisions (A)(9)(a) to ~~(h)~~ (j) of section 3722.01 of the Revised Code in which the owner has an ownership interest of five per cent or more;	76172 76173 76174 76175
(4) The identity of the manager of the adult care facility, if different from the owner;	76176 76177
(5) The name and address of any adult care facility and any facility described in divisions (A)(9)(a) to ~~(h)~~ (j) of section 3722.01 of the Revised Code with which either the owner or manager has been affiliated through ownership or employment in the five years prior to the date of the application;	76178 76179 76180 76181 76182
(6) The names and addresses of three persons not employed by or associated in business with the owner who will provide information about the character, reputation, and competence of the owner and the manager and the financial responsibility of the owner;	76183 76184 76185 76186 76187
(7) Information about any arrest of the owner or manager for,	76188

or adjudication or conviction of, a criminal offense related to	76189
the provision of care in an adult care facility or any facility	76190
described in divisions (A)(9)(a) to ~~(h)(j)~~ of section 3722.01 of	76191
the Revised Code or the ability to operate a facility;	76192
 (8) Any other information the director may require regarding	76193
the owner's ability to operate the facility.	76194
 (D) If the facility is an adult group home, a balance sheet	76195
showing the assets and liabilities of the owner and a statement	76196
projecting revenues and expenses for the first twelve months of	76197
the facility's operation;	76198
 (E) ~~Proof of insurance in an amount and type determined in~~	76199
~~rules adopted by the public health council pursuant to this~~	76200
~~chapter to be adequate;~~ <u>A statement containing the following</u>	76201
<u>information regarding admissions to the facility:</u>	76202
 <u>(1) The intended bed capacity of the facility;</u>	76203
 <u>(2) If the facility will admit persons referred by or</u>	76204
<u>receiving services from an ADAMHS board or a mental health agency,</u>	76205
<u>the total number of beds anticipated to be occupied as a result</u>	76206
<u>of those admissions.</u>	76207
 (F) A nonrefundable license application fee in an amount	76208
established in rules adopted by the public health council pursuant	76209
to this chapter.	76210
 Sec. 3722.021. In determining the number of residents in a	76211
facility for the purpose of licensure under this chapter, the	76212
director of health shall consider all the individuals for whom the	76213
facility provides accommodations as one group unless either of the	76214
following is the case:	76215
 (A) ~~The~~ <u>In addition to being an adult care facility, the</u>	76216

facility is ~~both~~ a nursing home licensed under Chapter 3721. of 76217
the Revised Code ~~and an adult care facility~~, a residential 76218
facility licensed under that chapter, or both. In that case, all 76219
the individuals in the part or unit licensed as a nursing home, 76220
residential care facility, or both, shall be considered as one 76221
group and all the individuals in the part or unit licensed as an 76222
adult care facility shall be considered as another group. 76223

(B) The facility maintains, in addition to an adult care 76224
facility, a separate and discrete part or unit that provides 76225
accommodations to individuals who do not receive supervision or 76226
personal care services from the adult care facility, in which case 76227
the individuals in the separate and discrete part or unit shall 76228
not be considered in determining the number of residents in the 76229
adult care facility if the separate and discrete part or unit is 76230
in compliance with the Ohio basic building code established by the 76231
board of building standards under Chapters 3781. and 3791. of the 76232
Revised Code and the adult care facility, to the extent of its 76233
authority, permits the director, on request, to inspect the 76234
separate and discrete part or unit and speak with the individuals 76235
residing there, if they consent, to determine whether the separate 76236
and discrete part or unit meets the requirements of this division. 76237

Sec. 3722.022. A person may not apply for a license to 76238
operate an adult care facility if the person is or has been the 76239
owner or manager of an adult care facility for which a license to 76240
operate was revoked or for which renewal of a license was refused 76241
for any reason other than nonpayment of the license renewal fee, 76242
unless both of the following conditions are met: 76243

(A) A period of not less than two years has elapsed since the 76244
date the director of health issued the order revoking or refusing 76245
to renew the facility's license. 76246

(B) The director's revocation or refusal to renew the license 76247
was not based on an act or omission at the facility that violated 76248

a resident's right to be free from abuse, neglect, or 76249
exploitation. 76250

Sec. 3722.04. (A)(1) The director of health shall inspect, 76251
license, and regulate adult care facilities. Except as otherwise 76252
provided in division (D) of this section, the director shall issue 76253
a license to an adult care facility that meets the requirements of 76254
section 3722.02 of the Revised Code and that the director 76255
determines to be in substantial compliance with the rules adopted 76256
by the public health council pursuant to this chapter. The 76257
director shall consider the past record of the owner and manager 76258
and any individuals who are principal participants in an entity 76259
that is the owner or manager in operating facilities providing 76260
care to adults. The director may, in accordance with Chapter 119. 76261
of the Revised Code, deny a license if the past record indicates 76262
that the owner or manager is not suitable to own or manage an 76263
adult care facility. 76264

The license shall contain the name and address of the 76265
facility for which it was issued, the date of expiration of the 76266
license, and the maximum number of residents that may be 76267
accommodated by the facility. A license for an adult care facility 76268
shall be valid for a period of two years after the date of 76269
issuance. No single facility may be licensed to operate as more 76270
than one adult care facility. 76271

~~(2) Notwithstanding division (A)(1) of this section and~~ 76272
~~sections 3722.02 and 3722.041 of the Revised Code, the director~~ 76273
~~may issue a temporary license if the requirements of divisions~~ 76274
~~(C), (D), and (F) of section 3722.02 of the Revised Code have been~~ 76275
~~met. A temporary license shall be valid for a period of ninety~~ 76276
~~days and, except as otherwise provided in division (A)(3) of~~ 76277
~~section 3722.05 of the Revised Code, may be renewed, without~~ 76278
~~payment of an additional application fee, for an additional ninety~~ 76279
~~days.~~ 76280

(B) The director shall renew a license for a two-year period if the facility continues to be in compliance with the requirements of this chapter and in substantial compliance with the rules adopted under this chapter. The owner shall submit a nonrefundable license renewal application fee in an amount established in rules adopted by the public health council pursuant to this chapter. Before the license of an adult group home is renewed, if any alterations have been made to the buildings, a certificate of occupancy for the facility shall have been issued by the division of ~~industrial compliance~~ labor in the department of commerce or a local certified building department. The facility shall have water and sewage system approvals, if required by law, and, in the case of an adult group home, documentation of continued compliance with the rules adopted by the state fire marshal under division (F) of section 3737.83 of the Revised Code.

(C) ~~The~~ (1) During each licensure period, the director shall make at least one unannounced inspection of an adult care facility ~~during each licensure period~~ in addition to inspecting the facility to determine whether a license should be issued or renewed, and may make additional unannounced inspections as the director considers necessary. Other inspections may be made at any time that the director considers appropriate. ~~The~~

The director shall take all reasonable actions to avoid giving notice of an inspection by the manner in which the inspection is scheduled or performed. ~~Not~~

If an inspection is conducted to investigate an alleged violation of the requirements of this chapter in a facility with residents referred by or receiving services from a mental health agency or ADAMHS board or a facility with residents receiving assistance under the residential state supplement program administered by the department of aging pursuant to section 173.35 of the Revised Code, the director shall coordinate the inspection

with the appropriate mental health agency, ADAMHS board, or 76313
PASSPORT administrative agency. As the director considers 76314
appropriate, the director shall conduct the inspection jointly 76315
with the mental health agency, ADAMHS board, or PASSPORT 76316
administrative agency. 76317

Not later than sixty days after the date of an inspection of 76318
a facility, the director shall send a report of the inspection to 76319
the ombudsperson in whose region the facility is located. ~~The~~ 76320

(2) The state fire marshal or fire prevention officer of a 76321
municipal, township, or other legally constituted fire department 76322
approved by the state fire marshal shall inspect an adult group 76323
home seeking a license or renewal under this chapter as an adult 76324
care facility prior to issuance of a license or renewal, at least 76325
once annually thereafter, and at any other time at the request of 76326
the director, to determine compliance with the rules adopted under 76327
division (F) of section 3737.83 of the Revised Code. 76328

(D) The director may waive any of the licensing requirements 76329
~~having to do with fire and safety requirements or building~~ 76330
~~standards~~ established by rule adopted by the public health council 76331
pursuant to this chapter upon written request of the facility. The 76332
director may grant a waiver if the director determines that the 76333
strict application of the licensing requirement would cause undue 76334
hardship to the facility and that granting the waiver would not 76335
jeopardize the health or safety of any resident. The director may 76336
provide a facility with an informal hearing concerning the denial 76337
of a waiver request, but the facility shall not be entitled to a 76338
hearing under Chapter 119. of the Revised Code unless the director 76339
takes an action that requires a hearing to be held under section 76340
3722.05 of the Revised Code. 76341

(E)(1) Not later than thirty days after each of the 76342
following, the owner of an adult care facility shall submit an 76343
inspection fee of twenty dollars for each bed for which the 76344

facility is licensed:	76345
(a) Issuance or renewal of a license, ~~other than a temporary license;~~	76346 76347
(b) The unannounced inspection required by division (C)(1) of this section <u>that is in addition to the inspection conducted to determine whether a license should be issued or renewed;</u>	76348 76349 76350
(c) If, during an inspection conducted in addition to the two inspections required by division (C)(1) of this section, the facility was found to be in violation of this chapter or the rules adopted under it, receipt by the facility of the report of that investigation.	76351 76352 76353 76354 76355
(2) The director may revoke the license of any adult care facility that fails to submit the fee within the thirty-day period.	76356 76357 76358
(3) All inspection fees received by the director, all civil penalties assessed under section 3722.08 of the Revised Code, all fines imposed under section 3722.99 of the Revised Code, and all license application and renewal application fees received under division (F) of section 3722.02 of the Revised Code or under division (B) of this section shall be deposited into the general operations fund created in section 3701.83 of the Revised Code and shall be used only to pay the costs of administering and enforcing the requirements of this chapter and rules adopted under it.	76359 76360 76361 76362 76363 76364 76365 76366 76367
(F)(1) An owner shall inform the director in writing of any changes in the information contained in the statement of ownership made pursuant to division (C) of section 3722.02 of the Revised Code or in the identity of the manager, not later than ten days after the change occurs.	76368 76369 76370 76371 76372
(2) An owner who sells or transfers an adult care facility	76373

shall be responsible and liable for the following: 76374

(a) Any civil penalties imposed against the facility under 76375
section 3722.08 of the Revised Code for violations that occur 76376
before the date of transfer of ownership or during any period in 76377
which the seller or the seller's agent operates the facility; 76378

(b) Any outstanding liability to the state, unless the buyer 76379
or transferee has agreed, as a condition of the sale or transfer, 76380
to accept the outstanding liabilities and to guarantee their 76381
payment, except that if the buyer or transferee fails to meet 76382
these obligations the seller or transferor shall remain 76383
responsible for the outstanding liability. 76384

(G) The director shall annually publish a list of licensed 76385
adult care facilities, facilities ~~whose~~for which licenses have 76386
been revoked ~~or not renewed~~, facilities for which license renewal 76387
has been refused, any facilities under an order suspending 76388
admissions pursuant to section 3722.07 of the Revised Code, and 76389
any facilities that have been assessed a civil penalty pursuant to 76390
section 3722.08 of the Revised Code. The director shall furnish 76391
information concerning the status of licensure of any facility to 76392
any person upon request. The director shall annually send a copy 76393
of the list to the department of job and family services, to the 76394
department of mental health, and to the department of aging. 76395

Sec. 3722.041. (A) Sections 3781.06 to 3781.18 and 3791.04 76396
of the Revised Code do not apply to an adult family home for which 76397
application is made to the director of health for licensure as an 76398
adult care facility under this chapter. Adult family homes shall 76399
not be required to submit evidence to the director of health that 76400
the home has been inspected by a local certified building 76401
department or the division of ~~industrial compliance~~labor in the 76402
department of commerce or by the state fire marshal or a fire 76403
prevention officer under section 3722.02 of the Revised Code, but 76404
shall be inspected by the director of health to determine 76405

compliance with this section. An inspection made under this section may be made at the same time as an inspection made under section 3722.04 of the Revised Code.

(B) The director shall not license or renew the license of an adult family home unless it meets the fire protection standards established by rules adopted by the public health council pursuant to this chapter.

Sec. 3722.05. ~~(A)(1)~~ If an adult care facility fails to comply with any requirement of this chapter or with any rule adopted pursuant to this chapter, the director of health may do any one or all of the following:

~~(a)~~(A) In accordance with Chapter 119. of the Revised Code, deny, revoke, or refuse to renew the license of the facility;

~~(b)~~(B) Give the facility an opportunity to correct the violation, in accordance with section 3722.06 of the Revised Code;

~~(c)~~(C) Issue an order suspending the admission of residents to the facility, in accordance with section 3722.07 of the Revised Code;

~~(d)~~(D) Impose a civil penalty in accordance with section 3722.08 of the Revised Code;

~~(e)~~(E) Petition the court of common pleas for injunctive relief in accordance with section 3722.09 of the Revised Code.

~~(2) The director may refuse to renew the temporary license of any adult care facility for failure to make reasonable progress toward compliance with the requirements for licensure under section 3722.02 of the Revised Code and rules adopted by the public health council pursuant to this chapter. The director may revoke a temporary license upon a finding that the facility~~

~~jeopardizes the health or safety of any of its residents.~~ 76434
~~Proceedings initiated to deny, revoke, or refuse to renew a~~ 76435
~~temporary license are not subject to Chapter 119. of the Revised~~ 76436
~~Code.~~ 76437

~~(3) The director may renew a temporary license for the~~ 76438
~~duration of proceedings under Chapter 119. of the Revised Code~~ 76439
~~regarding the denial of a permanent license if he determines that~~ 76440
~~the continued operation of the facility will not jeopardize the~~ 76441
~~health or safety of the residents.~~ 76442

Sec. 3722.06. Except as otherwise provided in sections 76443
3722.07 to 3722.09 of the Revised Code and except in cases of 76444
violations that jeopardize the health and safety of any of the 76445
residents, if the director determines that a licensed adult care 76446
facility is in violation of this chapter or of rules adopted 76447
pursuant to this chapter, ~~he~~the director shall give the facility 76448
an opportunity to correct the violation. The director shall notify 76449
the facility of the violation, ~~prescribe the steps necessary to~~ 76450
~~correct the condition,~~ and specify a reasonable time for making 76451
the corrections. Notice of the violation ~~and the prescribed~~ 76452
~~corrections~~ shall be in writing and shall include a citation to 76453
the statute or rule violated. The director shall state the action 76454
that ~~he~~the director will take if the corrections are not made 76455
within the specified period of time. 76456

The facility shall submit to the director a plan of 76457
correction stating the actions that will be taken to correct the 76458
violation. The director shall conduct an inspection to determine 76459
whether the facility has corrected the violation in accordance 76460
with the plan of correction. 76461

If the director determines that the facility has failed to 76462
correct the violation in accordance with the plan of correction, 76463
the director may impose a penalty under section 3722.08 of the 76464
Revised Code. If the director subsequently determines that the 76465

license of the facility should be revoked or should not be renewed 76466
because the facility has failed to correct the violation within 76467
the time specified or because the violation jeopardizes the health 76468
or safety of any of the residents, the director shall revoke or 76469
refuse to renew the license in accordance with Chapter 119. of the 76470
Revised Code. 76471

Sec. 3722.08. (A) If the director of health determines that 76472
an adult care facility is in violation of this chapter or rules 76473
adopted under it, the director may impose a civil penalty on the 76474
owner of the facility, pursuant to rules adopted by the public 76475
health council under this chapter, ~~on the owner of the facility~~. 76476
The director shall determine the classification and amount of the 76477
penalty by considering the following factors: 76478

(1) The gravity of the violation, the severity of the actual 76479
or potential harm, and the extent to which the provisions of this 76480
chapter or rules adopted under it were violated; 76481

(2) Actions taken by the owner or manager to correct the 76482
violation; 76483

(3) The number, if any, of previous violations by the adult 76484
care facility. 76485

(B) The director shall give written notice of the order 76486
imposing a civil penalty to the adult care facility by certified 76487
mail, return receipt requested, or shall provide for delivery of 76488
the notice in person. The notice shall specify the classification 76489
of the violation as determined by rules adopted by the public 76490
health council pursuant to this chapter, the amount of the penalty 76491
and the rate of interest, the action that is required to be taken 76492
to correct the violation, the time within which it is to be 76493
corrected as specified in division (C) of this section, and the 76494
procedures for the facility to follow to request a conference on 76495
the order imposing a civil penalty. If the facility requests a 76496

conference in a letter mailed or delivered not later than two 76497
working days after it has received the notice, the director shall 76498
hold a conference with representatives of the facility concerning 76499
the civil penalty. The conference shall be held not later than 76500
seven days after the director receives the request. The conference 76501
shall be conducted as prescribed in division (C) of section 76502
3722.07 of the Revised Code. If the director issues an order 76503
upholding the civil penalty, the facility may request an 76504
adjudication hearing pursuant to Chapter 119. of the Revised Code, 76505
but the order of the director shall be in effect during 76506
proceedings instituted pursuant to that chapter until a final 76507
adjudication is made. 76508

(C) The director shall order that the condition or practice 76509
constituting a class I violation be abated or eliminated within 76510
twenty-four hours or any longer period that the director considers 76511
reasonable. The notice for a class II or a class III violation 76512
shall specify a time within which the violation is required to be 76513
corrected. 76514

(D) If the facility does not request a conference or if, 76515
after a conference, it fails to take action to correct a violation 76516
in the time prescribed by the director, the director shall issue 76517
an order upholding the penalty, plus interest at the rate 76518
specified in section 1343.03 of the Revised Code for each day 76519
beyond the date set for payment of the penalty. The director may 76520
waive the interest payment for the period prior to the conference 76521
if the director concludes that the conference was necessitated by 76522
a legitimate dispute. 76523

(E) The director may cancel or reduce the penalty for a class 76524
I violation if the facility corrects the violation within the time 76525
specified in the notice ~~unless, except that the director shall~~ 76526
impose the penalty even though the facility has corrected the 76527
violation if a resident suffers physical harm because of the 76528

violation or ~~unless~~ the facility has been cited previously for 76529
the same violation, ~~in which case the director shall impose the~~ 76530
~~penalty even though the facility has corrected the violation.~~ The 76531
director ~~shall~~may cancel the penalty for a class II or class III 76532
violation if the facility corrects the violation within the time 76533
specified in the notice ~~unless~~and the facility has not been 76534
cited previously for the same violation. Each day of a violation 76535
of any class, after the date the director sets for abatement or 76536
elimination, constitutes a separate and additional violation. 76537

(F) If an adult care facility fails to pay a penalty imposed 76538
under this section, the director may commence a civil action to 76539
collect the penalty. The license of an adult care facility that 76540
has failed to pay a penalty imposed under this section shall not 76541
be renewed until the penalty has been paid. 76542

(G) If a penalty is imposed under this section, a fine shall 76543
not be imposed under section 3722.99 of the Revised Code for the 76544
same violation. 76545

~~(H) Notwithstanding any other division of this section, the~~ 76546
~~director shall not impose a penalty for a class I violation if all~~ 76547
~~of the following apply:~~ 76548

~~(1) A resident has not suffered physical harm because of the~~ 76549
~~violation;~~ 76550

~~(2) The violation has been corrected and is no longer~~ 76551
~~occurring;~~ 76552

~~(3) The violation is discovered by an inspector authorized to~~ 76553
~~inspect an adult care facility pursuant to this chapter by an~~ 76554
~~examination of the records of the facility.~~ 76555

Sec. 3722.09. (A) If the director of health determines that 76556
the operation of an adult care facility jeopardizes the health or 76557

safety of any of the residents of the facility or if the director determines that an adult care facility is operating without a license, the director may petition the court of common pleas in the county in which the facility is located for appropriate injunctive relief against the facility. ~~The~~ If injunctive relief is granted against a facility for operating without a license and the facility continues to operate without a license, the director shall refer the case to the attorney general for further action.

(B) The court petitioned under division (A) of this section shall grant injunctive relief upon a showing that the operation of the facility jeopardizes the health or safety of any of the residents of the facility or that the facility is operating without a license. When the court grants injunctive relief in the case of a facility operating without a license, the court shall issue, at a minimum, an order enjoining the facility from admitting new residents to the facility and an order requiring the facility to assist resident rights advocates with the safe and orderly relocation of the facility's residents.

Sec. 3722.10. (A) The public health council shall have the exclusive authority to adopt, and the council shall adopt, rules in accordance with Chapter 119. of the Revised Code governing the licensing and operation of adult care facilities. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and shall specify all of the following:

(1) Procedures for the issuance, renewal, and revocation of licenses ~~and temporary licenses~~, for the granting and denial of waivers, and for the issuance and termination of orders of suspension of admission pursuant to section 3722.07 of the Revised Code;

(2) The qualifications required for owners, managers, and employees of adult care facilities, including character, training, education, experience, and financial resources and the number of

staff members required in a facility;	76590
(3) Adequate space, equipment, safety, and sanitation standards for the premises of adult care facilities, and fire protection standards for adult family homes as required by section 3722.041 of the Revised Code;	76591 76592 76593 76594
(4) The personal, social, dietary, and recreational services to be provided to each resident of adult care facilities;	76595 76596
(5) Rights of residents of adult care facilities, in addition to the rights enumerated under section 3722.12 of the Revised Code, and procedures to protect and enforce the rights of these residents;	76597 76598 76599 76600
(6) Provisions for keeping records of residents and for maintaining the confidentiality of the records as required by division (B) of section 3722.12 of the Revised Code. The provisions for maintaining the confidentiality of records shall, at the minimum, meet the requirements for maintaining the confidentiality of records under Title XIX of the "Social Security Act," 49 Stat. 620, 42 U.S.C. 301, as amended, and regulations promulgated thereunder.	76601 76602 76603 76604 76605 76606 76607 76608
(7) Measures to be taken by adult care facilities relative to residents' medication, including policies and procedures concerning medication, storage of medication in a locked area, and disposal of medication and assistance with self-administration of medication, if the facility provides assistance;	76609 76610 76611 76612 76613
(8) Requirements for initial and periodic health assessments of prospective and current adult care facility residents by physicians or other health professionals to ensure that they do not require a level of care beyond that which is provided by the adult care facility, including assessment of their capacity to self-administer the medications prescribed for them;	76614 76615 76616 76617 76618 76619

(9) Requirements relating to preparation of special diets;	76620
(10) The amount of the fees for new and renewal license applications made pursuant to sections 3722.02 and 3722.04 of the Revised Code;	76621 76622 76623
(11) Measures to be taken by any employee of the state or any political subdivision of the state authorized by this chapter to enter an adult care facility to inspect the facility or for any other purpose, to ensure that the employee respects the privacy and dignity of residents of the facility, cooperates with residents of the facility and behaves in a congenial manner toward them, and protects the rights of residents;	76624 76625 76626 76627 76628 76629 76630
(12) How an owner or manager of an adult care facility is to comply with section 3722.18 of the Revised Code. ~~The~~ <u>At a minimum,</u> the rules shall ~~do at least both of the following:~~	76631 76632 76633
~~(a) Establish~~ <u>establish</u> the procedures an owner or manager is to follow under division (A) ~~(2)~~ of section 3722.18 of the Revised Code regarding referrals to the facility of prospective residents with mental illness or severe mental disability and effective arrangements for ongoing mental health services for such prospective residents. The procedures may provide for any of the following:	76634 76635 76636 76637 76638 76639 76640
~~(i)(a) That the owner or manager sign written agreements with the mental health agencies and boards of alcohol, drug addiction, and mental health services that refer such prospective residents to the facility. Each agreement shall cover all such prospective residents referred by the agency or board with which the owner or manager enters into the agreement.~~	76641 76642 76643 76644 76645 76646
~~(ii)~~ <u>and the ADAMHS board serving the alcohol, drug addiction, and mental health service district in which the</u>	76647 76648

<u>facility is located sign a mental health resident program</u>	76649
<u>participation agreement, as developed by the director of mental</u>	76650
<u>health under section 5119.613 of the Revised Code;</u>	76651
<u>(b) That the owner or manager comply with the requirements of</u>	76652
<u>its mental health resident program participation agreement;</u>	76653
<u>(c) That the owner or manager and the mental health agencies</u>	76654
<u>and ADAMHS boards of alcohol, drug addiction, and mental health</u>	76655
<u>services that refer such prospective residents to the facility</u>	76656
<u>develop and sign a mental health plan for ongoing mental health</u>	76657
<u>services for each such prospective resident;</u>	76658
~~(iii)~~ <u>(d) Any other process established by the public health</u>	76659
<u>council in consultation with the director of health and director</u>	76660
<u>of mental health regarding referrals and effective arrangements</u>	76661
<u>for ongoing mental health services for prospective residents with</u>	76662
<u>mental illness.</u>	76663
~~(b) Specify the date an owner or manager must begin to follow~~	76664
~~the procedures established by division (A)(12)(a) of this section.~~	76665
<u>(13) Any other rules necessary for the administration and</u>	76666
<u>enforcement of this chapter.</u>	76667
<u>(B) After consulting with relevant constituencies, the</u>	76668
<u>director of mental health shall prepare and submit to the director</u>	76669
<u>of health recommendations for the content of rules to be adopted</u>	76670
<u>under division (A)(12) of this section. The public health council</u>	76671
<u>shall adopt the rules required by division (A)(12) of this section</u>	76672
<u>no later than July 1, 2000.</u>	76673
<u>(C) The director of health shall advise adult care facilities</u>	76674
<u>regarding compliance with the requirements of this chapter and</u>	76675
<u>with the rules adopted pursuant to this chapter.</u>	76676

(D) Any duty or responsibility imposed upon the director of health by this chapter may be carried out by an employee of the department of health.

(E) Employees of the department of health may enter, for the purposes of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as an adult care facility without a valid license.

Sec. 3722.13. (A) Each adult care facility shall establish a written residents' rights policy containing the text of sections 3722.12 and 3722.14 of the Revised Code and rules adopted by the public health council pursuant to this chapter, a discussion of the rights and responsibilities of residents under that section, and the text of any additional rule for residents promulgated by the facility. At the time of admission the manager shall give a copy of the residents' rights policy to the resident and ~~his~~the resident's sponsor, if any, and explain the contents of the policy to them. The facility shall establish procedures for facilitating the residents' exercise of their rights.

(B) Each adult care facility shall post prominently within the facility a copy of the residents' rights listed in division (B) of section 3722.12 of the Revised Code and any additional residents' rights established by rules adopted by the public health council pursuant to this chapter, ~~and~~ the addresses and telephone numbers of the state long-term care ~~facilities ombudsman~~ ombudsperson and the regional ~~ombudsman~~ ombudsman long-term care ombudsperson program for the area in which the facility is located, ~~and of the central and district offices of the telephone number maintained by the department of health for accepting complaints.~~

Sec. 3722.14. (A)(1) Except as provided in division (A)(2) of this section, an adult care facility may transfer or discharge

a resident, in the absence of a request from the resident, only for the following reasons:	76709 76710
(a) Charges for the resident's accommodations and services have not been paid within thirty days after the date on which they became due;	76711 76712 76713
(b) The mental, emotional, or physical condition of the resident requires a level of care that the facility is unable to provide;	76714 76715 76716
(c) The health, safety, or welfare of the resident or of another resident requires a transfer or discharge;	76717 76718
(d) The facility's license has been revoked or renewal has been denied pursuant to this chapter;	76719 76720
(e) The owner closes the facility;	76721
<u>(f) The resident is relocated as the result of a court's order issued under section 3722.09 of the Revised Code as part of the injunctive relief granted against a facility that is operating without a license;</u>	76722 76723 76724 76725
<u>(g) The resident is receiving publicly funded mental health services and the facility's mental health resident program participation agreement is terminated by the facility or ADAMHS board.</u>	76726 76727 76728 76729
(2) An adult family home may transfer or discharge a resident if transfer or discharge is required for the health, safety, or welfare of an individual who resides in the home but is not a resident for whom supervision or personal services are provided.	76730 76731 76732 76733
(B)(1) The facility shall give a resident thirty days advance notice, in writing, of a proposed transfer or discharge, except	76734 76735

that if the transfer or discharge is for a reason given in 76736
divisions (A)(1)(b) to (g) or (A)(2) to (5) of this section and an 76737
emergency exists, the notice need not be given thirty days in 76738
advance. ~~The resident may request and the director of health shall~~ 76739
~~conduct a hearing if the transfer or discharge is based upon~~ 76740
~~division (A)(1), (2), or (3) of this section. The public health~~ 76741
~~council shall adopt rules governing the procedure for conducting~~ 76742
~~such a hearing.~~ The facility shall state in the written notice the 76743
reasons for the proposed transfer or discharge. If the resident is 76744
entitled to a hearing as specified in division (B)(2) of this 76745
section, the written notice shall outline the procedure for the 76746
resident to follow in requesting a hearing. 76747

(2) A resident may request a hearing if a proposed transfer 76748
or discharge is based on reason given in division (A)(1)(a) to (c) 76749
or (A)(2) of this section. If the resident seeks a hearing, ~~he~~the 76750
resident shall submit a request to the director not later than ten 76751
days after receiving the written notice. The director shall hold 76752
the hearing not later than ten days after receiving the request. A 76753
representative of the director shall preside over the hearing and 76754
shall issue a written recommendation of action to be taken by the 76755
director not later than three days after the hearing. The director 76756
shall issue an order regarding the transfer or discharge not later 76757
than two days after receipt of the recommendation. The order may 76758
prohibit or place conditions on the discharge or transfer. In the 76759
case of a transfer, the order may require that the transfer be to 76760
an institution or facility specified by the director. The hearing 76761
is not subject to section 121.22 of the Revised Code. The public 76762
health council shall adopt rules governing any additional 76763
procedures necessary for conducting the hearing. 76764

(C)(1) The owner of an adult care facility who is closing the 76765
facility shall inform the director of health in writing at least 76766
thirty days prior to the proposed date of closing. At the same 76767
time, the owner or manager shall inform each resident, ~~his~~the 76768

resident's guardian, ~~his~~the resident's sponsor, or any 76769
organization or agency acting on behalf of the resident, of the 76770
closing of the facility and the date of the closing. 76771

(2) Immediately upon receiving notice that a facility is to 76772
be closed, the director shall monitor the transfer of residents to 76773
other facilities and ensure that residents' rights are protected. 76774
The director shall notify the ~~ombudsman~~ombudsperson in the region 76775
in which the facility is located of the closing. 76776

(3) All charges shall be prorated as of the date on which the 76777
facility closes. If payments have been made in advance, the 76778
payments for services not rendered shall be refunded to the 76779
resident or the resident's guardian not later than seven days 76780
after the closing of the facility. 76781

(4) Immediately upon the closing of a facility, the owner 76782
shall surrender the license to the director, and the license shall 76783
be canceled. 76784

Sec. 3722.15. (A) The following may enter an adult care 76785
facility at any time: 76786

(1) Employees designated by the director of health; 76787

(2) Employees designated by the director of aging; 76788

(3) Employees designated by the attorney general; 76789

(4) Employees designated by a county department of job and 76790
family services to implement sections 5101.60 to 5101.71 of the 76791
Revised Code; 76792

(5) Persons employed pursuant to division (M) of section 76793
173.01 of the Revised Code in the long-term care ~~facilities~~ 76794
ombudsperson program; 76795

(6) Employees of the department of mental health designated by the director of mental health;	76796 76797
(7) Employees of a mental health agency, <u>if under any of the following circumstances:</u>	76798 76799
(a) <u>When the agency has a client residing in the facility;</u>	76800
(b) <u>When the agency is acting as an agent of an ADAMHS board other than the board with which it is under contract;</u>	76801 76802
(c) <u>When there is a mental health resident program participation agreement between the facility and the ADAMHS board with which the agency is under contract.</u>	76803 76804 76805
(8) Employees of ~~an ADAMHS board of alcohol, drug addiction, and mental health services, when~~ <u>under any of the following circumstances:</u>	76806 76807 76808
(a) <u>When</u> authorized by section 340.05 of the Revised Code ~~or if an individual;~~	76809 76810
(b) <u>When a resident of the facility is receiving mental health services provided by the</u> <u>that ADAMHS board or another ADAMHS board</u> pursuant to division (A)(8)(b) of section 340.03 of the Revised Code ~~or;~~	76811 76812 76813 76814
(c) <u>When a resident of the facility is receiving services from a mental health agency under contract with the</u> <u>that ADAMHS board resides in the facility or another ADAMHS board;</u>	76815 76816 76817
(d) <u>When there is a mental health resident program participation agreement between the facility and that ADAMHS board.</u>	76818 76819 76820
~~These~~ <u>The employees specified in divisions (A)(1) to (8) of this section</u> shall be afforded access to all records of the	76821 76822

facility, including records pertaining to residents, and may copy 76823
the records. Neither these employees nor the director of health 76824
shall release, without consent, any information obtained from the 76825
records of an adult care facility that reasonably would tend to 76826
identify a specific resident of the facility, except as ordered by 76827
a court of competent jurisdiction. 76828

(B) The following persons may enter any adult care facility 76829
during reasonable hours: 76830

(1) A resident's sponsor; 76831

(2) Residents' rights advocates; 76832

(3) A resident's attorney; 76833

(4) A minister, priest, rabbi, or other person ministering to 76834
a resident's religious needs; 76835

(5) A physician or other person providing health care 76836
services to a resident; 76837

(6) Employees authorized by county departments of job and 76838
family services and local boards of health or health departments 76839
to enter adult care facilities; 76840

(7) A prospective resident and prospective resident's 76841
sponsor. 76842

(C) The manager of an adult care facility may require a 76843
person seeking to enter the facility to present identification 76844
sufficient to identify the person as an authorized person under 76845
this section. 76846

Sec. 3722.16. (A) No person shall: 76847

(1) Operate an adult care facility unless the facility is 76848

validly licensed by the director of health under section 3722.04 of the Revised Code;	76849 76850
(2) Admit to an adult care facility more residents than the number authorized in the facility's license;	76851 76852
(3) Admit a resident to an adult care facility after the director has issued an order pursuant to section 3722.07 of the Revised Code suspending admissions to the facility. Violation of division (A)(3) of this section is cause for revocation of the facility's license.	76853 76854 76855 76856 76857
(4) Interfere with any authorized inspection of an adult care facility conducted pursuant to section 3722.02 or 3722.04 of the Revised Code;	76858 76859 76860
(5) <u>Admit to an adult care facility a resident requiring publicly funded mental health services, unless both of the following conditions are met:</u>	76861 76862 76863
(a) <u>The ADAMHS board serving the alcohol, drug addiction, and mental health service district in which the facility is located is notified;</u>	76864 76865 76866
(b) <u>The facility and ADAMHS board have entered into a mental health resident program participation agreement by using the standardized form approved by the director of mental health under section 5119.613 of the Revised Code.</u>	76867 76868 76869 76870
(6) Violate any of the provisions of this chapter or any of the rules adopted pursuant to it.	76871 76872
(B) No adult care facility shall provide, or admit or retain any resident in need of, skilled nursing care unless all of the following <u>conditions</u> are ~~the ease~~ <u>met</u> :	76873 76874 76875

(1) The care will be provided on a part-time, intermittent basis for not more than a total of one hundred twenty days in any twelve-month period.	76876 76877 76878
<u>(2) The care will be provided by one or more of the following:</u>	76879 76880
(a) A home health agency certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;	76881 76882 76883
(b) A hospice care program licensed under Chapter 3712. of the Revised Code;	76884 76885
(c) A nursing home licensed under Chapter 3721. of the Revised Code and owned and operated by the same person and located on the same site as the adult care facility;	76886 76887 76888
(d) A mental health agency or, pursuant to division (A)(8)(b) of section 340.03 of the Revised Code, ~~an ADAMHS board of alcohol, drug addiction, and mental health services.~~	76889 76890 76891
~~(2)(3) Each individual employed by, under contract with, or otherwise used by any of the entities specified in division (B)(2) of this section to perform the skilled nursing care is authorized under the laws of this state to perform the care by being appropriately licensed, as specified in rules adopted under division (G) of this section.~~	76892 76893 76894 76895 76896 76897
~~(4) The staff of the home health agency, hospice care program, nursing home, mental health agency, or board of alcohol, drug addiction, and mental health services~~ <u>one or more entities providing the skilled nursing care</u> does not train <u>the adult care</u> facility staff to provide the skilled nursing care;	76898 76899 76900 76901 76902
~~(3)(5)~~ <u>(5)</u> The individual to whom the skilled nursing care is	76903

provided is suffering from a short-term illness;	76904
~~(4)~~ (6) If the skilled nursing care is to be provided by the	76905
nursing staff of a nursing home, all of the following are the	76906
case:	76907
(a) The adult care facility evaluates the individual	76908
receiving the skilled nursing care at least once every seven days	76909
to determine whether the individual should be transferred to a	76910
nursing home;	76911
(b) The adult care facility meets at all times staffing	76912
requirements established by rules adopted under section 3722.10 of	76913
the Revised Code;	76914
(c) The nursing home does not include the cost of providing	76915
skilled nursing care to the adult care facility residents in a	76916
cost report filed under section 5111.26 of the Revised Code;	76917
(d) The nursing home meets at all times the nursing home	76918
licensure staffing ratios established by rules adopted under	76919
section 3721.04 of the Revised Code;	76920
(e) The nursing home staff providing skilled nursing care to	76921
adult care facility residents are registered nurses or licensed	76922
practical nurses licensed under Chapter 4723. of the Revised Code	76923
and meet the personnel qualifications for nursing home staff	76924
established by rules adopted under section 3721.04 of the Revised	76925
Code;	76926
(f) The skilled nursing care is provided in accordance with	76927
rules established for nursing homes under section 3721.04 of the	76928
Revised Code;	76929
(g) The nursing home meets the skilled nursing care needs of	76930
the adult care facility residents;	76931

(h) Using the nursing home's nursing staff does not prevent the nursing home or adult care facility from meeting the needs of the nursing home and adult care facility residents in a quality and timely manner.

(7) No adult care facility staff shall provide skilled nursing care.

Notwithstanding section 3721.01 of the Revised Code, an adult care facility in which residents receive skilled nursing care as described in division (B) of this section is not a nursing home. ~~No adult care facility shall provide skilled nursing care.~~

(C) A home health agency or hospice care program that provides skilled nursing care pursuant to division (B) of this section may not be associated with the adult care facility unless the facility is part of a home for the aged as defined in section 5701.13 of the Revised Code or the adult care facility is owned and operated by the same person and located on the same site as a nursing home licensed under Chapter 3721. of the Revised Code that is associated with the home health agency or hospice care program. In addition, the following requirements shall be met:

(1) The adult care facility shall evaluate the individual receiving the skilled nursing care not less than once every seven days to determine whether the individual should be transferred to a nursing home;

(2) If the costs of providing the skilled nursing care are included in a cost report filed pursuant to section 5111.26 of the Revised Code by the nursing home that is part of the same home for the aged, the home health agency or hospice care program shall not seek reimbursement for the care under the medical assistance program established under Chapter 5111. of the Revised Code.

(D)(4) No person knowingly shall place or recommend placement of any person in an adult care facility that is operating without a license.

(2)(E) No employee of a unit of local or state government, ~~ADAMHS board of alcohol, drug addiction, and mental health services,~~ mental health agency, or PASSPORT administrative agency shall place or recommend placement of any person in an adult care facility if the employee knows ~~that~~any of the following:

(1) That the facility cannot meet the needs of the potential resident;

(2) That placement of the resident would cause the facility to exceed its licensed capacity;

(3) That an enforcement action initiated by the director of health is pending and may result in the revocation of or refusal to renew the facility's license;

(4) That the potential resident is receiving or is eligible for publicly funded mental health services and the facility has not entered into a mental health resident program participation agreement.

(3)(F) No person who has reason to believe that an adult care facility is operating without a license shall fail to report this information to the director of health.

(E)(G) In accordance with Chapter 119. of the Revised Code, the public health council shall adopt rules ~~that define for~~ purposes of division (B) of this section that do all of the following:

(1) Define a short-term illness for purposes of division (B)(3)(5) of this section and specify;

(2) Specify, consistent with rules pertaining to home health care adopted by the director of job and family services under the medical assistance program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, what constitutes a part-time, intermittent basis for purposes of division (B)(1) of this section;

(3) Specify what constitutes being appropriately licensed for purposes of division (B)(3) of this section.

Sec. 3722.17. (A) Any person who believes that an adult care facility is in violation of this chapter or of any of the rules promulgated pursuant to it may report the information to the director of health. The director shall investigate each report made under this section or section 3722.16 of the Revised Code and shall inform the facility of the results of the investigation. When investigating a report made pursuant to section 340.05 of the Revised Code, the director shall consult with the ADAMHS board of ~~alcohol, drug addiction, and mental health services~~ that made the report. The director shall keep a record of the investigation and the action taken as a result of the investigation.

The director shall not reveal, without consent, the identity of a person who makes a report under this section or division ~~(D)(3)~~(G) of section 3722.16 of the Revised Code, the identity of a specific resident or residents referred to in such a report, or any other information that could reasonably be expected to reveal the identity of the person making the report or the resident or residents referred to in the report, except that the director may provide this information to a government agency responsible for enforcing laws applying to adult care facilities.

(B) Any person who believes that a resident's rights under sections 3722.12 to 3722.15 of the Revised Code have been violated

may report the information to the state ~~or regional~~ long-term care facilities ombudsperson, the regional long-term care ombudsperson program for the area in which the facility is located, or ~~to~~ the director of health. If the person believes that the resident has mental illness or severe mental disability and is suffering abuse or neglect, the person may report the information to the ADAMHS board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the adult care facility is located or a mental health agency under contract with the board in addition to or instead of the ombudsperson, regional program, or director.

(C) Any person who makes a report pursuant to division (A) or (B) of this section or division ~~(D)(3)~~(G) of section 3722.16 of the Revised Code or any person who participates in an administrative or judicial proceeding resulting from such a report is immune from any civil liability or criminal liability, other than perjury, that might otherwise be incurred or imposed as a result of these actions, unless the person has acted in bad faith or with malicious purpose.

Sec. 3722.18. Before an adult care facility admits a prospective resident who the owner or manager of the facility knows has been assessed as having a mental illness or severe mental disability, the owner or manager ~~shall do~~ is subject to both of the following in accordance with rules adopted under division (A)(12) of section 3722.10 of the Revised Code:

(A) If the prospective resident is referred to the facility by a mental health agency or ADAMHS board of alcohol, drug addiction, and mental health services, ~~do the following:~~

~~(1) Except in an emergency and only until the date an owner or manager of an adult care facility must begin to follow procedures under division (A)(2) of this section, enter into an affiliation agreement with the agency or board. An affiliation~~

agreement with the agency is subject to the board's approval. An 77052
affiliation agreement must be consistent with the residential 77053
portion of the board's community mental health plan submitted to 77054
the department of mental health under section 340.03 of the 77055
Revised Code. 77056

~~(2) Beginning on the date specified in rules adopted under~~ 77057
~~division (A)(12) of section 3722.10 of the Revised Code, the owner~~ 77058
or manager shall follow procedures established in these rules 77059
adopted under division (A)(12) of section 3722.10 of the Revised 77060
Code regarding referrals and effective arrangements for ongoing 77061
mental health services. 77062

(B) If the prospective resident is not referred to the 77063
facility by a mental health agency or ADAMHS board of alcohol, 77064
~~drug addiction, and mental health services, document that the~~ 77065
owner or manager ~~has offered~~ shall offer to assist the 77066
prospective resident in obtaining appropriate mental health 77067
services and document the offer of assistance in accordance with 77068
rules adopted under division (A)(12) of section 3722.10 of the 77069
Revised Code. 77070

Sec. 3722.99. Whoever violates division (A) ~~or (B)(1)~~ of 77071
section 3722.16 of the Revised Code shall be fined ~~five hundred~~ 77072
two thousand dollars for a first offense; for each subsequent 77073
offense, such person shall be fined ~~one~~ five thousand dollars. 77074

Whoever violates division (C) of section 3722.12 or division 77075
(A)(2), (3), (4), (5) or (6), (B), (C), (D), (E), or (F) of 77076
section 3722.16 of the Revised Code shall be fined ~~one~~ five 77077
hundred dollars for a first offense; for each subsequent offense, 77078
such person shall be fined ~~five hundred~~ one thousand dollars. 77079

Sec. 3727.02. (A) No person and no political subdivision, 77080
agency, or instrumentality of this state shall operate a hospital 77081
unless it is certified under Title XVIII of the "Social Security 77082

Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or is 77083
accredited by ~~the joint commission or the American osteopathic~~ 77084
~~association~~ a national accrediting organization approved by the 77085
centers for medicare and medicaid services. 77086

(B) No person and no political subdivision, agency, or 77087
instrumentality of this state shall hold out as a hospital any 77088
health facility that is not certified or accredited as required in 77089
division (A) of this section. 77090

Sec. 3729.07. The licensor of a recreational vehicle park, 77091
recreation camp, or combined park-camp may charge a fee for an 77092
annual license to operate such a park, camp, or park-camp. In the 77093
case of a temporary park-camp, the licensor may charge a fee for a 77094
license to operate the temporary park-camp for the period 77095
specified in division (A) of section 3729.05 of the Revised Code. 77096
The fees for both types of licenses shall be determined in 77097
accordance with section 3709.09 of the Revised Code and shall 77098
include the cost of licensing and all inspections. 77099

Except for the fee for a temporary park-camp license, the fee 77100
also shall include any additional amount determined by rule of the 77101
public health council, which shall be collected and transmitted by 77102
the board of health to the ~~treasurer of state to be credited to~~ 77103
~~the general operations fund created in section 3701.83 of the~~ 77104
~~Revised Code~~ director of health pursuant to section 3709.092 of 77105
the Revised Code and used only for the purpose of administering 77106
and enforcing this chapter and rules adopted under it. The portion 77107
of any fee retained by the board of health shall be paid into a 77108
special fund and used only for the purpose of administering and 77109
enforcing this chapter and rules adopted under it. 77110

Sec. 3733.02. (A)(1) The public health council, subject to 77111
Chapter 119. of the Revised Code, shall adopt, and has the 77112
exclusive power to adopt, rules of uniform application throughout 77113
the state governing the review of plans, issuance of flood plain 77114

management permits, and issuance of licenses for manufactured home parks; the location, layout, density, construction, drainage, sanitation, safety, and operation of those parks; and notices of flood events concerning, and flood protection at, those parks. The rules pertaining to flood plain management shall be consistent with and not less stringent than the flood plain management criteria of the national flood insurance program adopted under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended. The rules shall not apply to the construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code is applicable.

(2) The rules pertaining to manufactured home parks constructed after June 30, 1971, shall specify that each home must be placed on its lot to provide not less than fifteen feet between the side of one home and the side of another home, ten feet between the end of one home and the side of another home, and five feet between the ends of two homes placed end to end.

(3) The ~~department of health~~ manufactured homes commission shall determine compliance with the installation, blocking, tiedown, foundation, and base support system standards for manufactured housing located in manufactured home parks adopted by the ~~manufactured homes~~ commission pursuant to section 4781.04 of the Revised Code. All inspections of the installation, blocking, tiedown, foundation, and base support systems of manufactured housing in a manufactured home park that the department of health or a licensor conducts shall be conducted by a person who has completed an installation training course approved by the manufactured homes commission pursuant to division (B)(12) of section 4781.04 of the Revised Code.

As used in division (A)(3) of this section, "manufactured housing" has the same meaning as in section 4781.01 of the Revised Code.

(B) The public health council, in accordance with Chapter 119. of the Revised Code, shall adopt rules of uniform application throughout the state establishing requirements and procedures in accordance with which the director of health may authorize licensors for the purposes of sections 3733.022 and 3733.025 of the Revised Code. The rules shall include at least provisions under which a licensor may enter into contracts for the purpose of fulfilling the licensor's responsibilities under either or both of those sections.

Sec. 3733.04. The licensor of a manufactured home park may charge a fee for an annual license to operate such a park. The fee for a license shall be determined in accordance with section 3709.09 of the Revised Code and shall include the cost of licensing and all inspections.

The fee also shall include any additional amount determined by rule of the public health council, which shall be collected and transmitted by the board of health to the ~~treasurer of state to be credited to the general operations fund created in section 3701.83 of the Revised Code~~ director of health pursuant to section 3709.092 of the Revised Code and used only for the purpose of administering and enforcing sections 3733.01 to 3733.08 of the Revised Code and the rules adopted under those sections. The portion of any fee retained by the board of health shall be paid into a special fund and used only for the purpose of administering and enforcing sections 3733.01 to 3733.08 of the Revised Code and the rules adopted thereunder.

Sec. 3733.25. Any fee for the license required by section 3733.24 of the Revised Code shall be determined in accordance with section 3709.09 of the Revised Code. The license fee shall include any additional amount determined by rule of the public health council, which shall be collected and transmitted by the board of health ~~district~~ to the director of health ~~for deposit in the state~~

treasury to the credit of the general operations fund created in 77179
 section 3701.83 of the Revised Code pursuant to section 3709.092 77180
of the Revised Code and shall be used by the director to 77181
 administer and enforce sections 3733.21 to 3733.30 of the Revised 77182
 Code and rules adopted thereunder. The portion of any fee retained 77183
 by the health district shall be paid into a special fund which is 77184
 hereby created in each health district and shall be used only by 77185
 the board for the purpose of administering and enforcing sections 77186
 3733.21 to 3733.30 of the Revised Code and the rules adopted 77187
 thereunder. The health district may charge additional reasonable 77188
 fees for the collection and bacteriological examination of any 77189
 necessary water samples taken from a marina. 77190

Sec. 3733.43. (A) Except as otherwise provided in this 77191
 division, prior to the fifteenth day of April in each year, every 77192
 person who intends to operate an agricultural labor camp shall 77193
 make application to the licenser for a license to operate such 77194
 camp, effective for the calendar year in which it is issued. The 77195
 licenser may accept an application on or after the fifteenth day 77196
 of April. The license fees specified in this division shall be 77197
 submitted to the licenser with the application for a license. No 77198
 agricultural labor camp shall be operated in this state without a 77199
 license. Any person operating an agricultural labor camp without a 77200
 current and valid agricultural labor camp license is not excepted 77201
 from compliance with sections 3733.41 to 3733.49 of the Revised 77202
 Code by holding a valid and current hotel license. Each person 77203
 proposing to open an agricultural labor camp shall submit with the 77204
 application for a license any plans required by any rule adopted 77205
 under section 3733.42 of the Revised Code. ~~The~~ For any license 77206
issued on or after July 1, 2009, the annual license fee is 77207
~~seventy-five~~ one hundred fifty dollars, unless the application for 77208
 a license is made on or after the fifteenth day of April in any 77209
given year, in which case the annual license fee is one hundred 77210
sixty-six dollars. ~~And~~ For any license issued on or after July 1, 77211
2009, an additional fee of ten ~~twenty~~ dollars per housing unit per 77212

year shall be assessed to defray the costs of enforcing sections 77213
3733.41 to 3733.49 of the Revised Code, unless the application for 77214
a license is made on or after the fifteenth day of April in any 77215
given year, in which case an additional fee of ~~fifteen~~forty-two 77216
dollars and fifty cents per housing unit shall be assessed. All 77217
fees collected under this division shall be deposited in the state 77218
treasury to the credit of the general operations fund created in 77219
section 3701.83 of the Revised Code and shall be used for the 77220
administration and enforcement of sections 3733.41 to 3733.49 of 77221
the Revised Code and rules adopted thereunder. 77222

(B) Any license under this section may be denied, suspended, 77223
or revoked by the licensor for violation of sections 3733.41 to 77224
3733.49 of the Revised Code or the rules adopted thereunder. 77225
Unless there is an immediate serious public health hazard, no 77226
denial, suspension, or revocation of a license shall be made 77227
effective until the person operating the agricultural labor camp 77228
has been given notice in writing of the specific violations and a 77229
reasonable time to make corrections. When the licensor determines 77230
that an immediate serious public health hazard exists, the 77231
licensor shall issue an order denying or suspending the license 77232
without a prior hearing. 77233

(C) All proceedings under this section are subject to Chapter 77234
119. of the Revised Code except as provided in section 3733.431 of 77235
the Revised Code. 77236

(D) Every occupant of an agricultural labor camp shall keep 77237
that part of the dwelling unit, and premises thereof, that the 77238
occupant occupies and controls in a clean and sanitary condition. 77239

Sec. 3734.05. (A)(1) Except as provided in divisions (A)(4), 77240
(8), and (9) of this section, no person shall operate or maintain 77241
a solid waste facility without a license issued under this 77242
division by the board of health of the health district in which 77243
the facility is located or by the director of environmental 77244

protection when the health district in which the facility is 77245
located is not on the approved list under section 3734.08 of the 77246
Revised Code. 77247

During the month of December, but before the first day of 77248
January of the next year, every person proposing to continue to 77249
operate an existing solid waste facility shall procure a license 77250
under this division to operate the facility for that year from the 77251
board of health of the health district in which the facility is 77252
located or, if the health district is not on the approved list 77253
under section 3734.08 of the Revised Code, from the director. The 77254
application for such a license shall be submitted to the board of 77255
health or to the director, as appropriate, on or before the last 77256
day of September of the year preceding that for which the license 77257
is sought. In addition to the application fee prescribed in 77258
division (A)(2) of this section, a person who submits an 77259
application after that date shall pay an additional ten per cent 77260
of the amount of the application fee for each week that the 77261
application is late. Late payment fees accompanying an application 77262
submitted to the board of health shall be credited to the special 77263
fund of the health district created in division (B) of section 77264
3734.06 of the Revised Code, and late payment fees accompanying an 77265
application submitted to the director shall be credited to the 77266
general revenue fund. A person who has received a license, upon 77267
sale or disposition of a solid waste facility, and upon consent of 77268
the board of health and the director, may have the license 77269
transferred to another person. The board of health or the director 77270
may include such terms and conditions in a license or revision to 77271
a license as are appropriate to ensure compliance with this 77272
chapter and rules adopted under it. The terms and conditions may 77273
establish the authorized maximum daily waste receipts for the 77274
facility. Limitations on maximum daily waste receipts shall be 77275
specified in cubic yards of volume for the purpose of regulating 77276
the design, construction, and operation of solid waste facilities. 77277
Terms and conditions included in a license or revision to a 77278

license by a board of health shall be consistent with, and pertain 77279
only to the subjects addressed in, the rules adopted under 77280
division (A) of section 3734.02 and division (D) of section 77281
3734.12 of the Revised Code. 77282

(2)(a) Except as provided in divisions (A)(2)(b), (8), and 77283
(9) of this section, each person proposing to open a new solid 77284
waste facility or to modify an existing solid waste facility shall 77285
submit an application for a permit with accompanying detail plans 77286
and specifications to the environmental protection agency for 77287
required approval under the rules adopted by the director pursuant 77288
to division (A) of section 3734.02 of the Revised Code and 77289
applicable rules adopted under division (D) of section 3734.12 of 77290
the Revised Code at least two hundred seventy days before proposed 77291
operation of the facility and shall concurrently make application 77292
for the issuance of a license under division (A)(1) of this 77293
section with the board of health of the health district in which 77294
the proposed facility is to be located. 77295

(b) On and after the effective date of the rules adopted 77296
under division (A) of section 3734.02 of the Revised Code and 77297
division (D) of section 3734.12 of the Revised Code governing 77298
solid waste transfer facilities, each person proposing to open a 77299
new solid waste transfer facility or to modify an existing solid 77300
waste transfer facility shall submit an application for a permit 77301
with accompanying engineering detail plans, specifications, and 77302
information regarding the facility and its method of operation to 77303
the environmental protection agency for required approval under 77304
those rules at least two hundred seventy days before commencing 77305
proposed operation of the facility and concurrently shall make 77306
application for the issuance of a license under division (A)(1) of 77307
this section with the board of health of the health district in 77308
which the facility is located or proposed. 77309

(c) Each application for a permit under division (A)(2)(a) or 77310

(b) of this section shall be accompanied by a nonrefundable application fee of four hundred dollars that shall be credited to the general revenue fund. Each application for an annual license under division (A)(1) or (2) of this section shall be accompanied by a nonrefundable application fee of one hundred dollars. If the application for an annual license is submitted to a board of health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special fund of the health district created in division (B) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division (Q) of section 3745.11 of the Revised Code or the amount of the license fee due under division (A)(1), (2), (3), or (4) of section 3734.06 of the Revised Code.

(d) As used in divisions (A)(2)(d), (e), and (f) of this section, "modify" means any of the following:

(i) Any increase of more than ten per cent in the total capacity of a solid waste facility;

(ii) Any expansion of the limits of solid waste placement at a solid waste facility;

(iii) Any increase in the depth of excavation at a solid waste facility;

(iv) Any change in the technique of waste receipt or type of waste received at a solid waste facility that may endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code.

Not later than thirty-five days after submitting an

application under division (A)(2)(a) or (b) of this section for a permit to open a new or modify an existing solid waste facility, the applicant, in conjunction with an officer or employee of the environmental protection agency, shall hold a public meeting on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. Not less than thirty days before holding the public meeting on the application, the applicant shall publish notice of the meeting in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located. If no newspaper of general circulation is published in the county, the applicant shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public meeting and a general description of the proposed new or modified facility. Not later than five days after publishing the notice, the applicant shall send by certified mail a copy of the notice and the date the notice was published to the director and the legislative authority of each municipal corporation, township, and county, and to the chief executive officer of each municipal corporation, in which the facility is or is proposed to be located. At the public meeting, the applicant shall provide information and describe the application and respond to comments or questions concerning the application, and the officer or employee of the agency shall describe the permit application process. At the public meeting, any person may submit written or oral comments on or objections to the application. Not more than thirty days after the public meeting, the applicant shall provide the director with a copy of a transcript of the full meeting, copies of any exhibits, displays, or other materials presented by the applicant at the meeting, and the original copy of any written comments submitted at the meeting.

(e) Except as provided in division (A)(2)(f) of this section, prior to taking an action, other than a proposed or final denial,

upon an application submitted under division (A)(2)(a) of this section for a permit to open a new or modify an existing solid waste facility, the director shall hold a public information session and a public hearing on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. If the application is for a permit to open a new solid waste facility, the director shall hold the hearing not less than fourteen days after the information session. If the application is for a permit to modify an existing solid waste facility, the director may hold both the information session and the hearing on the same day unless any individual affected by the application requests in writing that the information session and the hearing not be held on the same day, in which case the director shall hold the hearing not less than fourteen days after the information session. The director shall publish notice of the public information session or public hearing not less than thirty days before holding the information session or hearing, as applicable. The notice shall be published in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located. If no newspaper of general circulation is published in the county, the director shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the information session or hearing, as applicable, and a general description of the proposed new or modified facility. At the public information session, an officer or employee of the environmental protection agency shall describe the status of the permit application and be available to respond to comments or questions concerning the application. At the public hearing, any person may submit written or oral comments on or objections to the approval of the application. The applicant, or a representative of the applicant who has knowledge of the location, construction, and operation of the facility, shall attend the information session and public hearing to respond to comments or questions concerning the facility directed to the applicant or

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representative by the officer or employee of the environmental
protection agency presiding at the information session and
hearing.

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(f) The solid waste management policy committee of a county
or joint solid waste management district may adopt a resolution
requesting expeditious consideration of a specific application
submitted under division (A)(2)(a) of this section for a permit to
modify an existing solid waste facility within the district. The
resolution shall make the finding that expedited consideration of
the application without the public information session and public
hearing under division (A)(2)(e) of this section is in the public
interest and will not endanger human health, as determined by the
director by rules adopted in accordance with Chapter 119. of the
Revised Code. Upon receiving such a resolution, the director, at
the director's discretion, may issue a final action upon the
application without holding a public information session or public
hearing pursuant to division (A)(2)(e) of this section.

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(3) Except as provided in division (A)(10) of this section,
and unless the owner or operator of any solid waste facility,
other than a solid waste transfer facility or a compost facility
that accepts exclusively source separated yard wastes, that
commenced operation on or before July 1, 1968, has obtained an
exemption from the requirements of division (A)(3) of this section
in accordance with division (G) of section 3734.02 of the Revised
Code, the owner or operator shall submit to the director an
application for a permit with accompanying engineering detail
plans, specifications, and information regarding the facility and
its method of operation for approval under rules adopted under
division (A) of section 3734.02 of the Revised Code and applicable
rules adopted under division (D) of section 3734.12 of the Revised
Code in accordance with the following schedule:

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(a) Not later than September 24, 1988, if the facility is

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located in the city of Garfield Heights or Parma in Cuyahoga county;	77442 77443
(b) Not later than December 24, 1988, if the facility is located in Delaware, Greene, Guernsey, Hamilton, Madison, Mahoning, Ottawa, or Vinton county;	77444 77445 77446
(c) Not later than March 24, 1989, if the facility is located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or Washington county, or is located in the city of Brooklyn or Cuyahoga Heights in Cuyahoga county;	77447 77448 77449 77450
(d) Not later than June 24, 1989, if the facility is located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or Summit county or is located in Cuyahoga county outside the cities of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights;	77451 77452 77453 77454
(e) Not later than September 24, 1989, if the facility is located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross county;	77455 77456 77457
(f) Not later than December 24, 1989, if the facility is located in a county not listed in divisions (A)(3)(a) to (e) of this section;	77458 77459 77460
(g) Notwithstanding divisions (A)(3)(a) to (f) of this section, not later than December 31, 1990, if the facility is a solid waste facility owned by a generator of solid wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated and if the facility disposes of more than one hundred thousand tons of solid wastes per year, provided that any such facility shall be subject to division (A)(5) of this section.	77461 77462 77463 77464 77465 77466 77467 77468 77469 77470

(4) Except as provided in divisions (A)(8), (9), and (10) of this section, unless the owner or operator of any solid waste facility for which a permit was issued after July 1, 1968, but before January 1, 1980, has obtained an exemption from the requirements of division (A)(4) of this section under division (G) of section 3734.02 of the Revised Code, the owner or operator shall submit to the director an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under those rules.

(5) The director may issue an order in accordance with Chapter 3745. of the Revised Code to the owner or operator of a solid waste facility requiring the person to submit to the director updated engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under division (A) of section 3734.02 of the Revised Code and applicable rules adopted under division (D) of section 3734.12 of the Revised Code if, in the director's judgment, conditions at the facility constitute a substantial threat to public health or safety or are causing or contributing to or threatening to cause or contribute to air or water pollution or soil contamination. Any person who receives such an order shall submit the updated engineering detail plans, specifications, and information to the director within one hundred eighty days after the effective date of the order.

(6) The director shall act upon an application submitted under division (A)(3) or (4) of this section and any updated engineering plans, specifications, and information submitted under division (A)(5) of this section within one hundred eighty days after receiving them. If the director denies any such permit application, the order denying the application or disapproving the plans shall include the requirements that the owner or operator submit a plan for closure and post-closure care of the facility to

the director for approval within six months after issuance of the order, cease accepting solid wastes for disposal or transfer at the facility, and commence closure of the facility not later than one year after issuance of the order. If the director determines that closure of the facility within that one-year period would result in the unavailability of sufficient solid waste management facility capacity within the county or joint solid waste management district in which the facility is located to dispose of or transfer the solid waste generated within the district, the director in the order of denial or disapproval may postpone commencement of closure of the facility for such period of time as the director finds necessary for the board of county commissioners or directors of the district to secure access to or for there to be constructed within the district sufficient solid waste management facility capacity to meet the needs of the district, provided that the director shall certify in the director's order that postponing the date for commencement of closure will not endanger ground water or any property surrounding the facility, allow methane gas migration to occur, or cause or contribute to any other type of environmental damage.

If an emergency need for disposal capacity that may affect public health and safety exists as a result of closure of a facility under division (A)(6) of this section, the director may issue an order designating another solid waste facility to accept the wastes that would have been disposed of at the facility to be closed.

(7) If the director determines that standards more stringent than those applicable in rules adopted under division (A) of section 3734.02 of the Revised Code and division (D) of section 3734.12 of the Revised Code, or standards pertaining to subjects not specifically addressed by those rules, are necessary to ensure that a solid waste facility constructed at the proposed location will not cause a nuisance, cause or contribute to water pollution,

or endanger public health or safety, the director may issue a permit for the facility with such terms and conditions as the director finds necessary to protect public health and safety and the environment. If a permit is issued, the director shall state in the order issuing it the specific findings supporting each such term or condition.

(8) Divisions (A)(1), (2)(a), (3), and (4) of this section do not apply to a solid waste compost facility that accepts exclusively source separated yard wastes and that is registered under division (C) of section 3734.02 of the Revised Code or, unless otherwise provided in rules adopted under division (N)(3) of section 3734.02 of the Revised Code, to a solid waste compost facility if the director has adopted rules establishing an alternative system for authorizing the establishment, operation, or modification of a solid waste compost facility under that division.

(9) Divisions (A)(1) to (7) of this section do not apply to scrap tire collection, storage, monocell, monofill, and recovery facilities. The approval of plans and specifications, as applicable, and the issuance of registration certificates, permits, and licenses for those facilities are subject to sections 3734.75 to 3734.78 of the Revised Code, as applicable, and section 3734.81 of the Revised Code.

(10) Divisions (A)(3) and (4) of this section do not apply to a solid waste incinerator that was placed into operation on or before October 12, 1994, and that is not authorized to accept and treat infectious wastes pursuant to division (B) of this section.

(B)(1) Each person who is engaged in the business of treating infectious wastes for profit at a treatment facility located off the premises where the wastes are generated that is in operation on August 10, 1988, and who proposes to continue operating the facility shall submit to the board of health of the health

district in which the facility is located an application for a 77569
license to operate the facility. 77570

Thereafter, no person shall operate or maintain an infectious 77571
waste treatment facility without a license issued by the board of 77572
health of the health district in which the facility is located or 77573
by the director when the health district in which the facility is 77574
located is not on the approved list under section 3734.08 of the 77575
Revised Code. 77576

(2)(a) During the month of December, but before the first day 77577
of January of the next year, every person proposing to continue to 77578
operate an existing infectious waste treatment facility shall 77579
procure a license to operate the facility for that year from the 77580
board of health of the health district in which the facility is 77581
located or, if the health district is not on the approved list 77582
under section 3734.08 of the Revised Code, from the director. The 77583
application for such a license shall be submitted to the board of 77584
health or to the director, as appropriate, on or before the last 77585
day of September of the year preceding that for which the license 77586
is sought. In addition to the application fee prescribed in 77587
division (B)(2)(c) of this section, a person who submits an 77588
application after that date shall pay an additional ten per cent 77589
of the amount of the application fee for each week that the 77590
application is late. Late payment fees accompanying an application 77591
submitted to the board of health shall be credited to the special 77592
infectious waste fund of the health district created in division 77593
(C) of section 3734.06 of the Revised Code, and late payment fees 77594
accompanying an application submitted to the director shall be 77595
credited to the general revenue fund. A person who has received a 77596
license, upon sale or disposition of an infectious waste treatment 77597
facility and upon consent of the board of health and the director, 77598
may have the license transferred to another person. The board of 77599
health or the director may include such terms and conditions in a 77600
license or revision to a license as are appropriate to ensure 77601

compliance with the infectious waste provisions of this chapter 77602
and rules adopted under them. 77603

(b) Each person proposing to open a new infectious waste 77604
treatment facility or to modify an existing infectious waste 77605
treatment facility shall submit an application for a permit with 77606
accompanying detail plans and specifications to the environmental 77607
protection agency for required approval under the rules adopted by 77608
the director pursuant to section 3734.021 of the Revised Code two 77609
hundred seventy days before proposed operation of the facility and 77610
concurrently shall make application for a license with the board 77611
of health of the health district in which the facility is or is 77612
proposed to be located. Not later than ninety days after receiving 77613
a completed application under division (B)(2)(b) of this section 77614
for a permit to open a new infectious waste treatment facility or 77615
modify an existing infectious waste treatment facility to expand 77616
its treatment capacity, or receiving a completed application under 77617
division (A)(2)(a) of this section for a permit to open a new 77618
solid waste incineration facility, or modify an existing solid 77619
waste incineration facility to also treat infectious wastes or to 77620
increase its infectious waste treatment capacity, that pertains to 77621
a facility for which a notation authorizing infectious waste 77622
treatment is included or proposed to be included in the solid 77623
waste incineration facility's license pursuant to division (B)(3) 77624
of this section, the director shall hold a public hearing on the 77625
application within the county in which the new or modified 77626
infectious waste or solid waste facility is or is proposed to be 77627
located or within a contiguous county. Not less than thirty days 77628
before holding the public hearing on the application, the director 77629
shall publish notice of the hearing in each newspaper that has 77630
general circulation and that is published in the county in which 77631
the facility is or is proposed to be located. If there is no 77632
newspaper that has general circulation and that is published in 77633
the county, the director shall publish the notice in a newspaper 77634
of general circulation in the county. The notice shall contain the 77635

date, time, and location of the public hearing and a general 77636
description of the proposed new or modified facility. At the 77637
public hearing, any person may submit written or oral comments on 77638
or objections to the approval or disapproval of the application. 77639
The applicant, or a representative of the applicant who has 77640
knowledge of the location, construction, and operation of the 77641
facility, shall attend the public hearing to respond to comments 77642
or questions concerning the facility directed to the applicant or 77643
representative by the officer or employee of the environmental 77644
protection agency presiding at the hearing. 77645

(c) Each application for a permit under division (B)(2)(b) of 77646
this section shall be accompanied by a nonrefundable application 77647
fee of four hundred dollars that shall be credited to the general 77648
revenue fund. Each application for an annual license under 77649
division (B)(2)(a) of this section shall be accompanied by a 77650
nonrefundable application fee of one hundred dollars. If the 77651
application for an annual license is submitted to a board of 77652
health on the approved list under section 3734.08 of the Revised 77653
Code, the application fee shall be credited to the special 77654
infectious waste fund of the health district created in division 77655
(C) of section 3734.06 of the Revised Code. If the application for 77656
an annual license is submitted to the director, the application 77657
fee shall be credited to the general revenue fund. If a permit or 77658
license is issued, the amount of the application fee paid shall be 77659
deducted from the amount of the permit fee due under division (Q) 77660
of section 3745.11 of the Revised Code or the amount of the 77661
license fee due under division (C) of section 3734.06 of the 77662
Revised Code. 77663

(d) The owner or operator of any infectious waste treatment 77664
facility that commenced operation on or before July 1, 1968, shall 77665
submit to the director an application for a permit with 77666
accompanying engineering detail plans, specifications, and 77667
information regarding the facility and its method of operation for 77668

approval under rules adopted under section 3734.021 of the Revised Code in accordance with the following schedule:	77669 77670
(i) Not later than December 24, 1988, if the facility is located in Delaware, Greene, Guernsey, Hamilton, Madison, Mahoning, Ottawa, or Vinton county;	77671 77672 77673
(ii) Not later than March 24, 1989, if the facility is located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or Washington county, or is located in the city of Brooklyn, Cuyahoga Heights, or Parma in Cuyahoga county;	77674 77675 77676 77677
(iii) Not later than June 24, 1989, if the facility is located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or Summit county or is located in Cuyahoga county outside the cities of Brooklyn, Cuyahoga Heights, and Parma;	77678 77679 77680 77681
(iv) Not later than September 24, 1989, if the facility is located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross county;	77682 77683 77684
(v) Not later than December 24, 1989, if the facility is located in a county not listed in divisions (B)(2)(d)(i) to (iv) of this section.	77685 77686 77687
The owner or operator of an infectious waste treatment facility required to submit a permit application under division (B)(2)(d) of this section is not required to pay any permit application fee under division (B)(2)(c) of this section, or permit fee under division (Q) of section 3745.11 of the Revised Code, with respect thereto unless the owner or operator also proposes to modify the facility.	77688 77689 77690 77691 77692 77693 77694
(e) The director may issue an order in accordance with Chapter 3745. of the Revised Code to the owner or operator of an infectious waste treatment facility requiring the person to submit	77695 77696 77697

to the director updated engineering detail plans, specifications, 77698
and information regarding the facility and its method of operation 77699
for approval under rules adopted under section 3734.021 of the 77700
Revised Code if, in the director's judgment, conditions at the 77701
facility constitute a substantial threat to public health or 77702
safety or are causing or contributing to or threatening to cause 77703
or contribute to air or water pollution or soil contamination. Any 77704
person who receives such an order shall submit the updated 77705
engineering detail plans, specifications, and information to the 77706
director within one hundred eighty days after the effective date 77707
of the order. 77708

(f) The director shall act upon an application submitted 77709
under division (B)(2)(d) of this section and any updated 77710
engineering plans, specifications, and information submitted under 77711
division (B)(2)(e) of this section within one hundred eighty days 77712
after receiving them. If the director denies any such permit 77713
application or disapproves any such updated engineering plans, 77714
specifications, and information, the director shall include in the 77715
order denying the application or disapproving the plans the 77716
requirement that the owner or operator cease accepting infectious 77717
wastes for treatment at the facility. 77718

(3) Division (B) of this section does not apply to an 77719
infectious waste treatment facility that meets any of the 77720
following conditions: 77721

(a) Is owned or operated by the generator of the wastes and 77722
exclusively treats, by methods, techniques, and practices 77723
established by rules adopted under division (C)(1) or (3) of 77724
section 3734.021 of the Revised Code, wastes that are generated at 77725
any premises owned or operated by that generator regardless of 77726
whether the wastes are generated on the same premises where the 77727
generator's treatment facility is located or, if the generator is 77728
a hospital as defined in section 3727.01 of the Revised Code, 77729

infectious wastes that are described in division (A)(1)(g), (h),	77730
or (i) of section 3734.021 of the Revised Code;	77731
(b) Holds a license or renewal of a license to operate a	77732
crematory facility issued under Chapter 4717. and a permit issued	77733
under Chapter 3704. of the Revised Code;	77734
(c) Treats or disposes of dead animals or parts thereof, or	77735
the blood of animals, and is subject to any of the following:	77736
(i) Inspection under the "Federal Meat Inspection Act," 81	77737
Stat. 584 (1967), 21 U.S.C.A. 603, as amended;	77738
(ii) Chapter 918. of the Revised Code;	77739
(iii) Chapter 953. of the Revised Code.	77740
Nothing in division (B) of this section requires a facility	77741
that holds a license issued under division (A) of this section as	77742
a solid waste facility and that also treats infectious wastes by	77743
the same method, technique, or process to obtain a license under	77744
division (B) of this section as an infectious waste treatment	77745
facility. However, the solid waste facility license for the	77746
facility shall include the notation that the facility also treats	77747
infectious wastes.	77748
On and after the effective date of the amendments to the	77749
rules adopted under division (C)(2) of section 3734.021 of the	77750
Revised Code that are required by Section 6 of Substitute House	77751
Bill No. 98 of the 120th General Assembly, the director shall not	77752
issue a permit to open a new solid waste incineration facility	77753
unless the proposed facility complies with the requirements for	77754
the location of new infectious waste incineration facilities	77755
established in the required amendments to those rules.	77756
(C) Except for a facility or activity described in division	77757

(E)(3) of section 3734.02 of the Revised Code, a person who
proposes to establish or operate a hazardous waste facility shall
submit a complete application for a hazardous waste facility
installation and operation permit and accompanying detail plans,
specifications, and such information as the director may require
to the environmental protection agency at least one hundred eighty
days before the proposed beginning of operation of the facility.
The applicant shall notify by certified mail the legislative
authority of each municipal corporation, township, and county in
which the facility is proposed to be located of the submission of
the application within ten days after the submission or at such
earlier time as the director may establish by rule. If the
application is for a proposed new hazardous waste disposal or
thermal treatment facility, the applicant also shall give actual
notice of the general design and purpose of the facility to the
legislative authority of each municipal corporation, township, and
county in which the facility is proposed to be located at least
ninety days before the permit application is submitted to the
environmental protection agency.

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In accordance with rules adopted under section 3734.12 of the
Revised Code, prior to the submission of a complete application
for a hazardous waste facility installation and operation permit,
the applicant shall hold at least one meeting in the township or
municipal corporation in which the facility is proposed to be
located, whichever is geographically closer to the proposed
location of the facility. The meeting shall be open to the public
and shall be held to inform the community of the proposed
hazardous waste management activities and to solicit questions
from the community concerning the activities.

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(D)(1) Except as provided in section 3734.123 of the Revised
Code, upon receipt of a complete application for a hazardous waste
facility installation and operation permit under division (C) of
this section, the director shall consider the application and

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accompanying information to determine whether the application 77791
complies with agency rules and the requirements of division (D)(2) 77792
of this section. After making a determination, the director shall 77793
issue either a draft permit or a notice of intent to deny the 77794
permit. The director, in accordance with rules adopted under 77795
section 3734.12 of the Revised Code or with rules adopted to 77796
implement Chapter 3745. of the Revised Code, shall provide public 77797
notice of the application and the draft permit or the notice of 77798
intent to deny the permit, provide an opportunity for public 77799
comments, and, if significant interest is shown, schedule a public 77800
meeting in the county in which the facility is proposed to be 77801
located and give public notice of the date, time, and location of 77802
the public meeting in a newspaper of general circulation in that 77803
county. 77804

(2) The director shall not approve an application for a 77805
hazardous waste facility installation and operation permit or an 77806
application for a modification under division (I)(3) of this 77807
section unless the director finds and determines as follows: 77808

(a) The nature and volume of the waste to be treated, stored, 77809
or disposed of at the facility; 77810

(b) That the facility complies with the director's hazardous 77811
waste standards adopted pursuant to section 3734.12 of the Revised 77812
Code; 77813

(c) That the facility represents the minimum adverse 77814
environmental impact, considering the state of available 77815
technology and the nature and economics of various alternatives, 77816
and other pertinent considerations; 77817

(d) That the facility represents the minimum risk of all of 77818
the following: 77819

(i) Fires or explosions from treatment, storage, or disposal 77820

methods;	77821
(ii) Release of hazardous waste during transportation of hazardous waste to or from the facility;	77822 77823
(iii) Adverse impact on the public health and safety.	77824
(e) That the facility will comply with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them;	77825 77826 77827
(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of other states if any such prior operation was located in another state that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of this chapter and Chapters 3704. and 6111. of the Revised Code, the applicable rules and standards adopted under them, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. For off-site facilities, as defined in section 3734.41 of the Revised Code, the director may use the investigative reports of the attorney general prepared pursuant to section 3734.42 of the Revised Code as a basis for making a finding and determination under division (D)(2)(f) of this section.	77828 77829 77830 77831 77832 77833 77834 77835 77836 77837 77838 77839 77840 77841 77842 77843 77844 77845 77846 77847 77848 77849 77850 77851

(g) That the active areas within a new hazardous waste facility where acute hazardous waste as listed in 40 C.F.R. 261.33 (e), as amended, or organic waste that is toxic and is listed under 40 C.F.R. 261, as amended, is being stored, treated, or disposed of and where the aggregate of the storage design capacity and the disposal design capacity of all hazardous waste in those areas is greater than two hundred fifty thousand gallons, are not located or operated within any of the following:

(i) Two thousand feet of any residence, school, hospital, jail, or prison;

(ii) Any naturally occurring wetland;

(iii) Any flood hazard area if the applicant cannot show that the facility will be designed, constructed, operated, and maintained to prevent washout by a one-hundred-year flood.

Division (D)(2)(g) of this section does not apply to the facility of any applicant who demonstrates to the director that the limitations specified in that division are not necessary because of the nature or volume of the waste and the manner of management applied, the facility will impose no substantial danger to the health and safety of persons occupying the structures listed in division (D)(2)(g)(i) of this section, and the facility is to be located or operated in an area where the proposed hazardous waste activities will not be incompatible with existing land uses in the area.

(h) That the facility will not be located within the boundaries of a state park established or dedicated under Chapter 1541. of the Revised Code, a state park purchase area established under section 1541.02 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the

United States department of the interior, located in this state, 77883
or any candidate area located in this state identified for 77884
potential inclusion in the national park system in the edition of 77885
the "national park system plan" submitted under paragraph (b) of 77886
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 77887
U.S.C.A. 1a-5, as amended, current at the time of filing of the 77888
application for the permit, unless the facility will be used 77889
exclusively for the storage of hazardous waste generated within 77890
the park or recreation area in conjunction with the operation of 77891
the park or recreation area. Division (D)(2)(h) of this section 77892
does not apply to the facility of any applicant for modification 77893
of a permit unless the modification application proposes to 77894
increase the land area included in the facility or to increase the 77895
quantity of hazardous waste that will be treated, stored, or 77896
disposed of at the facility. 77897

(3) Not later than one hundred eighty days after the end of 77898
the public comment period, the director, without prior hearing, 77899
shall issue or deny the permit in accordance with Chapter 3745. of 77900
the Revised Code. If the director approves an application for a 77901
hazardous waste facility installation and operation permit, the 77902
director shall issue the permit, upon such terms and conditions as 77903
the director finds are necessary to ensure the construction and 77904
operation of the hazardous waste facility in accordance with the 77905
standards of this section. 77906

(E); No political subdivision of this state shall require any 77907
additional zoning or other approval, consent, permit, certificate, 77908
or condition for the construction or operation of a hazardous 77909
waste facility authorized by a hazardous waste facility 77910
installation and operation permit issued pursuant to this chapter, 77911
nor shall any political subdivision adopt or enforce any law, 77912
ordinance, or rule that in any way alters, impairs, or limits the 77913
authority granted in the permit. 77914

(F) The director may issue a single hazardous waste facility installation and operation permit to a person who operates two or more adjoining facilities where hazardous waste is stored, treated, or disposed of if the application includes detail plans, specifications, and information on all facilities. For the purposes of this section, "adjoining" means sharing a common boundary, separated only by a public road, or in such proximity that the director determines that the issuance of a single permit will not create a hazard to the public health or safety or the environment.

(G) No person shall falsify or fail to keep or submit any plans, specifications, data, reports, records, manifests, or other information required to be kept or submitted to the director by this chapter or the rules adopted under it.

(H)(1) Each person who holds an installation and operation permit issued under this section and who wishes to obtain a permit renewal shall submit a completed application for an installation and operation permit renewal and any necessary accompanying general plans, detail plans, specifications, and such information as the director may require to the director no later than one hundred eighty days prior to the expiration date of the existing permit or upon a later date prior to the expiration of the existing permit if the permittee can demonstrate good cause for the late submittal. The director shall consider the application and accompanying information, inspection reports of the facility, results of performance tests, a report regarding the facility's compliance or noncompliance with the terms and conditions of its permit and rules adopted by the director under this chapter, and such other information as is relevant to the operation of the facility and shall issue a draft renewal permit or a notice of intent to deny the renewal permit. The director, in accordance with rules adopted under this section or with rules adopted to implement Chapter 3745. of the Revised Code, shall give public

notice of the application and draft renewal permit or notice of
intent to deny the renewal permit, provide for the opportunity for
public comments within a specified time period, schedule a public
meeting in the county in which the facility is located if
significant interest is shown, and give public notice of the
public meeting.

(2) Within sixty days after the public meeting or close of
the public comment period, the director, without prior hearing,
shall issue or deny the renewal permit in accordance with Chapter
3745. of the Revised Code. The director shall not issue a renewal
permit unless the director determines that the facility under the
existing permit has a history of compliance with this chapter,
rules adopted under it, the existing permit, or orders entered to
enforce such requirements that demonstrates sufficient
reliability, expertise, and competency to operate the facility
henceforth under this chapter, rules adopted under it, and the
renewal permit. If the director approves an application for a
renewal permit, the director shall issue the permit subject to the
payment of the annual permit fee required under division (E) of
section 3734.02 of the Revised Code and upon such terms and
conditions as the director finds are reasonable to ensure that
continued operation, maintenance, closure, and post-closure care
of the hazardous waste facility are in accordance with the rules
adopted under section 3734.12 of the Revised Code.

(3) An installation and operation permit renewal application
submitted to the director that also contains or would constitute
an application for a modification shall be acted upon by the
director in accordance with division (I) of this section in the
same manner as an application for a modification. In approving or
disapproving the renewal portion of a permit renewal application
containing an application for a modification, the director shall
apply the criteria established under division (H)(2) of this
section.

(4) An application for renewal or modification of a permit that does not contain an application for a modification as described in divisions (I)(3)(a) to (d) of this section shall not be subject to division (D)(2) of this section.

(I)(1) As used in this section, "modification" means a change or alteration to a hazardous waste facility or its operations that is inconsistent with or not authorized by its existing permit or authorization to operate. Modifications shall be classified as Class 1, 2, or 3 modifications in accordance with rules adopted under division (K) of this section. Modifications classified as Class 3 modifications, in accordance with rules adopted under that division, shall be further classified by the director as either Class 3 modifications that are to be approved or disapproved by the director under divisions (I)(3)(a) to (d) of this section or as Class 3 modifications that are to be approved or disapproved by the director under division (I)(5) of this section. Not later than thirty days after receiving a request for a modification under division (I)(4) of this section that is not listed in Appendix I to 40 C.F.R. 270.42 or in rules adopted under division (K) of this section, the director shall classify the modification and shall notify the owner or operator of the facility requesting the modification of the classification. Notwithstanding any other law to the contrary, ~~any~~ a modification that involves the transfer of a hazardous waste facility installation and operation permit to a new owner or operator for any off-site facility as defined in section 3734.41 of the Revised Code shall be classified as a Class 3 modification. The transfer of a hazardous waste facility installation and operation permit to a new owner or operator for a facility that is not an off-site facility shall be classified as a Class 1 modification requiring prior approval of the director.

(2) Except as provided in section 3734.123 of the Revised Code, a hazardous waste facility installation and operation permit

may be modified at the request of the director or upon the written	78013
request of the permittee only if any of the following applies:	78014
(a) The permittee desires to accomplish alterations,	78015
additions, or deletions to the permitted facility or to undertake	78016
alterations, additions, deletions, or activities that are	78017
inconsistent with or not authorized by the existing permit;	78018
(b) New information or data justify permit conditions in	78019
addition to or different from those in the existing permit;	78020
(c) The standards, criteria, or rules upon which the existing	78021
permit is based have been changed by new, amended, or rescinded	78022
standards, criteria, or rules, or by judicial decision after the	78023
existing permit was issued, and the change justifies permit	78024
conditions in addition to or different from those in the existing	78025
permit;	78026
(d) The permittee proposes to transfer the permit to another	78027
person.	78028
(3) The director shall approve or disapprove an application	78029
for a modification in accordance with division (D)(2) of this	78030
section and rules adopted under division (K) of this section for	78031
all of the following categories of Class 3 modifications:	78032
(a) Authority to conduct treatment, storage, or disposal at a	78033
site, location, or tract of land that has not been authorized for	78034
the proposed category of treatment, storage, or disposal activity	78035
by the facility's permit;	78036
(b) Modification or addition of a hazardous waste management	78037
unit, as defined in rules adopted under section 3734.12 of the	78038
Revised Code, that results in an increase in a facility's storage	78039
capacity of more than twenty-five per cent over the capacity	78040
authorized by the facility's permit, an increase in a facility's	78041

treatment rate of more than twenty-five per cent over the rate so
authorized, or an increase in a facility's disposal capacity over
the capacity so authorized. The authorized disposal capacity for a
facility shall be calculated from the approved design plans for
the disposal units at that facility. In no case during a
five-year period shall a facility's storage capacity or treatment
rate be modified to increase by more than twenty-five per cent in
the aggregate without the director's approval in accordance with
division (D)(2) of this section. Notwithstanding any provision of
division (I) of this section to the contrary, a request for
modification of a facility's annual total waste receipt limit
shall be classified and approved or disapproved by the director
under division (I)(5) of this section.

(c) Authority to add any of the following categories of
regulated activities not previously authorized at a facility by
the facility's permit: storage at a facility not previously
authorized to store hazardous waste, treatment at a facility not
previously authorized to treat hazardous waste, or disposal at a
facility not previously authorized to dispose of hazardous waste;
or authority to add a category of hazardous waste management unit
not previously authorized at the facility by the facility's
permit. Notwithstanding any provision of division (I) of this
section to the contrary, a request for authority to add or to
modify an activity or a hazardous waste management unit for the
purposes of performing a corrective action shall be classified and
approved or disapproved by the director under division (I)(5) of
this section.

(d) Authority to treat, store, or dispose of waste types
listed or characterized as reactive or explosive, in rules adopted
under section 3734.12 of the Revised Code, or any acute hazardous
waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not
previously authorized to treat, store, or dispose of those types
of wastes by the facility's permit unless the requested authority

is limited to wastes that no longer exhibit characteristics 78075
meeting the criteria for listing or characterization as reactive 78076
or explosive wastes, or for listing as acute hazardous waste, but 78077
still are required to carry those waste codes as established in 78078
rules adopted under section 3734.12 of the Revised Code because of 78079
the requirements established in 40 C.F.R. 261(a) and (e), as 78080
amended, that is, the "mixture," "derived-from," or "contained-in" 78081
regulations. 78082

(4) A written request for a modification from the permittee 78083
shall be submitted to the director and shall contain such 78084
information as is necessary to support the request. Requests for 78085
modifications shall be acted upon by the director in accordance 78086
with this section and rules adopted under it. 78087

(5) Class 1 modification applications that require prior 78088
approval of the director, as provided in division (I)(1) of this 78089
section or as determined in accordance with rules adopted under 78090
division (K) of this section, Class 2 modification applications, 78091
and Class 3 modification applications that are not described in 78092
divisions (I)(3)(a) to (d) of this section shall be approved or 78093
disapproved by the director in accordance with rules adopted under 78094
division (K) of this section. The board of county commissioners of 78095
the county, the board of township trustees of the township, and 78096
the city manager or mayor of the municipal corporation in which a 78097
hazardous waste facility is located shall receive notification of 78098
any application for a modification for that facility and shall be 78099
considered as interested persons with respect to the director's 78100
consideration of the application. 78101

~~For those modification applications for a transfer of a~~ 78102
~~permit to a new owner or operator of a facility, the director also~~ 78103
~~shall determine that, if the transferee owner or operator has been~~ 78104
~~involved in any prior activity involving the transportation,~~ 78105
~~treatment, storage, or disposal of hazardous waste, the transferee~~ 78106

~~owner or operator has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of another state if the transferee owner or operator owns or operates a facility in that state, that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under this chapter and Chapters 3704. and 6111. of the Revised Code, all rules and standards adopted under them, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. A permit may be transferred to a new owner or operator only pursuant to a Class 3 permit modification.~~

As used in division (I)~~(5)~~ of this section:

(a) "Owner" means the person who owns a majority or controlling interest in a facility.

(b) "Operator" means the person who is responsible for the overall operation of a facility.

The director shall approve or disapprove an application for a Class 1 modification that requires the director's approval within sixty days after receiving the request for modification. The director shall approve or disapprove an application for a Class 2 modification within three hundred days after receiving the request for modification. The director shall approve or disapprove an application for a Class 3 modification within three hundred sixty-five days after receiving the request for modification.

(6) The approval or disapproval by the director of a Class 1 modification application is not a final action that is appealable

under Chapter 3745. of the Revised Code. The approval or 78138
disapproval by the director of a Class 2 modification or a Class 3 78139
modification is a final action that is appealable under that 78140
chapter. In approving or disapproving a request for a 78141
modification, the director shall consider all comments pertaining 78142
to the request that are received during the public comment period 78143
and the public meetings. The administrative record for appeal of a 78144
final action by the director in approving or disapproving a 78145
request for a modification shall include all comments received 78146
during the public comment period relating to the request for 78147
modification, written materials submitted at the public meetings 78148
relating to the request, and any other documents related to the 78149
director's action. 78150

(7) Notwithstanding any other provision of law to the 78151
contrary, a change or alteration to a hazardous waste facility 78152
described in division (E)(3)(a) or (b) of section 3734.02 of the 78153
Revised Code, or its operations, is a modification for the 78154
purposes of this section. An application for a modification at 78155
such a facility shall be submitted, classified, and approved or 78156
disapproved in accordance with divisions (I)(1) to (6) of this 78157
section in the same manner as a modification to a hazardous waste 78158
facility installation and operation permit. 78159

(J)(1) Except as provided in division (J)(2) of this section, 78160
an owner or operator of a hazardous waste facility that is 78161
operating in accordance with a permit by rule under rules adopted 78162
by the director under division (E)(3)(b) of section 3734.02 of the 78163
Revised Code shall submit either a hazardous waste facility 78164
installation and operation permit application for the facility or 78165
a modification application, whichever is required under division 78166
(J)(1)(a) or (b) of this section, within one hundred eighty days 78167
after the director has requested the application or upon a later 78168
date if the owner or operator demonstrates to the director good 78169
cause for the late submittal. 78170

(a) If the owner or operator does not have a hazardous waste facility installation and operation permit for any hazardous waste treatment, storage, or disposal activities at the facility, the owner or operator shall submit an application for such a permit to the director for the activities authorized by the permit by rule. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the application for the permit in accordance with the procedures governing the approval or disapproval of permit renewals under division (H) of this section.

(b) If the owner or operator has a hazardous waste facility installation and operation permit for hazardous waste treatment, storage, or disposal activities at the facility other than those authorized by the permit by rule, the owner or operator shall submit to the director a request for modification in accordance with division (I) of this section. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the modification application in accordance with division (I)(5) of this section.

(2) The owner or operator of a boiler or industrial furnace that is conducting thermal treatment activities in accordance with a permit by rule under rules adopted by the director under division (E)(3)(b) of section 3734.02 of the Revised Code shall submit a hazardous waste facility installation and operation permit application if the owner or operator does not have such a permit for any hazardous waste treatment, storage, or disposal activities at the facility or, if the owner or operator has such a permit for hazardous waste treatment, storage, or disposal activities at the facility other than thermal treatment activities authorized by the permit by rule, a modification application to add those activities authorized by the permit by rule, whichever is applicable, within one hundred eighty days after the director has requested the submission of the application or upon a later

date if the owner or operator demonstrates to the director good 78203
cause for the late submittal. The application shall be accompanied 78204
by information necessary to support the request. The director 78205
shall approve or disapprove an application for a hazardous waste 78206
facility installation and operation permit in accordance with 78207
division (D) of this section and approve or disapprove an 78208
application for a modification in accordance with division (I)(3) 78209
of this section, except that the director shall not disapprove an 78210
application for the thermal treatment activities on the basis of 78211
the criteria set forth in division (D)(2)(g) or (h) of this 78212
section. 78213

(3) As used in division (J) of this section: 78214

(a) "Modification application" means a request for a 78215
modification submitted in accordance with division (I) of this 78216
section. 78217

(b) "Thermal treatment," "boiler," and "industrial furnace" 78218
have the same meanings as in rules adopted under section 3734.12 78219
of the Revised Code. 78220

(K) The director shall adopt, and may amend, suspend, or 78221
rescind, rules in accordance with Chapter 119. of the Revised Code 78222
in order to implement divisions (H) and (I) of this section. 78223
Except when in actual conflict with this section, rules governing 78224
the classification of and procedures for the modification of 78225
hazardous waste facility installation and operation permits shall 78226
be substantively and procedurally identical to the regulations 78227
governing hazardous waste facility permitting and permit 78228
modifications adopted under the "Resource Conservation and 78229
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 78230
amended. 78231

Sec. 3734.28. ~~All~~Except as otherwise provided in section 78232
3734.282 of the Revised Code, moneys collected under sections 78233

3734.122, 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the
Revised Code and ~~natural resource damages collected by the state~~
under the "Comprehensive Environmental Response, Compensation, and
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as
amended, shall be paid into the state treasury to the credit of
the hazardous waste clean-up fund, which is hereby created. In
addition, any moneys recovered for costs paid from the fund for
activities described in ~~division~~divisions (A)(1) and (2) of
section 3745.12 of the Revised Code shall be credited to the fund.
The environmental protection agency shall use the moneys in the
fund for the purposes set forth in division (D) of section
3734.122, sections 3734.19, 3734.20, 3734.21, 3734.23, 3734.25,
3734.26, and 3734.27, ~~and, through October 15, 2005,~~ divisions
(A)(1) and (2) of section 3745.12, and Chapter 3746. of the
Revised Code, including any related enforcement expenses. In
addition, the agency shall use the moneys in the fund to pay the
state's long-term operation and maintenance costs or matching
share for actions taken under the "Comprehensive Environmental
Response, Compensation, and Liability Act of 1980," as amended. If
those moneys are reimbursed by grants or other moneys from the
United States or any other person, the moneys shall be placed in
the fund and not in the general revenue fund.

The director of environmental protection may enter into
contracts and grant agreements with federal, state, or local
government agencies, nonprofit organizations, and colleges and
universities for the purpose of carrying out the responsibilities
of the environmental protection agency for which money may be
expended from the fund.

Sec. 3734.281. ~~Notwithstanding any provision of law to the
contrary, any moneys set aside by the state for the cleanup and
remediation of the Ashtabula river; any~~Except as otherwise
provided in section 3734.282 of the Revised Code, moneys collected
from judgements for the state or settlements made by with the

director of environmental protection, including those associated 78267
with bankruptcies, related to actions brought under Chapter 3714. 78268
and section 3734.13, 3734.20, 3734.22, 6111.03, or 6111.04 of the 78269
Revised Code; and ~~any~~ moneys received under the "Comprehensive 78270
Environmental Response, Compensation, and Liability Act of 1980," 78271
94 Stat. 2767, 42 U.S.C. ~~9602~~9601 et seq., as amended, may be 78272
paid into the state treasury to the credit of the environmental 78273
protection remediation fund, which is hereby created. The 78274
environmental protection agency shall use the moneys in the fund 78275
only for the purpose of remediating conditions at a hazardous 78276
waste facility, a solid waste facility, a construction and 78277
demolition debris facility licensed under Chapter 3714. of the 78278
Revised Code, or another location at which the director has reason 78279
to believe there is a substantial threat to public health or 78280
safety or the environment. Remediation may include the direct and 78281
indirect costs associated with the overseeing, supervising, 78282
performing, verifying, or reviewing of remediation activities by 78283
agency employees. All investment earnings of the fund shall be 78284
credited to the fund. 78285

The director of environmental protection may enter into 78286
contracts and grant agreements with federal, state, or local 78287
government agencies, nonprofit organizations, and colleges and 78288
universities for the purpose of carrying out the responsibilities 78289
of the environmental protection agency for which money may be 78290
expended from the fund. 78291

Sec. 3734.282. All money collected by the state for natural 78292
resources damages under the "Comprehensive Environmental Response, 78293
Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C. 78294
9601 et seq., as amended, the "Oil Pollution Act of 1990," 104 78295
Stat. 484, 33 U.S.C. 2701 et seq., as amended, the "Clean Water 78296
Act," 86 Stat. 862, 33 U.S.C. 1321, as amended, or any other 78297
applicable federal or state law shall be paid into the state 78298
treasury to the credit of the natural resource damages fund, which 78299

is hereby created. The director of environmental protection shall 78300
use money in the fund only in accordance with the purposes of and 78301
the limitations on natural resources damages set forth in the 78302
"Comprehensive Environmental Response, Compensation, and Liability 78303
Act of 1980," as amended, the "Oil Pollution Act of 1990," as 78304
amended, the "Clean Water Act," as amended, or another applicable 78305
federal or state law. All investment earnings of the fund shall be 78306
credited to the fund. 78307

The director of environmental protection may enter into 78308
contracts and grant agreements with federal, state, or local 78309
government agencies, nonprofit organizations, and colleges and 78310
universities for the purpose of carrying out the director's 78311
responsibilities for which money may be expended from the fund. 78312

Sec. 3734.53. (A) The solid waste management plan of any 78313
county or joint solid waste management district shall be prepared 78314
in a format prescribed by the director of environmental protection 78315
and shall provide for compliance with the objectives of the state 78316
solid waste management plan and rules adopted under section 78317
3734.50 of the Revised Code. The plan shall provide for, 78318
demonstrate, and certify the availability of and access to 78319
sufficient solid waste management facility capacity to meet the 78320
solid waste management needs of the district for the ten-year 78321
period covered by the plan. The solid waste management policy 78322
committee of a county or joint district created in section 3734.54 78323
of the Revised Code may prepare and submit a solid waste 78324
management plan that covers and makes the required demonstration 78325
for a longer period of time. 78326

The solid waste management plan shall contain all of the 78327
following: 78328

(1) An inventory of the sources, composition, and quantities 78329
of solid wastes generated in the district during the current year; 78330

(2) An inventory of all existing facilities where solid wastes are being disposed of, all resource recovery facilities, and all recycling activities within the district. The inventory shall identify each such facility or activity and, for each disposal facility, shall estimate the remaining disposal capacity available at the facility. The inventory shall be accompanied by a map that shows the location of each such existing facility or activity.

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(3) An inventory of existing solid waste collection systems and routes, transportation systems and routes, and transfer facilities within the district. The inventory shall identify the entities engaging in solid waste collection within the district.

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(4) An inventory of open dumping sites for solid wastes, including solid wastes consisting of scrap tires, and facilities for the disposal of fly ash and bottom ash, foundry sand, and slag within the district. The inventory shall identify each such site or facility and shall be accompanied by a map that shows the location of each of them.

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(5) A projection of population changes within the district during the next ten years;

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(6) For each year of the forecast period, projections of the amounts and composition of solid wastes that will be generated within the district, the amounts of solid wastes originating outside the district that will be brought into the district for disposal or resource recovery, the nature of industrial activities within the district, and the effect of newly regulated waste streams, solid waste minimization activities, and solid waste recycling and reuse activities on solid waste generation rates. For each year of the forecast period, projections of waste quantities shall be compiled as an aggregate quantity of wastes.

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(7) An identification of the additional solid waste

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management facilities and the amount of additional capacity needed to dispose of the quantities of wastes projected in division (A)(6) of this section;	78362 78363 78364
(8) A strategy for identification of sites for the additional solid waste management facilities and capacity identified under division (A)(7) of this section;	78365 78366 78367
(9) An analysis and comparison of the capital and operating costs of the solid waste disposal facilities, solid waste resource recovery facilities, and solid waste recycling and reuse activities necessary to meet the solid waste management needs of the district, projected in five- and ten-year increments;	78368 78369 78370 78371 78372
(10) An analysis of expenses for which the district is liable under section 3734.35 of the Revised Code;	78373 78374
(11) A projection of solid waste transfer facilities that will be needed in conjunction with existing solid waste facilities and those projected under division (A)(7) of this section;	78375 78376 78377
(12) Such other projections as the district considers necessary or appropriate to ascertain and meet the solid waste management needs of the district during the period covered by the plan;	78378 78379 78380 78381
(13) A schedule for implementation of the plan that, when applicable, contains all of the following:	78382 78383
(a) An identification of the solid waste disposal, transfer, and resource recovery facilities and recycling activities contained in the plan where solid wastes generated within or transported into the district will be taken for disposal, transfer, resource recovery, or recycling. An initial or amended plan prepared and ordered to be implemented by the director under section 3734.521, 3734.55, or 3734.56 of the Revised Code may	78384 78385 78386 78387 78388 78389 78390

designate solid waste disposal, transfer, or resource recovery
facilities or recycling activities that are owned by a municipal
corporation, county, county or joint solid waste management
district, township, or township waste disposal district created
under section 505.28 of the Revised Code for which debt issued
under Chapter 133., 343., or 6123. of the Revised Code is
outstanding where solid wastes generated within or transported
into the district shall be taken for disposal, transfer, resource
recovery, or recycling.

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(b) A schedule for closure of existing solid waste
facilities, expansion of existing facilities, and establishment of
new facilities. The schedule for expansion of existing facilities
or establishment of new facilities shall include, without
limitation, the approximate dates for filing applications for
appropriate permits to install or modify those facilities under
section 3734.05 of the Revised Code.

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(c) A schedule for implementation of solid waste recycling,
reuse, and reduction programs needed to meet the waste reduction,
recycling, reuse, and minimization objectives of the state solid
waste management plan and rules adopted by the director under
section 3734.50 of the Revised Code;

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(d) The methods of financing implementation of the plan and a
demonstration of the availability of financial resources for that
purpose.

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(14) A program for providing informational or technical
assistance regarding source reduction to solid waste generators,
or particular categories of solid waste generators, within the
district. The plan shall set forth the types of assistance to be
provided by the district and the specific categories of generators
that are to be served. The district has the sole discretion to
determine the types of assistance that are to be provided under
the program and the categories of generators to be served by it.

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(B) In addition to the information, projections,	78423
demonstrations, and certification required by division (A) of this	78424
section, a plan shall do all of the following:	78425
(1) Establish the schedule of fees, if any, to be levied	78426
under divisions (B)(1) to (3) of section 3734.57 of the Revised	78427
Code;	78428
(2) Establish the fee, if any, to be levied under division	78429
(A) of section 3734.573 of the Revised Code;	78430
(3) Contain provisions governing the allocation among the	78431
purposes enumerated in divisions (G)(1) to (10) of section 3734.57	78432
of the Revised Code of the moneys credited to the special fund of	78433
the district under division (G) of that section that are available	78434
for expenditure by the district under that division. The plan	78435
shall do all of the following:	78436
(a) Ensure that sufficient of the moneys so credited to and	78437
available from the special fund are available for use by the solid	78438
waste management policy committee of the district at the time the	78439
moneys are needed to monitor implementation of the plan and	78440
conduct its periodic review and amendment as required under	78441
section 3734.56 of the Revised Code;	78442
(b) Contain provisions governing the allocation and	78443
distribution of moneys credited to and available from the special	78444
fund of the district to health districts within the county or	78445
joint district that have approved programs under section 3734.08	78446
of the Revised Code for the purposes of division (G)(3) of section	78447
3734.57 of the Revised Code;	78448
(c) Contain provisions governing the allocation and	78449
distribution of moneys credited to and available from the special	78450
fund of the district to the county in which solid waste facilities	78451

are or are to be located and operated under the plan for the 78452
purposes of division (G)(4) of section 3734.57 of the Revised 78453
Code; 78454

(d) Contain provisions governing the allocation and 78455
distribution, pursuant to contracts entered into for that purpose, 78456
of moneys credited to and available from the special fund of the 78457
district to boards of health within the district in which solid 78458
waste facilities contained in the district's plan are located for 78459
the purposes of division (G)(5) of section 3734.57 of the Revised 78460
Code. 78461

(4) Incorporate all solid waste recycling activities that 78462
were in operation within the district on the effective date of the 78463
plan. 78464

(C) The solid waste management plan of a county or joint 78465
district may provide for the adoption of rules under division (G) 78466
of section 343.01 of the Revised Code after approval of the plan 78467
under section 3734.521 or 3734.55 of the Revised Code doing any or 78468
all of the following: 78469

(1) Prohibiting or limiting the receipt at facilities ~~covered~~ 78470
by the plan located within the solid waste management district of 78471
solid wastes generated outside the district or outside a 78472
prescribed service area consistent with the projections under 78473
divisions (A)(6) and (7) of this section, ~~except that~~. However, 78474
rules adopted by a board under division (C)(1) of this section 78475
may be adopted and enforced with respect to solid waste disposal 78476
facilities in the solid waste management district that are not 78477
owned by a county or the solid waste management district only if 78478
the board submits an application to the director of 78479
environmental protection that demonstrates that there is 78480
insufficient capacity to dispose of all solid wastes that are 78481
generated within the district at the solid waste disposal 78482
facilities located within the district and the director approves 78483

the application. The demonstration in the application shall be 78484
based on projections contained in the plan or amended plan of the 78485
district. The director shall establish the form of the 78486
application. The approval or disapproval of such an application by 78487
the director is an action that is appealable under section 3745.04 78488
of the Revised Code. 78489

In addition, the director of environmental protection may 78490
issue an order modifying a rule authorized to be adopted under 78491
division (C)(1) of this section to allow the disposal in the 78492
district of wastes from another county or joint solid waste 78493
management district if all of the following apply: 78494

(a) The district in which the wastes were generated does not 78495
have sufficient capacity to dispose of solid wastes generated 78496
within it for six months following the date of the director's 78497
order; 78498

(b) No new solid waste facilities will begin operation during 78499
those six months in the district in which the wastes were 78500
generated and, despite good faith efforts to do so, it is 78501
impossible to site new solid waste facilities within the district 78502
because of its high population density; 78503

(c) The district in which the wastes were generated has made 78504
good faith efforts to negotiate with other districts to 78505
incorporate its disposal needs within those districts' solid waste 78506
management plans, including efforts to develop joint facilities 78507
authorized under section 343.02 of the Revised Code, and the 78508
efforts have been unsuccessful; 78509

(d) The district in which the wastes were generated has 78510
located a facility willing to accept the district's solid wastes 78511
for disposal within the receiving district; 78512

(e) The district in which the wastes were generated has 78513

demonstrated to the director that the conditions specified in 78514
divisions (C)(1)(a) to (d) of this section have been met; 78515

(f) The director finds that the issuance of the order will be 78516
consistent with the state solid waste management plan and that 78517
receipt of the out-of-district wastes will not limit the capacity 78518
of the receiving district to dispose of its in-district wastes to 78519
less than eight years. Any order issued under division (C)(1) of 78520
this section shall not become final until thirty days after it has 78521
been served by certified mail upon the county or joint solid waste 78522
management district that will receive the out-of-district wastes. 78523

(2) Governing the maintenance, protection, and use of solid 78524
waste collection, storage, disposal, transfer, recycling, 78525
processing, and resource recovery facilities within the district 78526
and requiring the submission of general plans and specifications 78527
for the construction, enlargement, or modification of any such 78528
facility to the board of county commissioners or board of 78529
directors of the district for review and approval as complying 78530
with the plan or amended plan of the district; 78531

(3) Governing development and implementation of a program for 78532
the inspection of solid wastes generated outside the boundaries of 78533
the state that are being disposed of at solid waste facilities 78534
included in the district's plan; 78535

(4) Exempting the owner or operator of any existing or 78536
proposed solid waste facility provided for in the plan from 78537
compliance with any amendment to a township zoning resolution 78538
adopted under section 519.12 of the Revised Code or to a county 78539
rural zoning resolution adopted under section 303.12 of the 78540
Revised Code that rezoned or redistricted the parcel or parcels 78541
upon which the facility is to be constructed or modified and that 78542
became effective within two years prior to the filing of an 78543
application for a permit required under division (A)(2)(a) of 78544
section 3734.05 of the Revised Code to open a new or modify an 78545

existing solid waste facility. 78546

(D) Except for the inventories required by divisions (A)(1), 78547
(2), and (4) of this section and the projections required by 78548
division (A)(6) of this section, neither this section nor the 78549
solid waste management plan of a county or joint district applies 78550
to the construction, operation, use, repair, or maintenance of 78551
either of the following: 78552

(1) A solid waste facility owned by a generator of solid 78553
wastes when the solid waste facility exclusively disposes of solid 78554
wastes generated at one or more premises owned by the generator 78555
regardless of whether the facility is located on a premises where 78556
the wastes are generated; 78557

(2) A facility that exclusively disposes of wastes that are 78558
generated from the combustion of coal, or from the combustion of 78559
primarily coal in combination with scrap tires, that is not 78560
combined in any way with garbage at one or more premises owned by 78561
the generator. 78562

(E)(1) The initial solid waste management plans prepared by 78563
county or joint districts under section 3734.521 of the Revised 78564
Code and the amended plans prepared under section 3734.521 or 78565
3734.56 of the Revised Code shall contain a clear statement as to 78566
whether the board of county commissioners or directors is 78567
authorized to or precluded from establishing facility designations 78568
under section 343.014 of the Revised Code. 78569

(2) A policy committee that is preparing a draft or revised 78570
draft plan under section 3734.55 of the Revised Code on October 78571
29, 1993, may include in the draft or revised draft plan only one 78572
of the following pertaining to the solid waste facilities or 78573
recycling activities where solid wastes generated within or 78574
transported into the district are to be taken for disposal, 78575
transfer, resource recovery, or recycling: 78576

(a) The designations required under former division (A)(12)(a) of this section as it existed prior to October 29, 1993;	78577 78578 78579
(b) The identifications required in division (A)(12)(a) of this section and the statement required under division (E)(1) of this section;	78580 78581 78582
(c) Both of the following:	78583
(i) The designations required under former division (A)(12)(a) of this section as it existed prior to October 29, 1993, except that those designations only shall pertain to solid waste disposal, transfer, or resource recovery facilities or recycling activities that are owned by a municipal corporation, county, county or joint solid waste management district, township, or township waste disposal district created under section 505.28 of the Revised Code for which debt issued under Chapter 133., 343., or 6123. of the Revised Code is outstanding;	78584 78585 78586 78587 78588 78589 78590 78591 78592
(ii) The identifications required under division (A)(12)(a) of this section, and the statement required under division (E)(1) of this section, pertaining to the solid waste facilities and recycling activities described in division (A) of section 343.014 of the Revised Code.	78593 78594 78595 78596 78597
(F) Notwithstanding section 3734.01 of the Revised Code, "solid wastes" does not include scrap tires and "facility" does not include any scrap tire collection, storage, monocell, monofill, or recovery facility in either of the following circumstances:	78598 78599 78600 78601 78602
(1) For the purposes of an initial plan prepared and ordered to be implemented by the director under section 3734.55 of the Revised Code;	78603 78604 78605

(2) For the purposes of an initial or amended plan prepared and ordered to be implemented by the director under division (D) or (F)(1) or (2) of section 3734.521 of the Revised Code in connection with a change in district composition as defined in that section that involves an existing district that is operating under either an initial plan approved or prepared and ordered to be implemented under section 3734.55 of the Revised Code or an initial or amended plan approved or prepared and ordered to be implemented under section 3734.521 of the Revised Code that does not provide for the management of scrap tires and scrap tire facilities.

(G) Notwithstanding section 3734.01 of the Revised Code, and except as provided in division (A)(4) of this section, "solid wastes" need not include scrap tires and "facility" need not include any scrap tire collection, storage, monocell, monofill, or recovery facility in either of the following circumstances:

(1) For the purposes of an initial plan prepared under sections 3734.54 and 3734.55 of the Revised Code unless the solid waste management policy committee preparing the initial plan chooses to include the management of scrap tires and scrap tire facilities in the plan;

(2) For the purposes of a preliminary demonstration of capacity as defined in section 3734.521 of the Revised Code, if any, and an initial or amended plan prepared under that section by the solid waste management policy committee of a solid waste management district resulting from proceedings for a change in district composition under sections 343.012 and 3734.521 of the Revised Code that involves an existing district that is operating either under an initial plan approved or prepared and ordered to be implemented under section 3734.55 of the Revised Code or under an initial or amended plan approved or prepared and ordered to be implemented under section 3734.521 of the Revised Code that does

not provide for the management of scrap tires and scrap tire facilities unless the solid waste management policy committee of the district resulting from the change chooses to include the management of scrap tires and scrap tire facilities in the preliminary demonstration of capacity, if any, and the initial or amended plan prepared under section 3734.521 of the Revised Code in connection with the change proceedings.

If a policy committee chooses to include the management of scrap tires and scrap tire facilities in an initial plan pursuant to division (G)(1) of this section, the initial plan shall incorporate all of the elements required under this section, and may incorporate any of the elements authorized under this section, for the purpose of managing solid wastes that consist of scrap tires and solid waste facilities that are scrap tire collection, storage, monocell, monofill, or recovery facilities. If a policy committee chooses to provide for the management of scrap tires and scrap tire facilities pursuant to division (G)(2) of this section, the preliminary demonstration of capacity, if one is required, shall incorporate all of the elements required under division (E)(1) or (2) of section 3734.521 of the Revised Code, as appropriate, for the purpose of managing solid wastes that consist of scrap tires and solid waste facilities that are scrap tire collection, storage, monocell, monofill, or recovery facilities. The initial or amended plan also shall incorporate all of the elements required under this section, and may incorporate any of the elements authorized under this section, for the purpose of managing solid wastes that consist of scrap tires and solid waste facilities that are scrap tire collection, storage, monocell, monofill, or recovery facilities.

(H) Neither this section nor the solid waste management plan of a county or joint district applies to the construction, operation, use, repair, or maintenance of any compost facility that exclusively composts raw rendering material.

Sec. 3734.57. (A) The following fees are hereby levied on 78671
the transfer or disposal of solid wastes in this state: 78672

(1) One dollar per ton on and after July 1, 2003, through 78673
June 30, ~~2010~~2012, one-half of the proceeds of which shall be 78674
deposited in the state treasury to the credit of the hazardous 78675
waste facility management fund created in section 3734.18 of the 78676
Revised Code and one-half of the proceeds of which shall be 78677
deposited in the state treasury to the credit of the hazardous 78678
waste clean-up fund created in section 3734.28 of the Revised 78679
Code; 78680

(2) An additional one dollar per ton on and after July 1, 78681
2003, through June 30, ~~2010~~2012, the proceeds of which shall be 78682
deposited in the state treasury to the credit of the solid waste 78683
fund, which is hereby created. The environmental protection agency 78684
shall use money in the solid waste fund to pay the costs of 78685
administering and enforcing the laws pertaining to solid wastes, 78686
infectious wastes, and construction and demolition debris, 78687
including, without limitation, ground water evaluations related to 78688
solid wastes, infectious wastes, and construction and demolition 78689
debris, under this chapter and Chapter 3714. of the Revised Code 78690
and any rules adopted under them, providing compliance assistance 78691
to small businesses, and paying a share of the administrative 78692
costs of the environmental protection agency pursuant to section 78693
3745.014 of the Revised Code. 78694

(3) An additional one dollar and fifty cents per ton on and 78695
after July 1, 2005, through June 30, ~~2010~~2012, the proceeds of 78696
which shall be deposited in the state treasury to the credit of 78697
the environmental protection fund created in section 3745.015 of 78698
the Revised Code; 78699

(4) An additional one dollar per ton on and after August 1, 78700
2009, through June 30, 2012, the proceeds of which shall be 78701

deposited in the state treasury to the credit of the environmental protection fund. The fee established in division (A)(4) of this section does not apply to a solid waste transfer facility or solid waste disposal facility if the facility is located in a county that has a population equal to or greater than four hundred thousand according to the most recent decennial federal census and the property boundary of the facility is located within fifteen miles of the property boundary of a solid waste disposal facility in another state.

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(5) An additional twenty-five cents per ton on and after August 1, 2009, through June 30, 2012, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 1515.14 of the Revised Code. The fee established in division (A)(5) of this section does not apply to a solid waste transfer facility or solid waste disposal facility if the facility is located in a county that has a population equal to or greater than four hundred thousand according to the most recent decennial federal census and the property boundary of the facility is located within fifteen miles of the property boundary of a solid waste disposal facility in another state.

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In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under this division. In the case of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by

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the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was not previously taken to a solid waste transfer facility located in this state multiplied by the fees levied under this division. Fees levied under this division do not apply to materials separated from a mixed waste stream for recycling by a generator or materials removed from the solid waste stream through recycling, as "recycling" is defined in rules adopted under section 3734.02 of the Revised Code.

The owner or operator of a solid waste transfer facility or disposal facility, as applicable, shall prepare and file with the director of environmental protection each month a return indicating the total tonnage of solid wastes received at the facility during that month and the total amount of the fees required to be collected under this division during that month. In addition, the owner or operator of a solid waste disposal facility shall indicate on the return the total tonnage of solid wastes received from transfer facilities located in this state during that month for which the fees were required to be collected by the transfer facilities. The monthly returns shall be filed on a form prescribed by the director. Not later than thirty days after the last day of the month to which a return applies, the owner or operator shall mail to the director the return for that month together with the fees required to be collected under this division during that month as indicated on the return or may submit the return and fees electronically in a manner approved by the director. If the return is filed and the amount of the fees due is paid in a timely manner as required in this division, the owner or operator may retain a discount of three-fourths of one per cent of the total amount of the fees that are required to be paid as indicated on the return.

The owner or operator may request an extension of not more than thirty days for filing the return and remitting the fees, provided that the owner or operator has submitted such a request in writing to the director together with a detailed description of why the extension is requested, the director has received the request not later than the day on which the return is required to be filed, and the director has approved the request. If the fees are not remitted within thirty days after the last day of the month to which the return applies or are not remitted by the last day of an extension approved by the director, the owner or operator shall not retain the three-fourths of one per cent discount and shall pay an additional ten per cent of the amount of the fees for each month that they are late. For purposes of calculating the late fee, the first month in which fees are late begins on the first day after the deadline has passed for timely submitting the return and fees, and one additional month shall be counted every thirty days thereafter.

The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted under it. Prior to making a request for a refund or credit, an owner or operator shall make reasonable efforts to collect the applicable fees. A request for a refund or credit shall not include any costs resulting from those efforts to collect unpaid fees.

A request for a refund or credit of fees shall be made in writing, on a form prescribed by the director, and shall be

supported by evidence that may be required in rules adopted by the 78801
director under this chapter. After reviewing the request, and if 78802
the request and evidence submitted with the request indicate that 78803
a refund or credit is warranted, the director shall grant a refund 78804
to the owner or operator or shall permit a credit to be taken by 78805
the owner or operator on a subsequent monthly return submitted by 78806
the owner or operator. The amount of a refund or credit shall not 78807
exceed an amount that is equal to ninety days' worth of fees owed 78808
to an owner or operator by a particular debtor of the owner or 78809
operator. A refund or credit shall not be granted by the director 78810
to an owner or operator more than once in any twelve-month period 78811
for fees owed to the owner or operator by a particular debtor. 78812

If, after receiving a refund or credit from the director, an 78813
owner or operator receives payment of all or part of the fees, the 78814
owner or operator shall remit the fees with the next monthly 78815
return submitted to the director together with a written 78816
explanation of the reason for the submittal. 78817

For purposes of computing the fees levied under this division 78818
or division (B) of this section, any solid waste transfer or 78819
disposal facility that does not use scales as a means of 78820
determining gate receipts shall use a conversion factor of three 78821
cubic yards per ton of solid waste or one cubic yard per ton for 78822
baled waste, as applicable. 78823

The fees levied under this division and divisions (B) and (C) 78824
of this section are in addition to all other applicable fees and 78825
taxes and shall be paid by the customer or a political subdivision 78826
to the owner or operator of a solid waste transfer or disposal 78827
facility. In the alternative, the fees shall be paid by a customer 78828
or political subdivision to a transporter of waste who 78829
subsequently transfers the fees to the owner or operator of such a 78830
facility. The fees shall be paid notwithstanding the existence of 78831
any provision in a contract that the customer or a political 78832

subdivision may have with the owner or operator or with a transporter of waste to the facility that would not require or allow such payment regardless of whether the contract was entered prior to or after the effective date of this amendment. For those purposes, "customer" means a person who contracts with, or utilizes the solid waste services of, the owner or operator of a solid waste transfer or disposal facility or a transporter of solid waste to such a facility.

(B) For the purposes specified in division (G) of this section, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:

(1) The disposal at a solid waste disposal facility located in the district of solid wastes generated within the district;

(2) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of the district, but inside this state;

(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state.

The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. A solid waste management district that levies fees under this division on the basis of cubic yards shall do so in accordance with division (A) of this section.

The fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section.

Prior to the approval of the solid waste management plan of a district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district and shall prepare and publish the resolution and a notice of the time and location where a public hearing on the fees will be held. Upon adopting the resolution, the committee shall deliver written notice of the adoption of the resolution; of the amount of the proposed fees; and of the date, time, and location of the public hearing to the director and to the fifty industrial, commercial, or institutional generators of solid wastes within the district that generate the largest quantities of solid wastes, as determined by the committee, and to their local trade associations. The committee shall make good faith efforts to identify those generators within the district and their local trade associations, but the nonprovision of notice under this division to a particular generator or local trade association does not invalidate the proceedings under this division. The publication shall occur at least thirty days before the hearing. After the hearing, the committee may make such revisions to the proposed fees as it considers appropriate and thereafter, by resolution, shall adopt the revised fee schedule. Upon adopting the revised fee schedule,

the committee shall deliver a copy of the resolution doing so to 78897
the board of county commissioners of each county forming the 78898
district and to the legislative authority of each municipal 78899
corporation and township under the jurisdiction of the district. 78900
Within sixty days after the delivery of a copy of the resolution 78901
adopting the proposed revised fees by the policy committee, each 78902
such board and legislative authority, by ordinance or resolution, 78903
shall approve or disapprove the revised fees and deliver a copy of 78904
the ordinance or resolution to the committee. If any such board or 78905
legislative authority fails to adopt and deliver to the policy 78906
committee an ordinance or resolution approving or disapproving the 78907
revised fees within sixty days after the policy committee 78908
delivered its resolution adopting the proposed revised fees, it 78909
shall be conclusively presumed that the board or legislative 78910
authority has approved the proposed revised fees. The committee 78911
shall determine if the resolution has been ratified in the same 78912
manner in which it determines if a draft solid waste management 78913
plan has been ratified under division (B) of section 3734.55 of 78914
the Revised Code. 78915

The committee may amend the schedule of fees levied pursuant 78916
to a resolution adopted and ratified under this division by 78917
adopting a resolution establishing the proposed amount of the 78918
amended fees. The committee may repeal the fees levied pursuant to 78919
such a resolution by adopting a resolution proposing to repeal 78920
them. Upon adopting such a resolution, the committee shall proceed 78921
to obtain ratification of the resolution in accordance with this 78922
division. 78923

Not later than fourteen days after declaring the new fees to 78924
be ratified or the fees to be repealed under this division, the 78925
committee shall notify by certified mail the owner or operator of 78926
each solid waste disposal facility that is required to collect the 78927
fees of the ratification and the amount of the fees or of the 78928
repeal of the fees. Collection of any fees shall commence or 78929

collection of repealed fees shall cease on the first day of the 78930
second month following the month in which notification is sent to 78931
the owner or operator. 78932

Fees levied under this division also may be established, 78933
amended, or repealed by a solid waste management policy committee 78934
through the adoption of a new district solid waste management 78935
plan, the adoption of an amended plan, or the amendment of the 78936
plan or amended plan in accordance with sections 3734.55 and 78937
3734.56 of the Revised Code or the adoption or amendment of a 78938
district plan in connection with a change in district composition 78939
under section 3734.521 of the Revised Code. 78940

Not later than fourteen days after the director issues an 78941
order approving a district's solid waste management plan, amended 78942
plan, or amendment to a plan or amended plan that establishes, 78943
amends, or repeals a schedule of fees levied by the district, the 78944
committee shall notify by certified mail the owner or operator of 78945
each solid waste disposal facility that is required to collect the 78946
fees of the approval of the plan or amended plan, or the amendment 78947
to the plan, as appropriate, and the amount of the fees, if any. 78948
In the case of an initial or amended plan approved under section 78949
3734.521 of the Revised Code in connection with a change in 78950
district composition, other than one involving the withdrawal of a 78951
county from a joint district, the committee, within fourteen days 78952
after the change takes effect pursuant to division (G) of that 78953
section, shall notify by certified mail the owner or operator of 78954
each solid waste disposal facility that is required to collect the 78955
fees that the change has taken effect and of the amount of the 78956
fees, if any. Collection of any fees shall commence or collection 78957
of repealed fees shall cease on the first day of the second month 78958
following the month in which notification is sent to the owner or 78959
operator. 78960

If, in the case of a change in district composition involving 78961

the withdrawal of a county from a joint district, the director 78962
completes the actions required under division (G)(1) or (3) of 78963
section 3734.521 of the Revised Code, as appropriate, forty-five 78964
days or more before the beginning of a calendar year, the policy 78965
committee of each of the districts resulting from the change that 78966
obtained the director's approval of an initial or amended plan in 78967
connection with the change, within fourteen days after the 78968
director's completion of the required actions, shall notify by 78969
certified mail the owner or operator of each solid waste disposal 78970
facility that is required to collect the district's fees that the 78971
change is to take effect on the first day of January immediately 78972
following the issuance of the notice and of the amount of the fees 78973
or amended fees levied under divisions (B)(1) to (3) of this 78974
section pursuant to the district's initial or amended plan as so 78975
approved or, if appropriate, the repeal of the district's fees by 78976
that initial or amended plan. Collection of any fees set forth in 78977
such a plan or amended plan shall commence on the first day of 78978
January immediately following the issuance of the notice. If such 78979
an initial or amended plan repeals a schedule of fees, collection 78980
of the fees shall cease on that first day of January. 78981

If, in the case of a change in district composition involving 78982
the withdrawal of a county from a joint district, the director 78983
completes the actions required under division (G)(1) or (3) of 78984
section 3734.521 of the Revised Code, as appropriate, less than 78985
forty-five days before the beginning of a calendar year, the 78986
director, on behalf of each of the districts resulting from the 78987
change that obtained the director's approval of an initial or 78988
amended plan in connection with the change proceedings, shall 78989
notify by certified mail the owner or operator of each solid waste 78990
disposal facility that is required to collect the district's fees 78991
that the change is to take effect on the first day of January 78992
immediately following the mailing of the notice and of the amount 78993
of the fees or amended fees levied under divisions (B)(1) to (3) 78994
of this section pursuant to the district's initial or amended plan 78995

as so approved or, if appropriate, the repeal of the district's 78996
fees by that initial or amended plan. Collection of any fees set 78997
forth in such a plan or amended plan shall commence on the first 78998
day of the second month following the month in which notification 78999
is sent to the owner or operator. If such an initial or amended 79000
plan repeals a schedule of fees, collection of the fees shall 79001
cease on the first day of the second month following the month in 79002
which notification is sent to the owner or operator. 79003

If the schedule of fees that a solid waste management 79004
district is levying under divisions (B)(1) to (3) of this section 79005
is amended or repealed, the fees in effect immediately prior to 79006
the amendment or repeal shall continue to be collected until 79007
collection of the amended fees commences or collection of the 79008
repealed fees ceases, as applicable, as specified in this 79009
division. In the case of a change in district composition, money 79010
so received from the collection of the fees of the former 79011
districts shall be divided among the resulting districts in 79012
accordance with division (B) of section 343.012 of the Revised 79013
Code and the agreements entered into under division (B) of section 79014
343.01 of the Revised Code to establish the former and resulting 79015
districts and any amendments to those agreements. 79016

For the purposes of the provisions of division (B) of this 79017
section establishing the times when newly established or amended 79018
fees levied by a district are required to commence and the 79019
collection of fees that have been amended or repealed is required 79020
to cease, "fees" or "schedule of fees" includes, in addition to 79021
fees levied under divisions (B)(1) to (3) of this section, those 79022
levied under section 3734.573 or 3734.574 of the Revised Code. 79023

(C) For the purposes of defraying the added costs to a 79024
municipal corporation or township of maintaining roads and other 79025
public facilities and of providing emergency and other public 79026
services, and compensating a municipal corporation or township for 79027

reductions in real property tax revenues due to reductions in real 79028
property valuations resulting from the location and operation of a 79029
solid waste disposal facility within the municipal corporation or 79030
township, a municipal corporation or township in which such a 79031
solid waste disposal facility is located may levy a fee of not 79032
more than twenty-five cents per ton on the disposal of solid 79033
wastes at a solid waste disposal facility located within the 79034
boundaries of the municipal corporation or township regardless of 79035
where the wastes were generated. 79036

The legislative authority of a municipal corporation or 79037
township may levy fees under this division by enacting an 79038
ordinance or adopting a resolution establishing the amount of the 79039
fees. Upon so doing the legislative authority shall mail a 79040
certified copy of the ordinance or resolution to the board of 79041
county commissioners or directors of the county or joint solid 79042
waste management district in which the municipal corporation or 79043
township is located or, if a regional solid waste management 79044
authority has been formed under section 343.011 of the Revised 79045
Code, to the board of trustees of that regional authority, the 79046
owner or operator of each solid waste disposal facility in the 79047
municipal corporation or township that is required to collect the 79048
fee by the ordinance or resolution, and the director of 79049
environmental protection. Although the fees levied under this 79050
division are levied on the basis of tons as the unit of 79051
measurement, the legislative authority, in its ordinance or 79052
resolution levying the fees under this division, may direct that 79053
the fees be levied on the basis of cubic yards as the unit of 79054
measurement based upon a conversion factor of three cubic yards 79055
per ton generally or one cubic yard per ton for baled wastes. 79056

Not later than five days after enacting an ordinance or 79057
adopting a resolution under this division, the legislative 79058
authority shall so notify by certified mail the owner or operator 79059
of each solid waste disposal facility that is required to collect 79060

the fee. Collection of any fee levied on or after March 24, 1992,	79061
shall commence on the first day of the second month following the	79062
month in which notification is sent to the owner or operator.	79063
 (D)(1) The fees levied under divisions (A), (B), and (C) of	79064
this section do not apply to the disposal of solid wastes that:	79065
 (a) Are disposed of at a facility owned by the generator of	79066
the wastes when the solid waste facility exclusively disposes of	79067
solid wastes generated at one or more premises owned by the	79068
generator regardless of whether the facility is located on a	79069
premises where the wastes are generated;	79070
 (b) Are disposed of at facilities that exclusively dispose of	79071
wastes that are generated from the combustion of coal, or from the	79072
combustion of primarily coal in combination with scrap tires, that	79073
is not combined in any way with garbage at one or more premises	79074
owned by the generator.	79075
 (2) Except as provided in section 3734.571 of the Revised	79076
Code, any fees levied under division (B)(1) of this section apply	79077
to solid wastes originating outside the boundaries of a county or	79078
joint district that are covered by an agreement for the joint use	79079
of solid waste facilities entered into under section 343.02 of the	79080
Revised Code by the board of county commissioners or board of	79081
directors of the county or joint district where the wastes are	79082
generated and disposed of.	79083
 (3) When solid wastes, other than solid wastes that consist	79084
of scrap tires, are burned in a disposal facility that is an	79085
incinerator or energy recovery facility, the fees levied under	79086
divisions (A), (B), and (C) of this section shall be levied upon	79087
the disposal of the fly ash and bottom ash remaining after burning	79088
of the solid wastes and shall be collected by the owner or	79089
operator of the sanitary landfill where the ash is disposed of.	79090

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (B) and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.	79091 79092 79093 79094 79095 79096
(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.	79097 79098 79099 79100 79101 79102
(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.	79103 79104 79105 79106 79107 79108 79109 79110
(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.	79111 79112 79113 79114 79115 79116 79117
(8) The director of environmental protection may issue an order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the	79118 79119 79120 79121 79122

administrator or regional administrator of the United States 79123
environmental protection agency, the director of environmental 79124
protection, or the director of administrative services on behalf 79125
of the director of environmental protection for the purpose of 79126
remediating conditions at a hazardous waste facility, solid waste 79127
facility, or other location at which the administrator or regional 79128
administrator or the director of environmental protection has 79129
reason to believe that there is a substantial threat to public 79130
health or safety or the environment or that the conditions are 79131
causing or contributing to air or water pollution or soil 79132
contamination. An order issued by the director of environmental 79133
protection under division (D)(8) of this section shall include a 79134
determination that the amount of the fees not received by a solid 79135
waste management district as a result of the order will not 79136
adversely impact the implementation and financing of the 79137
district's approved solid waste management plan and any approved 79138
amendments to the plan. Such an order is a final action of the 79139
director of environmental protection. 79140

(E) The fees levied under divisions (B) and (C) of this 79141
section shall be collected by the owner or operator of the solid 79142
waste disposal facility where the wastes are disposed of as a 79143
trustee for the county or joint district and municipal corporation 79144
or township where the wastes are disposed of. Moneys from the fees 79145
levied under division (B) of this section shall be forwarded to 79146
the board of county commissioners or board of directors of the 79147
district in accordance with rules adopted under division (H) of 79148
this section. Moneys from the fees levied under division (C) of 79149
this section shall be forwarded to the treasurer or such other 79150
officer of the municipal corporation as, by virtue of the charter, 79151
has the duties of the treasurer or to the fiscal officer of the 79152
township, as appropriate, in accordance with those rules. 79153

(F) Moneys received by the treasurer or other officer of the 79154
municipal corporation under division (E) of this section shall be 79155

paid into the general fund of the municipal corporation. Moneys
received by the fiscal officer of the township under that division
shall be paid into the general fund of the township. The treasurer
or other officer of the municipal corporation or the township
fiscal officer, as appropriate, shall maintain separate records of
the moneys received from the fees levied under division (C) of
this section.

(G) Moneys received by the board of county commissioners or
board of directors under division (E) of this section or section
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code
shall be paid to the county treasurer, or other official acting in
a similar capacity under a county charter, in a county district or
to the county treasurer or other official designated by the board
of directors in a joint district and kept in a separate and
distinct fund to the credit of the district. If a regional solid
waste management authority has been formed under section 343.011
of the Revised Code, moneys received by the board of trustees of
that regional authority under division (E) of this section shall
be kept by the board in a separate and distinct fund to the credit
of the district. Moneys in the special fund of the county or joint
district arising from the fees levied under division (B) of this
section and the fee levied under division (A) of section 3734.573
of the Revised Code shall be expended by the board of county
commissioners or directors of the district in accordance with the
district's solid waste management plan or amended plan approved
under section 3734.521, 3734.55, or 3734.56 of the Revised Code
exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the
district under section 3734.54 of the Revised Code, monitoring
implementation of the plan, and conducting the periodic review and
amendment of the plan required by section 3734.56 of the Revised
Code by the solid waste management policy committee;

(2) Implementation of the approved solid waste management plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs;	79188 79189 79190 79191
(3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions;	79192 79193 79194 79195 79196 79197 79198
(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;	79199 79200 79201 79202 79203 79204
(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;	79205 79206 79207 79208 79209 79210
(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;	79211 79212 79213 79214
(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and	79215 79216 79217 79218

ordinances; 79219

(8) Providing financial assistance to boards of health of 79220
health districts within the district that are on the approved list 79221
under section 3734.08 of the Revised Code to defray the costs to 79222
the health districts for the participation of their employees 79223
responsible for enforcement of the solid waste provisions of this 79224
chapter and rules adopted and orders and terms and conditions of 79225
permits, licenses, and variances issued under those provisions in 79226
the training and certification program as required by rules 79227
adopted under division (L) of section 3734.02 of the Revised Code; 79228

(9) Providing financial assistance to individual municipal 79229
corporations and townships within the district to defray their 79230
added costs of maintaining roads and other public facilities and 79231
of providing emergency and other public services resulting from 79232
the location and operation within their boundaries of a 79233
composting, energy or resource recovery, incineration, or 79234
recycling facility that either is owned by the district or is 79235
furnishing solid waste management facility or recycling services 79236
to the district pursuant to a contract or agreement with the board 79237
of county commissioners or directors of the district; 79238

(10) Payment of any expenses that are agreed to, awarded, or 79239
ordered to be paid under section 3734.35 of the Revised Code and 79240
of any administrative costs incurred pursuant to that section. In 79241
the case of a joint solid waste management district, if the board 79242
of county commissioners of one of the counties in the district is 79243
negotiating on behalf of affected communities, as defined in that 79244
section, in that county, the board shall obtain the approval of 79245
the board of directors of the district in order to expend moneys 79246
for administrative costs incurred. 79247

Prior to the approval of the district's solid waste 79248
management plan under section 3734.55 of the Revised Code, moneys 79249
in the special fund of the district arising from the fees shall be 79250

expended for those purposes in the manner prescribed by the solid waste management policy committee by resolution.

Notwithstanding division (G)(6) of this section as it existed prior to October 29, 1993, or any provision in a district's solid waste management plan prepared in accordance with division (B)(2)(e) of section 3734.53 of the Revised Code as it existed prior to that date, any moneys arising from the fees levied under division (B)(3) of this section prior to January 1, 1994, may be expended for any of the purposes authorized in divisions (G)(1) to (10) of this section.

(H) The director shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for collecting and forwarding the fees levied under divisions (B) and (C) of this section to the boards of county commissioners or directors of county or joint solid waste management districts and to the treasurers or other officers of municipal corporations and the fiscal officers of townships. The rules also shall prescribe the dates for forwarding the fees to the boards and officials and may prescribe any other requirements the director considers necessary or appropriate to implement and administer divisions (A), (B), and (C) of this section.

Sec. 3734.573. (A) For the purposes specified in division (G) of section 3734.57 of the Revised Code, the solid waste management policy committee of a county or joint solid waste management district may levy a fee on the generation of solid wastes within the district.

The initial or amended solid waste management plan of the county or joint district approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code, an amendment to the district's plan adopted under division (E) of section 3734.56 of the Revised Code, or the resolution adopted and ratified under division (B) of this section shall establish the rate of the fee levied under this

division and shall specify whether the fee is levied on the basis 79283
of tons or cubic yards as the unit of measurement. 79284

(B) Prior to the approval under division (A) of section 79285
3734.56 of the Revised Code of the first amended plan that the 79286
district is required to submit for approval under that section, 79287
the approval of an initial plan under section 3734.521 of the 79288
Revised Code, the approval of an amended plan under section 79289
3734.521 or division (D) of section 3734.56 of the Revised Code, 79290
or the amendment of the district's plan under division (E) of 79291
section 3734.56 of the Revised Code, the solid waste management 79292
policy committee of a county or joint district that is operating 79293
under an initial plan approved under section 3734.55 of the 79294
Revised Code, or one for which approval of its initial plan is 79295
pending before the director of environmental protection on 79296
October 29, 1993, under section 3734.55 of the Revised Code, may 79297
levy a fee under division (A) of this section by adopting and 79298
obtaining ratification of a resolution establishing the amount of 79299
the fee. A policy committee that, after December 1, 1993, 79300
concurrently proposes to levy a fee under division (A) of this 79301
section and to amend the fees levied by the district under 79302
divisions (B)(1) to (3) of section 3734.57 of the Revised Code may 79303
adopt and obtain ratification of one resolution proposing to do 79304
both. The requirements and procedures set forth in division (B) of 79305
section 3734.57 of the Revised Code governing the adoption, 79306
amendment, and repeal of resolutions levying fees under divisions 79307
(B)(1) to (3) of that section, the ratification of those 79308
resolutions, and the notification of owners and operators of solid 79309
waste facilities required to collect fees levied under those 79310
divisions govern the adoption of the resolutions authorized to be 79311
adopted under this division, the ratification thereof, and the 79312
notification of owners and operators required to collect the fees, 79313
except as otherwise specifically provided in division (C) of this 79314
section. 79315

(C) Any initial or amended plan of a district adopted under section 3734.521 or 3734.56 of the Revised Code, or resolution adopted under division (B) of this section, that proposes to levy a fee under division (A) of this section that exceeds five dollars per ton shall be ratified in accordance with the provisions of section 3734.55 or division (B) of section 3734.57 of the Revised Code, as applicable, except that such an initial or amended plan or resolution shall be approved by a combination of municipal corporations and townships with a combined population within the boundaries of the district comprising at least seventy-five per cent, rather than at least sixty per cent, of the total population of the district.

(D) The policy committee of a county or joint district may amend the fee levied by the district under division (A) of this section by adopting and obtaining ratification of a resolution establishing the amount of the amended fee. The policy committee may abolish the fee or an amended fee established under this division by adopting and obtaining ratification of a resolution proposing to repeal it. The requirements and procedures under division (B) and, if applicable, division (C) of this section govern the adoption and ratification of a resolution authorized to be adopted under this division and the notification of owners and operators of solid waste facilities required to collect the fees.

(E) Collection of a fee or amended fee levied under division (A) or (D) of this section shall commence or cease in accordance with division (B) of section 3734.57 of the Revised Code. If a district is levying a fee under section 3734.572 of the Revised Code, collection of that fee shall cease on the date on which collection of the fee levied under division (A) of this section commences in accordance with division (B) of section 3734.57 of the Revised Code.

(F) In the case of solid wastes that are taken to a solid

waste transfer facility prior to being transported to a solid waste disposal facility for disposal, the fee levied under division (A) of this section shall be collected by the owner or operator of the transfer facility as a trustee for the district. In the case of solid wastes that are not taken to a solid waste transfer facility prior to being transported to a solid waste disposal facility, the fee shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of. An owner or operator of a solid waste transfer or disposal facility who is required to collect the fee shall collect and forward the fee to the district in accordance with section 3734.57 of the Revised Code and rules adopted under division (H) of that section.

If the owner or operator of a solid waste transfer or disposal facility who did not receive notice pursuant to division (B) of this section to collect the fee levied by a district under division (A) of this section receives solid wastes generated in the district, the owner or operator, within thirty days after receiving the wastes, shall send written notice of that fact to the board of county commissioners or directors of the district. Within thirty days after receiving such a notice, the board of county commissioners or directors shall send written notice to the owner or operator indicating whether the district is levying a fee under division (A) of this section and, if so, the amount of the fee.

(G) Moneys received by a district levying a fee under division (A) of this section shall be credited to the special fund of the district created in division (G) of section 3734.57 of the Revised Code and shall be used exclusively for the purposes specified in that division. Prior to the approval under division (A) of section 3734.56 of the Revised Code of the first amended plan that the district is required to submit for approval under that section, the approval of an initial plan under section

3734.521 of the Revised Code, the approval of an amended plan 79381
under that section or division (D) of section 3734.56 of the 79382
Revised Code, or the amendment of the district's plan under 79383
division (E) of section 3734.56 of the Revised Code, moneys 79384
credited to the special fund arising from the fee levied pursuant 79385
to a resolution adopted and ratified under division (B) of this 79386
section shall be expended for those purposes in the manner 79387
prescribed by the solid waste management policy committee by 79388
resolution. 79389

(H) The fee levied under division (A) of this section does 79390
not apply to the management of solid wastes that: 79391

(1) Are disposed of at a facility owned by the generator of 79392
the wastes when the solid waste facility exclusively disposes of 79393
solid wastes generated at one or more premises owned by the 79394
generator regardless of whether the facility is located on a 79395
premises where the wastes were generated; 79396

(2) Are disposed of at facilities that exclusively dispose of 79397
wastes that are generated from the combustion of coal, or from the 79398
combustion of primarily coal in combination with scrap tires, that 79399
is not combined in any way with garbage at one or more premises 79400
owned by the generator. 79401

(I) When solid wastes that are burned in a disposal facility 79402
that is an incinerator or energy recovery facility are delivered 79403
to a solid waste transfer facility prior to being transported to 79404
the incinerator or energy recovery facility where they are burned, 79405
the fee levied under division (A) of this section shall be levied 79406
on the wastes delivered to the transfer facility. 79407

(J) When solid wastes that are burned in a disposal facility 79408
that is an incinerator or energy recovery facility are not 79409
delivered to a solid waste transfer facility prior to being 79410
transported to the incinerator or energy recovery facility where 79411

they are burned, the fee levied under division (A) of this section shall be levied on the wastes delivered to the incinerator or energy recovery facility.

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(K) The fee levied under division (A) of this section does not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

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(L) The fee levied under division (A) of this section does not apply to ~~yard waste~~ solid waste delivered to a solid waste composting facility for processing ~~or to a solid waste transfer facility~~. If any unprocessed solid waste or compost product is transported off the premises of a composting facility for disposal at a landfill, the fee levied under division (A) of this section applies and shall be collected by the owner or operator of the landfill.

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(M) The fee levied under division (A) of this section does not apply to materials separated from a mixed waste stream for recycling by the generator or materials removed from the solid waste stream as a result of recycling, as "recycling" is defined in rules adopted under section 3734.02 of the Revised Code.

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(N) The director of environmental protection may issue an order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director of environmental protection, or the director of administrative services on behalf of the director of environmental protection for the purpose of remediating conditions at a hazardous waste facility, solid waste

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facility, or other location at which the administrator or regional	79444
administrator or the director of environmental protection has	79445
reason to believe that there is a substantial threat to public	79446
health or safety or the environment or that the conditions are	79447
causing or contributing to air or water pollution or soil	79448
contamination. An order issued by the director of environmental	79449
protection under this division shall include a determination that	79450
the amount of fees not received by a solid waste management	79451
district as a result of the order will not adversely impact the	79452
implementation and financing of the district's approved solid	79453
waste ~~management~~ <u>management</u> plan and any approved amendments to the	79454
plan. Such an order is a final action of the director of	79455
environmental protection.	79456

Sec. 3734.82. (A) The annual fee for a scrap tire recovery	79457
facility license issued under section 3734.81 of the Revised Code	79458
shall be in accordance with the following schedule:	79459

Daily Design	Annual	79460
Input Capacity	License	79461
(Tons)	Fee	79462
1 or less	\$ 100	79463
2 to 25	500	79464
26 to 50	1,000	79465
51 to 100	1,500	79466
101 to 200	2,500	79467
201 to 500	3,500	79468
501 or more	5,500	79469

For the purpose of determining the applicable license fee	79470
under this division, the daily design input capacity shall be the	79471
quantity of scrap tires the facility is designed to process daily	79472
as set forth in the registration certificate or permit for the	79473
facility, and any modifications to the permit, if applicable,	79474
issued under section 3734.78 of the Revised Code.	79475

(B) The annual fee for a scrap tire monocell or monofill facility license shall be in accordance with the following schedule:

Authorized Maximum	Annual	79479
Daily Waste Receipt	License	79480
(Tons)	Fee	79481
100 or less	\$ 5,000	79482
101 to 200	12,500	79483
201 to 500	30,000	79484
501 or more	60,000	79485

For the purpose of determining the applicable license fee under this division, the authorized maximum daily waste receipt shall be the maximum amount of scrap tires the facility is authorized to receive daily that is established in the permit for the facility, and any modification to that permit, issued under section 3734.77 of the Revised Code.

(C)(1) Except as otherwise provided in division (C)(2) of this section, the annual fee for a scrap tire storage facility license shall equal one thousand dollars times the number of acres on which scrap tires are to be stored at the facility during the license year, as set forth on the application for the annual license, except that the total annual license fee for any such facility shall not exceed three thousand dollars.

(2) The annual fee for a scrap tire storage facility license for a storage facility that is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code is one hundred dollars.

(D)(1) Except as otherwise provided in division (D)(2) of this section, the annual fee for a scrap tire collection facility license is two hundred dollars.

(2) The annual fee for a scrap tire collection facility	79506
license for a collection facility that is owned or operated by a	79507
motor vehicle salvage dealer licensed under Chapter 4738. of the	79508
Revised Code is fifty dollars.	79509
(E) Except as otherwise provided in divisions (C)(2) and	79510
(D)(2) of this section, the same fees apply to private operators	79511
and to the state and its political subdivisions and shall be paid	79512
within thirty days after the issuance of a license. The fees	79513
include the cost of licensing, all inspections, and other costs	79514
associated with the administration of the scrap tire provisions of	79515
this chapter and rules adopted under them. Each license shall	79516
specify that it is conditioned upon payment of the applicable fee	79517
to the board of health or the director of environmental	79518
protection, as appropriate, within thirty days after the issuance	79519
of the license.	79520
(F) The board of health shall retain fifteen thousand dollars	79521
of each license fee collected by the board under division (B) of	79522
this section, or the entire amount of any such fee that is less	79523
than fifteen thousand dollars, and the entire amount of each	79524
license fee collected by the board under divisions (A), (C), and	79525
(D) of this section. The moneys retained shall be paid into a	79526
special fund, which is hereby created in each health district, and	79527
used solely to administer and enforce the scrap tire provisions of	79528
this chapter and rules adopted under them. The remainder, if any,	79529
of each license fee collected by the board under division (B) of	79530
this section shall be transmitted to the director within	79531
forty-five days after receipt of the fee.	79532
(G) The director shall transmit the moneys received by the	79533
director from license fees collected under division (B) of this	79534
section to the treasurer of state to be credited to the scrap tire	79535
management fund, which is hereby created in the state treasury.	79536
The fund shall consist of all federal moneys received by the	79537

environmental protection agency for the scrap tire management 79538
program; all grants, gifts, and contributions made to the director 79539
for that program; and all other moneys that may be provided by law 79540
for that program. The director shall use moneys in the fund as 79541
follows: 79542

(1) ~~Expend not more than seven hundred fifty thousand dollars~~ 79543
~~during each fiscal year~~amounts determined necessary by the 79544
director to implement, administer, and enforce the scrap tire 79545
provisions of this chapter and rules adopted under them; 79546

(2) During each fiscal year, request the director of budget 79547
and management to, and the director of budget and management 79548
shall, transfer one million dollars to the scrap tire grant fund 79549
created in section 1502.12 of the Revised Code for ~~the purposes~~ 79550
~~specified in that section;~~supporting market development 79551
activities for scrap tires and synthetic rubber from tire 79552
manufacturing processes and tire recycling processes. In addition, 79553
during a fiscal year, the director of environmental protection may 79554
request the director of budget and management to, and the director 79555
of budget and management shall, transfer up to an additional five 79556
hundred thousand dollars to the scrap tire grant fund for scrap 79557
tire amnesty events and scrap tire cleanup events. 79558

(3) ~~Expend not more than three million dollars per year~~ 79559
~~during fiscal years 2002 and 2003 to conduct removal actions under~~ 79560
~~section 3734.85 of the Revised Code and to make grants to boards~~ 79561
~~of health under section 3734.042 of the Revised Code. However,~~ 79562
~~more than three million dollars may be expended in fiscal years~~ 79563
~~2002 and 2003 for the purposes of division (G)(3) of this section~~ 79564
~~if more moneys are collected from the fee levied under division~~ 79565
~~(A)(2) of section 3734.901 of the Revised Code. During each~~ 79566
~~subsequent fiscal year the director shall expend not more than~~ 79567
~~four million five hundred thousand dollars to conduct removal~~ 79568
~~actions under section 3734.85 of the Revised Code and to make~~ 79569

grants to boards of health under section 3734.042 of the Revised Code. However, more than four million five hundred thousand dollars may be expended in a fiscal year for the purposes of division (G)(3) of this section if more moneys are collected from the fee levied under division (A)(2) of section 3734.901 of the Revised Code. The director shall request the approval of the controlling board prior to the use of the moneys to conduct removal actions under section 3734.85 of the Revised Code. The request shall be accompanied by a plan describing the removal actions to be conducted during the fiscal year and an estimate of the costs of conducting them. The controlling board shall approve the plan only if it finds that the proposed removal actions are in accordance with the priorities set forth in division (B) of section 3734.85 of the Revised Code and that the costs of conducting them are reasonable. Controlling board approval is not required for grants made to boards of health under section 3734.042 of the Revised Code.

(H) If, during a fiscal year, more than seven million dollars are credited to the scrap tire management fund, the director, at the conclusion of the fiscal year, shall request the director of budget and management to, and the director of budget and management shall, transfer one half of those excess moneys to the scrap tire grant fund. The director shall expend the remaining excess moneys in the scrap tire management fund to conduct removal actions under section 3734.85 of the Revised Code in accordance with the procedures established under division (I) of this section.

(I) After the actions in divisions (G)(1) to (3) and (H) of this section are completed during each prior fiscal year, the director may expend up to the balance remaining from prior fiscal years in the scrap tire management fund to conduct removal actions under section 3734.85 of the Revised Code. Prior to using any moneys in the fund for that purpose in a fiscal year, the director

shall request the approval of the controlling board for that use 79603
of the moneys. The request shall be accompanied by a plan 79604
describing the removal actions to be conducted during the fiscal 79605
year and an estimate of the costs of conducting them. The 79606
controlling board shall approve the plan only if the board finds 79607
that the proposed removal actions are in accordance with the 79608
priorities set forth in division (B) of section 3734.85 of the 79609
Revised Code and that the costs of conducting them are reasonable 79610
After the expenditures and transfers are made under divisions 79611
(G)(1) and (2) of this section, expend the balance of the money 79612
in the scrap tire management fund remaining in each fiscal year 79613
to conduct removal actions under section 3734.85 of the Revised 79614
Code and to provide grants to boards of health under section 79615
3734.042 of the Revised Code. 79616

Sec. 3734.901. (A)(1) For the purpose of providing revenue 79617
to defray the cost of administering and enforcing the scrap tire 79618
provisions of this chapter, rules adopted under those provisions, 79619
and terms and conditions of orders, variances, and licenses issued 79620
under those provisions; to abate accumulations of scrap tires; to 79621
make grants ~~to promote research regarding alternative methods of~~ 79622
~~recycling scrap tires and~~ supporting market development activities 79623
for scrap tires and synthetic rubber from tire manufacturing 79624
processes and tire recycling processes and to support scrap tire 79625
amnesty and cleanup events; to make loans to promote the recycling 79626
or recovery of energy from scrap tires; and to defray the costs of 79627
administering and enforcing sections 3734.90 to 3734.9014 of the 79628
Revised Code, a fee of fifty cents per tire is hereby levied on 79629
the sale of tires. The proceeds of the fee shall be deposited in 79630
the state treasury to the credit of the scrap tire management fund 79631
created in section 3734.82 of the Revised Code. The fee is levied 79632
from the first day of the calendar month that begins next after 79633
thirty days from October 29, 1993, through June 30, 2011. 79634

(2) Beginning on September 5, 2001, and ending on June 30, 79635

2011, there is hereby levied an additional fee of fifty cents per
tire on the sale of tires the proceeds of which shall be deposited
in the state treasury to the credit of the scrap tire management
fund ~~created in section 3734.82 of the Revised Code~~ and be used
exclusively for the purposes specified in division (G)(3) of that
section.

(B) Only one sale of the same article shall be used in
computing the amount of the fee due.

Sec. 3734.9010. Two per cent of all amounts paid to the
treasurer of state pursuant to sections 3734.90 to 3734.9014 of
the Revised Code shall be certified directly to the credit of the
tire fee administrative fund, which is hereby created in the state
treasury, for appropriation to the department of taxation for use
in administering those sections. The remainder of the amounts paid
to the treasurer of state shall be deposited ~~to the credit of the~~
~~scrap tire management fund created~~ and credited in accordance
with section 3734.823734.901 of the Revised Code.

Sec. 3737.71. Each insurance company doing business in this
state shall pay to the state in installments, at the time of
making the payments required by section 5729.05 of the Revised
Code, in addition to the taxes required to be paid by it,
three-fourths of one per cent on the gross premium receipts
derived from fire insurance and that portion of the premium
reasonably allocable to insurance against the hazard of fire
included in other coverages except life and sickness and accident
insurance, after deducting return premiums paid and considerations
received for reinsurances as shown by the annual statement of such
company made pursuant to sections 3929.30, 3931.06, and 5729.02 of
the Revised Code. The money received shall be paid into the state
treasury to the credit of the state fire marshal's fund, which is
hereby created. The fund shall be used for the maintenance and
administration of the office of the fire marshal and the Ohio fire

academy established by section 3737.33 of the Revised Code. If the
director of commerce certifies to the director of budget and
management that the cash balance in the state fire marshal's fund
is in excess of the amount needed to pay ongoing operating
expenses, the director of commerce, with the approval of the
director of budget and management, may use the excess amount to
acquire by purchase, lease, or otherwise, real property or
interests in real property to be used for the benefit of the
office of the state fire marshal, or to construct, acquire,
enlarge, equip, furnish, or improve the fire marshal's office
facilities or the facilities of the Ohio fire academy. The state
fire marshal's fund shall be assessed a proportionate share of
the administrative costs of the department of commerce in
accordance with procedures prescribed by the director of commerce
and approved by the director of budget and management. Such
assessment shall be paid from the state fire marshal's fund to
the division of administration fund.

Notwithstanding any other provision in this section, if the
director of budget and management determines at any time that the
money in the state fire marshal's fund exceeds the amount
necessary to defray ongoing operating expenses in a fiscal year,
the director may transfer the excess to the general revenue fund.

Sec. 3743.04. (A) The license of a manufacturer of fireworks
is effective for one year beginning on the first day of December.
The state fire marshal shall issue or renew a license only on
that date and at no other time. If a manufacturer of fireworks
wishes to continue manufacturing fireworks at the designated
fireworks plant after its then effective license expires, it
shall apply no later than the first day of October for a new
license pursuant to section 3743.02 of the Revised Code. The
state fire marshal shall send a written notice of the expiration
of its license to a licensed manufacturer at least three months
before the expiration date.

(B) If, during the effective period of its licensure, a
licensed manufacturer of fireworks wishes to construct, locate, or
relocate any buildings or other structures on the premises of its
fireworks plant, to make any structural change or renovation in
any building or other structure on the premises of its fireworks
plant, or to change the nature of its manufacturing of fireworks
so as to include the processing of fireworks, the manufacturer
shall notify the state fire marshal in writing. The state fire
marshal may require a licensed manufacturer also to submit
documentation, including, but not limited to, plans covering the
proposed construction, location, relocation, structural change or
renovation, or change in manufacturing of fireworks, if the state
fire marshal determines the documentation is necessary for
evaluation purposes in light of the proposed construction,
location, relocation, structural change or renovation, or change
in manufacturing of fireworks.

Upon receipt of the notification and additional documentation
required by the state fire marshal, the state fire marshal shall
inspect the premises of the fireworks plant to determine if the
proposed construction, location, relocation, structural change or
renovation, or change in manufacturing of fireworks conforms to
sections 3743.02 to 3743.08 of the Revised Code and the rules
adopted by the state fire marshal pursuant to section 3743.05 of
the Revised Code. The state fire marshal shall issue a written
authorization to the manufacturer for the construction, location,
relocation, structural change or renovation, or change in
manufacturing of fireworks if the state fire marshal determines,
upon the inspection and a review of submitted documentation, that
the construction, location, relocation, structural change or
renovation, or change in manufacturing of fireworks conforms to
those sections and rules. Upon authorizing a change in
manufacturing of fireworks to include the processing of
fireworks, the state fire marshal shall make notations on the

manufacturer's license and in the list of licensed manufacturers 79734
in accordance with section 3743.03 of the Revised Code. 79735

On or before June 1, 1998, a licensed manufacturer shall 79736
install, in every licensed building in which fireworks are 79737
manufactured, stored, or displayed and to which the public has 79738
access, interlinked fire detection, smoke exhaust, and smoke 79739
evacuation systems that are approved by the superintendent of ~~the~~ 79740
~~division of industrial compliance~~ labor, and shall comply with 79741
floor plans showing occupancy load limits and internal circulation 79742
and egress patterns that are approved by the state fire marshal 79743
and superintendent, and that are submitted under seal as required 79744
by section 3791.04 of the Revised Code. Notwithstanding section 79745
3743.59 of the Revised Code, the construction and safety 79746
requirements established in this division are not subject to any 79747
variance, waiver, or exclusion. 79748

(C) The license of a manufacturer of fireworks authorizes the 79749
manufacturer to engage only in the following activities: 79750

(1) The manufacturing of fireworks on the premises of the 79751
fireworks plant as described in the application for licensure or 79752
in the notification submitted under division (B) of this section, 79753
except that a licensed manufacturer shall not engage in the 79754
processing of fireworks unless authorized to do so by its license. 79755

(2) To possess for sale at wholesale and sell at wholesale 79756
the fireworks manufactured by the manufacturer, to persons who are 79757
licensed wholesalers of fireworks, to out-of-state residents in 79758
accordance with section 3743.44 of the Revised Code, to residents 79759
of this state in accordance with section 3743.45 of the Revised 79760
Code, or to persons located in another state provided the 79761
fireworks are shipped directly out of this state to them by the 79762
manufacturer. A person who is licensed as a manufacturer of 79763
fireworks on June 14, 1988, also may possess for sale and sell 79764
pursuant to division (C)(2) of this section fireworks other than 79765

those the person manufactures. The possession for sale shall be on 79766
the premises of the fireworks plant described in the application 79767
for licensure or in the notification submitted under division (B) 79768
of this section, and the sale shall be from the inside of a 79769
licensed building and from no other structure or device outside a 79770
licensed building. At no time shall a licensed manufacturer sell 79771
any class of fireworks outside a licensed building. 79772

(3) Possess for sale at retail and sell at retail the 79773
fireworks manufactured by the manufacturer, other than 1.4G 79774
fireworks as designated by the state fire marshal in rules adopted 79775
pursuant to division (A) of section 3743.05 of the Revised Code, 79776
to licensed exhibitors in accordance with sections 3743.50 to 79777
3743.55 of the Revised Code, and possess for sale at retail and 79778
sell at retail the fireworks manufactured by the manufacturer, 79779
including 1.4G fireworks, to out-of-state residents in accordance 79780
with section 3743.44 of the Revised Code, to residents of this 79781
state in accordance with section 3743.45 of the Revised Code, or 79782
to persons located in another state provided the fireworks are 79783
shipped directly out of this state to them by the manufacturer. A 79784
person who is licensed as a manufacturer of fireworks on June 14, 79785
1988, may also possess for sale and sell pursuant to division 79786
(C)(3) of this section fireworks other than those the person 79787
manufactures. The possession for sale shall be on the premises of 79788
the fireworks plant described in the application for licensure or 79789
in the notification submitted under division (B) of this section, 79790
and the sale shall be from the inside of a licensed building and 79791
from no other structure or device outside a licensed building. At 79792
no time shall a licensed manufacturer sell any class of fireworks 79793
outside a licensed building. 79794

A licensed manufacturer of fireworks shall sell under 79795
division (C) of this section only fireworks that meet the 79796
standards set by the consumer product safety commission or by the 79797
American fireworks standard laboratories or that have received an 79798

EX number from the United States department of transportation. 79799

(D) The license of a manufacturer of fireworks shall be 79800
protected under glass and posted in a conspicuous place on the 79801
premises of the fireworks plant. Except as otherwise provided in 79802
this division, the license is not transferable or assignable. A 79803
license may be transferred to another person for the same 79804
fireworks plant for which the license was issued if the assets of 79805
the plant are transferred to that person by inheritance or by a 79806
sale approved by the state fire marshal. The license is subject to 79807
revocation in accordance with section 3743.08 of the Revised Code. 79808

(E) The state fire marshal shall not place the license of a 79809
manufacturer of fireworks in a temporarily inactive status while 79810
the holder of the license is attempting to qualify to retain the 79811
license. 79812

(F) Each licensed manufacturer of fireworks that possesses 79813
fireworks for sale and sells fireworks under division (C) of 79814
section 3743.04 of the Revised Code, or a designee of the 79815
manufacturer, whose identity is provided to the state fire marshal 79816
by the manufacturer, annually shall attend a continuing education 79817
program. The state fire marshal shall develop the program and the 79818
state fire marshal or a person or public agency approved by the 79819
state fire marshal shall conduct it. A licensed manufacturer or 79820
the manufacturer's designee who attends a program as required 79821
under this division, within one year after attending the program, 79822
shall conduct in-service training as approved by the state fire 79823
marshal for other employees of the licensed manufacturer 79824
regarding the information obtained in the program. A licensed 79825
manufacturer shall provide the state fire marshal with notice of 79826
the date, time, and place of all in-service training. For any 79827
program conducted under this division, the state fire marshal 79828
shall, in accordance with rules adopted by the state fire 79829
marshal under Chapter 119. of the Revised Code, establish the 79830

subjects to be taught, the length of classes, the standards for approval, and time periods for notification by the licensee to the state fire marshal of any in-service training.

(G) A licensed manufacturer shall maintain comprehensive general liability insurance coverage in the amount and type specified under division (B)(2) of section 3743.02 of the Revised Code at all times. Each policy of insurance required under this division shall contain a provision requiring the insurer to give not less than fifteen days' prior written notice to the state fire marshal before termination, lapse, or cancellation of the policy, or any change in the policy that reduces the coverage below the minimum required under this division. Prior to canceling or reducing the amount of coverage of any comprehensive general liability insurance coverage required under this division, a licensed manufacturer shall secure supplemental insurance in an amount and type that satisfies the requirements of this division so that no lapse in coverage occurs at any time. A licensed manufacturer who secures supplemental insurance shall file evidence of the supplemental insurance with the state fire marshal prior to canceling or reducing the amount of coverage of any comprehensive general liability insurance coverage required under this division.

(H) The state fire marshal shall adopt rules for the expansion or contraction of a licensed premises and for approval of such expansions or contractions. The boundaries of a licensed premises, including any geographic expansion or contraction of those boundaries, shall be approved by the state fire marshal in accordance with rules the state fire marshal adopts. If the licensed premises consists of more than one parcel of real estate, those parcels shall be contiguous unless an exception is allowed pursuant to division (I) of this section.

(I)(1) A licensed manufacturer may expand its licensed

premises within this state to include not more than two storage 79863
locations that are located upon one or more real estate parcels 79864
that are noncontiguous to the licensed premises as that licensed 79865
premises exists on the date a licensee submits an application as 79866
described below, if all of the following apply: 79867

(a) The licensee submits an application to the state fire 79868
marshal and an application fee of one hundred dollars per storage 79869
location for which the licensee is requesting approval. 79870

(b) The identity of the holder of the license remains the 79871
same at the storage location. 79872

(c) The storage location has received a valid certificate of 79873
zoning compliance as applicable and a valid certificate of 79874
occupancy for each building or structure at the storage location 79875
issued by the authority having jurisdiction to issue the 79876
certificate for the storage location, and those certificates 79877
permit the distribution and storage of fireworks regulated under 79878
this chapter at the storage location and in the buildings or 79879
structures. The storage location shall be in compliance with all 79880
other applicable federal, state, and local laws and regulations. 79881

(d) Every building or structure located upon the storage 79882
location is separated from occupied residential and nonresidential 79883
buildings or structures, railroads, highways, or any other 79884
buildings or structures on the licensed premises in accordance 79885
with the distances specified in the rules adopted by the state 79886
fire marshal pursuant to section 3743.05 of the Revised Code. 79887

(e) Neither the licensee nor any person holding, owning, or 79888
controlling a five per cent or greater beneficial or equity 79889
interest in the licensee has been convicted of or pleaded guilty 79890
to a felony under the laws of this state, any other state, or the 79891
United States, after September 29, 2005. 79892

(f) The state fire marshal approves the application for expansion. 79893
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(2) The state fire marshal shall approve an application for expansion requested under division (I)(1) of this section if the state fire marshal receives the application fee and proof that the requirements of divisions (I)(1)(b) to (e) of this section are satisfied. The storage location shall be considered part of the original licensed premises and shall use the same distinct number assigned to the original licensed premises with any additional designations as the state fire marshal deems necessary in accordance with section 3743.03 of the Revised Code. 79895
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(J)(1) A licensee who obtains approval for the use of a storage location in accordance with division (I) of this section shall use the storage location exclusively for the following activities, in accordance with division (C) of this section: 79904
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(a) The packaging, assembling, or storing of fireworks, which shall only occur in buildings or structures approved for such hazardous uses by the building code official having jurisdiction for the storage location or, for 1.4G fireworks, in containers or trailers approved for such hazardous uses by the state fire marshal if such containers or trailers are not subject to regulation by the building code adopted in accordance with Chapter 3781. of the Revised Code. All such storage shall be in accordance with the rules adopted by the state fire marshal under division (G) of section 3743.05 of the Revised Code for the packaging, assembling, and storage of fireworks. 79908
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(b) Distributing fireworks to other parcels of real estate located on the manufacturer's licensed premises, to licensed wholesalers or other licensed manufacturers in this state or to similarly licensed persons located in another state or country; 79919
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(c) Distributing fireworks to a licensed exhibitor of 79923

fireworks pursuant to a properly issued permit in accordance with 79924
section 3743.54 of the Revised Code. 79925

(2) A licensed manufacturer shall not engage in any sales 79926
activity, including the retail sale of fireworks otherwise 79927
permitted under division (C)(2) or (C)(3) of this section, or 79928
pursuant to section 3743.44 or 3743.45 of the Revised Code, at the 79929
storage location approved under this section. 79930

(3) A storage location may not be relocated for a minimum 79931
period of five years after the storage location is approved by the 79932
state fire marshal in accordance with division (I) of this 79933
section. 79934

(K) The licensee shall prohibit public access to the storage 79935
location. The state fire marshal shall adopt rules to describe the 79936
acceptable measures a manufacturer shall use to prohibit access to 79937
the storage site. 79938

Sec. 3743.25. (A)(1) Except as described in division (A)(2) 79939
of this section, all retail sales of 1.4G fireworks by a licensed 79940
manufacturer or wholesaler shall only occur from an approved 79941
retail sales showroom on a licensed premises or from a 79942
representative sample showroom as described in this section on a 79943
licensed premises. For the purposes of this section, a retail sale 79944
includes the transfer of the possession of the 1.4G fireworks from 79945
the licensed manufacturer or wholesaler to the purchaser of the 79946
fireworks. 79947

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 79948
properly permitted exhibition shall occur in accordance with the 79949
provisions of the Revised Code and rules adopted by the state fire 79950
marshal under Chapter 119. of the Revised Code. Such rules shall 79951
specify, at a minimum, that the licensed exhibitor holds a license 79952
under section 3743.51 of the Revised Code, that the exhibitor 79953
possesses a valid exhibition permit issued in accordance with 79954

section 3743.54 of the Revised Code, and that the fireworks
shipped are to be used at the specifically permitted exhibition.

(B) All wholesale sales of fireworks by a licensed
manufacturer or wholesaler shall only occur from a licensed
premises to persons who intend to resell the fireworks purchased
at wholesale. A wholesale sale by a licensed manufacturer or
wholesaler may occur as follows:

(1) The direct sale and shipment of fireworks to a person
outside of this state;

(2) From an approved retail sales showroom as described in
this section;

(3) From a representative sample showroom as described in
this section;

(4) By delivery of wholesale fireworks to a purchaser at a
licensed premises outside of a structure or building on that
premises. All other portions of the wholesale sales transaction
may occur at any location on a licensed premises.

(5) Any other method as described in rules adopted by the
state fire marshal under Chapter 119. of the Revised Code.

(C) A licensed manufacturer or wholesaler shall only sell
1.4G fireworks from a representative sample showroom or a retail
sales showroom. Each licensed premises shall only contain one
sales structure.

A representative sample showroom shall consist of a structure
constructed and maintained in accordance with the nonresidential
building code adopted under Chapter 3781. of the Revised Code and
the fire code adopted under section 3737.82 of the Revised Code
for a use and occupancy group that permits mercantile sales. A

representative sample showroom shall not contain any pyrotechnics, 79983
pyrotechnic materials, fireworks, explosives, explosive materials, 79984
or any similar hazardous materials or substances. A representative 79985
sample showroom shall be used only for the public viewing of 79986
fireworks product representations, including paper materials, 79987
packaging materials, catalogs, photographs, or other similar 79988
product depictions. The delivery of product to a purchaser of 79989
fireworks at a licensed premises that has a representative sample 79990
structure shall not occur inside any structure on a licensed 79991
premises. Such product delivery shall occur on the licensed 79992
premises in a manner prescribed by rules adopted by the state fire 79993
marshal pursuant to Chapter 119. of the Revised Code. 79994

If a manufacturer or wholesaler elects to conduct sales from 79995
a retail sales showroom, the showroom structures, to which the 79996
public may have any access and in which employees are required to 79997
work, on all licensed premises, shall comply with the following 79998
safety requirements: 79999

(1) A fireworks showroom that is constructed or upon which 80000
expansion is undertaken on and after June 30, 1997, shall be 80001
equipped with interlinked fire detection, fire suppression, smoke 80002
exhaust, and smoke evacuation systems that are approved by the 80003
superintendent of ~~the division of industrial compliance~~ labor in 80004
the department of commerce. 80005

(2) A fireworks showroom that first begins to operate on or 80006
after June 30, 1997, and to which the public has access for 80007
retail purposes shall not exceed five thousand square feet in 80008
floor area. 80009

(3) A newly constructed or an existing fireworks showroom 80010
structure that exists on ~~the effective date of this amendment~~ 80011
September 23, 2008, but that, on or after ~~the effective date of~~ 80012
~~this amendment~~ September 23, 2008, is altered or added to in a 80013
manner requiring the submission of plans, drawings, 80014

specifications, or data pursuant to section 3791.04 of the Revised Code, shall comply with a graphic floor plan layout that is approved by the state fire marshal and superintendent of ~~the division of industrial compliance~~ showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the state fire marshal and superintendent.

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(4) A fireworks showroom structure that exists on June 30, 1997, shall be in compliance on or after June 30, 1997, with floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the state fire marshal and superintendent of ~~industrial compliance~~, and that are submitted under seal as required by section 3791.04 of the Revised Code.

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(D) The safety requirements established in division (C) of this section are not subject to any variance, waiver, or exclusion pursuant to this chapter or any applicable building code.

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Sec. 3745.015. There is hereby created in the state treasury the environmental protection fund consisting of money credited to the fund under ~~division~~ divisions (A)(3) and (4) of section 3734.57 of the Revised Code. The environmental protection agency shall use money in the fund to pay the agency's costs associated with administering and enforcing, or otherwise conducting activities under, this chapter and Chapters 3704., 3734., 3746., 3747., 3748., 3750., 3751., 3752., 3753., 5709., 6101., 6103., 6105., 6109., 6111., 6112., 6113., 6115., 6117., and 6119. and sections 122.65 and 1521.19 of the Revised Code.

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Sec. 3745.05. (A) In hearing the appeal, if an adjudication hearing was conducted by the director of environmental protection

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in accordance with sections 119.09 and 119.10 of the Revised Code 80047
or conducted by a board of health, the environmental review 80048
appeals commission is confined to the record as certified to it by 80049
the director or the board of health, as applicable. The commission 80050
may grant a request for the admission of additional evidence when 80051
satisfied that such additional evidence is newly discovered and 80052
could not with reasonable diligence have been ascertained prior to 80053
the hearing before the director or the board, as applicable. If no 80054
adjudication hearing was conducted in accordance with sections 80055
119.09 and 119.10 of the Revised Code or conducted by a board of 80056
health, the commission shall conduct a hearing de novo on the 80057
appeal. 80058

For the purpose of conducting a de novo hearing, or where the 80059
commission has granted a request for the admission of additional 80060
evidence, the commission may require the attendance of witnesses 80061
and the production of written or printed materials. 80062

When conducting a de novo hearing, or when a request for the 80063
admission of additional evidence has been granted, the commission 80064
may, and at the request of any party it shall, issue subpoenas for 80065
witnesses or for books, papers, correspondence, memoranda, 80066
agreements, or other documents or records relevant or material to 80067
the inquiry directed to the sheriff of the counties where the 80068
witnesses or documents or records are found, which subpoenas shall 80069
be served and returned in the same manner as those allowed by the 80070
court of common pleas in criminal cases. 80071

(B) The fees of sheriffs shall be the same as those allowed 80072
by the court of common pleas in criminal cases. Witnesses shall 80073
be paid the fees and mileage provided for under section 119.094 80074
of the Revised Code. The fee and mileage expenses incurred at 80075
the request of the appellant shall be paid in advance by the 80076
appellant, and the remainder of the expenses shall be paid out of 80077
funds appropriated for the expenses of the commission. 80078

(C) In case of disobedience or neglect of any subpoena served
on any person, or the refusal of any witness to testify to any
matter regarding which the witness may be lawfully interrogated,
the court of common pleas of the county in which the
disobedience, neglect, or refusal occurs, or any judge thereof,
on application of the commission or any member thereof, may
compel obedience by attachment proceedings for contempt as in the
case of disobedience of the requirements of a subpoena issued
from the court or a refusal to testify therein.

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(D) A witness at any hearing shall testify under oath or
affirmation, which any member of the commission may administer. A
witness, if the witness requests, shall be permitted to be
accompanied, represented, and advised by an attorney, whose
participation in the hearing shall be limited to the protection of
the rights of the witness, and who may not examine or
cross-examine witnesses. A witness shall be advised of the right
to counsel before the witness is interrogated.

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(E) A stenographic record of the testimony and other evidence
submitted shall be taken by an official court shorthand reporter.
The record shall include all of the testimony and other evidence
and the rulings on the admissibility thereof presented at the
hearing. The commission shall pass upon the admissibility of
evidence, but any party may at the time object to the admission of
any evidence and except to the rulings of the commission thereon,
and if the commission refuses to admit evidence the party offering
same may make a proffer thereof, and such proffer shall be made a
part of the record of such hearing.

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Any party may request the stenographic record of the hearing.
Promptly after receiving such a request, the commission shall
prepare and provide the stenographic record of the hearing to the
party who requested it. The commission may charge a fee to the
party who requested the stenographic record that does not exceed

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the cost to the commission for preparing and transcribing it. 80111

(F) If, upon completion of the hearing, the commission finds 80112
that the action appealed from was lawful and reasonable, it shall 80113
make a written order affirming the action, or if the commission 80114
finds that the action was unreasonable or unlawful, it shall make 80115
a written order vacating or modifying the action appealed from. 80116
~~Every~~ 80117

The commission shall issue a written order affirming, 80118
vacating, or modifying an action pursuant to the following 80119
schedule: 80120

(1) For an appeal that was filed with the commission before 80121
April 15, 2008, the commission shall issue a written order not 80122
later than December 15, 2009. 80123

(2) For all other appeals that have been filed with the 80124
commission as of October 15, 2009, the commission shall issue a 80125
written order not later than July 15, 2010. 80126

(3) For an appeal that is filed with the commission after 80127
October 15, 2009, the commission shall issue a written order not 80128
later than twelve months after the filing of the appeal with the 80129
commission. 80130

(G) Every order made by the commission shall contain a 80131
written finding by the commission of the facts upon which the 80132
order is based. Notice of the making of the order shall be given 80133
forthwith to each party to the appeal by mailing a certified copy 80134
thereof to each party by certified mail, with a statement of the 80135
time and method by which an appeal may be perfected. 80136

(H) The order of the commission is final unless vacated or 80137
modified upon judicial review. 80138

Sec. 3745.11. (A) Applicants for and holders of permits,	80139
licenses, variances, plan approvals, and certifications issued by	80140
the director of environmental protection pursuant to Chapters	80141
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee	80142
to the environmental protection agency for each such issuance and	80143
each application for an issuance as provided by this section. No	80144
fee shall be charged for any issuance for which no application has	80145
been submitted to the director.	80146

(B) Each person who is issued a permit to install prior to	80147
July 1, 2003, pursuant to rules adopted under division (F) of	80148
section 3704.03 of the Revised Code shall pay the fees specified	80149
in the following schedules:	80150

(1) Fuel-burning equipment (boilers)	80151

Input capacity (maximum)		80152
(million British thermal units per hour)	Permit to install	80153
Greater than 0, but less than 10	\$ 200	80154
10 or more, but less than 100	400	80155
100 or more, but less than 300	800	80156
300 or more, but less than 500	1500	80157
500 or more, but less than 1000	2500	80158
1000 or more, but less than 5000	4000	80159
5000 or more	6000	80160

Units burning exclusively natural gas, number two fuel oil,	80161
or both shall be assessed a fee that is one-half of the applicable	80162
amount established in division (F)(1) of this section.	80163

(2) Incinerators	80164

Input capacity (pounds per hour)	Permit to install	80165
0 to 100	\$ 100	80166

101 to 500	400	80167
501 to 2000	750	80168
2001 to 20,000	1000	80169
more than 20,000	2500	80170

(3)(a) Process 80171

Process weight rate (pounds per hour) Permit to install 80172

0 to 1000	\$ 200	80173
1001 to 5000	400	80174
5001 to 10,000	600	80175
10,001 to 50,000	800	80176
more than 50,000	1000	80177

In any process where process weight rate cannot be 80178
ascertained, the minimum fee shall be assessed. 80179

(b) Notwithstanding division (B)(3)(a) of this section, any 80180
person issued a permit to install pursuant to rules adopted under 80181
division (F) of section 3704.03 of the Revised Code shall pay the 80182
fees established in division (B)(3)(c) of this section for a 80183
process used in any of the following industries, as identified by 80184
the applicable four-digit standard industrial classification code 80185
according to the Standard Industrial Classification Manual 80186
published by the United States office of management and budget in 80187
the executive office of the president, 1972, as revised: 80188

1211 Bituminous coal and lignite mining; 80189

1213 Bituminous coal and lignite mining services; 80190

1411 Dimension stone; 80191

1422 Crushed and broken limestone; 80192

1427 Crushed and broken stone, not elsewhere classified; 80193

1442 Construction sand and gravel;	80194

1446 Industrial sand;	80195

3281 Cut stone and stone products;	80196

3295 Minerals and earth, ground or otherwise treated.	80197

(c) The fees established in the following schedule apply to	80198
the issuance of a permit to install pursuant to rules adopted	80199
under division (F) of section 3704.03 of the Revised Code for a	80200
process listed in division (B)(3)(b) of this section:	80201

Process weight rate (pounds per hour)	Permit to install	80202
0 to 1000	\$ 200	80203
10,001 to 50,000	300	80204
50,001 to 100,000	400	80205
100,001 to 200,000	500	80206
200,001 to 400,000	600	80207
400,001 or more	700	80208

(4) Storage tanks	80209

Gallons (maximum useful capacity)	Permit to install	80210
0 to 20,000	\$ 100	80211
20,001 to 40,000	150	80212
40,001 to 100,000	200	80213
100,001 to 250,000	250	80214
250,001 to 500,000	350	80215
500,001 to 1,000,000	500	80216
1,000,001 or greater	750	80217

(5) Gasoline/fuel dispensing facilities	80218

For each gasoline/fuel dispensing facility	Permit to install	80219
	\$ 100	80220
(6) Dry cleaning facilities		80221
For each dry cleaning facility	Permit to install	80222
(includes all units at the facility)	\$ 100	80223
(7) Registration status		80224
For each source covered	Permit to install	80225
by registration status	\$ 75	80226
(C)(1) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in division (C)(1) of this section. For the purposes of that division, total emissions of air contaminants may be calculated using engineering calculations, emissions factors, material balance calculations, or performance testing procedures, as authorized by the director.		80227
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The following fees shall be assessed on the total actual emissions from a source in tons per year of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead:		80236
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(a) Fifteen dollars per ton on the total actual emissions of each such regulated pollutant during the period July through December 1993, to be collected no sooner than July 1, 1994;		80240
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(b) Twenty dollars per ton on the total actual emissions of each such regulated pollutant during calendar year 1994, to be collected no sooner than April 15, 1995;		80243
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(c) Twenty-five dollars per ton on the total actual emissions of each such regulated pollutant in calendar year 1995, and each subsequent calendar year, to be collected no sooner than the fifteenth day of April of the year next succeeding the calendar year in which the emissions occurred.

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The fees levied under division (C)(1) of this section do not apply to that portion of the emissions of a regulated pollutant at a facility that exceed four thousand tons during a calendar year.

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(2) The fees assessed under division (C)(1) of this section are for the purpose of providing funding for the Title V permit program.

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(3) The fees assessed under division (C)(1) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 and shall continue to be assessed each subsequent calendar year based on the total actual emissions from the generating unit during the preceding calendar year.

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(4) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (C) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice.

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(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who

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owns or operates an air contaminant source; who is required to	80277
apply for a permit to operate pursuant to rules adopted under	80278
division (G), or a variance pursuant to division (H), of section	80279
3704.03 of the Revised Code; and who is not required to apply for	80280
and obtain a Title V permit under section 3704.036 of the Revised	80281
Code shall pay a single fee based upon the sum of the actual	80282
annual emissions from the facility of the regulated pollutants	80283
particulate matter, sulfur dioxide, nitrogen oxides, organic	80284
compounds, and lead in accordance with the following schedule:	80285

Total tons per year		80286
of regulated pollutants	Annual fee	80287
emitted	per facility	80288
More than 0, but less than 50	\$ 75	80289
50 or more, but less than 100	300	80290
100 or more	700	80291

(2) Except as provided in division (D)(3) of this section,	80292
beginning January 1, 2004, each person who owns or operates an air	80293
contaminant source; who is required to apply for a permit to	80294
operate pursuant to rules adopted under division (G), or a	80295
variance pursuant to division (H), of section 3704.03 of the	80296
Revised Code; and who is not required to apply for and obtain a	80297
Title V permit under section 3704.03 of the Revised Code shall pay	80298
a single fee based upon the sum of the actual annual emissions	80299
from the facility of the regulated pollutants particulate matter,	80300
sulfur dioxide, nitrogen oxides, organic compounds, and lead in	80301
accordance with the following schedule:	80302

Total tons per year		80303
of regulated pollutants	Annual fee	80304
emitted	per facility	80305
More than 0, but less than 10	\$ 100	80306
10 or more, but less than 50	200	80307
50 or more, but less than 100	300	80308

100 or more	700	80309
(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.		80310 80311 80312 80313 80314 80315 80316
(b) Beginning January 1, 2000, through June 30, ~~2010~~ 2012, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:		80317 80318 80319 80320 80321 80322
Combined total tons		80323
per year of all regulated	Annual fee	80324
pollutants emitted	per facility	80325
Less than 10	\$ 170	80326
10 or more, but less than 20	340	80327
20 or more, but less than 30	670	80328
30 or more, but less than 40	1,010	80329
40 or more, but less than 50	1,340	80330
50 or more, but less than 60	1,680	80331
60 or more, but less than 70	2,010	80332
70 or more, but less than 80	2,350	80333
80 or more, but less than 90	2,680	80334
90 or more, but less than 100	3,020	80335
100 or more	3,350	80336
(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division		80337 80338 80339

(D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (C)(1) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (C)(1) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director

shall use the revision of the consumer price index that is most	80372
consistent with that for calendar year 1989.	80373

(F) Each person who is issued a permit to install pursuant to	80374
rules adopted under division (F) of section 3704.03 of the Revised	80375
Code on or after July 1, 2003, shall pay the fees specified in the	80376
following schedules:	80377

(1) Fuel-burning equipment (boilers, furnaces, or process	80378
heaters used in the process of burning fuel for the primary	80379
purpose of producing heat or power by indirect heat transfer)	80380

Input capacity (maximum)		80381
(million British thermal units per hour)	Permit to install	80382
Greater than 0, but less than 10	\$ 200	80383
10 or more, but less than 100	400	80384
100 or more, but less than 300	1000	80385
300 or more, but less than 500	2250	80386
500 or more, but less than 1000	3750	80387
1000 or more, but less than 5000	6000	80388
5000 or more	9000	80389

Units burning exclusively natural gas, number two fuel oil,	80390
or both shall be assessed a fee that is one-half the applicable	80391
amount shown in division (F)(1) of this section.	80392

(2) Combustion turbines and stationary internal combustion	80393
engines designed to generate electricity	80394

Generating capacity (mega watts)	Permit to install	80395
0 or more, but less than 10	\$ 25	80396
10 or more, but less than 25	150	80397
25 or more, but less than 50	300	80398
50 or more, but less than 100	500	80399
100 or more, but less than 250	1000	80400
250 or more	2000	80401

(3) Incinerators		80402
Input capacity (pounds per hour)	Permit to install	80403
0 to 100	\$ 100	80404
101 to 500	500	80405
501 to 2000	1000	80406
2001 to 20,000	1500	80407
more than 20,000	3750	80408
(4)(a) Process		80409
Process weight rate (pounds per hour)	Permit to install	80410
0 to 1000	\$ 200	80411
1001 to 5000	500	80412
5001 to 10,000	750	80413
10,001 to 50,000	1000	80414
more than 50,000	1250	80415
In any process where process weight rate cannot be		80416
ascertained, the minimum fee shall be assessed. A boiler, furnace,		80417
combustion turbine, stationary internal combustion engine, or		80418
process heater designed to provide direct heat or power to a		80419
process not designed to generate electricity shall be assessed a		80420
fee established in division (F)(4)(a) of this section. A		80421
combustion turbine or stationary internal combustion engine		80422
designed to generate electricity shall be assessed a fee		80423
established in division (F)(2) of this section.		80424
(b) Notwithstanding division (F)(4)(a) of this section, any		80425
person issued a permit to install pursuant to rules adopted under		80426
division (F) of section 3704.03 of the Revised Code shall pay the		80427
fees set forth in division (F)(4)(c) of this section for a process		80428
used in any of the following industries, as identified by the		80429
applicable two-digit, three-digit, or four-digit standard		80430
industrial classification code according to the Standard		80431

Industrial Classification Manual published by the United States	80432
office of management and budget in the executive office of the	80433
president, 1987, as revised:	80434

Major group 10, metal mining;	80435

Major group 12, coal mining;	80436

Major group 14, mining and quarrying of nonmetallic minerals;	80437

Industry group 204, grain mill products;	80438

2873 Nitrogen fertilizers;	80439

2874 Phosphatic fertilizers;	80440

3281 Cut stone and stone products;	80441

3295 Minerals and earth, ground or otherwise treated;	80442

4221 Grain elevators (storage only);	80443

5159 Farm related raw materials;	80444

5261 Retail nurseries and lawn and garden supply stores.	80445

(c) The fees set forth in the following schedule apply to the	80446
issuance of a permit to install pursuant to rules adopted under	80447
division (F) of section 3704.03 of the Revised Code for a process	80448
identified in division (F)(4)(b) of this section:	80449

Process weight rate (pounds per hour)	Permit to install	80450
0 to 10,000	\$ 200	80451
10,001 to 50,000	400	80452
50,001 to 100,000	500	80453
100,001 to 200,000	600	80454
200,001 to 400,000	750	80455

400,001 or more	900	80456
(5) Storage tanks		80457
Gallons (maximum useful capacity)	Permit to install	80458
0 to 20,000	\$ 100	80459
20,001 to 40,000	150	80460
40,001 to 100,000	250	80461
100,001 to 500,000	400	80462
500,001 or greater	750	80463
(6) Gasoline/fuel dispensing facilities		80464
For each gasoline/fuel		80465
dispensing facility (includes all	Permit to install	80466
units at the facility)	\$ 100	80467
(7) Dry cleaning facilities		80468
For each dry cleaning		80469
facility (includes all units	Permit to install	80470
at the facility)	\$ 100	80471
(8) Registration status		80472
For each source covered	Permit to install	80473
by registration status	\$ 75	80474
(G) An owner or operator who is responsible for an asbestos		80475
demolition or renovation project pursuant to rules adopted under		80476
section 3704.03 of the Revised Code shall pay the fees set forth		80477
in the following schedule:		80478
Action	Fee	80479
Each notification	\$75	80480
Asbestos removal	\$3/unit	80481
Asbestos cleanup	\$4/cubic yard	80482

For purposes of this division, "unit" means any combination of
linear feet or square feet equal to fifty.

(H) A person who is issued an extension of time for a permit
to install an air contaminant source pursuant to rules adopted
under division (F) of section 3704.03 of the Revised Code shall
pay a fee equal to one-half the fee originally assessed for the
permit to install under this section, except that the fee for such
an extension shall not exceed two hundred dollars.

(I) A person who is issued a modification to a permit to
install an air contaminant source pursuant to rules adopted under
section 3704.03 of the Revised Code shall pay a fee equal to
one-half of the fee that would be assessed under this section to
obtain a permit to install the source. The fee assessed by this
division only applies to modifications that are initiated by the
owner or operator of the source and shall not exceed two thousand
dollars.

(J) Notwithstanding division (B) or (F) of this section, a
person who applies for or obtains a permit to install pursuant to
rules adopted under division (F) of section 3704.03 of the Revised
Code after the date actual construction of the source began shall
pay a fee for the permit to install that is equal to twice the fee
that otherwise would be assessed under the applicable division
unless the applicant received authorization to begin construction
under division (W) of section 3704.03 of the Revised Code. This
division only applies to sources for which actual construction of
the source begins on or after July 1, 1993. The imposition or
payment of the fee established in this division does not preclude
the director from taking any administrative or judicial
enforcement action under this chapter, Chapter 3704., 3714.,
3734., or 6111. of the Revised Code, or a rule adopted under any
of them, in connection with a violation of rules adopted under

division (F) of section 3704.03 of the Revised Code. 80514

As used in this division, "actual construction of the source" 80515
means the initiation of physical on-site construction activities 80516
in connection with improvements to the source that are permanent 80517
in nature, including, without limitation, the installation of 80518
building supports and foundations and the laying of underground 80519
pipework. 80520

(K) Fifty cents per ton of each fee assessed under division 80521
(C) of this section on actual emissions from a source and received 80522
by the environmental protection agency pursuant to that division 80523
shall be deposited into the state treasury to the credit of the 80524
small business assistance fund created in section 3706.19 of the 80525
Revised Code. The remainder of the moneys received by the division 80526
pursuant to that division and moneys received by the agency 80527
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 80528
section shall be deposited in the state treasury to the credit of 80529
the clean air fund created in section 3704.035 of the Revised 80530
Code. 80531

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 80532
or (c) of this section, a person issued a water discharge permit 80533
or renewal of a water discharge permit pursuant to Chapter 6111. 80534
of the Revised Code shall pay a fee based on each point source to 80535
which the issuance is applicable in accordance with the following 80536
schedule: 80537

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	80538
1,001 to 5000	100	80539
5,001 to 50,000	200	80540
50,001 to 100,000	300	80541
100,001 to 300,000	525	80542
over 300,000	750	80543
		80544

(b) Notwithstanding the fee schedule specified in division	80545
(L)(1)(a) of this section, the fee for a water discharge permit	80546
that is applicable to coal mining operations regulated under	80547
Chapter 1513. of the Revised Code shall be two hundred fifty	80548
dollars per mine.	80549
(c) Notwithstanding the fee schedule specified in division	80550
(L)(1)(a) of this section, the fee for a water discharge permit	80551
for a public discharger identified by I in the third character of	80552
the permittee's NPDES permit number shall not exceed seven hundred	80553
fifty dollars.	80554
(2) A person applying for a plan approval for a wastewater	80555
treatment works pursuant to section 6111.44, 6111.45, or 6111.46	80556
of the Revised Code shall pay a fee of one hundred dollars plus	80557
sixty-five one-hundredths of one per cent of the estimated project	80558
cost through June 30, ~~2010~~ <u>2012</u> , and one hundred dollars plus	80559
two-tenths of one per cent of the estimated project cost on and	80560
after July 1, ~~2010~~ <u>2012</u> , except that the total fee shall not	80561
exceed fifteen thousand dollars through June 30, ~~2010~~ <u>2012</u> , and	80562
five thousand dollars on and after July 1, ~~2010~~ <u>2012</u> . The fee	80563
shall be paid at the time the application is submitted.	80564
(3) A person issued a modification of a water discharge	80565
permit shall pay a fee equal to one-half the fee that otherwise	80566
would be charged for a water discharge permit, except that the fee	80567
for the modification shall not exceed four hundred dollars.	80568
(4) A person who has entered into an agreement with the	80569
director under section 6111.14 of the Revised Code shall pay an	80570
administrative service fee for each plan submitted under that	80571
section for approval that shall not exceed the minimum amount	80572
necessary to pay administrative costs directly attributable to	80573
processing plan approvals. The director annually shall calculate	80574
the fee and shall notify all persons who have entered into	80575
agreements under that section, or who have applied for agreements,	80576

of the amount of the fee. 80577

(5)(a)(i) Not later than January 30, ~~2008~~2010, and January 80578
30, ~~2009~~2011, a person holding an NPDES discharge permit issued 80579
pursuant to Chapter 6111. of the Revised Code with an average 80580
daily discharge flow of five thousand gallons or more shall pay a 80581
nonrefundable annual discharge fee. Any person who fails to pay 80582
the fee at that time shall pay an additional amount that equals 80583
ten per cent of the required annual discharge fee. 80584

(ii) The billing year for the annual discharge fee 80585
established in division (L)(5)(a)(i) of this section shall consist 80586
of a twelve-month period beginning on the first day of January of 80587
the year preceding the date when the annual discharge fee is due. 80588
In the case of an existing source that permanently ceases to 80589
discharge during a billing year, the director shall reduce the 80590
annual discharge fee, including the surcharge applicable to 80591
certain industrial facilities pursuant to division (L)(5)(c) of 80592
this section, by one-twelfth for each full month during the 80593
billing year that the source was not discharging, but only if the 80594
person holding the NPDES discharge permit for the source notifies 80595
the director in writing, not later than the first day of October 80596
of the billing year, of the circumstances causing the cessation of 80597
discharge. 80598

(iii) The annual discharge fee established in division 80599
(L)(5)(a)(i) of this section, except for the surcharge applicable 80600
to certain industrial facilities pursuant to division (L)(5)(c) of 80601
this section, shall be based upon the average daily discharge flow 80602
in gallons per day calculated using first day of May through 80603
thirty-first day of October flow data for the period two years 80604
prior to the date on which the fee is due. In the case of NPDES 80605
discharge permits for new sources, the fee shall be calculated 80606
using the average daily design flow of the facility until actual 80607
average daily discharge flow values are available for the time 80608

period specified in division (L)(5)(a)(iii) of this section. The	80609
annual discharge fee may be prorated for a new source as described	80610
in division (L)(5)(a)(ii) of this section.	80611

(b) An NPDES permit holder that is a public discharger shall	80612
pay the fee specified in the following schedule:	80613

Average daily	Fee due by	80614
discharge flow	January 30,	80615
	~~2008~~ <u>2010</u> , and	80616
	January 30, ~~2009~~	80617
	<u>2011</u>	

5,000 to 49,999	\$ 200	80618
50,000 to 100,000	500	80619
100,001 to 250,000	1,050	80620
250,001 to 1,000,000	2,600	80621
1,000,001 to 5,000,000	5,200	80622
5,000,001 to 10,000,000	10,350	80623
10,000,001 to 20,000,000	15,550	80624
20,000,001 to 50,000,000	25,900	80625
50,000,001 to 100,000,000	41,400	80626
100,000,001 or more	62,100	80627

Public dischargers owning or operating two or more publicly	80628
owned treatment works serving the same political subdivision, as	80629
"treatment works" is defined in section 6111.01 of the Revised	80630
Code, and that serve exclusively political subdivisions having a	80631
population of fewer than one hundred thousand shall pay an annual	80632
discharge fee under division (L)(5)(b) of this section that is	80633
based on the combined average daily discharge flow of the	80634
treatment works.	80635

(c) An NPDES permit holder that is an industrial discharger,	80636
other than a coal mining operator identified by P in the third	80637
character of the permittee's NPDES permit number, shall pay the	80638

fee specified in the following schedule: 80639

Average daily	Fee due by	80640
discharge flow	January 30,	80641
	~~2008~~ <u>2010</u> , and	80642
	January 30, ~~2009~~	80643
	<u>2011</u>	
5,000 to 49,999	\$ 250	80644
50,000 to 250,000	1,200	80645
250,001 to 1,000,000	2,950	80646
1,000,001 to 5,000,000	5,850	80647
5,000,001 to 10,000,000	8,800	80648
10,000,001 to 20,000,000	11,700	80649
20,000,001 to 100,000,000	14,050	80650
100,000,001 to 250,000,000	16,400	80651
250,000,001 or more	18,700	80652

In addition to the fee specified in the above schedule, an 80653
NPDES permit holder that is an industrial discharger classified as 80654
a major discharger during all or part of the annual discharge fee 80655
billing year specified in division (L)(5)(a)(ii) of this section 80656
shall pay a nonrefundable annual surcharge of seven thousand five 80657
hundred dollars not later than January 30, ~~2008~~2010, and not 80658
later than January 30, ~~2009~~2011. Any person who fails to pay the 80659
surcharge at that time shall pay an additional amount that equals 80660
ten per cent of the amount of the surcharge. 80661

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 80662
section, a public discharger identified by I in the third 80663
character of the permittee's NPDES permit number and an industrial 80664
discharger identified by I, J, L, V, W, X, Y, or Z in the third 80665
character of the permittee's NPDES permit number shall pay a 80666
nonrefundable annual discharge fee of one hundred eighty dollars 80667
not later than January 30, ~~2008~~2010, and not later than January 80668
30, ~~2009~~2011. Any person who fails to pay the fee at that time 80669

shall pay an additional amount that equals ten per cent of the
required fee.

(6) Each person obtaining a national pollutant discharge
elimination system general or individual permit for municipal
storm water discharge shall pay a nonrefundable storm water
discharge fee of one hundred dollars per square mile of area
permitted. The fee shall not exceed ten thousand dollars and shall
be payable on or before January 30, 2004, and the thirtieth day of
January of each year thereafter. Any person who fails to pay the
fee on the date specified in division (L)(6) of this section shall
pay an additional amount per year equal to ten per cent of the
annual fee that is unpaid.

(7) The director shall transmit all moneys collected under
division (L) of this section to the treasurer of state for deposit
into the state treasury to the credit of the surface water
protection fund created in section 6111.038 of the Revised Code.

(8) As used in division (L) of this section:

(a) "NPDES" means the federally approved national pollutant
discharge elimination system program for issuing, modifying,
revoking, reissuing, terminating, monitoring, and enforcing
permits and imposing and enforcing pretreatment requirements under
Chapter 6111. of the Revised Code and rules adopted under it.

(b) "Public discharger" means any holder of an NPDES permit
identified by P in the second character of the NPDES permit number
assigned by the director.

(c) "Industrial discharger" means any holder of an NPDES
permit identified by I in the second character of the NPDES permit
number assigned by the director.

(d) "Major discharger" means any holder of an NPDES permit

classified as major by the regional administrator of the United	80699
States environmental protection agency in conjunction with the	80700
director.	80701

(M) Through June 30, ~~2010~~ <u>2012</u> , a person applying for a	80702
license or license renewal to operate a public water system under	80703
section 6109.21 of the Revised Code shall pay the appropriate fee	80704
established under this division at the time of application to the	80705
director. Any person who fails to pay the fee at that time shall	80706
pay an additional amount that equals ten per cent of the required	80707
fee. The director shall transmit all moneys collected under this	80708
division to the treasurer of state for deposit into the drinking	80709
water protection fund created in section 6109.30 of the Revised	80710
Code.	80711

Except as provided in division (M)(4) of this section, fees	80712
required under this division shall be calculated and paid in	80713
accordance with the following schedule:	80714

(1) For the initial license required under division (A)(1) of	80715
section 6109.21 of the Revised Code for any public water system	80716
that is a community water system as defined in section 6109.01 of	80717
the Revised Code, and for each license renewal required for such a	80718
system prior to January 31, ~~2010~~ <u>2012</u> , the fee is:	80719

Number of service connections	Fee amount	80720
Not more than 49	\$ 112	80721
50 to 99	176	80722

Number of service connections	Average cost per connection	80723
100 to 2,499	\$ 1.92	80724
2,500 to 4,999	1.48	80725
5,000 to 7,499	1.42	80726
7,500 to 9,999	1.34	80727
10,000 to 14,999	1.16	80728
15,000 to 24,999	1.10	80729

25,000 to 49,999	1.04	80730
50,000 to 99,999	.92	80731
100,000 to 149,999	.86	80732
150,000 to 199,999	.80	80733
200,000 or more	.76	80734

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis. 80735
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As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet. 80739
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(2) For the initial license required under division (A)(2) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2010~~2012, the fee is: 80743
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Population served	Fee amount	80748
Fewer than 150	\$ 112	80749
150 to 299	176	80750
300 to 749	384	80751
750 to 1,499	628	80752
1,500 to 2,999	1,268	80753
3,000 to 7,499	2,816	80754
7,500 to 14,999	5,510	80755
15,000 to 22,499	9,048	80756
22,500 to 29,999	12,430	80757
30,000 or more	16,820	80758

As used in division (M)(2) of this section, "population served" means the total number of individuals receiving water from 80759
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the water supply during a twenty-four-hour period for at least
 sixty days during any calendar year. In the absence of a specific
 population count, that number shall be calculated at the rate of
 three individuals per service connection.

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(3) For the initial license required under division (A)(3) of
 section 6109.21 of the Revised Code for any public water system
 that is not a community water system and serves a transient
 population, and for each license renewal required for such a
 system prior to January 31, ~~2010~~2012, the fee is:

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Number of wells supplying system	Fee amount	
1	\$112	80771
2	112	80772
3	176	80773
4	278	80774
5	568	80775
System designated as using a surface water source	792	80776 80777

As used in division (M)(3) of this section, "number of wells
 supplying system" means those wells that are physically connected
 to the plumbing system serving the public water system.

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(4) A public water system designated as using a surface water
 source shall pay a fee of seven hundred ninety-two dollars or the
 amount calculated under division (M)(1) or (2) of this section,
 whichever is greater.

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(N)(1) A person applying for a plan approval for a public
 water supply system under section 6109.07 of the Revised Code
 shall pay a fee of one hundred fifty dollars plus thirty-five
 hundredths of one per cent of the estimated project cost, except
 that the total fee shall not exceed twenty thousand dollars
 through June 30, ~~2010~~2012, and fifteen thousand dollars on and
 after July 1, ~~2010~~2012. The fee shall be paid at the time the

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application is submitted. 80792

(2) A person who has entered into an agreement with the 80793
director under division (A)(2) of section 6109.07 of the Revised 80794
Code shall pay an administrative service fee for each plan 80795
submitted under that section for approval that shall not exceed 80796
the minimum amount necessary to pay administrative costs directly 80797
attributable to processing plan approvals. The director annually 80798
shall calculate the fee and shall notify all persons that have 80799
entered into agreements under that division, or who have applied 80800
for agreements, of the amount of the fee. 80801

(3) Through June 30, ~~2010~~2012, the following fee, on a per 80802
survey basis, shall be charged any person for services rendered by 80803
the state in the evaluation of laboratories and laboratory 80804
personnel for compliance with accepted analytical techniques and 80805
procedures established pursuant to Chapter 6109. of the Revised 80806
Code for determining the qualitative characteristics of water: 80807

microbiological		80808
MMO-MUG	\$2,000	80809
MF	2,100	80810
MMO-MUG and MF	2,550	80811
organic chemical	5,400	80812
trace metals	5,400	80813
standard chemistry	2,800	80814
limited chemistry	1,550	80815

On and after July 1, ~~2010~~2012, the following fee, on a per 80816
survey basis, shall be charged any such person: 80817

microbiological	\$ 1,650	80818
organic chemicals	3,500	80819
trace metals	3,500	80820
standard chemistry	1,800	80821
limited chemistry	1,000	80822

The fee for those services shall be paid at the time the request
for the survey is made. Through June 30, ~~2010~~ 2012, an individual
laboratory shall not be assessed a fee under this division more
than once in any three-year period unless the person requests the
addition of analytical methods or analysts, in which case the
person shall pay eighteen hundred dollars for each additional
survey requested.

As used in division (N)(3) of this section:

(a) "MF" means microfiltration.

(b) "MMO" means minimal medium ONPG.

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this
division to the treasurer of state for deposit into the drinking
water protection fund created in section 6109.30 of the Revised
Code.

(O) Any person applying to the director for examination for
certification as an operator of a water supply system or
wastewater system under Chapter 6109. or 6111. of the Revised
Code, at the time the application is submitted, shall pay an
application fee of forty-five dollars through November 30, ~~2010~~
2012, and twenty-five dollars on and after December 1, ~~2010~~2012.
Upon approval from the director that the applicant is eligible to
take the examination therefor, the applicant shall pay a fee in
accordance with the following schedule through November 30, ~~2010~~
2012:

Class A operator	\$35	80849
Class I operator	60	80850
Class II operator	75	80851
Class III operator	85	80852
Class IV operator	100	80853

On and after December 1, ~~2010~~2012, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$25	80856
Class I operator	\$45	80857
Class II operator	55	80858
Class III operator	65	80859
Class IV operator	75	80860

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	80864
Class I operator	35	80865
Class II operator	45	80866
Class III operator	55	80867
Class IV operator	65	80868

If a certification renewal fee is received by the director more than thirty days, but not more than one year after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	80874
Class I operator	55	80875
Class II operator	65	80876
Class III operator	75	80877
Class IV operator	85	80878

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an

infectious waste treatment facility that does not involve an 80911
increase in the total disposal or treatment capacity of the 80912
facility shall pay a fee of one thousand dollars. A person issued 80913
a permit to install a new, or modify an existing, solid waste 80914
transfer facility under that chapter shall pay a fee of two 80915
thousand five hundred dollars. A person issued a permit to install 80916
a new or to modify an existing solid waste incineration or 80917
composting facility, or an existing infectious waste treatment 80918
facility using incineration as its principal method of treatment, 80919
under that chapter shall pay a fee of one thousand dollars. The 80920
increases in the permit fees under this division resulting from 80921
the amendments made by Amended Substitute House Bill 592 of the 80922
117th general assembly do not apply to any person who submitted an 80923
application for a permit to install a new, or modify an existing, 80924
solid waste disposal facility under that chapter prior to 80925
September 1, 1987; any such person shall pay the permit fee 80926
established in this division as it existed prior to June 24, 1988. 80927
In addition to the applicable permit fee under this division, a 80928
person issued a permit to install or modify a solid waste facility 80929
or an infectious waste treatment facility under that chapter who 80930
fails to pay the permit fee to the director in compliance with 80931
division (V) of this section shall pay an additional ten per cent 80932
of the amount of the fee for each week that the permit fee is 80933
late. 80934

Permit and late payment fees paid to the director under this 80935
division shall be credited to the general revenue fund. 80936

(R)(1) A person issued a registration certificate for a scrap 80937
tire collection facility under section 3734.75 of the Revised Code 80938
shall pay a fee of two hundred dollars, except that if the 80939
facility is owned or operated by a motor vehicle salvage dealer 80940
licensed under Chapter 4738. of the Revised Code, the person shall 80941
pay a fee of twenty-five dollars. 80942

(2) A person issued a registration certificate for a new scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of three hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(3) A person issued a permit for a scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of one thousand dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of fifty dollars.

(4) A person issued a permit for a scrap tire monocell or monofill facility under section 3734.77 of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal capacity or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars.

(5) A person issued a registration certificate for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one hundred dollars.

(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

(S)(1) Except as provided by divisions (L), (M), (N), (O), (P), and (S)(2) of this section, division (A)(2) of section 3734.05 of the Revised Code, section 3734.79 of the Revised Code, and rules adopted under division (T)(1) of this section, any person applying for a registration certificate under section 3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, variance, or plan approval under Chapter 3734. of the Revised Code shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted.

Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable fee of one hundred dollars at the time the application is submitted through June 30, ~~2010~~2012, and a nonrefundable fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2010~~2012. Through June 30, ~~2010~~2012, any person applying for a national pollutant discharge elimination system permit under Chapter 6111. of the Revised Code shall pay a nonrefundable fee of two hundred dollars at the time of application for the permit. On and after July 1, ~~2010~~2012, such a person shall pay a nonrefundable fee of fifteen dollars at the time of application.

In addition to the application fee established under division (S)(1) of this section, any person applying for a national pollutant discharge elimination system general storm water construction permit shall pay a nonrefundable fee of twenty dollars per acre for each acre that is permitted above five acres at the time the application is submitted. However, the per acreage fee shall not exceed three hundred dollars. In addition, any

person applying for a national pollutant discharge elimination
system general storm water industrial permit shall pay a
nonrefundable fee of one hundred fifty dollars at the time the
application is submitted.

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The director shall transmit all moneys collected under
division (S)(1) of this section pursuant to Chapter 6109. of the
Revised Code to the treasurer of state for deposit into the
drinking water protection fund created in section 6109.30 of the
Revised Code.

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The director shall transmit all moneys collected under
division (S)(1) of this section pursuant to Chapter 6111. of the
Revised Code to the treasurer of state for deposit into the
surface water protection fund created in section 6111.038 of the
Revised Code.

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If a registration certificate is issued under section
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of
the application fee paid shall be deducted from the amount of the
registration certificate fee due under division (R)(1), (2), or
(5) of this section, as applicable.

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If a person submits an electronic application for a
registration certificate, permit, variance, or plan approval for
which an application fee is established under division (S)(1) of
this section, the person shall pay the applicable application fee
as expeditiously as possible after the submission of the
electronic application. An application for a registration
certificate, permit, variance, or plan approval for which an
application fee is established under division (S)(1) of this
section shall not be reviewed or processed until the applicable
application fee, and any other fees established under this
division, are paid.

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(2) Division (S)(1) of this section does not apply to an

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application for a registration certificate for a scrap tire 81037
collection or storage facility submitted under section 3734.75 or 81038
3734.76 of the Revised Code, as applicable, if the owner or 81039
operator of the facility or proposed facility is a motor vehicle 81040
salvage dealer licensed under Chapter 4738. of the Revised Code. 81041

(T) The director may adopt, amend, and rescind rules in 81042
accordance with Chapter 119. of the Revised Code that do all of 81043
the following: 81044

(1) Prescribe fees to be paid by applicants for and holders 81045
of any license, permit, variance, plan approval, or certification 81046
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 81047
the Revised Code that are not specifically established in this 81048
section. The fees shall be designed to defray the cost of 81049
processing, issuing, revoking, modifying, denying, and enforcing 81050
the licenses, permits, variances, plan approvals, and 81051
certifications. 81052

The director shall transmit all moneys collected under rules 81053
adopted under division (T)(1) of this section pursuant to Chapter 81054
6109. of the Revised Code to the treasurer of state for deposit 81055
into the drinking water protection fund created in section 6109.30 81056
of the Revised Code. 81057

The director shall transmit all moneys collected under rules 81058
adopted under division (T)(1) of this section pursuant to Chapter 81059
6111. of the Revised Code to the treasurer of state for deposit 81060
into the surface water protection fund created in section 6111.038 81061
of the Revised Code. 81062

(2) Exempt the state and political subdivisions thereof, 81063
including education facilities or medical facilities owned by the 81064
state or a political subdivision, or any person exempted from 81065
taxation by section 5709.07 or 5709.12 of the Revised Code, from 81066
any fee required by this section; 81067

(3) Provide for the waiver of any fee, or any part thereof, 81068
otherwise required by this section whenever the director 81069
determines that the imposition of the fee would constitute an 81070
unreasonable cost of doing business for any applicant, class of 81071
applicants, or other person subject to the fee; 81072

(4) Prescribe measures that the director considers necessary 81073
to carry out this section. 81074

(U) When the director reasonably demonstrates that the direct 81075
cost to the state associated with the issuance of a permit to 81076
install, license, variance, plan approval, or certification 81077
exceeds the fee for the issuance or review specified by this 81078
section, the director may condition the issuance or review on the 81079
payment by the person receiving the issuance or review of, in 81080
addition to the fee specified by this section, the amount, or any 81081
portion thereof, in excess of the fee specified under this 81082
section. The director shall not so condition issuances for which 81083
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 81084
section. 81085

(V) Except as provided in divisions (L), (M), and (P) of this 81086
section or unless otherwise prescribed by a rule of the director 81087
adopted pursuant to Chapter 119. of the Revised Code, all fees 81088
required by this section are payable within thirty days after the 81089
issuance of an invoice for the fee by the director or the 81090
effective date of the issuance of the license, permit, variance, 81091
plan approval, or certification. If payment is late, the person 81092
responsible for payment of the fee shall pay an additional ten per 81093
cent of the amount due for each month that it is late. 81094

(W) As used in this section, "fuel-burning equipment," 81095
"fuel-burning equipment input capacity," "incinerator," 81096
"incinerator input capacity," "process," "process weight rate," 81097
"storage tank," "gasoline dispensing facility," "dry cleaning 81098

facility," "design flow discharge," and "new source treatment	81099
works" have the meanings ascribed to those terms by applicable	81100
rules or standards adopted by the director under Chapter 3704. or	81101
6111. of the Revised Code.	81102
(X) As used in divisions (B), (C), (D), (E), (F), (H), (I),	81103
and (J) of this section, and in any other provision of this	81104
section pertaining to fees paid pursuant to Chapter 3704. of the	81105
Revised Code:	81106
(1) "Facility," "federal Clean Air Act," "person," and "Title	81107
V permit" have the same meanings as in section 3704.01 of the	81108
Revised Code.	81109
(2) "Title V permit program" means the following activities	81110
as necessary to meet the requirements of Title V of the federal	81111
Clean Air Act and 40 C.F.R. part 70, including at least:	81112
(a) Preparing and adopting, if applicable, generally	81113
applicable rules or guidance regarding the permit program or its	81114
implementation or enforcement;	81115
(b) Reviewing and acting on any application for a Title V	81116
permit, permit revision, or permit renewal, including the	81117
development of an applicable requirement as part of the processing	81118
of a permit, permit revision, or permit renewal;	81119
(c) Administering the permit program, including the	81120
supporting and tracking of permit applications, compliance	81121
certification, and related data entry;	81122
(d) Determining which sources are subject to the program and	81123
implementing and enforcing the terms of any Title V permit, not	81124
including any court actions or other formal enforcement actions;	81125
(e) Emission and ambient monitoring;	81126

(f) Modeling, analyses, or demonstrations;	81127
(g) Preparing inventories and tracking emissions;	81128
(h) Providing direct and indirect support to small business	81129
stationary sources to determine and meet their obligations under	81130
the federal Clean Air Act pursuant to the small business	81131
stationary source technical and environmental compliance	81132
assistance program required by section 507 of that act and	81133
established in sections 3704.18, 3704.19, and 3706.19 of the	81134
Revised Code.	81135
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)	81136
of this section, each sewage sludge facility shall pay a	81137
nonrefundable annual sludge fee equal to three dollars and fifty	81138
cents per dry ton of sewage sludge, including the dry tons of	81139
sewage sludge in materials derived from sewage sludge, that the	81140
sewage sludge facility treats or disposes of in this state. The	81141
annual volume of sewage sludge treated or disposed of by a sewage	81142
sludge facility shall be calculated using the first day of January	81143
through the thirty-first day of December of the calendar year	81144
preceding the date on which payment of the fee is due.	81145
(2)(a) Except as provided in division (Y)(2)(d) of this	81146
section, each sewage sludge facility shall pay a minimum annual	81147
sewage sludge fee of one hundred dollars.	81148
(b) The annual sludge fee required to be paid by a sewage	81149
sludge facility that treats or disposes of exceptional quality	81150
sludge in this state shall be thirty-five per cent less per dry	81151
ton of exceptional quality sludge than the fee assessed under	81152
division (Y)(1) of this section, subject to the following	81153
exceptions:	81154
(i) Except as provided in division (Y)(2)(d) of this section,	81155

a sewage sludge facility that treats or disposes of exceptional	81156
quality sludge shall pay a minimum annual sewage sludge fee of one	81157
hundred dollars.	81158
(ii) A sewage sludge facility that treats or disposes of	81159
exceptional quality sludge shall not be required to pay the annual	81160
sludge fee for treatment or disposal in this state of exceptional	81161
quality sludge generated outside of this state and contained in	81162
bags or other containers not greater than one hundred pounds in	81163
capacity.	81164
A thirty-five per cent reduction for exceptional quality	81165
sludge applies to the maximum annual fees established under	81166
division (Y)(3) of this section.	81167
(c) A sewage sludge facility that transfers sewage sludge to	81168
another sewage sludge facility in this state for further treatment	81169
prior to disposal in this state shall not be required to pay the	81170
annual sludge fee for the tons of sewage sludge that have been	81171
transferred. In such a case, the sewage sludge facility that	81172
disposes of the sewage sludge shall pay the annual sludge fee.	81173
However, the facility transferring the sewage sludge shall pay the	81174
one-hundred-dollar minimum fee required under division (Y)(2)(a)	81175
of this section.	81176
In the case of a sewage sludge facility that treats sewage	81177
sludge in this state and transfers it out of this state to another	81178
entity for disposal, the sewage sludge facility in this state	81179
shall be required to pay the annual sludge fee for the tons of	81180
sewage sludge that have been transferred.	81181
(d) A sewage sludge facility that generates sewage sludge	81182
resulting from an average daily discharge flow of less than five	81183
thousand gallons per day is not subject to the fees assessed under	81184
division (Y) of this section.	81185

(3) No sewage sludge facility required to pay the annual	81186
sludge fee shall be required to pay more than the maximum annual	81187
fee for each disposal method that the sewage sludge facility uses.	81188
The maximum annual fee does not include the additional amount that	81189
may be charged under division (Y)(5) of this section for late	81190
payment of the annual sludge fee. The maximum annual fee for the	81191
following methods of disposal of sewage sludge is as follows:	81192
(a) Incineration: five thousand dollars;	81193
(b) Preexisting land reclamation project or disposal in a	81194
landfill: five thousand dollars;	81195
(c) Land application, land reclamation, surface disposal, or	81196
any other disposal method not specified in division (Y)(3)(a) or	81197
(b) of this section: twenty thousand dollars.	81198
(4)(a) In the case of an entity that generates sewage sludge	81199
or a sewage sludge facility that treats sewage sludge and	81200
transfers the sewage sludge to an incineration facility for	81201
disposal, the incineration facility, and not the entity generating	81202
the sewage sludge or the sewage sludge facility treating the	81203
sewage sludge, shall pay the annual sludge fee for the tons of	81204
sewage sludge that are transferred. However, the entity or	81205
facility generating or treating the sewage sludge shall pay the	81206
one-hundred-dollar minimum fee required under division (Y)(2)(a)	81207
of this section.	81208
(b) In the case of an entity that generates sewage sludge and	81209
transfers the sewage sludge to a landfill for disposal or to a	81210
sewage sludge facility for land reclamation or surface disposal,	81211
the entity generating the sewage sludge, and not the landfill or	81212
sewage sludge facility, shall pay the annual sludge fee for the	81213
tons of sewage sludge that are transferred.	81214
(5) Not later than the first day of April of the calendar	81215

year following March 17, 2000, and each first day of April 81216
thereafter, the director shall issue invoices to persons who are 81217
required to pay the annual sludge fee. The invoice shall identify 81218
the nature and amount of the annual sludge fee assessed and state 81219
the first day of May as the deadline for receipt by the director 81220
of objections regarding the amount of the fee and the first day of 81221
July as the deadline for payment of the fee. 81222

Not later than the first day of May following receipt of an 81223
invoice, a person required to pay the annual sludge fee may submit 81224
objections to the director concerning the accuracy of information 81225
regarding the number of dry tons of sewage sludge used to 81226
calculate the amount of the annual sludge fee or regarding whether 81227
the sewage sludge qualifies for the exceptional quality sludge 81228
discount established in division (Y)(2)(b) of this section. The 81229
director may consider the objections and adjust the amount of the 81230
fee to ensure that it is accurate. 81231

If the director does not adjust the amount of the annual 81232
sludge fee in response to a person's objections, the person may 81233
appeal the director's determination in accordance with Chapter 81234
119. of the Revised Code. 81235

Not later than the first day of June, the director shall 81236
notify the objecting person regarding whether the director has 81237
found the objections to be valid and the reasons for the finding. 81238
If the director finds the objections to be valid and adjusts the 81239
amount of the annual sludge fee accordingly, the director shall 81240
issue with the notification a new invoice to the person 81241
identifying the amount of the annual sludge fee assessed and 81242
stating the first day of July as the deadline for payment. 81243

Not later than the first day of July, any person who is 81244
required to do so shall pay the annual sludge fee. Any person who 81245
is required to pay the fee, but who fails to do so on or before 81246
that date shall pay an additional amount that equals ten per cent 81247

of the required annual sludge fee. 81248

(6) The director shall transmit all moneys collected under 81249
division (Y) of this section to the treasurer of state for deposit 81250
into the surface water protection fund created in section 6111.038 81251
of the Revised Code. The moneys shall be used to defray the costs 81252
of administering and enforcing provisions in Chapter 6111. of the 81253
Revised Code and rules adopted under it that govern the use, 81254
storage, treatment, or disposal of sewage sludge. 81255

(7) Beginning in fiscal year 2001, and every two years 81256
thereafter, the director shall review the total amount of moneys 81257
generated by the annual sludge fees to determine if that amount 81258
exceeded six hundred thousand dollars in either of the two 81259
preceding fiscal years. If the total amount of moneys in the fund 81260
exceeded six hundred thousand dollars in either fiscal year, the 81261
director, after review of the fee structure and consultation with 81262
affected persons, shall issue an order reducing the amount of the 81263
fees levied under division (Y) of this section so that the 81264
estimated amount of moneys resulting from the fees will not exceed 81265
six hundred thousand dollars in any fiscal year. 81266

If, upon review of the fees under division (Y)(7) of this 81267
section and after the fees have been reduced, the director 81268
determines that the total amount of moneys collected and 81269
accumulated is less than six hundred thousand dollars, the 81270
director, after review of the fee structure and consultation with 81271
affected persons, may issue an order increasing the amount of the 81272
fees levied under division (Y) of this section so that the 81273
estimated amount of moneys resulting from the fees will be 81274
approximately six hundred thousand dollars. Fees shall never be 81275
increased to an amount exceeding the amount specified in division 81276
(Y)(7) of this section. 81277

Notwithstanding section 119.06 of the Revised Code, the 81278
director may issue an order under division (Y)(7) of this section 81279

without the necessity to hold an adjudicatory hearing in	81280
connection with the order. The issuance of an order under this	81281
division is not an act or action for purposes of section 3745.04	81282
of the Revised Code.	81283
 (8) As used in division (Y) of this section:	 81284
 (a) "Sewage sludge facility" means an entity that performs	 81285
treatment on or is responsible for the disposal of sewage sludge.	81286
 (b) "Sewage sludge" means a solid, semi-solid, or liquid	 81287
residue generated during the treatment of domestic sewage in a	81288
treatment works as defined in section 6111.01 of the Revised Code.	81289
"Sewage sludge" includes, but is not limited to, scum or solids	81290
removed in primary, secondary, or advanced wastewater treatment	81291
processes. "Sewage sludge" does not include ash generated during	81292
the firing of sewage sludge in a sewage sludge incinerator, grit	81293
and screenings generated during preliminary treatment of domestic	81294
sewage in a treatment works, animal manure, residue generated	81295
during treatment of animal manure, or domestic septage.	81296
 (c) "Exceptional quality sludge" means sewage sludge that	 81297
meets all of the following qualifications:	81298
 (i) Satisfies the class A pathogen standards in 40 C.F.R.	 81299
503.32(a);	81300
 (ii) Satisfies one of the vector attraction reduction	 81301
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	81302
 (iii) Does not exceed the ceiling concentration limitations	 81303
for metals listed in table one of 40 C.F.R. 503.13;	81304
 (iv) Does not exceed the concentration limitations for metals	 81305
listed in table three of 40 C.F.R. 503.13.	81306

(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	81307 81308 81309
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	81310 81311 81312
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	81313 81314 81315 81316 81317
(g) "Land reclamation" means the returning of disturbed land to productive use.	81318 81319
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	81320 81321 81322 81323
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	81324 81325 81326 81327
(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway.	81328 81329 81330 81331
(k) "Annual sludge fee" means the fee assessed under division (Y)(1) of this section.	81332 81333
(l) "Landfill" means a sanitary landfill facility, as defined	81334

in rules adopted under section 3734.02 of the Revised Code, that 81335
is licensed under section 3734.05 of the Revised Code. 81336

(m) "Preexisting land reclamation project" means a 81337
property-specific land reclamation project that has been in 81338
continuous operation for not less than five years pursuant to 81339
approval of the activity by the director and includes the 81340
implementation of a community outreach program concerning the 81341
activity. 81342

Sec. 3748.01. As used in this chapter: 81343

(A) "Byproduct material" means either of the following: 81344

(1) Any radioactive material, except special nuclear 81345
material, yielded in or made radioactive by exposure to radiation 81346
incident to the process of producing or utilizing special nuclear 81347
material; 81348

(2) The tailings or wastes produced by the extraction or 81349
concentration of uranium or thorium from any ore processed 81350
primarily for its source material content. 81351

(B) "Certified radiation expert" means an individual who has 81352
complied with all of the following: 81353

(1) Applied to the director of health for certification as a 81354
radiation expert under section 3748.12 of the Revised Code; 81355

(2) Met minimum education and experience requirements 81356
established in rules adopted under division (C) of section 3748.04 81357
of the Revised Code; 81358

(3) Been granted a certificate as a radiation expert by the 81359
director under section 3748.12 of the Revised Code. 81360

(C) "Closure" or "site closure" refers to a facility for the 81361

disposal of low-level radioactive waste or a byproduct material 81362
site, as "byproduct material" is defined in division (A)(2) of 81363
this section, and means all activities performed at a licensed 81364
operation, such as stabilization and contouring, to ensure that 81365
the site where the operation occurred is in a stable condition so 81366
that only minor custodial care, surveillance, and monitoring are 81367
necessary at the site following the termination of the licensed 81368
operation. 81369

(D) "Decommissioning" means to safely remove any licensed 81370
operation from service and reduce residual radioactivity to a 81371
level that permits release of the licensee's property for 81372
unrestricted use. With regard to a facility for the disposal of 81373
low-level radioactive waste or a byproduct material site, as 81374
"byproduct material" is defined in division (A)(2) of this 81375
section, "decommissioning" does not include the reduction of 81376
residual radioactivity to a level that permits release of the 81377
facility for unrestricted use. 81378

(E) "Director of health" includes a designee or authorized 81379
representative of the director. 81380

(F) "Disposal," with regard to low-level radioactive waste, 81381
means the permanent isolation of that waste in accordance with 81382
requirements established by the United States nuclear regulatory 81383
commission or the licensing agreement state. 81384

(G) "Disposal site" means that portion of a facility that is 81385
used for the disposal of low-level radioactive waste and that 81386
consists of disposal units and a buffer zone. "Disposal unit" 81387
means a discrete portion of such a facility into which low-level 81388
radioactive waste is placed for disposal. 81389

(H)(1) Except as provided in division (H)(2) of this section, 81390
"facility" means the state, any political subdivision, person, 81391
public or private institution, or group, or any unit of one of 81392

those entities, but does not include the federal government or any of its agencies.	81393 81394
(2) For the purposes of the disposal of low-level radioactive waste, "facility" has the same meaning as in section 3747.01 of the Revised Code.	81395 81396 81397
(I) "Handle" means receive, possess, use, store, transfer, install, service, or dispose of sources of radiation unless possession is solely for the purpose of transportation.	81398 81399 81400
(J) "Handler" means a facility that handles sources of radiation unless possession is solely for the purpose of transportation.	81401 81402 81403
(K) "Inspection" means an official review, examination, or observation, including, without limitation, tests, surveys, and monitoring, that is used to determine compliance with rules, orders, requirements, and conditions of the department of health and that is conducted by the director of health.	81404 81405 81406 81407 81408
(L) "Low-level radioactive waste" has the same meaning as in section 3747.01 of the Revised Code with regard to the disposal of low-level radioactive waste. In regard to regulatory control at locations other than a disposal facility, "low-level radioactive waste" has the same meaning as in 42 U.S.C.A. 2021b.	81409 81410 81411 81412 81413
(M) "Quality assurance program" means a program providing for verification by written procedures such as testing, auditing, and inspection to ensure that deficiencies, deviations, defective equipment, or unsafe practices, or a combination thereof, relating to the use, disposal, management, or manufacture of radiation sources are identified, promptly corrected, and reported to the appropriate regulatory authorities.	81414 81415 81416 81417 81418 81419 81420
(N) "Radiation" means ionizing and nonionizing radiation.	81421

(1) "Ionizing radiation" means gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles, but does not include sound or radio waves or visible, infrared, or ultraviolet light.	81422 81423 81424 81425
(2) "Nonionizing radiation" means any electromagnetic radiation, other than ionizing electromagnetic radiation, or any sonic, ultrasonic, or infrasonic wave.	81426 81427 81428
(O) "Radioactive material" means any solid, liquid, or gaseous material that emits ionizing radiation spontaneously. "Radioactive material" includes accelerator-produced and naturally occurring materials and byproduct, source, and special nuclear material.	81429 81430 81431 81432 81433
(P) "Radiation-generating equipment" means any manufactured product or device, or component of such a product or device, or any machine or system that during operation can generate or emit radiation, except those that emit radiation only from radioactive material. "Radiation-generating equipment" does not include either of the following:	81434 81435 81436 81437 81438 81439
(1) Diathermy machines;	81440
(2) Microwave ovens, including food service microwave ovens used for commercial and industrial uses, television receivers, electric lamps, and other household appliances and products that generate very low levels of radiation.	81441 81442 81443 81444
(Q) "Source material" means uranium, thorium, or any combination thereof in any physical or chemical form, or any ores that contain by weight at least one-twentieth of one per cent of uranium, thorium, or any combination thereof. "Source material" does not include special nuclear material.	81445 81446 81447 81448 81449

(R) "Source of radiation" means radioactive material or radiation-generating equipment.	81450 81451
(S) "Special nuclear material" means either of the following:	81452
(1) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the United States nuclear regulatory commission determines to be special nuclear material, but does not include source material pursuant to section 51 of the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2071."	81453 81454 81455 81456 81457 81458
(2) Except for any source material, any material artificially enriched by any of the materials identified in division (S)(1) of this section.	81459 81460 81461
(T) "Storage" means the retention of radioactive materials, including low-level radioactive waste, prior to disposal in a manner that allows for surveillance, control, and subsequent retrieval.	81462 81463 81464 81465
(U) <u>"Medical practitioner" means a person who is authorized pursuant to Chapter 4715. of the Revised Code to practice dentistry; pursuant to Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; or pursuant to Chapter 4734. of the Revised Code to practice chiropractic.</u>	81466 81467 81468 81469 81470 81471
(V) <u>"Medical-practitioner group" means a corporation, partnership, or other business entity, other than a hospital as defined in section 3727.01 of the Revised Code, consisting of medical practitioners.</u>	81472 81473 81474 81475
Sec. 3748.04. The public health council, in accordance with Chapter 119. of the Revised Code, shall adopt and may amend or rescind rules doing all of the following:	81476 81477 81478

(A) Listing types of radioactive material for which licensure
by its handler is required and types of radiation-generating
equipment for which registration by its handler is required, and
establishing requirements governing them. Rules adopted under
division (A) of this section shall be compatible with applicable
federal regulations and shall establish all of the following,
without limitation:

(1) Requirements governing both of the following:

(a) The licensing and inspection of handlers of radioactive
material. Standards established in rules adopted under division
(A)(1)(a) of this section regarding byproduct material or any
activity that results in the production of that material, to the
extent practicable, shall be equivalent to or more stringent than
applicable standards established by the United States nuclear
regulatory commission.

(b) The registration and inspection of handlers of
radiation-generating equipment. Standards established in rules
adopted under division (A)(1)(b) of this section, to the extent
practicable, shall be equivalent to applicable standards
established by the food and drug administration in the United
States department of health and human services.

(2) Identification of and requirements governing possession
and use of specifically licensed and generally licensed quantities
of radioactive material as either sealed sources or unsealed
sources;

(3) A procedure for the issuance of and the frequency of
renewal of the licenses of handlers of radioactive material, other
than a license for a facility for the disposal of low-level
radioactive waste, and of the certificates of registration of
handlers of radiation-generating equipment;

(4) Procedures for suspending and revoking the licenses of handlers of radioactive material and the certificates of registration of handlers of radiation-generating equipment;	81509 81510 81511
(5) Criteria to be used by the director of health in amending the license of a handler of radioactive material or the certificate of registration of a handler of radiation-generating equipment subsequent to its issuance;	81512 81513 81514 81515
(6) Criteria for achieving and maintaining compliance with this chapter and rules adopted under it by licensees and registrants;	81516 81517 81518
(7) Criteria governing environmental monitoring of licensed and registered activities to assess compliance with this chapter and rules adopted under it;	81519 81520 81521
(8) ~~Except as otherwise provided in division (A)(8) of this section, fees~~ <u>Fees for the both of the following:</u>	81522 81523
(a) ~~The licensing of handlers of radioactive material, other than a facility~~ <u>facilities for the disposal of low-level radioactive waste, and the of radioactive material;</u>	81524 81525 81526
(b) <u>The registration of handlers, other than facilities that are, or are operated by, medical practitioners or medical-practitioner groups, of radiation-generating equipment and a.</u>	81527 81528 81529 81530
(9) <u>A fee schedule for the both of the following that includes fees for reviews, conducted during an inspection, of shielding plans or the adequacy of shielding:</u>	81531 81532 81533
(a) <u>The inspection of handlers of radioactive material;</u>	81534
(b) <u>The inspection of handlers, other than facilities that</u>	81535

are, or are operated by, medical practitioners or 81536
medical-practitioner groups, of radiation-generating equipment. 81537
~~Rules adopted under division (A)(8) of this section shall not~~ 81538
~~revise any fees established in section 3748.07 or 3748.13 of the~~ 81539
~~Revised Code to be paid by any handler of radiation-generating~~ 81540
~~equipment that is a medical practitioner or a corporation,~~ 81541
~~partnership, or other business entity consisting of medical~~ 81542
~~practitioners, other than a hospital as defined in section~~ 81543
~~3727.01 of the Revised Code.~~ 81544

~~As used in division (A)(8) of this section, "medical~~ 81545
~~practitioner" means a person who is authorized to practice~~ 81546
~~dentistry pursuant to Chapter 4715. of the Revised Code; medicine~~ 81547
~~and surgery, osteopathic medicine and surgery, or podiatry~~ 81548
~~pursuant to Chapter 4731. of the Revised Code; or chiropractic~~ 81549
~~pursuant to Chapter 4734. of the Revised Code.~~ 81550

(B)(1) Identifying sources of radiation, circumstances of 81551
possession, use, or disposal of sources of radiation, and levels 81552
of radiation that constitute an unreasonable or unnecessary risk 81553
to human health or the environment; 81554

(2) Establishing requirements for the achievement and 81555
maintenance of compliance with standards for the receipt, 81556
possession, use, storage, installation, transfer, servicing, and 81557
disposal of sources of radiation to prevent levels of radiation 81558
that constitute an unreasonable or unnecessary risk to human 81559
health or the environment; 81560

(3) Requiring the maintenance of records on the receipt, use, 81561
storage, transfer, and disposal of radioactive material and on the 81562
radiological safety aspects of the use and maintenance of 81563
radiation-generating equipment. 81564

In adopting rules under divisions (A) and (B) of this 81565
section, the council shall use standards no less stringent than 81566

the "suggested state regulations for control of radiation" 81567
prepared by the conference of radiation control program directors, 81568
inc., and regulations adopted by the United States nuclear 81569
regulatory commission, the United States environmental protection 81570
agency, and the United States department of health and human 81571
services and shall consider reports of the national council on 81572
radiation protection and measurement and the relevant standards of 81573
the American national standards institute. 81574

(C) Establishing fees, procedures, and requirements for 81575
certification as a radiation expert, including all of the 81576
following, without limitation: 81577

(1) Minimum training and experience requirements; 81578

(2) Procedures for applying for certification; 81579

(3) Procedures for review of applications and issuance of 81580
certificates; 81581

(4) Procedures for suspending and revoking certification. 81582

(D) Establishing a schedule for inspection of sources of 81583
radiation and their shielding and surroundings; 81584

(E) Establishing the responsibilities of a radiation expert; 81585

(F) Establishing criteria for quality assurance programs for 81586
licensees of radioactive material and registrants of 81587
radiation-generating equipment; 81588

(G) Establishing fees to be paid by any facility that, on 81589
September 8, 1995, holds a license from the United States nuclear 81590
regulatory commission in order to provide moneys necessary for the 81591
transfer of licensing and other regulatory authority from the 81592
commission to the state pursuant to section 3748.03 of the Revised 81593

Code. Rules adopted under this division shall stipulate that fees 81594
so established do not apply to any functions dealing specifically 81595
with a facility for the disposal of low-level radioactive waste. 81596
Fees collected under this division shall be deposited into the 81597
state treasury to the credit of the general operations fund 81598
created in section 3701.83 of the Revised Code. The fees shall be 81599
used solely to administer and enforce this chapter and rules 81600
adopted under it. 81601

(H) Establishing fees to be collected annually from 81602
generators of low-level radioactive waste, which shall be based 81603
upon the volume and radioactivity of the waste generated and the 81604
costs of administering low-level radioactive waste management 81605
activities under this chapter and rules adopted under it. All fees 81606
collected under this division shall be deposited into the state 81607
treasury to the credit of the general operations fund created in 81608
section 3701.83 of the Revised Code. The fees shall be used solely 81609
to administer and enforce this chapter and rules adopted under it. 81610
Any fee required under this division that has not been paid 81611
within ninety days after the invoice date shall be assessed at 81612
two times the original invoiced fee. Any fee that has not been 81613
paid within one hundred eighty days after the invoice date shall 81614
be assessed at five times the original invoiced fee. 81615

(I) Establishing requirements governing closure, 81616
decontamination, decommissioning, reclamation, and long-term 81617
surveillance and care of a facility licensed under this chapter 81618
and rules adopted under it. Rules adopted under division (I) of 81619
this section shall include, without limitation, all of the 81620
following: 81621

(1) Standards and procedures to ensure that a licensee 81622
prepares a decommissioning funding plan that provides an adequate 81623
financial guaranty to permit the completion of all requirements 81624
governing the closure, decontamination, decommissioning, and 81625

reclamation of sites, structures, and equipment used in 81626
conjunction with a licensed activity; 81627

(2) For licensed activities where radioactive material that 81628
will require surveillance or care is likely to remain at the site 81629
after the licensed activities cease, as indicated in the 81630
application for the license submitted under section 3748.07 of the 81631
Revised Code, standards and procedures to ensure that the licensee 81632
prepares an additional decommissioning funding plan for long-term 81633
surveillance and care, before termination of the license, that 81634
provides an additional adequate financial guaranty as necessary to 81635
provide for that surveillance and care; 81636

(3) For the purposes of the decommissioning funding plans 81637
required in rules adopted under divisions (I)(1) and (2) of this 81638
section, the types of acceptable financial guaranties, which shall 81639
include bonds issued by fidelity or surety companies authorized to 81640
do business in the state, certificates of deposit, deposits of 81641
government securities, irrevocable letters or lines of credit, 81642
trust funds, escrow accounts, or other similar types of 81643
arrangements, but shall not include any arrangement that 81644
constitutes self-insurance; 81645

(4) A requirement that the decommissioning funding plans 81646
required in rules adopted under divisions (I)(1) and (2) of this 81647
section contain financial guaranties in amounts sufficient to 81648
ensure compliance with any standards established by the United 81649
States nuclear regulatory commission, or by the state if it has 81650
become an agreement state pursuant to section 3748.03 of the 81651
Revised Code, pertaining to closure, decontamination, 81652
decommissioning, reclamation, and long-term surveillance and care 81653
of licensed activities and sites of licensees. 81654

Standards established in rules adopted under division (I) of 81655
this section regarding any activity that resulted in the 81656
production of byproduct material, as defined in division (A)(2) of 81657

section 3748.01 of the Revised Code, to the extent practicable, 81658
shall be equivalent to or more stringent than standards 81659
established by the United States nuclear regulatory commission for 81660
sites at which ores were processed primarily for their source 81661
material content and at which byproduct material, as defined in 81662
division (A)(2) of section 3748.01 of the Revised Code, is 81663
deposited. 81664

(J) Establishing criteria governing inspections of a facility 81665
for the disposal of low-level radioactive waste, including, 81666
without limitation, the establishment of a resident inspector 81667
program at such a facility; 81668

(K) Establishing requirements and procedures governing the 81669
filing of complaints under section 3748.16 of the Revised Code, 81670
including, without limitation, those governing intervention in a 81671
hearing held under division (B)(3) of that section. 81672

Sec. 3748.07. (A) Every facility that proposes to handle 81673
radioactive material or radiation-generating equipment for which 81674
licensure or registration, respectively, by its handler is 81675
required shall apply in writing to the director of health on forms 81676
prescribed and provided by the director for licensure or 81677
registration. Terms and conditions of licenses and certificates of 81678
registration may be amended in accordance with rules adopted under 81679
section 3748.04 of the Revised Code or orders issued by the 81680
director pursuant to section 3748.05 of the Revised Code. 81681

(B) ~~Until rules are adopted under section 3748.04 of the~~ 81682
~~Revised Code, an application~~ 81683

(1) An applicant proposing to handle radioactive material 81684
shall pay for a license or renewal of a license the appropriate 81685
fee specified in rules adopted under section 3748.04 of the 81686
Revised Code and listed on an invoice provided by the director. 81687
The applicant shall pay the fee on receipt of the invoice. 81688

(2)(a) Except as provided in division (B)(2)(b) of this section, until fees are established in rules adopted under division (A)(8)(b) of section 3748.04 of the Revised Code, an applicant proposing to handle radiation-generating equipment shall pay for a certificate of registration or renewal of a certificate a biennial registration fee of two hundred sixty-two dollars.

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Except as provided in division (B)(2)(b) of this section, on and after the effective date of the rules in which fees are established under division (A)(8)(b) of section 3748.04 of the Revised Code, an applicant proposing to handle radiation-generating equipment shall pay for a certificate of registration or renewal of a certificate the appropriate fee established in those rules.

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The applicant shall pay the fees described in division (B)(2)(a) of this section at the time of applying for a certificate of registration or renewal of a certificate.

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(b) An applicant that is, or is operated by, a medical practitioner or medical-practitioner group and proposes to handle radiation-generating equipment shall pay for a certificate of registration ~~shall be accompanied by~~ or renewal of a certificate a biennial registration fee of two hundred ~~eighteen~~ sixty-two dollars. ~~On and after the effective date of those rules, an applicant for a license, registration certificate, or renewal of either shall pay the appropriate fee established in those rules~~ The applicant shall pay the fee at the time of applying for a certificate of registration or renewal of the certificate.

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(C) All fees collected under this section shall be deposited in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. The fees shall be used solely to administer and enforce this chapter and rules adopted under it.

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(D) Any fee required under this section that has not been 81720
paid within ninety days after the invoice date shall be assessed 81721
at two times the original invoiced fee. Any fee that has not been 81722
paid within one hundred eighty days after the invoice date shall 81723
be assessed at five times the original invoiced fee. 81724

~~(C)~~(E) The director shall grant a license or registration to 81725
any applicant who has paid the required fee and is in compliance 81726
with this chapter and rules adopted under it. 81727

~~Until rules are adopted under section 3748.04 of the Revised~~ 81728
~~Code, certificates of registration shall be effective for two~~ 81729
~~years from the date of issuance. On and after the effective date~~ 81730
~~of those rules~~(F) Except as provided in division (B)(2) of this 81731
section, licenses and certificates of registration shall be 81732
effective for the applicable period established in ~~those~~ rules 81733
adopted under section 3748.04 of the Revised Code. Licenses and 81734
certificates of registration shall be renewed in accordance with 81735
the ~~standard~~ renewal procedure established in ~~Chapter 4745~~rules 81736
adopted under section 3748.04 of the Revised Code. 81737

Sec. 3748.12. The director of health shall certify radiation 81738
experts pursuant to rules adopted under division (C) of section 81739
3748.04 of the Revised Code. The director shall issue a 81740
certificate to each person certified under this section. An 81741
individual certified by the director is qualified to develop, 81742
provide periodic review of, and conduct audits of the quality 81743
assurance program for sources of radiation for which such a 81744
program is required under division (A) of section 3748.13 of the 81745
Revised Code. 81746

The public health council shall establish an application fee 81747
for applying for certification and a biennial certification 81748
renewal fee in rules adopted under division (C) of section 3748.04 81749
of the Revised Code. ~~Until those rules are adopted, the~~ 81750

~~application fee for initial certification shall be fifty dollars~~ 81751
~~plus an additional twenty five dollars for each type of~~ 81752
~~radiation generating equipment listed in division (B) of section~~ 81753
~~3748.13 of the Revised Code for which application is being made.~~ 81754
~~The certification renewal fee shall be one hundred fifteen~~ 81755
~~dollars.~~ A certificate issued under this section shall expire two 81756
years after the date of its issuance. To maintain certification, a 81757
radiation expert shall apply to the director for renewal of 81758
certification in accordance with the standard renewal procedures 81759
established in Chapter 4745. of the Revised Code. The 81760
certification renewal fee is not required for initial 81761
certification, but shall be paid for every renewal of 81762
certification. Fees collected under this section shall be 81763
deposited into the state treasury to the credit of the general 81764
operations fund created in section 3701.83 of the Revised Code. 81765
The fees shall be used solely to administer and enforce this 81766
chapter and rules adopted under it. Any fee required under this 81767
section that has not been paid within ninety days after the 81768
invoice date shall be assessed at two times the original invoiced 81769
fee. Any fee that has not been paid within one hundred eighty days 81770
after the invoice date shall be assessed at five times the 81771
original invoiced fee. 81772

Sec. 3748.13. (A) The director of health shall inspect 81773
sources of radiation for which licensure or registration by the 81774
handler is required, and the sources' shielding and surroundings, 81775
according to the schedule established in rules adopted under 81776
division (D) of section 3748.04 of the Revised Code. In accordance 81777
with rules adopted under ~~that~~ section 3748.04 of the Revised Code, 81778
the director shall inspect all records and operating procedures 81779
of handlers that install or service sources of radiation and all 81780
sources of radiation for which licensure of radioactive material 81781
or registration of radiation-generating equipment by the handler 81782
is required. The director may make other inspections upon 81783
receiving complaints or other evidence of a violation of this 81784

chapter or rules adopted under it. 81785

The director shall require any hospital registered under 81786
division (A) of section 3701.07 of the Revised Code to develop and 81787
maintain a quality assurance program for all sources of 81788
radiation-generating equipment. A certified radiation expert 81789
shall conduct oversight and maintenance of the program and shall 81790
file a report of audits of the program with the director on forms 81791
prescribed by the director. The audit reports shall become part of 81792
the inspection record. 81793

(B) ~~Until rules are adopted under division (A)(8) of section~~ 81794
~~3748.04 of the Revised Code~~(1) Except as provided in division 81795
(B)(2) of this section, a facility shall pay inspection fees for 81796
radioactive material and radiation-generating equipment according 81797
to the ~~following~~ schedule and categories established in rules 81798
adopted under division (A)(9) of section 3748.04 of the Revised 81799
Code. 81800

(2) A facility that is, or is operated by, a medical 81801
practitioner or medical-practitioner group shall pay inspection 81802
fees for radiation-generating equipment according to the following 81803
schedule and categories: 81804

First dental x-ray tube	~~\$-129.00~~ <u>155.00</u>	81805
Each additional dental x-ray tube at the same location	~~\$-64.00~~ <u>77.00</u>	81806
First medical x-ray tube	~~\$-256.00~~ <u>307.00</u>	81807
Each additional medical x-ray tube at the same location	~~\$-136.00~~ <u>163.00</u>	81808
Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	~~\$-508.00~~ <u>610.00</u>	81809
First nonionizing radiation-generating equipment of any kind	~~\$-256.00~~ <u>307.00</u>	81810
Each additional nonionizing radiation-	~~\$-136.00~~ <u>163.00</u>	81811

generating equipment of any kind at the same location		
~~Assembler-maintainer inspection consisting of an inspection of records and operating procedures of handlers that install sources of radiation~~	~~\$ 317.00~~	81812
~~Until rules are adopted under division (A)(8) of section 3748.04 of the Revised Code, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is fifty per cent of the fee applicable under the schedule in this division. Until those rules are adopted~~		81813
~~(C)(1) Except as provided in division (C)(2) of this section, the fee for the inspection of a facility that proposes to handle radioactive material or radiation-generating equipment and is not licensed or registered, and for which no license or registration application is pending at the time of inspection, is three~~		81814
~~four hundred ninety-five~~		81815
~~seventy-four dollars plus the applicable fee specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.~~		81816
~~seventy-four~~		81817
~~hundred ninety-five~~		81818
~~dollars plus the applicable fee specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.~~		81819
~~seventy-four~~		81820
~~dollars plus the applicable fee specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.~~		81821
~~seventy-four~~		81822
~~dollars plus the applicable fee specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.~~		81823
~~seventy-four~~		81824
~~dollars plus the applicable fee specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.~~		81825
~~(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and proposes to handle radiation-generating equipment, the fee for an inspection if the facility is not licensed or registered, and no license or registration is pending at the time of inspection, is four hundred~~		81826
~~seventy-four dollars plus the fee applicable under the schedule in this division~~		81827
~~(B)(2) of this section.~~		81828
~~(D)(1) Except as provided in division (D)(2) of this section, for a facility that handles radioactive material or radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is the amount specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.~~		81829
~~(D)(2) of this section.~~		81830
~~(D)(1) Except as provided in division (D)(2) of this section, for a facility that handles radioactive material or radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is the amount specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.~~		81831
~~(D)(2) of this section.~~		81832
~~(D)(1) Except as provided in division (D)(2) of this section, for a facility that handles radioactive material or radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is the amount specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.~~		81833
~~(D)(2) of this section.~~		81834
~~(D)(1) Except as provided in division (D)(2) of this section, for a facility that handles radioactive material or radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is the amount specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.~~		81835
~~(D)(2) of this section.~~		81836
~~(D)(1) Except as provided in division (D)(2) of this section, for a facility that handles radioactive material or radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is the amount specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.~~		81837
~~(D)(2) of this section.~~		81838
~~(D)(1) Except as provided in division (D)(2) of this section, for a facility that handles radioactive material or radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is the amount specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.~~		81839
~~(D)(2) of this section.~~		81839

practitioner or medical-practitioner group and handles 81840
radiation-generating equipment, the fee for an inspection to 81841
determine whether violations cited in a previous inspection have 81842
been corrected is fifty per cent of the applicable fee under the 81843
schedule in division (B)(2) of this section. 81844

(E) The director may conduct a review of shielding plans or 81845
the adequacy of shielding on the request of a licensee or 81846
registrant or an applicant for licensure or registration or 81847
during an inspection when the director considers a review to be 81848
necessary. ~~Until rules are adopted under division (A)(8) of~~ 81849
~~section 3748.04 of the Revised Code~~ 81850

(1) Except as provided in division (E)(2) of this section, 81851
the fee for the review is sixthe applicable amount specified in 81852
rules adopted under division (A)(9) of section 3748.04 of the 81853
Revised Code. 81854

(2) For a facility that is, or is operated by, a medical 81855
practitioner or medical-practitioner group and handles or proposes 81856
to handle radiation-generating equipment, the fee for the review 81857
is seven hundred thirty-five sixty-two dollars for each room 81858
where a source of radiation is used and is in addition to any 81859
other fee applicable under the schedule in this division (B)(2) 81860
of this section. 81861

(F) All fees shall be paid to the department of health no 81862
later than thirty days after the invoice for the fee is mailed. 81863
Fees shall be deposited in the general operations fund created in 81864
section 3701.83 of the Revised Code. The fees shall be used solely 81865
to administer and enforce this chapter and rules adopted under it. 81866

(G) Any fee required under this section that has not been 81867
paid within ninety days after the invoice date shall be assessed 81868
at two times the original invoiced fee. Any fee that has not been 81869
paid within one hundred eighty days after the invoice date shall 81870

be assessed at five times the original invoiced fee. 81871

~~(C)~~(H) If the director determines that a board of health of a 81872
city or general health district is qualified to conduct 81873
inspections of radiation-generating equipment, the director may 81874
delegate to the board, by contract, the authority to conduct such 81875
inspections. In making a determination of the qualifications of a 81876
board of health to conduct those inspections, the director shall 81877
evaluate the credentials of the individuals who are to conduct the 81878
inspections of radiation-generating equipment and the radiation 81879
detection and measuring equipment available to them for that 81880
purpose. If a contract is entered into, the board shall have the 81881
same authority to make inspections of radiation-generating 81882
equipment as the director has under this chapter and rules adopted 81883
under it. The contract shall stipulate that only individuals 81884
approved by the director as qualified shall be permitted to 81885
inspect radiation-generating equipment under the contract's 81886
provisions. The contract shall provide for such compensation for 81887
services as is agreed to by the director and the board of health 81888
of the contracting health district. The director may reevaluate 81889
the credentials of the inspection personnel and their radiation 81890
detecting and measuring equipment as often as the director 81891
considers necessary and may terminate any contract with the board 81892
of health of any health district that, in the director's opinion, 81893
is not satisfactorily performing the terms of the contract. 81894

~~(D)~~(I) The director may enter at all reasonable times upon 81895
any public or private property to determine compliance with this 81896
chapter and rules adopted under it. 81897

Sec. 3749.04. (A) No person shall operate or maintain a 81898
public swimming pool, public spa, or special-use pool without a 81899
license issued by the licensor having jurisdiction. 81900

(B) Every person who intends to operate or maintain an 81901
existing public swimming pool, public spa, or special-use pool 81902

shall, during the month of April of each year, apply to the
licensor having jurisdiction for a license to operate the pool or
spa. Any person proposing to operate or maintain a new or
otherwise unlicensed public swimming pool, public spa, or
special-use pool shall apply to the licensor having jurisdiction
at least thirty days prior to the intended start of operation of
the pool or spa. Within thirty days of receipt of an application
for licensure of a public swimming pool, public spa, or
special-use pool, the licensor shall process the application and
either issue a license or otherwise respond to the applicant
regarding the application.

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(C) Each license issued shall be effective from the date of
issuance until the last day of May of the following year.

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(D) Each licensor administering and enforcing sections
3749.01 to 3749.09 of the Revised Code and the rules adopted
thereunder may establish licensing and inspection fees in
accordance with section 3709.09 of the Revised Code, which shall
not exceed the cost of licensing and inspecting public swimming
pools, public spas, and special-use pools.

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(E) Except as provided in division (F) of this section and in
division (B) of section 3749.07 of the Revised Code, all license
fees collected by a licensor shall be deposited into a swimming
pool fund, which is hereby created in each health district. The
fees shall be used by the licensor solely for the purpose of
administering and enforcing this chapter and the rules adopted
under this chapter.

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(F) An annual license fee established under division (D) of
this section shall include any additional amount determined by
rule of the public health council, which the ~~licensor~~ board of
health shall collect and transmit to the ~~treasurer of state to be~~
~~deposited in the general operations fund created by section~~
~~3701.83 of the Revised Code~~ director of health pursuant to section

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3709.092 of the Revised Code. The amounts collected under this division shall be administered by the director of health and shall be used solely for the administration and enforcement of this chapter and the rules adopted under this chapter.

Sec. 3767.41. (A) As used in this section:

(1) "Building" means, except as otherwise provided in this division, any building or structure that is used or intended to be used for residential purposes. "Building" includes, but is not limited to, a building or structure in which any floor is used for retail stores, shops, salesrooms, markets, or similar commercial uses, or for offices, banks, civic administration activities, professional services, or similar business or civic uses, and in which the other floors are used, or designed and intended to be used, for residential purposes. "Building" does not include any building or structure that is occupied by its owner and that contains three or fewer residential units.

(2)(a) "Public nuisance" means a building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

(b) "Public nuisance" as it applies to subsidized housing means subsidized housing that fails to meet the following standards as specified in the federal rules governing each standard:

(i) Each building on the site is structurally sound, secure, habitable, and in good repair, as defined in 24 C.F.R. 5.703(b);

(ii) Each building's domestic water, electrical system,	81965
elevators, emergency power, fire protection, HVAC, and sanitary	81966
system is free of health and safety hazards, functionally	81967
adequate, operable, and in good repair, as defined in 24 C.F.R.	81968
5.703(c);	81969
(iii) Each dwelling unit within the building is structurally	81970
sound, habitable, and in good repair, and all areas and aspects of	81971
the dwelling unit are free of health and safety hazards,	81972
functionally adequate, operable, and in good repair, as defined in	81973
24 C.F.R. 5.703(d)(1);	81974
(iv) Where applicable, the dwelling unit has hot and cold	81975
running water, including an adequate source of potable water, as	81976
defined in 24 C.F.R. 5.703(d)(2);	81977
(v) If the dwelling unit includes its own sanitary facility,	81978
it is in proper operating condition, usable in privacy, and	81979
adequate for personal hygiene, and the disposal of human waste, as	81980
defined in 24 C.F.R. 5.703(d)(3);	81981
(vi) The common areas are structurally sound, secure, and	81982
functionally adequate for the purposes intended. The basement,	81983
garage, carport, restrooms, closets, utility, mechanical,	81984
community rooms, daycare, halls, corridors, stairs, kitchens,	81985
laundry rooms, office, porch, patio, balcony, and trash collection	81986
areas are free of health and safety hazards, operable, and in good	81987
repair. All common area ceilings, doors, floors, HVAC, lighting,	81988
smoke detectors, stairs, walls, and windows, to the extent	81989
applicable, are free of health and safety hazards, operable, and	81990
in good repair, as defined in 24 C.F.R. 5.703(e);	81991
(vii) All areas and components of the housing are free of	81992
health and safety hazards. These areas include, but are not	81993
limited to, air quality, electrical hazards, elevators,	81994
emergency/fire exits, flammable materials, garbage and debris,	81995

handrail hazards, infestation, and lead-based paint, as defined in 24 C.F.R. 5.703(f).	81996 81997
(3) "Abate" or "abatement" in connection with any building means the removal or correction of any conditions that constitute a public nuisance and the making of any other improvements that are needed to effect a rehabilitation of the building that is consistent with maintaining safe and habitable conditions over its remaining useful life. "Abatement" does not include the closing or boarding up of any building that is found to be a public nuisance.	81998 81999 82000 82001 82002 82003 82004
(4) "Interested party" means any owner, mortgagee, lienholder, tenant, or person that possesses an interest of record in any property that becomes subject to the jurisdiction of a court pursuant to this section, and any applicant for the appointment of a receiver pursuant to this section.	82005 82006 82007 82008 82009
(5) "Neighbor" means any owner of property, including, but not limited to, any person who is purchasing property by land installment contract or under a duly executed purchase contract, that is located within five hundred feet of any property that becomes subject to the jurisdiction of a court pursuant to this section, and any occupant of a building that is so located.	82010 82011 82012 82013 82014 82015
(6) "Tenant" has the same meaning as in section 5321.01 of the Revised Code.	82016 82017
(7) "Subsidized housing" means a property consisting of more than four dwelling units that, in whole or in part, receives project-based assistance pursuant to a contract under any of the following federal housing programs:	82018 82019 82020 82021
(a) The new construction or substantial rehabilitation program under section 8(b)(2) of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as that program was in effect immediately before the first day of	82022 82023 82024 82025

October, 1983;	82026
(b) The moderate rehabilitation program under section 8(e)(2)	82027
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50	82028
Stat. 888, 42 U.S.C. 1437f(e)(2);	82029
(c) The loan management assistance program under section 8 of	82030
the "United States Housing Act of 1937," Pub. L. No. 75-412, 50	82031
Stat. 888, 42 U.S.C. 1437f;	82032
(d) The rent supplement program under section 101 of the	82033
"Housing and Urban Development Act of 1965," Pub. L. No. 89-174,	82034
79 Stat. 667, 12 U.S.C. 1701s;	82035
(e) Section 8 of the "United States Housing Act of 1937,"	82036
Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following	82037
conversion from assistance under section 101 of the "Housing and	82038
Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667,	82039
12 U.S.C. 1701s;	82040
(f) The program of supportive housing for the elderly under	82041
section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73	82042
Stat. 654, 12 U.S.C. 1701q;	82043
(g) The program of supportive housing for persons with	82044
disabilities under section 811 of the "National Affordable Housing	82045
Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013;	82046
(h) The rental assistance program under section 521 of the	82047
"United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat.	82048
551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C.	82049
1490a.	82050
(8) "Project-based assistance" means the assistance is	82051
attached to the property and provides rental assistance only on	82052
behalf of tenants who reside in that property.	82053

(9) "Landlord" has the same meaning as in section 5321.01 of the Revised Code. 82054
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(B)(1)(a) In any civil action to enforce any local building, 82056
housing, air pollution, sanitation, health, fire, zoning, or 82057
safety code, ordinance, resolution, or regulation applicable to 82058
buildings, that is commenced in a court of common pleas, municipal 82059
court, housing or environmental division of a municipal court, or 82060
county court, or in any civil action for abatement commenced in a 82061
court of common pleas, municipal court, housing or environmental 82062
division of a municipal court, or county court, by a municipal 82063
corporation or township in which the building involved is located, 82064
by any neighbor, tenant, or by a nonprofit corporation that is 82065
duly organized and has as one of its goals the improvement of 82066
housing conditions in the county or municipal corporation in which 82067
the building involved is located, if a building is alleged to be a 82068
public nuisance, the municipal corporation, township, neighbor, 82069
tenant, or nonprofit corporation may apply in its complaint for an 82070
injunction or other order as described in division (C)(1) of this 82071
section, or for the relief described in division (C)(2) of this 82072
section, including, if necessary, the appointment of a receiver 82073
as described in divisions (C)(2) and (3) of this section, or for 82074
both such an injunction or other order and such relief. The 82075
municipal corporation, township, neighbor, tenant, or nonprofit 82076
corporation commencing the action is not liable for the costs, 82077
expenses, and fees of any receiver appointed pursuant to 82078
divisions (C)(2) and (3) of this section. 82079

(b) Prior to commencing a civil action for abatement when the 82080
property alleged to be a public nuisance is subsidized housing, 82081
the municipal corporation, township, neighbor, tenant, or 82082
nonprofit corporation commencing the action shall provide the 82083
landlord of that property with written notice that specifies one 82084
or more defective conditions that constitute a public nuisance as 82085

that term applies to subsidized housing and states that if the
landlord fails to remedy the condition within sixty days of the
service of the notice, a claim pursuant to this section may be
brought on the basis that the property constitutes a public
nuisance in subsidized housing. Any party authorized to bring an
action against the landlord shall make reasonable attempts to
serve the notice in the manner prescribed in the Rules of Civil
Procedure to the landlord or the landlord's agent for the
property at the property's management office, or at the place
where the tenants normally pay or send rent. If the landlord is
not the owner of record, the party bringing the action shall make
a reasonable attempt to serve the owner. If the owner does not
receive service the person bringing the action shall certify the
attempts to serve the owner.

(2)(a) In a civil action described in division (B)(1) of this
section, a copy of the complaint and a notice of the date and time
of a hearing on the complaint shall be served upon the owner of
the building and all other interested parties in accordance with
the Rules of Civil Procedure. If certified mail service, personal
service, or residence service of the complaint and notice is
refused or certified mail service of the complaint and notice is
not claimed, and if the municipal corporation, township, neighbor,
tenant, or nonprofit corporation commencing the action makes a
written request for ordinary mail service of the complaint and
notice, or uses publication service, in accordance with the Rules
of Civil Procedure, then a copy of the complaint and notice shall
be posted in a conspicuous place on the building.

(b) The judge in a civil action described in division (B)(1)
of this section shall conduct a hearing at least twenty-eight days
after the owner of the building and the other interested parties
have been served with a copy of the complaint and the notice of
the date and time of the hearing in accordance with division
(B)(2)(a) of this section.

(c) In considering whether subsidized housing is a public nuisance, the judge shall construe the standards set forth in division (A)(2)(b) of this section in a manner consistent with department of housing and urban development and judicial interpretations of those standards. The judge shall deem that the property is not a public nuisance if during the twelve months prior to the service of the notice that division (B)(1)(b) of this section requires, the department of housing and urban development's real estate assessment center issued a score of seventy-five or higher out of a possible one hundred points pursuant to its regulations governing the physical condition of multifamily properties pursuant to 24 C.F.R. part 200, subpart P, and since the most recent inspection, there has been no significant change in the property's conditions that would create a serious threat to the health, safety, or welfare of the property's tenants.

(C)(1) If the judge in a civil action described in division (B)(1) of this section finds at the hearing required by division (B)(2) of this section that the building involved is a public nuisance, if the judge additionally determines that the owner of the building previously has not been afforded a reasonable opportunity to abate the public nuisance or has been afforded such an opportunity and has not refused or failed to abate the public nuisance, and if the complaint of the municipal corporation, township, neighbor, tenant, or nonprofit corporation commencing the action requested the issuance of an injunction as described in this division, then the judge may issue an injunction requiring the owner of the building to abate the public nuisance or issue any other order that the judge considers necessary or appropriate to cause the abatement of the public nuisance. If an injunction is issued pursuant to this division, the owner of the building involved shall be given no more than thirty days from the date of the entry of the judge's order to comply with the

injunction, unless the judge, for good cause shown, extends the 82152
time for compliance. 82153

(2) If the judge in a civil action described in division 82154
(B)(1) of this section finds at the hearing required by division 82155
(B)(2) of this section that the building involved is a public 82156
nuisance, if the judge additionally determines that the owner of 82157
the building previously has been afforded a reasonable opportunity 82158
to abate the public nuisance and has refused or failed to do so, 82159
and if the complaint of the municipal corporation, township, 82160
neighbor, tenant, or nonprofit corporation commencing the action 82161
requested relief as described in this division, then the judge 82162
shall offer any mortgagee, lienholder, or other interested party 82163
associated with the property on which the building is located, in 82164
the order of the priority of interest in title, the opportunity 82165
to undertake the work and to furnish the materials necessary to 82166
abate the public nuisance. Prior to selecting any interested 82167
party, the judge shall require the interested party to 82168
demonstrate the ability to promptly undertake the work and 82169
furnish the materials required, to provide the judge with a 82170
viable financial and construction plan for the rehabilitation of 82171
the building as described in division (D) of this section, and to 82172
post security for the performance of the work and the furnishing 82173
of the materials. 82174

If the judge determines, at the hearing, that no interested 82175
party is willing or able to undertake the work and to furnish the 82176
materials necessary to abate the public nuisance, or if the judge 82177
determines, at any time after the hearing, that any party who is 82178
undertaking corrective work pursuant to this division cannot or 82179
will not proceed, or has not proceeded with due diligence, the 82180
judge may appoint a receiver pursuant to division (C)(3) of this 82181
section to take possession and control of the building. 82182

(3)(a) The judge in a civil action described in division 82183

(B)(1) of this section shall not appoint any person as a receiver 82184
unless the person first has provided the judge with a viable 82185
financial and construction plan for the rehabilitation of the 82186
building involved as described in division (D) of this section and 82187
has demonstrated the capacity and expertise to perform the 82188
required work and to furnish the required materials in a 82189
satisfactory manner. An appointed receiver may be a financial 82190
institution that possesses an interest of record in the building 82191
or the property on which it is located, a nonprofit corporation as 82192
described in divisions (B)(1) and (C)(3)(b) of this section, 82193
including, but not limited to, a nonprofit corporation that 82194
commenced the action described in division (B)(1) of this section, 82195
or any other qualified property manager. 82196

(b) To be eligible for appointment as a receiver, no part of 82197
the net earnings of a nonprofit corporation shall inure to the 82198
benefit of any private shareholder or individual. Membership on 82199
the board of trustees of a nonprofit corporation appointed as a 82200
receiver does not constitute the holding of a public office or 82201
employment within the meaning of sections 731.02 and 731.12 or any 82202
other section of the Revised Code and does not constitute a direct 82203
or indirect interest in a contract or expenditure of money by any 82204
municipal corporation. A member of a board of trustees of a 82205
nonprofit corporation appointed as a receiver shall not be 82206
disqualified from holding any public office or employment, and 82207
shall not forfeit any public office or employment, by reason of 82208
membership on the board of trustees, notwithstanding any law to 82209
the contrary. 82210

(D) Prior to ordering any work to be undertaken, or the 82211
furnishing of any materials, to abate a public nuisance under this 82212
section, the judge in a civil action described in division (B)(1) 82213
of this section shall review the submitted financial and 82214
construction plan for the rehabilitation of the building involved 82215
and, if it specifies all of the following, shall approve that 82216

plan:	82217
(1) The estimated cost of the labor, materials, and any other development costs that are required to abate the public nuisance;	82218 82219
(2) The estimated income and expenses of the building and the property on which it is located after the furnishing of the materials and the completion of the repairs and improvements;	82220 82221 82222
(3) The terms, conditions, and availability of any financing that is necessary to perform the work and to furnish the materials;	82223 82224 82225
(4) If repair and rehabilitation of the building are found not to be feasible, the cost of demolition of the building or of the portions of the building that constitute the public nuisance.	82226 82227 82228
(E) Upon the written request of any of the interested parties to have a building, or portions of a building, that constitute a public nuisance demolished because repair and rehabilitation of the building are found not to be feasible, the judge may order the demolition. However, the demolition shall not be ordered unless the requesting interested parties have paid the costs of demolition and, if any, of the receivership, and, if any, all notes, certificates, mortgages, and fees of the receivership.	82229 82230 82231 82232 82233 82234 82235 82236
(F) Before proceeding with the duties of receiver, any receiver appointed by the judge in a civil action described in division (B)(1) of this section may be required by the judge to post a bond in an amount fixed by the judge, but not exceeding the value of the building involved as determined by the judge.	82237 82238 82239 82240 82241
The judge may empower the receiver to do any or all of the following:	82242 82243
(1) Take possession and control of the building and the	82244

property on which it is located, operate and manage the building	82245
and the property, establish and collect rents and income, lease	82246
and rent the building and the property, and evict tenants;	82247
(2) Pay all expenses of operating and conserving the building	82248
and the property, including, but not limited to, the cost of	82249
electricity, gas, water, sewerage, heating fuel, repairs and	82250
supplies, custodian services, taxes and assessments, and insurance	82251
premiums, and hire and pay reasonable compensation to a managing	82252
agent;	82253
(3) Pay pre-receivership mortgages or installments of them	82254
and other liens;	82255
(4) Perform or enter into contracts for the performance of	82256
all work and the furnishing of materials necessary to abate, and	82257
obtain financing for the abatement of, the public nuisance;	82258
(5) Pursuant to court order, remove and dispose of any	82259
personal property abandoned, stored, or otherwise located in or on	82260
the building and the property that creates a dangerous or unsafe	82261
condition or that constitutes a violation of any local building,	82262
housing, air pollution, sanitation, health, fire, zoning, or	82263
safety code, ordinance, or regulation;	82264
(6) Obtain mortgage insurance for any receiver's mortgage	82265
from any agency of the federal government;	82266
(7) Enter into any agreement and do those things necessary to	82267
maintain and preserve the building and the property and comply	82268
with all local building, housing, air pollution, sanitation,	82269
health, fire, zoning, or safety codes, ordinances, <u>resolutions</u> ,	82270
and regulations;	82271
(8) Give the custody of the building and the property, and	82272
the opportunity to abate the nuisance and operate the property, to	82273

its owner or any mortgagee or lienholder of record;	82274
(9) Issue notes and secure them by a mortgage bearing interest, and upon terms and conditions, that the judge approves.	82275
When sold or transferred by the receiver in return for valuable consideration in money, material, labor, or services, the notes or certificates shall be freely transferable. Any mortgages granted by the receiver shall be superior to any claims of the receiver.	82276
Priority among the receiver's mortgages shall be determined by the order in which they are recorded.	82277
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(G) A receiver appointed pursuant to this section is not personally liable except for misfeasance, malfeasance, or nonfeasance in the performance of the functions of the office of receiver.	82283
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(H)(1) The judge in a civil action described in division (B)(1) of this section may assess as court costs, the expenses described in division (F)(2) of this section, and may approve receiver's fees to the extent that they are not covered by the income from the property. Subject to that limitation, a receiver appointed pursuant to divisions (C)(2) and (3) of this section is entitled to receive fees in the same manner and to the same extent as receivers appointed in actions to foreclose mortgages.	82287
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(2)(a) Pursuant to the police powers vested in the state, all expenditures of a mortgagee, lienholder, or other interested party that has been selected pursuant to division (C)(2) of this section to undertake the work and to furnish the materials necessary to abate a public nuisance, and any expenditures in connection with the foreclosure of the lien created by this division, is a first lien upon the building involved and the property on which it is located and is superior to all prior and subsequent liens or other encumbrances associated with the building or the property, including, but not limited to, those for taxes and assessments, upon the occurrence of both of the following:	82295
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(i) The prior approval of the expenditures by, and the entry
of a judgment to that effect by, the judge in the civil action
described in division (B)(1) of this section;

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(ii) The recordation of a certified copy of the judgment
entry and a sufficient description of the property on which the
building is located with the county recorder in the county in
which the property is located within sixty days after the date of
the entry of the judgment.

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(b) Pursuant to the police powers vested in the state, all
expenses and other amounts paid in accordance with division (F) of
this section by a receiver appointed pursuant to divisions (C)(2)
and (3) of this section, the amounts of any notes issued by the
receiver in accordance with division (F) of this section, all
mortgages granted by the receiver in accordance with that
division, the fees of the receiver approved pursuant to division
(H)(1) of this section, and any amounts expended in connection
with the foreclosure of a mortgage granted by the receiver in
accordance with division (F) of this section or with the
foreclosure of the lien created by this division, are a first lien
upon the building involved and the property on which it is located
and are superior to all prior and subsequent liens or other
encumbrances associated with the building or the property,
including, but not limited to, those for taxes and assessments,
upon the occurrence of both of the following:

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(i) The approval of the expenses, amounts, or fees by, and
the entry of a judgment to that effect by, the judge in the civil
action described in division (B)(1) of this section; or the
approval of the mortgages in accordance with division (F)(9) of
this section by, and the entry of a judgment to that effect by,
that judge;

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(ii) The recordation of a certified copy of the judgment

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entry and a sufficient description of the property on which the building is located, or, in the case of a mortgage, the recordation of the mortgage, a certified copy of the judgment entry, and such a description, with the county recorder of the county in which the property is located within sixty days after the date of the entry of the judgment.

(c) Priority among the liens described in divisions (H)(2)(a) and (b) of this section shall be determined as described in division (I) of this section. Additionally, the creation pursuant to this section of a mortgage lien that is prior to or superior to any mortgage of record at the time the mortgage lien is so created, does not disqualify the mortgage of record as a legal investment under Chapter 1107. or 1151. or any other chapter of the Revised Code.

(I)(1) If a receiver appointed pursuant to divisions (C)(2) and (3) of this section files with the judge in the civil action described in division (B)(1) of this section a report indicating that the public nuisance has been abated, if the judge confirms that the receiver has abated the public nuisance, and if the receiver or any interested party requests the judge to enter an order directing the receiver to sell the building and the property on which it is located, the judge may enter that order after holding a hearing as described in division (I)(2) of this section and otherwise complying with that division.

(2)(a) The receiver or interested party requesting an order as described in division (I)(1) of this section shall cause a notice of the date and time of a hearing on the request to be served on the owner of the building involved and all other interested parties in accordance with division (B)(2)(a) of this section. The judge in the civil action described in division (B)(1) of this section shall conduct the scheduled hearing. At the hearing, if the owner or any interested party objects to the sale

of the building and the property, the burden of proof shall be 82369
upon the objecting person to establish, by a preponderance of the 82370
evidence, that the benefits of not selling the building and the 82371
property outweigh the benefits of selling them. If the judge 82372
determines that there is no objecting person, or if the judge 82373
determines that there is one or more objecting persons but no 82374
objecting person has sustained the burden of proof specified in 82375
this division, the judge may enter an order directing the receiver 82376
to offer the building and the property for sale upon terms and 82377
conditions that the judge shall specify. 82378

(b) In any sale of subsidized housing that is ordered 82379
pursuant to this section, the judge shall specify that the 82380
subsidized housing not be conveyed unless that conveyance complies 82381
with applicable federal law and applicable program contracts for 82382
that housing. Any such conveyance shall be subject to the 82383
condition that the purchaser enter into a contract with the 82384
department of housing and urban development or the rural housing 82385
service of the federal department of agriculture under which the 82386
property continues to be subsidized housing and the owner 82387
continues to operate that property as subsidized housing unless 82388
the secretary of housing and urban development or the 82389
administrator of the rural housing service terminates that 82390
property's contract prior to or upon the conveyance of the 82391
property. 82392

(3) If a sale of a building and the property on which it is 82393
located is ordered pursuant to divisions (1)(1) and (2) of this 82394
section and if the sale occurs in accordance with the terms and 82395
conditions specified by the judge in the judge's order of sale, 82396
then the receiver shall distribute the proceeds of the sale and 82397
the balance of any funds that the receiver may possess, after the 82398
payment of the costs of the sale, in the following order of 82399
priority and in the described manner: 82400

(a) First, in satisfaction of any notes issued by the receiver pursuant to division (F) of this section, in their order of priority;	82401 82402 82403
(b) Second, any unreimbursed expenses and other amounts paid in accordance with division (F) of this section by the receiver, and the fees of the receiver approved pursuant to division (H)(1) of this section;	82404 82405 82406 82407
(c) Third, all expenditures of a mortgagee, lienholder, or other interested party that has been selected pursuant to division (C)(2) of this section to undertake the work and to furnish the materials necessary to abate a public nuisance, provided that the expenditures were approved as described in division (H)(2)(a) of this section and provided that, if any such interested party subsequently became the receiver, its expenditures shall be paid prior to the expenditures of any of the other interested parties so selected;	82408 82409 82410 82411 82412 82413 82414 82415 82416
(d) Fourth, the amount due for delinquent taxes, assessments, charges, penalties, and interest owed to this state or a political subdivision of this state, provided that, if the amount available for distribution pursuant to division (I)(3)(d) of this section is insufficient to pay the entire amount of those taxes, assessments, charges, penalties, and interest, the proceeds and remaining funds shall be paid to each claimant in proportion to the amount of those taxes, assessments, charges, penalties, and interest that each is due.	82417 82418 82419 82420 82421 82422 82423 82424 82425
(e) The amount of any pre-receivership mortgages, liens, or other encumbrances, in their order of priority.	82426 82427
(4) Following a distribution in accordance with division (I)(3) of this section, the receiver shall request the judge in the civil action described in division (B)(1) of this section to enter an order terminating the receivership. If the judge	82428 82429 82430 82431

determines that the sale of the building and the property on which it is located occurred in accordance with the terms and conditions specified by the judge in the judge's order of sale under division (I)(2) of this section and that the receiver distributed the proceeds of the sale and the balance of any funds that the receiver possessed, after the payment of the costs of the sale, in accordance with division (I)(3) of this section, and if the judge approves any final accounting required of the receiver, the judge may terminate the receivership.

(J)(1) A receiver appointed pursuant to divisions (C)(2) and (3) of this section may be discharged at any time in the discretion of the judge in the civil action described in division (B)(1) of this section. The receiver shall be discharged by the judge as provided in division (I)(4) of this section, or when all of the following have occurred:

(a) The public nuisance has been abated;

(b) All costs, expenses, and approved fees of the receivership have been paid;

(c) Either all receiver's notes issued and mortgages granted pursuant to this section have been paid, or all the holders of the notes and mortgages request that the receiver be discharged.

(2) If a judge in a civil action described in division (B)(1) of this section determines that, and enters of record a declaration that, a public nuisance has been abated by a receiver, and if, within three days after the entry of the declaration, all costs, expenses, and approved fees of the receivership have not been paid in full, then, in addition to the circumstances specified in division (I) of this section for the entry of such an order, the judge may enter an order directing the receiver to sell the building involved and the property on which it is located. Any such order shall be entered, and the sale shall occur, only in

compliance with division (I) of this section. 82463

(K) The title in any building, and in the property on which 82464
it is located, that is sold at a sale ordered under division (I) 82465
or (J)(2) of this section shall be incontestable in the purchaser 82466
and shall be free and clear of all liens for delinquent taxes, 82467
assessments, charges, penalties, and interest owed to this state 82468
or any political subdivision of this state, that could not be 82469
satisfied from the proceeds of the sale and the remaining funds in 82470
the receiver's possession pursuant to the distribution under 82471
division (I)(3) of this section. All other liens and encumbrances 82472
with respect to the building and the property shall survive the 82473
sale, including, but not limited to, a federal tax lien notice 82474
properly filed in accordance with section 317.09 of the Revised 82475
Code prior to the time of the sale, and the easements and 82476
covenants of record running with the property that were created 82477
prior to the time of the sale. 82478

(L)(1) Nothing in this section shall be construed as a 82479
limitation upon the powers granted to a court of common pleas, a 82480
municipal court or a housing or environmental division of a 82481
municipal court under Chapter 1901. of the Revised Code, or a 82482
county court under Chapter 1907. of the Revised Code. 82483

(2) The monetary and other limitations specified in Chapters 82484
1901. and 1907. of the Revised Code upon the jurisdiction of 82485
municipal and county courts, and of housing or environmental 82486
divisions of municipal courts, in civil actions do not operate as 82487
limitations upon any of the following: 82488

(a) Expenditures of a mortgagee, lienholder, or other 82489
interested party that has been selected pursuant to division 82490
(C)(2) of this section to undertake the work and to furnish the 82491
materials necessary to abate a public nuisance; 82492

(b) Any notes issued by a receiver pursuant to division (F) 82493

of this section;	82494
(c) Any mortgage granted by a receiver in accordance with division (F) of this section;	82495 82496
(d) Expenditures in connection with the foreclosure of a mortgage granted by a receiver in accordance with division (F) of this section;	82497 82498 82499
(e) The enforcement of an order of a judge entered pursuant to this section;	82500 82501
(f) The actions that may be taken pursuant to this section by a receiver or a mortgagee, lienholder, or other interested party that has been selected pursuant to division (C)(2) of this section to undertake the work and to furnish the materials necessary to abate a public nuisance.	82502 82503 82504 82505 82506
(3) A judge in a civil action described in division (B)(1) of this section, or the judge's successor in office, has continuing jurisdiction to review the condition of any building that was determined to be a public nuisance pursuant to this section.	82507 82508 82509 82510
<u>(4) Nothing in this section shall be construed to limit or prohibit a municipal corporation or township that has filed with the superintendent of insurance a certified copy of an adopted resolution, ordinance, or regulation authorizing the procedures described in divisions (C) and (D) of section 3929.86 of the Revised Code from receiving insurance proceeds under section 3929.86 of the Revised Code.</u>	82511 82512 82513 82514 82515 82516 82517
Sec. 3770.03. (A) The state lottery commission shall promulgate rules under which a statewide lottery may be conducted, <u>which includes, and since the original enactment of this section has included, the authority for the commission to operate video lottery terminal games. Any reference in this chapter to tickets</u>	82518 82519 82520 82521 82522

shall not be construed to in any way limit the authority of the 82523
commission to operate video lottery terminal games. Nothing in 82524
this chapter shall restrict the authority of the commission to 82525
promulgate rules related to the operation of games utilizing 82526
video lottery terminals as described in section 3770.21 of the 82527
Revised Code. The rules shall be promulgated pursuant to Chapter 82528
119. of the Revised Code, except that instant game rules shall be 82529
promulgated pursuant to section 111.15 of the Revised Code but are 82530
not subject to division (D) of that section. Subjects covered in 82531
these rules shall include, but need not be limited to, the 82532
following: 82533

(1) The type of lottery to be conducted; 82534

(2) The prices of tickets in the lottery; 82535

(3) The number, nature, and value of prize awards, the manner 82536
and frequency of prize drawings, and the manner in which prizes 82537
shall be awarded to holders of winning tickets. 82538

(B) The commission shall promulgate rules, in addition to 82539
those described in division (A) of this section, pursuant to 82540
Chapter 119. of the Revised Code under which a statewide lottery 82541
and statewide joint lottery games may be conducted. Subjects 82542
covered in these rules shall include, but not be limited to, the 82543
following: 82544

(1) The locations at which lottery tickets may be sold and 82545
the manner in which they are to be sold. These rules may authorize 82546
the sale of lottery tickets by commission personnel or other 82547
licensed individuals from traveling show wagons at the state fair, 82548
and at any other expositions the director of the commission 82549
considers acceptable. These rules shall prohibit commission 82550
personnel or other licensed individuals from soliciting from an 82551
exposition the right to sell lottery tickets at that exposition, 82552
but shall allow commission personnel or other licensed individuals 82553

to sell lottery tickets at an exposition if the exposition 82554
requests commission personnel or licensed individuals to do so. 82555
These rules may also address the accessibility of sales agent 82556
locations to commission products in accordance with the "Americans 82557
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 82558
et seq. 82559

(2) The manner in which lottery sales revenues are to be 82560
collected, including authorization for the director to impose 82561
penalties for failure by lottery sales agents to transfer revenues 82562
to the commission in a timely manner; 82563

(3) The amount of compensation to be paid licensed lottery 82564
sales agents; 82565

(4) The substantive criteria for the licensing of lottery 82566
sales agents consistent with section 3770.05 of the Revised Code, 82567
and procedures for revoking or suspending their licenses 82568
consistent with Chapter 119. of the Revised Code. If 82569
circumstances, such as the nonpayment of funds owed by a lottery 82570
sales agent, or other circumstances related to the public safety, 82571
convenience, or trust, require immediate action, the director may 82572
suspend a license without affording an opportunity for a prior 82573
hearing under section 119.07 of the Revised Code. 82574

(5) Special game rules to implement any agreements signed by 82575
the governor that the director enters into with other lottery 82576
jurisdictions under division (J) of section 3770.02 of the Revised 82577
Code to conduct statewide joint lottery games. The rules shall 82578
require that the entire net proceeds of those games that remain, 82579
after associated operating expenses, prize disbursements, lottery 82580
sales agent bonuses, commissions, and reimbursements, and any 82581
other expenses necessary to comply with the agreements or the 82582
rules are deducted from the gross proceeds of those games, be 82583
transferred to the lottery profits education fund under division 82584
(B) of section 3770.06 of the Revised Code. 82585

(6) Any other subjects the commission determines are 82586
necessary for the operation of video lottery terminal games, 82587
including the establishment of any fees, fines, or payment 82588
schedules. 82589

(C) Chapter 2915. of the Revised Code does not apply to, 82590
affect, or prohibit lotteries conducted pursuant to this chapter. 82591

(D) The commission may promulgate rules, in addition to those 82592
described in divisions (A) and (B) of this section, that establish 82593
standards governing the display of advertising and celebrity 82594
images on lottery tickets and on other items that are used in the 82595
conduct of, or to promote, the statewide lottery and statewide 82596
joint lottery games. Any revenue derived from the sale of 82597
advertising displayed on lottery tickets and on those other items 82598
shall be considered, for purposes of section 3770.06 of the 82599
Revised Code, to be related proceeds in connection with the 82600
statewide lottery or gross proceeds from statewide joint lottery 82601
games, as applicable. 82602

~~(D)~~(E)(1) The commission shall meet with the director at 82603
least once each month and shall convene other meetings at the 82604
request of the chairperson or any five of the members. No action 82605
taken by the commission shall be binding unless at least five of 82606
the members present vote in favor of the action. A written record 82607
shall be made of the proceedings of each meeting and shall be 82608
transmitted forthwith to the governor, the president of the 82609
senate, the senate minority leader, the speaker of the house of 82610
representatives, and the house minority leader. 82611

(2) The director shall present to the commission a report 82612
each month, showing the total revenues, prize disbursements, and 82613
operating expenses of the state lottery for the preceding month. 82614
As soon as practicable after the end of each fiscal year, the 82615
commission shall prepare and transmit to the governor and the 82616

general assembly a report of lottery revenues, prize
disbursements, and operating expenses for the preceding fiscal
year and any recommendations for legislation considered necessary
by the commission.

Sec. 3770.05. (A) As used in this section, "person" means
any person, association, corporation, partnership, club, trust,
estate, society, receiver, trustee, person acting in a fiduciary
or representative capacity, instrumentality of the state or any of
its political subdivisions, or any other combination of
individuals meeting the requirements set forth in this section or
established by rule or order of the state lottery commission.

(B) The director of the state lottery commission may license
any person as a lottery sales agent. No license shall be issued to
any person or group of persons to engage in the sale of lottery
tickets as the person's or group's sole occupation or business.

Before issuing any license to a lottery sales agent, the
director shall consider all of the following:

(1) The financial responsibility and security of the
applicant and the applicant's business or activity;

(2) The accessibility of the applicant's place of business or
activity to the public;

(3) The sufficiency of existing licensed agents to serve the
public interest;

(4) The volume of expected sales by the applicant;

(5) Any other factors pertaining to the public interest,
convenience, or trust.

(C) Except as otherwise provided in division (F) of this

section, the director of the state lottery commission shall refuse to grant, or shall suspend or revoke, a license if the applicant or licensee:	82644 82645 82646
(1) Has been convicted of a felony or has been convicted of a crime involving moral turpitude;	82647 82648
(2) Has been convicted of an offense that involves illegal gambling;	82649 82650
(3) Has been found guilty of fraud or misrepresentation in any connection;	82651 82652
(4) Has been found to have violated any rule or order of the commission; or	82653 82654
(5) Has been convicted of illegal trafficking in ~~food stamps~~ <u>supplemental nutrition assistance program benefits</u> .	82655 82656
(D) Except as otherwise provided in division (F) of this section, the director of the state lottery commission shall refuse to grant, or shall suspend or revoke, a license if the applicant or licensee is a corporation and any of the following applies:	82657 82658 82659 82660
(1) Any of the corporation's directors, officers, or controlling shareholders has been found guilty of any of the activities specified in divisions (C)(1) to (5) of this section;	82661 82662 82663
(2) It appears to the director of the state lottery commission that, due to the experience, character, or general fitness of any director, officer, or controlling shareholder of the corporation, the granting of a license as a lottery sales agent would be inconsistent with the public interest, convenience, or trust;	82664 82665 82666 82667 82668 82669
(3) The corporation is not the owner or lessee of the	82670

business at which it would conduct a lottery sales agency pursuant	82671
to the license applied for;	82672
(4) Any person, firm, association, or corporation other than	82673
the applicant or licensee shares or will share in the profits of	82674
the applicant or licensee, other than receiving dividends or	82675
distributions as a shareholder, or participates or will	82676
participate in the management of the affairs of the applicant or	82677
licensee.	82678
(E)(1) The director of the state lottery commission shall	82679
refuse to grant a license to an applicant for a lottery sales	82680
agent license and shall revoke a lottery sales agent license if	82681
the applicant or licensee is or has been convicted of a violation	82682
of division (A) or (C)(1) of section 2913.46 of the Revised Code.	82683
(2) The director shall refuse to grant a license to an	82684
applicant for a lottery sales agent license that is a corporation	82685
and shall revoke the lottery sales agent license of a corporation	82686
if the corporation is or has been convicted of a violation of	82687
division (A) or (C)(1) of section 2913.46 of the Revised Code.	82688
(F) The director of the state lottery commission shall	82689
request the bureau of criminal identification and investigation,	82690
the department of public safety, or any other state, local, or	82691
federal agency to supply the director with the criminal records of	82692
any applicant for a lottery sales agent license, and may	82693
periodically request the criminal records of any person to whom a	82694
lottery sales agent license has been issued. At or prior to the	82695
time of making such a request, the director shall require an	82696
applicant or licensee to obtain fingerprint impressions on	82697
fingerprint cards prescribed by the superintendent of the bureau	82698
of criminal identification and investigation at a qualified law	82699
enforcement agency, and the director shall cause those	82700
fingerprint cards to be forwarded to the bureau of criminal	82701
identification and investigation, to the federal bureau of	82702

investigation, or to both bureaus. The commission shall assume the
cost of obtaining the fingerprint cards.

The director shall pay to each agency supplying criminal
records for each investigation a reasonable fee, as determined by
the agency.

The commission may adopt uniform rules specifying time
periods after which the persons described in divisions (C)(1) to
(5) and (D)(1) to (4) of this section may be issued a license and
establishing requirements for those persons to seek a court order
to have records sealed in accordance with law.

(G)(1) Each applicant for a lottery sales agent license shall
do both of the following:

(a) Pay to the state lottery commission, at the time the
application is submitted, a fee in an amount that the director of
the state lottery commission determines by rule adopted under
Chapter 119. of the Revised Code and that the controlling board
approves;

(b) Prior to approval of the application, obtain a surety
bond in an amount the director determines by rule adopted under
Chapter 119. of the Revised Code or, alternatively, with the
director's approval, deposit the same amount into a dedicated
account for the benefit of the state lottery. The director also
may approve the obtaining of a surety bond to cover part of the
amount required, together with a dedicated account deposit to
cover the remainder of the amount required.

A surety bond may be with any company that complies with the
bonding and surety laws of this state and the requirements
established by rules of the commission pursuant to this chapter.
A dedicated account deposit shall be conducted in accordance with
policies and procedures the director establishes.

A surety bond, dedicated account, or both, as applicable, may be used to pay for the lottery sales agent's failure to make prompt and accurate payments for lottery ticket sales, for missing or stolen lottery tickets, or for damage to equipment or materials issued to the lottery sales agent, or to pay for expenses the commission incurs in connection with the lottery sales agent's license.

(2) A lottery sales agent license is effective for one year.

A licensed lottery sales agent, on or before the date established by the director, shall renew the agent's license and provide at that time evidence to the director that the surety bond, dedicated account deposit, or both, required under division (G)(1)(b) of this section has been renewed or is active, whichever applies.

Before the commission renews a lottery sales agent license, the lottery sales agent shall submit a renewal fee to the commission in an amount that the director determines by rule adopted under Chapter 119. of the Revised Code and that the controlling board approves. The renewal fee shall not exceed the actual cost of administering the license renewal and processing changes reflected in the renewal application. The renewal of the license is effective for up to one year.

(3) A lottery sales agent license shall be complete, accurate, and current at all times during the term of the license. Any changes to an original license application or a renewal application may subject the applicant or lottery sales agent, as applicable, to paying an administrative fee that shall be in an amount that the director determines by rule adopted under Chapter 119. of the Revised Code, that the controlling board approves, and that shall not exceed the actual cost of administering and processing the changes to an application.

(4) The relationship between the commission and a lottery sales agent is one of trust. A lottery sales agent collects funds on behalf of the commission through the sale of lottery tickets for which the agent receives a compensation.

(H) Pending a final resolution of any question arising under this section, the director of the state lottery commission may issue a temporary lottery sales agent license, subject to the terms and conditions the director considers appropriate.

(I) If a lottery sales agent's rental payments for the lottery sales agent's premises are determined, in whole or in part, by the amount of retail sales the lottery sales agent makes, and if the rental agreement does not expressly provide that the amount of those retail sales includes the amounts the lottery sales agent receives from lottery ticket sales, only the amounts the lottery sales agent receives as compensation from the state lottery commission for selling lottery tickets shall be considered to be amounts the lottery sales agent receives from the retail sales the lottery sales agent makes, for the purpose of computing the lottery sales agent's rental payments.

Sec. 3770.21. (A) "Video lottery terminal" means any electronic device approved by the state lottery commission that provides immediate prize determinations for participants on an electronic display.

(B) The state lottery commission shall include, in any rules adopted concerning video lottery terminals, the level of minimum investments that must be made by video lottery terminal licensees in the buildings and grounds at the facilities, including temporary facilities, in which the terminals will be located, along with any standards and timetables for such investments.

(C) No license or excise tax or fee not in effect on the

effective date of this section shall be assessed upon or 82794
collected from a video lottery terminal licensee by any county, 82795
township, municipal corporation, school district, or other 82796
political subdivision of the state that has authority to assess or 82797
collect a tax or fee by reason of the video lottery terminal 82798
related conduct authorized by section 3770.03 of the Revised Code. 82799
This division does not prohibit the imposition of taxes under 82800
Chapter 718. or 3769. of the Revised Code. 82801

(D) The supreme court shall have exclusive, original 82802
jurisdiction over any claim asserting that this section or 82803
section 3770.03 of the Revised Code or any portion of those 82804
sections or any rule adopted under those sections violates any 82805
provision of the Ohio Constitution, any claim asserting that any 82806
action taken by the governor or the lottery commission pursuant 82807
to those sections violates any provision of the Ohio Constitution 82808
or any provision of the Revised Code, or any claim asserting that 82809
any portion of this section violates any provision of the Ohio 82810
Constitution. If any claim over which the supreme court is 82811
granted exclusive, original jurisdiction by this division is 82812
filed in any lower court, the claim shall be dismissed by the 82813
court on the ground that the court lacks jurisdiction to review 82814
it. 82815

(E) Should any portion of this section or of section 3770.03 82816
of the Revised Code be found to be unenforceable or invalid, it 82817
shall be severed and the remaining portions remain in full force 82818
and effect. 82819

Sec. 3773.35. Any person who wishes to conduct a public or 82820
private competition that involves boxing or, wrestling match or 82821
exhibition, mixed martial arts, kick boxing, tough man contests, 82822
tough guy contests, or any other form of boxing or martial arts 82823
shall apply to the Ohio athletic commission for a promoter's 82824
license. Each application shall be filed with the commission on 82825

forms provided by the commission, and shall be accompanied by an application fee as prescribed in section 3773.43 of the Revised Code and, with the exception of wrestling events, by a ~~cash bond, certified check, bank draft, or~~ surety bond of not less than ~~five~~twenty thousand dollars conditioned for compliance with sections 3773.31 to 3773.57 of the Revised Code and the rules of the commission. ~~The applicant shall verify the application under oath.~~

The commission shall prescribe the form of the application for the promoter's license. The application shall include the name of the applicant, the post office address of the applicant, and any other information the commission requires.

Sec. 3773.36. Upon the proper filing of an application to conduct any public or private competition that involves boxing or wrestling matches or exhibitions, mixed martial arts, kick boxing, tough man contests, tough guy contests, or any other form of boxing or martial arts, accompanied by the ~~cash bond, certified check, bank draft, or~~ surety bond ~~required by section 3773.35~~, and the application fee ~~required by section 3773.43 of the Revised Code~~, or upon the proper filing of an application to conduct any public or private competition that involves wrestling accompanied by the application fee, the Ohio athletic commission shall issue a promoter's license to the applicant if it finds that the applicant is not in default on any payment, obligation, or debt payable to the state under sections 3773.31 to 3773.57 of the Revised Code, is financially responsible, and is knowledgeable in the proper conduct of such matches or exhibitions.

Each license issued pursuant to this section shall bear the name of the licensee, the post office address of the licensee, the date of ~~issue~~expiration, ~~a serial~~an identification number designated by the commission, and the seal of the commission, ~~and the signature of the commission chairperson.~~

A promoter's license shall expire twelve months after its date of issuance and shall become invalid on that date unless renewed. A promoter's license may be renewed upon application to the commission and upon payment of the renewal fee prescribed in section 3773.43 of the Revised Code. The commission shall renew the license unless it denies the application for renewal for one or more reasons stated in section 3123.47 or 3773.53 of the Revised Code.

Sec. 3773.43. The Ohio athletic commission shall charge the following fees:

(A) For an application for or renewal of a promoter's license for a public or private competition that involves boxing matches or exhibitions, mixed martial arts, kick boxing, tough man contests, tough guy contests, or any other form of boxing or martial arts, one hundred dollars.

(B) For an application for or renewal of a license to participate in a public boxing match or exhibition as a contestant, or as a referee, judge, matchmaker, manager, timekeeper, trainer, or second of a contestant, twenty dollars.

(C) For a permit to conduct a public boxing match or exhibition, fifty dollars.

(D) For an application for or renewal of a promoter's license for professional a public or private competition that involves wrestling matches or exhibitions, two hundred dollars.

(E) For a permit to conduct a professional wrestling match or exhibition, one hundred dollars.

The commission, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts

permitted by this section by more than fifty per cent. 82887

The fees prescribed by this section shall be paid to the 82888
treasurer of state, who shall deposit the fees in the occupational 82889
licensing and regulatory fund. 82890

Sec. 3773.45. (A) ~~Each contestant in a public boxing match~~ 82891
~~or exhibition shall be examined not more than twenty-four hours~~ 82892
~~before entering the ring by a licensed physician, a physician~~ 82893
~~assistant, a clinical nurse specialist, a certified nurse~~ 82894
~~practitioner, or a certified nurse-midwife. Each contestant who~~ 82895
~~has had a previous match or exhibition on or after July 27, 1981,~~ 82896
~~and was knocked out at that match or exhibition shall present to~~ 82897
~~the examiner a record of the physical examination performed at the~~ 82898
~~conclusion of that match or exhibition. If, after reviewing such~~ 82899
~~record and performing a physical examination of the contestant,~~ 82900
~~the examiner determines that the contestant is physically fit to~~ 82901
~~compete, the physician shall certify that fact on the contestant's~~ 82902
~~physical examination form. No physician, physician assistant,~~ 82903
~~clinical nurse specialist, certified nurse practitioner, or~~ 82904
~~certified nurse-midwife shall certify a contestant as physically~~ 82905
~~fit to compete if the physician, physician assistant, clinical~~ 82906
~~nurse specialist, certified nurse practitioner, or certified~~ 82907
~~nurse-midwife determines that the contestant was knocked out in a~~ 82908
~~contest that took place within the preceding thirty days. No~~ 82909
~~contestant shall compete in a public boxing match or exhibition~~ 82910
~~unless the contestant has been certified as physically fit in~~ 82911
~~accordance with this section.~~ 82912

~~Immediately after the end of a match or exhibition, the~~ 82913
~~examiner shall examine each contestant who was knocked out in the~~ 82914
~~match or exhibition, and record the outcome of the match or~~ 82915
~~exhibition and any physical injuries sustained by the contestant~~ 82916
~~on the contestant's physical examination form.~~ 82917

~~Within twenty-four hours after the match or exhibition, the~~ 82918

examiner shall mail one copy of the examination report to the Ohio athletic commission and one copy to the contestant. The commission shall furnish blank copies of the examination report to the examiner. The examiner shall answer all questions on the form. The person conducting the match or exhibition shall compensate the examiner. No person shall conduct such a match or exhibition unless an examiner appointed by the commission is in attendance. The Ohio athletic commission shall adopt, and may amend or rescind, rules that do both of the following:

(1) Require the physical examination by appropriate medical personnel of each contestant in any public competition that involves boxing, mixed martial arts, kick boxing, karate, tough man contests, or any other form of boxing or martial arts within a specified time period before and after the competition to determine whether the contestant is physically fit to compete in the competition under specified standards, has sustained physical injuries in the competition, or requires follow-up examination; and

(2) Require the reporting of each examination to the commission.

(B) No holder of a promoter's license shall conduct a boxing match or exhibition that exceeds twelve rounds. Each round shall be not more than three minutes in length. A period of at least one minute, during which no boxing or sparring takes place, shall occur between rounds.

No holder of a promoter's license or a permit issued under section 3773.39 of the Revised Code shall allow a professional boxer to participate in more than twelve rounds of boxing within a period of seventy-two consecutive hours. For any match or exhibition or for a class of contestants, the commission may limit the number of rounds within the maximum of twelve rounds.

(C) No person shall conduct a boxing match or exhibition unless a licensed referee appointed by the commission and paid by the person is present. The referee shall direct and control the match or exhibition. Before each match or exhibition the referee shall obtain from each contestant the name of the contestant's chief second and shall hold the chief second responsible for the conduct of any assistant seconds during the match or exhibition. The referee may declare a prize, remuneration, or purse or any part thereof to which a contestant is otherwise entitled withheld if, in the referee's judgment, the contestant is not competing or did not compete honestly. A contestant may appeal the referee's decision in a hearing before the commission conducted in accordance with section 3773.52 of the Revised Code.

(D) No person shall hold or conduct a boxing match or exhibition unless three licensed judges appointed by the commission and paid by the person are present. Each judge shall render a decision at the end of each match or exhibition. The judges shall determine the outcome of the match or exhibition, and their decision shall be final.

(E) Each contestant in a boxing match or exhibition shall wear gloves weighing not less than six ounces during the boxing match or exhibition.

Sec. 3773.53. The Ohio athletic commission may revoke, suspend, or refuse to renew any license issued under sections 3773.31 to 3773.57 of the Revised Code if the licensee:

(A) Has committed an act detrimental to any sport regulated by this chapter or to the public interest, convenience, or necessity;

(B) Is associating or consorting with any person who has been convicted of a crime involving the sports regulated by the commission, including a conviction under sections 2913.02,

<u>2915.05, or 2921.02 of the Revised Code;</u>	82981
(C) Is or has been consorting with bookmakers or gamblers, or has engaged in similar pursuits;	82982 82983
(D) Is financially irresponsible;	82984
(E) Has been found guilty of any fraud or misrepresentation in connection with any sport regulated by this chapter;	82985 82986
(F) Has violated any law with respect to any sport regulated by this chapter or any rule or order of the commission;	82987 82988
(G) <u>Has been convicted of or pleaded guilty to a violation of sections 2913.02, 2915.05, or 2921.02 of the Revised Code;</u>	82989 82990
(H) Has engaged in any other activity that the commission determines is detrimental to any sport regulated by this chapter.	82991 82992
The commission, in addition to any other action it may take under this chapter, may impose a fine ~~of not more than one hundred dollars~~ <u>in an amount to be determined by rule of the</u> <u>commission adopted under Chapter 119. of the Revised Code</u> against any person licensed under sections 3773.31 to 3773.57 of the Revised Code for a violation of any of these sections or a violation of any rule or order of the commission. The amount of fines collected shall be deposited into the general revenue fund.	82993 82994 82995 82996 82997 82998 82999 83000 83001
Sec. 3781.03. (A) The <u>state</u> fire marshal, the fire chief of a municipal corporation that has a fire department, or the fire chief of a township that has a fire department shall enforce the provisions of this chapter and Chapter 3791. of the Revised Code that relate to fire prevention.	83002 83003 83004 83005 83006
(B) The superintendent of ~~the division of industrial~~	83007

~~compliance~~labor, or the building inspector or commissioner of
buildings in a municipal corporation, county, or township in which
the building department is certified by the board of building
standards under section 3781.10 of the Revised Code shall enforce
in the jurisdiction of each entity all the provisions in this
chapter and Chapter 3791. of the Revised Code and any rules
adopted pursuant to those chapters that relate to the
construction, arrangement, and erection of all buildings or parts
of buildings, as defined in section 3781.06 of the Revised Code,
including the sanitary condition of those buildings in relation to
heating and ventilation.

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(C) The division of ~~industrial compliance~~labor in the
department of commerce, boards of health of health districts,
certified departments of building inspection of municipal
corporations, and county building departments that have authority
to perform inspections pursuant to a contract under division
(C)(1) of section 3703.01 of the Revised Code, subject to
Chapter 3703. of the Revised Code, shall enforce this chapter
and Chapter 3791. of the Revised Code and the rules adopted
pursuant to those chapters that relate to plumbing. Building
drains are considered plumbing for the purposes of enforcement
of those chapters.

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(D)(1) In accordance with Chapter 3703. of the Revised Code,
the department of the city engineer, in cities having such
departments, the boards of health of health districts, or the
sewer purveyor, as appropriate, shall have complete authority to
supervise and regulate the entire sewerage and drainage system in
the jurisdiction in which it is exercising the authority described
in this division, including the building sewer and all laterals
draining into the street sewers.

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(2) In accordance with Chapter 3703. of the Revised Code, the
department of the city engineer, the boards of health of health

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districts, or the sewer purveyor, as appropriate, shall control 83040
and supervise the installation and construction of all drains and 83041
sewers that become a part of the sewerage system and shall issue 83042
all the necessary permits and licenses for the construction and 83043
installation of all building sewers and of all other lateral 83044
drains that empty into the main sewers. The department of the city 83045
engineer, the boards of health of health districts, and the sewer 83046
purveyor, as appropriate, shall keep a permanent record of the 83047
installation and location of every drain and sewer of the drainage 83048
and sewerage system of the jurisdiction in which it has exercised 83049
the authority described in this division. 83050

(E) This section does not exempt any officer or department 83051
from the obligation to enforce this chapter and Chapter 3791. of 83052
the Revised Code. 83053

Sec. 3781.07. There is hereby established in the department 83054
of commerce a board of building standards consisting of ~~eleven~~ 83055
fifteen members appointed by the governor with the advice and 83056
consent of the senate. The board shall appoint a secretary who 83057
shall serve in the unclassified civil service for a term of six 83058
years at a salary fixed pursuant to Chapter 124. of the Revised 83059
Code. The board may employ additional staff in the classified 83060
civil service. The secretary may be removed by the board under the 83061
rules the board adopts. Terms of office shall be for four years, 83062
commencing on the fourteenth day of October and ending on the 83063
thirteenth day of October. Each member shall hold office from the 83064
date of appointment until the end of the term for which the member 83065
was appointed. Any member appointed to fill a vacancy occurring 83066
prior to the expiration of the term for which the member's 83067
predecessor was appointed shall hold office for the remainder of 83068
such term. Any member shall continue in office subsequent to the 83069
expiration date of the member's term until the member's successor 83070
takes office, or until a period of sixty days has elapsed, 83071
whichever occurs first. One of the members appointed to the board 83072

shall be an attorney at law, admitted to the bar of this state;	83073
two shall be registered architects; two shall be professional	83074
engineers, one in the field of mechanical and one in the field of	83075
structural engineering, each of whom shall be duly licensed to	83076
practice such profession in this state; one shall be a person of	83077
recognized ability, broad training, and fifteen years experience	83078
in problems and practice incidental to the construction and	83079
equipment of buildings specified in section 3781.06 of the Revised	83080
Code; one shall be a person with recognized ability and experience	83081
in the manufacture and construction of industrialized units as	83082
defined in section 3781.06 of the Revised Code; one shall be a	83083
member of the fire service with recognized ability and broad	83084
training in the field of fire protection and suppression; one	83085
shall be a person with at least ten years of experience and	83086
recognized expertise in building codes and standards and the	83087
manufacture of construction materials; one shall be a general	83088
contractor with experience in residential and commercial	83089
construction; <u>two, chosen from a list of ten names the Ohio home</u>	83090
<u>builders association submits to the governor, shall be general</u>	83091
<u>contractors who have recognized ability in the construction of</u>	83092
<u>residential buildings; one shall be a person with recognized</u>	83093
<u>ability and experience in the use of advanced and renewable energy</u>	83094
<u>in the construction of commercial and residential buildings; one</u>	83095
<u>shall be a person with recognized ability and experience in the</u>	83096
<u>use of energy conservation in the construction of commercial and</u>	83097
<u>residential buildings; and one, chosen from a list of three names</u>	83098
the Ohio municipal league submits to the governor, shall be the	83099
mayor of a municipal corporation in which the Ohio residential and	83100
nonresidential building codes are being enforced in the municipal	83101
corporation by a certified building department. Each member of the	83102
board, not otherwise required to take an oath of office, shall	83103
take the oath prescribed by the constitution. Each member shall	83104
receive as compensation an amount fixed pursuant to division (J)	83105
of section 124.15 of the Revised Code, and shall receive actual	83106
and necessary expenses in the performance of official duties. The	83107

amount of such expenses shall be certified by the secretary of the 83108
board and paid in the same manner as the expenses of employees of 83109
the department of commerce are paid. 83110

Sec. 3781.10. (A)(1) The board of building standards shall 83111
formulate and adopt rules governing the erection, construction, 83112
repair, alteration, and maintenance of all buildings or classes of 83113
buildings specified in section 3781.06 of the Revised Code, 83114
including land area incidental to those buildings, the 83115
construction of industrialized units, the installation of 83116
equipment, and the standards or requirements for materials used 83117
in connection with those buildings. The board shall incorporate 83118
those rules into separate residential and nonresidential building 83119
codes. The standards shall relate to the conservation of energy 83120
and the safety and sanitation of those buildings. 83121

(2) The rules governing nonresidential buildings are the 83122
lawful minimum requirements specified for those buildings and 83123
industrialized units, except that no rule other than as provided 83124
in division (C) of section 3781.108 of the Revised Code that 83125
specifies a higher requirement than is imposed by any section of 83126
the Revised Code is enforceable. The rules governing residential 83127
buildings are uniform requirements for residential buildings in 83128
any area with a building department certified to enforce the state 83129
residential building code. In no case shall any local code or 83130
regulation differ from the state residential building code unless 83131
that code or regulation addresses subject matter not addressed by 83132
the state residential building code or is adopted pursuant to 83133
section 3781.01 of the Revised Code. 83134

(3) The rules adopted pursuant to this section are complete, 83135
lawful alternatives to any requirements specified for buildings 83136
or industrialized units in any section of the Revised Code. ~~The~~ 83137
Except as otherwise provided in division (I) of this section, the 83138
board shall, on its own motion or on application made under 83139

sections 3781.12 and 3781.13 of the Revised Code, formulate, 83140
propose, adopt, modify, amend, or repeal the rules to the extent 83141
necessary or desirable to effectuate the purposes of sections 83142
3781.06 to 3781.18 of the Revised Code. 83143

(B) The board shall report to the general assembly proposals 83144
for amendments to existing statutes relating to the purposes 83145
declared in section 3781.06 of the Revised Code that public 83146
health and safety and the development of the arts require and 83147
shall recommend any additional legislation to assist in carrying 83148
out fully, in statutory form, the purposes declared in that 83149
section. The board shall prepare and submit to the general 83150
assembly a summary report of the number, nature, and disposition 83151
of the petitions filed under sections 3781.13 and 3781.14 of the 83152
Revised Code. 83153

(C) On its own motion or on application made under sections 83154
3781.12 and 3781.13 of the Revised Code, and after thorough 83155
testing and evaluation, the board shall determine by rule that any 83156
particular fixture, device, material, process of manufacture, 83157
manufactured unit or component, method of manufacture, system, or 83158
method of construction complies with performance standards adopted 83159
pursuant to section 3781.11 of the Revised Code. The board shall 83160
make its determination with regard to adaptability for safe and 83161
sanitary erection, use, or construction, to that described in any 83162
section of the Revised Code, wherever the use of a fixture, 83163
device, material, method of manufacture, system, or method of 83164
construction described in that section of the Revised Code is 83165
permitted by law. The board shall amend or annul any rule or 83166
issue an authorization for the use of a new material or 83167
manufactured unit on any like application. No department, 83168
officer, board, or commission of the state other than the board 83169
of building standards or the board of building appeals shall 83170
permit the use of any fixture, device, material, method of 83171
manufacture, newly designed product, system, or method of 83172

construction at variance with what is described in any rule the 83173
board of building standards adopts or issues or that is 83174
authorized by any section of the Revised Code. Nothing in this 83175
section shall be construed as requiring approval, by rule, of 83176
plans for an industrialized unit that conforms with the rules 83177
the board of building standards adopts pursuant to section 83178
3781.11 of the Revised Code. 83179

(D) The board shall recommend rules, codes, and standards to 83180
help carry out the purposes of section 3781.06 of the Revised Code 83181
and to help secure uniformity of state administrative rulings and 83182
local legislation and administrative action to the bureau of 83183
workers' compensation, the director of commerce, any other 83184
department, officer, board, or commission of the state, and to 83185
legislative authorities and building departments of counties, 83186
townships, and municipal corporations, and shall recommend that 83187
they audit those recommended rules, codes, and standards by any 83188
appropriate action that they are allowed pursuant to law or the 83189
constitution. 83190

(E)(1) The board shall certify municipal, township, and 83191
county building departments and the personnel of those building 83192
departments, and persons and employees of individuals, firms, or 83193
corporations as described in division (E)(7) of this section to 83194
exercise enforcement authority, to accept and approve plans and 83195
specifications, and to make inspections, pursuant to sections 83196
3781.03, 3791.04, and 4104.43 of the Revised Code. 83197

(2) The board shall certify departments, personnel, and 83198
persons to enforce the state residential building code, to enforce 83199
the nonresidential building code, or to enforce both the 83200
residential and the nonresidential building codes. Any department, 83201
personnel, or person may enforce only the type of building code 83202
for which certified. 83203

(3) The board shall not require a building department, its 83204

personnel, or any persons that it employs to be certified for 83205
residential building code enforcement if that building department 83206
does not enforce the state residential building code. The board 83207
shall specify, in rules adopted pursuant to Chapter 119. of the 83208
Revised Code, the requirements for certification for residential 83209
and nonresidential building code enforcement, which shall be 83210
consistent with this division. The requirements for residential 83211
and nonresidential certification may differ. Except as otherwise 83212
provided in this division, the requirements shall include, but are 83213
not limited to, the satisfactory completion of an initial 83214
examination and, to remain certified, the completion of a 83215
specified number of hours of continuing building code education 83216
within each three-year period following the date of certification 83217
which shall be not less than thirty hours. The rules shall provide 83218
that continuing education credits and certification issued by the 83219
council of American building officials, national model code 83220
organizations, and agencies or entities the board recognizes are 83221
acceptable for purposes of this division. The rules shall specify 83222
requirements that are compatible, to the extent possible, with 83223
requirements the council of American building officials and 83224
national model code organizations establish. 83225

(4) The board shall establish and collect a certification and 83226
renewal fee for building department personnel, and persons and 83227
employees of persons, firms, or corporations as described in this 83228
section, who are certified pursuant to this division. 83229

(5) Any individual certified pursuant to this division shall 83230
complete the number of hours of continuing building code education 83231
that the board requires or, for failure to do so, forfeit 83232
certification. 83233

(6) This division does not require or authorize the board to 83234
certify personnel of municipal, township, and county building 83235
departments, and persons and employees of persons, firms, or 83236

corporations as described in this section, whose responsibilities
do not include the exercise of enforcement authority, the approval
of plans and specifications, or making inspections under the state
residential and nonresidential building codes.

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(7) Enforcement authority for approval of plans and
specifications and enforcement authority for inspections may be
exercised, and plans and specifications may be approved and
inspections may be made on behalf of a municipal corporation,
township, or county, by any of the following who the board of
building standards certifies:

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(a) Officers or employees of the municipal corporation,
township, or county;

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(b) Persons, or employees of persons, firms, or corporations,
pursuant to a contract to furnish architectural, engineering, or
other services to the municipal corporation, township, or county;

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(c) Officers or employees of, and persons under contract
with, a municipal corporation, township, county, health district,
or other political subdivision, pursuant to a contract to furnish
architectural, engineering, or other services.

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(8) Municipal, township, and county building departments have
jurisdiction within the meaning of sections 3781.03, 3791.04, and
4104.43 of the Revised Code, only with respect to the types of
buildings and subject matters for which they are certified under
this section.

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(9) Certification shall be granted upon application by the
municipal corporation, the board of township trustees, or the
board of county commissioners and approval of that application by
the board of building standards. The application shall set forth:

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(a) Whether the certification is requested for residential or

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nonresidential buildings, or both;	83266
(b) The number and qualifications of the staff composing the building department;	83267 83268
(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section;	83269 83270 83271
(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;	83272 83273 83274 83275
(e) The proposed budget for the operation of the building department.	83276 83277
(10) The board of building standards shall adopt rules governing all of the following:	83278 83279
(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work.	83280 83281 83282 83283 83284 83285 83286 83287 83288 83289 83290 83291 83292 83293
(b) The minimum services to be provided by a certified	83294

building department. 83295

(11) The board of building standards may revoke or suspend 83296
certification to enforce the residential and nonresidential 83297
building codes, on petition to the board by any person affected by 83298
that enforcement or approval of plans, or by the board on its own 83299
motion. Hearings shall be held and appeals permitted on any 83300
proceedings for certification or revocation or suspension of 83301
certification in the same manner as provided in section 3781.101 83302
of the Revised Code for other proceedings of the board of building 83303
standards. 83304

(12) Upon certification, and until that authority is revoked, 83305
any county or township building department shall enforce the 83306
residential and nonresidential building codes for which it is 83307
certified without regard to limitation upon the authority of 83308
boards of county commissioners under Chapter 307. of the Revised 83309
Code or boards of township trustees under Chapter 505. of the 83310
Revised Code. 83311

(F) In addition to hearings sections 3781.06 to 3781.18 and 83312
3791.04 of the Revised Code require, the board of building 83313
standards shall make investigations and tests, and require from 83314
other state departments, officers, boards, and commissions 83315
information the board considers necessary or desirable to assist 83316
it in the discharge of any duty or the exercise of any power 83317
mentioned in this section or in sections 3781.06 to 3781.18, 83318
3791.04, and 4104.43 of the Revised Code. 83319

(G) The board shall adopt rules and establish reasonable fees 83320
for the review of all applications submitted where the applicant 83321
applies for authority to use a new material, assembly, or product 83322
of a manufacturing process. The fee shall bear some reasonable 83323
relationship to the cost of the review or testing of the 83324
materials, assembly, or products and for the notification of 83325
approval or disapproval as provided in section 3781.12 of the 83326

Revised Code. 83327

(H) The residential construction advisory committee shall 83328
provide the board with a proposal for a state residential building 83329
code that the committee recommends pursuant to division ~~(C)~~(D)(1) 83330
of section 4740.14 of the Revised Code. Upon receiving a 83331
recommendation from the committee that is acceptable to the board, 83332
the board shall adopt rules establishing that code as the state 83333
residential building code. 83334

(I)(1) The committee may provide the board with proposed 83335
rules to update or amend the state residential building code that 83336
the committee recommends pursuant to division (E) of section 83337
4740.14 of the Revised Code. 83338

(2) If the board receives a proposed rule to update or amend 83339
the state residential building code as provided in division (I)(1) 83340
of this section, the board either may accept or reject the 83341
proposed rule for incorporation into the residential building 83342
code. If the board does not act to either accept or reject the 83343
proposed rule within ninety days after receiving the proposed rule 83344
from the committee as described in division (I)(1) of this 83345
section, the proposed rule shall become part of the residential 83346
building code. 83347

(J) The board shall cooperate with the director of job and 83348
family services when the director promulgates rules pursuant to 83349
section 5104.05 of the Revised Code regarding safety and 83350
sanitation in type A family day-care homes. 83351

~~(J)~~(K) The board shall adopt rules to implement the 83352
requirements of section 3781.108 of the Revised Code. 83353

Sec. 3781.102. (A) Any county or municipal building 83354
department certified pursuant to division (E) of section 3781.10 83355
of the Revised Code as of September 14, 1970, and that, as of 83356

that date, was inspecting single-family, two-family, and
three-family residences, and any township building department
certified pursuant to division (E) of section 3781.10 of the
Revised Code, is hereby declared to be certified to inspect
single-family, two-family, and three-family residences containing
industrialized units, and shall inspect the buildings or classes
of buildings subject to division (E) of section 3781.10 of the
Revised Code.

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(B) Each board of county commissioners may adopt, by
resolution, rules establishing standards and providing for the
licensing of electrical and heating, ventilating, and air
conditioning contractors who are not required to hold a valid and
unexpired license pursuant to Chapter 4740. of the Revised Code.

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Rules adopted by a board of county commissioners pursuant to
this division may be enforced within the unincorporated areas of
the county and within any municipal corporation where the
legislative authority of the municipal corporation has contracted
with the board for the enforcement of the county rules within the
municipal corporation pursuant to section 307.15 of the Revised
Code. The rules shall not conflict with rules adopted by the board
of building standards pursuant to section 3781.10 of the Revised
Code or by the department of commerce pursuant to Chapter 3703. of
the Revised Code. This division does not impair or restrict the
power of municipal corporations under Section 3 of Article XVIII,
Ohio Constitution, to adopt rules concerning the erection,
construction, repair, alteration, and maintenance of buildings and
structures or of establishing standards and providing for the
licensing of specialty contractors pursuant to section 715.27 of
the Revised Code.

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A board of county commissioners, pursuant to this division,
may require all electrical contractors and heating, ventilating,
and air conditioning contractors, other than those who hold a

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valid and unexpired license issued pursuant to Chapter 4740. of 83389
the Revised Code, to successfully complete an examination, test, 83390
or demonstration of technical skills, and may impose a fee and 83391
additional requirements for a license to engage in their 83392
respective occupations within the jurisdiction of the board's 83393
rules under this division. 83394

(C) No board of county commissioners shall require any 83395
specialty contractor who holds a valid and unexpired license 83396
issued pursuant to Chapter 4740. of the Revised Code to 83397
successfully complete an examination, test, or demonstration of 83398
technical skills in order to engage in the type of contracting 83399
for which the license is held, within the unincorporated areas of 83400
the county and within any municipal corporation whose legislative 83401
authority has contracted with the board for the enforcement of 83402
county regulations within the municipal corporation, pursuant to 83403
section 307.15 of the Revised Code. 83404

(D) A board may impose a fee for registration of a specialty 83405
contractor who holds a valid and unexpired license issued pursuant 83406
to Chapter 4740. of the Revised Code before that specialty 83407
contractor may engage in the type of contracting for which the 83408
license is held within the unincorporated areas of the county and 83409
within any municipal corporation whose legislative authority has 83410
contracted with the board for the enforcement of county 83411
regulations within the municipal corporation, pursuant to section 83412
307.15 of the Revised Code, provided that the fee is the same for 83413
all specialty contractors who wish to engage in that type of 83414
contracting. If a board imposes such a fee, the board immediately 83415
shall permit a specialty contractor who presents proof of holding 83416
a valid and unexpired license and pays the required fee to engage 83417
in the type of contracting for which the license is held within 83418
the unincorporated areas of the county and within any municipal 83419
corporation whose legislative authority has contracted with the 83420
board for the enforcement of county regulations within the 83421

municipal corporation, pursuant to section 307.15 of the Revised Code. 83422
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(E) The political subdivision associated with each municipal, 83424
township, and county building department the board of building 83425
standards certifies pursuant to division (E) of section 3781.10 of 83426
the Revised Code may prescribe fees to be paid by persons, 83427
political subdivisions, or any department, agency, board, 83428
commission, or institution of the state, for the acceptance and 83429
approval of plans and specifications, and for the making of 83430
inspections, pursuant to sections 3781.03 and 3791.04 of the 83431
Revised Code. 83432

(F) Each political subdivision that prescribes fees pursuant 83433
to division (E) of this section shall collect, on behalf of the 83434
board of building standards, fees equal to the following: 83435

(1) Three per cent of the fees the political subdivision 83436
collects in connection with nonresidential buildings; 83437

(2) One per cent of the fees the political subdivision 83438
collects in connection with residential buildings. 83439

(G)(1) The board shall adopt rules, in accordance with 83440
Chapter 119. of the Revised Code, specifying the manner in which 83441
the fee assessed pursuant to division (F) of this section shall be 83442
collected and remitted monthly to the board. The board shall pay 83443
the fees into the state treasury to the credit of the ~~industrial~~ 83444
~~compliance~~labor operating fund created in section 121.084 of the 83445
Revised Code. 83446

(2) All money credited to the ~~industrial compliance~~labor 83447
operating fund under this division shall be used exclusively for 83448
the following: 83449

(a) Operating costs of the board; 83450

(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code;

(c) Paying the expenses of the residential construction advisory committee, including the expenses of committee members as provided in section 4740.14 of the Revised Code.

(H) A board of county commissioners that adopts rules providing for the licensing of electrical and heating, ventilating, and air conditioning contractors, pursuant to division (B) of this section, may accept, for purposes of satisfying the requirements of rules adopted under that division, a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code that is held by an electrical or heating, ventilating, and air conditioning contractor, for the construction, replacement, maintenance, or repair of one-family, two-family, or three-family dwelling houses or accessory structures incidental to those dwelling houses.

(I) A board of county commissioners shall not register a specialty contractor who is required to hold a license under Chapter 4740. of the Revised Code but does not hold a valid license issued under that chapter.

(J) As used in this section, "specialty contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those contractors are described in Chapter 4740. of the Revised Code.

Sec. 3781.11. (A) The rules of the board of building standards shall:

(1) For nonresidential buildings, provide uniform minimum

standards and requirements, and for residential buildings, provide 83480
standards and requirements that are uniform throughout the state, 83481
for construction and construction materials, including 83482
construction of industrialized units, to make residential and 83483
nonresidential buildings safe and sanitary as defined in section 83484
3781.06 of the Revised Code; 83485

(2) Formulate such standards and requirements, so far as may 83486
be practicable, in terms of performance objectives, so as to make 83487
adequate performance for the use intended the test of 83488
acceptability; 83489

(3) Permit, to the fullest extent feasible, the use of 83490
materials and technical methods, devices, and improvements, 83491
including the use of industrialized units which tend to reduce the 83492
cost of construction and erection without affecting minimum 83493
requirements for the health, safety, and security of the occupants 83494
or users of buildings or industrialized units and without 83495
preferential treatment of types or classes of materials or 83496
products or methods of construction; 83497

(4) Encourage, so far as may be practicable, the 83498
standardization of construction practices, methods, equipment, 83499
material, and techniques, including methods employed to produce 83500
industrialized units; 83501

(5) Not require any alteration or repair of any part of a 83502
school building owned by a chartered nonpublic school or a city, 83503
local, exempted village, or joint vocational school district and 83504
operated in conjunction with any primary or secondary school 83505
program that is not being altered or repaired if all of the 83506
following apply: 83507

(a) The school building meets all of the applicable building 83508
code requirements in existence at the time of the construction of 83509
the building. 83510

(b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code.	83511 83512
(c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration.	83513 83514 83515
(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply:	83516 83517 83518
(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code.	83519 83520
(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.	83521 83522 83523
(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of ~~industrial compliance~~ <u>labor</u> in the department of commerce, division of the <u>state</u> fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the <u>state</u> fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict.	83524 83525 83526 83527 83528 83529 83530 83531
(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or part thereof, constructed, erected, altered, manufactured, or	83532 83533 83534 83535 83536 83537 83538 83539

repaired not in accordance with the statutes of this state or with 83540
the rules of the board, and any building, structure, or part 83541
thereof in which there is installed, altered, or repaired any 83542
fixture, device, and material, or plumbing, heating, or 83543
ventilating system, or electric wiring not in accordance with such 83544
statutes or rules is a public nuisance. 83545

(D) As used in this section: 83546

(1) "Nonpublic school" means a chartered school for which 83547
minimum standards are prescribed by the state board of education 83548
pursuant to division (D) of section 3301.07 of the Revised Code. 83549

(2) "Workshop or factory" includes manufacturing, mechanical, 83550
electrical, mercantile, art, and laundering establishments, 83551
printing, telegraph, and telephone offices, railroad depots, and 83552
memorial buildings, but does not include hotels and tenement and 83553
apartment houses. 83554

Sec. 3781.12. (A)(1) Any person may petition the board of 83555
building standards to adopt, amend, or annul a rule adopted 83556
pursuant to section 3781.10 of the Revised Code, or to permit the 83557
use of any particular fixture, device, material, system, method 83558
of manufacture, product of a manufacturing process, or method or 83559
manner of construction or installation that complies with 83560
performance standards adopted pursuant to section 3781.11 of the 83561
Revised Code, as regards the purposes declared in section 3781.06 83562
of the Revised Code, of the fixtures, devices, materials, systems, 83563
or methods or manners of construction, manufacture or installation 83564
described in any section of the Revised Code relating to those 83565
purposes, where the use is permitted by law. 83566

(2) Any person may petition the residential construction 83567
advisory committee to recommend a rule to update or amend the 83568
state residential building code. 83569

(B) Upon petition under division (A) of this section, the board shall cause to be conducted testing and evaluation that the board determines desirable of any fixture, device, material, system, assembly or product of a manufacturing process, or method or manner of construction or installation sought to be used under the rules the board adopts pursuant to section 3781.10 of the Revised Code.

(C) If the board, after hearing, determines it advisable to adopt the rule, amendment, or annulment, or to permit the use of the materials or assemblages petitioned for under division (A) of this section, it shall give at least thirty days' notice of the time and place of a public hearing as provided by section 119.03 of the Revised Code. No rule shall be adopted, amended, or annulled or the use of materials or assemblages authorized until after the public hearing. A copy of every rule, amendment, or annulment, and a copy of every approved material or assembly authorization signed by the chairperson of the board of building standards and sealed with the seal of the department of commerce shall, after final adoption or authorization by the board, be filed with the secretary of state and published as the board determines. The issuance of the authorization for the use of the materials or assemblages described in the petition constitutes approval for their use anywhere in this state. Any rule, amendment, or annulment does not take effect until a date the board fixes and states. No rule, amendment, or annulment applies to any building for which the plans or drawings, specifications, and data were approved prior to the time the rule, amendment, or annulment becomes effective. All hearings of the board are open to the public. Each member of the board may administer oaths in the performance of the member's duties.

Sec. 3781.19. There is hereby established in the department of commerce a board of building appeals consisting of five members who shall be appointed by the governor with the advice and consent

of the senate. Terms of office shall be for four years, commencing	83603
on the fourteenth day of October and ending on the thirteenth day	83604
of October. Each member shall hold office from the date of	83605
appointment until the end of the term for which the member was	83606
appointed. Any member appointed to fill a vacancy occurring prior	83607
to the expiration of the term for which the member's predecessor	83608
was appointed shall hold office for the remainder of such term.	83609
Any member shall continue in office subsequent to the expiration	83610
date of the member's term until a successor takes office, or until	83611
a period of sixty days has elapsed, whichever occurs first. One	83612
member shall be an attorney-at-law, admitted to the bar of this	83613
state and of the remaining members, one shall be a registered	83614
architect and one shall be a professional engineer, each of whom	83615
shall be duly licensed to practice their respective professions in	83616
this state, one shall be a fire prevention officer qualified under	83617
section 3737.66 of the Revised Code, and one shall be a person	83618
with recognized ability in the plumbing or pipefitting profession.	83619
No member of the board of building standards shall be a member of	83620
the board of building appeals. Each member shall be paid an amount	83621
fixed pursuant to Chapter 124. of the Revised Code per diem. The	83622
department shall provide and assign to the board such employees as	83623
are required by the board to perform its functions. The board may	83624
adopt its own rules of procedure not inconsistent with sections	83625
3781.06 to 3781.18 and 3791.04 of the Revised Code, and may change	83626
them in its discretion. The board may establish reasonable fees,	83627
based on actual costs for administration of filing and processing,	83628
not to exceed two hundred dollars, for the costs of filing and	83629
processing appeals. A full and complete record of all proceedings	83630
of the board shall be kept and be open to public inspection.	83631

In the enforcement by any department of the state or any	83632
political subdivision of this chapter and Chapter 3791., and	83633
sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.43, 4104.44,	83634
4104.45, 4105.011, and 4105.11 of the Revised Code and any rule	83635
made thereunder, such department is the agency referred to in	83636

sections 119.07, 119.08, and 119.10 of the Revised Code. 83637

The appropriate municipal or county board of appeals, where 83638
one exists, certified pursuant to section 3781.20 of the Revised 83639
Code shall conduct the adjudication hearing referred to in 83640
sections 119.09 to 119.13 and required by section 3781.031 of the 83641
Revised Code. If there is no certified municipal or county board 83642
of appeals, the board of building appeals shall conduct the 83643
adjudication hearing. If the adjudication hearing concerns section 83644
3781.111 of the Revised Code or any rule made thereunder, 83645
reasonable notice of the time, date, place, and subject of the 83646
hearing shall be given to any local corporation, association, or 83647
other organization composed of or representing handicapped 83648
persons, as defined in section 3781.111 of the Revised Code, or if 83649
there is no local organization, then to any statewide corporation, 83650
association, or other organization composed of or representing 83651
handicapped persons. 83652

In addition to the provisions of Chapter 119. of the Revised 83653
Code, the municipal, county, or state board of building appeals, 83654
as the agency conducting the adjudication hearing, may reverse or 83655
modify the order of the enforcing agency if it finds that the 83656
order is contrary to this chapter and Chapters 3791. and 4104., 83657
and sections 3737.41, 3737.42, 4105.011, and 4105.11 of the 83658
Revised Code and any rule made thereunder or to a fair 83659
interpretation or application of such laws or any rule made 83660
thereunder, or that a variance from the provisions of such laws or 83661
any rule made thereunder, in the specific case, will not be 83662
contrary to the public interest where a literal enforcement of 83663
such provisions will result in unnecessary hardship. 83664

The state board of building appeals or a certified municipal 83665
or county board of appeals shall render its decision within thirty 83666
days after the date of the adjudication hearing. Following the 83667
adjudication hearing, any municipal or county officer, official 83668

municipal or county board, or person who was a party to the 83669
hearing before the municipal or county board of appeals may apply 83670
to the state board of appeals for a de novo hearing before the 83671
state board, or may appeal directly to the court of common pleas 83672
pursuant to section 3781.031 of the Revised Code. 83673

In addition, any local corporation, association, or other 83674
organization composed of or representing handicapped persons as 83675
defined in section 3781.111 of the Revised Code, or, if no local 83676
corporation, association, or organization exists, then any 83677
statewide corporation, association, or other organization composed 83678
of or representing handicapped persons may apply for the de novo 83679
hearing or appeal to the court of common pleas from any decision 83680
of a certified municipal or county board of appeals interpreting, 83681
applying, or granting a variance from section 3781.111 of the 83682
Revised Code and any rule made thereunder. Application for a de 83683
novo hearing before the state board shall be made no later than 83684
thirty days after the municipal or county board renders its 83685
decision. 83686

The state board of building appeals or the appropriate 83687
certified local board of building appeals shall grant variances 83688
and exemptions from the requirements of section 3781.108 of the 83689
Revised Code in accordance with rules adopted by the board of 83690
building standards pursuant to division ~~(J)~~(K) of section 3781.10 83691
of the Revised Code. 83692

The state board of building appeals or the appropriate 83693
certified local board of building appeals shall, in granting a 83694
variance or exemption from section 3781.108 of the Revised Code, 83695
in addition to any other considerations the state or the 83696
appropriate local board determines appropriate, consider the 83697
architectural and historical significance of the building. 83698

Sec. 3783.05. The board of building standards, in 83699
accordance with Chapters 119., 3781., and 3791. of the Revised 83700

Code, shall adopt, amend, or repeal such rules as may be 83701
reasonably necessary to administer this chapter. All fees 83702
collected by the board pursuant to this chapter shall be paid 83703
into the state treasury to the credit of the ~~industrial~~ 83704
~~compliance~~ labor operating fund created in section 121.084 of the 83705
Revised Code. 83706

Sec. 3791.02. No owner, or person having the control as an 83707
officer or member of a board or committee or otherwise of any 83708
opera house, hall, theater, church, schoolhouse, college, academy, 83709
seminary, infirmary, sanitarium, children's home, hospital, 83710
medical institute, asylum, memorial building, armory, assembly 83711
hall, or other building for the assemblage or betterment of people 83712
shall fail to obey any order of the state fire marshal, boards of 83713
health of city and general health districts, the building 83714
inspector or commissioner in cities having a building inspection 83715
department, or the superintendent of ~~the division of industrial~~ 83716
~~compliance~~ labor in the department of commerce under Chapters 83717
3781. and 3791. of the Revised Code or rules or regulations 83718
adopted pursuant thereto. 83719

Whoever violates this section shall be fined not more than 83720
one thousand dollars. 83721

Sec. 3791.04. (A)(1) Before beginning the construction, 83722
erection, or manufacture of any building to which section 3781.06 83723
of the Revised Code applies, including all industrialized units, 83724
the owner of that building, in addition to any other submission 83725
required by law, shall submit plans or drawings, specifications, 83726
and data prepared for the construction, erection, equipment, 83727
alteration, or addition that indicate the portions that have been 83728
approved pursuant to section 3781.12 of the Revised Code and for 83729
which no further approval is required, to the municipal, township, 83730
or county building department having jurisdiction unless one of 83731
the following applies: 83732

(a) If no municipal, township, or county building department certified for nonresidential buildings pursuant to division (E) of section 3781.10 of the Revised Code has jurisdiction, the owner shall make the submissions described in division (A)(1) of this section to the superintendent of ~~the division of industrial compliance~~ <u>labor</u> .	83733 83734 83735 83736 83737 83738
(b) If no certified municipal, township, or county building department certified for residential buildings pursuant to division (E) of section 3781.10 of the Revised Code has jurisdiction, the owner is not required to make the submissions described in division (A)(1) of this section.	83739 83740 83741 83742 83743
(2)(a) The seal of an architect registered under Chapter 4703. of the Revised Code or an engineer registered under Chapter 4733. of the Revised Code is required for any plans, drawings, specifications, or data submitted for approval, unless the plans, drawings, specifications, or data are permitted to be prepared by persons other than registered architects pursuant to division (C) or (D) of section 4703.18 of the Revised Code, or by persons other than registered engineers pursuant to division (C) or (D) of section 4733.18 of the Revised Code.	83744 83745 83746 83747 83748 83749 83750 83751 83752
(b) No seal is required for any plans, drawings, specifications, or data submitted for approval for any residential buildings, as defined in section 3781.06 of the Revised Code, or erected as industrialized one-, two-, or three-family units or structures within the meaning of "industrialized unit" as defined in section 3781.06 of the Revised Code.	83753 83754 83755 83756 83757 83758
(c) No seal is required for approval of the installation of replacement equipment or systems that are similar in type or capacity to the equipment or systems being replaced. No seal is required for approval for any new construction, improvement, alteration, repair, painting, decorating, or other modification of any buildings or structures subject to sections 3781.06 to 3781.18	83759 83760 83761 83762 83763 83764

and 3791.04 of the Revised Code if the proposed work does not
involve technical design analysis, as defined by rule adopted by
the board of building standards.

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(B) No owner shall proceed with the construction, erection,
alteration, or equipment of any building until the plans or
drawings, specifications, and data have been approved as this
section requires, or the industrialized unit inspected at the
point of origin. No plans or specifications shall be approved or
inspection approval given unless the building represented would,
if constructed, repaired, erected, or equipped, comply with
Chapters 3781. and 3791. of the Revised Code and any rule made
under those chapters.

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(C) The approval of plans or drawings and specifications or
data pursuant to this section is invalid if construction,
erection, alteration, or other work upon the building has not
commenced within twelve months of the approval of the plans or
drawings and specifications. One extension shall be granted for an
additional twelve-month period if the owner requests at least ten
days in advance of the expiration of the permit and upon payment
of a fee not to exceed one hundred dollars. If in the course of
construction, work is delayed or suspended for more than six
months, the approval of plans or drawings and specifications or
data is invalid. Two extensions shall be granted for six months
each if the owner requests at least ten days in advance of the
expiration of the permit and upon payment of a fee for each
extension of not more than one hundred dollars. Before any work
may continue on the construction, erection, alteration, or
equipment of any building for which the approval is invalid, the
owner of the building shall resubmit the plans or drawings and
specifications for approval pursuant to this section.

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(D) Subject to section 3791.042 of the Revised Code, the
board of building standards or the legislative authority of a

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municipal corporation, township, or county, by rule, may regulate 83797
the requirements for the submission of plans and specifications to 83798
the respective enforcing departments and for processing by those 83799
departments. The board of building standards or the legislative 83800
authority of a municipal corporation, township, or county may 83801
adopt rules to provide for the approval, subject to section 83802
3791.042 of the Revised Code, by the department having 83803
jurisdiction of the plans for construction of a foundation or any 83804
other part of a building or structure before the complete plans 83805
and specifications for the entire building or structure are 83806
submitted. When any plans are approved by the department having 83807
jurisdiction, the structure and every particular represented by 83808
and disclosed in those plans shall, in the absence of fraud or a 83809
serious safety or sanitation hazard, be conclusively presumed to 83810
comply with Chapters 3781. and 3791. of the Revised Code and any 83811
rule issued pursuant to those chapters, if constructed, altered, 83812
or repaired in accordance with those plans and any rule in effect 83813
at the time of approval. 83814

(E) The approval of plans and specifications, including 83815
inspection of industrialized units, under this section is a 83816
"license" and the failure to approve plans or specifications as 83817
submitted or to inspect the unit at the point of origin within 83818
thirty days after the plans or specifications are filed or the 83819
request to inspect the industrialized unit is made, the 83820
disapproval of plans and specifications, or the refusal to approve 83821
an industrialized unit following inspection at the point of origin 83822
is "an adjudication order denying the issuance of a license" 83823
requiring an "adjudication hearing" as provided by sections 119.07 83824
to 119.13 of the Revised Code and as modified by sections 3781.031 83825
and 3781.19 of the Revised Code. An adjudication order denying the 83826
issuance of a license shall specify the reasons for that denial. 83827

(F) The board of building standards shall not require the 83828
submission of site preparation plans or plot plans to the division 83829

of ~~industrial compliance~~ labor when industrialized units are used 83830
exclusively as one-, two-, or three-family dwellings. 83831

(G) Notwithstanding any procedures the board establishes, if 83832
the agency having jurisdiction objects to any portion of the plans 83833
or specifications, the owner or the owner's representative may 83834
request the agency to issue conditional approval to proceed with 83835
construction up to the point of the objection. Approval shall be 83836
issued only when the objection results from conflicting 83837
interpretations of the rules of the board of building standards 83838
rather than the application of specific technical requirements of 83839
the rules. Approval shall not be issued where the correction of 83840
the objection would cause extensive changes in the building design 83841
or construction. The giving of conditional approval is a 83842
"conditional license" to proceed with construction up to the point 83843
where the construction or materials objected to by the agency are 83844
to be incorporated into the building. No construction shall 83845
proceed beyond that point without the prior approval of the agency 83846
or another agency that conducts an adjudication hearing relative 83847
to the objection. The agency having jurisdiction shall specify its 83848
objections to the plans or specifications, which is an 83849
"adjudication order denying the issuance of a license" and may be 83850
appealed pursuant to sections 119.07 to 119.13 of the Revised Code 83851
and as modified by sections 3781.031 and 3781.19 of the Revised 83852
Code. 83853

(H) A certified municipal, township, or county building 83854
department having jurisdiction, or the superintendent ~~of the~~ 83855
~~division of industrial compliance~~, as appropriate, shall review 83856
any plans, drawings, specifications, or data described in this 83857
section that are submitted to it or to the superintendent. 83858

(I) No owner or persons having control as an officer, or as a 83859
member of a board or committee, or otherwise, of a building to 83860
which section 3781.06 of the Revised Code is applicable, and no 83861

architect, designer, engineer, builder, contractor, subcontractor, 83862
or any officer or employee of a municipal, township, or county 83863
building department shall violate this section. 83864

(J) Whoever violates this section shall be fined not more 83865
than five hundred dollars. 83866

Sec. 3791.05. No owner, lessee, agent, factor, architect, or 83867
contractor engaged in and having supervision or charge of the 83868
building, erection, or construction of a block, building, or 83869
structure, shall neglect or refuse to place or have placed upon 83870
the joists of each story thereof, as soon as joists are in 83871
position, counter floors of such quality and strength as to render 83872
perfectly safe the going to and from thereon of all mechanics, 83873
laborers, and other persons engaged upon the work of construction 83874
or supervision, or in placing materials for such construction. 83875

Whoever violates this section shall be fined not less than 83876
twenty-five nor more than two hundred dollars. 83877

Each day that such person neglects or refuses to have such 83878
counter floors so placed, after notice is given by a building 83879
inspector, a chief inspector, or deputy inspector of the city 83880
building inspection department in cities where such department is 83881
organized, or by the superintendent of ~~the division of industrial~~ 83882
~~compliance~~ labor of the state, in cities where such departments 83883
are not organized, or from a person whose life or personal safety 83884
may be endangered by such neglect or refusal, is a separate 83885
offense. 83886

Sec. 3791.07. (A) The board of building standards may 83887
establish such reasonable inspection fee schedules as it 83888
determines necessary or desirable relating to the inspection of 83889
all plans and specifications submitted for approval to the 83890
division of ~~industrial compliance~~ labor, and all industrialized 83891
units inspected at the point of origin and at the construction 83892

site of the building. The inspection fee schedule established 83893
shall bear some reasonable relationship to the cost of 83894
administering and enforcing the provisions of Chapters 3781. and 83895
3791. of the Revised Code. 83896

(B) In addition to the fee assessed in division (A) of this 83897
section, the board shall assess a fee of not more than five 83898
dollars for each application for acceptance and approval of plans 83899
and specifications and for making inspections pursuant to section 83900
3791.04 of the Revised Code. The board shall adopt rules, in 83901
accordance with Chapter 119. of the Revised Code, specifying the 83902
manner by which the superintendent of ~~the division of industrial~~ 83903
~~compliance~~ labor shall collect and remit to the board the fees 83904
assessed under this division and requiring that remittance of the 83905
fees be made at least quarterly. 83906

(C) Any person who fails to pay an inspection fee required 83907
for any inspection conducted by the department of commerce 83908
pursuant to Chapters 3781. and 3791. of the Revised Code, except 83909
for fees charged for the inspection of plans and specifications, 83910
within forty-five days after the inspection is conducted, shall 83911
pay a late payment fee equal to twenty-five per cent of the 83912
inspection fee. 83913

(D) The board shall pay the fees assessed under this section 83914
into the state treasury to the credit of the ~~industrial compliance~~ 83915
labor operating fund created in section 121.084 of the Revised 83916
Code. 83917

Sec. 3793.02. (A) The department of alcohol and drug 83918
addiction services shall promote, assist in developing, and 83919
coordinate or conduct programs of education and research for the 83920
prevention of alcohol and drug addiction, the prevention of 83921
gambling addiction, the treatment, including intervention, of 83922
alcoholics and persons who abuse drugs of abuse, including 83923
anabolic steroids, and the treatment, including intervention, of 83924

persons with gambling addictions. Programs established by the 83925
department shall include abstinence-based prevention and treatment 83926
programs. 83927

(B) In addition to the other duties prescribed by this 83928
chapter, the department shall do all of the following: 83929

(1) Promote and coordinate efforts in the provision of 83930
alcohol and drug addiction services and of gambling addiction 83931
services by other state agencies, as defined in section 1.60 of 83932
the Revised Code; courts; hospitals; clinics; physicians in 83933
private practice; public health authorities; boards of alcohol, 83934
drug addiction, and mental health services; alcohol and drug 83935
addiction programs; law enforcement agencies; gambling addiction 83936
programs; and related groups; 83937

(2) Provide for education and training in prevention, 83938
diagnosis, treatment, and control of alcohol and drug addiction 83939
and of gambling addiction for medical students, physicians, 83940
nurses, social workers, professional counselors, psychologists, 83941
and other persons who provide alcohol and drug addiction services 83942
or gambling addiction services; 83943

(3) Provide training and consultation for persons who 83944
supervise alcohol and drug addiction programs and facilities or 83945
gambling addiction programs and facilities; 83946

(4) Develop measures for evaluating the effectiveness of 83947
alcohol and drug addiction services, including services that use 83948
methadone treatment, and of gambling addiction services, and for 83949
increasing the accountability of alcohol and drug addiction 83950
programs and of gambling addiction programs; 83951

(5) Provide to each court of record, and biennially update, a 83952
list of the treatment and education programs within that court's 83953
jurisdiction that the court may require an offender, sentenced 83954

pursuant to section 4511.19 of the Revised Code, to attend;	83955
(6) ~~Print and distribute~~ <u>Make</u> the warning sign described in sections 3313.752, 3345.41, and 3707.50 of the Revised Code available on the department's internet web site;	83956 83957 83958
(7) Provide a program of gambling addiction services on behalf of the state lottery commission, pursuant to an agreement entered into with the director of the commission under division (K) of section 3770.02 of the Revised Code.	83959 83960 83961 83962
(C) The department may accept and administer grants from public or private sources for carrying out any of the duties enumerated in this section.	83963 83964 83965
(D) Pursuant to Chapter 119. of the Revised Code, the department shall adopt a rule defining the term "intervention" as it is used in this chapter in connection with alcohol and drug addiction services and in connection with gambling addiction services. The department may adopt other rules as necessary to implement the requirements of this chapter.	83966 83967 83968 83969 83970 83971
Sec. 3793.04. The department of alcohol and drug addiction services shall develop, administer, and revise as necessary a comprehensive statewide alcohol and drug addiction services plan for the implementation of this chapter. The plan shall emphasize abstinence from the use of alcohol and drugs of abuse as the primary goal of alcohol and drug addiction services. The council on alcohol and drug addiction services shall advise the department in the development and implementation of the plan.	83972 83973 83974 83975 83976 83977 83978 83979
The plan shall provide for the allocation of state and federal funds for service furnished by alcohol and drug addiction programs under contract with boards of alcohol, drug addiction, and mental health services and for distribution of the funds to such boards. The plan shall specify the methodology that the	83980 83981 83982 83983 83984

department will use for determining how funds will be allocated 83985
and distributed. A portion of the funds shall be allocated on the 83986
basis of the ratio of the population of each alcohol, drug 83987
addiction, and mental health service district to the total 83988
population of the state as determined from the most recent federal 83989
census or the most recent official estimate made by the United 83990
States census bureau. 83991

The plan shall ensure that alcohol and drug addiction 83992
services of a high quality are accessible to, and responsive to 83993
the needs of, all persons, especially those who are members of 83994
underserved groups, including, but not limited to, African 83995
Americans, Hispanics, native Americans, Asians, juvenile and adult 83996
offenders, women, and persons with special services needs due to 83997
age or disability. The plan shall include a program to promote and 83998
protect the rights of those who receive services. 83999

To aid in formulating the plan and in evaluating the 84000
effectiveness and results of alcohol and drug addiction services, 84001
the department, in consultation with the department of mental 84002
health, shall establish and maintain an information system or 84003
systems. The department of alcohol and drug addiction services 84004
shall specify the information that must be provided by boards of 84005
alcohol, drug addiction, and mental health services and by alcohol 84006
and drug addiction programs for inclusion in the system. The 84007
department shall not collect any personal information ~~for the~~ 84008
~~purpose of identifying by name any person who receives a service~~ 84009
~~through a board, from the boards~~ except as required or permitted 84010
by the state or federal law ~~to validate appropriate reimbursement~~ 84011
for purposes related to payment, health care operations, program 84012
and service evaluation, reporting activities, research, system 84013
administration, and oversight. 84014

In consultation with boards, programs, and persons receiving 84015
services, the department shall establish guidelines for the use of 84016

state and federal funds and for the boards' development of plans 84017
for services required by sections 340.033 and 3793.05 of the 84018
Revised Code. 84019

In any fiscal year, the department shall spend, or allocate 84020
to boards, for methadone maintenance programs or any similar 84021
programs not more than eight per cent of the total amount 84022
appropriated to the department for the fiscal year. 84023

Sec. 3793.21. (A) As used in this section, "administrative 84024
function" means a function related to one or more of the 84025
following: 84026

(1) Continuous quality improvement; 84027

(2) Utilization review; 84028

(3) Resource development; 84029

(4) Fiscal administration; 84030

(5) General administration; 84031

(6) Any other function related to administration that is 84032
required by Chapter 340. of the Revised Code. 84033

(B) Each board of alcohol, drug addiction, and mental health 84034
services shall submit an annual report to the department of 84035
alcohol and drug addiction services specifying how the board used 84036
state and federal funds allocated to the board, according to the 84037
methodology the department specifies under section 3793.04 of the 84038
Revised Code, for administrative functions in the year preceding 84039
the report's submission. The director of alcohol and drug 84040
addiction shall establish the date by which the report must be 84041
submitted each year. 84042

Sec. 3901.381. (A) Except as provided in sections 3901.382, 84043

3901.383, 3901.384, and 3901.386 of the Revised Code, a 84044
third-party payer shall process a claim for payment for health 84045
care services rendered by a provider to a beneficiary in 84046
accordance with this section. 84047

(B)(1) Unless division (B)(2) or (3) of this section applies, 84048
when a third-party payer receives from a provider or beneficiary a 84049
claim on the standard claim form prescribed in rules adopted by 84050
the superintendent of insurance under section 3902.22 of the 84051
Revised Code, the third-party payer shall pay or deny the claim 84052
not later than thirty days after receipt of the claim. When a 84053
third-party payer denies a claim, the third-party payer shall 84054
notify the provider and the beneficiary. The notice shall state, 84055
with specificity, why the third-party payer denied the claim. 84056

(2)(a) Unless division (B)(3) of this section applies, when a 84057
provider or beneficiary has used the standard claim form, but the 84058
third-party payer determines that reasonable supporting 84059
documentation is needed to establish the third-party payer's 84060
responsibility to make payment, the third-party payer shall pay or 84061
deny the claim not later than forty-five days after receipt of the 84062
claim. Supporting documentation includes the verification of 84063
employer and beneficiary coverage under a benefits contract, 84064
confirmation of premium payment, medical information regarding the 84065
beneficiary and the services provided, information on the 84066
responsibility of another third-party payer to make payment or 84067
confirmation of the amount of payment by another third-party 84068
payer, and information that is needed to correct material 84069
deficiencies in the claim related to a diagnosis or treatment or 84070
the provider's identification. 84071

Not later than thirty days after receipt of the claim, the 84072
third-party payer shall notify all relevant external sources that 84073
the supporting documentation is needed. All such notices shall 84074
state, with specificity, the supporting documentation needed. If 84075

the notice was not provided in writing, the provider, beneficiary, 84076
or third-party payer may request the third-party payer to provide 84077
the notice in writing, and the third-party payer shall then 84078
provide the notice in writing. If any of the supporting 84079
documentation is under the control of the beneficiary, the 84080
beneficiary shall provide the supporting documentation to the 84081
third-party payer. 84082

The number of days that elapse between the third-party 84083
payer's last request for supporting documentation within the 84084
thirty-day period and the third-party payer's receipt of all of 84085
the supporting documentation that was requested shall not be 84086
counted for purposes of determining the third-party payer's 84087
compliance with the time period of not more than forty-five days 84088
for payment or denial of a claim. Except as provided in division 84089
(B)(2)(b) of this section, if the third-party payer requests 84090
additional supporting documentation after receiving the initially 84091
requested documentation, the number of days that elapse between 84092
making the request and receiving the additional supporting 84093
documentation shall be counted for purposes of determining the 84094
third-party payer's compliance with the time period of not more 84095
than forty-five days. 84096

(b) If a third-party payer determines, after receiving 84097
initially requested documentation, that it needs additional 84098
supporting documentation pertaining to a beneficiary's preexisting 84099
condition, which condition was unknown to the third-party payer 84100
and about which it was reasonable for the third-party payer to 84101
have no knowledge at the time of its initial request for 84102
documentation, and the third-party payer subsequently requests 84103
this additional supporting documentation, the number of days that 84104
elapse between making the request and receiving the additional 84105
supporting documentation shall not be counted for purposes of 84106
determining the third-party payer's compliance with the time 84107
period of not more than forty-five days. 84108

(c) When a third-party payer denies a claim, the third-party payer shall notify the provider and the beneficiary. The notice shall state, with specificity, why the third-party payer denied the claim.

(d) If a third-party payer determines that supporting documentation related to medical information is routinely necessary to process a claim for payment of a particular health care service, the third-party payer shall establish a description of the supporting documentation that is routinely necessary and make the description available to providers in a readily accessible format.

Third-party payers and providers shall, in connection with a claim, use the most current CPT code in effect, as published by the American medical association, the most current ICD-9 code in effect, as published by the United States department of health and human services, the most current CDT code in effect, as published by the American dental association, or the most current HCPCS code in effect, as published by the United States health care financing administration.

(3) When a provider or beneficiary submits a claim by using the standard claim form prescribed in the superintendent's rules, but the information provided in the claim is materially deficient, the third-party payer shall notify the provider or beneficiary not later than fifteen days after receipt of the claim. The notice shall state, with specificity, the information needed to correct all material deficiencies. Once the material deficiencies are corrected, the third-party payer shall proceed in accordance with division (B)(1) or (2) of this section.

It is not a violation of the notification time period of not more than fifteen days if a third-party payer fails to notify a provider or beneficiary of material deficiencies in the claim

related to a diagnosis or treatment or the provider's 84140
identification. A third-party payer may request the information 84141
necessary to correct these deficiencies after the end of the 84142
notification time period. Requests for such information shall be 84143
made as requests for supporting documentation under division 84144
(B)(2) of this section, and payment or denial of the claim is 84145
subject to the time periods specified in that division. 84146

(C) For purposes of this section, if a dispute exists between 84147
a provider and a third-party payer as to the day a claim form was 84148
received by the third-party payer, both of the following apply: 84149

(1) If the provider or a person acting on behalf of the 84150
provider submits a claim directly to a third-party payer by mail 84151
and retains a record of the day the claim was mailed, there exists 84152
a rebuttable presumption that the claim was received by the 84153
third-party payer on the fifth business day after the day the 84154
claim was mailed, unless it can be proven otherwise. 84155

(2) If the provider or a person acting on behalf of the 84156
provider submits a claim directly to a third-party payer 84157
electronically, there exists a rebuttable presumption that the 84158
claim was received by the third-party payer twenty-four hours 84159
after the claim was submitted, unless it can be proven otherwise. 84160

(D) Nothing in this section requires a third-party payer to 84161
provide more than one notice to an employer whose premium for 84162
coverage of employees under a benefits contract has not been 84163
received by the third-party payer. 84164

(E) Compliance with the provisions of division (B)(3) of this 84165
section shall be determined separately from compliance with the 84166
provisions of divisions (B)(1) and (2) of this section. 84167

(F) A third party payer shall transmit electronically any 84168
payment with respect to claims that the third party payer receives 84169

electronically and pays to a contracted provider under this 84170
section and under sections 3901.383, 3901.384, and 3901.386 of 84171
the Revised Code. A provider shall not refuse to accept a payment 84172
made under this section or sections 3901.383, 3901.384, and 84173
3901.386 of the Revised Code on the basis that the payment was 84174
transmitted electronically. 84175

Sec. 3901.3812. (A) If, after completion of an examination 84176
involving information collected from a six-month period, the 84177
superintendent finds that a third-party payer has committed a 84178
series of violations that, taken together, constitutes a 84179
consistent pattern or practice of violating division (A) of 84180
section 3901.3811 of the Revised Code, the superintendent may 84181
impose on the third-party payer any of the administrative remedies 84182
specified in division (B) of this section. In making a finding 84183
under this division, the superintendent shall apply the error 84184
tolerance standards for claims processing contained in the market 84185
conduct examiners handbook issued by the national association of 84186
insurance commissioners in effect at the time the claims were 84187
processed. 84188

Before imposing an administrative remedy, the superintendent 84189
shall provide written notice to the third-party payer informing 84190
the third-party payer of the reasons for the superintendent's 84191
finding, the administrative remedy the superintendent proposes to 84192
impose, and the opportunity to submit a written request for an 84193
administrative hearing regarding the finding and proposed remedy. 84194
If the third-party payer requests a hearing, the superintendent 84195
shall conduct the hearing in accordance with Chapter 119. of the 84196
Revised Code not later than fifteen days after receipt of the 84197
request. 84198

(B)(1) In imposing administrative remedies under division (A) 84199
of this section for violations of section 3901.381 of the Revised 84200
Code, the superintendent may do any of the following: 84201

(a) Levy a monetary penalty in an amount determined in accordance with division (B)(3) of this section;	84202 84203
(b) Order the payment of interest directly to the provider in accordance with section 3901.389 of the Revised Code;	84204 84205
(c) Order the third-party payer to cease and desist from engaging in the violations;	84206 84207
(d) If a monetary penalty is not levied under division (B)(1)(a) of this section, impose any of the administrative remedies provided for in section 3901.22 of the Revised Code, other than those specified in divisions (D)(4) and (5) and (G) of that section.	84208 84209 84210 84211 84212
(2) In imposing administrative remedies under division (A) of this section for violations of sections 3901.384 to 3901.3810 of the Revised Code, the superintendent may do any of the following:	84213 84214 84215 84216
(a) Levy a monetary penalty in an amount determined in accordance with division (B)(3) of this section;	84217 84218
(b) Order the payment of interest directly to the provider in accordance with section 3901.38 of the Revised Code;	84219 84220
(c) Order the third-party payer to cease and desist from engaging in the violations;	84221 84222
(d) If a monetary penalty is not levied under division (B)(2)(a) of this section, impose any of the administrative remedies provided for in section 3901.22 of the Revised Code, other than those specified in divisions (D)(4) and (5) and (G) of that section. For violations of sections 3901.384 to 3901.3810 of the Revised Code that did not comply with section 3901.381 of the Revised Code, the superintendent may also use section 3901.22 of	84223 84224 84225 84226 84227 84228 84229

the Revised Code except divisions (D)(4) and (5) of that section. 84230

(3) A finding by the superintendent that a third-party payer 84231
has committed a series of violations that, taken together, 84232
constitutes a consistent pattern or practice of violating division 84233
(A) of section 3901.3811 of the Revised Code, shall constitute a 84234
single offense for purposes of levying a fine under division 84235
(B)(1)(a) and (B)(2)(a) of this section. For a first offense, the 84236
superintendent may levy a fine of not more than one hundred 84237
thousand dollars. For a second offense that occurs on or earlier 84238
than four years from the first offense, the superintendent may 84239
levy a fine of not more than one hundred fifty thousand dollars. 84240
For a third or additional offense that occurs on or earlier than 84241
seven years after a first offense, the superintendent may levy a 84242
fine of not more than three hundred thousand dollars. In 84243
determining the amount of a fine to be levied within the specified 84244
limits, the superintendent shall consider the following factors: 84245

(a) The extent and frequency of the violations; 84246

(b) Whether the violations were due to circumstances beyond 84247
the third-party payer's control; 84248

(c) Any remedial actions taken by the third-party payer to 84249
prevent future violations; 84250

(d) The actual or potential harm to others resulting from the 84251
violations; 84252

(e) If the third-party payer knowingly and willingly 84253
committed the violations; 84254

(f) The third-party payer's financial condition; 84255

(g) Any other factors the superintendent considers 84256
appropriate. 84257

(C) The remedies imposed by the superintendent under this	84258
section are in addition to, and not in lieu of, such other	84259
remedies as providers and beneficiaries may otherwise have by law.	84260
(D) Any fine collected under this section shall be paid into	84261
the state treasury as follows:	84262
(1) Twenty-five per cent of the total to the credit of the	84263
department of insurance operating fund created by section 3901.021	84264
of the Revised Code;	84265
(2) Sixty-five per cent of the total to the credit of the	84266
general revenue fund;	84267
(3) Ten per cent of the total to the credit of claims	84268
processing education ~~fund~~ account, which is hereby created <u>within</u>	84269
<u>the department of insurance operating fund created by section</u>	84270
<u>3901.021 of the Revised Code.</u>	84271
All money credited to the claims processing education ~~fund~~	84272
<u>account</u> shall be used by the department of insurance to make	84273
technical assistance available to third-party payers, providers,	84274
and beneficiaries for effective implementation of the provisions	84275
of sections 3901.38 and 3901.381 to 3901.3814 of the Revised Code.	84276
<u>Sec. 3903.77. (A) Every property and casualty insurance</u>	84277
<u>company doing business in this state, except as exempted by the</u>	84278
<u>superintendent of insurance, annually, shall cause to be prepared</u>	84279
<u>by a qualified actuary, appointed by the company, the following</u>	84280
<u>documents:</u>	84281
<u>(1) An actuarial opinion that certifies to the reasonableness</u>	84282
<u>of the insurance company's reserves and that shall be entitled a</u>	84283
<u>"statement of actuarial opinion";</u>	84284

(2) A summary that shall be in support of the statement of actuarial opinion and that shall be entitled an "actuarial opinion summary." An insurance company licensed but not domiciled in this state need not include the actuarial opinion summary in its submissions to the superintendent but shall make the summary available to the superintendent upon request.

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(B) The insurance company annually shall submit the documents prepared pursuant to division (A) of this section to the superintendent in accordance with the national association of insurance commissioners' property and casualty annual statement instructions.

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(C)(1) Every property and casualty insurance company doing business in this state shall prepare an actuarial report and underlying work papers to support the statement of actuarial opinion and the actuarial opinion summary required under division (A) of this section in accordance with the national association of insurance commissioners' property and casualty statement instructions. The insurance company shall make the actuarial report and underlying work papers available to the superintendent upon request.

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(2) If an insurance company fails to provide the actuarial report or work papers at the request of the superintendent pursuant to division (C)(1) of this section or the superintendent determines that the actuarial report or work papers provided are unacceptable, the superintendent may contract with a qualified actuary at the expense of the insurance company to review the statement of actuarial opinion provided by the insurance company pursuant to division (A) of this section and the basis for that opinion and to prepare an actuarial report and work papers.

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(D) Except in cases of fraud or willful misconduct on the part of the actuary, no actuary appointed by an insurance company to prepare the statement of actuarial opinion and actuarial

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opinion summary required under division (A) of this section is 84317
liable for damages to any person except the insurance company and 84318
the superintendent for any act, error, omission, decision, or 84319
conduct with respect to the actuary's opinion. 84320

(E) The statement of actuarial opinion required under 84321
division (A) of this section is a public document and a public 84322
record as defined in section 149.43 of the Revised Code. However, 84323
the actuarial opinion summary, actuarial report, work papers, and 84324
any documents, materials or other information provided in support 84325
of the statement of actuarial opinion are privileged and 84326
confidential, are not a public record, and are not subject to 84327
subpoena or to discovery, and are not admissible in evidence in 84328
any private civil action. 84329

Neither the superintendent nor any person who receives 84330
documents, materials, or other information required to be kept 84331
confidential under this division while acting under the authority 84332
of the superintendent shall testify in any private civil action 84333
concerning any documents, materials, or other information required 84334
to be kept confidential under this division. 84335

This section shall not be construed to limit the 84336
superintendent's authority to release documents to the actuarial 84337
board for counseling and discipline so long as the documents are 84338
necessary for the purpose of professional disciplinary proceedings 84339
and the actuarial board for counseling and discipline establishes 84340
procedures satisfactory to the superintendent for preserving the 84341
confidentiality of the documents. Neither shall this section be 84342
construed to limit the superintendent's authority to use 84343
documents, materials, nor other information in furtherance of any 84344
regulatory or legal action brought as part of the superintendent's 84345
official duties. 84346

(F) In order to assist in the performance of the 84347
superintendent's duties, the superintendent may do all of the 84348

following: 84349

(1) Share documents, materials, or other information, 84350
including any documents, materials, or other information required 84351
to be kept confidential under division (E) of this section, with 84352
other state, federal, and international regulatory and law 84353
enforcement agencies and with the national association of 84354
insurance commissioners including its affiliates and subsidiaries 84355
if the recipient agrees to maintain the confidentiality and 84356
privileged status of the document, material, or other information 84357
and has the legal authority to maintain confidentiality; 84358

(2) Receive documents, materials, or other information, 84359
including otherwise confidential and privileged documents, 84360
materials, and information from other state, federal, and 84361
international regulatory and law enforcement agencies and from the 84362
national association of insurance commissioners including its 84363
affiliates and subsidiaries. The superintendent shall maintain the 84364
confidentiality and privileged status of any document, material, 84365
or other information received with notice of confidential and 84366
privileged status under the laws of the jurisdiction that is the 84367
source of the document, material, or information. 84368

(3) Enter into agreements consistent with divisions (E) and 84369
(F) of this section for the sharing and use of information. 84370

(G) No waiver of any privilege or claim of confidentiality of 84371
documents, materials, or other information shall occur as a result 84372
of any disclosure to the superintendent under this section or as a 84373
result of any sharing of documents, materials, or other 84374
information authorized by the superintendent under division (G) of 84375
this section. 84376

(H) As used in this section, "qualified actuary" means a 84377
person who is a member in good standing of the American academy of 84378
actuaries and who meets the requirements identified in the 84379

national association of insurance commissioners' property and 84380
casualty statement instructions. 84381

Sec. 3923.021. (A) As used in this section, "benefits: 84382

(1) "Benefits provided are not unreasonable in relation to 84383
the premium charged" means the rates were calculated in accordance 84384
with sound actuarial principles. 84385

(2) "Individual policy of sickness and accident insurance" 84386
includes sickness and accident insurance made available by 84387
insurers in the individual market to individuals, with or without 84388
family members or dependents, through group policies issued to one 84389
or more associations or entities. 84390

(B) With respect to any filing, made pursuant to section 84391
3923.02 of the Revised Code, of any premium rates for any 84392
individual policy of sickness and accident insurance or 84393
certificates made available by an insurer to individuals in the 84394
individual market through a group policy or for any indorsement or 84395
rider pertaining thereto, the superintendent of insurance may, 84396
within thirty days after filing: 84397

(1) Disapprove such filing after finding that the benefits 84398
provided are unreasonable in relation to the premium charged. 84399
Such disapproval shall be effected by written order of the 84400
superintendent, a copy of which shall be mailed to the insurer 84401
that has made the filing. In the order, the superintendent shall 84402
specify the reasons for the disapproval and state that a hearing 84403
will be held within fifteen days after requested in writing by the 84404
insurer. If a hearing is so requested, the superintendent shall 84405
also give such public notice as the superintendent considers 84406
appropriate. The superintendent, within fifteen days after the 84407
commencement of any hearing, shall issue a written order, a copy 84408
of which shall be mailed to the insurer that has made the filing, 84409
either affirming the prior disapproval or approving such filing 84410

after finding that the benefits provided are not unreasonable in relation to the premium charged. 84411
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(2) Set a date for a public hearing to commence no later than 84413
forty days after the filing. The superintendent shall give the 84414
insurer making the filing twenty days' written notice of the 84415
hearing and shall give such public notice as the superintendent 84416
considers appropriate. The superintendent, within twenty days 84417
after the commencement of a hearing, shall issue a written order, 84418
a copy of which shall be mailed to the insurer that has made the 84419
filing, either approving such filing if the superintendent finds 84420
that the benefits provided are not unreasonable in relation to the 84421
premium charged, or disapproving such filing if the superintendent 84422
finds that the benefits provided are unreasonable in relation to 84423
the premium charged. This division does not apply to any insurer 84424
organized or transacting the business of insurance under Chapter 84425
3907. or 3909. of the Revised Code. 84426

(3) Take no action, in which case such filing shall be deemed 84427
to be approved and shall become effective upon the thirty-first 84428
day after such filing, unless the superintendent has previously 84429
given to the insurer a written approval. 84430

(C) At any time after any filing has been approved pursuant 84431
to this section, the superintendent may, after a hearing of which 84432
at least twenty days' written notice has been given to the insurer 84433
that has made such filing and for which such public notice as the 84434
superintendent considers appropriate has been given, withdraw 84435
approval of such filing after finding that the benefits provided 84436
are unreasonable in relation to the premium charged. Such 84437
withdrawal of approval shall be effected by written order of the 84438
superintendent, a copy of which shall be mailed to the insurer 84439
that has made the filing, which shall state the ground for such 84440
withdrawal and the date, not less than forty days after the date 84441
of such order, when the withdrawal or approval shall become 84442

effective. 84443

(D) The superintendent may retain at the insurer's expense 84444
such attorneys, actuaries, accountants, and other experts not 84445
otherwise a part of the superintendent's staff as shall be 84446
reasonably necessary to assist in the preparation for and conduct 84447
of any public hearing under this section. The expense for 84448
retaining such experts and the expenses of the department of 84449
insurance incurred in connection with such public hearing shall be 84450
assessed against the insurer in an amount not to exceed one 84451
one-hundredth of one per cent of the sum of premiums earned plus 84452
net realized investment gain or loss of such insurer as reflected 84453
in the most current annual statement on file with the 84454
superintendent. Any person retained shall be under the direction 84455
and control of the superintendent and shall act in a purely 84456
advisory capacity. 84457

Sec. 3923.022. (A) As used in this section: 84458

(1)(a) "Administrative expense" means the amount resulting 84459
from the following: the amount of premiums ~~received~~earned by the 84460
insurer for sickness and accident insurance business plus the 84461
amount of losses recovered from reinsurance coverage minus the sum 84462
of the amount of claims for losses paid; the amount of losses 84463
incurred but not reported; the amount ~~paid~~incurred for state 84464
fees, federal and state taxes, and reinsurance; and the incurred 84465
costs and expenses related, either directly or indirectly, to the 84466
payment of commissions, measures to control fraud, and managed 84467
care. 84468

(b) "Administrative expense" does not include any amounts 84469
collected, or administrative expenses incurred, by an insurer for 84470
the administration of an employee health benefit plan subject to 84471
regulation by the federal "Employee Retirement Income Security Act 84472
of 1974," 88 Stat. 832, 29 U.S.C.A. 1001, as amended. "Amounts 84473
collected or administrative expenses incurred" means the total 84474

amount paid to an administrator for the administration and payment 84475
of claims minus the sum of the amount of claims for losses paid 84476
and the amount of losses incurred but not reported. 84477

(2) "Insurer" means any insurance company authorized under 84478
Title XXXIX of the Revised Code to do the business of sickness and 84479
accident insurance in this state. 84480

(3) "Sickness and accident insurance business" does not 84481
include coverage provided by an insurer for specific diseases or 84482
accidents only; any hospital indemnity, medicare supplement, 84483
long-term care, disability income, one-time-limited-duration 84484
policy of no longer than six months, or other policy that offers 84485
only supplemental benefits; or coverage provided to individuals 84486
who are not residents of this state. 84487

(4) "Individual business" includes both individual sickness 84488
and accident insurance and sickness and accident insurance made 84489
available by insurers in the individual market to individuals, 84490
with or without family members or dependents, through group 84491
policies issued to one or more associations or entities. 84492

(B) Notwithstanding section 3941.14 of the Revised Code, the 84493
following apply to every insurer: 84494

~~(1) For calendar year 1993, each insurer shall have aggregate 84495~~
~~administrative expenses of no more than forty per cent of the 84496~~
~~premium income of the insurer, based on the premiums received in 84497~~
~~that year on the sickness and accident insurance business of the 84498~~
~~insurer. 84499~~

~~(2) For calendar year 1994, each insurer shall have aggregate 84500~~
~~administrative expenses of no more than thirty per cent of the 84501~~
~~premium income of the insurer, based on the premiums received in 84502~~
~~that year on the sickness and accident insurance business of the 84503~~
~~insurer. 84504~~

~~(3) For calendar year 1995, each insurer shall have aggregate administrative expenses of no more than twenty-five per cent of the premium income of the insurer, based on the premiums received in that year on the sickness and accident insurance business of the insurer.~~

(4) For calendar year 1996 and every calendar year thereafter, each insurer shall have aggregate administrative expenses of no more than twenty per cent of the premium income of the insurer, based on the premiums ~~received~~earned in that year on the sickness and accident insurance business of the insurer.

(C)(1) Each insurer, on the first day of January or within sixty days thereafter, shall annually prepare, under oath, and deposit in the office of the superintendent of insurance a statement of the aggregate administrative expenses of the insurer, based on the premiums ~~received~~earned in the immediately preceding calendar year on the sickness and accident insurance business of the insurer. The statement shall itemize and separately detail all of the following information with respect to the insurer's sickness and accident insurance business:

(a) The amount of premiums earned by the insurer both before and after any costs related to the insurer's purchase of reinsurance coverage;

(b) The total amount of claims for losses paid by the insurer both before and after any reimbursement from reinsurance coverage;

(c) The amount of any losses incurred by the insurer but not reported by the insurer in the current or prior year;

(d) The amount of costs incurred by the insurer for state fees and federal and state taxes;

<u>(e) The amount of costs incurred by the insurer for reinsurance coverage;</u>	84533 84534
<u>(f) The amount of costs incurred by the insurer that are related to the insurer's payment of commissions;</u>	84535 84536
<u>(g) The amount of costs incurred by the insurer that are related to the insurer's fraud prevention measures;</u>	84537 84538
<u>(h) The amount of costs incurred by the insurer that are related to managed care; and</u>	84539 84540
<u>(i) Any other administrative expenses incurred by the insurer.</u>	84541 84542
<u>(2) The statement also shall include all of the information required under division (C)(1) of this section separately detailed for the insurer's individual business, small group business, and large group business.</u>	84543 84544 84545 84546
(D) No insurer shall fail to comply with ~~division (B)~~ of this section.	84547 84548
(E) If the superintendent determines that an insurer has violated ~~division (D)~~ of this section, the superintendent, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, may order the suspension of the insurer's license to do the business of sickness and accident insurance in this state until the superintendent is satisfied that the insurer is in compliance with ~~division (B)~~ of this section. If the insurer continues to do the business of sickness and accident insurance in this state while under the suspension order, the superintendent shall order the insurer to pay one thousand dollars for each day of the violation.	84549 84550 84551 84552 84553 84554 84555 84556 84557 84558 84559
(F) Any money collected by the superintendent under division	84560

(E) of this section shall be deposited by ~~him~~the superintendent 84561
into the state treasury to the credit of the department of 84562
insurance operating fund. 84563

(G) The statement of aggregate expenses filed pursuant to 84564
this section separately detailing an insurer's individual, small 84565
group, and large group business shall be considered work papers 84566
resulting from the conduct of a market analysis of an entity 84567
subject to examination by the superintendent under division (C) 84568
of section 3901.48 of the Revised Code, except that the 84569
superintendent may share aggregated market information that 84570
identifies the premiums earned as reported under division 84571
(C)(1)(a) of this section, the administrative expenses reported 84572
under division (C)(1)(i) of this section, the amount of 84573
commissions reported under division (C)(1)(f) of this section, the 84574
amount of taxes paid as reported under division (C)(1)(d) of this 84575
section, the total of the remaining benefit costs as reported 84576
under divisions (C)(1)(b) and (c) of this section, and the amount 84577
of fraud and managed care expenses reported under divisions 84578
(C)(1)(g) and (h) of this section. 84579

Sec. 3923.11. (A) Sickness and accident insurance on a 84580
franchise plan is that form of sickness and accident insurance 84581
issued to either of the following: 84582

(A)(1) Five or more or, with respect to long-term care or 84583
disability income insurance, two or more employees of any 84584
corporation, copartnership, or individual employer, or of any 84585
governmental corporation or agency or a department thereof; 84586

(B)(2) Ten or more or, with respect to long-term care or 84587
disability income insurance, two or more members of any trade or 84588
professional association, or labor union, or any other association 84589
having had an active existence for at least two years where such 84590
association or union has a constitution or bylaws and is formed in 84591
good faith for purposes other than that of obtaining insurance. ~~In~~ 84592

(B) In order that such sickness and accident insurance be considered as issued on a franchise plan, such employees or such members, with or without one or more of their dependents and members of their immediate families, must be issued the same form of an individual policy, varying only as to amounts and kinds of coverage applied for by such employees or such members, under an arrangement by which the premiums on such policies may be paid to the insurer periodically by the employer, with or without payroll deductions, or by the association for its members, or by some designated person acting on behalf of such employer or association.

Sec. 3923.122. (A) Every policy of group sickness and accident insurance providing hospital, surgical, or medical expense coverage for other than specific diseases or accidents only, and delivered, issued for delivery, or renewed in this state on or after January 1, 1976, shall include a provision giving each insured the option to convert to the following:

(1) In the case of an individual who is not a federally eligible individual, any of the individual policies of hospital, surgical, or medical expense insurance then being issued by the insurer with benefit limits not to exceed those in effect under the group policy;

(2) In the case of a federally eligible individual, a basic or standard plan established ~~by the board of directors of the Ohio health reinsurance program~~ in accordance with section 3924.10 of the Revised Code or plans substantially similar to the basic and standard plan in benefit design and scope of covered services. For purposes of division (A)(2) of this section, the superintendent of insurance shall determine whether a plan is substantially similar to the basic or standard plan in benefit design and scope of covered services.

(B) An option for conversion to an individual policy shall be available without evidence of insurability to every insured, including any person eligible under division (D) of this section, who terminates employment or membership in the group holding the policy after having been continuously insured thereunder for at least one year.

Upon receipt of the insured's written application and upon payment of at least the first quarterly premium not later than thirty-one days after the termination of coverage under the group policy, the insurer shall issue a converted policy on a form then available for conversion. The premium shall be in accordance with the insurer's table of premium rates in effect on the later of the following dates:

(1) The effective date of the converted policy;

(2) The date of application therefor; and shall be applicable to the class of risk to which each person covered belongs and to the form and amount of the policy at the person's then attained age. However, premiums charged federally eligible individuals may not exceed ~~an amount that is two times the midpoint of the standard~~ the amounts specified below:

(a) For calendar years 2010 and 2011, an amount that is two times the base rate charged any other individual of a group to which the insurer is currently accepting new business and for which similar copayments and deductibles are applied;

(b) For calendar year 2012 and every year thereafter, an amount that is one and one-half times the base rate charged any other individual of a group to which the insurer is currently accepting new business and for which similar copayments and deductibles are applied, unless the superintendent of insurance determines that the amendments by this act to sections 3923.58 and 3923.581 of the Revised Code, have resulted in the

market-wide average medical loss ratio for coverage sold to 84655
individual insureds and nonemployer group insureds in this state, 84656
including open enrollment insureds, to increase by more than five 84657
and one quarter percentage points during calendar year 2010. If 84658
the superintendent makes that determination, the premium limit 84659
established by division (B)(2)(a) of this section shall remain 84660
in effect. 84661

At the election of the insurer, a separate converted policy 84662
may be issued to cover any dependent of an employee or member of 84663
the group. 84664

Except as provided in division (H) of this section, any 84665
converted policy shall become effective as of the day following 84666
the date of termination of insurance under the group policy. 84667

Any probationary or waiting period set forth in the converted 84668
policy is deemed to commence on the effective date of the 84669
insured's coverage under the group policy. 84670

(C) No insurer shall be required to issue a converted policy 84671
to any person who is, or is eligible to be, covered for benefits 84672
at least comparable to the group policy under: 84673

(1) Title XVIII of the Social Security Act, as amended or 84674
superseded; 84675

(2) Any act of congress or law under this or any other state 84676
of the United States that duplicates coverage offered under 84677
division (C)(1) of this section; 84678

(3) Any policy that duplicates coverage offered under 84679
division (C)(1) of this section; 84680

(4) Any other group sickness and accident insurance providing 84681
hospital, surgical, or medical expense coverage for other than 84682

specific diseases or accidents only.	84683
(D) The option for conversion shall be available:	84684
(1) Upon the death of the employee or member, to the	84685
surviving spouse with respect to such of the spouse and dependents	84686
as are then covered by the group policy;	84687
(2) To a child solely with respect to the child upon	84688
attaining the limiting age of coverage under the group policy	84689
while covered as a dependent thereunder;	84690
(3) Upon the divorce, dissolution, or annulment of the	84691
marriage of the employee or member, to the divorced spouse, or	84692
former spouse in the event of annulment, of such employee or	84693
member, or upon the legal separation of the spouse from such	84694
employee or member, to the spouse.	84695
Persons possessing the option for conversion pursuant to this	84696
division shall be considered members for the purposes of division	84697
(H) of this section.	84698
(E) If coverage is continued under a group policy on an	84699
employee following retirement prior to the time the employee is,	84700
or is eligible to be, covered by Title XVIII of the Social	84701
Security Act, the employee may elect, in lieu of the continuance	84702
of group insurance, to have the same conversion rights as would	84703
apply had the employee's insurance terminated at retirement by	84704
reason of termination of employment.	84705
(F) If the insurer and the group policyholder agree upon one	84706
or more additional plans of benefits to be available for converted	84707
policies, the applicant for the converted policy may elect such a	84708
plan in lieu of a converted policy.	84709
(G) The converted policy may contain provisions for avoiding	84710

duplication of benefits provided pursuant to divisions (C)(1), 84711
(2), (3), and (4) of this section or provided under any other 84712
insured or noninsured plan or program. 84713

(H) If an employee or member becomes entitled to obtain a 84714
converted policy pursuant to this section, and if the employee or 84715
member has not received notice of the conversion privilege at 84716
least fifteen days prior to the expiration of the thirty-one-day 84717
conversion period provided in division (B) of this section, then 84718
the employee or member has an additional period within which to 84719
exercise the privilege. This additional period shall expire 84720
fifteen days after the employee or member receives notice, but in 84721
no event shall the period extend beyond sixty days after the 84722
expiration of the thirty-one-day conversion period. 84723

Written notice presented to the employee or member, or mailed 84724
by the policyholder to the last known address of the employee or 84725
member as indicated on its records, constitutes notice for the 84726
purpose of this division. In the case of a person who is eligible 84727
for a converted policy under division (D)(2) or (D)(3) of this 84728
section, a policyholder shall not be responsible for presenting or 84729
mailing such notice, unless such policyholder has actual knowledge 84730
of the person's eligibility for a converted policy. 84731

If an additional period is allowed by an employee or member 84732
for the exercise of a conversion privilege, and if written 84733
application for the converted policy, accompanied by at least the 84734
first quarterly premium, is made after the expiration of the 84735
thirty-one-day conversion period, but within the additional period 84736
allowed an employee or member in accordance with this division, 84737
the effective date of the converted policy shall be the date of 84738
application. 84739

(I) The converted policy may provide that any hospital, 84740
surgical, or medical expense benefits otherwise payable with 84741
respect to any person may be reduced by the amount of any such 84742

benefits payable under the group policy for the same loss after termination of coverage.	84743 84744
(J) The converted policy may contain:	84745
(1) Any exclusion, reduction, or limitation contained in the group policy or customarily used in individual policies issued by the insurer;	84746 84747 84748
(2) Any provision permitted in this section;	84749
(3) Any other provision not prohibited by law.	84750
Any provision required or permitted in this section may be made a part of any converted policy by means of an endorsement or rider.	84751 84752 84753
(K) The time limit specified in a converted policy for certain defenses with respect to any person who was covered by a group policy shall commence on the effective date of such person's coverage under the group policy.	84754 84755 84756 84757
(L) No insurer shall use deterioration of health as the basis for refusing to renew a converted policy.	84758 84759
(M) No insurer shall use age or <u>health status</u> as the basis for refusing to renew a converted policy.	84760 84761
(N) A converted policy made available pursuant to this section shall, if delivery of the policy is to be made in this state, comply with this section. If delivery of a converted policy is to be made in another state, it may be on a form offered by the insurer in the jurisdiction where the delivery is to be made and which provides benefits substantially in compliance with those required in a policy delivered in this state.	84762 84763 84764 84765 84766 84767 84768
(O) As used in this section, ~~"federally~~ ;	84769

(1) "Base rate" means, as to any health benefit plan that is issued by an insurer in the individual market, the lowest premium rate for new or existing business prescribed by the insurer for the same or similar coverage under a plan or arrangement covering any individual of a group with similar case characteristics.

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(2) "Federally eligible individual" means an eligible individual as defined in 45 C.F.R. 148.103.

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Sec. 3923.24. ~~Every~~(A) Notwithstanding section 3901.71 of the Revised Code, every certificate furnished by an insurer in connection with, or pursuant to any provision of, any group sickness and accident insurance policy delivered, issued for delivery, renewed, or used in this state on or after January 1, 1972, ~~and~~ every policy of sickness and accident insurance delivered, issued for delivery, renewed, or used in this state on or after January 1, 1972, and every multiple employer welfare arrangement offering an insurance program, which provides that coverage of an unmarried dependent child of a parent or legal guardian will terminate upon attainment of the limiting age for dependent children specified in the contract shall also provide in substance that both of the following:

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(1) Once an unmarried child has attained the limiting age for dependent children, as provided in the policy, upon the request of the insured, the insurer shall offer to cover the unmarried child until the child attains twenty-eight years of age if all of the following are true:

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(a) The child is the natural child, stepchild, or adopted child of the insured.

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(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education.

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<u>(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage.</u>	84800
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<u>(d) After having attained the limiting age, the child has been continuously covered under any health benefit plan.</u>	84803
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<u>(e) The child is not eligible for coverage under the medicaid program established under Chapter 5111. of the Revised Code or the medicare program established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395.</u>	84805
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<u>(2) That attainment of ~~such~~the limiting age for dependent children shall not operate to terminate the coverage of ~~such a~~ dependent child if the child is and continues to be both of the following:</u>	84809
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~~(A)~~ <u>(a)</u> Incapable of self-sustaining employment by reason of mental retardation or physical handicap;	84813
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~~(B)~~ <u>(b)</u> Primarily dependent upon the policyholder or certificate holder for support and maintenance.	84815
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<u>(B) Proof of such incapacity and dependence for purposes of division (A)(2) of this section shall be furnished by the policyholder or by the certificate holder to the insurer within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually after the two-year period following the child's attainment of the limiting age, the insurer may require proof satisfactory to it of the continuance of such incapacity and dependency.</u>	84817
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<u>(C) Nothing in this section shall require an insurer to cover a dependent child who is mentally retarded or physically handicapped if the contract is underwritten on evidence of</u>	84825
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insurability based on health factors set forth in the application, 84828
or if such dependent child does not satisfy the conditions of the 84829
contract as to any requirement for evidence of insurability or 84830
other provision of the contract, satisfaction of which is required 84831
for coverage thereunder to take effect. In any such case, the 84832
terms of the contract shall apply with regard to the coverage or 84833
exclusion of the dependent from such coverage. Nothing in this 84834
section shall apply to accidental death or dismemberment benefits 84835
provided by any such policy of sickness and accident insurance. 84836

(D) Nothing in this section shall do any of the following: 84837

(1) Require that any policy offer coverage for dependent 84838
children or provide coverage for an unmarried dependent child's 84839
children as dependents on the policy; 84840

(2) Require an employer to pay for any part of the premium 84841
for an unmarried dependent child that has attained the limiting 84842
age for dependents, as provided in the policy; 84843

(3) Require an employer to offer health insurance coverage to 84844
the dependents of any employee. 84845

(E) This section does not apply to any policies or 84846
certificates covering only accident, credit, dental, disability 84847
income, long-term care, hospital indemnity, medicare supplement, 84848
specified disease, or vision care; coverage under a 84849
one-time-limited-duration policy of not longer than six months; 84850
coverage issued as a supplement to liability insurance; insurance 84851
arising out of a workers' compensation or similar law; automobile 84852
medical-payment insurance; or insurance under which benefits are 84853
payable with or without regard to fault and that is statutorily 84854
required to be contained in any liability insurance policy or 84855
equivalent self-insurance. 84856

(F) As used in this section, "health benefit plan" has the 84857

<u>same meaning as in section 3924.01 of the Revised Code and also</u>	84858
<u>includes both of the following:</u>	84859
<u>(1) A public employee benefit plan;</u>	84860
<u>(2) A health benefit plan as regulated under the "Employee</u>	84861
<u>Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq.</u>	84862
<u>Sec. 3923.241. (A) Notwithstanding section 3901.71 of the</u>	84863
<u>Revised Code, any public employee benefit plan that provides that</u>	84864
<u>coverage of an unmarried dependent child will terminate upon</u>	84865
<u>attainment of the limiting age for dependent children specified in</u>	84866
<u>the plan shall also provide in substance both of the following:</u>	84867
<u>(1) Once an unmarried child has attained the limiting age for</u>	84868
<u>dependent children, as provided in the plan, upon the request of</u>	84869
<u>the employee, the public employee benefit plan shall offer to</u>	84870
<u>cover the unmarried child until the child attains twenty-eight</u>	84871
<u>years of age if all of the following are true:</u>	84872
<u>(a) The child is the natural child, stepchild, or adopted</u>	84873
<u>child of the employee.</u>	84874
<u>(b) The child is a resident of this state or a full-time</u>	84875
<u>student at an accredited public or private institution of higher</u>	84876
<u>education.</u>	84877
<u>(c) The child is not employed by an employer that offers any</u>	84878
<u>health benefit plan under which the child is eligible for</u>	84879
<u>coverage.</u>	84880
<u>(d) After having attained the limiting age, the child has</u>	84881
<u>been continuously covered under any health benefit plan.</u>	84882
<u>(e) The child is not eligible for coverage under the medicaid</u>	84883
<u>program established under Chapter 5111. of the Revised Code or the</u>	84884

<u>medicare program established under Title XVIII of the "Social</u>	84885
<u>Security Act," 42 U.S.C. 1395.</u>	84886
<u>(2) That attainment of the limiting age for dependent</u>	84887
<u>children shall not operate to terminate the coverage of a</u>	84888
<u>dependent child if the child is and continues to be both of the</u>	84889
<u>following:</u>	84890
<u>(a) Incapable of self-sustaining employment by reason of</u>	84891
<u>mental retardation or physical handicap;</u>	84892
<u>(b) Primarily dependent upon the plan member for support and</u>	84893
<u>maintenance.</u>	84894
<u>(B) Proof of incapacity and dependence for purposes of</u>	84895
<u>division (A)(2) of this section shall be furnished to the public</u>	84896
<u>employee benefit plan within thirty-one days of the child's</u>	84897
<u>attainment of the limiting age. Upon request, but not more</u>	84898
<u>frequently than annually, the public employee benefit plan may</u>	84899
<u>require proof satisfactory to it of the continuance of such</u>	84900
<u>incapacity and dependency.</u>	84901
<u>(C) Nothing in this section shall do any of the following:</u>	84902
<u>(1) Require that any public employee benefit plan offer</u>	84903
<u>coverage for dependent children or provide coverage for an</u>	84904
<u>unmarried dependent child's children as dependents on the public</u>	84905
<u>employee benefit plan;</u>	84906
<u>(2) Require an employer to pay for any part of the premium</u>	84907
<u>for an unmarried dependent child that has attained the limiting</u>	84908
<u>age for dependents, as provided in the plan;</u>	84909
<u>(3) Require an employer to offer health insurance coverage to</u>	84910
<u>the dependents of any employee.</u>	84911

(D) This section does not apply to any public employee benefit plan covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, specified disease, or vision care; coverage under a one-time-limited-duration policy of not longer than six months; coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical-payment insurance; or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(E) As used in this section, "health benefit plan" has the same meaning as in section 3924.01 of the Revised Code and also includes both of the following:

(1) A public employee benefit plan;

(2) A health benefit plan as regulated under the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq.

Sec. 3923.58. (A) As used in sections 3923.58 and 3923.59 of the Revised Code:

(1) "Base rate" means, as to any health benefit plan that is issued by a carrier in the individual market, the lowest premium rate for new or existing business prescribed by the carrier for the same or similar coverage under a plan or arrangement covering any individual with similar case characteristics.

(2) "Carrier," "health benefit plan," and "MEWA" have the same meanings as in section 3924.01 of the Revised Code.

~~(2) "Insurer" means any sickness and accident insurance company authorized to do business in this state, or MEWA~~

~~authorized to issue insured health benefit plans in this state.~~ 84941
~~"Insurer" does not include any health insuring corporation that is~~ 84942
~~owned or operated by an insurer.~~ 84943

(3) "Network plan" means a health benefit plan of a carrier 84944
under which the financing and delivery of medical care, 84945
including items and services paid for as medical care, are 84946
provided, in whole or in part, through a defined set of 84947
providers under contract with the carrier. 84948

(4) "Ohio health care basic and standard plans" means those 84949
plans established under section 3924.10 of the Revised Code. 84950

(5) "Pre-existing conditions provision" means a policy 84951
provision that excludes or limits coverage for charges or expenses 84952
incurred during a specified period following the insured's 84953
effective date of coverage as to a condition which, during a 84954
specified period immediately preceding the effective date of 84955
coverage, had manifested itself in such a manner as would cause an 84956
ordinarily prudent person to seek medical advice, diagnosis, care, 84957
or treatment or for which medical advice, diagnosis, care, or 84958
treatment was recommended or received, or a pregnancy existing on 84959
the effective date of coverage. 84960

(B) Beginning in January of each year, ~~insurers~~carriers in 84961
the business of issuing ~~individual policies of sickness and~~ 84962
~~accident insurance as contemplated by section 3923.021 of the~~ 84963
~~Revised Code~~health benefit plans to individuals and nonemployer 84964
groups, except individual policieshealth benefit plans issued 84965
pursuant to ~~section~~sections 1751.16 and 3923.122 of the Revised 84966
Code, shall accept applicants for open enrollment coverage, as 84967
set forth in this division, in the order in which they apply for 84968
coverage and subject to the limitation set forth in division (G) 84969
of this section. ~~Insurers~~Carriers shall accept for coverage 84970
pursuant to this section individuals to whom both of the following 84971
conditions apply: 84972

(1) The individual is not applying for coverage as an 84973
employee of an employer, as a member of an association, or as a 84974
member of any other group. 84975

(2) The individual is not covered, and is not eligible for 84976
coverage, under any other private or public health benefits 84977
arrangement, including the medicare program established under 84978
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 84979
U.S.C.A. 301, as amended, or any other act of congress or law of 84980
this or any other state of the United States that provides 84981
benefits comparable to the benefits provided under this section, 84982
any medicare supplement policy, or any continuation of coverage 84983
policy under state or federal law. 84984

(C) ~~An insurer~~A carrier shall offer to any individual 84985
accepted under this section the Ohio health care basic and 84986
standard plans ~~established by the board of directors of the Ohio~~ 84987
~~health reinsurance program under division (A) of section 3924.10~~ 84988
~~of the Revised Code~~ or health benefit plans that are 84989
substantially similar to the Ohio health care basic and standard 84990
plans in benefit plan design and scope of covered services. 84991

~~An insurer~~A carrier may offer other health benefit plans in 84992
addition to, but not in lieu of, the plans required to be offered 84993
under this division. A basic health benefit plan shall provide, 84994
at a minimum, the coverage provided by the Ohio health care basic 84995
plan or any health benefit plan that is substantially similar to 84996
the Ohio health care basic plan in benefit plan design and scope 84997
of covered services. A standard health benefit plan shall 84998
provide, at a minimum, the coverage provided by the Ohio health 84999
care standard plan or any health benefit plan that is 85000
substantially similar to the Ohio health care standard plan in 85001
benefit plan design and scope of covered services. 85002

For purposes of this division, the superintendent of 85003

insurance shall determine whether a health benefit plan is 85004
substantially similar to the Ohio health care basic and standard 85005
plans in benefit plan design and scope of covered services. 85006

(D)(1) Health benefit plans issued under this section may 85007
establish pre-existing conditions provisions that exclude or limit 85008
coverage for a period of up to twelve months following the 85009
individual's effective date of coverage and that may relate only 85010
to conditions during the six months immediately preceding the 85011
effective date of coverage. A health insuring corporation may 85012
apply a pre-existing condition provision for any basic health care 85013
service related to a transplant of a body organ if the transplant 85014
occurs within one year after the effective date of an enrollee's 85015
coverage under this section except with respect to a newly born 85016
child who meets the requirements for coverage under section 85017
1751.61 of the Revised Code. 85018

(2) In determining whether a pre-existing conditions 85019
provision applies to an insured or dependent, each policy shall 85020
credit the time the insured or dependent was covered under a 85021
previous policy, contract, or plan if the previous coverage was 85022
continuous to a date not more than sixty-three days prior to the 85023
effective date of the new coverage, exclusive of any applicable 85024
service waiting period under the policy. 85025

(E) Premiums charged to individuals under this section may 85026
not exceed ~~an amount that is two and one-half times the highest~~ 85027
the amounts specified below: 85028

(1) For calendar years 2010 and 2011, an amount that is two 85029
times the base rate charged for coverage offered to any other 85030
individual to which the insurer/carrier is currently accepting 85031
new business, and for which similar copayments and deductibles 85032
are applied; 85033

(2) For calendar year 2012 and every year thereafter, an 85034

amount that is one and one-half times the base rate for coverage 85035
offered to any other individual to which the carrier is currently 85036
accepting new business and for which similar copayments and 85037
deductibles are applied, unless the superintendent of insurance 85038
determines that the amendments by this act to this section and 85039
section 3923.581 of the Revised Code, have resulted in the 85040
market-wide average medical loss ratio for coverage sold to 85041
individual insureds and nonemployer group insureds in this state, 85042
including open enrollment insureds, to increase by more than five 85043
and one quarter percentage points during calendar year 2010. If 85044
the superintendent makes that determination, the premium limit 85045
established by division (E)(1) of this section shall remain in 85046
effect. The superintendent's determination shall be supported by 85047
a signed letter from a member of the American academy of 85048
actuaries. 85049

(F) In offering health benefit plans under this section, ~~an~~ 85050
~~insurer~~ a carrier may require the purchase of health benefit plans 85051
that condition the reimbursement of health services upon the use 85052
of a specific network of providers. 85053

(G)(1) ~~In no event shall an insurer~~ A carrier shall not be 85054
~~required to accept annually~~ new applicants under this section if 85055
the total number of the carrier's current insureds with open 85056
enrollment coverage issued under this section ~~individuals who, in~~ 85057
~~the aggregate, would cause the insurer to have a total number of~~ 85058
~~new insureds that is more than one-half per cent of its total~~ 85059
~~number of insured individuals in this state per year, as~~ 85060
~~contemplated by section 3923.021 of the Revised Code, calculated~~ 85061
as of the immediately preceding thirty-first day of December and 85062
excluding the ~~insurer's~~ carrier's medicare supplement policies 85063
and conversion or continuation of coverage policies under state 85064
or federal law and any policies described in division (L) of 85065
this section meets the following limits: 85066

(a) For calendar years 2010 and 2011, four per cent of the carrier's total number of individual or nonemployer group insureds in this state:

(b) For calendar year 2012 and every year thereafter, eight per cent of the carrier's total number of insured individuals and nonemployer group insureds in this state, unless the superintendent of insurance determines that the amendments by this act to this section and section 3923.581 of the Revised Code, have resulted in the market-wide average medical loss ratio for coverage sold to individual insureds and nonemployer group insureds in this state, including open enrollment insureds, to increase by more than five and one quarter percentage points during calendar year 2010. If the superintendent makes that determination, the enrollment limit established by division (G)(1)(a) of this section shall remain in effect. The superintendent's determination shall be supported by a signed letter from a member of the American academy of actuaries.

(2) An officer of the ~~insurer~~carrier shall certify to the department of insurance when it has met the enrollment limit set forth in division (G)(1) of this section. Upon providing such certification, the ~~insurer~~carrier shall be relieved of its open enrollment requirement under this section for the remainder of the calendar year as long as the carrier continues to meet the open enrollment limit. If the total number of the carrier's current insureds with open enrollment coverage issued under this section falls below the enrollment limit, the carrier shall accept new applicants. A carrier may establish a waiting list if the carrier has met the open enrollment limit and shall notify the superintendent if the carrier has a waiting list in effect.

(H) An ~~insurer~~A carrier shall not be required to accept under this section applicants who, at the time of enrollment, are confined to a health care facility because of chronic illness,

permanent injury, or other infirmity that would cause economic 85099
impairment to the ~~insurer~~carrier if the applicants were 85100
accepted, ~~or~~. A carrier shall not be required to make the 85101
effective date of benefits for individuals accepted under this 85102
section earlier than ninety days after the date of acceptance, 85103
except that when the individual had prior coverage with a health 85104
benefit plan that was terminated by a carrier because the carrier 85105
exited the market and the individual was accepted for open 85106
enrollment under this section within sixty-three days of that 85107
termination, the effective date of benefits shall be the date of 85108
enrollment. 85109

(I) The requirements of this section do not apply to any 85110
~~insurer~~carrier that is currently in a state of supervision, 85111
insolvency, or liquidation. If ~~an insurer~~a carrier demonstrates 85112
to the satisfaction of the superintendent that the requirements 85113
of this section would place the ~~insurer~~carrier in a state of 85114
supervision, insolvency, or liquidation, or would otherwise 85115
jeopardize the carrier's economic viability overall or in the 85116
individual market, the superintendent may waive or modify the 85117
requirements of division (B) or (G) of this section. The actions 85118
of the superintendent under this division shall be effective for 85119
a period of not more than one year. At the expiration of such 85120
time, a new showing of need for a waiver or modification by the 85121
~~insurer~~carrier shall be made before a new waiver or 85122
modification is issued or imposed. 85123

(J) No hospital, health care facility, or health care 85124
practitioner, and no person who employs any health care 85125
practitioner, shall balance bill any individual or dependent of an 85126
individual for any health care supplies or services provided to 85127
the individual or dependent who is insured under a policy issued 85128
under this section. The hospital, health care facility, or health 85129
care practitioner, or any person that employs the health care 85130
practitioner, shall accept payments made to it by the ~~insurer~~ 85131

carrier under the terms of the policy or contract insuring or 85132
covering such individual as payment in full for such health care 85133
supplies or services. 85134

As used in this division, "hospital" has the same meaning as 85135
in section 3727.01 of the Revised Code; "health care practitioner" 85136
has the same meaning as in section 4769.01 of the Revised Code; 85137
and "balance bill" means charging or collecting an amount in 85138
excess of the amount reimbursable or payable under the policy or 85139
health care service contract issued to an individual under this 85140
section for such health care supply or service. "Balance bill" 85141
does not include charging for or collecting copayments or 85142
deductibles required by the policy or contract. 85143

(K) ~~An insurer shall~~ A carrier may pay an agent a commission 85144
in the amount of not more than five per cent of the premium 85145
charged for initial placement or for otherwise securing the 85146
issuance of a policy or contract issued to an individual under 85147
this section, and not more than four per cent of the premium 85148
charged for the renewal of such a policy or contract. The 85149
superintendent may adopt, in accordance with Chapter 119. of the 85150
Revised Code, such rules as are necessary to enforce this 85151
division. 85152

(L) This section does not apply to any policy that provides 85153
coverage for specific diseases or accidents only, or to any 85154
hospital indemnity, medicare supplement, long-term care, 85155
disability income, one-time-limited-duration policy of no longer 85156
than six months, or other policy that offers only supplemental 85157
benefits. 85158

(M) If a carrier offers a health benefit plan in the 85159
individual market through a network plan, the carrier may do both 85160
of the following: 85161

(1) Limit the individuals that may apply for such coverage to 85162

those who live, work, or reside in the service area of the network plan; 85163
85164

(2) Within the service area of the network plan, deny the coverage to individuals if the carrier has demonstrated both of the following to the superintendent: 85165
85166
85167

(a) The carrier will not have the capacity to deliver services adequately to any additional individuals because of the carrier's obligations to existing group contract holders and individuals. 85168
85169
85170
85171

(b) The carrier is applying division (M)(2) of this section uniformly to all individuals without regard to any health status-related factors of those individuals. 85172
85173
85174

(N) A carrier that, pursuant to division (M)(2) of this section, denies coverage to an individual in the service area of a network plan, shall not offer coverage in the individual market within that service area for at least one hundred eighty days after the date the carrier denies the coverage. 85175
85176
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85179

Sec. 3923.581. (A) As used in this section: 85180

(1) "Base rate" means, as to any health benefit plan that is issued by a carrier in the individual market, the lowest premium rate for new or existing business prescribed by the carrier for the same or similar coverage under a plan or arrangement covering any individual with similar case characteristics. 85181
85182
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(2) "Carrier," "health benefit plan," "MEWA," and "pre-existing conditions provision" have the same meanings as in section 3924.01 of the Revised Code. 85186
85187
85188

~~(2)~~(3) "Federally eligible individual" means an eligible individual as defined in 45 C.F.R. 148.103. 85189
85190

~~(3)~~ (4) "Health status-related factor" means any of the following:	85191 85192
(a) Health status;	85193
(b) Medical condition, including both physical and mental illnesses;	85194 85195
(c) Claims experience;	85196
(d) Receipt of health care;	85197
(e) Medical history;	85198
(f) Genetic information;	85199
(g) Evidence of insurability, including conditions arising out of acts of domestic violence;	85200 85201
(h) Disability.	85202
~~(4) "Midpoint rate" means, for individuals with similar case characteristics and plan designs and as determined by the applicable carrier for a rating period, the arithmetic average of the applicable base premium rate and the corresponding highest premium rate.~~	85203 85204 85205 85206 85207
(5) "Network plan" means a health benefit plan of a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier.	85208 85209 85210 85211 85212
(6) <u>"Ohio health care basic and standard plans" means those plans established under section 3924.10 of the Revised Code.</u>	85213 85214

(B) Beginning in January of each year, carriers in the
business of issuing health benefit plans to individuals or
nonemployer groups shall accept federally eligible individuals for
open enrollment coverage, as provided in this section, in the
order in which they apply for coverage and subject to the
limitation set forth in division (J) of this section.

(C) No carrier shall do either of the following:

(1) Decline to offer such coverage to, or deny enrollment of,
such individuals;

(2) Apply any pre-existing conditions provision to such
coverage.

(D) A carrier shall offer to federally eligible individuals
the Ohio health care basic and standard ~~plan established by the~~
~~board of directors of the Ohio health reinsurance program~~ plans or
plans substantially similar to the basic and standard ~~plan~~ plans
in benefit design and scope of covered services. For purposes of
this division, the superintendent of insurance shall determine
whether a plan is substantially similar to the basic or standard
plan in benefit design and scope of covered services.

(E) Premiums charged to individuals under this section may
not exceed ~~an amount that is two times the midpoint~~ the amounts
specified below:

(1) For calendar years 2010 and 2011, an amount that is two
times the base rate charged for coverage offered to any other
individual to which the carrier is currently accepting new
business, and for which similar copayments and deductibles are
applied;

(2) For calendar year 2012 and every calendar year
thereafter, an amount that is one and one-half times the base

rate for coverage offered to any other individual to which the 85244
carrier is currently accepting new business and for which 85245
similar copayments and deductibles are applied, unless the 85246
superintendent of insurance determines that the amendments by 85247
this act to this section and section 3923.58 of the Revised Code, 85248
have resulted in a market-wide average medical loss ratio for 85249
coverage sold to individual insureds and nonemployer group 85250
insureds in this state, including open enrollment insureds, to 85251
increase by more than five and one quarter percentage points 85252
during calendar year 2010. If the superintendent makes that 85253
determination, the premium limit established by division (E)(1) 85254
of this section shall remain in effect. The superintendent's 85255
determination shall be supported by a signed letter from a member 85256
of the American academy of actuaries. 85257

(F) If a carrier offers a health benefit plan in the 85258
individual market through a network plan, the carrier may do both 85259
of the following: 85260

(1) Limit the federally eligible individuals that may apply 85261
for such coverage to those who live, work, or reside in the 85262
service area of the network plan; 85263

(2) Within the service area of the network plan, deny the 85264
coverage to federally eligible individuals if the carrier has 85265
demonstrated both of the following to the superintendent: 85266

(a) The carrier will not have the capacity to deliver 85267
services adequately ~~to~~ any additional individuals because of the 85268
carrier's obligations to existing group contract holders and 85269
individuals. 85270

(b) The carrier is applying division (F)(2) of this section 85271
uniformly to all federally eligible individuals without regard to 85272
any health status-related factor of those individuals. 85273

(G) A carrier that, pursuant to division (F)(2) of this section, denies coverage to an individual in the service area of a network plan, shall not offer coverage in the individual market within that service area for at least one hundred eighty days after the date the coverage is denied.

(H) A carrier may refuse to issue health benefit plans to federally eligible individuals if the carrier has demonstrated both of the following to the superintendent:

(1) The carrier does not have the financial reserves necessary to underwrite additional coverage.

(2) The carrier is applying division (H) of this section uniformly to all federally eligible individuals in this state consistent with the applicable laws and rules of this state and without regard to any health status-related factor relating to those individuals.

(I) A carrier that, pursuant to division (H) of this section, refuses to issue health benefit plans to federally eligible individuals, shall not offer health benefit plans in the individual market in this state for at least one hundred eighty days after the date the coverage is denied or until the carrier has demonstrated to the superintendent that the carrier has sufficient financial reserves to underwrite additional coverage, whichever is later.

(J)(1) Except as provided in division (J)(2) of this section, a carrier shall not be required to accept annually new applicants under this section ~~federally eligible individuals who, in the aggregate, would cause the carrier to have a total number of new insureds that is more than one-half per cent of its total number of insured individuals and nonemployer groups in this state per year,~~ if the total number of the carrier's current insureds with open enrollment coverage issued under this section calculated as

of the immediately preceding thirty-first day of December and 85305
excluding the carrier's medicare supplement policies and 85306
conversion or continuation of coverage policies under state or 85307
federal law and any policies described in division ~~(M)~~(L) of 85308
section 3923.58 of the Revised Code meets the following limits: 85309

(a) For calendar years 2010 and 2011, four per cent of the 85310
carrier's total number of individual or nonemployer group 85311
insureds in this state; 85312

(b) For calendar year 2012 and every year thereafter, eight 85313
per cent of the carrier's total number of insured individuals and 85314
nonemployer group insureds in this state, unless the 85315
superintendent of insurance determines that the amendments by 85316
this act to this section and section 3923.58 of the Revised Code, 85317
have resulted in the market-wide average medical loss ratio for 85318
coverage sold to individual insureds and nonemployer group 85319
insureds in this state, including open enrollment insureds, to 85320
increase by more than five and one quarter percentage points 85321
during calendar year 2010. If the superintendent makes that 85322
determination, the enrollment limit established by division 85323
(J)(1)(a) shall remain in effect. The superintendent's 85324
determination shall be supported by a signed letter from a member 85325
of the American academy of actuaries. 85326

(2) An officer of the carrier shall certify to the department 85327
of insurance when it has met the enrollment limit set forth in 85328
division (J)(1) of this section. Upon providing such 85329
certification, the carrier shall be relieved of its open 85330
enrollment requirement under this section for ~~the remainder of the~~ 85331
~~calendar year unless, prior to the end of the calendar year, as~~ 85332
long as the carrier continues to meet the open enrollment limit. 85333
If the total number of the carrier's current insureds with open 85334
enrollment coverage issued under this section falls below the 85335
enrollment limit, the carrier shall accept new applicants. A 85336

carrier may establish a waiting list if the carrier has met the 85337
open enrollment limit and shall notify the superintendent if the 85338
carrier has a waiting list in effect. In the event that all the 85339
carriers subject to this section have individually met the 85340
enrollment limit set forth in division (J)(1) of this section.~~In~~ 85341
~~that event~~in a calendar year, carriers shall again accept 85342
applicants for open enrollment coverage pursuant to this section, 85343
subject to ~~the~~an additional enrollment limit equal to one-half 85344
of the limitation set forth in division (J)(1) of this section. 85345

(K) The superintendent may provide for the application of 85346
this section on a service-area-specific basis. 85347

(L) The requirements of this section do not apply to any 85348
health benefit plan described in division ~~(M)~~(L) of section 85349
3923.58 of the Revised Code. 85350

(M) A carrier may pay an agent a commission in the amount of 85351
not more than five per cent of the premium charged for initial 85352
placement or for otherwise securing the issuance of a policy or 85353
contract issued to an individual under this section, and not more 85354
than four per cent of the premium charged for the renewal of such 85355
a policy or contract. The superintendent may adopt, in accordance 85356
with Chapter 119. of the Revised Code, such rules as are necessary 85357
to enforce this division. 85358

Sec. 3923.582. (A) The superintendent of insurance may 85359
adopt rules in accordance with Chapter 119. of the Revised Code to 85360
implement sections 3923.58 and 3923.581 of the Revised Code, 85361
including, but not limited to, rules relating to both of the 85362
following: 85363

(1) Requirements for adequate notice by carriers to consumers 85364
of the availability and premium rates of open enrollment coverage; 85365

(2) Reporting and data collection requirements for 85366

implementation of the open enrollment program and to evaluate the 85367
performance of the open enrollment program and the individual 85368
health insurance market of this state. 85369

(B) On or before June 30, beginning calendar year 2011 and 85370
continuing every year thereafter, the superintendent shall issue 85371
a report to the governor and the general assembly on the open 85372
enrollment program and the performance of the individual health 85373
insurance market in this state. The report shall include a 85374
determination by the superintendent, supported by a signed letter 85375
from a member of the American academy of actuaries, as to whether 85376
the amendments by this act to sections 3923.58 and 3923.581 of 85377
the Revised Code, have caused the market-wide average medical 85378
loss ratio for coverage sold to individual insureds and 85379
nonemployer group insureds in this state, including open 85380
enrollment insureds, to increase and, if so, by how many 85381
percentage points. 85382

Sec. 3923.66. (A) As used in sections 3923.66 to 3923.70 of 85383
the Revised Code: 85384

(1) "Clinical peer" and "physician" have the same meanings as 85385
in section 1751.77 of the Revised Code. 85386

(2) "Authorized person" means a parent, guardian, or other 85387
person authorized to act on behalf of an insured with respect to 85388
health care decisions. 85389

(B) Sections 3923.66 to 3923.70 of the Revised Code do not 85390
apply to any individual or group policy of sickness and accident 85391
insurance covering only accident, credit, dental, disability 85392
income, long-term care, hospital indemnity, medicare supplement, 85393
medicare, tricare, specified disease, or vision care; coverage 85394
issued as a supplement to liability insurance; insurance arising 85395
out of workers' compensation or similar law; automobile medical 85396
payment insurance; or insurance under which benefits are payable 85397

with or without regard to fault and which is statutorily required 85398
to be contained in any liability insurance policy or equivalent 85399
self-insurance. 85400

(C) The superintendent of insurance shall establish and 85401
maintain a system for receiving and reviewing requests for review 85402
from insureds who have been denied coverage of a health care 85403
service on the grounds that the service is not a service covered 85404
under the terms of the insured's policy or certificate. 85405

On receipt of a written request from an insured or authorized 85406
person, the superintendent shall consider whether the health care 85407
service is a service covered under the terms of the insured's 85408
policy or certificate, except that the superintendent shall not 85409
conduct a review under this section unless the insured has 85410
exhausted the insurer's internal review process. The insurer and 85411
the insured or authorized person shall provide the superintendent 85412
with any information required by the superintendent that is in 85413
their possession and is germane to the review. 85414

Unless the superintendent is not able to do so because making 85415
the determination requires resolution of a medical issue, the 85416
superintendent shall determine whether the health care service at 85417
issue is a service covered under the terms of the insured's policy 85418
or certificate. The superintendent shall notify the insured, or 85419
authorized person, and the insurer of its determination or that it 85420
is not able to make a determination because the determination 85421
requires the resolution of a medical issue. 85422

If the superintendent notifies the insurer that making the 85423
determination requires the resolution of a medical issue, the 85424
insurer shall ~~afford the insured an opportunity for~~ initiate an 85425
external review under section 3923.67 or 3923.68 of the Revised 85426
Code. If the superintendent notifies the insurer that the health 85427
care service is not a covered service, the insurer is not required 85428
to cover the service or afford the insured an external review. 85429

Sec. 3923.67. (A) Except as provided in divisions (B) and 85430
(C) of this section, an insurer shall afford an insured an 85431
opportunity for an external review of a coverage denial when 85432
requested by the insured or authorized person, if both of the 85433
following are the case: 85434

(1) The insurer has denied, reduced, or terminated coverage 85435
for what would be a covered health care service except that the 85436
insurer has determined that the health care service is not 85437
medically necessary. 85438

(2) Except in the case of expedited review, the proposed 85439
service, plus any ancillary services and follow-up care, will cost 85440
the insured more than five hundred dollars if the proposed service 85441
is not covered by the insurer. 85442

External review shall be conducted in accordance with this 85443
section, except that if an insured with a terminal condition meets 85444
all of the criteria of division (A) of section 3923.68 of the 85445
Revised Code, an external review shall be conducted under that 85446
section. 85447

(B) An insured need not be afforded a review under this 85448
section in any of the following circumstances: 85449

(1) The superintendent of insurance has determined under 85450
section 3923.66 of the Revised Code that the health care service 85451
is not a service covered under the terms of the insured's policy 85452
or certificate. 85453

(2) The insured has failed to exhaust the insurer's internal 85454
review process. 85455

(3) The insured has previously afforded an external review 85456
for the same denial of coverage, and no new clinical information 85457

has been submitted to the insurer. 85458

(C)(1) An insurer may deny a request from an insured for an 85459
external review of an adverse decision from the insurer's internal 85460
appeal process if it is requested later than sixtyone hundred 85461
eighty days after receipt ~~by the insured~~ of notice ~~from the~~ 85462
~~superintendent of insurance under section 3923.66 of the Revised~~ 85463
~~Code that making a determination requires the resolution of a~~ 85464
medical issue ~~from the insurer of the adverse decision~~. An 85465
external review may be requested by the insured, an authorized 85466
person, the insured's provider, or a health care facility 85467
rendering health care service to the insured. The insured may 85468
request a review without the approval of the provider or the 85469
health care facility rendering the health care service. The 85470
provider or health care facility may not request a review without 85471
the prior consent of the insured. 85472

(2) An external review must be requested in writing, except 85473
that if the insured has a condition that requires expedited 85474
review, the review may be requested orally or by electronic means. 85475
When an oral or electronic request for review is made, written 85476
confirmation of the request must be submitted to the insurer not 85477
later than five days after the request is made. 85478

Except in the case of an expedited review, a request for an 85479
external review must be accompanied by written certification from 85480
the insured's provider or the health care facility rendering the 85481
health care service to the insured that the proposed service, plus 85482
any ancillary services and follow-up care, will cost the insured 85483
more than five hundred dollars if the proposed service is not 85484
covered by the insurer. 85485

(3) For an expedited review, the insured's provider must 85486
certify that the insured's condition could, in the absence of 85487
immediate medical attention, result in any of the following: 85488

(a) Placing the health of the insured or, with respect to a pregnant woman, the health of the insured or the unborn child, in serious jeopardy;	85489 85490 85491
(b) Serious impairment to bodily functions;	85492
(c) Serious dysfunction of any bodily organ or part.	85493
(D) The procedures used in conducting an external review shall include all of the following:	85494 85495
(1) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code.	85496 85497 85498
(2) Except as provided in divisions (D)(3) and (4) of this section, neither the clinical peer nor any health care facility with which the clinical peer is affiliated shall have any professional, familial, or financial affiliation with any of the following:	85499 85500 85501 85502 85503
(a) The insurer or any officer, director, or managerial employee of the insurer;	85504 85505
(b) The insured, the insured's provider, or the practice group of the insured's provider;	85506 85507
(c) The health care facility at which the health care service requested by the insured would be provided;	85508 85509
(d) The development or manufacture of the principal drug, device, procedure, or therapy proposed for the insured.	85510 85511
(3) Division (D)(2) of this section does not prohibit a clinical peer from conducting a review under any of the following circumstances:	85512 85513 85514

(a) The clinical peer is affiliated with an academic medical center that provides health care services to insureds of the insurer.	85515 85516 85517
(b) The clinical peer has staff privileges at a health care facility that provides health care services to insureds of the insurer.	85518 85519 85520
(c) The clinical peer has a contractual relationship with the insurer but was not involved with the insurer's coverage decision.	85521 85522
(4) Division (D)(2) of this section does not prohibit the insurer from paying the independent review organization for the conduct of the review.	85523 85524 85525
(5) An insured shall not be required to pay for any part of the cost of the review. The cost of the review shall be borne by the insurer.	85526 85527 85528
(6)(a) The insurer shall provide to the independent review organization conducting the review a copy of those records in its possession that are relevant to the insured's medical condition and the review.	85529 85530 85531 85532
Records shall be used solely for the purpose of this division. At the request of the independent review organization, the insurer, insured, provider, or health care facility rendering health care services to the insured shall provide any additional information the independent review organization requests to complete the review. A request for additional information may be made in writing, orally, or by electronic means. The independent review organization shall submit the request to the insured and insurer. If a request is submitted orally or by electronic means to an insured or insurer, not later than five days after the request is submitted, the independent review organization shall provide written confirmation of the request. If the review was	85533 85534 85535 85536 85537 85538 85539 85540 85541 85542 85543 85544

initiated by a provider or health care facility, a copy of the request shall be submitted to the provider or health care facility.

(b) An independent review organization is not required to make a decision if it has not received any requested information that it considers necessary to complete a review. An independent review organization that does not make a decision for this reason shall notify the insured and the insurer that a decision is not being made. The notice may be made in writing, orally, or by electronic means. An oral or electronic notice shall be confirmed in writing not later than five days after the oral or electronic notice is made. If the review was initiated by a provider or health care facility, a copy of the notice shall be submitted to the provider or health care facility.

(7) The insurer may elect to cover the service requested and terminate the review. The insurer shall notify the insured and all other parties involved with the decision by mail, or with the consent or approval of the insured, by electronic means.

(8) In making its decision, an independent review organization conducting the review shall take into account all of the following:

(a) Information submitted by the insurer, the insured, the insured's provider, and the health care facility rendering the health care service, including the following:

(i) The insured's medical records;

(ii) The standards, criteria, and clinical rationale used by the insurer to make its decision.

(b) Findings, studies, research, and other relevant documents of government agencies and nationally recognized organizations,

including the national institutes of health or any board 85574
recognized by the national institutes of health, the national 85575
cancer institute, the national academy of sciences, the United 85576
States food and drug administration, the health care financing 85577
administration of the United States department of health and human 85578
services, and the agency for health care policy and research; 85579

(c) Relevant findings in peer-reviewed medical or scientific 85580
literature, published opinions of nationally recognized medical 85581
experts, and clinical guidelines adopted by relevant national 85582
medical societies. 85583

(9)(a) In the case of an expedited review, the independent 85584
review organization shall issue a written decision not later than 85585
seven days after the filing of the request for review. In all 85586
other cases, the independent review organization shall issue a 85587
written decision not later than thirty days after the filing of 85588
the request. The independent review organization shall send a copy 85589
of its decision to the insurer and the insured. If the insured's 85590
provider or the health care facility rendering health care 85591
services to the insured requested the review, the independent 85592
review organization shall also send a copy of its decision to the 85593
insured's provider or the health care facility. 85594

(b) The independent review organization's decision shall 85595
include a description of the insured's condition and the principal 85596
reasons for the decision and an explanation of the clinical 85597
rationale for the decision. 85598

(E) The independent review organization shall base its 85599
decision on the information submitted under division (D)(8) of 85600
this section. In making its decision, the independent review 85601
organization shall consider safety, efficacy, appropriateness, and 85602
cost-effectiveness. 85603

(F) The insurer shall provide any coverage determined by the 85604

independent review organization's decision to be medically 85605
necessary, subject to the other terms, limitations, and conditions 85606
of the insured's policy or certificate. 85607

Sec. 3923.68. (A) Each insurer shall establish a reasonable 85608
external, independent review process to examine the insurer's 85609
coverage decisions for insureds who meet all of the following 85610
criteria: 85611

(1) The insured has a terminal condition that, according to 85612
the current diagnosis of the insured's physician, has a high 85613
probability of causing death within two years. 85614

(2) The insured requests a review not later than sixtyone 85615
hundred eighty days after receipt by the insured of notice from 85616
the ~~superintendent of insurance under section 3923.66 of the~~ 85617
~~Revised Code that making a determination requires resolution of a~~ 85618
~~medical issue~~ insurer of the adverse decision. 85619

(3) The insured's physician certifies that the insured has 85620
the condition described in division (A)(1) of this section and any 85621
of the following situations are applicable: 85622

(a) Standard therapies have not been effective in improving 85623
the condition of the insured. 85624

(b) Standard therapies are not medically appropriate for the 85625
insured. 85626

(c) There is no standard therapy covered by the insurer that 85627
is more beneficial than therapy described in division (A)(4) of 85628
this section. 85629

(4) The insured's physician has recommended a drug, device, 85630
procedure, or other therapy that the physician certifies, in 85631
writing, is likely to be more beneficial to the insured, in the 85632

physician's opinion, than standard therapies, or the insured has
requested a therapy that has been found in a preponderance of
peer-reviewed published studies to be associated with effective
clinical outcomes for the same condition.

(5) The insured has been denied coverage by the insurer for
a drug, device, procedure, or other therapy recommended or
requested pursuant to division (A)(4) of this section, and has
exhausted the insurer's internal review process.

(6) The drug, device, procedure, or other therapy, for which
coverage has been denied, would be a covered health care service
except for the insurer's determination that the drug, device,
procedure, or other therapy is experimental or investigational.

(B) A review shall be requested in writing, except that if
the insured's physician determines that a therapy would be
significantly less effective if not promptly initiated, the review
may be requested orally or by electronic means. When an oral or
electronic request for review is made, written confirmation of the
request shall be submitted to the insurer not later than five days
after the oral or written request is submitted.

(C) The external, independent review process established by
an insurer shall meet all of the following criteria:

(1) Except as provided in division (E) of this section, the
process shall afford all insureds who meet the criteria set forth
in division (A) of this section the opportunity to have the
insurer's decision to deny coverage of the recommended or
requested therapy reviewed under the process. Each eligible
insured shall be notified of that opportunity within thirty
business days after the insurer denies coverage.

(2) The review shall be conducted by an independent review
organization assigned by the superintendent of insurance under

section 3901.80 of the Revised Code. 85663

The independent review organization shall select a panel to 85664
conduct the review, which panel shall be composed of at least 85665
three physicians or other providers who, through clinical 85666
experience in the past three years, are experts in the treatment 85667
of the insured's medical condition and knowledgeable about the 85668
recommended or requested therapy. 85669

In either of the following circumstances, an exception may be 85670
made to the requirement that the review be conducted by an expert 85671
panel composed of a minimum of three physicians or other 85672
providers: 85673

(a) A review may be conducted by an expert panel composed of 85674
only two physicians or other providers if an insured has consented 85675
in writing to a review by the smaller panel. 85676

(b) A review may be conducted by a single expert physician or 85677
other provider if only the expert physician or other provider is 85678
available for the review. 85679

(3) Neither the insurer nor the insured shall choose, or 85680
control the choice of, the physician or other provider experts. 85681

(4) The selected experts, any health care facility with which 85682
an expert is affiliated, and the independent review organization 85683
arranging for the experts' review shall not have any professional, 85684
familial, or financial affiliation with any of the following: 85685

(a) The insurer or any officer, director, or managerial 85686
employee of the insurer; 85687

(b) The insured, the insured's physician, ~~or~~for the practice 85688
group of the insured's physician; 85689

(c) The health care facility at which the recommended or requested therapy would be provided; 85690
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(d) The development or manufacture of the principal drug, device, procedure, or therapy involved in the recommended or requested therapy. 85692
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However, experts affiliated with academic medical centers who provide health care services to insureds of the insurer may serve as experts on the review panel. Further, experts with staff privileges at a health care facility that provides health care services to insureds of the insurer, as well as experts who have a contractual relationship with the insurer, but who were not involved with the insurer's denial of coverage for the therapy under review, may serve as experts on the review panel. These nonaffiliation provisions do not preclude an insurer from paying for the experts' review, as specified in division (C)(5) of this section. 85695
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(5) Insureds shall not be required to pay for any part of the cost of the review. The cost of the review shall be borne by the insurer. 85706
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(6) The insurer shall provide to the independent review organization arranging for the experts' review a copy of those records in the insurer's possession that are relevant to the insured's medical condition and the review. The records shall be disclosed solely to the expert reviewers and shall be used solely for the purpose of this section. At the request of the expert reviewers, the insurer or the physician requesting the therapy shall provide any additional information that the expert reviewers request to complete the review. An expert reviewer is not required to render an opinion if the reviewer has not received any requested information that the reviewer considers necessary to complete the review. 85709
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(7)(a) In the case of an expedited review, the independent review organization shall issue a written decision not later than seven days after the filing of the request for review. In all other cases, the independent review organization shall issue a written decision not later than thirty days after the filing of the request. The independent review organization shall send a copy of its decision to the insurer and the insured. If the insured's provider or the health care facility rendering health care services to the insured requested the review, the independent review organization shall also send a copy of its decision to the insured's provider or the health care facility.	85721 85722 85723 85724 85725 85726 85727 85728 85729 85730 85731
(b) In conducting the review, the experts on the panel shall take into account all of the following:	85732 85733
(i) Information submitted by the insurer, the insured, and the insured's physician, including the insured's medical records and the standards, criteria, and clinical rationale used by the insurer to reach its coverage decision;	85734 85735 85736 85737
(ii) Findings, studies, research, and other relevant documents of government agencies and nationally recognized organizations;	85738 85739 85740
(iii) Relevant findings in peer-reviewed medical or scientific literature and published opinions of nationally recognized medical experts;	85741 85742 85743
(iv) Clinical guidelines adopted by relevant national medical societies;	85744 85745
(v) Safety, efficacy, appropriateness, and cost effectiveness.	85746 85747
(8) Each expert on the panel shall provide the independent review organization with a professional opinion as to whether	85748 85749

there is sufficient evidence to demonstrate that the recommended
or requested therapy is likely to be more beneficial to the
insured than standard therapies.

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(9) Each expert's opinion shall be presented in written form
and shall include the following information:

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(a) A description of the insured's condition;

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(b) A description of the indicators relevant to determining
whether there is sufficient evidence to demonstrate that the
recommended or requested therapy is more likely than not to be
more beneficial to the insured than standard therapies;

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(c) A description and analysis of any relevant findings
published in peer-reviewed medical or scientific literature or the
published opinions of medical experts or specialty societies;

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(d) A description of the insured's suitability to receive the
recommended or requested therapy according to a treatment protocol
in a clinical trial, if applicable.

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(10) The independent review organization shall provide the
insurer with the opinions of the experts. The insurer shall make
the experts' opinions available to the insured and the insured's
physician, upon request.

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(11) The opinion of the majority of the experts on the panel,
rendered pursuant to division (C)(8) of this section, is binding
on the insurer with respect to that insured. If the opinions of
the experts on the panel are evenly divided as to whether the
therapy should be covered, the insurer's final decision shall be
in favor of coverage. If less than a majority of the experts on
the panel recommend coverage of the therapy, the insurer may, in
its discretion, cover the therapy. However, any coverage provided
pursuant to division (C)(11) of this section is subject to the

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terms, limitations, and conditions of the insured's policy or
certificate with the insurer.

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(12) The insurer shall have written policies describing the
external, independent review process.

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(D) If an insurer's initial denial of coverage for a therapy
recommended or requested pursuant to division (A)(3) of this
section is based upon an external, independent review of that
therapy meeting the requirements of division (C) of this section,
this section shall not be a basis for requiring a second external,
independent review of the recommended or requested therapy.

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(E) At any time during the external, independent review
process, the insurer may elect to cover the recommended or
requested health care service and terminate the review. The
insurer shall notify the insured and all other parties involved by
mail or, with consent or approval of the insured, by electronic
means.

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(F) The insurer shall annually file a certificate with the
superintendent of insurance certifying its compliance with the
requirements of this section.

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Sec. 3923.75. (A) As used in sections 3923.75 to 3923.79 of
the Revised Code:

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(1) "Clinical peer" and "physician" have the same meanings as
in section 1751.77 of the Revised Code.

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(2) "Authorized person" means a parent, guardian, or other
person authorized to act on behalf of a plan member with respect
to health care decisions.

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(B) Sections 3923.75 to 3923.79 of the Revised Code do not
apply to any public employee benefit plan covering only accident,

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credit, dental, disability income, long-term care, hospital 85807
indemnity, medicare supplement, medicare, tricare, specified 85808
disease, or vision care; coverage issued as a supplement to 85809
liability insurance; insurance arising out of workers' 85810
compensation or similar law; automobile medical payment insurance; 85811
or insurance under which benefits are payable with or without 85812
regard to fault and which is statutorily required to be contained 85813
in any liability insurance policy or equivalent self-insurance. 85814

(C) The superintendent of insurance shall establish and 85815
maintain a system for receiving and reviewing requests for review 85816
from plan members who have been denied coverage of a health care 85817
service on the grounds that the service is not a service covered 85818
under the terms of the public employee benefit plan. 85819

On receipt of a written request from a plan member or 85820
authorized person, the superintendent shall consider whether the 85821
health care service is a service covered under the terms of the 85822
plan, except that the superintendent shall not conduct a review 85823
under this section unless the plan member has exhausted the plan's 85824
internal review process. The plan and the plan member or 85825
authorized person shall provide the superintendent with any 85826
information required by the superintendent that is in their 85827
possession and is germane to the review. 85828

Unless the superintendent is not able to do so because making 85829
the determination requires resolution of a medical issue, the 85830
superintendent shall determine whether the health care service at 85831
issue is a service covered under the terms of the plan. The 85832
superintendent shall notify the plan member, or authorized person, 85833
and the plan of its determination or that it is not able to make a 85834
determination because the determination requires the resolution of 85835
a medical issue. 85836

If the superintendent notifies the plan that making the 85837
determination requires the resolution of a medical issue, the plan 85838

shall ~~afford the plan member~~initiate an opportunity for external review under section 3923.76 or 3923.77 of the Revised Code. If the superintendent notifies the plan that the health care service is not a covered service, the plan is not required to cover the service or afford the plan member an external review.

Sec. 3923.76. (A) Except as provided in divisions (B) and (C) of this section, a public employee benefit plan shall afford a plan member an opportunity for an external review of a coverage denial when requested by the plan member or authorized person, if both of the following are the case:

(1) The plan has denied, reduced, or terminated coverage for what would be a covered health care service except that the plan has determined that the health care service is not medically necessary.

(2) Except in the case of expedited review, the proposed service, plus any ancillary services and follow-up care, will cost the plan member more than five hundred dollars if the proposed service is not covered by the plan.

External review shall be conducted in accordance with this section, except that if a plan member with a terminal condition meets all of the criteria of division (A) of section 3923.77 of the Revised Code, an external review shall be conducted under that section.

(B) A plan member need not be afforded a review under this section in any of the following circumstances:

(1) The superintendent of insurance has determined under section 3923.75 of the Revised Code that the health care service is not a service covered under the terms of the plan.

(2) The plan member has failed to exhaust the plan's internal

review process. 85868

(3) The plan member has previously been afforded an external 85869
review for the same denial of coverage, and no new clinical 85870
information has been submitted to the plan. 85871

(C)(1) A plan may deny a request from a plan member for an 85872
external review of an adverse decision from the plan's internal 85873
appeal process if it is requested later than sixtyone hundred 85874
eighty days after receipt by the plan member of notice from the 85875
~~superintendent of insurance under section 3923.75 of the Revised~~ 85876
~~Code that making the determination requires the resolution of a~~ 85877
~~medical issue~~plan of the adverse decision. An external review may 85878
be requested by the plan member, an authorized person, the plan 85879
member's provider, or a health care facility rendering health care 85880
service to the plan member. The plan member may request a review 85881
without the approval of the provider or the health care facility 85882
rendering the health care service. The provider or health care 85883
facility may not request a review without the prior consent of the 85884
plan member. 85885

(2) An external review must be requested in writing, except 85886
that if the plan member has a condition that requires expedited 85887
review, the review may be requested orally or by electronic means. 85888
When an oral or electronic request for review is made, written 85889
confirmation of the request must be submitted to the plan not 85890
later than five days after the request is made. 85891

Except in the case of an expedited review, a request for an 85892
external review must be accompanied by written certification from 85893
the plan member's provider or the health care facility rendering 85894
the health care service to the plan member that the proposed 85895
service, plus any ancillary services and follow-up care, will cost 85896
the plan member more than five hundred dollars if the proposed 85897
service is not covered by the plan. 85898

(3) For an expedited review, the plan member's provider must certify that the plan member's condition could, in the absence of immediate medical attention, result in any of the following:	85899 85900 85901
(a) Placing the health of the plan member or, with respect to a pregnant woman, the health of the plan member or the unborn child, in serious jeopardy;	85902 85903 85904
(b) Serious impairment to bodily functions;	85905
(c) Serious dysfunction of any bodily organ or part.	85906
(D) The procedures used in conducting an external review shall include all of the following:	85907 85908
(1) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code.	85909 85910 85911
(2) Except as provided in divisions (D)(3) and (4) of this section, neither the clinical peer nor any health care facility with which the clinical peer is affiliated shall have any professional, familial, or financial affiliation with any of the following:	85912 85913 85914 85915 85916
(a) The plan or any officer, director, or managerial employee of the plan;	85917 85918
(b) The plan member, the plan member's provider, or the practice group of the plan member's provider;	85919 85920
(c) The health care facility at which the health care service requested by the plan member would be provided;	85921 85922
(d) The development or manufacture of the principal drug, device, procedure, or therapy proposed for the plan member.	85923 85924

(3) Division (D)(2) of this section does not prohibit a clinical peer from conducting a review under any of the following circumstances:	85925 85926 85927
(a) The clinical peer is affiliated with an academic medical center that provides health care services to members of the plan.	85928 85929
(b) The clinical peer has staff privileges at a health care facility that provides health care services to members of the plan.	85930 85931 85932
(c) The clinical peer has a contractual relationship with the plan but was not involved with the plan's coverage decision.	85933 85934
(4) Division (D)(2) of this section does not prohibit the plan from paying the independent review organization for the conduct of the review.	85935 85936 85937
(5) A plan member shall not be required to pay for any part of the cost of the review. The cost of the review shall be borne by the plan.	85938 85939 85940
(6)(a) The plan shall provide to the independent review organization conducting the review a copy of those records in its possession that are relevant to the plan member's medical condition and the review.	85941 85942 85943 85944
Records shall be used solely for the purpose of this division. At the request of the independent review organization, the plan, plan member, provider, or health care facility rendering health care services to the plan member shall provide any additional information the independent review organization requests to complete the review. A request for additional information may be made in writing, orally, or by electronic means. The independent review organization shall submit the request to the plan member and the plan. If a request is submitted	85945 85946 85947 85948 85949 85950 85951 85952 85953

orally or by electronic means to a plan member or plan, not later than five days after the request is submitted, the independent review organization shall provide written confirmation of the request. If the review was initiated by a provider or health care facility, a copy of the request shall be submitted to the provider or health care facility.

(b) An independent review organization is not required to make a decision if it has not received any requested information that it considers necessary to complete a review. An independent review organization that does not make a decision for this reason shall notify the plan member and the plan that a decision is not being made. The notice may be made in writing, orally, or by electronic means. An oral or electronic notice shall be confirmed in writing not later than five days after the oral or electronic notice is made. If the review was initiated by a provider or health care facility, a copy of the notice shall be submitted to the provider or health care facility.

(7) The plan may elect to cover the service requested and terminate the review. The plan shall notify the plan member and all other parties involved with the decision by mail, or with the consent or approval of the plan member, by electronic means.

(8) In making its decision, an independent review organization conducting the review shall take into account all of the following:

(a) Information submitted by the plan, the plan member, the plan member's provider, and the health care facility rendering the health care service, including the following:

(i) The plan member's medical records;

(ii) The standards, criteria, and clinical rationale used by the plan to make its decision.

(b) Findings, studies, research, and other relevant documents of government agencies and nationally recognized organizations, including the national institutes of health or any board recognized by the national institutes of health, the national cancer institute, the national academy of sciences, the United States food and drug administration, the health care financing administration of the United States department of health and human services, and the agency for health care policy and research;

(c) Relevant findings in peer-reviewed medical or scientific literature, published opinions of nationally recognized medical experts, and clinical guidelines adopted by relevant national medical societies.

(9)(a) In the case of an expedited review, the independent review organization shall issue a written decision not later than seven days after the filing of the request for review. In all other cases, the independent review organization shall issue a written decision not later than thirty days after the filing of the request. The independent review organization shall send a copy of its decision to the plan and the plan member. If the plan member's provider or the health care facility rendering health care services to the plan member requested the review, the independent review organization shall also send a copy of its decision to the plan member's provider or the health care facility.

(b) The independent review organization's decision shall include a description of the plan member's condition and the principal reasons for the decision and an explanation of the clinical rationale for the decision.

(E) The independent review organization shall base its decision on the information submitted under division (D)(8) of this section. In making its decision, the independent review

organization shall consider safety, efficacy, appropriateness, and
cost-effectiveness.

(F) The plan shall provide any coverage determined by the
independent review organization's decision to be medically
necessary, subject to the other terms, limitations, and conditions
of the plan.

Sec. 3923.77. (A) Each public employee benefit plan shall
establish a reasonable external review process to examine the
plan's coverage decisions for plan members who meet all of the
following criteria:

(1) The plan member has a terminal condition that, according
to the current diagnosis of the plan member's physician, has a
high probability of causing death within two years.

(2) The plan member requests a review not later than ~~sixty~~
one hundred eighty days after receipt by the plan member of
notice from the ~~superintendent of insurance under section 3923.75~~
~~of the Revised Code that making a determination requires~~
~~resolution of a medical issue~~plan of the adverse decision.

(3) The plan member's physician certifies that the plan
member has the condition described in division (A)(1) of this
section and any of the following situations are applicable:

(a) Standard therapies have not been effective in improving
the condition of the plan member.

(b) Standard therapies are not medically appropriate for the
plan member.

(c) There is no standard therapy covered by the plan that is
more beneficial than therapy described in division (A)(4) of this
section.

(4) The plan member's physician has recommended a drug, device, procedure, or other therapy that the physician certifies, in writing, is likely to be more beneficial to the plan member, in the physician's opinion, than standard therapies, or the plan member has requested a therapy that has been found in a preponderance of peer-reviewed published studies to be associated with effective clinical outcomes for the same condition.

(5) The plan member has been denied coverage by the plan for a drug, device, procedure, or other therapy recommended or requested pursuant to division (A)(4) of this section, and has exhausted all internal appeals.

(6) The drug, device, procedure, or other therapy, for which coverage has been denied, would be a covered health care service except for the plan's determination that the drug, device, procedure, or other therapy is experimental or investigational.

(B) A review shall be requested in writing, except that if the plan member's physician determines that a therapy would be significantly less effective if not promptly initiated, the review may be requested orally or by electronic means. When an oral or electronic request for review is made, written confirmation of the request shall be submitted to the plan not later than five days after the oral or written request is submitted. For an expedited review, the plan member's provider must certify that the requested or recommended therapy would be significantly less effective if not promptly initiated.

(C) The external review process established by a plan shall meet all of the following criteria:

(1) Except as provided in division (E) of this section, the process shall afford all plan members who meet the criteria set forth in division (A) of this section the opportunity to have the

plan's decision to deny coverage of the recommended or requested therapy reviewed under the process. Each eligible plan member shall be notified of that opportunity within thirty business days after the plan denies coverage.

(2) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code. The independent review organization shall select a panel to conduct the review, which panel shall be composed of at least three physicians or other providers who, through clinical experience in the past three years, are experts in the treatment of the plan member's medical condition and knowledgeable about the recommended or requested therapy. If the independent review organization retained by the plan is an academic medical center, the panel may include experts affiliated with or employed by the academic medical center.

In either of the following circumstances, an exception may be made to the requirement that the review be conducted by an expert panel composed of a minimum of three physicians or other providers:

(a) A review may be conducted by an expert panel composed of only two physicians or other providers if a plan member has consented in writing to a review by the smaller panel.

(b) A review may be conducted by a single expert physician or other provider if only the expert physician or other provider is available for the review.

(3) Neither the plan nor the plan member shall choose, or control the choice of, the physician or other provider experts.

(4) The selected experts, any health care facility with which an expert is affiliated, and the independent review organization arranging for the experts' review shall not have any professional,

familial, or financial affiliation with any of the following:	86103
(a) The plan or any officer, director, or managerial employee of the plan;	86104 86105
(b) The plan member, the plan member's physician, or the practice group of the plan member's physician;	86106 86107
(c) The health care facility at which the recommended or requested therapy would be provided;	86108 86109
(d) The development or manufacture of the principal drug, device, procedure, or therapy involved in the recommended or requested therapy. However, experts affiliated with academic medical centers who provide health care services to members of the plan may serve as experts on the review panel. Further, experts with staff privileges at a health care facility that provides health care services to members of the plan, as well as experts who have a contractual relationship with the plan, but who were not involved with the plan's denial of coverage for the therapy under review, may serve as experts on the review panel. These nonaffiliation provisions do not preclude a plan from paying for the experts' review, as specified in division (C)(5) of this section.	86110 86111 86112 86113 86114 86115 86116 86117 86118 86119 86120 86121 86122
(5) Plan members shall not be required to pay for any part of the cost of the review. The cost of the review shall be borne by the plan.	86123 86124 86125
(6) The plan shall provide to the independent review organization arranging for the experts' review a copy of those records in the plan's possession that are relevant to the plan member's medical condition and the review. The records shall be disclosed solely to the expert reviewers and shall be used solely for the purpose of this section. At the request of the expert reviewers, the plan or the physician requesting the therapy shall	86126 86127 86128 86129 86130 86131 86132

provide any additional information that the expert reviewers 86133
request to complete the review. An expert reviewer is not required 86134
to render an opinion if the reviewer has not received any 86135
requested information that the reviewer considers necessary to 86136
complete the review. 86137

(7)(a) In the case of an expedited review, the independent 86138
review organization shall issue a written decision not later than 86139
seven days after the filing of the request for review. In all 86140
other cases, the independent review organization shall issue a 86141
written decision not later than thirty days after the filing of 86142
the request. The independent review organization shall send a copy 86143
of its decision to the plan and the plan member. If the plan 86144
member's provider or the health care facility rendering health 86145
care services to the plan member requested the review, the 86146
independent review organization shall also send a copy of its 86147
decision to the plan member's provider or the health care 86148
facility. 86149

(b) In conducting the review, the experts on the panel shall 86150
take into account all of the following: 86151

(i) Information submitted by the plan, the plan member, and 86152
the plan member's physician, including the plan member's medical 86153
records and the standards, criteria, and clinical rationale used 86154
by the plan to reach its coverage decision; 86155

(ii) Findings, studies, research, and other relevant 86156
documents of government agencies and nationally recognized 86157
organizations; 86158

(iii) Relevant findings in peer-reviewed medical or 86159
scientific literature and published opinions of nationally 86160
recognized medical experts; 86161

(iv) Clinical guidelines adopted by relevant national medical 86162

societies;	86163
(v) Safety, efficacy, appropriateness, and cost-effectiveness.	86164 86165
(8) Each expert on the panel shall provide the independent review organization with a professional opinion as to whether there is sufficient evidence to demonstrate that the recommended or requested therapy is likely to be more beneficial to the plan member than standard therapies.	86166 86167 86168 86169 86170
(9) Each expert's opinion shall be presented in written form and shall include the following information:	86171 86172
(a) A description of the plan member's condition;	86173
(b) A description of the indicators relevant to determining whether there is sufficient evidence to demonstrate that the recommended or requested therapy is more likely than not to be more beneficial to the plan member than standard therapies;	86174 86175 86176 86177
(c) A description and analysis of any relevant findings published in peer-reviewed medical or scientific literature or the published opinions of medical experts or specialty societies;	86178 86179 86180
(d) A description of the plan member's suitability to receive the recommended or requested therapy according to a treatment protocol in a clinical trial, if applicable.	86181 86182 86183
(10) The independent review organization shall provide the plan with the opinions of the experts. The plan shall make the experts' opinions available to the plan member and the plan member's physician, upon request.	86184 86185 86186 86187
(11) The opinion of the majority of the experts on the panel, rendered pursuant to division (C)(8) of this section, is binding	86188 86189

on the plan with respect to that plan member. If the opinions of the experts on the panel are evenly divided as to whether the therapy should be covered, the plan's final decision shall be in favor of coverage. If less than a majority of the experts on the panel recommend coverage of the therapy, the plan may, in its discretion, cover the therapy. However, any coverage provided pursuant to division (C)(11) of this section is subject to the terms, limitations, and conditions of the plan.

(12) The plan shall have written policies describing the external review process.

(D) If a plan's initial denial of coverage for a therapy recommended or requested pursuant to division (A)(3) of this section is based upon an external review of that therapy meeting the requirements of division (C) of this section, this section shall not be a basis for requiring a second external review of the recommended or requested therapy.

(E) At any time during the external review process, the plan may elect to cover the recommended or requested health care service and terminate the review. The plan shall notify the plan member and all other parties involved by mail or, with consent or approval of the plan member, by electronic means.

(F) The plan shall annually file a certificate with the superintendent of insurance certifying its compliance with the requirements of this section.

Sec. 3923.90. (A) There is hereby created the health care coverage and quality council to advise the governor, general assembly, entities in the public and private sectors, and consumers on strategies to expand affordable health insurance coverage to more individuals and to improve the cost and quality of the state's health insurance system and health care system.

<u>(B) The council shall consist of the following members:</u>	86220
<u>(1) The superintendent of insurance or the superintendent's designee:</u>	86221 86222
<u>(2) The director of the executive medicaid management administration:</u>	86223 86224
<u>(3) The director of medicaid:</u>	86225
<u>(4) The director of health:</u>	86226
<u>(5) The benefits administrator of the office of benefits administration within the department of administrative services:</u>	86227 86228
<u>(6) Two members of the house of representatives, one member appointed by the speaker of the house of representatives and one member appointed by the minority leader of the house of representatives:</u>	86229 86230 86231 86232
<u>(7) Two members of the senate, one member appointed by the president of the senate and one member appointed by the minority leader of the senate:</u>	86233 86234 86235
<u>(8) The following members appointed by the governor, with the advice and consent of the senate:</u>	86236 86237
<u>(a) Two representatives of consumers of health care services:</u>	86238
<u>(b) Two representatives of employers that provide health care coverage to their employees:</u>	86239 86240
<u>(c) Two representatives of medical facilities, at least one of whom is a representative of a research and academic medical center:</u>	86241 86242 86243
<u>(d) Two individuals authorized under Chapter 4731. of the</u>	86244

<u>Revised Code to practice medicine and surgery or osteopathic</u>	86245
<u>medicine and surgery;</u>	86246
<u>(e) Two individuals or representatives of individuals</u>	86247
<u>authorized to practice any of the following:</u>	86248
<u>(i) Dentistry under Chapter 4715. of the Revised Code;</u>	86249
<u>(ii) Optometry under Chapter 4725. of the Revised Code;</u>	86250
<u>(iii) Podiatry under Chapter 4731. of the Revised Code;</u>	86251
<u>(iv) Chiropractic under Chapter 4734. of the Revised Code.</u>	86252
<u>(f) Two representatives of companies authorized under Chapter</u>	86253
<u>3923. of the Revised Code to do the business of sickness and</u>	86254
<u>accident insurance in this state or of health insuring</u>	86255
<u>corporations holding certificates of authority under Chapter 1751.</u>	86256
<u>of the Revised Code;</u>	86257
<u>(g) Two representatives of organized labor;</u>	86258
<u>(h) One representative of a nonprofit organization</u>	86259
<u>experienced in health care data collection and analysis;</u>	86260
<u>(i) One individual with expertise in health information</u>	86261
<u>technology and exchange;</u>	86262
<u>(j) One representative of a state retirement system;</u>	86263
<u>(k) One public health professional.</u>	86264
<u>(9) Other members appointed by the superintendent of</u>	86265
<u>insurance.</u>	86266
<u>(C) Not later than thirty days after the effective date of</u>	86267
<u>this section, initial appointments shall be made to the council.</u>	86268

The initial legislative members shall be appointed for terms ending three years from the date of appointment. The initial members appointed by the governor and the superintendent of insurance shall serve staggered terms of one, two, or three years, as selected by the governor or superintendent when making their respective appointments. Thereafter, terms of office for all appointed members shall be three years, with each term ending on the same day of the same month as the term it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed, except that a legislative member ceases to be a member of the council on ceasing to be a member of the general assembly. Members may be reappointed.

Vacancies shall be filled in the same manner as original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(D) The superintendent or the superintendent's designee shall serve as chairperson of the council. The council shall meet at the call of the chair. A majority of the members of the council constitutes a quorum.

(E) Members shall serve without compensation, except to the extent that serving on the council is considered part of their regular employment duties.

(F) The superintendent may provide staff and other administrative support for the council to carry out its duties. In making staffing decisions, the superintendent may consider any recommendations made by the council.

<u>(G) Sections 101.82 to 101.87 of the Revised Code do not</u>	86301
<u>apply to the health care coverage and quality council.</u>	86302
 <u>Sec. 3923.91. (A) The health care coverage and quality</u>	86303
<u>council shall do all of the following:</u>	86304
 <u>(1) Advise the governor and general assembly on strategies to</u>	86305
<u>improve health care programs and health insurance policies and</u>	86306
<u>benefit plans;</u>	86307
 <u>(2) Monitor and evaluate implementation of strategies for</u>	86308
<u>improving access to health insurance coverage and improving the</u>	86309
<u>quality of the state's health care system, identify barriers to</u>	86310
<u>implementing those strategies, and identify methods for overcoming</u>	86311
<u>the barriers;</u>	86312
 <u>(3) Catalog existing health care data reporting efforts and</u>	86313
<u>make recommendations to improve data reporting in a manner that</u>	86314
<u>increases transparency and consistency in the health care and</u>	86315
<u>insurance coverage systems;</u>	86316
 <u>(4) Study health care financing alternatives that will</u>	86317
<u>increase access to health insurance coverage, promote disease</u>	86318
<u>prevention and injury prevention, contain costs, and improve</u>	86319
<u>quality;</u>	86320
 <u>(5) Evaluate the systems that individuals use to obtain or</u>	86321
<u>otherwise become connected with health insurance and recommend</u>	86322
<u>improvements to those systems or the use of alternative systems;</u>	86323
 <u>(6) Recommend minimum coverage standards for basic and</u>	86324
<u>standard health insurance plans offered by insurance carriers;</u>	86325
 <u>(7) Recommend strategies, such as subsidies, to assist</u>	86326
<u>individuals in being able to afford health insurance coverage;</u>	86327

(8) Recommend strategies to implement health information technology to support improved access and quality and reduced costs in the state's health care system:

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(9) Study alternative care management options for medicaid recipients who are not required to participate in the care management system established under section 5111.16 of the Revised Code:

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(10) Perform any other duties specified in rules adopted by the superintendent of insurance.

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(B) The council shall prepare and issue an annual report, which may include recommendations, on or before the thirty-first day of December of each year. The council may prepare and issue other reports and recommendations at other times that the council finds appropriate.

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(C) The superintendent may adopt rules as necessary for the council to carry out its duties. The rules shall be adopted under Chapter 119. of the Revised Code. In adopting the rules, the superintendent may consider any recommendations made by the council.

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Sec. 3924.06. (A) Compliance with the underwriting and rating requirements contained in sections 3924.01 to 3924.14 of the Revised Code shall be demonstrated through actuarial certification. Carriers offering health benefit plans to small employers shall file annually with the superintendent of insurance an actuarial certification stating that the underwriting and rating methods of the carrier do all of the following:

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(1) Comply with accepted actuarial practices;

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(2) Are uniformly applied to health benefit plans covering small employers;

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(3) Comply with the applicable provisions of sections 3924.01 to 3924.14 of the Revised Code. 86357
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(B) If a carrier has established a separate class of business for one or more small employer health care alliances in accordance with section 1731.09 of the Revised Code, this section shall apply in accordance with section 1731.09 of the Revised Code. 86359
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(C) Carriers offering health benefit plans to small employers shall file premium rates with the superintendent in accordance with section 3923.02 of the Revised Code with respect to the carrier's sickness and accident insurance policies sold to small employers and in accordance with section 1751.12 of the Revised Code with respect to the carrier's health insuring corporation policies sold to small employers. 86363
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Sec. 3929.43. (A) The Ohio fair plan underwriting association is hereby created consisting of all insurers authorized to write within this state, on a direct basis, basic property insurance or any component thereof in multi-peril policies, to assist applicants in urban areas to secure basic property insurance or homeowners insurance, and to formulate and administer a program for the equitable apportionment of basic property insurance or homeowners insurance which cannot be obtained in the normal market. Every such insurer shall be a member of the association and shall remain a member as a condition of its authority to write any of such insurance in this state. 86370
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(B) The association, pursuant to sections 3929.41 to 3929.49 of the Revised Code, and the plan of operation, with respect to basic property insurance or homeowners insurance, may assume and cede reinsurance on insurable risks written by its members. 86381
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(C) The board of governors of the association shall submit to the superintendent of insurance, for his approval, a proposed plan 86385
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of operation which shall provide for economical, fair, and 86387
nondiscriminatory administration of a program for the equitable 86388
apportionment among members of basic property insurance or 86389
homeowners insurance which may be afforded in urban areas to 86390
applicants whose property is insurable in accordance with 86391
reasonable underwriting standards, but who are unable to procure 86392
such insurance through normal channels. The association is under 86393
no obligation to issue basic property insurance or homeowners 86394
insurance to any person, unless that person and ~~his~~that person's 86395
property would be insurable in the normal insurance market, and 86396
such property, except for its location, would constitute an 86397
insurable risk in accordance with reasonable underwriting 86398
standards. The plan of operation shall provide that the 86399
association, in determining whether the property is insurable, 86400
shall give no consideration to the condition of surrounding 86401
property or properties, where such condition is not within the 86402
control of the applicant. Rates for basic property insurance and 86403
homeowners insurance shall ~~not exceed those rates filed with~~be 86404
subject to the approval of the superintendent by the major rating 86405
~~organization in this state, except that in the case of homeowners~~ 86406
~~insurance the association may file deviations to the rating plan~~ 86407
~~previously filed by such rating organization, and such deviations~~ 86408
~~shall be subject to the approval of the superintendent in the same~~ 86409
~~manner as other deviations under Chapter 3935. of the Revised~~ 86410
~~Code.~~ The plan of operation may also provide for assessment of all 86411
members in amounts sufficient to operate the association, maximum 86412
limits of liability per location to be placed through the program, 86413
reasonable underwriting standards for determining insurability of 86414
a risk, and the commission to be paid to the licensed producer 86415
designated by the applicant. The superintendent shall adopt such 86416
plan and all amendments thereto pursuant to Chapter 119. of the 86417
Revised Code. 86418

If the superintendent disapproves the proposed plan of 86419
operation, the board of governors shall, within fifteen days, 86420

submit for approval an appropriately revised plan of operation and 86421
if the board of governors fails to do so, or if the revised plan 86422
submitted is unacceptable, the superintendent shall promulgate a 86423
plan of operation. 86424

If amendment of the plan of operation is requested by the 86425
superintendent or the board of governors, the board of governors 86426
shall submit to the superintendent, for ~~his~~ approval, such 86427
amendments. If such amendments are not approved by the 86428
superintendent, the board of governors shall, within fifteen days, 86429
submit for approval an appropriately revised amendment. If the 86430
board of governors fails to do so, or if the amendment is not 86431
approved by the superintendent, the superintendent shall 86432
promulgate such amendment as ~~he~~the superintendent finds 86433
necessary. 86434

(D)(1) The plan of operation may provide for periodic advance 86435
assessments against member insurers in amounts considered 86436
necessary to cover any deficit or projected deficit arising out of 86437
the operation of the association. Any provision in the plan for 86438
implementation of such advance assessments shall be approved by 86439
the superintendent. Any such provision in the plan shall also 86440
provide for quarterly or other periodic installment payment of 86441
such assessments. 86442

(2) Such plan shall provide a method whereby member insurers 86443
may recoup assessments levied by the association. In order to 86444
recoup such assessments the plan may also provide for the 86445
calculation and use of rates or rating factors to be applied to 86446
direct premiums for basic property insurance and homeowners 86447
insurance located in this state. Such a provision is subject to 86448
the approval of the superintendent. Member insurers of the 86449
association implementing a change in rates pursuant to this 86450
section shall file such changes with the superintendent. Such 86451
changes shall not increase rates more than the amount authorized 86452

by the association and approved by the superintendent pursuant to 86453
the plan. The association may consult with member insurers or 86454
licensed rating bureaus in connection with the establishment and 86455
operation of any such provision. 86456

(E) Any insurer which is a member of the association shall 86457
participate in the writings, expenses, profits, and losses of the 86458
association in the proportion that its premiums written bear to 86459
the aggregate premiums written by all members of the association, 86460
except that this division shall not be construed to preclude the 86461
board of governors from taking action to adjust assessments in 86462
accordance with a program adopted pursuant to division (I) of this 86463
section. 86464

(F) Such plan shall require the issuance of a binder 86465
providing coverage for which the applicant tenders an amount equal 86466
to the annual premium as estimated by the association, ~~such~~ or an 86467
appropriate percentage of that annual premium as determined by the 86468
association. The binder ~~taking~~ shall take effect ~~fifteen days~~ 86469
following the date of the day after the association receives the 86470
application, provided that the application meets the underwriting 86471
standards of the association, for such term, and under such 86472
conditions as are determined by the superintendent ~~of insurance~~. 86473
The superintendent may alter such time requirement on a specific 86474
risk under such conditions as ~~he~~ the superintendent finds 86475
appropriate. 86476

(G) The association shall be governed by a board of governors 86477
consisting of twelve members, four of whom shall be appointed by 86478
the governor with the advice and consent of the senate. One of 86479
such members shall be a licensed agent writing basic property 86480
insurance for more than one insurer. None of the other three such 86481
members shall be a director, officer, salaried employee, agent, or 86482
substantial shareholder of any insurance company and not more than 86483
two of these three members shall be members of the same political 86484

party. Terms of office of members appointed by the governor shall 86485
be for two years, commencing on the nineteenth day of September 86486
and ending on the eighteenth day of September. Each member shall 86487
hold office from the date of ~~his~~ the member appointment until the end of the 86488
term for which ~~he~~ the member was appointed. Any member appointed 86489
to fill a vacancy occurring prior to the expiration of the term 86490
for which ~~his~~ the member's predecessor was appointed shall hold 86491
office for the remainder of such term. Any appointed member shall 86492
continue in office subsequent to the expiration date of ~~his~~ the 86493
member's term until ~~his~~ the member's successor takes office, or 86494
until a period of sixty days has elapsed, whichever occurs first. 86495
The remaining eight members shall be representatives from member 86496
companies, at least five of whom shall be Ohio domiciled members, 86497
elected annually by accumulated voting by members of the 86498
association whose votes shall be weighed in accordance with each 86499
member's premiums written during the second preceding calendar 86500
year. Not more than one insurer in a group under the same 86501
management or ownership shall serve on the board of governors at 86502
the same time. The eight representatives of member companies shall 86503
be elected at a meeting of the members or their authorized 86504
representatives, which shall be held at a time and place 86505
designated by the superintendent. 86506

(H) The plan shall be administered under the supervision of 86507
the superintendent. 86508

(I) The board of governors shall adopt a written program for 86509
decreasing the overall utilization of the association as a source 86510
of insurance. The program shall set forth actions that the board 86511
shall take to decrease such utilization, including actions 86512
intended to reduce the number of policies issued, the number of 86513
persons whose properties are insured, and the total amount and 86514
kinds of insurance written by the association, provided this 86515
division does not authorize the board to take action intended to 86516
decrease utilization of the association as a source of insurance 86517

if such action would substantially conflict with the purposes set forth in divisions (A), (B), and (D) of section 3929.41 of the Revised Code or the plan of operation of the association.

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Sec. 3937.41. (A) As used in this section:

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(1) "Ambulance" has the same meaning as in section 4765.01 of the Revised Code and also includes private ambulance companies under contract to a municipal corporation, township, or county.

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(2) "Emergency vehicle" means any of the following:

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(a) Any vehicle, as defined in section 4511.01 of the Revised Code, that is an emergency vehicle of a municipal, township, or county department or public utility corporation and that is identified as such as required by law, the director of public safety, or local authorities;

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(b) Any motor vehicle, as defined in section 4511.01 of the Revised Code, when commandeered by a police officer;

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(c) Any vehicle, as defined in section 4511.01 of the Revised Code, that is an emergency vehicle of a qualified nonprofit corporation police department established pursuant to section 1702.80 of the Revised Code and that is identified as an emergency vehicle;

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(d) Any vehicle, as defined in section 4511.01 of the Revised Code, that is an emergency vehicle of a proprietary police department or security department of a hospital operated by a public hospital agency or a nonprofit hospital agency that employs police officers under section 4973.17 of the Revised Code, and that is identified as an emergency vehicle.

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(3) "Firefighter" means any regular, paid, member of a lawfully constituted fire department of a municipal corporation or

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township.	86546
(4) "Law enforcement officer" means <u>any of the following:</u>	86547
(a) <u>A sheriff, deputy sheriff, constable, marshal, deputy</u>	86548
<u>marshal, municipal ~~or~~ police officer, police officer of a township</u>	86549
<u>or joint township police officer</u> ~~district~~ , state highway patrol	86550
<u>trooper, or member of a police force employed by a metropolitan</u>	86551
<u>housing authority under division (D) of section 3735.31 of the</u>	86552
<u>Revised Code;</u>	86553
(b) <u>A police officer employed by a qualified nonprofit police</u>	86554
<u>department pursuant to section 1702.80 of the Revised Code, or</u>	86555
<u>police officer employed by a proprietary police department or</u>	86556
<u>security department of a hospital operated by a public hospital</u>	86557
<u>agency or nonprofit hospital agency pursuant to section 4973.17 of</u>	86558
<u>the Revised Code;</u>	86559
(c) <u>An officer, agent, or employee of the state or any of its</u>	86560
<u>agencies, instrumentalities, or political subdivisions, upon whom,</u>	86561
<u>by statute, a duty to conserve the peace or to enforce all or</u>	86562
<u>certain laws is imposed and the authority to arrest violators is</u>	86563
<u>conferred, within the limits of that statutory duty and authority;</u>	86564
(d) <u>A veterans' home police officer appointed under section</u>	86565
<u>5907.02 of the Revised Code;</u>	86566
(e) <u>A member of a police force employed by a regional transit</u>	86567
<u>authority under division (Y) of section 306.35 of the Revised</u>	86568
<u>Code.</u>	86569
(5) "Motor vehicle accident" means any accident involving a	86570
motor vehicle which results in bodily injury to any person, or	86571
damage to the property of any person.	86572
(6) <u>"Investigator" means an investigator of the bureau of</u>	86573

criminal identification and investigation as defined in section 86574
2903.11 of the Revised Code. 86575

(B) No insurer shall consider the circumstance that an 86576
applicant or policyholder has been involved in a motor vehicle 86577
accident while in the pursuit of the applicant's or policyholder's 86578
official duties as a law enforcement officer, firefighter, 86579
investigator, or operator of an emergency vehicle or ambulance, 86580
while operating a vehicle engaged in mowing or snow and ice 86581
removal as a county, township, or department of transportation 86582
employee, or while operating a vehicle while engaged in the 86583
pursuit of the applicant's or policyholder's official duties as a 86584
member of the motor carrier enforcement unit of the state highway 86585
patrol under section 5503.34 of the Revised Code, as a basis for 86586
doing either of the following: 86587

(1) Refusing to issue or deliver a policy of insurance upon a 86588
private automobile, or increasing the rate to be charged for such 86589
a policy; 86590

(2) Increasing the premium rate, canceling, or failing to 86591
renew an existing policy of insurance upon a private automobile. 86592

(C) Any applicant or policyholder affected by an action of an 86593
insurer in violation of this section may appeal to the 86594
superintendent of insurance. After a hearing held upon not less 86595
than ten days' notice to the applicant or policyholder and to the 86596
insurer and if the superintendent determines that the insurer has 86597
violated this section, the superintendent may direct the issuance 86598
of a policy, decrease the premium rate on a policy, or reinstate 86599
insurance coverage. 86600

(D) The employer of the law enforcement officer, firefighter, 86601
investigator, or operator of an emergency vehicle or ambulance, 86602
operator of a vehicle engaged in mowing or snow and ice removal, 86603
or operator of a vehicle who is a member of the motor carrier 86604

enforcement unit, except as otherwise provided in division (F) of 86605
this section, shall certify to the state highway patrol or law 86606
enforcement agency that investigates the accident whether the 86607
officer, firefighter, investigator, or operator of an emergency 86608
vehicle or ambulance, operator of a vehicle engaged in mowing or 86609
snow and ice removal, or operator of a vehicle who is a member of 86610
the motor carrier enforcement unit, was engaged in the performance 86611
of the person's official duties as such employee at the time of 86612
the accident. The employer shall designate an official authorized 86613
to make the certifications. The state highway patrol or law 86614
enforcement agency shall include the certification in any report 86615
of the accident forwarded to the department of public safety 86616
pursuant to sections 5502.11 and 5502.12 of the Revised Code and 86617
shall forward the certification to the department if received 86618
after the report of the accident has been forwarded to the 86619
department. The registrar of motor vehicles shall not include an 86620
accident in a certified abstract of information under division (A) 86621
of section 4509.05 of the Revised Code, if the person involved has 86622
been so certified as having been engaged in the performance of the 86623
person's official duties at the time of the accident. 86624

(E) Division (B) of this section does not apply to an insurer 86625
whose policy covers the motor vehicle at the time the motor 86626
vehicle is involved in an accident described in division (B) of 86627
this section. 86628

(F) Division (B) of this section does not apply if an 86629
applicant or policyholder, on the basis of the applicant's or 86630
policyholder's involvement in an accident described in that 86631
division, is convicted of or pleads guilty or no contest to a 86632
violation of section 4511.19 of the Revised Code or a municipal 86633
OVI ordinance as defined in section 4511.181 of the Revised Code. 86634

Sec. 3951.01. As used in sections 3951.01 to 3951.09, 86635
inclusive, of the Revised Code: 86636

(A) "Lending institution" means a lending institution, as
defined in division ~~(E)~~(L) of section 175.01 of the Revised Code,
that is not organized for the purpose of qualifying to do business
as a public insurance adjuster in this state, as determined by the
superintendent, and that has been engaged in business as a bona
fide lending institution for at least five years, and any member
of an affiliated group, as defined by division (B)(3)(e) of
section 5739.01 of the Revised Code, associated with a lending
institution, which member has been a member of the affiliated
group for at least five years and which member is not organized or
affiliated with the lending institution for the purpose of
qualifying to do business as a public insurance adjuster in this
state, as determined by the superintendent.

(B) "Public insurance adjuster" means any person, firm,
association, partnership, or corporation who, for compensation,
acts on behalf of or aids in any manner, an insurer or insured or
another in negotiating for, or effecting the settlement of a claim
or claims for loss or damage under any policy of insurance
covering real or personal property, and any person, firm,
association, partnership, or corporation who advertises, solicits
business, or holds itself out to the public as an adjuster of such
insurance claims, and any person who for compensation
investigates, settles, adjusts, advises, or assists an insurer or
insured with reference to claims for such losses, on behalf of any
such public insurance adjuster.

(C) "Public insurance adjuster agent" means any person who is
a bona fide employee of a public insurance adjuster and who aids
in the adjustment, investigation, and in securing of any contract
for the adjustment of a loss.

(D) "Superintendent" means the superintendent of insurance
acting as director of the department of insurance.

(E) Nothing contained in Chapter 3951. of the Revised Code

shall apply to the following: 86669

(1) An attorney at law admitted to practice in this state who 86670
adjusts insurance losses in the course of the practice of the 86671
attorney's profession and who does not hold the attorney out by 86672
sign, advertisement, or otherwise as offering such services to the 86673
general public; 86674

(2) An officer, agent, or regular salaried employee of an 86675
insurer, or underwriter, or any attorney in fact of any reciprocal 86676
insurer of ~~Lloyds~~Lloyd's underwriter licensed to do business in 86677
this state who adjusts losses arising under the employer's or 86678
principal's own policies; or an underwriter by whom a policy of 86679
insurance against loss or damage or other causes has been written 86680
upon property within this state, in adjusting loss or damage under 86681
such policy, nor to an agent or broker acting as adjuster for the 86682
agent's or broker's own company; 86683

(3) An adjustment bureau or association owned and maintained 86684
by insurers to adjust or investigate losses of such insurers, or 86685
any regularly salaried employee thereof who devotes substantially 86686
all of the employee's time to the business of such bureau or 86687
association; 86688

(4) Any licensed agent or employee or officer of such agent 86689
or agency of an authorized insurer who adjusts losses for such 86690
insurer solely under policies issued through such agency; 86691

(5) Any independent adjuster representing an insurer. 86692

Sec. 4104.01. As used in sections 4104.01 to 4104.20 and 86693
section 4104.99 of the Revised Code: 86694

(A) "Board of building standards" or "board" means the board 86695
established by section 3781.07 of the Revised Code. 86696

(B) "Superintendent" means the superintendent of ~~the division~~
of industrial compliance labor created by section 121.04 of the
Revised Code.

(C) "Boiler" means a closed vessel in which water is heated,
steam is generated, steam is superheated, or any combination
thereof, under pressure or vacuum for use externally to itself by
the direct application of heat from the combustion of fuels, or
from electricity or nuclear energy. "Boiler" includes fired units
for heating or vaporizing liquids other than water where these
units are separate from processing systems and are complete within
themselves.

(D) "Power boiler" means a boiler in which steam or other
vapor (to be used externally to itself) is generated at a pressure
of more than fifteen psig.

(E) "High pressure, high temperature water boiler" means a
water heating boiler operating at pressures exceeding one hundred
sixty psig or temperatures exceeding two hundred fifty degrees
Fahrenheit.

(F) "Low pressure boiler" means a steam boiler operating at
pressures not exceeding fifteen psig, or a hot water heating
boiler operating at pressures not exceeding one hundred sixty psig
or temperatures not exceeding two hundred fifty degrees
Fahrenheit.

(G) "Pressure vessel" means a container for the containment
of pressure, either internal or external. This pressure may be
obtained from an external source or by the application of heat
from a direct or indirect source or any combination thereof.

(H) "Process boiler" means a boiler to which all of the
following apply:

(1) The steam in the boiler is either generated or superheated, or both, under pressure or vacuum for use external to itself.	86726 86727 86728
(2) The source of heat for the boiler is in part or in whole from a process other than the boiler itself.	86729 86730
(3) The boiler is part of a continuous processing unit, such as used in chemical manufacture or petroleum refining, other than a steam-generated process unit.	86731 86732 86733
(I) "Stationary steam engine" means an engine or turbine in which the mechanical force arising from the elasticity and expansion action of steam or from its property of rapid condensation or from a combination of the two is made available as a motive power.	86734 86735 86736 86737 86738
Sec. 4104.02. The board of building standards shall:	86739
(A) Formulate rules for the construction, installation, repair, conservation of energy, and operation of boilers and the construction and repair of pressure vessels and for ascertaining the safe working pressures to be carried on such boilers and pressure vessels and the qualification of inspectors of boilers and pressure vessels;	86740 86741 86742 86743 86744 86745
(B) Prescribe tests, if it is considered necessary, to ascertain the qualities of materials used in the construction of boilers and pressure vessels;	86746 86747 86748
(C) Adopt rules regulating the construction and sizes of safety valves for boilers and pressure vessels of different sizes and pressures, for the construction, use, and location of fusible plugs, appliances for indicating the pressure of steam and level of water in the boiler or pressure vessels, and such other appliances as the board considers necessary to safety in operating	86749 86750 86751 86752 86753 86754

boilers; 86755

(D) Establish reasonable fees for the performance of reviews, 86756
surveys, or audits of manufacturer's facilities by the division of 86757
~~industrial compliance~~labor for certification by the American 86758
society of mechanical engineers and the national board of boiler 86759
and pressure vessel inspectors; 86760

(E) The definitions and rules adopted by the board for the 86761
construction, installation, repair, conservation of energy, and 86762
operation of boilers and the construction and repair of pressure 86763
vessels and for ascertaining the safe working pressures to be used 86764
on such boilers and pressure vessels shall be based upon and 86765
follow generally accepted engineering standards, formulae, and 86766
practices established and pertaining to boilers and pressure 86767
vessel construction, operation, and safety, and the board may, for 86768
this purpose, adopt existing published standards as well as 86769
amendments thereto subsequently published by the same authority. 86770

When a person desires to manufacture a special type of boiler 86771
or pressure vessel, the design of which is not covered by the 86772
rules of the board, the person shall submit drawings and 86773
specifications of such boiler or pressure vessel to the board for 86774
investigation, after which the board may permit its installation. 86775

The provisions of sections 119.03 and 119.11 of the Revised 86776
Code in particular, and the applicable provisions of Chapter 119. 86777
of the Revised Code in general, shall govern the proceedings of 86778
the board of building standards in adopting, amending, or 86779
rescinding rules pursuant to this section. 86780

Sec. 4104.06. (A) The inspection of boilers and their 86781
appurtenances and pressure vessels shall be made by the 86782
inspectors mentioned in sections 4104.07 to 4104.20 of the Revised 86783
Code. The superintendent of ~~industrial compliance~~labor shall 86784
administer and enforce such sections and rules adopted by the 86785

board of building standards pursuant to section 4104.02 of the
Revised Code.

(B) The superintendent shall adopt, amend, and repeal rules
exclusively for the issuance, renewal, suspension, and revocation
of certificates of competency and certificates of operation, for
conducting hearings in accordance with Chapter 119. of the Revised
Code related to these actions, and for the inspection of boilers
and their appurtenances, and pressure vessels.

(C) Notwithstanding division (B) of this section, the
superintendent shall not adopt rules relating to construction,
maintenance, or repair of boilers and their appurtenances, or
repair of pressure vessels.

(D) The superintendent and each general inspector may enter
any premises and any building or room at all reasonable hours to
perform an examination or inspection.

Sec. 4104.07. (A) An application for examination as an
inspector of boilers and pressure vessels shall be in writing,
accompanied by a fee of one hundred fifty dollars, upon a blank to
be furnished by the superintendent of ~~industrial compliance~~labor.
Any moneys collected under this section shall be paid into the
state treasury to the credit of the ~~industrial compliance~~labor
operating fund created in section 121.084 of the Revised Code.

(B) The superintendent shall determine if an applicant meets
all the requirements for examination in accordance with rules
adopted by the board of building standards under section 4104.02
of the Revised Code. An application shall be rejected which
contains any willful falsification, or untruthful statements.

(C) An applicant shall be examined by the superintendent, by
a written examination, prescribed by the board, dealing with the
construction, installation, operation, maintenance, and repair of

boilers and pressure vessels and their appurtenances, and the 86816
applicant shall be accepted or rejected on the merits of the 86817
applicant's application and examination. 86818

(D) Upon a favorable report by the superintendent of the 86819
result of an examination, the superintendent shall immediately 86820
issue to the successful applicant a certificate of competency to 86821
that effect. 86822

Sec. 4104.08. (A) The director of commerce may appoint from 86823
the holders of certificates of competency provided for in section 86824
4104.07 of the Revised Code, general inspectors of boilers and 86825
pressure vessels. 86826

(B) Any company authorized to insure boilers and pressure 86827
vessels against explosion in this state may designate from holders 86828
of certificates of competency issued by the superintendent of 86829
~~industrial compliance~~labor, or holders of certificates of 86830
competency or commissions issued by other states or nations whose 86831
examinations for certificates or commissions have been approved by 86832
the board of building standards, persons to inspect and stamp 86833
boilers and pressure vessels covered by the company's policies, 86834
and the superintendent shall issue to such persons commissions 86835
authorizing them to act as special inspectors. Special inspectors 86836
shall be compensated by the company designating them. 86837

(C) The director of ~~commerce~~ shall establish an annual fee to 86838
be charged by the superintendent for each certificate of 86839
competency or commission the superintendent issues. 86840

(D) The superintendent shall issue to each general or special 86841
inspector a commission to the effect that the holder thereof is 86842
authorized to inspect boilers and pressure vessels in this state. 86843

(E) No person shall be authorized to act as a general 86844
inspector or a special inspector who is directly or indirectly 86845

interested in the manufacture or sale of boilers or pressure vessels. 86846
86847

Sec. 4104.09. The certificate of competency issued under 86848
section 4104.07 of the Revised Code or the commission provided for 86849
in section 4104.08 of the Revised Code may be revoked by the 86850
superintendent of ~~industrial compliance~~ labor for the incompetence 86851
or untrustworthiness of the holder thereof, or for willful 86852
falsification of any matter or statement contained in the holder's 86853
application or in a report of any inspection in accordance with 86854
Chapter 119 of the Revised Code. If a certificate or commission 86855
is lost or destroyed, a new certificate or commission shall be 86856
issued in its place without another examination. 86857

Sec. 4104.10. All unfired pressure vessels, except unfired 86858
pressure vessels exempt under section 4104.04 of the Revised Code, 86859
shall be thoroughly inspected during fabrication and upon 86860
completion and shall not be operated until a copy of the 86861
manufacturers' data report, properly executed and signed by the 86862
inspector is filed in the office of the superintendent of 86863
~~industrial compliance~~ labor. All unfired pressure vessels shall 86864
conform in every detail with applicable rules adopted by the board 86865
of building standards pursuant to section 4104.02 of the Revised 86866
Code. 86867

Sec. 4104.101. (A) No person shall install or make major 86868
repairs or modifications to any boiler without first registering 86869
to do so with the division of ~~industrial compliance~~ labor. 86870

(B) No person shall make any installation or major repair or 86871
modification of any boiler without first obtaining a permit to do 86872
so from the division. The permit application form shall provide 86873
the name and address of the owner, location of the boiler, and 86874
type of repair or modification that will be made. The application 86875
permit fee shall be ~~fifty~~ one hundred dollars. 86876

(C) The superintendent of ~~industrial compliance~~labor shall
require annual registration of all contractors who install, make
major repairs to, or modify any boiler. The board of building
standards shall establish a reasonable fee to cover the cost of
processing registrations.

Sec. 4104.12. All boilers, except boilers mentioned in
section 4104.04 of the Revised Code, shall be inspected when
installed and shall not be operated until an appropriate
certificate of operation has been issued by the superintendent of
~~the division of industrial compliance~~labor. The certificate of
operation required by this section shall not be issued for any
boiler which has not been thoroughly inspected during construction
and upon completion, by either a general or special inspector, and
which does not conform in every detail with the rules adopted by
the board of building standards and unless, upon completion, such
boiler is distinctly stamped under such rules by such inspector.

Sec. 4104.15. (A) All certificates of inspection for
boilers, issued prior to October 15, 1965, are valid and effective
for the period set forth in such certificates unless sooner
withdrawn by the superintendent of ~~industrial compliance~~labor.
The owner or user of any such boiler shall obtain an appropriate
certificate of operation for such boiler, and shall not operate
such boiler, or permit it to be operated unless a certificate of
operation has been obtained in accordance with section 4104.17 of
the Revised Code.

(B) If, upon making the internal and external inspection
required under sections 4104.11, 4104.12, and 4104.13 of the
Revised Code, the inspector finds the boiler to be in safe working
order, with the fittings necessary to safety, and properly set up,
upon the inspector's report to the superintendent, the
superintendent shall issue to the owner or user thereof, or renew,
upon application and upon compliance with sections 4104.17 and

4104.18 of the Revised Code, a certificate of operation which shall state the maximum pressure at which the boiler may be operated, as ascertained by the rules of the board of building standards. Such certificates shall also state the name of the owner or user, the location, size, and number of each boiler, and the date of issuance, and shall be so placed as to be easily read in the engine room or boiler room of the plant where the boiler is located, except that the certificate of operation for a portable boiler shall be kept on the premises and shall be accessible at all times.

(C) If an inspector at any inspection finds that the boiler or pressure vessel is not in safe working condition, or is not provided with the fittings necessary to safety, or if the fittings are improperly arranged, the inspector shall immediately notify the owner or user and person in charge of the boiler and shall report the same to the superintendent who may revoke, suspend, or deny the certificate of operation and not renew the same until the boiler or pressure vessel and its fittings are put in condition to insure safety of operation, and the owner or user shall not operate the boiler or pressure vessel, or permit it to be operated until such certificate has been granted or restored.

(D) If the superintendent or a general boiler inspector finds that a pressure vessel or boiler or a part thereof poses an explosion hazard that reasonably can be regarded as posing an imminent danger of death or serious physical harm to persons, the superintendent or the general boiler inspector shall seal the pressure vessel or boiler and order, in writing, the operator or owner of the pressure vessel or boiler to immediately cease the pressure vessel's or boiler's operation. The order shall be effective until the nonconformities are eliminated, corrected, or otherwise remedied, or for a period of seventy-two hours from the time of issuance, whichever occurs first. During the seventy-two-hour period, the superintendent may request that the

prosecuting attorney or city attorney of Franklin county or of the
county in which the pressure vessel or boiler is located obtain an
injunction restraining the operator or owner of the pressure
vessel or boiler from continuing its operation after the
seventy-two-hour period expires until the nonconformities are
eliminated, corrected, or otherwise remedied.

(E) Each boiler which has been inspected shall be assigned a
number by the superintendent, which number shall be stamped on a
nonferrous metal tag affixed to the boiler or its fittings by seal
or otherwise. No person except an inspector shall deface or remove
any such number or tag.

(F) If the owner or user of any pressure vessel or boiler
disagrees with the inspector as to the necessity for shutting down
a pressure vessel or boiler or for making repairs or alterations
in it, or taking any other measures for safety that are requested
by an inspector, the owner or user may appeal from the decision of
the inspector to the superintendent, who may, after such other
inspection by a general inspector or special inspector as the
superintendent deems necessary, decide the issue.

(G) Neither sections 4104.01 to 4104.20 of the Revised Code,
nor an inspection or report by any inspector, shall relieve the
owner or user of a pressure vessel or boiler of the duty of using
due care in the inspection, operation, and repair of the pressure
vessel or boiler or of any liability for damages for failure to
inspect, repair, or operate the pressure vessel or boiler safely.

Sec. 4104.16. The owner or user of any boiler required by
sections 4104.01 to 4104.20 of the Revised Code, to be inspected,
shall immediately notify the superintendent of ~~the division of~~
~~industrial compliance~~ labor in case a defect affecting the safety
of the boiler is discovered.

The owner or user of any stationary boiler required by such

sections to be inspected, who moves the same, shall report to the
superintendent the new location of the boiler. Such boiler shall
be inspected before it is again operated.

Sec. 4104.17. Certificates of operation issued for boilers
subject to inspection under Chapter 4104. of the Revised Code
shall be issued and renewed in accordance with and at dates
prescribed by rules and regulations adopted by the superintendent
of ~~industrial compliance~~ labor.

Sec. 4104.18. (A) The owner or user of a boiler required
under section 4104.12 of the Revised Code to be inspected upon
installation, and the owner or user of a boiler for which a
certificate of inspection has been issued which is replaced with
an appropriate certificate of operation, shall pay to the
superintendent of ~~industrial compliance~~ labor a fee in the amount
of ~~forty-five~~ fifty dollars for boilers subject to annual
inspections under section 4104.11 of the Revised Code, ~~ninetyone~~
hundred dollars for boilers subject to biennial inspection under
section 4104.13 of the Revised Code, one hundred ~~thirty-five~~ fifty
dollars for boilers subject to triennial inspection under section
4104.11 of the Revised Code, or two hundred ~~twenty-five~~ fifty
dollars for boilers subject to quinquennial inspection under
section 4104.13 of the Revised Code.

~~A renewal fee in the amount of forty-five dollars shall be
paid to the treasurer of state before the renewal of any
certificate of operation.~~

(B) The fee for complete inspection during construction by a
general inspector on boilers and pressure vessels manufactured
within the state shall be thirty-five dollars per hour. Boiler and
pressure vessel manufacturers other than those located in the
state may secure inspection by a general inspector on work during
construction, upon application to the superintendent, and upon
payment of a fee of thirty-five dollars per hour, plus the

necessary traveling and hotel expenses incurred by the inspector. 87005

(C) The application fee for applicants for steam engineer, 87006
high pressure boiler operator, or low pressure boiler operator 87007
licenses is ~~fifty~~seventy-five dollars. The fee for each original 87008
or renewal steam engineer, high pressure boiler operator, or low 87009
pressure boiler operator license is ~~thirty-five~~fifty dollars. 87010

(D) The director of commerce, subject to the approval of the 87011
controlling board, may establish fees in excess of the fees 87012
provided in divisions (A), (B), and (C) of this section. Any 87013
moneys collected under this section shall be paid into the state 87014
treasury to the credit of the ~~industrial compliance~~labor 87015
operating fund created in section 121.084 of the Revised Code. 87016

(E) Any person who fails to pay an invoiced renewal fee or an 87017
invoiced inspection fee required for any inspection conducted by 87018
the division of ~~industrial compliance~~labor pursuant to this 87019
chapter within forty-five days of the invoice date shall pay a 87020
late payment fee equal to twenty-five per cent of the invoiced 87021
fee. 87022

(F) In addition to the fees assessed in divisions (A) and (B) 87023
of this section, the board of building standards shall assess the 87024
owner or user a fee of three dollars and twenty-five cents for 87025
each certificate of operation or renewal thereof issued under 87026
division (A) of this section and for each inspection conducted 87027
under division (B) of this section. The board shall adopt rules, 87028
in accordance with Chapter 119. of the Revised Code, specifying 87029
the manner by which the superintendent shall collect and remit to 87030
the board the fees assessed under this division and requiring that 87031
remittance of the fees be made at least quarterly. 87032

Sec. 4104.19. (A) Any person seeking a license to operate as 87033
a steam engineer, high pressure boiler operator, or low pressure 87034
boiler operator shall file a written application with the 87035

superintendent of ~~industrial compliance~~ labor on a form prescribed 87036
by the superintendent with the appropriate application fee as set 87037
forth in section 4104.18 of the Revised Code. The application 87038
shall contain information satisfactory to the superintendent to 87039
demonstrate that the applicant meets the requirements of division 87040
(B) of this section. The application shall be filed with the 87041
superintendent not more than sixty days and not less than thirty 87042
days before the license examination is offered. 87043

(B) To qualify to take the examination required to obtain a 87044
steam engineer, high pressure boiler operator, or low pressure 87045
boiler operator license, a person shall meet both of the following 87046
requirements: 87047

(1) Be at least eighteen years of age; 87048

(2) Have one year of experience in the operation of steam 87049
engines, high pressure boilers, or low pressure boilers as 87050
applicable to the type of license being sought, or a combination 87051
of experience and education for the type of license sought as 87052
determined to be acceptable by the superintendent. 87053

(C) No applicant shall qualify to take an examination or to 87054
renew a license if the applicant has violated this chapter or if 87055
the applicant has obtained or renewed a license issued under this 87056
chapter by fraud, misrepresentation, or deception. 87057

(D) The superintendent shall issue a license to each 87058
applicant who receives a passing score on the examination, as 87059
determined by the superintendent, for the license for which the 87060
applicant applied. 87061

(E) The superintendent may select and contract with one or 87062
more persons to do all of the following relative to the 87063
examinations for a license to operate as a steam engineer, high 87064
pressure boiler operator, or low pressure boiler operator: 87065

(1) Prepare, administer, score, and maintain the confidentiality of the examination;	87066 87067
(2) Maintain responsibility for all expenses required to fulfill division (E)(1) of this section;	87068 87069
(3) Charge each applicant a fee for administering the examination, in an amount authorized by the superintendent;	87070 87071
(4) Design the examination for each type of license to determine an applicant's competence to operate the equipment for which the applicant is seeking licensure.	87072 87073 87074
(F) Each license issued under this chapter expires one year after the date of issue. Each person holding a valid, unexpired license may renew the license, without reexamination, by applying to the superintendent not more than ninety days before the expiration of the license, and submitting with the application the renewal fee established in section 4104.18 of the Revised Code. Upon receipt of the renewal information and fee, the superintendent shall issue the licensee a certificate of renewal.	87075 87076 87077 87078 87079 87080 87081 87082
(G) The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke any license, or may refuse to issue a license under this chapter upon finding that a licensee or an applicant for a license has violated or is violating the requirements of this chapter.	87083 87084 87085 87086 87087
Sec. 4104.21. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the superintendent of ~~industrial compliance~~ <u>labor</u> shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate or license issued pursuant to this chapter.	87088 87089 87090 87091 87092 87093

Sec. 4104.33. There is hereby created the historical boilers
licensing board consisting of seven members, three of whom shall
be appointed by the governor with the advice and consent of the
senate. The governor shall make initial appointments to the board
within ninety days after ~~the effective date of this section~~
October 24, 2002. Of the initial members appointed by the
governor, one shall be for a term ending three years after ~~the~~
~~effective date of this section~~October 24, 2002, one shall be for
a term ending four years after ~~the effective date of this section~~
October 24, 2002, and one shall be for a term ending five years
after ~~the effective date of this section~~October 24, 2002.
Thereafter, terms of office shall be for five years, each term
ending on the same day of the same month of the year as did the
term that it succeeds. Of the three members the governor appoints,
one member shall be an employee of the division of boiler
inspection in the department of commerce; one member shall be an
independent mechanical engineer who is not involved in selling or
inspecting historical boilers; and one shall be an active member
of an association that represents managers of fairs or festivals.

Two members of the board shall be appointed by the president
of the senate and two members of the board shall be appointed by
the speaker of the house of representatives. The president and
speaker shall make initial appointments to the board within ninety
days after ~~the effective date of this section~~October 24, 2002. Of
the initial members appointed by the president, one shall be for a
term ending four years after ~~the effective date of this section~~
October 24, 2002 and one shall be for a term ending five years
after ~~the effective date of this section~~October 24, 2002. Of the
initial members appointed by the speaker, one shall be for a term
ending three years after ~~the effective date of this section~~
October 24, 2002 and one shall be for a term ending five years
after ~~the effective date of this section~~October 24, 2002.
Thereafter, terms of office shall be for five years, each term
ending on the same day of the same month of the year as did the

term that it succeeds. Of the four members appointed by the
president and speaker, each shall own a historical boiler and also
have at least ten years of experience in the operation of
historical boilers, and each of these four members shall reside in
a different region of the state.

Each member shall hold office from the date of the member's
appointment until the end of the term for which the member was
appointed. Members may be reappointed. Vacancies shall be filled
in the manner provided for initial appointments. Any member
appointed to fill a vacancy occurring prior to the expiration date
of the term for which the member's predecessor was appointed shall
hold office as a member for the remainder of that term. A member
shall continue in office subsequent to the expiration date of the
member's term until the successor takes office or until a period
of sixty days has elapsed, whichever occurs first.

The members of the board, annually, shall elect, by majority
vote, a chairperson from among their members. The board shall meet
at least once annually and at other times at the call of the
chairperson. Board members shall receive their actual and
necessary expenses incurred in the discharge of their duties as
board members.

The superintendent of ~~the division of industrial compliance~~
labor shall furnish office space, staff, and supplies to the board
as the superintendent determines are necessary for the board to
carry out its official duties under sections 4104.33 to 4104.37 of
the Revised Code.

Sec. 4104.42. (A) The owner of any power piping or process
piping system shall ensure that all of the following are performed
in compliance with applicable sections of the B31 standards
contained in the code for pressure piping, published by the
American society of mechanical engineers:

(1) The design, fabrication, assembly, installation, testing, examination, and inspection of power and process piping systems;	87159 87160
(2) Qualification of personnel and qualification of welding and brazing procedures;	87161 87162
(3) The implementation of an inspection program.	87163
(B) The owner of a power piping or process piping system shall do both of the following:	87164 87165
(1) Maintain for five years complete records documenting the design, examination, and testing of the piping system that include all of the following:	87166 87167 87168
(a) The specific edition of the code for pressure piping used in the design;	87169 87170
(b) The design assumptions;	87171
(c) The calculations, piping material specifications, and construction documents for the piping;	87172 87173
(d) The records of piping alterations;	87174
(e) The piping examination and inspection records.	87175
(2) Disclose the types and quantities of flammable, combustible, or hazardous materials proposed to be used in the facility to the building and fire code enforcement authorities who have inspection authority to enable those authorities to determine compliance with the rules the board of building standards adopts pursuant to section 3781.10 of the Revised Code and the rules the state fire marshal adopts pursuant to section 3737.82 of the Revised Code.	87176 87177 87178 87179 87180 87181 87182 87183
(C) No person or state agency shall require that the records	87184

described in division (B)(1) of this section be submitted to the 87185
division of ~~industrial compliance~~labor in the department of 87186
commerce or to a certified building department for approval. 87187

(D) Nothing in this section limits the application of 87188
Chapters 4703. and 4733. of the Revised Code. 87189

Sec. 4104.43. (A)(1) The board of building standards shall 87190
adopt rules establishing requirements for the design, 87191
installation, inspection of and design review procedure for 87192
building services piping. 87193

(2) The board of building standards shall adopt rules 87194
establishing requirements for the design, installation, inspection 87195
of and design review procedure for nonflammable medical gas, 87196
medical oxygen, and medical vacuum piping systems. 87197

(B) A municipal, township, or county building department 87198
certified under division (E) of section 3781.10 of the Revised 87199
Code shall enforce the rules the board adopts pursuant to division 87200
(A)(2) of this section if that building department requests and 87201
obtains special certification to enforce those rules. 87202

(C) In a health district where no municipal, township, or 87203
county building department is specially certified under division 87204
(B) of this section, an employee of the health district shall 87205
enforce the rules adopted pursuant to division (A)(2) of this 87206
section if both of the following conditions are satisfied: 87207

(1) The health district employee requests and obtains special 87208
certification by the board to enforce those rules. 87209

(2) The health district notifies the superintendent of the 87210
division of ~~industrial compliance~~labor in the department of 87211
commerce that the health district's specially certified employee 87212
shall enforce those rules. 87213

(D) In a jurisdiction where enforcement authority as 87214
described in divisions (B) and (C) of this section does not exist, 87215
the superintendent of ~~the division of industrial compliance~~labor 87216
shall enforce the rules the board adopts pursuant to division 87217
(A)(2) of this section. 87218

Sec. 4104.44. All welding and brazing of metallic piping 87219
systems shall be performed in accordance with section IX of the 87220
boiler and pressure vessel code, published by the American society 87221
of mechanical engineers. The owner shall maintain, at the job 87222
site, the certified performance qualification records of all 87223
welders and brazers employed at the facility. The owner shall 87224
submit copies of all certified welding and brazing procedure 87225
specifications, procedure qualification records, and performance 87226
qualification records for building services piping for review to 87227
the superintendent of ~~the division of industrial compliance~~labor 87228
in the department of commerce in accordance with rules the 87229
superintendent adopts. The submission shall be accompanied by the 87230
fee the superintendent establishes. 87231

Sec. 4104.48. (A) No person shall violate sections 4104.41 87232
to 4104.48 of the Revised Code, fail to perform any duty lawfully 87233
enjoined in connection with those sections, or fail to comply with 87234
any order issued by the superintendent of ~~the division of~~ 87235
~~industrial compliance~~labor or any judgment or decree issued by 87236
any court in connection with the enforcement of sections 4104.41 87237
to 4104.48 of the Revised Code. 87238

(B) Every day during which a person violates sections 4104.41 87239
to 4104.48 of the Revised Code, fails to perform any duty lawfully 87240
enjoined in connection with those sections, or fails to comply 87241
with any order issued by the superintendent of ~~the division of~~ 87242
~~industrial compliance~~ or any judgment or decree issued by any 87243
court in connection with the enforcement of sections 4104.41 to 87244
4104.48 of the Revised Code constitutes a separate offense. 87245

Sec. 4105.01. As used in this chapter: 87246

(A) "Elevator" means a hoisting and lowering apparatus 87247
equipped with a car, cage, or platform which moves on or between 87248
permanent rails or guides and serves two or more fixed landings in 87249
a building or structure to which section 3781.06 of the Revised 87250
Code applies. "Elevator" includes dumb-waiters other than 87251
hand-powered dumb-waiters, escalators, ~~manlifts~~peoplelifts, 87252
moving walks, of the endless belt type, other lifting or lowering 87253
apparatus permanently installed on or between rails or guides, and 87254
all equipment, machinery, and construction related to any 87255
elevator; but does not include construction hoists and other 87256
similar temporary lifting or lowering apparatuses, ski lifts, 87257
traveling, portable amusement rides or devices that are not 87258
affixed to a permanent foundation, or nonportable amusement rides 87259
or devices that are affixed to a permanent foundation. 87260

(B) "Passenger elevator" means an elevator that is designed 87261
to carry persons to its contract capacity. 87262

(C) "Freight elevator" means an elevator normally used for 87263
carrying freight and on which only the operator and employees in 87264
the pursuit of their duties, by the permission of the employer, 87265
are allowed to ride. 87266

(D) "Gravity elevator" means an elevator utilizing gravity to 87267
move. 87268

(E) "General inspector" means a state inspector examined and 87269
hired to inspect elevators and lifting apparatus for that state. 87270

(F) "Special inspector" means an inspector examined and 87271
commissioned by the superintendent of ~~the division of industrial~~ 87272
~~compliance~~labor to inspect elevators and lifting apparatus in the 87273
state. 87274

(G) "Inspector" means either a general or special inspector. 87275

Sec. 4105.02. No person may act, either as a general 87276
inspector or as a special inspector, of elevators, unless ~~he~~the 87277
person holds a certificate of competency from the division of 87278
~~industrial compliance~~labor. 87279

Application for examination as an inspector of elevators 87280
shall be in writing, accompanied by a fee to be established as 87281
provided in section 4105.17 of the Revised Code, and upon a blank 87282
to be furnished by the division, stating the school education of 87283
the applicant, a list of ~~his~~the applicant's employers, ~~his~~the 87284
applicant's period of employment, and the position held with each. 87285
An applicant shall also submit a letter from one or more of ~~his~~ 87286
the applicant's previous employers certifying as to ~~his~~the 87287
applicant's character and experience. 87288

Applications shall be rejected which contain any willful 87289
falsification or untruthful statements. An applicant, if the 87290
division considers ~~his~~the applicant's history and experience 87291
sufficient, shall be examined by the superintendent of ~~the~~ 87292
~~division of industrial compliance~~labor by a written examination 87293
dealing with the construction, installation, operation, 87294
maintenance, and repair of elevators and their appurtenances, and 87295
the applicant shall be accepted or rejected on the merits of ~~his~~ 87296
the applicant's application and examination. 87297

The superintendent shall issue a certificate of competency in 87298
the inspection of elevators to any applicant found competent upon 87299
examination. A rejected applicant shall be entitled, after the 87300
expiration of ninety days and upon payment of an examination fee 87301
to be established as provided in section 4105.17 of the Revised 87302
Code, to another examination. Should an applicant fail to pass the 87303
prescribed examination on second trial, ~~he~~the applicant will not 87304
be permitted to be an applicant for another examination for a 87305

period of one year after the second examination. 87306

Sec. 4105.03. The superintendent of ~~the division of~~ 87307
~~industrial compliance~~labor, with the consent of the director of 87308
commerce, shall hire an assistant who has at least ten years of 87309
experience in the construction, installation, maintenance, and 87310
repair of elevators and their appurtenances. 87311

The superintendent, with the consent of the director ~~of~~ 87312
~~commerce~~, and in compliance with Chapter 124. of the Revised Code, 87313
may appoint and hire general inspectors of elevators from the 87314
holders of certificates of competency. 87315

Sec. 4105.04. From the holders of certificates of competency 87316
in the inspection of elevators, any company that is authorized to 87317
insure elevators in the state, may designate persons to inspect 87318
elevators covered by such company's policies, and the department 87319
of public safety of any city and the clerk of any village may 87320
designate persons to inspect elevators in such city or village. 87321
Such persons shall, upon the payment of a fee to be established as 87322
provided in section 4105.17 of the Revised Code, have issued to 87323
them annually by the division of ~~industrial compliance~~labor, 87324
commissions to serve as special inspectors of elevators in the 87325
state. 87326

Sec. 4105.05. A commission to serve as a special inspector 87327
may be suspended or revoked by the superintendent of ~~the division~~ 87328
~~of industrial compliance~~labor, for the incompetence or 87329
untrustworthiness of the holder thereof, or for the falsification 87330
of any matter or statement contained in ~~his~~the holder's 87331
application or in a report of any inspection. 87332

Sec. 4105.06. If a certificate or commission issued under 87333
sections 4105.02 and 4105.04 of the Revised Code is lost or 87334
destroyed a new one shall be issued in its place by the division 87335
of ~~industrial compliance~~labor without another examination, upon 87336

the payment of a fee to be established as provided in section 87337
4105.07 of the Revised Code. 87338

Sec. 4105.09. The owner or user of any elevator shall 87339
register, with the division of ~~industrial compliance~~ labor, every 87340
elevator operated by ~~him~~ the owner or user, giving the type, 87341
capacity, and description, name of manufacturer, and purpose for 87342
which each is used. Such registration shall be made on a form to 87343
be furnished by the division. 87344

Sec. 4105.11. The inspection of elevators shall be made by 87345
the inspectors authorized in sections 4105.03 and 4105.04 of the 87346
Revised Code, under the supervision of the superintendent of ~~the~~ 87347
~~division of industrial compliance~~ labor, and the superintendent 87348
shall enforce this chapter and any rules adopted pursuant thereto. 87349

Every inspector shall forward to the superintendent a full 87350
and complete report of each inspection made of any elevator and 87351
shall, on the day the inspection is completed, leave a copy of 87352
such report with the owner or operator of the elevator, or ~~his~~ the 87353
owner's or operator's agent or representative. Such report shall 87354
indicate the exact condition of the elevator and shall list any 87355
and all of the provisions of this chapter and any rules adopted 87356
pursuant thereto, with which the elevator does not comply. Before 87357
attempting to enforce, by any remedy, civil or criminal, the 87358
provisions with which the inspected elevator does not comply, the 87359
chief shall issue an adjudication order within the meaning of 87360
Chapter 119. of the Revised Code. 87361

The approval of construction plans, or an application of 87362
specifications under section 4105.16 of the Revised Code is a 87363
license, and the failure to approve such plans or specifications 87364
by the chief within sixty days after they are filed is an 87365
adjudication order denying the issuance of a license. 87366

Every adjudication order shall specify what appliances, site 87367

preparations, additions, repairs, or alterations to any elevators, 87368
plans, materials, assemblages, or procedures are necessary for the 87369
same to comply with this chapter, or any rules adopted pursuant 87370
thereto. Such adjudication order shall be issued pursuant to 87371
Chapter 119. of the Revised Code and shall be effective without 87372
prior hearing, within thirty days after the receipt of such order, 87373
the owner of the elevator specified therein may appeal to the 87374
board of building appeals under section 3781.19 of the Revised 87375
Code. 87376

Notwithstanding the provisions of Chapter 119. of the Revised 87377
Code relating to adjudication hearings, a stenographic or 87378
mechanical record of the testimony and other evidence submitted 87379
before the board of building appeals shall be taken at the expense 87380
of the agency. A party adversely affected by an order issued 87381
following such adjudication hearing may appeal to the court of 87382
common pleas of the county in which ~~he~~the party is a resident or 87383
in which the elevator affected by such order is located. The court 87384
in such case shall not be confined to the record as certified to 87385
it by the agency, but any party may produce additional evidence 87386
and the court shall hear the matter upon such record and such 87387
additional evidence as is introduced by any party. The court shall 87388
not affirm the order of the agency unless the preponderance of the 87389
evidence before it supports the reasonableness and lawfulness of 87390
such order, and of any rules upon which the order of the agency is 87391
based in its application to the facts involved in the appeal. 87392

Failure to comply with the requirements of any order issued 87393
pursuant to this section or the continued operation of any 87394
elevator after it has been sealed pursuant to section 4105.21 of 87395
the Revised Code is hereby declared a public nuisance. 87396

Sec. 4105.12. (A) The superintendent of ~~the division of~~ 87397
~~industrial compliance~~labor shall adopt, amend, and repeal rules 87398
exclusively for the issuance, renewal, suspension, and revocation 87399

of certificates of competency and certificates of operation, for 87400
the conduct of hearings related to these actions, and for the 87401
inspection of elevators. 87402

(B) Notwithstanding division (A) of this section, the 87403
superintendent shall not adopt rules relating to construction, 87404
maintenance, and repair of elevators. 87405

Sec. 4105.13. Every elevator shall be constructed, equipped, 87406
maintained, and operated, with respect to the supporting members, 87407
elevator car, shaftways, guides, cables, doors, and gates, safety 87408
stops and mechanism, electrical apparatus and wiring, mechanical 87409
apparatus, counterweights, and all other appurtenances, in 87410
accordance with state laws and rules as are authorized in respect 87411
thereto. Where reasonable safety is obtained without complying to 87412
the literal requirements of such rules as in cases of practical 87413
difficulty or unnecessary hardship, the literal requirements of 87414
such rules shall not be required. The superintendent of ~~the~~ 87415
~~division of industrial compliance~~labor may permit the 87416
installation of vertical wheelchair lifts in public buildings to 87417
provide for handicapped accessibility where such lifts do not meet 87418
the literal requirements of the rules adopted by the board of 87419
building standards pursuant to section 4105.011 of the Revised 87420
Code, provided that reasonable safety may be obtained. 87421

Sec. 4105.15. No certificate of operation for any elevator 87422
shall be issued by the director of commerce until such elevator 87423
has been inspected as required by this chapter. Certificates of 87424
operation shall be renewed by the owner or user of the elevator in 87425
accordance with rules adopted by the superintendent of ~~the~~ 87426
~~division of industrial compliance~~labor pursuant to section 87427
4105.12 of the Revised Code. 87428

Sec. 4105.16. Before any new installation of an elevator of 87429
permanent nature is erected or before any existing elevator is 87430
removed to and installed in a different location, an application 87431

of specifications in duplicate shall be submitted to the division 87432
of ~~industrial compliance~~labor giving such information concerning 87433
the construction, installation, and operation of said elevator as 87434
the division may require on forms to be furnished by the division, 87435
together with complete construction plans in duplicate. In all 87436
cases where any changes or repairs are made which alter its 87437
construction of classification, grade or rated lifting capacity, 87438
except when made pursuant to a report of an inspector, an 87439
application of specifications in duplicate shall be submitted to 87440
the division, containing such information, or approval, except in 87441
those municipal corporations which maintain their own elevator 87442
inspection departments, in which event such specifications shall 87443
be submitted to the elevator department of the municipal 87444
corporation for its approval, and if approved, a permit for the 87445
erection or repair of such elevator shall be issued by the 87446
municipal corporation. Upon approval of such application and 87447
construction plans, the superintendent of ~~industrial compliance~~ 87448
labor shall issue a permit for the erection or repair of such 87449
elevator. No new elevator shall be operated until completion in 87450
accordance with the approved plans and specifications, unless a 87451
temporary permit is granted by the division. 87452

The final inspection, before operation, of a permanent, new 87453
or repaired elevator shall be made by a general inspector or a 87454
special inspector designated by the superintendent. 87455

Sec. 4105.17. (A) The fee for each inspection, or attempted 87456
inspection that, due to no fault of a general inspector or the 87457
division of ~~industrial compliance~~labor, is not successfully 87458
completed, by a general inspector before the operation of a 87459
permanent new elevator prior to the issuance of a certificate of 87460
operation, before operation of an elevator being put back into 87461
service after a repair or after an adjudication under section 87462
4105.11 of the Revised Code, or as a result of the operation of 87463
section 4105.08 of the Revised Code and is an elevator required 87464

to be inspected under this chapter is one hundred twenty dollars 87465
plus ten dollars for each floor where the elevator stops. The 87466
superintendent of ~~industrial compliance~~labor may assess an 87467
additional fee of one hundred ~~twenty-five~~twenty dollars plus ~~five~~ 87468
ten dollars for each floor where an elevator stops for the 87469
reinspection of an elevator when a previous attempt to inspect 87470
that elevator has been unsuccessful through no fault of a general 87471
inspector or the division of ~~industrial compliance~~labor. 87472

(B) The fee for each inspection, or attempted inspection, 87473
that due to no fault of the general inspector or the division of 87474
~~industrial compliance~~, is not successfully completed by a general 87475
inspector before operation of a permanent new escalator or moving 87476
walk prior to the issuance of a certificate of operation, before 87477
operation of an escalator or moving walk being put back in service 87478
after a repair, or as a result of the operation of section 4105.08 87479
of the Revised Code is three hundred dollars. The superintendent 87480
of the division of ~~industrial compliance~~ may assess an additional 87481
fee of one hundred fifty dollars for the reinspection of an 87482
escalator or moving walk when a previous attempt to inspect that 87483
escalator or moving walk has been unsuccessful through no fault of 87484
the general inspector or the division of ~~industrial compliance~~. 87485

(C) The fee for issuing or renewing a certificate of 87486
operation under section 4105.15 of the Revised Code for an 87487
elevator that is inspected every six months in accordance with 87488
division (A) of section 4105.10 of the Revised Code is two hundred 87489
twenty dollars plus ~~ten~~twelve dollars for each floor where the 87490
elevator stops, except where the elevator has been inspected by a 87491
special inspector in accordance with section 4105.07 of the 87492
Revised Code. 87493

(D) The fee for issuing or renewing a certificate of 87494
operation under section 4105.05 of the Revised Code for an 87495
elevator that is inspected every twelve months in accordance with 87496

division (A) of section 4105.10 of the Revised Code is fifty-five
dollars plus ten dollars for each floor where the elevator stops,
except where the elevator has been inspected by a special
inspector in accordance with section 4105.07 of the Revised Code.

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(E) The fee for issuing or renewing a certificate of
operation under section 4105.15 of the Revised Code for an
escalator or moving walk is three hundred dollars, except where
the escalator or moving walk has been inspected by a special
inspector in accordance section 4105.07 of the Revised Code.

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(F) All other fees to be charged for any examination given or
other service performed by the division of industrial compliance
pursuant to this chapter shall be prescribed by the director of
commerce. The fees shall be reasonably related to the costs of
such examination or other service.

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(G) The director of commerce, subject to the approval of the
controlling board, may establish fees in excess of the fees
provided in divisions (A), (B), (C), (D), and (E) of this section.
Any moneys collected under this section shall be paid into the
state treasury to the credit of the ~~industrial compliance~~ labor
operating fund created in section 121.084 of the Revised Code.

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(H) Any person who fails to pay an inspection fee required
for any inspection conducted by the division pursuant to this
chapter within forty-five days after the inspection is conducted
shall pay a late payment fee equal to twenty-five per cent of the
inspection fee.

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(I) In addition to the fees assessed in divisions (A), (B),
(C), (D), and (E) of this section, the board of building standards
shall assess a fee of three dollars and twenty-five cents for each
certificate of operation or renewal thereof issued under
divisions (A), (B), (C), (D), or (E) of this section and for each
permit issued under section 4105.16 of the Revised Code. The

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board shall adopt rules, in accordance with Chapter 119. of the
Revised Code, specifying the manner by which the superintendent
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fees assessed under this division and requiring that remittance
of the fees be made at least quarterly.

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(J) For purposes of this section:

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(1) "Escalator" means a power driven, inclined, continuous
stairway used for raising or lowering passengers.

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(2) "Moving walk" means a passenger carrying device on which
passengers stand or walk, with a passenger carrying surface that
is uninterrupted and remains parallel to its direction of motion.

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Sec. 4105.191. Any person owning or operating any elevator
subject to this chapter shall file a written report with the
superintendent of ~~the division of industrial compliance~~labor
within seventy-two hours after the occurrence of any accident
involving such elevator which results in death or bodily injury to
any person.

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Sec. 4105.20. No person shall violate any law relative to
the operation, construction, maintenance, and repair of elevators.
All fines collected for violation of this section shall be
forwarded to the superintendent of ~~the division of industrial~~
~~compliance~~labor, who shall pay them into the state treasury to
the credit of the ~~industrial compliance~~labor operating fund
created in section 121.084 of the Revised Code.

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Sec. 4105.21. The superintendent of ~~the division of~~
~~industrial compliance~~labor shall enforce this chapter. If the
superintendent or a general inspector of elevators finds that an
elevator or a part thereof does not afford reasonable safety as
required by section 4105.13 of the Revised Code, the
superintendent or the general inspector may seal such elevator and

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post a notice thereon prohibiting further use of the elevator 87558
until the changes or alterations set forth in the notice have been 87559
made to the satisfaction of the superintendent or the inspector. 87560
The notice shall contain a statement that operators or passengers 87561
are subject to injury by its continued use, a description of the 87562
alteration or other change necessary to be made in order to secure 87563
safety of operation, date of such notice, name and signature of 87564
the superintendent or inspector issuing the notice. 87565

Sec. 4112.01. (A) As used in this chapter: 87566

(1) "Person" includes one or more individuals, partnerships, 87567
associations, organizations, corporations, legal representatives, 87568
trustees, trustees in bankruptcy, receivers, and other organized 87569
groups of persons. "Person" also includes, but is not limited to, 87570
any owner, lessor, assignor, builder, manager, broker, 87571
salesperson, appraiser, agent, employee, lending institution, and 87572
the state and all political subdivisions, authorities, agencies, 87573
boards, and commissions of the state. 87574

(2) "Employer" includes the state, any political subdivision 87575
of the state, any person employing four or more persons within the 87576
state, and any person acting directly or indirectly in the 87577
interest of an employer. 87578

(3) "Employee" means an individual employed by any employer 87579
but does not include any individual employed in the domestic 87580
service of any person. 87581

(4) "Labor organization" includes any organization that 87582
exists, in whole or in part, for the purpose of collective 87583
bargaining or of dealing with employers concerning grievances, 87584
terms or conditions of employment, or other mutual aid or 87585
protection in relation to employment. 87586

(5) "Employment agency" includes any person regularly 87587

undertaking, with or without compensation, to procure 87588
opportunities to work or to procure, recruit, refer, or place 87589
employees. 87590

(6) "Commission" means the Ohio civil rights commission 87591
created by section 4112.03 of the Revised Code. 87592

(7) "Discriminate" includes segregate or separate. 87593

(8) "Unlawful discriminatory practice" means any act 87594
prohibited by section 4112.02, 4112.021, or 4112.022 of the 87595
Revised Code. 87596

(9) "Place of public accommodation" means any inn, 87597
restaurant, eating house, barbershop, public conveyance by air, 87598
land, or water, theater, store, other place for the sale of 87599
merchandise, or any other place of public accommodation or 87600
amusement of which the accommodations, advantages, facilities, or 87601
privileges are available to the public. 87602

(10) "Housing accommodations" includes any building or 87603
structure, or portion of a building or structure, that is used or 87604
occupied or is intended, arranged, or designed to be used or 87605
occupied as the home residence, dwelling, dwelling unit, or 87606
sleeping place of one or more individuals, groups, or families 87607
whether or not living independently of each other; and any vacant 87608
land offered for sale or lease. "Housing accommodations" also 87609
includes any housing accommodations held or offered for sale or 87610
rent by a real estate broker, salesperson, or agent, by any other 87611
person pursuant to authorization of the owner, by the owner, or by 87612
the owner's legal representative. 87613

(11) "Restrictive covenant" means any specification limiting 87614
the transfer, rental, lease, or other use of any housing 87615
accommodations because of race, color, religion, sex, military 87616
status, familial status, national origin, disability, or ancestry, 87617

or any limitation based upon affiliation with or approval by any 87618
person, directly or indirectly, employing race, color, religion, 87619
sex, military status, familial status, national origin, 87620
disability, or ancestry as a condition of affiliation or approval. 87621

(12) "Burial lot" means any lot for the burial of deceased 87622
persons within any public burial ground or cemetery, including, 87623
but not limited to, cemeteries owned and operated by municipal 87624
corporations, townships, or companies or associations incorporated 87625
for cemetery purposes. 87626

(13) "Disability" means a physical or mental impairment that 87627
substantially limits one or more major life activities, including 87628
the functions of caring for one's self, performing manual tasks, 87629
walking, seeing, hearing, speaking, breathing, learning, and 87630
working; a record of a physical or mental impairment; or being 87631
regarded as having a physical or mental impairment. 87632

(14) Except as otherwise provided in section 4112.021 of the 87633
Revised Code, "age" means at least forty years old. 87634

(15) "Familial status" means either of the following: 87635

(a) One or more individuals who are under eighteen years of 87636
age and who are domiciled with a parent or guardian having legal 87637
custody of the individual or domiciled, with the written 87638
permission of the parent or guardian having legal custody, with a 87639
designee of the parent or guardian; 87640

(b) Any person who is pregnant or in the process of securing 87641
legal custody of any individual who is under eighteen years of 87642
age. 87643

(16)(a) Except as provided in division (A)(16)(b) of this 87644
section, "physical or mental impairment" includes any of the 87645
following: 87646

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;	87647 87648 87649 87650 87651 87652
(ii) Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;	87653 87654 87655
(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction, and alcoholism.	87656 87657 87658 87659 87660 87661
(b) "Physical or mental impairment" does not include any of the following:	87662 87663
(i) Homosexuality and bisexuality;	87664
(ii) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;	87665 87666 87667
(iii) Compulsive gambling, kleptomania, or pyromania;	87668
(iv) Psychoactive substance use disorders resulting from the current illegal use of a controlled substance or the current use of alcoholic beverages.	87669 87670 87671
(17) "Dwelling unit" means a single unit of residence for a family of one or more persons.	87672 87673

(18) "Common use areas" means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings.	87674 87675 87676 87677 87678 87679
(19) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public.	87680 87681 87682
(20) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	87683 87684
(21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability.	87685 87686
(22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5923.05 of the Revised Code.	87687 87688 87689
<u>(23) "Aggrieved person" includes both of the following:</u>	87690
<u>(a) Any person who claims to have been injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code;</u>	87691 87692 87693
<u>(b) Any person who believes that the person will be injured by, any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code that is about to occur.</u>	87694 87695 87696 87697
(B) For the purposes of divisions (A) to (F) of section 4112.02 of the Revised Code, the terms "because of sex" and "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, any illness arising out of and	87698 87699 87700 87701

occurring during the course of a pregnancy, childbirth, or related 87702
medical conditions. Women affected by pregnancy, childbirth, or 87703
related medical conditions shall be treated the same for all 87704
employment-related purposes, including receipt of benefits under 87705
fringe benefit programs, as other persons not so affected but 87706
similar in their ability or inability to work, and nothing in 87707
division (B) of section 4111.17 of the Revised Code shall be 87708
interpreted to permit otherwise. This division shall not be 87709
construed to require an employer to pay for health insurance 87710
benefits for abortion, except where the life of the mother would 87711
be endangered if the fetus were carried to term or except where 87712
medical complications have arisen from the abortion, provided that 87713
nothing in this division precludes an employer from providing 87714
abortion benefits or otherwise affects bargaining agreements in 87715
regard to abortion. 87716

Sec. 4112.04. (A) The commission shall do all of the 87717
following: 87718

(1) Establish and maintain a principal office in the city of 87719
Columbus and any other offices within the state that it considers 87720
necessary; 87721

(2) Appoint an executive director who shall serve at the 87722
pleasure of the commission and be its principal administrative 87723
officer. The executive director shall be paid a salary fixed 87724
pursuant to Chapter 124. of the Revised Code. 87725

(3) Appoint hearing examiners and other employees and agents 87726
who it considers necessary and prescribe their duties subject to 87727
Chapter 124. of the Revised Code; 87728

(4) Adopt, promulgate, amend, and rescind rules to effectuate 87729
the provisions of this chapter and the policies and practice of 87730
the commission in connection with this chapter; 87731

(5) Formulate policies to effectuate the purposes of this	87732
chapter and make recommendations to agencies and officers of the	87733
state or political subdivisions to effectuate the policies;	87734
(6) Receive, investigate, and pass upon written charges made	87735
under oath of unlawful discriminatory practices;	87736
(7) Make periodic surveys of the existence and effect of	87737
discrimination because of race, color, religion, sex, military	87738
status, familial status, national origin, disability, age, or	87739
ancestry on the enjoyment of civil rights by persons within the	87740
state;	87741
(8) Report, from time to time, but not less than once a year,	87742
to the general assembly and the governor, describing in detail the	87743
investigations, proceedings, and hearings it has conducted and	87744
their outcome, the decisions it has rendered, and the other work	87745
performed by it, which report shall include a copy of any surveys	87746
prepared pursuant to division (A)(7) of this section and shall	87747
include the recommendations of the commission as to legislative or	87748
other remedial action;	87749
(9) Prepare a comprehensive educational program, in	87750
cooperation with the department of education, for the students of	87751
the public schools of this state and for all other residents of	87752
this state that is designed to eliminate prejudice on the basis of	87753
race, color, religion, sex, military status, familial status,	87754
national origin, disability, age, or ancestry in this state, to	87755
further good will among those groups, and to emphasize the origin	87756
of prejudice against those groups, its harmful effects, and its	87757
incompatibility with American principles of equality and fair	87758
play;	87759
(10) Receive progress reports from agencies,	87760
instrumentalities, institutions, boards, commissions, and other	87761
entities of this state or any of its political subdivisions and	87762

their agencies, instrumentalities, institutions, boards, 87763
commissions, and other entities regarding affirmative action 87764
programs for the employment of persons against whom discrimination 87765
is prohibited by this chapter, or regarding any affirmative 87766
housing accommodations programs developed to eliminate or reduce 87767
an imbalance of race, color, religion, sex, military status, 87768
familial status, national origin, disability, or ancestry. All 87769
agencies, instrumentalities, institutions, boards, commissions, 87770
and other entities of this state or its political subdivisions, 87771
and all political subdivisions, that have undertaken affirmative 87772
action programs pursuant to a conciliation agreement with the 87773
commission, an executive order of the governor, any federal 87774
statute or rule, or an executive order of the president of the 87775
United States shall file progress reports with the commission 87776
annually on or before the first day of November. The commission 87777
shall analyze and evaluate the progress reports and report its 87778
findings annually to the general assembly on or before the 87779
thirtieth day of January of the year immediately following the 87780
receipt of the reports. 87781

(B) The commission may do any of the following: 87782

(1) Meet and function at any place within the state; 87783

(2) Initiate and undertake on its own motion investigations 87784
of problems of employment or housing accommodations 87785
discrimination; 87786

(3) Hold hearings, subpoena witnesses, compel their 87787
attendance, administer oaths, take the testimony of any person 87788
under oath, require the production for examination of any books 87789
and papers relating to any matter under investigation or in 87790
question before the commission, and make rules as to the issuance 87791
of subpoenas by individual commissioners. 87792

(a) In conducting a hearing or investigation, the commission 87793

shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy the premises, records, documents, and other evidence or possible sources of evidence and take and record the testimony or statements of the individuals as reasonably necessary for the furtherance of the hearing or investigation. In investigations, the commission shall comply with the fourth amendment to the United States Constitution relating to unreasonable searches and seizures. The commission or a member of the commission may issue subpoenas to compel access to or the production of premises, records, documents, and other evidence or possible sources of evidence or the appearance of individuals, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in a court of common pleas.

(b) Upon written application by a ~~respondent~~party to a hearing under division (B) of section 4112.05 of the Revised Code, the commission shall issue subpoenas in its name to the same extent and subject to the same limitations as subpoenas issued by the commission. Subpoenas issued at the request of a ~~respondent~~party shall show on their face the name and address of the ~~respondent~~party and shall state that they were issued at the ~~respondent's~~party's request.

(c) Witnesses summoned by subpoena of the commission are entitled to the same witness and mileage fees as are witnesses in proceedings in a court of common pleas.

(d) Within five days after service of a subpoena upon any person, the person may petition the commission to revoke or modify the subpoena. The commission shall grant the petition if it finds that the subpoena requires an appearance or attendance at an unreasonable time or place, that it requires production of

evidence that does not relate to any matter before the commission, 87826
that it does not describe with sufficient particularity the 87827
evidence to be produced, that compliance would be unduly onerous, 87828
or for other good reason. 87829

(e) In case of contumacy or refusal to obey a subpoena, the 87830
commission or person at whose request it was issued may petition 87831
for its enforcement in the court of common pleas in the county in 87832
which the person to whom the subpoena was addressed resides, was 87833
served, or transacts business. 87834

(4) Create local or statewide advisory agencies and 87835
conciliation councils to aid in effectuating the purposes of this 87836
chapter. The commission may itself, or it may empower these 87837
agencies and councils to, do either or both of the following: 87838

(a) Study the problems of discrimination in all or specific 87839
fields of human relationships when based on race, color, religion, 87840
sex, military status, familial status, national origin, 87841
disability, age, or ancestry; 87842

(b) Foster through community effort, or otherwise, good will 87843
among the groups and elements of the population of the state. 87844

The agencies and councils may make recommendations to the 87845
commission for the development of policies and procedures in 87846
general. They shall be composed of representative citizens who 87847
shall serve without pay, except that reimbursement for actual and 87848
necessary traveling expenses shall be made to citizens who serve 87849
on a statewide agency or council. 87850

(5) Issue any publications and the results of investigations 87851
and research that in its judgment will tend to promote good will 87852
and minimize or eliminate discrimination because of race, color, 87853
religion, sex, military status, familial status, national origin, 87854
disability, age, or ancestry. 87855

Sec. 4112.05. (A) The commission, as provided in this section, shall prevent any person from engaging in unlawful discriminatory practices, provided that, before instituting the formal hearing authorized by division (B) of this section, it shall attempt, by informal methods of conference, conciliation, and persuasion, to induce compliance with this chapter.

(B)(1) Any person may file a charge with the commission alleging that another person has engaged or is engaging in an unlawful discriminatory practice. In the case of a charge alleging an unlawful discriminatory practice described in division (A), (B), (C), (D), (E), (F), (G), (I), or (J) of section 4112.02 or in section 4112.021 or 4112.022 of the Revised Code, the charge shall be in writing and under oath and shall be filed with the commission within six months after the alleged unlawful discriminatory practice was committed. In the case of a charge alleging an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code, the charge shall be in writing and under oath and shall be filed with the commission within one year after the alleged unlawful discriminatory practice was committed.

(2) Upon receiving a charge, the commission may initiate a preliminary investigation to determine whether it is probable that an unlawful discriminatory practice has been or is being engaged in. The commission also may conduct, upon its own initiative and independent of the filing of any charges, a preliminary investigation relating to any of the unlawful discriminatory practices described in division (A), (B), (C), (D), (E), (F), (I), or (J) of section 4112.02 or in section 4112.021 or 4112.022 of the Revised Code. Prior to a notification of a complainant under division (B)(4) of this section or prior to the commencement of informal methods of conference, conciliation, and persuasion under that division, the members of the commission and the officers and

employees of the commission shall not make public in any manner 87888
and shall retain as confidential all information that was obtained 87889
as a result of or that otherwise pertains to a preliminary 87890
investigation other than one described in division (B)(3) of this 87891
section. 87892

(3)(a) Unless it is impracticable to do so and subject to its 87893
authority under division (B)(3)(d) of this section, the commission 87894
shall complete a preliminary investigation of a charge filed 87895
pursuant to division (B)(1) of this section that alleges an 87896
unlawful discriminatory practice described in division (H) of 87897
section 4112.02 of the Revised Code, and shall take one of the 87898
following actions, within one hundred days after the filing of the 87899
charge: 87900

(i) Notify the complainant and the respondent that it is not 87901
probable that an unlawful discriminatory practice described in 87902
division (H) of section 4112.02 of the Revised Code has been or is 87903
being engaged in and that the commission will not issue a 87904
complaint in the matter; 87905

(ii) Initiate a complaint and schedule it for informal 87906
methods of conference, conciliation, and persuasion; 87907

(iii) Initiate a complaint and refer it to the attorney 87908
general with a recommendation to seek a temporary or permanent 87909
injunction or a temporary restraining order. If this action is 87910
taken, the attorney general shall apply, as expeditiously as 87911
possible after receipt of the complaint, to the court of common 87912
pleas of the county in which the unlawful discriminatory practice 87913
allegedly occurred for the appropriate injunction or order, and 87914
the court shall hear and determine the application as 87915
expeditiously as possible. 87916

(b) If it is not practicable to comply with the requirements 87917
of division (B)(3)(a) of this section within the one-hundred-day 87918

period described in that division, the commission shall notify the complainant and the respondent in writing of the reasons for the noncompliance.

(c) Prior to the issuance of a complaint under division (B)(3)(a)(ii) or (iii) of this section or prior to a notification of the complainant and the respondent under division (B)(3)(a)(i) of this section, the members of the commission and the officers and employees of the commission shall not make public in any manner and shall retain as confidential all information that was obtained as a result of or that otherwise pertains to a preliminary investigation of a charge filed pursuant to division (B)(1) of this section that alleges an unlawful discriminatory practice described in division (H) of section 4112.05 of the Revised Code.

(d) Notwithstanding the types of action described in divisions (B)(3)(a)(ii) and (iii) of this section, prior to the issuance of a complaint or the referral of a complaint to the attorney general and prior to endeavoring to eliminate an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code by informal methods of conference, conciliation, and persuasion, the commission may seek a temporary or permanent injunction or a temporary restraining order in the court of common pleas of the county in which the unlawful discriminatory practice allegedly occurred.

(4) If the commission determines after a preliminary investigation other than one described in division (B)(3) of this section that it is not probable that an unlawful discriminatory practice has been or is being engaged in, it shall notify any complainant under division (B)(1) of this section that it has so determined and that it will not issue a complaint in the matter. If the commission determines after a preliminary investigation other than the one described in division (B)(3) of this section

that it is probable that an unlawful discriminatory practice has
been or is being engaged in, it shall endeavor to eliminate the
practice by informal methods of conference, conciliation, and
persuasion.

(5) Nothing said or done during informal methods of
conference, conciliation, and persuasion under this section shall
be disclosed by any member of the commission or its staff or be
used as evidence in any subsequent hearing or other proceeding.
If, after a preliminary investigation and the use of informal
methods of conference, conciliation, and persuasion under this
section, the commission is satisfied that any unlawful
discriminatory practice will be eliminated, it may treat the
charge involved as being conciliated and enter that disposition on
the records of the commission. If the commission fails to effect
the elimination of an unlawful discriminatory practice by informal
methods of conference, conciliation, and persuasion under this
section and to obtain voluntary compliance with this chapter, the
commission shall issue and cause to be served upon any person,
including the respondent against whom a complainant has filed a
charge pursuant to division (B)(1) of this section, a complaint
stating the charges involved and containing a notice of an
opportunity for a hearing before the commission, a member of the
commission, or a hearing examiner at a place that is stated in the
notice and that is located within the county in which the alleged
unlawful discriminatory practice has occurred or is occurring or
in which the respondent resides or transacts business. The hearing
shall be held not less than thirty days after the service of the
complaint upon the complainant, the aggrieved persons other than
the complainant on whose behalf the complaint is issued, and the
respondent, unless the complainant, an aggrieved person, or the
respondent elects to proceed under division (A)(2) of section
4112.051 of the Revised Code when that division is applicable. If
a complaint pertains to an alleged unlawful discriminatory
practice described in division (H) of section 4112.02 of the

Revised Code, the complaint shall notify the complainant, an
aggrieved person, and the respondent of the right of the
complainant, an aggrieved person, or the respondent to elect to
proceed with the administrative hearing process under this section
or to proceed under division (A)(2) of section 4112.051 of the
Revised Code.

(6) The attorney general shall represent the commission at
any hearing held pursuant to division (B)(5) of this section and
shall present the evidence in support of the complaint.

(7) Any complaint issued pursuant to division (B)(5) of this
section after the filing of a charge under division (B)(1) of this
section shall be so issued within one year after the complainant
filed the charge with respect to an alleged unlawful
discriminatory practice.

(C) Any complaint issued pursuant to division (B) of this
section may be amended by the commission, a member of the
commission, or the hearing examiner conducting a hearing under
division (B) of this section, at any time prior to or during the
hearing. The respondent has the right to file an answer or an
amended answer to the original and amended complaints and to
appear at the hearing in person, by attorney, or otherwise to
examine and cross-examine witnesses.

(D) The complainant shall be a party to a hearing under
division (B) of this section, and any person who is an
indispensable party to a complete determination or settlement of
a question involved in the hearing shall be joined. Any aggrieved
person who has or claims an interest in the subject of the
hearing and in obtaining or preventing relief against the
unlawful discriminatory practices complained of ~~may~~shall be
permitted, ~~in the discretion of the person or persons conducting~~
~~the hearing,~~ to appear only for the presentation of oral or
written arguments, to present evidence, perform direct and

cross-examination, and be represented by counsel. The commission 88017
shall adopt rules, in accordance with Chapter 119. of the Revised 88018
Code governing the authority granted under this division. 88019

(E) In any hearing under division (B) of this section, the 88020
commission, a member of the commission, or the hearing examiner 88021
shall not be bound by the Rules of Evidence but, in ascertaining 88022
the practices followed by the respondent, shall take into account 88023
all reliable, probative, and substantial statistical or other 88024
evidence produced at the hearing that may tend to prove the 88025
existence of a predetermined pattern of employment or membership, 88026
provided that nothing contained in this section shall be construed 88027
to authorize or require any person to observe the proportion that 88028
persons of any race, color, religion, sex, military status, 88029
familial status, national origin, disability, age, or ancestry 88030
bear to the total population or in accordance with any criterion 88031
other than the individual qualifications of the applicant. 88032

(F) The testimony taken at a hearing under division (B) of 88033
this section shall be under oath and shall be reduced to writing 88034
and filed with the commission. Thereafter, in its discretion, the 88035
commission, upon the service of a notice upon the complainant and 88036
the respondent that indicates an opportunity to be present, may 88037
take further testimony or hear argument. 88038

(G)(1) If, upon all reliable, probative, and substantial 88039
evidence presented at a hearing under division (B) of this 88040
section, the commission determines that the respondent has engaged 88041
in, or is engaging in, any unlawful discriminatory practice, 88042
whether against the complainant or others, the commission shall 88043
state its findings of fact and conclusions of law and shall issue 88044
and, subject to the provisions of Chapter 119. of the Revised 88045
Code, cause to be served on the respondent an order requiring the 88046
respondent to cease and desist from the unlawful discriminatory 88047
practice, requiring the respondent to take any further affirmative 88048

or other action that will effectuate the purposes of this chapter, 88049
including, but not limited to, hiring, reinstatement, or upgrading 88050
of employees with or without back pay, or admission or restoration 88051
to union membership, and requiring the respondent to report to the 88052
commission the manner of compliance. If the commission directs 88053
payment of back pay, it shall make allowance for interim earnings. 88054
If it finds a violation of division (H) of section 4112.02 of the 88055
Revised Code, the commission additionally shall require the 88056
respondent to pay actual damages and reasonable attorney's fees, 88057
and may award to the complainant punitive damages as follows: 88058

(a) If division (G)(1)(b) or (c) of this section does not 88059
apply, punitive damages in an amount not to exceed ten thousand 88060
dollars; 88061

(b) If division (G)(1)(c) of this section does not apply and 88062
if the respondent has been determined by a final order of the 88063
commission or by a final judgment of a court to have committed one 88064
violation of division (H) of section 4112.02 of the Revised Code 88065
during the five-year period immediately preceding the date on 88066
which a complaint was issued pursuant to division (B) of this 88067
section, punitive damages in an amount not to exceed twenty-five 88068
thousand dollars; 88069

(c) If the respondent has been determined by a final order of 88070
the commission or by a final judgment of a court to have committed 88071
two or more violations of division (H) of section 4112.02 of the 88072
Revised Code during the seven-year period immediately preceding 88073
the date on which a complaint was issued pursuant to division (B) 88074
of this section, punitive damages in an amount not to exceed fifty 88075
thousand dollars. 88076

(2) Upon the submission of reports of compliance, the 88077
commission may issue a declaratory order stating that the 88078
respondent has ceased to engage in particular unlawful 88079
discriminatory practices. 88080

(H) If the commission finds that no probable cause exists for crediting charges of unlawful discriminatory practices or if, upon all the evidence presented at a hearing under division (B) of this section on a charge, the commission finds that a respondent has not engaged in any unlawful discriminatory practice against the complainant or others, it shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to the respondent. A copy of the order shall be delivered in all cases to the attorney general and any other public officers whom the commission considers proper.

(I) Until the time period for appeal set forth in division (H) of section 4112.06 of the Revised Code expires, the commission, subject to the provisions of Chapter 119. of the Revised Code, at any time, upon reasonable notice, and in the manner it considers proper, may modify or set aside, in whole or in part, any finding or order made by it under this section.

Sec. 4112.051. (A)(1) Aggrieved persons may enforce the rights granted by division (H) of section 4112.02 of the Revised Code by filing a civil action in the court of common pleas of the county in which the alleged unlawful discriminatory practice occurred within one year after it allegedly occurred. Upon application by an aggrieved person, upon a proper showing, and under circumstances that it considers just, a court of common pleas may appoint an attorney for the aggrieved person and authorize the commencement of a civil action under this division without the payment of costs.

Each party to a civil action under this division has the right to a jury trial of the action. To assert the right, a party shall demand a jury trial in the manner prescribed in the Rules of Civil Procedure. If a party demands a jury trial in that manner, the civil action shall be tried to a jury.

(2)(a) If a complaint is issued by the commission under 88112
division (B)(5) of section 4112.05 of the Revised Code for one or 88113
more alleged unlawful discriminatory practices described in 88114
division (H) of section 4112.02 of the Revised Code, the 88115
complainant, any aggrieved person on whose behalf the complaint is 88116
issued, or the respondent may elect, following receipt of the 88117
relevant notice described in division (B)(5) of section 4112.05 of 88118
the Revised Code, to proceed with the administrative hearing 88119
process under that section or to have the alleged unlawful 88120
discriminatory practices covered by the complaint addressed in a 88121
civil action commenced in accordance with divisions (A)(1) and 88122
(2)(b) of this section. An election to have the alleged unlawful 88123
discriminatory practices so addressed shall be made in a writing 88124
that is sent by certified mail, return receipt requested, to the 88125
commission, to the civil rights section of the office of the 88126
attorney general, and to the other parties to the pending 88127
administrative process within thirty days after the electing 88128
complainant, aggrieved person, or respondent received the relevant 88129
notice described in division (B)(5) of section 4112.05 of the 88130
Revised Code. 88131

(b) Upon receipt of a timely mailed election to have the 88132
alleged unlawful discriminatory practices addressed in a civil 88133
action, the commission shall authorize the office of the attorney 88134
general to commence and maintain the civil action in the court of 88135
common pleas of the county in which the alleged unlawful 88136
discriminatory practices occurred. Notwithstanding the period of 88137
limitations specified in division (A)(1) of this section, the 88138
office of the attorney general shall commence the civil action 88139
within thirty days after the receipt of the commission's 88140
authorization to commence the civil action. 88141

(c) Upon commencement of the civil action in accordance with 88142
division (A)(2)(b) of this section, the commission shall prepare 88143
an order dismissing the complaint in the pending administrative 88144

matter and serve a copy of the order upon the complainant, each 88145
aggrieved person on whose behalf the complaint was issued, and the 88146
respondent. 88147

(d) If an election to have the alleged unlawful 88148
discriminatory practices addressed in a civil action is not filed 88149
in accordance with division (A)(2)(a) of this section, the 88150
commission shall continue with the administrative hearing process 88151
described in section 4112.05 of the Revised Code. 88152

(e) With respect to the issues to be determined in a civil 88153
action commenced in accordance with division (A)(2)(b) of this 88154
section, any aggrieved person may intervene as a matter of right 88155
in that civil action. 88156

(B) If the court or the jury in a civil action under this 88157
section finds that a violation of division (H) of section 4112.02 88158
of the Revised Code is about to occur, the court may order any 88159
affirmative action it considers appropriate, including a permanent 88160
or ~~temporary~~temporary injunction or temporary restraining order. 88161

(C) Any sale, encumbrance, or rental consummated prior to the 88162
issuance of any court order under the authority of this section 88163
and involving a bona fide purchaser, encumbrancer, or tenant 88164
without actual notice of the existence of a charge under division 88165
(H) of section 4112.02 of the Revised Code or a civil action under 88166
this section is not affected by the court order. 88167

(D) If the court or the jury in a civil action under this 88168
section finds that a violation of division (H) of section 4112.02 88169
of the Revised Code has occurred, the court shall award to the 88170
plaintiff or to the complainant or aggrieved person on whose 88171
behalf the office of the attorney general commenced or maintained 88172
the civil action, whichever is applicable, actual damages, 88173
reasonable attorney's fees, court costs incurred in the 88174
prosecution of the action, expert witness fees, and other 88175

litigation expenses, and may grant other relief that it considers
appropriate, including a permanent or temporary injunction, a
temporary restraining order, or other order and punitive damages.

(E) Any civil action brought under this section shall be
heard and determined as expeditiously as possible.

(F) The court in a civil action under this section shall
notify the commission of any finding pertaining to discriminatory
housing practices within fifteen days after the entry of the
finding.

Sec. 4113.11. (A) As specified in division (B) of this
section and except as provided in divisions (C) and (F) of this
section, all employers that employ ten or more employees shall
adopt and maintain a cafeteria plan that allows the employer's
employees to pay for health insurance coverage by a salary
reduction arrangement as permitted under section 125 of the
Internal Revenue Code.

(B) Employers shall comply with the requirements of division
(A) of this section as follows:

(1) For employers that employ more than five hundred
employees, by not later than January 1, 2011, or six months after
the superintendent of insurance adopts rules as required by
division (E) of this section, whichever is later;

(2) For employers that employ one hundred fifty to five
hundred employees, by not later than July 1, 2011, or twelve
months after the superintendent adopts rules as required by
division (E) of this section, whichever is later;

(3) For employers that employ ten to one hundred forty-nine
employees, by not later than January 1, 2012, or eighteen months
after the superintendent adopts rules as required by division (E)

of this section, whichever is later. 88205

(C) This section shall not apply to employers that, through 88206
other means than provided under this section, offer health 88207
insurance coverage, reimburse for health insurance coverage, or 88208
provide employees with opportunities to pay for health insurance 88209
with pre-tax dollars through other salary reduction arrangements. 88210

(D) The health care coverage and quality council created 88211
under section 3923.90 of the Revised Code shall make 88212
recommendations to the superintendent for both of the following: 88213

(1) Development of strategies to educate, assist, and conduct 88214
outreach to employers to simplify administrative processes with 88215
respect to creating and maintaining cafeteria plans, including, 88216
but not limited to, providing employers with model cafeteria plan 88217
documents and technical assistance on creating and maintaining 88218
cafeteria plans that conform with state and federal law; 88219

(2) Development of strategies to educate, assist, and conduct 88220
outreach to employees with respect to finding, selecting, and 88221
purchasing a health insurance plan to be paid for through their 88222
employer's cafeteria plan under this section. 88223

(E)(1) The superintendent shall adopt rules in accordance 88224
with Chapter 119. of the Revised Code to implement and enforce 88225
this section, including the strategies recommended by the council 88226
pursuant to division (D) of this section. 88227

(2) Prior to adopting rules under this division, the 88228
superintendent shall consult any federal agency that has 88229
oversight of cafeteria plans and employee welfare benefit plans, 88230
including the internal revenue service and the United States 88231
department of labor, and receive written confirmation that the 88232
rules adopted will permit employers to establish cafeteria plans 88233
in accordance with federal law. The written confirmation shall 88234

include a determination that individual policies purchased 88235
pursuant to this section do not need to comply with the group 88236
market rules established by the "Health Insurance Portability and 88237
Accountability Act of 1996." 88238

(F) The requirement provided in division (A) of this section 88239
does not apply if the superintendent does not receive written 88240
confirmation pursuant to division (E)(2) of this section that 88241
individual policies purchased pursuant to this section do not 88242
need to comply with the group market rules established by the 88243
"Health Insurance Portability and Accountability Act of 1996." 88244

(G) Nothing in this section shall be construed as requiring 88245
an employer to establish a cafeteria plan in a manner that would 88246
violate federal law, including the "Employee Retirement Income 88247
Security Act of 1974," the "Consolidated Omnibus Budget 88248
Reconciliation Act of 1985," or the "Health Insurance Portability 88249
and Accountability Act of 1996." 88250

(H) As used in this section: 88251

(1) "Cafeteria plan" has the same meaning as in section 125 88252
of the Internal Revenue Code. 88253

(2) "Employer" has the same meaning as in section 4113.51 of 88254
the Revised Code. 88255

(3) "Employee" means an individual employed for consideration 88256
who works twenty-five or more hours per week or who renders any 88257
other standard of service generally accepted by custom or 88258
specified by contract as full-time employment, except for a public 88259
employee employed by a township or municipal corporation. In that 88260
case, "employee" means an individual hired with the expectation 88261
that the employee will work more than one thousand five hundred 88262
hours in any year unless full-time employment is defined 88263
differently in an applicable collective bargaining agreement. 88264

Sec. 4117.01. As used in this chapter:	88265
(A) "Person," in addition to those included in division (C) of section 1.59 of the Revised Code, includes employee organizations, public employees, and public employers.	88266 88267 88268
(B) "Public employer" means the state or any political subdivision of the state located entirely within the state, including, without limitation, any municipal corporation with a population of at least five thousand according to the most recent federal decennial census; county; township with a population of at least five thousand in the unincorporated area of the township according to the most recent federal decennial census; school district; governing authority of a community school established under Chapter 3314. of the Revised Code; state institution of higher learning; public or special district; state agency, authority, commission, or board; or other branch of public employment.	88269 88270 88271 88272 88273 88274 88275 88276 88277 88278 88279 88280
(C) "Public employee" means any person holding a position by appointment or employment in the service of a public employer, including any person working pursuant to a contract between a public employer and a private employer and over whom the national labor relations board has declined jurisdiction on the basis that the involved employees are employees of a public employer, except:	88281 88282 88283 88284 88285 88286
(1) Persons holding elective office;	88287
(2) Employees of the general assembly and employees of any other legislative body of the public employer whose principal duties are directly related to the legislative functions of the body;	88288 88289 88290 88291
(3) Employees on the staff of the governor or the chief executive of the public employer whose principal duties are	88292 88293

directly related to the performance of the executive functions of the governor or the chief executive;	88294 88295
(4) Persons who are members of the Ohio organized militia, while training or performing duty under section 5919.29 or 5923.12 of the Revised Code;	88296 88297 88298
(5) Employees of the state employment relations board, <u>including those employees of the state employment relations board utilized by the state personnel board of review in the exercise of the powers and the performance of the duties and functions of the state personnel board of review;</u>	88299 88300 88301 88302 88303
(6) Confidential employees;	88304
(7) Management level employees;	88305
(8) Employees and officers of the courts, assistants to the attorney general, assistant prosecuting attorneys, and employees of the clerks of courts who perform a judicial function;	88306 88307 88308
(9) Employees of a public official who act in a fiduciary capacity, appointed pursuant to section 124.11 of the Revised Code;	88309 88310 88311
(10) Supervisors;	88312
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	88313 88314 88315 88316 88317
(12) Employees of county boards of election;	88318
(13) Seasonal and casual employees as determined by the state employment relations board;	88319 88320

(14) Part-time faculty members of an institution of higher education;	88321 88322
(15) ~~Employees of the state personnel board of review;~~	88323
~~(16)~~ Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;	88324 88325 88326 88327 88328 88329
~~(17)~~ <u>(16)</u> Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	88330 88331 88332
~~(18)~~ <u>(17)</u> Employees of community-based correctional facilities and district community-based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code who are not subject to a collective bargaining agreement on June 1, 2005;	88333 88334 88335 88336
<u>(18) Members and employees of the capitol square review and advisory board.</u>	88337 88338
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.	88339 88340 88341 88342 88343
(E) "Exclusive representative" means the employee organization certified or recognized as an exclusive representative under section 4117.05 of the Revised Code.	88344 88345 88346
(F) "Supervisor" means any individual who has authority, in	88347

the interest of the public employer, to hire, transfer, suspend, 88348
lay off, recall, promote, discharge, assign, reward, or discipline 88349
other public employees; to responsibly direct them; to adjust 88350
their grievances; or to effectively recommend such action, if the 88351
exercise of that authority is not of a merely routine or clerical 88352
nature, but requires the use of independent judgment, provided 88353
that: 88354

(1) Employees of school districts who are department 88355
chairpersons or consulting teachers shall not be deemed 88356
supervisors; 88357

(2) With respect to members of a police or fire department, 88358
no person shall be deemed a supervisor except the chief of the 88359
department or those individuals who, in the absence of the chief, 88360
are authorized to exercise the authority and perform the duties of 88361
the chief of the department. Where prior to June 1, 1982, a public 88362
employer pursuant to a judicial decision, rendered in litigation 88363
to which the public employer was a party, has declined to engage 88364
in collective bargaining with members of a police or fire 88365
department on the basis that those members are supervisors, those 88366
members of a police or fire department do not have the rights 88367
specified in this chapter for the purposes of future collective 88368
bargaining. The state employment relations board shall decide all 88369
disputes concerning the application of division (F)(2) of this 88370
section. 88371

(3) With respect to faculty members of a state institution of 88372
higher education, heads of departments or divisions are 88373
supervisors; however, no other faculty member or group of faculty 88374
members is a supervisor solely because the faculty member or group 88375
of faculty members participate in decisions with respect to 88376
courses, curriculum, personnel, or other matters of academic 88377
policy; 88378

(4) No teacher as defined in section 3319.09 of the Revised 88379

Code shall be designated as a supervisor or a management level
employee unless the teacher is employed under a contract governed
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and
is assigned to a position for which a license deemed to be for
administrators under state board rules is required pursuant to
section 3319.22 of the Revised Code.

(G) "To bargain collectively" means to perform the mutual
obligation of the public employer, by its representatives, and the
representatives of its employees to negotiate in good faith at
reasonable times and places with respect to wages, hours, terms,
and other conditions of employment and the continuation,
modification, or deletion of an existing provision of a collective
bargaining agreement, with the intention of reaching an agreement,
or to resolve questions arising under the agreement. "To bargain
collectively" includes executing a written contract incorporating
the terms of any agreement reached. The obligation to bargain
collectively does not mean that either party is compelled to agree
to a proposal nor does it require the making of a concession.

(H) "Strike" means continuous concerted action in failing to
report to duty; willful absence from one's position; or stoppage
of work in whole from the full, faithful, and proper performance
of the duties of employment, for the purpose of inducing,
influencing, or coercing a change in wages, hours, terms, and
other conditions of employment. "Strike" does not include a
stoppage of work by employees in good faith because of dangerous
or unhealthful working conditions at the place of employment that
are abnormal to the place of employment.

(I) "Unauthorized strike" includes, but is not limited to,
concerted action during the term or extended term of a collective
bargaining agreement or during the pendency of the settlement
procedures set forth in section 4117.14 of the Revised Code in
failing to report to duty; willful absence from one's position;

stoppage of work; slowdown, or abstinence in whole or in part from 88412
the full, faithful, and proper performance of the duties of 88413
employment for the purpose of inducing, influencing, or coercing a 88414
change in wages, hours, terms, and other conditions of employment. 88415
"Unauthorized strike" includes any such action, absence, stoppage, 88416
slowdown, or abstinence when done partially or intermittently, 88417
whether during or after the expiration of the term or extended 88418
term of a collective bargaining agreement or during or after the 88419
pendency of the settlement procedures set forth in section 4117.14 88420
of the Revised Code. 88421

(J) "Professional employee" means any employee engaged in 88422
work that is predominantly intellectual, involving the consistent 88423
exercise of discretion and judgment in its performance and 88424
requiring knowledge of an advanced type in a field of science or 88425
learning customarily acquired by a prolonged course in an 88426
institution of higher learning or a hospital, as distinguished 88427
from a general academic education or from an apprenticeship; or an 88428
employee who has completed the courses of specialized intellectual 88429
instruction and is performing related work under the supervision 88430
of a professional person to become qualified as a professional 88431
employee. 88432

(K) "Confidential employee" means any employee who works in 88433
the personnel offices of a public employer and deals with 88434
information to be used by the public employer in collective 88435
bargaining; or any employee who works in a close continuing 88436
relationship with public officers or representatives directly 88437
participating in collective bargaining on behalf of the employer. 88438

(L) "Management level employee" means an individual who 88439
formulates policy on behalf of the public employer, who 88440
responsibly directs the implementation of policy, or who may 88441
reasonably be required on behalf of the public employer to assist 88442
in the preparation for the conduct of collective negotiations, 88443

administer collectively negotiated agreements, or have a major 88444
role in personnel administration. Assistant superintendents, 88445
principals, and assistant principals whose employment is governed 88446
by section 3319.02 of the Revised Code are management level 88447
employees. With respect to members of a faculty of a state 88448
institution of higher education, no person is a management level 88449
employee because of the person's involvement in the formulation or 88450
implementation of academic or institution policy. 88451

(M) "Wages" means hourly rates of pay, salaries, or other 88452
forms of compensation for services rendered. 88453

(N) "Member of a police department" means a person who is in 88454
the employ of a police department of a municipal corporation as a 88455
full-time regular police officer as the result of an appointment 88456
from a duly established civil service eligibility list or under 88457
section 737.15 or 737.16 of the Revised Code, a full-time deputy 88458
sheriff appointed under section 311.04 of the Revised Code, a 88459
township constable appointed under section 509.01 of the Revised 88460
Code, or a member of a township police district police department 88461
appointed under section 505.49 of the Revised Code. 88462

(O) "Members of the state highway patrol" means highway 88463
patrol troopers and radio operators appointed under section 88464
5503.01 of the Revised Code. 88465

(P) "Member of a fire department" means a person who is in 88466
the employ of a fire department of a municipal corporation or a 88467
township as a fire cadet, full-time regular firefighter, or 88468
promoted rank as the result of an appointment from a duly 88469
established civil service eligibility list or under section 88470
505.38, 709.012, or 737.22 of the Revised Code. 88471

(Q) "Day" means calendar day. 88472

Sec. 4117.02. (A) There is hereby created the state 88473

employment relations board, consisting of three members to be 88474
appointed by the governor with the advice and consent of the 88475
senate. Members shall be knowledgeable about labor relations or 88476
personnel practices. No more than two of the three members shall 88477
belong to the same political party. A member of the state 88478
employment relations board during the member's period of service 88479
shall hold no other public office or public or private employment 88480
and shall allow no other responsibilities to interfere or conflict 88481
with the member's duties as a full-time state employment relations 88482
board member. Of the initial appointments made to the state 88483
employment relations board, one shall be for a term ending October 88484
6, 1984, one shall be for a term ending October 6, 1985, and one 88485
shall be for a term ending October 6, 1986. Thereafter, terms of 88486
office shall be for six years, each term ending on the same day of 88487
the same month of the year as did the term that it succeeds. Each 88488
member shall hold office from the date of the member's appointment 88489
until the end of the term for which the member is appointed. Any 88490
member appointed to fill a vacancy occurring prior to the 88491
expiration of the term for which the member's predecessor was 88492
appointed shall hold office for the remainder of the term. Any 88493
member shall continue in office subsequent to the expiration of 88494
the member's term until the member's successor takes office or 88495
until a period of sixty days has elapsed, whichever occurs first. 88496
The governor may remove any member of the state employment 88497
relations board, upon notice and public hearing, for neglect of 88498
duty or malfeasance in office, but for no other cause. 88499

(B)(1) The governor shall designate one member of the state 88500
employment relations board to serve as chairperson of the state 88501
employment relations board. The chairperson is the head of the 88502
state employment relations board and its chief executive officer. 88503

(2) The chairperson shall exercise all administrative powers 88504
and duties conferred upon the state employment relations board 88505
under this chapter and shall do all of the following: 88506

(a) ~~Except as provided in division (F)(2) of this section,~~	88507
~~employ~~ Employ, promote, supervise, and remove all employees of the	88508
<u>state employment relations</u> board, and establish, change, or	88509
abolish positions and assign or reassign the duties of those	88510
employees as the chairperson determines necessary to achieve the	88511
most efficient performance of the ~~board's~~ duties <u>of the state</u>	88512
<u>employment relations board</u> under this chapter;	88513
 (b) <u>Determine the utilization by the state personnel board of</u>	88514
<u>review of employees of the state employment relations board as</u>	88515
<u>necessary for the state personnel board of review to exercise the</u>	88516
<u>powers and perform the duties of the state personnel board of</u>	88517
<u>review.</u>	88518
 (c) Maintain the office of the <u>state employment relations</u>	88519
board in Columbus and manage the office's daily operations,	88520
including securing <u>offices</u> , facilities, equipment, and supplies	88521
necessary to house the <u>state employment relations</u> board,	88522
employees of the <u>state employment relations</u> board, <u>the state</u>	88523
<u>personnel board of review</u> , and files and records under the	88524
~~board's~~ control <u>of the state employment relations board and</u>	88525
<u>under the control of the state personnel board of review;</u>	88526
 (~~e~~)(d) Prepare and submit to the office of budget and	88527
management a budget for each biennium according to section	88528
107.03 of the Revised Code, and include in the budget the costs	88529
of the <u>state employment relations</u> board and its staff and the	88530
~~board's~~ costs <u>of the state employment relations board in</u>	88531
discharging any duty imposed by law upon the <u>state employment</u>	88532
<u>relations</u> board, the chairperson, or any of the ~~board's~~ employees	88533
or agents <u>of the state employment relations board, and the costs</u>	88534
<u>of the state personnel board of review in discharging any duty</u>	88535
<u>imposed by law on the state personnel board of review or an agent</u>	88536
<u>of the state personnel board of review.</u>	88537

(C) The vacancy on the state employment relations board does
not impair the right of the remaining members to exercise all the
powers of the state employment relations board, and two members of
the state employment relations board, at all times, constitute a
quorum. The state employment relations board shall have an
official seal of which courts shall take judicial notice.

(D) The state employment relations board shall make an annual
report in writing to the governor and to the general assembly,
stating in detail the work it has done.

(E) Compensation of the chairperson and members shall be in
accordance with division (J) of section 124.15 of the Revised
Code. The chairperson and the members are eligible for
reappointment. In addition to such compensation, all members shall
be reimbursed for their necessary expenses incurred in the
performance of their work as members.

(F)(1) The chairperson, after consulting with the other state
employment relations board members and receiving the consent of at
least one other board member, shall appoint an executive director.
The chairperson also shall appoint attorneys and ~~attorney trial
examiners~~ shall appoint an assistant executive director who shall
be an attorney admitted to practice law in this state and who
shall serve as a liaison to the attorney general on legal matters
before the state employment relations board.

(2) The state employment relations board shall appoint
~~mediators, arbitrators,~~ members of fact-finding panels, ~~and~~
~~directors for local areas,~~ and shall prescribe their job duties.

(G)(1) The executive director shall serve at the pleasure of
the chairperson. The executive director, under the direction of
the chairperson, shall do all of the following:

(a) Act as chief administrative officer for the state

<u>employment relations</u> board;	88568
(b) Ensure that all employees of the <u>state employment relations</u> board comply with the rules of the <u>state employment relations</u> board;	88569 88570 88571
(c) Do all things necessary for the efficient and effective implementation of the duties of the <u>state employment relations</u> board.	88572 88573 88574
(2) The duties of the executive director described in division (G)(1) of this section do not relieve the chairperson from final responsibility for the proper performance of the duties described in that division.	88575 88576 88577 88578
(H) The attorney general shall be the legal adviser of the <u>state employment relations</u> board and shall appear for and represent the <u>state employment relations</u> board and its agents in all legal proceedings. The <u>state employment relations</u> board may utilize regional, local, or other agencies, and utilize voluntary and uncompensated services as needed. The <u>state employment relations</u> board may contract with the federal mediation and conciliation service for the assistance of mediators, arbitrators, and other personnel the service makes available. The ~~board and the~~ chairperson, ~~respectively~~ , shall appoint all employees on the basis of training, practical experience, education, and character, notwithstanding the requirements established by section 119.09 of the Revised Code. The ~~board~~ <u>chairperson</u> shall give special regard to the practical training and experience that employees have for the particular position involved. ~~All full-time employees of the board excepting the~~ <u>The executive director, the head of the bureau of mediation</u> ~~assistant executive director, administrative law judges, employees holding a fiduciary or administrative relation to the state employment relations board as described in division (A)(9) of section 124.11 of the Revised Code, and the personal secretaries and assistants of the~~ <u>state employment relations</u> board	88579 88580 88581 88582 88583 88584 88585 88586 88587 88588 88589 88590 88591 88592 88593 88594 88595 88596 88597 88598 88599

members are in the ~~classified~~unclassified service. All other 88600
full-time employees of the state employment relations board are in 88601
the classified service. All employees of the state employment 88602
relations board shall be paid in accordance with Chapter 124. of 88603
the Revised Code. 88604

(I) The ~~board~~chairperson shall select and assign ~~examiners~~ 88605
administrative law judges and other agents whose functions are to 88606
conduct hearings with due regard to their impartiality, judicial 88607
temperament, and knowledge. If in any proceeding under this 88608
chapter, any party prior to five days before the hearing thereto 88609
files with the state employment relations board a sworn statement 88610
charging that the ~~examiner~~administrative law judge or other agent 88611
designated to conduct the hearing is biased or partial in the 88612
proceeding, the state employment relations board may disqualify 88613
the person and designate another ~~examiner~~administrative law judge 88614
or agent to conduct the proceeding. At least ten days before any 88615
hearing, the state employment relations board shall notify all 88616
parties to a proceeding of the name of the ~~examiner~~administrative 88617
law judge or agent designated to conduct the hearing. 88618

(J) The principal office of the state employment relations 88619
board is in Columbus, but it may meet and exercise any or all of 88620
its powers at any other place within the state. The state 88621
employment relations board may, by one or more of its employees, 88622
or any agents or agencies it designates, conduct in any part of 88623
this state any proceeding, hearing, investigation, inquiry, or 88624
election necessary to the performance of its functions; provided, 88625
that no person so designated may later sit in determination of an 88626
appeal of the decision of that cause or matter. 88627

(K) In addition to the powers and functions provided in other 88628
sections of this chapter, the state employment relations board 88629
shall do all of the following: 88630

(1) Create a bureau of mediation within the state employment 88631

relations board, to perform the functions provided in section 88632
4117.14 of the Revised Code. This bureau shall also establish, 88633
after consulting representatives of employee organizations and 88634
public employers, panels of qualified persons to be available to 88635
serve as members of fact-finding panels and arbitrators. 88636

(2) Conduct studies of problems involved in representation 88637
and negotiation and make recommendations for legislation; 88638

(3) Hold hearings pursuant to this chapter and, for the 88639
purpose of the hearings and inquiries, administer oaths and 88640
affirmations, examine witnesses and documents, take testimony and 88641
receive evidence, compel the attendance of witnesses and the 88642
production of documents by the issuance of subpoenas, and delegate 88643
these powers to any members of the state employment relations 88644
board or any ~~attorney-trial examiner appointed~~ administrative law 88645
judge employed by the state employment relations board for the 88646
performance of its functions; 88647

(4) Train representatives of employee organizations and 88648
public employers in the rules and techniques of collective 88649
bargaining procedures; 88650

(5) Make studies and analyses of, and act as a clearinghouse 88651
of information relating to, conditions of employment of public 88652
employees throughout the state and request assistance, services, 88653
and data from any public employee organization, public employer, 88654
or governmental unit. Public employee organizations, public 88655
employers, and governmental units shall provide such assistance, 88656
services, and data as will enable the state employment relations 88657
board to carry out its functions and powers. 88658

(6) Make available to employee organizations, public 88659
employers, mediators, fact-finding panels, arbitrators, and joint 88660
study committees statistical data relating to wages, benefits, and 88661
employment practices in public and private employment applicable 88662

to various localities and occupations to assist them to resolve issues in negotiations;	88663 88664
(7) Notwithstanding section 119.13 of the Revised Code, establish standards of persons who practice before it;	88665 88666
(8) Adopt, amend, and rescind rules and procedures and exercise other powers appropriate to carry out this chapter. Before the adoption, amendment, or rescission of rules and procedures under this section, the <u>state employment relations</u> board shall do all of the following:	88667 88668 88669 88670 88671
(a) Maintain a list of interested public employers and employee organizations and mail notice to such groups of any proposed rule or procedure, amendment thereto, or rescission thereof at least thirty days before any public hearing thereon;	88672 88673 88674 88675
(b) Mail a copy of each proposed rule or procedure, amendment thereto, or rescission thereof to any person who requests a copy within five days after receipt of the request therefor;	88676 88677 88678
(c) Consult with appropriate statewide organizations representing public employers or employees who would be affected by the proposed rule or procedure.	88679 88680 88681
Although the <u>state employment relations</u> board is expected to discharge these duties diligently, failure to mail any notice or copy, or to so consult with any person, is not jurisdictional and shall not be construed to invalidate any proceeding or action of the <u>state employment relations</u> board.	88682 88683 88684 88685 88686
(L) In case of neglect or refusal to obey a subpoena issued to any person, the court of common pleas of the county in which the investigation or the public hearing occurs, upon application by the <u>state employment relations</u> board, may issue an order requiring the person to appear before the <u>state employment</u>	88687 88688 88689 88690 88691

relations board and give testimony about the matter under 88692
investigation. The court may punish a failure to obey the order as 88693
contempt. 88694

(M) Any subpoena, notice of hearing, or other process or 88695
notice of the state employment relations board issued under this 88696
section may be served personally, by certified mail, or by leaving 88697
a copy at the principal office or personal residence of the 88698
respondent required to be served. A return, made and verified by 88699
the individual making the service and setting forth the manner of 88700
service, is proof of service, and a return post office receipt, 88701
when certified mail is used, is proof of service. All process in 88702
any court to which application is made under this chapter may be 88703
served in the county wherein the persons required to be served 88704
reside or are found. 88705

(N) All expenses of the state employment relations board, 88706
including all necessary traveling and subsistence expenses 88707
incurred by the members or employees of the state employment 88708
relations board under its orders, shall be paid pursuant to 88709
itemized vouchers approved by the chairperson of the state 88710
employment relations board, the executive director, or both, or 88711
such other person as the chairperson designates for that purpose. 88712

(O) Whenever the state employment relations board determines 88713
that a substantial controversy exists with respect to the 88714
application or interpretation of this chapter and the matter is of 88715
public or great general interest, the state employment relations 88716
board shall certify its final order directly to the court of 88717
appeals having jurisdiction over the area in which the principal 88718
office of the public employer directly affected by the application 88719
or interpretation is located. The chairperson shall file with the 88720
clerk of the court a certified copy of the transcript of the 88721
proceedings before the state employment relations board pertaining 88722
to the final order. If upon hearing and consideration the court 88723

decides that the final order of the state employment relations 88724
board is unlawful or is not supported by substantial evidence on 88725
the record as a whole, the court shall reverse and vacate the 88726
final order or modify it and enter final judgment in accordance 88727
with the modification; otherwise, the court shall affirm the final 88728
order. The notice of the final order of the state employment 88729
relations board to the interested parties shall contain a 88730
certification by the chairperson of the state employment relations 88731
board that the final order is of public or great general interest 88732
and that a certified transcript of the record of the proceedings 88733
before the state employment relations board had been filed with 88734
the clerk of the court as an appeal to the court. For the purposes 88735
of this division, the state employment relations board has 88736
standing to bring its final order properly before the court of 88737
appeals. 88738

(P) Except as otherwise specifically provided in this 88739
section, the state employment relations board is subject to 88740
Chapter 119. of the Revised Code, including the procedure for 88741
submission of proposed rules to the general assembly for 88742
legislative review under division (H) of section 119.03 of the 88743
Revised Code. 88744

Sec. 4117.07. (A) When a petition is filed, in accordance 88745
with rules prescribed by the state employment relations board: 88746

(1) By any employee or group of employees, or any individual 88747
or employee organization acting in their behalf, alleging that at 88748
least thirty per cent of the employees in an appropriate unit wish 88749
to be represented for collective bargaining by an exclusive 88750
representative, or asserting that the designated exclusive 88751
representative is no longer the representative of the majority of 88752
employees in the unit, the board shall investigate the petition, 88753
and if it has reasonable cause to believe that a question of 88754
representation exists, provide for an appropriate hearing upon due 88755

notice to the parties; 88756

(2) By the employer alleging that one or more employee 88757
organizations has presented to it a claim to be recognized as the 88758
exclusive representative in an appropriate unit, the board shall 88759
investigate the petition, and if it has reasonable cause to 88760
believe that a question of representation exists, provide for an 88761
appropriate hearing upon due notice to the parties. 88762

If the board finds upon the record of a hearing that a 88763
question of representation exists, it shall direct an election and 88764
certify the results thereof. No one may vote in an election by 88765
~~mail or~~ proxy. The board may also certify an employee organization 88766
as an exclusive representative if it determines that a free and 88767
untrammelled election cannot be conducted because of the 88768
employer's unfair labor practices and that at one time the 88769
employee organization had the support of the majority of the 88770
employees in the unit. 88771

(B) Only the names of those employee organizations designated 88772
by more than ten per cent of the employees in the unit found to be 88773
appropriate may be placed on the ballot. Nothing in this section 88774
shall be construed to prohibit the waiving of hearings by 88775
stipulation, in conformity with the rules of the board, for the 88776
purpose of a consent election. 88777

(C) The board shall conduct representation elections by 88778
secret ballot cast, at the board's discretion, by mail or 88779
electronically or in person, and at times and places selected by 88780
the board subject to the following: 88781

(1) The board shall give no less than ten days' notice of the 88782
time and place of an election; 88783

(2) The board shall establish rules concerning the conduct of 88784
any election including, but not limited to, rules to guarantee the 88785

secrecy of the ballot; 88786

(3) The board may not certify a representative unless the 88787
representative receives a majority of the valid ballots cast; 88788

(4) Except as provided in this section, the board shall 88789
include on the ballot a choice of "no representative"; 88790

(5) In an election where none of the choices on the ballot 88791
receives a majority, the board shall conduct a runoff election. In 88792
that case, the ballot shall provide for a selection between the 88793
two choices or parties receiving the highest and the second 88794
highest number of ballots cast in the election. 88795

(6) The board may not conduct an election under this section 88796
in any appropriate bargaining unit within which a board-conducted 88797
election was held in the preceding twelve-month period, nor during 88798
the term of any lawful collective bargaining agreement between a 88799
public employer and an exclusive representative. 88800

Petitions for elections may be filed with the board no sooner 88801
than one hundred twenty days or later than ninety days before the 88802
expiration date of any collective bargaining agreement, or after 88803
the expiration date, until the public employer and exclusive 88804
representative enter into a new written agreement. 88805

For the purposes of this section, extensions of agreements do 88806
not affect the expiration date of the original agreement. 88807

Sec. 4117.12. (A) Whoever violates section 4117.11 of the 88808
Revised Code is guilty of an unfair labor practice remediable by 88809
the state employment relations board as specified in this section. 88810

(B) When anyone files a charge with the board alleging that 88811
an unfair labor practice has been committed, the board or its 88812
designated agent shall investigate the charge. If the board has 88813

probable cause for believing that a violation has occurred, the 88814
board shall issue a complaint and shall conduct a hearing 88815
concerning the charge. The board shall cause the complaint to be 88816
served upon the charged party which shall contain a notice of the 88817
time at which the hearing on the complaint will be held either 88818
before the board, a board member, or ~~a hearing officer~~an 88819
administrative law judge. The board may not issue a notice of 88820
hearing based upon any unfair labor practice occurring more than 88821
ninety days prior to the filing of the charge with the board, 88822
unless the person aggrieved thereby is prevented from filing the 88823
charge by reason of service in the armed forces, in which event 88824
the ninety-day period shall be computed from the day of ~~his~~the 88825
person's discharge. If the board dismisses a complaint as 88826
frivolous, it shall assess costs to the complainant pursuant to 88827
its standards governing such matters, and for that purpose, the 88828
board shall adopt a rule defining the standards by which the board 88829
will declare a complaint to be frivolous and the costs that will 88830
be assessed accordingly. 88831

(1) The board, board member, or ~~hearing officer~~ 88832
administrative law judge shall hold a hearing on the charge within 88833
ten days after service of the complaint. The board may amend a 88834
complaint, upon receipt of a notice from the charging party, at 88835
any time prior to the close of the hearing, and the charged party 88836
shall within ten days from receipt of the complaint or amendment 88837
to the complaint, file an answer to the complaint or amendment to 88838
the complaint. The charged party may file an answer to an original 88839
or amended complaint. The agents of the board and the person 88840
charged are parties and may appear or otherwise give evidence at 88841
the hearing. At the discretion of the board, board member, or 88842
~~hearing officer~~administrative law judge, any interested party may 88843
intervene and present evidence at the hearing. The board, board 88844
member, or ~~hearing officer~~administrative law judge is not bound 88845
by the rules of evidence prevailing in the courts. 88846

(2) A board member or ~~hearing officer~~administrative law judge who conducts the hearing shall reduce the evidence taken to writing and file it with the board. The board member or the ~~hearing officer~~administrative law judge may thereafter take further evidence or hear further argument if notice is given to all interested parties. The ~~hearing officer~~administrative law judge or board member shall issue to the parties a proposed decision, together with a recommended order and file it with the board. If the parties file no exceptions within twenty days after service thereof, the recommended order becomes the order of the board effective as therein prescribed. If the parties file exceptions to the proposed report, the board shall determine whether substantial issues have been raised. The board may rescind or modify the proposed order of the board member or ~~hearing officer~~administrative law judge; however, if the board determines that the exceptions do not raise substantial issues of fact or law, it may refuse to grant review, and the recommended order becomes effective as therein prescribed.

(3) If upon the preponderance of the evidence taken, the board believes that any person named in the complaint has engaged in any unfair labor practice, the board shall state its findings of fact and issue and cause to be served on the person an order requiring that ~~he~~the person cease and desist from these unfair labor practices, and take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of Chapter 4117. of the Revised Code. If upon a preponderance of the evidence taken, the board believes that the person named in the complaint has not engaged in an unfair labor practice it shall state its findings of fact and issue an order dismissing the complaint.

(4) The board may order the public employer to reinstate the public employee and further may order either the public employer or the employee organization, depending on who was responsible for

the discrimination suffered by the public employee, to make such 88880
payment of back pay to the public employee as the board 88881
determines. No order of the board shall require the reinstatement 88882
of any individual as an employee who has been suspended or 88883
discharged, or require the payment to ~~him~~the employee of any back 88884
pay, if the suspension or discharge was for just cause not related 88885
to rights provided in section 4117.03 of the Revised Code and the 88886
procedure contained in the collective bargaining agreement 88887
governing suspension or discharge was followed. The order of the 88888
board may require the party against whom the order is issued to 88889
make periodic reports showing the extent to which ~~he~~the party has 88890
complied with the order. 88891

(C) Whenever a complaint alleges that a person has engaged in 88892
an unfair labor practice and that the complainant will suffer 88893
substantial and irreparable injury if not granted temporary 88894
relief, the board may petition the court of common pleas for any 88895
county wherein the alleged unfair labor practice in question 88896
occurs, or wherein any person charged with the commission of any 88897
unfair labor practice resides or transacts business for 88898
appropriate injunctive relief, pending the final adjudication by 88899
the board with respect to the matter. Upon the filing of any 88900
petition, the court shall cause notice thereof to be served upon 88901
the parties, and thereupon has jurisdiction to grant the temporary 88902
relief or restraining order it considers just and proper. 88903

(D) Until the record in a case is filed in a court, as 88904
specified in Chapter 4117. of the Revised Code, the board may at 88905
any time upon reasonable notice and in a manner it considers 88906
proper, modify or set aside, in whole or in part, any finding or 88907
order made or issued by it. 88908

Sec. 4117.24. (A) The training, publications, and grants fund 88909
is hereby created in the state treasury. The state employment 88910
relations board shall deposit into the training, publications, and 88911

grants fund all moneys received from the following sources:	88912
~~(A)~~ (1) Payments received by the <u>state employment relations</u>	88913
board for copies of documents, rulebooks, and other publications;	88914
~~(B)~~ (2) Fees received from seminar participants;	88915
~~(C)~~ (3) Receipts from the sale of clearinghouse data;	88916
~~(D)~~ (4) Moneys received from grants, donations, awards,	88917
bequests, gifts, reimbursements, and similar funds;	88918
~~(E)~~ (5) Reimbursement received for professional services and	88919
expenses related to professional services;	88920
~~(F)~~ (6) Funds received to support the development of labor	88921
relations services and programs. ~~The~~ ;	88922
<u>(7) Moneys received by the state personnel board of review</u>	88923
<u>pursuant to division (C) of section 124.03 of the Revised Code.</u>	88924
<u>(B) The state employment relations board shall use all moneys</u>	88925
deposited into the training, publications, and grants fund to	88926
defray ~~the~~ <u>all of the following</u> :	88927
<u>(1) The costs of furnishing and making available copies of</u>	88928
documents, rulebooks, and other publications; ~~the~~	88929
<u>(2) The costs of planning, organizing, and conducting</u>	88930
training seminars; ~~the~~	88931
<u>(3) The costs associated with grant projects, innovative</u>	88932
labor-management cooperation programs, research projects related	88933
to these grants and programs, and the advancement in	88934
professionalism of public sector relations; ~~the~~	88935
<u>(4) The professional development of <u>state employment</u></u>	88936

relations board employees; ~~and the~~ 88937

(5) The costs of compiling clearinghouse data; 88938

(6) The cost of producing the administrative record of the 88939
state personnel board of review. 88940

The state employment relations board may seek, solicit, apply 88941
for, receive, and accept grants, gifts, and contributions of 88942
money, property, labor, and other things of value to be held for, 88943
used for, and applied to only the purpose for which the grants, 88944
gifts, and contributions are made, from individuals, private and 88945
public corporations, the United States or any agency thereof, the 88946
state or any agency thereof, and any political subdivision of the 88947
state, and may enter into any contract with any such public or 88948
private source in connection therewith to be held for, used for, 88949
and applied to only the purposes for which such grants are made 88950
and contracts are entered into, all subject to and in accordance 88951
with the purposes of this chapter. Any money received from the 88952
grants, gifts, contributions, or contracts shall be deposited into 88953
the training, publications, and grants fund. 88954

Sec. 4123.27. Information contained in the annual statement 88955
provided for in section 4123.26 of the Revised Code, and such 88956
other information as may be furnished to the bureau of workers' 88957
compensation by employers in pursuance of that section, is for the 88958
exclusive use and information of the bureau in the discharge of 88959
its official duties, and shall not be open to the public nor be 88960
used in any court in any action or proceeding pending therein 88961
unless the bureau is a party to the action or proceeding; but the 88962
information contained in the statement may be tabulated and 88963
published by the bureau in statistical form for the use and 88964
information of other state departments and the public. No person 88965
in the employ of the bureau, except those who are authorized by 88966
the administrator of workers' compensation, shall divulge any 88967
information secured by the person while in the employ of the 88968

bureau in respect to the transactions, property, claim files, 88969
records, or papers of the bureau or in respect to the business or 88970
mechanical, chemical, or other industrial process of any company, 88971
firm, corporation, person, association, partnership, or public 88972
utility to any person other than the administrator or to the 88973
superior of such employee of the bureau. 88974

Notwithstanding the restrictions imposed by this section, the 88975
governor, select or standing committees of the general assembly, 88976
the auditor of state, the attorney general, or their designees, 88977
pursuant to the authority granted in this chapter and Chapter 88978
4121. of the Revised Code, may examine any records, claim files, 88979
or papers in possession of the industrial commission or the 88980
bureau. They also are bound by the privilege that attaches to 88981
these papers. 88982

The administrator shall report to the director of job and 88983
family services or to the county director of job and family 88984
services the name, address, and social security number or other 88985
identification number of any person receiving workers' 88986
compensation whose name or social security number or other 88987
identification number is the same as that of a person required by 88988
a court or child support enforcement agency to provide support 88989
payments to a recipient or participant of public assistance, and 88990
whose name is submitted to the administrator by the director under 88991
section 5101.36 of the Revised Code. The administrator also shall 88992
inform the director of the amount of workers' compensation paid to 88993
the person during such period as the director specifies. 88994

Within fourteen days after receiving from the director of job 88995
and family services a list of the names and social security 88996
numbers of recipients or participants of public assistance 88997
pursuant to section 5101.181 of the Revised Code, the 88998
administrator shall inform the auditor of state of the name, 88999
current or most recent address, and social security number of each 89000

person receiving workers' compensation pursuant to this chapter 89001
whose name and social security number are the same as that of a 89002
person whose name or social security number was submitted by the 89003
director. The administrator also shall inform the auditor of state 89004
of the amount of workers' compensation paid to the person during 89005
such period as the director specifies. 89006

The bureau and its employees, except for purposes of 89007
furnishing the auditor of state with information required by this 89008
section, shall preserve the confidentiality of recipients or 89009
participants of public assistance in compliance with division (A) 89010
of section 5101.181 of the Revised Code. 89011

For the purposes of this section, "public assistance" means 89012
medical assistance provided through the medical assistance program 89013
established under section 5111.01 of the Revised Code, Ohio works 89014
first provided under Chapter 5107. of the Revised Code, 89015
prevention, retention, and contingency benefits and services 89016
provided under Chapter 5108. of the Revised Code, or disability 89017
financial assistance provided under Chapter 5115. of the Revised 89018
Code, ~~or disability medical assistance provided under Chapter~~ 89019
~~5115. of the Revised Code.~~ 89020

Sec. 4123.446. (A) As used in this section: 89021

(1) "Minority business enterprise" has the meaning defined in 89022
section 122.71 of the Revised Code. 89023

(2) "Women's business enterprise" means a business, or a 89024
partnership, corporation, limited liability company, or joint 89025
venture of any kind, that is owned and controlled by women who are 89026
United States citizens and residents of this state. 89027

(B) The administrator of workers' compensation shall submit 89028
annually to the governor and to the general assembly (under 89029
section 101.68 of the Revised Code) a report containing the 89030

<u>following information:</u>	89031
<u>(1) The name of each investment manager that is a minority business enterprise or a women's business enterprise with which the administrator contracts;</u>	89032
	89033
	89034
<u>(2) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers with which the administrator has contracted;</u>	89035
	89036
	89037
	89038
<u>(3) Efforts by the administrator to increase utilization of investment managers that are minority business enterprises or women's business enterprises.</u>	89039
	89040
	89041
Sec. 4141.01. As used in this chapter, unless the context otherwise requires:	89042
	89043
(A)(1) "Employer" means the state, its instrumentalities, its political subdivisions and their instrumentalities, Indian tribes, and any individual or type of organization including any partnership, limited liability company, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the successor thereof, or the legal representative of a deceased person who subsequent to December 31, 1971, or in the case of political subdivisions or their instrumentalities, subsequent to December 31, 1973:	89044
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(a) Had in employment at least one individual, or in the case of a nonprofit organization, subsequent to December 31, 1973, had not less than four individuals in employment for some portion of a day in each of twenty different calendar weeks, in either the current or the preceding calendar year whether or not the same individual was in employment in each such day; or	89054
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(b) Except for a nonprofit organization, had paid for service 89060
in employment wages of fifteen hundred dollars or more in any 89061
calendar quarter in either the current or preceding calendar year; 89062
or 89063

(c) Had paid, subsequent to December 31, 1977, for employment 89064
in domestic service in a local college club, or local chapter of a 89065
college fraternity or sorority, cash remuneration of one thousand 89066
dollars or more in any calendar quarter in the current calendar 89067
year or the preceding calendar year, or had paid subsequent to 89068
December 31, 1977, for employment in domestic service in a private 89069
home cash remuneration of one thousand dollars in any calendar 89070
quarter in the current calendar year or the preceding calendar 89071
year: 89072

(i) For the purposes of divisions (A)(1)(a) and (b) of this 89073
section, there shall not be taken into account any wages paid to, 89074
or employment of, an individual performing domestic service as 89075
described in this division. 89076

(ii) An employer under this division shall not be an employer 89077
with respect to wages paid for any services other than domestic 89078
service unless the employer is also found to be an employer under 89079
division (A)(1)(a), (b), or (d) of this section. 89080

(d) As a farm operator or a crew leader subsequent to 89081
December 31, 1977, had in employment individuals in agricultural 89082
labor; and 89083

(i) During any calendar quarter in the current calendar year 89084
or the preceding calendar year, paid cash remuneration of twenty 89085
thousand dollars or more for the agricultural labor; or 89086

(ii) Had at least ten individuals in employment in 89087
agricultural labor, not including agricultural workers who are 89088
aliens admitted to the United States to perform agricultural labor 89089

pursuant to sections 1184(c) and 1101(a)(15)(H) of the	89090
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A.	89091
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each	89092
of the twenty different calendar weeks, in either the current or	89093
preceding calendar year whether or not the same individual was in	89094
employment in each day; or	89095
 (e) Is not otherwise an employer as defined under division	89096
(A)(1)(a) or (b) of this section; and	89097
 (i) For which, within either the current or preceding	89098
calendar year, service, except for domestic service in a private	89099
home not covered under division (A)(1)(c) of this section, is or	89100
was performed with respect to which such employer is liable for	89101
any federal tax against which credit may be taken for	89102
contributions required to be paid into a state unemployment fund;	89103
 (ii) Which, as a condition for approval of this chapter for	89104
full tax credit against the tax imposed by the "Federal	89105
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is	89106
required, pursuant to such act to be an employer under this	89107
chapter; or	89108
 (iii) Who became an employer by election under division	89109
(A)(4) or (5) of this section and for the duration of such	89110
election; or	89111
 (f) In the case of the state, its instrumentalities, its	89112
political subdivisions, and their instrumentalities, and Indian	89113
tribes, had in employment, as defined in divisions (B)(2)(a) and	89114
(B)(2)(l) of this section, at least one individual;	89115
 (g) For the purposes of division (A)(1)(a) of this section,	89116
if any week includes both the thirty-first day of December and the	89117
first day of January, the days of that week before the first day	89118
of January shall be considered one calendar week and the days	89119

beginning the first day of January another week. 89120

(2) Each individual employed to perform or to assist in 89121
performing the work of any agent or employee of an employer is 89122
employed by such employer for all the purposes of this chapter, 89123
whether such individual was hired or paid directly by such 89124
employer or by such agent or employee, provided the employer had 89125
actual or constructive knowledge of the work. All individuals 89126
performing services for an employer of any person in this state 89127
who maintains two or more establishments within this state are 89128
employed by a single employer for the purposes of this chapter. 89129

(3) An employer subject to this chapter within any calendar 89130
year is subject to this chapter during the whole of such year and 89131
during the next succeeding calendar year. 89132

(4) An employer not otherwise subject to this chapter who 89133
files with the director of job and family services a written 89134
election to become an employer subject to this chapter for not 89135
less than two calendar years shall, with the written approval of 89136
such election by the director, become an employer subject to this 89137
chapter to the same extent as all other employers as of the date 89138
stated in such approval, and shall cease to be subject to this 89139
chapter as of the first day of January of any calendar year 89140
subsequent to such two calendar years only if at least thirty days 89141
prior to such first day of January the employer has filed with the 89142
director a written notice to that effect. 89143

(5) Any employer for whom services that do not constitute 89144
employment are performed may file with the director a written 89145
election that all such services performed by individuals in the 89146
employer's employ in one or more distinct establishments or places 89147
of business shall be deemed to constitute employment for all the 89148
purposes of this chapter, for not less than two calendar years. 89149
Upon written approval of the election by the director, such 89150
services shall be deemed to constitute employment subject to this 89151

chapter from and after the date stated in such approval. Such 89152
services shall cease to be employment subject to this chapter as 89153
of the first day of January of any calendar year subsequent to 89154
such two calendar years only if at least thirty days prior to such 89155
first day of January such employer has filed with the director a 89156
written notice to that effect. 89157

(B)(1) "Employment" means service performed by an individual 89158
for remuneration under any contract of hire, written or oral, 89159
express or implied, including service performed in interstate 89160
commerce and service performed by an officer of a corporation, 89161
without regard to whether such service is executive, managerial, 89162
or manual in nature, and without regard to whether such officer is 89163
a stockholder or a member of the board of directors of the 89164
corporation, unless it is shown to the satisfaction of the 89165
director that such individual has been and will continue to be 89166
free from direction or control over the performance of such 89167
service, both under a contract of service and in fact. The 89168
director shall adopt rules to define "direction or control." 89169

(2) "Employment" includes: 89170

(a) Service performed after December 31, 1977, by an 89171
individual in the employ of the state or any of its 89172
instrumentalities, or any political subdivision thereof or any of 89173
its instrumentalities or any instrumentality of more than one of 89174
the foregoing or any instrumentality of any of the foregoing and 89175
one or more other states or political subdivisions and without 89176
regard to divisions (A)(1)(a) and (b) of this section, provided 89177
that such service is excluded from employment as defined in the 89178
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 89179
3306(c)(7) and is not excluded under division (B)(3) of this 89180
section; or the services of employees covered by voluntary 89181
election, as provided under divisions (A)(4) and (5) of this 89182
section; 89183

(b) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational, or other organization which is excluded from the term "employment" as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 3306(c)(8) of that act and is not excluded under division (B)(3) of this section;

(c) Domestic service performed after December 31, 1977, for an employer, as provided in division (A)(1)(c) of this section;

(d) Agricultural labor performed after December 31, 1977, for a farm operator or a crew leader, as provided in division (A)(1)(d) of this section;

(e) Service not covered under division (B)(1) of this section which is performed after December 31, 1971:

(i) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, laundry, or dry-cleaning services, for the individual's employer or principal;

(ii) As a traveling or city salesperson, other than as an agent-driver or commission-driver, engaged on a full-time basis in the solicitation on behalf of and in the transmission to the salesperson's employer or principal except for sideline sales activities on behalf of some other person of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale, or supplies for use in their business operations, provided that for the purposes of division (B)(2)(e)(ii) of this section, the services shall be deemed employment if the contract of service contemplates that substantially all of the services are to be performed personally by the individual and that the individual does not have a substantial investment in facilities used in

connection with the performance of the services other than in	89215
facilities for transportation, and the services are not in the	89216
nature of a single transaction that is not a part of a continuing	89217
relationship with the person for whom the services are performed.	89218
 (f) An individual's entire service performed within or both	89219
within and without the state if:	89220
 (i) The service is localized in this state.	89221
 (ii) The service is not localized in any state, but some of	89222
the service is performed in this state and either the base of	89223
operations, or if there is no base of operations then the place	89224
from which such service is directed or controlled, is in this	89225
state or the base of operations or place from which such service	89226
is directed or controlled is not in any state in which some part	89227
of the service is performed but the individual's residence is in	89228
this state.	89229
 (g) Service not covered under division (B)(2)(f)(ii) of this	89230
section and performed entirely without this state, with respect to	89231
no part of which contributions are required and paid under an	89232
unemployment compensation law of any other state, the Virgin	89233
Islands, Canada, or of the United States, if the individual	89234
performing such service is a resident of this state and the	89235
director approves the election of the employer for whom such	89236
services are performed; or, if the individual is not a resident of	89237
this state but the place from which the service is directed or	89238
controlled is in this state, the entire services of such	89239
individual shall be deemed to be employment subject to this	89240
chapter, provided service is deemed to be localized within this	89241
state if the service is performed entirely within this state or if	89242
the service is performed both within and without this state but	89243
the service performed without this state is incidental to the	89244
individual's service within the state, for example, is temporary	89245
or transitory in nature or consists of isolated transactions;	89246

(h) Service of an individual who is a citizen of the United States, performed outside the United States except in Canada after December 31, 1971, or the Virgin Islands, after December 31, 1971, and before the first day of January of the year following that in which the United States secretary of labor approves the Virgin Islands law for the first time, in the employ of an American employer, other than service which is "employment" under divisions (B)(2)(f) and (g) of this section or similar provisions of another state's law, if:

(i) The employer's principal place of business in the United States is located in this state;

(ii) The employer has no place of business in the United States, but the employer is an individual who is a resident of this state; or the employer is a corporation which is organized under the laws of this state, or the employer is a partnership or a trust and the number of partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) of this section is met but the employer has elected coverage in this state or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under this chapter.

(i) For the purposes of division (B)(2)(h) of this section, the term "American employer" means an employer who is an individual who is a resident of the United States; or a partnership, if two-thirds or more of the partners are residents of the United States; or a trust, if all of the trustees are residents of the United States; or a corporation organized under the laws of the United States or of any state, provided the term "United States" includes the states, the District of Columbia, the

Commonwealth of Puerto Rico, and the Virgin Islands. 89278

(j) Notwithstanding any other provisions of divisions (B)(1) 89279
and (2) of this section, service, except for domestic service in a 89280
private home not covered under division (A)(1)(c) of this section, 89281
with respect to which a tax is required to be paid under any 89282
federal law imposing a tax against which credit may be taken for 89283
contributions required to be paid into a state unemployment fund, 89284
or service, except for domestic service in a private home not 89285
covered under division (A)(1)(c) of this section, which, as a 89286
condition for full tax credit against the tax imposed by the 89287
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 89288
3311, is required to be covered under this chapter. 89289

(k) Construction services performed by any individual under a 89290
construction contract, as defined in section 4141.39 of the 89291
Revised Code, if the director determines that the employer for 89292
whom services are performed has the right to direct or control the 89293
performance of the services and that the individuals who perform 89294
the services receive remuneration for the services performed. The 89295
director shall presume that the employer for whom services are 89296
performed has the right to direct or control the performance of 89297
the services if ten or more of the following criteria apply: 89298

(i) The employer directs or controls the manner or method by 89299
which instructions are given to the individual performing 89300
services; 89301

(ii) The employer requires particular training for the 89302
individual performing services; 89303

(iii) Services performed by the individual are integrated 89304
into the regular functioning of the employer; 89305

(iv) The employer requires that services be provided by a 89306
particular individual; 89307

(v) The employer hires, supervises, or pays the wages of the individual performing services;	89308 89309
(vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work;	89310 89311 89312
(vii) The employer requires the individual to perform services during established hours;	89313 89314
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	89315 89316 89317
(ix) The employer requires the individual to perform services on the employer's premises;	89318 89319
(x) The employer requires the individual performing services to follow the order of work established by the employer;	89320 89321
(xi) The employer requires the individual performing services to make oral or written reports of progress;	89322 89323
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	89324 89325
(xiii) The employer pays expenses for the individual performing services;	89326 89327
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	89328 89329
(xv) The individual performing services has not invested in the facilities used to perform services;	89330 89331
(xvi) The individual performing services does not realize a	89332

profit or suffer a loss as a result of the performance of the services;	89333 89334
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	89335 89336
(xviii) The individual performing services does not make the services available to the general public;	89337 89338
(xix) The employer has a right to discharge the individual performing services;	89339 89340
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	89341 89342 89343
(l) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183, (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section.	89344 89345 89346 89347 89348 89349 89350 89351 89352
(3) "Employment" does not include the following services if they are found not subject to the "Federal Unemployment Tax Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services are not required to be included under division (B)(2)(j) of this section:	89353 89354 89355 89356 89357
(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of this section;	89358 89359 89360

(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A)(1)(c) of this section;	89361 89362 89363 89364
(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B)(2)(a) of this section when performed:	89365 89366 89367
(i) As a publicly elected official;	89368
(ii) As a member of a legislative body, or a member of the judiciary;	89369 89370
(iii) As a military member of the Ohio national guard;	89371
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	89372 89373 89374 89375
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	89376 89377 89378 89379 89380
(d) In the employ of any governmental unit or instrumentality of the United States;	89381 89382
(e) Service performed after December 31, 1971:	89383
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at	89384 89385 89386 89387

the educational institution or institution of higher education; or 89388

(ii) By an individual who is enrolled at a nonprofit or 89389
public educational institution which normally maintains a regular 89390
faculty and curriculum and normally has a regularly organized body 89391
of students in attendance at the place where its educational 89392
activities are carried on as a student in a full-time program, 89393
taken for credit at the institution, which combines academic 89394
instruction with work experience, if the service is an integral 89395
part of the program, and the institution has so certified to the 89396
employer, provided that this subdivision shall not apply to 89397
service performed in a program established for or on behalf of an 89398
employer or group of employers; 89399

(f) Service performed by an individual in the employ of the 89400
individual's son, daughter, or spouse and service performed by a 89401
child under the age of eighteen in the employ of the child's 89402
father or mother; 89403

(g) Service performed for one or more principals by an 89404
individual who is compensated on a commission basis, who in the 89405
performance of the work is master of the individual's own time and 89406
efforts, and whose remuneration is wholly dependent on the amount 89407
of effort the individual chooses to expend, and which service is 89408
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 89409
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 89410
31, 1971: 89411

(i) By an individual for an employer as an insurance agent or 89412
as an insurance solicitor, if all this service is performed for 89413
remuneration solely by way of commission; 89414

(ii) As a home worker performing work, according to 89415
specifications furnished by the employer for whom the services are 89416
performed, on materials or goods furnished by such employer which 89417
are required to be returned to the employer or to a person 89418

designated for that purpose.	89419
(h) Service performed after December 31, 1971:	89420
(i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;	89421 89422 89423 89424 89425
(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by such order; or	89426 89427 89428 89429
(iii) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work;	89430 89431 89432 89433 89434 89435 89436
(i) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the "Railroad Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351;	89437 89438 89439
(j) Service performed by an individual in the employ of any organization exempt from income tax under section 501 of the "Internal Revenue Code of 1954," if the remuneration for such service does not exceed fifty dollars in any calendar quarter, or if such service is in connection with the collection of dues or premiums for a fraternal beneficial society, order, or association and is performed away from the home office or is ritualistic service in connection with any such society, order, or association;	89440 89441 89442 89443 89444 89445 89446 89447 89448

(k) Casual labor not in the course of an employer's trade or business; incidental service performed by an officer, appraiser, or member of a finance committee of a bank, building and loan association, savings and loan association, or savings association when the remuneration for such incidental service exclusive of the amount paid or allotted for directors' fees does not exceed sixty dollars per calendar quarter is casual labor;

(l) Service performed in the employ of a voluntary employees' beneficial association providing for the payment of life, sickness, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if admission to a membership in such association is limited to individuals who are officers or employees of a municipal or public corporation, of a political subdivision of the state, or of the United States and no part of the net earnings of such association inures, other than through such payments, to the benefit of any private shareholder or individual;

(m) Service performed by an individual in the employ of a foreign government, including service as a consular or other officer or employee or of a nondiplomatic representative;

(n) Service performed in the employ of an instrumentality wholly owned by a foreign government if the service is of a character similar to that performed in foreign countries by employees of the United States or of an instrumentality thereof and if the director finds that the secretary of state of the United States has certified to the secretary of the treasury of the United States that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States and of instrumentalities thereof;

(o) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;	89480 89481 89482
(p) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law, and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;	89483 89484 89485 89486 89487 89488 89489
(q) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;	89490 89491 89492 89493
(r) Service performed in the employ of the United States or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this chapter, except that to the extent that congress permits states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation act, this chapter shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, individuals, and services, provided that if this state is not certified for any year by the proper agency of the United States under section 3304 of the "Internal Revenue Code of 1954," the payments required of such instrumentalities with respect to such year shall be refunded by the director from the fund in the same manner and within the same period as is provided in division (E) of section 4141.09 of the Revised Code with respect to contributions erroneously collected;	89494 89495 89496 89497 89498 89499 89500 89501 89502 89503 89504 89505 89506 89507 89508 89509 89510 89511

(s) Service performed by an individual as a member of a band or orchestra, provided such service does not represent the principal occupation of such individual, and which service is not subject to or required to be covered for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.	89512 89513 89514 89515 89516 89517
(t) Service performed in the employ of a day camp whose camping season does not exceed twelve weeks in any calendar year, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:	89518 89519 89520 89521 89522
(i) In the employ of a hospital, if the service is performed by a patient of the hospital, as defined in division (W) of this section;	89523 89524 89525
(ii) For a prison or other correctional institution by an inmate of the prison or correctional institution;	89526 89527
(iii) Service performed after December 31, 1977, by an inmate of a custodial institution operated by the state, a political subdivision, or a nonprofit organization.	89528 89529 89530
(u) Service that is performed by a nonresident alien individual for the period the individual temporarily is present in the United States as a nonimmigrant under division (F), (J), (M), or (Q) of section 101(a)(15) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded under section 3306(c)(19) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.	89531 89532 89533 89534 89535 89536 89537
(v) Notwithstanding any other provisions of division (B)(3) of this section, services that are excluded under divisions (B)(3)(g), (j), (k), and (l) of this section shall not be excluded from employment when performed for a nonprofit organization, as	89538 89539 89540 89541

defined in division (X) of this section, or for this state or its	89542
instrumentalities, or for a political subdivision or its	89543
instrumentalities or for Indian tribes;	89544
(w) Service that is performed by an individual working as an	89545
election official or election worker if the amount of remuneration	89546
received by the individual during the calendar year for services	89547
as an election official or election worker is less than one	89548
thousand dollars;	89549
(x) Service performed for an elementary or secondary school	89550
that is operated primarily for religious purposes, that is	89551
described in subsection 501(c)(3) and exempt from federal income	89552
taxation under subsection 501(a) of the Internal Revenue Code, 26	89553
U.S.C.A. 501;	89554
(y) Service performed by a person committed to a penal	89555
institution.	89556
(z) Service performed for an Indian tribe as described in	89557
division (B)(2)(l) of this section when performed in any of the	89558
following manners:	89559
(i) As a publicly elected official;	89560
(ii) As a member of an Indian tribal council;	89561
(iii) As a member of a legislative or judiciary body;	89562
(iv) In a position which, pursuant to Indian tribal law, is	89563
designated as a major nontenured policymaking or advisory	89564
position, or a policymaking or advisory position where the	89565
performance of the duties ordinarily does not require more than	89566
eight hours of time per week;	89567
(v) As an employee serving on a temporary basis in the case	89568

of a fire, storm, snow, earthquake, flood, or similar emergency. 89569

(aa) Service performed after December 31, 1971, for a 89570
nonprofit organization, this state or its instrumentalities, a 89571
political subdivision or its instrumentalities, or an Indian tribe 89572
as part of an unemployment work-relief or work-training program 89573
assisted or financed in whole or in part by any federal agency or 89574
an agency of a state or political subdivision, thereof, by an 89575
individual receiving the work-relief or work-training. 89576

(4) If the services performed during one half or more of any 89577
pay period by an employee for the person employing that employee 89578
constitute employment, all the services of such employee for such 89579
period shall be deemed to be employment; but if the services 89580
performed during more than one half of any such pay period by an 89581
employee for the person employing that employee do not constitute 89582
employment, then none of the services of such employee for such 89583
period shall be deemed to be employment. As used in division 89584
(B)(4) of this section, "pay period" means a period, of not more 89585
than thirty-one consecutive days, for which payment of 89586
remuneration is ordinarily made to the employee by the person 89587
employing that employee. Division (B)(4) of this section does not 89588
apply to services performed in a pay period by an employee for the 89589
person employing that employee, if any of such service is excepted 89590
by division (B)(3)(o) of this section. 89591

(C) "Benefits" means money payments payable to an individual 89592
who has established benefit rights, as provided in this chapter, 89593
for loss of remuneration due to the individual's unemployment. 89594

(D) "Benefit rights" means the weekly benefit amount and the 89595
maximum benefit amount that may become payable to an individual 89596
within the individual's benefit year as determined by the 89597
director. 89598

(E) "Claim for benefits" means a claim for waiting period or 89599

benefits for a designated week. 89600

(F) "Additional claim" means the first claim for benefits 89601
filed following any separation from employment during a benefit 89602
year; "continued claim" means any claim other than the first claim 89603
for benefits and other than an additional claim. 89604

(G)(1) "Wages" means remuneration paid to an employee by each 89605
of the employee's employers with respect to employment; except 89606
that wages shall not include that part of remuneration paid during 89607
any calendar year to an individual by an employer or such 89608
employer's predecessor in interest in the same business or 89609
enterprise, which in any calendar year is in excess of eight 89610
thousand two hundred fifty dollars on and after January 1, 1992; 89611
eight thousand five hundred dollars on and after January 1, 1993; 89612
eight thousand seven hundred fifty dollars on and after January 1, 89613
1994; and nine thousand dollars on and after January 1, 1995. 89614
Remuneration in excess of such amounts shall be deemed wages 89615
subject to contribution to the same extent that such remuneration 89616
is defined as wages under the "Federal Unemployment Tax Act," 84 89617
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 89618
remuneration paid an employee by an employer with respect to 89619
employment in another state, upon which contributions were 89620
required and paid by such employer under the unemployment 89621
compensation act of such other state, shall be included as a part 89622
of remuneration in computing the amount specified in this 89623
division. 89624

(2) Notwithstanding division (G)(1) of this section, if, as 89625
of the computation date for any calendar year, the director 89626
determines that the level of the unemployment compensation fund is 89627
sixty per cent or more below the minimum safe level as defined in 89628
section 4141.25 of the Revised Code, then, effective the first day 89629
of January of the following calendar year, wages subject to this 89630
chapter shall not include that part of remuneration paid during 89631

any calendar year to an individual by an employer or such 89632
employer's predecessor in interest in the same business or 89633
enterprise which is in excess of nine thousand dollars. The 89634
increase in the dollar amount of wages subject to this chapter 89635
under this division shall remain in effect from the date of the 89636
director's determination pursuant to division (G)(2) of this 89637
section and thereafter notwithstanding the fact that the level in 89638
the fund may subsequently become less than sixty per cent below 89639
the minimum safe level. 89640

(H)(1) "Remuneration" means all compensation for personal 89641
services, including commissions and bonuses and the cash value of 89642
all compensation in any medium other than cash, except that in the 89643
case of agricultural or domestic service, "remuneration" includes 89644
only cash remuneration. Gratuities customarily received by an 89645
individual in the course of the individual's employment from 89646
persons other than the individual's employer and which are 89647
accounted for by such individual to the individual's employer are 89648
taxable wages. 89649

The reasonable cash value of compensation paid in any medium 89650
other than cash shall be estimated and determined in accordance 89651
with rules prescribed by the director, provided that 89652
"remuneration" does not include: 89653

(a) Payments as provided in divisions (b)(2) to (b)(16) of 89654
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 89655
26 U.S.C.A. 3301 to 3311, as amended; 89656

(b) The payment by an employer, without deduction from the 89657
remuneration of the individual in the employer's employ, of the 89658
tax imposed upon an individual in the employer's employ under 89659
section 3101 of the "Internal Revenue Code of 1954," with respect 89660
to services performed after October 1, 1941. 89661

(2) "Cash remuneration" means all remuneration paid in cash, 89662

including commissions and bonuses, but not including the cash 89663
value of all compensation in any medium other than cash. 89664

(I) "Interested party" means the director and any party to 89665
whom notice of a determination of an application for benefit 89666
rights or a claim for benefits is required to be given under 89667
section 4141.28 of the Revised Code. 89668

(J) "Annual payroll" means the total amount of wages subject 89669
to contributions during a twelve-month period ending with the last 89670
day of the second calendar quarter of any calendar year. 89671

(K) "Average annual payroll" means the average of the last 89672
three annual payrolls of an employer, provided that if, as of any 89673
computation date, the employer has had less than three annual 89674
payrolls in such three-year period, such average shall be based on 89675
the annual payrolls which the employer has had as of such date. 89676

(L)(1) "Contributions" means the money payments to the state 89677
unemployment compensation fund required of employers by section 89678
4141.25 of the Revised Code and of the state and any of its 89679
political subdivisions electing to pay contributions under section 89680
4141.242 of the Revised Code. Employers paying contributions shall 89681
be described as "contributory employers." 89682

(2) "Payments in lieu of contributions" means the money 89683
payments to the state unemployment compensation fund required of 89684
reimbursing employers under sections 4141.241 and 4141.242 of the 89685
Revised Code. 89686

(M) An individual is "totally unemployed" in any week during 89687
which the individual performs no services and with respect to such 89688
week no remuneration is payable to the individual. 89689

(N) An individual is "partially unemployed" in any week if, 89690
due to involuntary loss of work, the total remuneration payable to 89691

the individual for such week is less than the individual's weekly
benefit amount.

(O) "Week" means the calendar week ending at midnight
Saturday unless an equivalent week of seven consecutive calendar
days is prescribed by the director.

(1) "Qualifying week" means any calendar week in an
individual's base period with respect to which the individual
earns or is paid remuneration in employment subject to this
chapter. A calendar week with respect to which an individual earns
remuneration but for which payment was not made within the base
period, when necessary to qualify for benefit rights, may be
considered to be a qualifying week. The number of qualifying weeks
which may be established in a calendar quarter shall not exceed
the number of calendar weeks in the quarter.

(2) "Average weekly wage" means the amount obtained by
dividing an individual's total remuneration for all qualifying
weeks during the base period by the number of such qualifying
weeks, provided that if the computation results in an amount that
is not a multiple of one dollar, such amount shall be rounded to
the next lower multiple of one dollar.

(P) "Weekly benefit amount" means the amount of benefits an
individual would be entitled to receive for one week of total
unemployment.

(Q)(1) "Base period" means the first four of the last five
completed calendar quarters immediately preceding the first day of
an individual's benefit year, except as provided in division
(Q)(2) of this section.

(2) If an individual does not have sufficient qualifying
weeks and wages in the base period to qualify for benefit rights,
the individual's base period shall be the four most recently

completed calendar quarters preceding the first day of the 89722
individual's benefit year. Such base period shall be known as the 89723
"alternate base period." If information as to weeks and wages for 89724
the most recent quarter of the alternate base period is not 89725
available to the director from the regular quarterly reports of 89726
wage information, which are systematically accessible, the 89727
director may, consistent with the provisions of section 4141.28 of 89728
the Revised Code, base the determination of eligibility for 89729
benefits on the affidavit of the claimant with respect to weeks 89730
and wages for that calendar quarter. The claimant shall furnish 89731
payroll documentation, where available, in support of the 89732
affidavit. The determination based upon the alternate base period 89733
as it relates to the claimant's benefit rights, shall be amended 89734
when the quarterly report of wage information from the employer is 89735
timely received and that information causes a change in the 89736
determination. As provided in division (B) of section 4141.28 of 89737
the Revised Code, any benefits paid and charged to an employer's 89738
account, based upon a claimant's affidavit, shall be adjusted 89739
effective as of the beginning of the claimant's benefit year. No 89740
calendar quarter in a base period or alternate base period shall 89741
be used to establish a subsequent benefit year. 89742

(3) The "base period" of a combined wage claim, as described 89743
in division (H) of section 4141.43 of the Revised Code, shall be 89744
the base period prescribed by the law of the state in which the 89745
claim is allowed. 89746

(4) For purposes of determining the weeks that comprise a 89747
completed calendar quarter under this division, only those weeks 89748
ending at midnight Saturday within the calendar quarter shall be 89749
utilized. 89750

(R)(1) "Benefit year" with respect to an individual means the 89751
fifty-two week period beginning with the first day of that week 89752
with respect to which the individual first files a valid 89753

application for determination of benefit rights, and thereafter 89754
the fifty-two week period beginning with the first day of that 89755
week with respect to which the individual next files a valid 89756
application for determination of benefit rights after the 89757
termination of the individual's last preceding benefit year, 89758
except that the application shall not be considered valid unless 89759
the individual has had employment in six weeks that is subject to 89760
this chapter or the unemployment compensation act of another 89761
state, or the United States, and has, since the beginning of the 89762
individual's previous benefit year, in the employment earned three 89763
times the average weekly wage determined for the previous benefit 89764
year. The "benefit year" of a combined wage claim, as described in 89765
division (H) of section 4141.43 of the Revised Code, shall be the 89766
benefit year prescribed by the law of the state in which the claim 89767
is allowed. Any application for determination of benefit rights 89768
made in accordance with section 4141.28 of the Revised Code is 89769
valid if the individual filing such application is unemployed, has 89770
been employed by an employer or employers subject to this chapter 89771
in at least twenty qualifying weeks within the individual's base 89772
period, and has earned or been paid remuneration at an average 89773
weekly wage of not less than twenty-seven and one-half per cent of 89774
the statewide average weekly wage for such weeks. For purposes of 89775
determining whether an individual has had sufficient employment 89776
since the beginning of the individual's previous benefit year to 89777
file a valid application, "employment" means the performance of 89778
services for which remuneration is payable. 89779

(2) Effective for benefit years beginning on and after 89780
December 26, 2004, any application for determination of benefit 89781
rights made in accordance with section 4141.28 of the Revised Code 89782
is valid if the individual satisfies the criteria described in 89783
division (R)(1) of this section, and if the reason for the 89784
individual's separation from employment is not disqualifying 89785
pursuant to division (D)(2) of section 4141.29 or section 4141.291 89786
of the Revised Code. A disqualification imposed pursuant to 89787

division (D)(2) of section 4141.29 or section 4141.291 of the Revised Code must be removed as provided in those sections as a requirement of establishing a valid application for benefit years beginning on and after December 26, 2004.

(3) The statewide average weekly wage shall be calculated by the director once a year based on the twelve-month period ending the thirtieth day of June, as set forth in division (B)(3) of section 4141.30 of the Revised Code, rounded down to the nearest dollar. Increases or decreases in the amount of remuneration required to have been earned or paid in order for individuals to have filed valid applications shall become effective on Sunday of the calendar week in which the first day of January occurs that follows the twelve-month period ending the thirtieth day of June upon which the calculation of the statewide average weekly wage was based.

(4) As used in this division, an individual is "unemployed" if, with respect to the calendar week in which such application is filed, the individual is "partially unemployed" or "totally unemployed" as defined in this section or if, prior to filing the application, the individual was separated from the individual's most recent work for any reason which terminated the individual's employee-employer relationship, or was laid off indefinitely or for a definite period of seven or more days.

(S) "Calendar quarter" means the period of three consecutive calendar months ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, or the equivalent thereof as the director prescribes by rule.

(T) "Computation date" means the first day of the third calendar quarter of any calendar year.

(U) "Contribution period" means the calendar year beginning

on the first day of January of any year. 89819

(V) "Agricultural labor," for the purpose of this division, 89820
means any service performed prior to January 1, 1972, which was 89821
agricultural labor as defined in this division prior to that date, 89822
and service performed after December 31, 1971: 89823

(1) On a farm, in the employ of any person, in connection 89824
with cultivating the soil, or in connection with raising or 89825
harvesting any agricultural or horticultural commodity, including 89826
the raising, shearing, feeding, caring for, training, and 89827
management of livestock, bees, poultry, and fur-bearing animals 89828
and wildlife; 89829

(2) In the employ of the owner or tenant or other operator of 89830
a farm in connection with the operation, management, conservation, 89831
improvement, or maintenance of such farm and its tools and 89832
equipment, or in salvaging timber or clearing land of brush and 89833
other debris left by hurricane, if the major part of such service 89834
is performed on a farm; 89835

(3) In connection with the production or harvesting of any 89836
commodity defined as an agricultural commodity in section 15 (g) 89837
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 89838
U.S.C. 1141j, as amended, or in connection with the ginning of 89839
cotton, or in connection with the operation or maintenance of 89840
ditches, canals, reservoirs, or waterways, not owned or operated 89841
for profit, used exclusively for supplying and storing water for 89842
farming purposes; 89843

(4) In the employ of the operator of a farm in handling, 89844
planting, drying, packing, packaging, processing, freezing, 89845
grading, storing, or delivering to storage or to market or to a 89846
carrier for transportation to market, in its unmanufactured state, 89847
any agricultural or horticultural commodity, but only if the 89848
operator produced more than one half of the commodity with respect 89849

to which such service is performed;	89850
(5) In the employ of a group of operators of farms, or a	89851
cooperative organization of which the operators are members, in	89852
the performance of service described in division (V)(4) of this	89853
section, but only if the operators produced more than one-half of	89854
the commodity with respect to which the service is performed;	89855
(6) Divisions (V)(4) and (5) of this section shall not be	89856
deemed to be applicable with respect to service performed:	89857
(a) In connection with commercial canning or commercial	89858
freezing or in connection with any agricultural or horticultural	89859
commodity after its delivery to a terminal market for distribution	89860
for consumption; or	89861
(b) On a farm operated for profit if the service is not in	89862
the course of the employer's trade or business.	89863
As used in division (V) of this section, "farm" includes	89864
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms,	89865
plantations, ranches, nurseries, ranges, greenhouses, or other	89866
similar structures used primarily for the raising of agricultural	89867
or horticultural commodities and orchards.	89868
(W) "Hospital" means an institution which has been registered	89869
or licensed by the Ohio department of health as a hospital.	89870
(X) "Nonprofit organization" means an organization, or group	89871
of organizations, described in section 501(c)(3) of the "Internal	89872
Revenue Code of 1954," and exempt from income tax under section	89873
501(a) of that code.	89874
(Y) "Institution of higher education" means a public or	89875
nonprofit educational institution, including an educational	89876
institution operated by an Indian tribe, which:	89877

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent;	89878 89879 89880
(2) Is legally authorized in this state or by the Indian tribe to provide a program of education beyond high school; and	89881 89882
(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation.	89883 89884 89885 89886 89887 89888
For the purposes of this division, all colleges and universities in this state are institutions of higher education.	89889 89890
(Z) For the purposes of this chapter, "states" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.	89891 89892 89893
(AA) "Alien" means, for the purposes of division (A)(1)(d) of this section, an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214 (c) and 101 (a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101.	89894 89895 89896 89897 89898
(BB)(1) "Crew leader" means an individual who furnishes individuals to perform agricultural labor for any other employer or farm operator, and:	89899 89900 89901
(a) Pays, either on the individual's own behalf or on behalf of the other employer or farm operator, the individuals so furnished by the individual for the service in agricultural labor performed by them;	89902 89903 89904 89905

(b) Has not entered into a written agreement with the other employer or farm operator under which the agricultural worker is designated as in the employ of the other employer or farm operator.	89906 89907 89908 89909
(2) For the purposes of this chapter, any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator shall be treated as an employee of the crew leader if:	89910 89911 89912 89913
(a) The crew leader holds a valid certificate of registration under the "Farm Labor Contractor Registration Act of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or	89914 89915 89916
(b) Substantially all the members of the crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment, which is provided by the crew leader; and	89917 89918 89919 89920
(c) If the individual is not in the employment of the other employer or farm operator within the meaning of division (B)(1) of this section.	89921 89922 89923
(3) For the purposes of this division, any individual who is furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator and who is not treated as in the employment of the crew leader under division (BB)(2) of this section shall be treated as the employee of the other employer or farm operator and not of the crew leader. The other employer or farm operator shall be treated as having paid cash remuneration to the individual in an amount equal to the amount of cash remuneration paid to the individual by the crew leader, either on the crew leader's own behalf or on behalf of the other employer or farm operator, for the service in agricultural labor performed for the other employer or farm operator.	89924 89925 89926 89927 89928 89929 89930 89931 89932 89933 89934 89935

(CC) "Educational institution" means an institution other than an institution of higher education as defined in division (Y) of this section, including an educational institution operated by an Indian tribe, which:

(1) Offers participants, trainees, or students an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes, or abilities from, by, or under the guidance of an instructor or teacher; and

(2) Is approved, chartered, or issued a permit to operate as a school by the state board of education , other government agency, or Indian tribe that is authorized within the state to approve, charter, or issue a permit for the operation of a school.

For the purposes of this division, the courses of study or training which the institution offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation.

(DD) "Cost savings day" means any unpaid day off from work in which employees continue to accrue employee benefits which have a determinable value including, but not limited to, vacation, pension contribution, sick time, and life and health insurance.

Sec. 4141.08. (A) There is hereby created an unemployment compensation advisory council appointed as follows:

(1) Three members who on account of their vocation, employment, or affiliations can be classed as representative of employers and three members who on account of their vocation, employment, or affiliation can be classed as representatives of employees appointed by the governor with the advice and consent of the senate. All appointees shall be persons whose training and experience qualify them to deal with the difficult problems of

unemployment compensation, particularly with respect to the legal,	89965
accounting, actuarial, economic, and social aspects of	89966
unemployment compensation;	89967
(2) The chairpersons of the standing committees of the senate	89968
and the house of representatives to which legislation pertaining	89969
to Chapter 4141. of the Revised Code is customarily referred;	89970
(3) Two members of the senate appointed by the president of	89971
the senate; and	89972
(4) Two members of the house of representatives appointed by	89973
the speaker of the house of representatives.	89974
The speaker and the president shall arrange that of the six	89975
legislative members appointed to the council, not more than three	89976
are members of the same political party.	89977
(B) Members appointed by the governor shall serve for a term	89978
of four years, each term ending on the same day as the date of	89979
their original appointment. Legislative members shall serve during	89980
the session of the general assembly to which they are elected and	89981
for as long as they are members of the general assembly. Vacancies	89982
shall be filled in the same manner as the original appointment but	89983
only for the unexpired part of a term.	89984
(C) Members of the council shall serve without salary but,	89985
notwithstanding section 101.26 of the Revised Code, shall be paid	89986
<u>a meeting stipend of</u> fifty dollars per day each and their actual	89987
and necessary expenses while engaged in the performance of their	89988
duties as members of the council which shall be paid from funds	89989
allocated to pay the expenses of the council pursuant to this	89990
section.	89991
(D) The council shall organize itself and select a	89992
chairperson or co-chairpersons and other officers and committees	89993

as it considers necessary. Seven members constitute a quorum and 89994
the council may act only upon the affirmative vote of seven 89995
members. The council shall meet at least once each calendar 89996
quarter but it may meet more often as the council considers 89997
necessary or at the request of the chairperson. 89998

(E) The council may employ professional and clerical 89999
assistance as it considers necessary and may request of the 90000
director of job and family services assistance as it considers 90001
necessary. The director shall furnish the council with office and 90002
meeting space as requested by the council. 90003

(F) The director shall pay the operating expenses of the 90004
council as determined by the council from moneys in the 90005
unemployment compensation special administrative fund established 90006
in section 4141.11 of the Revised Code. 90007

(G) The council shall have access to only the records of the 90008
department of job and family services that are necessary for the 90009
administration of this chapter and to the reasonable services of 90010
the employees of the department. It may request the director, or 90011
any of the employees appointed by the director, or any employer or 90012
employee subject to this chapter, to appear before it and to 90013
testify relative to the functioning of this chapter and to other 90014
relevant matters. The council may conduct research of its own, 90015
make and publish reports, and recommend to the director, the 90016
unemployment compensation review commission, the governor, or the 90017
general assembly needed changes in this chapter, or in the rules 90018
of the department as it considers necessary. 90019

Sec. 4141.162. (A) The director of job and family services 90020
shall establish an income and eligibility verification system that 90021
complies with section 1137 of the "Social Security Act." The 90022
programs included in the system are all of the following: 90023

(1) Unemployment compensation pursuant to section 3304 of the 90024

"Internal Revenue Code of 1954";	90025
(2) The state programs funded in part under part A of Title IV of the "Social Security Act" and administered under Chapters 5107. and 5108. of the Revised Code;	90026 90027 90028
(3) Medicaid pursuant to Title XIX of the "Social Security Act";	90029 90030
(4) ~~Food stamps~~ <u>The supplemental nutrition assistance program</u> pursuant to the <u>"Food Stamp and Nutrition Act of 1977," 91 Stat. 958, 2008 (7 U.S.C.A. 2011, as amended et seq.</u>	90031 90032 90033
(5) Any Ohio program under a plan approved under Title I, X, XIV, or XVI of the "Social Security Act."	90034 90035
Wage information provided by employers to the director shall be furnished to the income and eligibility verification system.	90036 90037
Such information shall be used by the director to determine eligibility of individuals for unemployment compensation benefits and the amount of those benefits and used by the agencies that administer the programs identified in divisions (A)(2) to (5) of this section to determine or verify eligibility for or the amount of benefits under those programs.	90038 90039 90040 90041 90042 90043
The director shall fully implement the use of wage information to determine eligibility for and the amount of unemployment compensation benefits by September 30, 1988.	90044 90045 90046
Information furnished under the system shall also be made available to the appropriate state or local child support enforcement agency for the purposes of an approved plan under Title IV-D of the "Social Security Act" and to the appropriate federal agency for the purposes of Titles II and XVI of the "Social Security Act."	90047 90048 90049 90050 90051 90052

(B) The director shall adopt rules as necessary under which
the department of job and family services and other state agencies
that the director determines must participate in order to ensure
compliance with section 1137 of the "Social Security Act" exchange
information with each other or authorized federal agencies about
individuals who are applicants for or recipients of benefits under
any of the programs enumerated in division (A) of this section.
The rules shall extend to all of the following:

(1) A requirement for standardized formats and procedures for
a participating agency to request and receive information about an
individual, which information shall include the individual's
social security number;

(2) A requirement that all applicants for and recipients of
benefits under any program enumerated in division (A) of this
section be notified at the time of application, and periodically
thereafter, that information available through the system may be
shared with agencies that administer other benefit programs and
utilized in establishing or verifying eligibility or benefit
amounts under the other programs enumerated in division (A) of
this section;

(3) A requirement that information is made available only to
the extent necessary to assist in the valid administrative needs
of the program receiving the information and is targeted for use
in ways which are most likely to be productive in identifying and
preventing ineligibility and incorrect payments;

(4) A requirement that information is adequately protected
against unauthorized disclosures for purposes other than to
establish or verify eligibility or benefit amounts under the
programs enumerated in division (A) of this section;

(5) A requirement that a program providing information is
reimbursed by the program using the information for the actual

costs of furnishing the information and that the director be 90084
reimbursed by the participating programs for any actual costs 90085
incurred in operating the system; 90086

(6) Requirements for any other matters necessary to ensure 90087
the effective, efficient, and timely exchange of necessary 90088
information or that the director determines must be addressed in 90089
order to ensure compliance with the requirements of section 1137 90090
of the "Social Security Act." 90091

(C) Each participating agency shall furnish to the income and 90092
eligibility verification system established in division (A) of 90093
this section that information, which the director, by rule, 90094
determines is necessary in order to comply with section 1137 of 90095
the "Social Security Act." 90096

(D) Notwithstanding the information disclosure requirements 90097
of this section and section 4141.21 and division (A) of section 90098
4141.284 of the Revised Code, the director shall administer those 90099
provisions of law so as to comply with section 1137 of the "Social 90100
Security Act." 90101

(E) Requirements in section 4141.21 of the Revised Code with 90102
respect to confidentiality of information obtained in the 90103
administration of Chapter 4141. of the Revised Code and any 90104
sanctions imposed for improper disclosure of such information 90105
shall apply to the redisclosure of information disclosed under 90106
this section. 90107

Sec. 4141.31. (A) Benefits otherwise payable for any week 90108
shall be reduced by the amount of remuneration or other payments a 90109
claimant receives with respect to such week as follows: 90110

(1) Remuneration in lieu of notice; 90111

(2) Compensation for wage loss under division (B) of section 90112

4123.56 of the Revised Code or a similar provision under the	90113
workers' compensation law of any state or the United States;	90114
(3) Payments in the form of retirement, or pension allowances	90115
as provided under section 4141.312 of the Revised Code;	90116
(4) Except as otherwise provided in division (D) of this	90117
section, remuneration in the form of separation or termination	90118
pay paid to an employee at the time of the employee's separation	90119
from employment;	90120
(5) Vacation pay or allowance payable under the <u>law</u> , terms	90121
of a labor-management contract or agreement, or other contract of	90122
hire, which payments are allocated to designated weeks;	90123
(6) <u>The determinable value of cost savings days.</u>	90124
If payments under this division are paid with respect to a	90125
month then the amount of remuneration deemed to be received with	90126
respect to any week during such month shall be computed by	90127
multiplying such monthly amount by twelve and dividing the product	90128
by fifty-two. If there is no designation of the period with	90129
respect to which payments to an individual are made under this	90130
section then an amount equal to such individual's normal weekly	90131
wage shall be attributed to and deemed paid with respect to the	90132
first and each succeeding week following the individual's	90133
separation or termination from the employment of the employer	90134
making the payment until such amount so paid is exhausted.	90135
If benefits for any week, when reduced as provided in this	90136
division, result in an amount not a multiple of one dollar, such	90137
benefits shall be rounded to the next lower multiple of one	90138
dollar.	90139
Any payment allocated by the employer or the director of job	90140
and family services to weeks under division (A)(1), (4), or (5) of	90141

this section shall be deemed to be remuneration for the purposes 90142
of establishing a qualifying week and a benefit year under 90143
divisions (O)(1) and (R) of section 4141.01 of the Revised Code. 90144

(B) Benefits payable for any week shall not be reduced by the 90145
amount of remuneration a claimant receives with respect to such 90146
week in the form of drill or reserve pay received by a member of 90147
the Ohio national guard or the armed forces reserve for attendance 90148
at a regularly scheduled drill or meeting. 90149

(C) No benefits shall be paid for any week with respect to 90150
which or a part of which an individual has received or is seeking 90151
unemployment benefits under an unemployment compensation law of 90152
any other state or of the United States, provided the 90153
disqualifications shall not apply if the appropriate agency of 90154
such other state or of the United States finally determines that 90155
an individual is not entitled to such unemployment benefits. A 90156
law of the United States providing any payment of any type and in 90157
any amounts for periods of unemployment due to lack of work shall 90158
be considered an unemployment compensation law of the United 90159
States. 90160

(D) Benefits payable for any week shall not be reduced by 90161
the amount of military severance, disability, or separation pay 90162
paid to an individual who is a former member of the armed forces 90163
of the United States. 90164

(E) Remuneration for personal services includes cost savings 90165
days, as defined in division (DD) of section 4141.01 of the 90166
Revised Code, for which employees continue to accrue employee 90167
benefits that have a determinable value. Any unemployment 90168
compensation benefits that may be payable as a result of cost 90169
savings days shall be reduced as provided in division (A)(6) of 90170
this section. 90171

Sec. 4169.02. (A) For the purposes of regulating the 90172

construction, maintenance, mechanical operation, and inspection of
passenger tramways that are associated with ski areas and of
registering operators of passenger tramways in this state, there
is hereby established in the division of ~~industrial compliance~~
labor in the department of commerce a ski tramway board to be
appointed by the governor, with the advice and consent of the
senate. The board shall consist of three members, one of whom
shall be a public member who is an experienced skier and familiar
with ski areas in this state, one of whom shall be a ski area
operator actively engaged in the business of recreational skiing
in this state, and one of whom shall be a professional engineer
who is knowledgeable in the design or operation of passenger
tramways.

Of the initial appointments, one member shall be appointed
for a term of one year, one for a term of two years, and one for a
term of three years. The member appointed to the term beginning on
July 1, 1996, shall be appointed to a term ending on June 30,
1997; the member appointed to a term beginning on July 1, 1997,
shall be appointed to a term ending on June 30, 1999; and the
member appointed to a term beginning on July 1, 1998, shall be
appointed to a term ending on June 30, 2001. Thereafter, each of
the members shall be appointed for a term of six years. Each
member shall hold office from the date of appointment until the
end of the term for which the member was appointed. In the event
of a vacancy, the governor, with the advice and consent of the
senate, shall appoint a successor who shall hold office for the
remainder of the term for which the successor's predecessor was
appointed. A member shall continue in office subsequent to the
expiration date of the member's term until the member's successor
takes office or until a period of sixty days has elapsed,
whichever occurs first. The board shall elect a chairperson from
its members.

The governor may remove any member of the board at any time

for misfeasance, nonfeasance, or malfeasance in office after 90206
giving the member a copy of the charges against the member and an 90207
opportunity to be heard publicly in person or by counsel in the 90208
member's defense. Any such act of removal by the governor is 90209
final. A statement of the findings of the governor, the reason for 90210
the governor's action, and the answer, if any, of the member shall 90211
be filed by the governor with the secretary of state and shall be 90212
open to public inspection. 90213

Members of the board shall be paid two hundred fifty dollars 90214
for each meeting that the member attends, except that no member 90215
shall be paid or receive more than seven hundred fifty dollars for 90216
attending meetings during any calendar year. Each member shall be 90217
reimbursed for the member's actual and necessary expenses incurred 90218
in the performance of official board duties. The chairperson shall 90219
be paid two hundred fifty dollars annually in addition to any 90220
compensation the chairperson receives under this division for 90221
attending meetings and any other compensation the chairperson 90222
receives for serving on the board. 90223

The division shall provide the board with such offices and 90224
such clerical, professional, and other assistance as may be 90225
reasonably necessary for the board to carry on its work. The 90226
division shall maintain accurate copies of the board's rules as 90227
promulgated in accordance with division (B) of this section and 90228
shall keep all of the board's records, including business records, 90229
and inspection reports as well as its own records and reports. The 90230
cost of administering the board and conducting inspections shall 90231
be included in the budget of the division based on revenues 90232
generated by the registration fees established under section 90233
4169.03 of the Revised Code. 90234

(B) In accordance with Chapter 119. of the Revised Code, the 90235
board shall adopt and may amend or rescind rules relating to 90236
public safety in the construction, maintenance, mechanical 90237

operation, and inspection of passenger tramways. The rules shall
be in accordance with established standards in the business of ski
area operation, if any, and shall not discriminate in their
application to ski area operators.

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No person shall violate the rules of the board.

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(C) The authority of the board shall not extend to any matter
relative to the operation of a ski area other than the
construction, maintenance, mechanical operation, and inspection of
passenger tramways.

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(D) A majority of the board constitutes a quorum and may
perform and exercise all the duties and powers devolving upon the
board.

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Sec. 4169.03. (A) Before a passenger tramway operator may
operate any passenger tramway in the state, the operator shall
apply to the ski tramway board, on forms prepared by it, for
registration by the board. The application shall contain an
inventory of the passenger tramways that the applicant intends to
operate and other information as the board may reasonably require
and shall be accompanied by the following annual fees:

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(1) Each aerial passenger tramway, five hundred dollars;

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(2) Each skimobile, two hundred dollars;

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(3) Each chair lift, two hundred dollars;

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(4) Each J bar, T bar, or platter pull, one hundred dollars;

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(5) Each rope tow, fifty dollars;

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(6) Each wire rope tow, seventy-five dollars;

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(7) Each conveyor, one hundred dollars.

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When an operator operates an aerial passenger tramway, a skimobile, or a chair lift during both a winter and summer season, the annual fee shall be one and one-half the above amount for the respective passenger tramway.

(B) Upon payment of the appropriate annual fees in accordance with division (A) of this section, the board shall issue a registration certificate to the operator. Each certificate shall remain in force until the thirtieth day of September next ensuing. The board shall renew an operator's certificate in accordance with the standard renewal procedure in Chapter 4745. of the Revised Code upon payment of the appropriate annual fees.

(C) Money received from the registration fees and from the fines collected pursuant to section 4169.99 of the Revised Code shall be paid into the state treasury to the credit of the ~~industrial compliance~~ labor operating fund created in section 121.084 of the Revised Code.

(D) No person shall operate a passenger tramway in this state unless the person has been registered by the board.

Sec. 4169.04. (A) The division of ~~industrial compliance~~ labor in the department of commerce shall make such inspection of the construction, maintenance, and mechanical operation of passenger tramways as the ski tramway board may reasonably require. The division may contract with other qualified engineers to make such inspection or may accept the inspection report by any qualified inspector of an insurance company authorized to insure passenger tramways in this state.

(B) If, as the result of an inspection, an employee of the division or other agent with whom the division has contracted finds that a violation of the board's rules exists or a condition in passenger tramway construction, maintenance, or mechanical

operation exists that endangers public safety, the employee or 90294
agent shall make an immediate report to the board for appropriate 90295
investigation and order. 90296

Sec. 4171.04. (A) Before a person may operate any roller 90297
skating rink in the state, the person shall: 90298

(1) Apply to the superintendent of ~~the division of industrial~~ 90299
~~compliance~~ labor in the department of commerce on forms designated 90300
by the superintendent for a certificate of registration; 90301

(2) Provide an inventory of all the roller skating rinks that 90302
the applicant intends to operate, and any other information the 90303
superintendent may reasonably require on the application; 90304

(3) Include with the application a registration fee of 90305
twenty-five dollars for each roller skating rink to be operated by 90306
the applicant. 90307

(B) Upon compliance with division (A) of this section, the 90308
superintendent shall issue a certificate of registration to the 90309
operator for each roller skating rink to be operated by the 90310
applicant. Each certificate shall remain in force as follows: 90311

(1) Until the thirty-first day of December next ensuing; or 90312

(2) For sixty days after the dissolution of a partnership. 90313

(C) In case of the dissolution of a partnership by death, the 90314
surviving partner or partners may operate a roller skating rink 90315
pursuant to the certificate of registration obtained by the 90316
partnership in accordance with this chapter for a period of sixty 90317
days following dissolution. The heirs or representatives of 90318
deceased persons and receivers or trustees in bankruptcy appointed 90319
by any competent authority may operate under the certificate of 90320
registration of the person succeeded in possession. 90321

(D) The superintendent shall renew an operator's certificate of registration in accordance with the standard license renewal procedure set forth in Chapter 4745. of the Revised Code upon payment of a renewal fee of twenty-five dollars for each roller skating rink to be operated by the applicant.

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(E) Money received from the registration and renewal fees collected pursuant to this chapter shall be paid into the state treasury to the credit of the ~~industrial compliance~~ labor operating fund created in section 121.084 of the Revised Code.

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Sec. 4301.333. (A) The privilege of local option conferred by section 4301.323 of the Revised Code may be exercised if, not later than four p.m. of the seventy-fifth day before the day of a general or primary election, a petition is presented to the board of elections of the county in which the precinct is situated by a petitioner who is one of the following:

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(1) An applicant for the issuance or transfer of a liquor permit at, or to, a particular location within the precinct;

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(2) The holder of a liquor permit at a particular location within the precinct;

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(3) A person who operates or seeks to operate a liquor agency store at a particular location within the precinct;

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(4) The designated agent for an applicant, liquor permit holder, or liquor agency store described in division (A)(1), (2), or (3) of this section.

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(B) The petition shall be signed by the electors of the precinct equal in number to at least thirty-five per cent of the total number of votes cast in the precinct for the office of governor at the preceding general election for that office and

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shall contain all of the following:	90350
(1) A notice that the petition is for the submission of the	90351
question or questions set forth in section 4301.355 of the	90352
Revised Code;	90353
(2) The name of the applicant for the issuance or transfer,	90354
or the holder, of the liquor permit or, if applicable, the name of	90355
the liquor agency store, including any trade or fictitious names	90356
under which the applicant, holder, or liquor agency store either	90357
intends to do or does business at the particular location;	90358
(3) The address and proposed use of the particular location	90359
within the election precinct to which the results of the question	90360
or questions specified in section 4301.355 of the Revised Code	90361
shall apply. For purposes of this division, "use" means all of the	90362
following:	90363
(a) The type of each liquor permit applied for by the	90364
applicant or held by the liquor permit holder as described in	90365
sections 4303.11 to 4303.183 of the Revised Code, including a	90366
description of the type of beer or intoxicating liquor sales	90367
authorized by each permit as provided in those sections;	90368
(b) If a liquor agency store, the fact that the business	90369
operated as a liquor agency store authorized to operate by this	90370
state;	90371
(c) A description of the general nature of the business of	90372
the applicant, liquor permit holder, or liquor agency store.	90373
(4) If the petition seeks approval of Sunday sales under	90374
question (B)(2) as set forth in section 4301.355 of the Revised	90375
Code, a statement indicating whether the hours of sale sought are	90376
between ten a.m. and midnight or between ~~one p.m.~~ <u>eleven a.m.</u> and	90377
midnight.	90378

(C)(1) At the time the petitioner files the petition with the board of elections, the petitioner shall provide to the board both of the following:	90379 90380 90381
(a) An affidavit that is signed by the petitioner and that states the proposed use of the location following the election held to authorize the sale of beer or intoxicating liquor authorized by each permit as provided in sections 4303.11 to 4303.183 of the Revised Code;	90382 90383 90384 90385 90386
(b) Written evidence of the designation of an agent by the applicant, liquor permit holder, or liquor agency store described in division (A)(1), (2), or (3) of this section for the purpose of petitioning for the local option election, if the petitioner is the designated agent of the applicant, liquor permit holder, or liquor agency store.	90387 90388 90389 90390 90391 90392
(2) Failure to supply the affidavit, or the written evidence of the designation of the agent if the petitioner for the local option election is the agent of the applicant, liquor permit holder, or liquor agency store described in division (A)(1), (2), or (3) of this section, at the time the petition is filed invalidates the entire petition.	90393 90394 90395 90396 90397 90398
(D) Not later than the sixty-eighth day before the day of the next general or primary election, whichever occurs first, the board shall examine and determine the sufficiency of the signatures and the validity of the petition. If the board finds that the petition contains sufficient signatures and in other respects is valid, it shall order the holding of an election in the precinct on the day of the next general or primary election, whichever occurs first, for the submission of the question or questions set forth in section 4301.355 of the Revised Code.	90399 90400 90401 90402 90403 90404 90405 90406 90407
(E) A petition filed with the board of elections under this	90408

section shall be open to public inspection under rules adopted by
the board.

(F) An elector who is eligible to vote on the question or
questions set forth in section 4301.355 of the Revised Code may
file, not later than four p.m. of the sixty-fourth day before the
day of the election at which the question or questions will be
submitted to the electors, a protest against a local option
petition circulated and filed pursuant to this section. The
protest shall be in writing and shall be filed with the election
officials with whom the petition was filed. Upon the filing of the
protest, the election officials with whom it is filed shall
promptly establish a time and place for hearing the protest and
shall mail notice of the time and place for the hearing to the
applicant for, or the holder of, the liquor permit who is
specified in the petition and to the elector who filed the
protest. At the time and place established in the notice, the
election officials shall hear the protest and determine the
validity of the petition.

Sec. 4301.334. (A) The privilege of local option conferred
by section 4301.324 of the Revised Code may be exercised if, not
later than four p.m. of the seventy-fifth day before the day of a
general or primary election, a petition and other information
required by division (B) of this section are presented to the
board of elections of the county in which the community facility
named in the petition is located. The petition shall be signed by
electors of the municipal corporation or unincorporated area of
the township in which the community facility is located equal in
number to at least ten per cent of the total number of votes cast
in the municipal corporation or unincorporated area of the
township in which the community facility is located for the office
of governor at the most recent general election for that office
and shall contain both of the following:

(1) A notice that the petition is for the submission of the question set forth in section 4301.356 of the Revised Code and a statement indicating whether the hours of Sunday sales sought in the local option election are between ten a.m. and midnight or between eleven a.m. and midnight;

(2) The name and address of the community facility for which the local option election is sought and, if the community facility is a community entertainment district, the boundaries of the district.

(B) Upon the request of a petitioner, a board of elections of a county shall furnish to the petitioner a copy of the instructions prepared by the secretary of state under division (P) of section 3501.05 of the Revised Code and, within fifteen days after the request, a certificate indicating the number of valid signatures that will be required on a petition to hold an election in the municipal corporation or unincorporated area of the township in which the community facility is located on the question specified in section 4301.356 of the Revised Code.

The petitioner shall, not less than thirty days before the petition-filing deadline for an election on the question specified in section 4301.356 of the Revised Code, specify to the division of liquor control the name and address of the community facility for which the election is sought and, if the community facility is a community entertainment district, the boundaries of the district, the municipal corporation or unincorporated area of a township in which the election is sought, and the filing deadline. The division shall, within a reasonable period of time and not later than ten days before the filing deadline, supply the petitioner with the name and address of any permit holder for or within the community facility.

The petitioner shall file the name and address of any permit holder who would be affected by the election at the time the

petitioner files the petition with the board of elections. Within 90473
five days after receiving the petition, the board shall give 90474
notice by certified mail to any permit holder within the community 90475
facility that it has received the petition. Failure of the 90476
petitioner to supply the name and address of any permit holder for 90477
or within the community facility as furnished to the petitioner by 90478
the division invalidates the petition. 90479

(C) Not later than the sixty-eighth day before the day of the 90480
next general or primary election, whichever occurs first, the 90481
board shall examine and determine the sufficiency of the 90482
signatures on the petition. If the board finds that the petition 90483
is valid, it shall order the holding of an election in the 90484
municipal corporation or unincorporated area of a township on the 90485
day of the next general or primary election, whichever occurs 90486
first, for the submission of the question set forth in section 90487
4301.356 of the Revised Code. 90488

(D) A petition filed with a board of elections under this 90489
section shall be open to public inspection under rules adopted by 90490
the board. 90491

(E) An elector who is eligible to vote on the question set 90492
forth in section 4301.356 of the Revised Code or any permit holder 90493
for or within the community facility may, not later than four p.m. 90494
of the sixty-fourth day before the day of the election at which 90495
the question will be submitted to the electors, file a written 90496
protest against the local option petition with the board of 90497
elections with which the petition was filed. Upon the filing of 90498
the protest, the board shall promptly fix a time and place for 90499
hearing the protest and shall mail notice of the time and place to 90500
the person who filed the petition and to the person who filed the 90501
protest. At the time and place fixed, the board shall hear the 90502
protest and determine the validity of the petition. 90503

Sec. 4301.351. (A) If a petition is for submission of the 90504

question of whether the sale of intoxicating liquor shall be 90505
permitted on Sunday, a special election shall be held in the 90506
precinct at the time fixed as provided in section 4301.33 of the 90507
Revised Code. The expenses of holding the election shall be 90508
charged to the municipal corporation or township of which the 90509
precinct is a part. 90510

(B) At the election, one or more of the following questions, 90511
question (B)(1), (B)(2), or (B)(3) as designated in a valid 90512
petition or question (B)(4) as submitted by the legislative 90513
authority of a municipal corporation or the board of trustees of a 90514
township, shall be submitted to the electors of the precinct: 90515

(1) "Shall the sale of intoxicating liquor, of the same types 90516
as may be legally sold in this precinct on other days of the week, 90517
be permitted in this for consumption on the premises 90518
where sold, between the hours of ~~one p.m.~~eleven a.m. and midnight 90519
on Sunday?" 90520

(2) "Shall the sale of intoxicating liquor, of the same types 90521
as may be legally sold in this precinct on other days of the week, 90522
be permitted in this for consumption on the premises 90523
where sold, between the hours of ~~one p.m.~~eleven a.m. and midnight 90524
on Sunday, at licensed premises where the sale of food and other 90525
goods and services exceeds fifty per cent of the total gross 90526
receipts of the permit holder at the premises?" 90527

(3) "Shall the sale of wine and mixed beverages, of the same 90528
types as may be legally sold in this precinct on other days of the 90529
week, be permitted in this for consumption off the 90530
premises where sold, between the hours of ~~one p.m.~~eleven a.m. and 90531
midnight on Sunday?" 90532

(4) "Shall the sale of intoxicating liquor, of the same types 90533
as may be legally sold in this precinct on other days of the week, 90534
be permitted in this for consumption on the premises where 90535

sold, between the hours of one p.m. and midnight on Sunday, at
outdoor performing arts centers, as defined in section 4303.182 of
the Revised Code, that have been issued a D-6 permit?"

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Question (B)(4) shall be presented to the electors of a
precinct in which an outdoor performing arts center is located
only if the legislative authority of the municipal corporation in
which, or the board of trustees of the township in which, the
outdoor performing arts center is located submits, not later than
four p.m. of the seventy-fifth day before the day of a primary or
general election that occurs within two years after ~~the effective~~
~~date of this amendment~~ April 9, 2001, to the board of elections of
the county in which the precinct is located, a copy of an
ordinance or resolution requesting the submission of that question
to the electors of the precinct. An election on question (B)(4)
may not be sought by a petition under section 4301.33 of the
Revised Code.

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(C) At the election, one or more of the following questions,
as designated in a valid petition, shall be submitted to the
electors of the precinct:

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(1) "Shall the sale of intoxicating liquor, of the same types
as may be legally sold in this precinct on other days of the week,
be permitted in this for consumption on the premises
where sold, between the hours of ten a.m. and midnight on Sunday?"

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(2) "Shall the sale of intoxicating liquor, of the same types
as may be legally sold in this precinct on other days of the week,
be permitted in this for consumption on the premises
where sold, between the hours of ten a.m. and midnight on Sunday,
at licensed premises where the sale of food and other goods and
services exceeds fifty per cent of the total gross receipts of the
permit holder at the premises?"

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(3) "Shall the sale of wine and mixed beverages, of the same

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types as may be legally sold in this precinct on other days of the week, be permitted in this for consumption off the premises where sold, between the hours of ten a.m. and midnight on Sunday?"

(D) No C or D permit holder who first applied for such a permit after April 15, 1982, shall sell beer on Sunday unless the sale of intoxicating liquor is authorized in the precinct or portion of the precinct at an election on question (B)(1), (B)(2), or (B)(3) of this section, on question (C)(1), (C)(2), or (C)(3) of this section, on question (B)(1), (B)(2), or (B)(3) of section 4301.354 of the Revised Code, on question (C)(1), (C)(2), or (C)(3) of section 4301.354 of the Revised Code, or on question (B)(2) of section 4301.355 of the Revised Code. No D-6 permit is required for the sale of beer on Sunday.

The board of elections to which the petition is presented shall furnish printed ballots at the election in accordance with section 3505.06 of the Revised Code, and separate ballots shall be used for the special election under this section. One or more of the questions prescribed by divisions (B) and (C) of this section, as designated in the petition, shall be set forth on each ballot, and the board shall insert in each question the name or an accurate description of the precinct in which the election is to be held. Votes shall be cast as provided in section 3505.06 of the Revised Code.

Sec. 4301.354. (A) If a petition is filed under section 4301.332 of the Revised Code for the submission of one or more questions set forth in this section, a special election shall be held in the precinct as ordered by the board of elections under that section. The expense of holding the special election shall be charged to the municipal corporation or township of which the precinct is a part.

(B) At the election, one or more of the following questions,

as designated in a valid petition, shall be submitted to the 90599
electors of the precinct concerning Sunday sales: 90600

(1) "Shall the sale of intoxicating liquor be permitted in a 90601
portion of this precinct between the hours of ~~one p.m.~~ eleven a.m. 90602
and midnight on Sunday for consumption on the premises where sold, 90603
where the status of such Sunday sales as allowed or prohibited is 90604
inconsistent with the status of such Sunday sales in the remainder 90605
of the precinct?" 90606

(2) "Shall the sale of intoxicating liquor be permitted in a 90607
portion of this precinct between the hours of ~~one p.m.~~ eleven a.m. 90608
and midnight on Sunday for consumption on the premises where sold 90609
at licensed premises where the sale of food and other goods 90610
exceeds fifty per cent of the total gross receipts of the permit 90611
holder at the premises, where the status of such Sunday sales as 90612
allowed or prohibited is inconsistent with the status of such 90613
Sunday sales in the remainder of the precinct?" 90614

(3) "Shall the sale of wine and mixed beverages be permitted 90615
in a portion of this precinct between the hours of ~~one p.m.~~ eleven 90616
a.m. and midnight on Sunday for consumption off the premises where 90617
sold, where the status of such Sunday sales as allowed or 90618
prohibited is inconsistent with the status of such Sunday sales in 90619
the remainder of the precinct?" 90620

(C) At the election, one or more of the following questions, 90621
as designated in a valid petition, shall be submitted to the 90622
electors of the precinct concerning Sunday sales: 90623

(1) "Shall the sale of intoxicating liquor be permitted in a 90624
portion of this precinct between the hours of ten a.m. and 90625
midnight on Sunday for consumption on the premises where sold, 90626
where the status of such Sunday sales as allowed or prohibited is 90627
inconsistent with the status of such Sunday sales in the remainder 90628
of the precinct?" 90629

(2) "Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption on the premises where sold at licensed premises where the sale of food and other goods exceeds fifty per cent of the total gross receipts of the permit holder at the premises, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?"

(3) "Shall the sale of wine and mixed beverages be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption off the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?"

(D) The board of elections shall furnish printed ballots at the special election as provided under section 3505.06 of the Revised Code, except that a separate ballot shall be used for the special election. The one or more questions set forth in divisions (B) and (C) of this section shall be printed on each ballot, and the board shall insert in the ~~question and statement~~ questions appropriate words to complete each and a description of the portion of the precinct that would be affected by the results of the election.

The description of the portion of the precinct shall include either the complete listing of street addresses in that portion or a condensed text that accurately describes the boundaries of the portion of the precinct by street name or by another name generally known by the residents of the portion of the precinct. If other than a full street listing is used, the full street listing also shall be posted in each polling place in a location that is easily accessible to all voters. Failure of the board of elections to completely and accurately list all street addresses

in the affected area of the precinct does not affect the validity 90662
of the election at which the failure occurred and is not grounds 90663
for contesting an election under section 3515.08 of the Revised 90664
Code. Votes shall be cast as provided under section 3505.06 of the 90665
Revised Code. 90666

Sec. 4301.355. (A) If a petition is filed under section 90667
4301.333 of the Revised Code for the submission of the question or 90668
questions set forth in this section, it shall be held in the 90669
precinct as ordered by the board of elections under that section. 90670
The expense of holding the election shall be charged to the 90671
municipal corporation or township of which the precinct is a part. 90672

(B) At the election, one or more of the following questions, 90673
as designated in a valid petition, shall be submitted to the 90674
electors of the precinct: 90675

(1) "Shall the sale of (insert beer, wine and 90676
mixed beverages, or spirituous liquor) be permitted by 90677
(insert name of applicant, liquor permit holder, or liquor agency 90678
store, including trade or fictitious name under which applicant 90679
for, or holder of, liquor permit or liquor agency store either 90680
intends to do, or does, business at the particular location), an 90681
..... (insert "applicant for" or "holder of" or "operator 90682
of") a (insert class name of liquor permit or permits 90683
followed by the words "liquor permit(s)" or, if appropriate, the 90684
words "liquor agency store for the State of Ohio"), who is engaged 90685
in the business of (insert general nature of the 90686
business in which applicant or liquor permit holder is engaged or 90687
will be engaged in at the particular location, as described in the 90688
petition) at (insert address of the particular location 90689
within the precinct as set forth in the petition) in this 90690
precinct?" 90691

(2) "Shall the sale of (insert beer, wine and 90692
mixed beverages, or spirituous liquor) be permitted for sale on 90693

Sunday between the hours of (insert "ten a.m. and
midnight" or "~~one p.m.~~eleven a.m. and midnight") by
(insert name of applicant, liquor permit holder, or liquor agency
store, including trade or fictitious name under which applicant
for, or holder of, liquor permit or liquor agency store either
intends to do, or does, business at the particular location), an
..... (insert "applicant for a D-6 liquor permit," "holder of a
D-6 liquor permit," "applicant for or holder of an A-1-A, A-2,
A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c,
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, or D-7
liquor permit," if only the approval of beer sales is sought, or
"liquor agency store") who is engaged in the business of
..... (insert general nature of the business in which
applicant or liquor permit holder is engaged or will be engaged
in at the particular location, as described in the petition) at
..... (insert address of the particular location within the
precinct) in this precinct?"

(C) The board of elections shall furnish printed ballots at
the election as provided under section 3505.06 of the Revised
Code, except that a separate ballot shall be used for the election
under this section. The question set forth in this section shall
be printed on each ballot, and the board shall insert in the
question appropriate words to complete it. Votes shall be cast as
provided under section 3505.06 of the Revised Code.

Sec. 4301.356. If a petition is filed under section 4301.334
of the Revised Code for the submission of the question set forth
in this section, an election shall be held in the municipal
corporation or unincorporated area of a township as ordered by the
board of elections under that section.

Except as otherwise provided in this section, if the
legislative authority of a municipal corporation in whose
territory, or the board of township trustees of a township in

whose unincorporated area, a community facility is located 90726
submits, not later than four p.m. of the seventy-fifth day before 90727
the day of a primary or general election, to the board of 90728
elections of the county in which the community facility is located 90729
an ordinance or resolution requesting the submission of the 90730
question set forth in this section to the electors of the 90731
municipal corporation or unincorporated area of the township, the 90732
board of elections shall order that an election be held on that 90733
question in the municipal corporation or the unincorporated area 90734
of the township on the day of the next primary or general 90735
election, whichever occurs first. The legislative authority or 90736
board of township trustees shall submit the name and address of 90737
any permit holder who would be affected by the results of the 90738
election to the board of elections at the same time it submits the 90739
ordinance or resolution. The board of elections, within five days 90740
after receiving the name and address, shall give notice by 90741
certified mail to each permit holder that it has received the 90742
ordinance or resolution. Failure of the legislative authority or 90743
board of township trustees to supply the name and address of each 90744
permit holder to the board of elections invalidates the effect of 90745
the ordinance or resolution. 90746

At the election, the following question shall be submitted to 90747
the electors of the municipal corporation or unincorporated area 90748
of a township: 90749

"Shall the sale of beer and intoxicating liquor be permitted 90750
on days of the week other than Sunday and between the hours of ~~one~~ 90751
~~p.m.~~..... (insert "ten a.m." or "eleven a.m.") and midnight 90752
on Sunday, at (insert name of community facility), a 90753
community facility as defined by section 4301.01 of the Revised 90754
Code, and located at (insert the address of the community 90755
facility and, if the community facility is a community 90756
entertainment district, the boundaries of the district, as set 90757
forth in the petition)?" 90758

The board of elections shall furnish printed ballots at the election as provided under section 3505.06 of the Revised Code, except that a separate ballot shall be used for the election under this section. The question set forth in this section shall be printed on each ballot, and the board shall insert in the question appropriate words to complete ~~each~~it, subject to the approval of the secretary of state. Votes shall be cast as provided under section 3505.06 of the Revised Code.

Sec. 4301.361. (A) If a majority of the electors voting on questions set forth in section 4301.351 of the Revised Code in a precinct vote "yes" on question (B)(1) or (C)(1), or, if both questions (B)(1) and (B)(2), or questions (C)(1) and (C)(2), are submitted, "yes" on both questions or "yes" on question (B)(1) or (C)(1) but "no" on question (B)(2) or (C)(2), sales of intoxicating liquor shall be allowed on Sunday in the manner and under the conditions specified in question (B)(1) or (C)(1), under a D-6 permit, within the precinct concerned, during the hours specified in division (A) of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code.

(B) If only question (B)(2) or (C)(2) is submitted to the voters or if questions (B)(2) and (B)(3) or (C)(2) and (C)(3) are submitted and a majority of the electors voting in a precinct vote "yes" on question (B)(2) or (C)(2) as set forth in section 4301.351 of the Revised Code, sales of intoxicating liquor shall be allowed on Sunday in the manner and under the conditions specified in question (B)(2) or (C)(2), under a D-6 permit, within the precinct concerned, during the hours specified in division (A) of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code, even if question (B)(1) or (C)(1) was also submitted and a majority of the electors voting in the precinct voted "no."

(C) If question (B)(3) or (C)(3) is submitted and a majority of electors voting on question (B)(3) or (C)(3) as set forth in section 4301.351 of the Revised Code in a precinct vote "yes," sales of wine and mixed beverages shall be allowed on Sunday in the manner and under the conditions specified in question (B)(3) or (C)(3), under a D-6 permit, within the precinct concerned, during the hours specified in division (A) of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code.

(D) If questions (B)(1), (B)(2), and (B)(3), or questions (C)(1), (C)(2), and (C)(3), as set forth in section 4301.351 of the Revised Code, are all submitted and a majority of the electors voting in such precinct vote "no" on all three questions, no sales of intoxicating liquor shall be made within the precinct concerned after two-thirty a.m. on Sunday as specified in the questions submitted, during the period the election is in effect as defined in section 4301.37 of the Revised Code.

(E) If question (C)(1) as set forth in section 4301.351 of the Revised Code is submitted to the voters in a precinct in which question (B)(1) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(1) are still in effect in the precinct; or if question (C)(2) as set forth in that section is submitted to the voters in a precinct in which question (B)(2) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(2) are still in effect in the precinct; or if question (C)(3) as set forth in that section is submitted to the voters in a precinct in which question (B)(3) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(3) are still in effect in the precinct; and if a majority of the electors voting on question (C)(1), (C)(2), or (C)(3) vote "no," then sales shall continue to be allowed in the precinct in the manner and under the

conditions specified in the previously approved question (B)(1), 90824
(B)(2), or (B)(3), as applicable. 90825

(F) If question (B)(4) as set forth in section 4301.351 of 90826
the Revised Code is submitted and a majority of the electors 90827
voting in the precinct vote "yes," sales of intoxicating liquor 90828
shall be allowed on Sunday at outdoor performing arts centers in 90829
the manner and under the conditions specified in question (B)(4) 90830
under a D-6 permit, within the precinct concerned, during the 90831
hours specified in division (F) of section 4303.182 of the Revised 90832
Code and during the period the election is in effect as defined in 90833
section 4301.37 of the Revised Code. If question (B)(4) as set 90834
forth in section 4301.351 of the Revised Code is submitted and a 90835
majority of the electors voting in the precinct vote "no," no 90836
sales of intoxicating liquor shall be allowed at outdoor 90837
performing arts centers in the precinct concerned under a D-6 90838
permit, after 2:30 a.m. on Sunday, during the period the election 90839
is in effect as defined in section 4301.37 of the Revised Code. 90840

Sec. 4301.364. (A) If a majority of the electors in a 90841
precinct vote "yes" on question (B)(1) or (C)(1) as set forth in 90842
section 4301.354 of the Revised Code, the sale of intoxicating 90843
liquor, of the same types as may be legally sold in the precinct 90844
on other days of the week, shall be permitted on Sunday in the 90845
portion of the precinct affected by the results of the election 90846
during the hours specified in division (A) of section 4303.182 of 90847
the Revised Code and in the manner and under the conditions 90848
specified in the question, subject only to this chapter and 90849
Chapter 4303. of the Revised Code. 90850

(B) If a majority of the electors in a precinct vote "yes" on 90851
question (B)(2) or (C)(2) as set forth in section 4301.354 of the 90852
Revised Code, the sale of intoxicating liquor, of the same types 90853
as may be legally sold in the precinct on other days of the week, 90854
shall be permitted on Sunday in the portion of the precinct 90855

affected by the results of the election during the hours specified 90856
in division (A) of section 4303.182 of the Revised Code and 90857
manner and under the conditions specified in the question, subject 90858
only to this chapter and Chapter 4303. of the Revised Code. 90859

(C) If a majority of the electors in a precinct vote "yes" on 90860
question (B)(3) or (C)(3) as set forth in section 4301.354 of the 90861
Revised Code, the sale of wine and mixed beverages shall be 90862
permitted on Sunday in the portion of the precinct affected by the 90863
results of the election during the hours specified in division (A) 90864
of section 4303.182 of the Revised Code and in the manner and 90865
under the conditions specified in the question, subject only to 90866
this chapter and Chapter 4303. of the Revised Code. 90867

(D) If a majority of the electors in a precinct vote "no" on 90868
question (B)(1) or (C)(1) as set forth in section 4301.354 of the 90869
Revised Code, no sale of intoxicating liquor shall be permitted on 90870
Sunday in the manner and under the conditions specified in the 90871
question in the portion of the precinct affected by the results of 90872
the election. 90873

(E) If a majority of the electors in a precinct vote "no" on 90874
question (B)(2) or (C)(2) as set forth in section 4301.354 of the 90875
Revised Code, no sale of intoxicating liquor shall be permitted on 90876
Sunday in the manner and under the conditions specified in the 90877
question in the portion of the precinct affected by the results of 90878
the election. 90879

(F) If a majority of the electors in a precinct vote "no" on 90880
question (B)(3) or (C)(3) as set forth in section 4301.354 of the 90881
Revised Code, no sale of wine or mixed beverages shall be 90882
permitted on Sunday in the manner and under the conditions 90883
specified in the question in the portion of the precinct affected 90884
by the results of the election. 90885

(G) If question (C)(1) as set forth in section 4301.354 of 90886

the Revised Code is submitted to the voters in a precinct in which question (B)(1) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(1) are still in effect in the precinct; or if question (C)(2) as set forth in that section is submitted to the voters in a precinct in which question (B)(2) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(2) are still in effect in the precinct; or if question (C)(3) as set forth in that section is submitted to the voters in a precinct in which question (B)(3) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(3) are still in effect in the precinct; and if a majority of the electors voting on question (C)(1), (C)(2), or (C)(3) vote "no," then sales shall continue to be allowed in the precinct in the manner and under the conditions specified in the previously approved question (B)(1), (B)(2), or (B)(3), as applicable.

Sec. 4301.365. (A) If a majority of the electors in a precinct vote "yes" on questions (B)(1) and (2) as set forth in section 4301.355 of the Revised Code, the sale of beer, wine and mixed beverages, or spirituous liquor, whichever was the subject of the election, shall be allowed at the particular location and for the use, ~~and during the hours on Sunday,~~ specified in the questions under each permit applied for by the petitioner or at the address listed for the liquor agency store, and, in relation to question (B)(2), during the hours on Sunday specified in division (A) of section 4303.182 of the Revised Code, subject only to this chapter and Chapter 4303. of the Revised Code. Failure to continue to use the particular location for any proposed or stated use set forth in the petition is grounds for the denial of a renewal of the liquor permit under division (A) of section 4303.271 of the Revised Code or is grounds for the nonrenewal or cancellation of the liquor agency store contract by the division of liquor control, except in the case where the liquor permit

holder or liquor agency store decides to cease the sale of beer, 90921
wine and mixed beverages, or spirituous liquor, whichever was the 90922
subject of the election, on Sundays. 90923

(B) Except as otherwise provided in division (H) of this 90924
section, if a majority of the electors in a precinct vote "yes" on 90925
question (B)(1) and "no" on question (B)(2) as set forth in 90926
section 4301.355 of the Revised Code, the sale of beer, wine and 90927
mixed beverages, or spirituous liquor, whichever was the subject 90928
of the election, shall be allowed at the particular location for 90929
the use specified in question (B)(1) of section 4301.355 of the 90930
Revised Code and under each permit applied for by the petitioner, 90931
except for a D-6 permit, subject only to this chapter and Chapter 90932
4303. of the Revised Code. 90933

(C) If a majority of the electors in a precinct vote "no" on 90934
question (B)(1) as set forth in section 4301.355 of the Revised 90935
Code, no sales of beer, wine and mixed beverages, or spirituous 90936
liquor, whichever was the subject of the election, shall be 90937
allowed at the particular location for the use specified in the 90938
petition during the period the election is in effect as defined in 90939
section 4301.37 of the Revised Code. 90940

(D) If a majority of the electors in a precinct vote only on 90941
question (B)(2) as set forth in section 4301.355 of the Revised 90942
Code and that vote results in a majority "yes" vote, sales of 90943
beer, wine and mixed beverages, or spirituous liquor, whichever 90944
was the subject of the election, shall be allowed at the 90945
particular location for the use ~~and during the hours~~ specified in 90946
the petition on Sunday during the hours specified in division (A) 90947
of section 4303.182 of the Revised Code and during the period the 90948
election is in effect as defined in section 4301.37 of the Revised 90949
Code. 90950

(E) Except as otherwise provided in division (H) of this 90951
section, if a majority of the electors in a precinct vote only on 90952

question (B)(2) as set forth in section 4301.355 of the Revised Code and that vote results in a majority "no" vote, no sales of beer, wine and mixed beverages, or spirituous liquor, whichever was the subject of the election, shall be allowed at the particular location for the use and during the hours specified in the petition on Sunday during the period the election is in effect as defined in section 4301.37 of the Revised Code.

(F) In case of elections in the same precinct for the question or questions set forth in section 4301.355 of the Revised Code and for a question or questions set forth in section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code, the results of the election held on the question or questions set forth in section 4301.355 of the Revised Code shall apply to the particular location notwithstanding the results of the election held on the question or questions set forth in section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code.

(G) Sections 4301.32 to 4301.41 of the Revised Code do not prohibit the transfer of ownership of a permit that was issued to a particular location as the result of an election held on sales of beer, wine and mixed beverages, spirituous liquor, or intoxicating liquor at that particular location as long as the general nature of the business at that particular location described in the petition for that election remains the same after the transfer.

(H) If question (B)(2) as set forth in section 4301.355 of the Revised Code is submitted to the electors of a precinct proposing to authorize the sale of beer, wine and mixed beverages, or spirituous liquor between the hours of ten a.m. and midnight at a particular location at which the sale of beer, wine and mixed beverages, spirituous liquor, or intoxicating liquor is already allowed between the hours of eleven a.m. and midnight or one p.m.

and midnight and the question submitted is defeated, the sale of 90985
beer, wine and mixed beverages, spirituous liquor, or intoxicating 90986
liquor between the hours of eleven a.m. and midnight or one p.m. 90987
and midnight, as applicable, shall continue at that particular 90988
location. 90989

Sec. 4301.366. If a majority of the electors voting on the 90990
question specified in section 4301.356 of the Revised Code vote 90991
"yes," the sale of beer and intoxicating liquor shall be allowed 90992
at the community facility and on days of the week other than 90993
Sunday and during the hours on Sunday specified in division (A) of 90994
section 4303.182 of the Revised Code, for the use specified in the 90995
question, subject only to this chapter and Chapter 4303. of the 90996
Revised Code. Failure to continue to use the location as a 90997
community facility constitutes good cause for rejection of the 90998
renewal of the liquor permit under division (A) of section 90999
4303.271 of the Revised Code. 91000

If a majority of the electors voting on the question 91001
specified in section 4301.356 of the Revised Code vote "no," no 91002
sales of beer or intoxicating liquor shall be made at or within 91003
the community facility during the period the election is in effect 91004
as defined in section 4301.37 of the Revised Code. 91005

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 91006
the Revised Code: 91007

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 91008
fluid ounces. 91009

(2) "Sale" or "sell" includes exchange, barter, gift, 91010
distribution, and, except with respect to A-4 permit holders, 91011
offer for sale. 91012

(B) For the purposes of providing revenues for the support of 91013
the state and encouraging the grape industries in the state, a tax 91014

is hereby levied on the sale or distribution of wine in Ohio, 91015
except for known sacramental purposes, at the rate of thirty cents 91016
per wine gallon for wine containing not less than four per cent of 91017
alcohol by volume and not more than fourteen per cent of alcohol 91018
by volume, ninety-eight cents per wine gallon for wine containing 91019
more than fourteen per cent but not more than twenty-one per cent 91020
of alcohol by volume, one dollar and eight cents per wine gallon 91021
for vermouth, and one dollar and forty-eight cents per wine gallon 91022
for sparkling and carbonated wine and champagne, the tax to be 91023
paid by the holders of A-2 and B-5 permits or by any other person 91024
selling or distributing wine upon which no tax has been paid. From 91025
the tax paid under this section on wine, vermouth, and sparkling 91026
and carbonated wine and champagne, the treasurer of state shall 91027
credit to the Ohio grape industries fund created under section 91028
924.54 of the Revised Code a sum equal to one cent per gallon for 91029
each gallon upon which the tax is paid. 91030

(C) For the purpose of providing revenues for the support of 91031
the state, there is hereby levied a tax on prepared and bottled 91032
highballs, cocktails, cordials, and other mixed beverages at the 91033
rate of one dollar and twenty cents per wine gallon to be paid by 91034
holders of A-4 permits or by any other person selling or 91035
distributing those products upon which no tax has been paid. Only 91036
one sale of the same article shall be used in computing the amount 91037
of tax due. The tax on mixed beverages to be paid by holders of 91038
A-4 permits under this section shall not attach until the 91039
ownership of the mixed beverage is transferred for valuable 91040
consideration to a wholesaler or retailer, and no payment of the 91041
tax shall be required prior to that time. 91042

(D) During the period of July 1, ~~2007~~2009, through June 30, 91043
~~2009~~2011, from the tax paid under this section on wine, vermouth, 91044
and sparkling and carbonated wine and champagne, the treasurer of 91045
state shall credit to the Ohio grape industries fund created under 91046
section 924.54 of the Revised Code a sum equal to two cents per 91047

gallon upon which the tax is paid. The amount credited under this 91048
division is in addition to the amount credited to the Ohio grape 91049
industries fund under division (B) of this section. 91050

(E) For the purpose of providing revenues for the support of 91051
the state, there is hereby levied a tax on cider at the rate of 91052
twenty-four cents per wine gallon to be paid by the holders of A-2 91053
and B-5 permits or by any other person selling or distributing 91054
cider upon which no tax has been paid. Only one sale of the same 91055
article shall be used in computing the amount of the tax due. 91056

Sec. 4301.85. (A) The serving or consumption of beer or 91057
intoxicating liquor shall not be prohibited in a facility that is 91058
owned or leased by the state and that is used by visiting foreign 91059
military units for training, provided that such serving or 91060
consumption of beer or intoxicating liquor shall be done according 91061
to the policies and procedures agreed upon by the commanding 91062
officers of the foreign military units, the adjutant general, and 91063
the United States department of defense liaisons or their 91064
designated representatives to the foreign military units. 91065

(B) As used in this section, "beer" and "intoxicating liquor" 91066
have the same meanings as in section 4301.01 of the Revised Code. 91067

Sec. 4303.181. (A) Permit D-5a may be issued either to the 91068
owner or operator of a hotel or motel that is required to be 91069
licensed under section 3731.03 of the Revised Code, that contains 91070
at least fifty rooms for registered transient guests or is owned 91071
by a state institution of higher education as defined in section 91072
3345.011 of the Revised Code or a private college or university, 91073
and that qualifies under the other requirements of this section, 91074
or to the owner or operator of a restaurant specified under this 91075
section, to sell beer and any intoxicating liquor at retail, only 91076
by the individual drink in glass and from the container, for 91077
consumption on the premises where sold, and to registered guests 91078
in their rooms, which may be sold by means of a controlled access 91079

alcohol and beverage cabinet in accordance with division (B) of 91080
section 4301.21 of the Revised Code; and to sell the same products 91081
in the same manner and amounts not for consumption on the premises 91082
as may be sold by holders of D-1 and D-2 permits. The premises of 91083
the hotel or motel shall include a retail food establishment or a 91084
food service operation licensed pursuant to Chapter 3717. of the 91085
Revised Code that operates as a restaurant for purposes of this 91086
chapter and that is affiliated with the hotel or motel and within 91087
or contiguous to the hotel or motel, and that serves food within 91088
the hotel or motel, but the principal business of the owner or 91089
operator of the hotel or motel shall be the accommodation of 91090
transient guests. In addition to the privileges authorized in this 91091
division, the holder of a D-5a permit may exercise the same 91092
privileges as the holder of a D-5 permit. 91093

The owner or operator of a hotel, motel, or restaurant who 91094
qualified for and held a D-5a permit on August 4, 1976, may, if 91095
the owner or operator held another permit before holding a D-5a 91096
permit, either retain a D-5a permit or apply for the permit 91097
formerly held, and the division of liquor control shall issue the 91098
permit for which the owner or operator applies and formerly held, 91099
notwithstanding any quota. 91100

A D-5a permit shall not be transferred to another location. 91101
No quota restriction shall be placed on the number of D-5a permits 91102
that may be issued. 91103

The fee for this permit is two thousand three hundred 91104
forty-four dollars. 91105

(B) Permit D-5b may be issued to the owner, operator, tenant, 91106
lessee, or occupant of an enclosed shopping center to sell beer 91107
and intoxicating liquor at retail, only by the individual drink in 91108
glass and from the container, for consumption on the premises 91109
where sold; and to sell the same products in the same manner and 91110
amount not for consumption on the premises as may be sold by 91111

holders of D-1 and D-2 permits. In addition to the privileges 91112
authorized in this division, the holder of a D-5b permit may 91113
exercise the same privileges as a holder of a D-5 permit. 91114

A D-5b permit shall not be transferred to another location. 91115

One D-5b permit may be issued at an enclosed shopping center 91116
containing at least two hundred twenty-five thousand, but less 91117
than four hundred thousand, square feet of floor area. 91118

Two D-5b permits may be issued at an enclosed shopping center 91119
containing at least four hundred thousand square feet of floor 91120
area. No more than one D-5b permit may be issued at an enclosed 91121
shopping center for each additional two hundred thousand square 91122
feet of floor area or fraction of that floor area, up to a maximum 91123
of five D-5b permits for each enclosed shopping center. The number 91124
of D-5b permits that may be issued at an enclosed shopping center 91125
shall be determined by subtracting the number of D-3 and D-5 91126
permits issued in the enclosed shopping center from the number of 91127
D-5b permits that otherwise may be issued at the enclosed shopping 91128
center under the formulas provided in this division. Except as 91129
provided in this section, no quota shall be placed on the number 91130
of D-5b permits that may be issued. Notwithstanding any quota 91131
provided in this section, the holder of any D-5b permit first 91132
issued in accordance with this section is entitled to its renewal 91133
in accordance with section 4303.271 of the Revised Code. 91134

The holder of a D-5b permit issued before April 4, 1984, 91135
whose tenancy is terminated for a cause other than nonpayment of 91136
rent, may return the D-5b permit to the division of liquor 91137
control, and the division shall cancel that permit. Upon 91138
cancellation of that permit and upon the permit holder's payment 91139
of taxes, contributions, premiums, assessments, and other debts 91140
owing or accrued upon the date of cancellation to this state and 91141
its political subdivisions and a filing with the division of a 91142
certification of that payment, the division shall issue to that 91143

person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 91144
that person requests. The division shall issue the D-5 permit, or 91145
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 91146
D-3, or D-5 permits currently issued in the municipal corporation 91147
or in the unincorporated area of the township where that person's 91148
proposed premises is located equals or exceeds the maximum number 91149
of such permits that can be issued in that municipal corporation 91150
or in the unincorporated area of that township under the 91151
population quota restrictions contained in section 4303.29 of the 91152
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 91153
be transferred to another location. If a D-5b permit is canceled 91154
under the provisions of this paragraph, the number of D-5b permits 91155
that may be issued at the enclosed shopping center for which the 91156
D-5b permit was issued, under the formula provided in this 91157
division, shall be reduced by one if the enclosed shopping center 91158
was entitled to more than one D-5b permit under the formula. 91159

The fee for this permit is two thousand three hundred 91160
forty-four dollars. 91161

(C) Permit D-5c may be issued to the owner or operator of a 91162
retail food establishment or a food service operation licensed 91163
pursuant to Chapter 3717. of the Revised Code that operates as a 91164
restaurant for purposes of this chapter and that qualifies under 91165
the other requirements of this section to sell beer and any 91166
intoxicating liquor at retail, only by the individual drink in 91167
glass and from the container, for consumption on the premises 91168
where sold, and to sell the same products in the same manner and 91169
amounts not for consumption on the premises as may be sold by 91170
holders of D-1 and D-2 permits. In addition to the privileges 91171
authorized in this division, the holder of a D-5c permit may 91172
exercise the same privileges as the holder of a D-5 permit. 91173

To qualify for a D-5c permit, the owner or operator of a 91174
retail food establishment or a food service operation licensed 91175

pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter, shall have operated the restaurant at the proposed premises for not less than twenty-four consecutive months immediately preceding the filing of the application for the permit, have applied for a D-5 permit no later than December 31, 1988, and appear on the division's quota waiting list for not less than six months immediately preceding the filing of the application for the permit. In addition to these requirements, the proposed D-5c permit premises shall be located within a municipal corporation and further within an election precinct that, at the time of the application, has no more than twenty-five per cent of its total land area zoned for residential use.

A D-5c permit shall not be transferred to another location.
No quota restriction shall be placed on the number of such permits that may be issued.

Any person who has held a D-5c permit for at least two years may apply for a D-5 permit, and the division of liquor control shall issue the D-5 permit notwithstanding the quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission.

The fee for this permit is one thousand five hundred sixty-three dollars.

(D) Permit D-5d may be issued to the owner or operator of a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located at an airport operated by a board of county commissioners pursuant to section 307.20 of the Revised Code, at an airport operated by a port authority pursuant to Chapter 4582. of the Revised Code, or at an airport operated by a regional airport authority pursuant to Chapter 308. of the Revised Code. The holder of a D-5d permit may

sell beer and any intoxicating liquor at retail, only by the 91208
individual drink in glass and from the container, for consumption 91209
on the premises where sold, and may sell the same products in the 91210
same manner and amounts not for consumption on the premises where 91211
sold as may be sold by the holders of D-1 and D-2 permits. In 91212
addition to the privileges authorized in this division, the holder 91213
of a D-5d permit may exercise the same privileges as the holder of 91214
a D-5 permit. 91215

A D-5d permit shall not be transferred to another location. 91216
No quota restrictions shall be placed on the number of such 91217
permits that may be issued. 91218

The fee for this permit is two thousand three hundred 91219
forty-four dollars. 91220

(E) Permit D-5e may be issued to any nonprofit organization 91221
that is exempt from federal income taxation under the "Internal 91222
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 91223
amended, or that is a charitable organization under any chapter of 91224
the Revised Code, and that owns or operates a riverboat that meets 91225
all of the following: 91226

(1) Is permanently docked at one location; 91227

(2) Is designated as an historical riverboat by the Ohio 91228
historical society; 91229

(3) Contains not less than fifteen hundred square feet of 91230
floor area; 91231

(4) Has a seating capacity of fifty or more persons. 91232

The holder of a D-5e permit may sell beer and intoxicating 91233
liquor at retail, only by the individual drink in glass and from 91234
the container, for consumption on the premises where sold. 91235

A D-5e permit shall not be transferred to another location.	91236
No quota restriction shall be placed on the number of such permits	91237
that may be issued. The population quota restrictions contained	91238
in section 4303.29 of the Revised Code or in any rule of the	91239
liquor control commission shall not apply to this division, and	91240
the division shall issue a D-5e permit to any applicant who meets	91241
the requirements of this division. However, the division shall not	91242
issue a D-5e permit if the permit premises or proposed permit	91243
premises are located within an area in which the sale of	91244
spirituous liquor by the glass is prohibited.	91245
The fee for this permit is one thousand two hundred nineteen	91246
dollars.	91247
(F) Permit D-5f may be issued to the owner or operator of a	91248
retail food establishment or a food service operation licensed	91249
under Chapter 3717. of the Revised Code that operates as a	91250
restaurant for purposes of this chapter and that meets all of the	91251
following:	91252
(1) It contains not less than twenty-five hundred square feet	91253
of floor area.	91254
(2) It is located on or in, or immediately adjacent to, the	91255
shoreline of, a navigable river.	91256
(3) It provides docking space for twenty-five boats.	91257
(4) It provides entertainment and recreation, provided that	91258
not less than fifty per cent of the business on the permit	91259
premises shall be preparing and serving meals for a consideration.	91260
In addition, each application for a D-5f permit shall be	91261
accompanied by a certification from the local legislative	91262
authority that the issuance of the D-5f permit is not inconsistent	91263

with that political subdivision's comprehensive development plan	91264
or other economic development goal as officially established by	91265
the local legislative authority.	91266
 The holder of a D-5f permit may sell beer and intoxicating	91267
liquor at retail, only by the individual drink in glass and from	91268
the container, for consumption on the premises where sold.	91269
 A D-5f permit shall not be transferred to another location.	91270
 The division of liquor control shall not issue a D-5f permit	91271
if the permit premises or proposed permit premises are located	91272
within an area in which the sale of spirituous liquor by the glass	91273
is prohibited.	91274
 A fee for this permit is two thousand three hundred	91275
forty-four dollars.	91276
 As used in this division, "navigable river" means a river	91277
that is also a "navigable water" as defined in the "Federal Power	91278
Act," 94 Stat. 770 (1980), 16 U.S.C. 796.	91279
 (G) Permit D-5g may be issued to a nonprofit corporation that	91280
is either the owner or the operator of a national professional	91281
sports museum. The holder of a D-5g permit may sell beer and any	91282
intoxicating liquor at retail, only by the individual drink in	91283
glass and from the container, for consumption on the premises	91284
where sold. The holder of a D-5g permit shall sell no beer or	91285
intoxicating liquor for consumption on the premises where sold	91286
after one a.m. A D-5g permit shall not be transferred to another	91287
location. No quota restrictions shall be placed on the number of	91288
D-5g permits that may be issued. The fee for this permit is one	91289
thousand eight hundred seventy-five dollars.	91290
 (H)(1) Permit D-5h may be issued to any nonprofit	91291
organization that is exempt from federal income taxation under the	91292

"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A.	91293
501(c)(3), as amended, that owns or operates any of the following:	91294
(a) A fine arts museum, provided that the nonprofit	91295
organization has no less than one thousand five hundred bona fide	91296
members possessing full membership privileges;	91297
(b) A community arts center. As used in division (H)(1)(b) of	91298
this section, "community arts center" means a facility that	91299
provides arts programming to the community in more than one arts	91300
discipline, including, but not limited to, exhibits of works of	91301
art and performances by both professional and amateur artists.	91302
(c) A community theater, provided that the nonprofit	91303
organization is a member of the Ohio arts council and the American	91304
community theatre association and has been in existence for not	91305
less than ten years. As used in division (H)(1)(c) of this	91306
section, "community theater" means a facility that contains at	91307
least one hundred fifty seats and has a primary function of	91308
presenting live theatrical performances and providing recreational	91309
opportunities to the community.	91310
(2) The holder of a D-5h permit may sell beer and any	91311
intoxicating liquor at retail, only by the individual drink in	91312
glass and from the container, for consumption on the premises	91313
where sold. The holder of a D-5h permit shall sell no beer or	91314
intoxicating liquor for consumption on the premises where sold	91315
after one a.m. A D-5h permit shall not be transferred to another	91316
location. No quota restrictions shall be placed on the number of	91317
D-5h permits that may be issued.	91318
(3) The fee for a D-5h permit is one thousand eight hundred	91319
seventy-five dollars.	91320
(I) Permit D-5i may be issued to the owner or operator of a	91321
retail food establishment or a food service operation licensed	91322

under Chapter 3717. of the Revised Code that operates as a	91323
restaurant for purposes of this chapter and that meets all of the	91324
following requirements:	91325
(1) It is located in a municipal corporation or a township	91326
with a population of one hundred thousand or less.	91327
(2) It has inside seating capacity for at least one hundred	91328
forty persons.	91329
(3) It has at least four thousand square feet of floor area.	91330
(4) It offers full-course meals, appetizers, and sandwiches.	91331
(5) Its receipts from beer and liquor sales, excluding wine	91332
sales, do not exceed twenty-five per cent of its total gross	91333
receipts.	91334
(6) It has at least one of the following characteristics:	91335
(a) The value of its real and personal property exceeds seven	91336
hundred twenty-five thousand dollars.	91337
(b) It is located on property that is owned or leased by the	91338
state or a state agency, and its owner or operator has	91339
authorization from the state or the state agency that owns or	91340
leases the property to obtain a D-5i permit.	91341
The holder of a D-5i permit may sell beer and any	91342
intoxicating liquor at retail, only by the individual drink in	91343
glass and from the container, for consumption on the premises	91344
where sold, and may sell the same products in the same manner and	91345
amounts not for consumption on the premises where sold as may be	91346
sold by the holders of D-1 and D-2 permits. The holder of a D-5i	91347
permit shall sell no beer or intoxicating liquor for consumption	91348
on the premises where sold after two-thirty a.m. In addition to	91349

the privileges authorized in this division, the holder of a D-5i permit may exercise the same privileges as the holder of a D-5 permit. 91350
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A D-5i permit shall not be transferred to another location. 91353
The division of liquor control shall not renew a D-5i permit 91354
unless the retail food establishment or food service operation for 91355
which it is issued continues to meet the requirements described in 91356
divisions (I)(1) to (6) of this section. No quota restrictions 91357
shall be placed on the number of D-5i permits that may be issued. 91358
The fee for the D-5i permit is two thousand three hundred 91359
forty-four dollars. 91360

(J)(1) Permit D-5j may be issued to the owner or the operator 91361
of a retail food establishment or a food service operation 91362
licensed under Chapter 3717. of the Revised Code to sell beer and 91363
intoxicating liquor at retail, only by the individual drink in 91364
glass and from the container, for consumption on the premises 91365
where sold and to sell beer and intoxicating liquor in the same 91366
manner and amounts not for consumption on the premises where sold 91367
as may be sold by the holders of D-1 and D-2 permits. The holder 91368
of a D-5j permit may exercise the same privileges, and shall 91369
observe the same hours of operation, as the holder of a D-5 91370
permit. 91371

(2) The D-5j permit shall be issued only within a community 91372
entertainment district that is designated under section 4301.80 of 91373
the Revised Code and that meets one of the following 91374
qualifications: 91375

(a) It is located in a municipal corporation with a 91376
population of at least one hundred thousand. 91377

(b) It is located in a municipal corporation with a 91378
population of at least twenty thousand, and either of the 91379
following applies: 91380

(i) It contains an amusement park the rides of which have been issued a permit by the department of agriculture under Chapter 1711. of the Revised Code.	91381
	91382
	91383
(ii) Not less than fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.	91384
	91385
	91386
(c) It is located in a township with a population of at least forty thousand.	91387
	91388
(d) It is located in a municipal corporation with a population of at least ten thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.	91389
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	91391
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	91393
(e) It is located in a municipal corporation with a population of at least five thousand, and not less than one hundred million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.	91394
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(3) The location of a D-5j permit may be transferred only within the geographic boundaries of the community entertainment district in which it was issued and shall not be transferred outside the geographic boundaries of that district.	91399
	91400
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(4) Not more than one D-5j permit shall be issued within each community entertainment district for each five acres of land located within the district. Not more than fifteen D-5j permits may be issued within a single community entertainment district. Except as otherwise provided in division (J)(4) of this section, no quota restrictions shall be placed upon the number of D-5j permits that may be issued.	91403
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(5) The fee for a D-5j permit is two thousand three hundred forty-four dollars.	91410 91411
(K)(1) Permit D-5k may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, that is the owner or operator of a botanical garden recognized by the American association of botanical gardens and arboreta, and that has not less than twenty-five hundred bona fide members.	91412 91413 91414 91415 91416 91417 91418
(2) The holder of a D-5k permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, on the premises where sold.	91419 91420 91421
(3) The holder of a D-5k permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m.	91422 91423 91424
(4) A D-5k permit shall not be transferred to another location.	91425 91426
(5) No quota restrictions shall be placed on the number of D-5k permits that may be issued.	91427 91428
(6) The fee for the D-5k permit is one thousand eight hundred seventy-five dollars.	91429 91430
(L)(1) Permit D-5l may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold	91431 91432 91433 91434 91435 91436 91437

as may be sold by the holders of D-1 and D-2 permits. The holder
of a D-5l permit may exercise the same privileges, and shall
observe the same hours of operation, as the holder of a D-5
permit.

(2) The D-5l permit shall be issued only to a premises that
has gross annual receipts from the sale of food and meals that
constitute not less than seventy-five per cent of its total gross
annual receipts, that is located within a revitalization district
that is designated under section 4301.81 of the Revised Code,
that is located in a municipal corporation or township in which
the number of D-5 permits issued equals or exceeds the number of
those permits that may be issued in that municipal corporation
or township under section 4303.29 of the Revised Code, and that
is located in a county with a population of one hundred
twenty-five thousand or less according to the population
estimates certified by the department of development for
calendar year 2006.

(3) The location of a D-5l permit may be transferred only
within the geographic boundaries of the revitalization district in
which it was issued and shall not be transferred outside the
geographic boundaries of that district.

(4) Not more than one D-5l permit shall be issued within each
revitalization district for each five acres of land located within
the district. Not more than five D-5l permits may be issued within
a single revitalization district. Except as otherwise provided in
division (L)(4) of this section, no quota restrictions shall be
placed upon the number of D-5l permits that may be issued.

(5) The fee for a D-5l permit is two thousand three hundred
forty-four dollars.

(M) Permit D-5m may be issued to either the owner or the
operator of a retail food establishment or food service operation

licensed under Chapter 3717. of the Revised Code that operates as
a restaurant for purposes of this chapter and that is located in,
or affiliated with, a center for the preservation of wild animals
as defined in section 4301.404 of the Revised Code, to sell beer
and any intoxicating liquor at retail, only by the glass and from
the container, for consumption on the premises where sold, and to
sell the same products in the same manner and amounts not for
consumption on the premises as may be sold by the holders of D-1
and D-2 permits. In addition to the privileges authorized by this
division, the holder of a D-5m permit may exercise the same
privileges as the holder of a D-5 permit.

A D-5m permit shall not be transferred to another location.
No quota restrictions shall be placed on the number of D-5m
permits that may be issued. The fee for a permit D-5m is two
thousand three hundred forty-four dollars.

Sec. 4303.182. (A) Except as otherwise provided in divisions
(B) to (J) of this section, permit D-6 shall be issued to the
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a,
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j,
D-5k, D-5l, D-5m, or D-7 permit to allow sale under that permit
~~between~~as follows:

(1) Between the hours of ten a.m. and midnight, or between
on Sunday if sale during those hours has been approved under
question (C)(1), (2), or (3) of section 4301.351 or 4301.354 of
the Revised Code, under question (B)(2) of section 4301.355 of
the Revised Code, or under section 4301.356 of the Revised Code
and has been authorized under section 4301.361, 4301.364,
4301.365, or 4301.366 of the Revised Code, under the restrictions
of that authorization;

(2) Between the hours of ~~one p.m.~~ eleven a.m. and midnight,
on Sunday, as applicable, if that sale during those hours has
been approved on or after the effective date of this amendment

under question (B)(1), (2), or (3) of section 4301.351 or 91501
4301.354 of the Revised Code, under question (B)(2) of section 91502
4301.355 of the Revised Code, or under section 4301.356 of the 91503
Revised Code and has been authorized under section 4301.361, 91504
4301.364, 4301.365, or 4301.366 of the Revised Code ~~and~~, under 91505
the restrictions of that authorization; 91506

(3) Between the hours of eleven a.m. and midnight on Sunday 91507
if sale between the hours of one p.m. and midnight was approved 91508
before the effective date of this amendment under question (B)(1), 91509
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 91510
under question (B)(2) of section 4301.355 of the Revised Code, or 91511
under section 4301.356 of the Revised Code and has been authorized 91512
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 91513
Revised Code, under the other restrictions of that authorization. 91514

(B) Permit D-6 shall be issued to the holder of any permit, 91515
including a D-4a and D-5d permit, authorizing the sale of 91516
intoxicating liquor issued for a premises located at any publicly 91517
owned airport, as defined in section 4563.01 of the Revised Code, 91518
at which commercial airline companies operate regularly scheduled 91519
flights on which space is available to the public, to allow sale 91520
under such permit between the hours of ten a.m. and midnight on 91521
Sunday, whether or not that sale has been authorized under section 91522
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 91523

(C) Permit D-6 shall be issued to the holder of a D-5a 91524
permit, and to the holder of a D-3 or D-3a permit who is the owner 91525
or operator of a hotel or motel that is required to be licensed 91526
under section 3731.03 of the Revised Code, that contains at least 91527
fifty rooms for registered transient guests, and that has on its 91528
premises a retail food establishment or a food service operation 91529
licensed pursuant to Chapter 3717. of the Revised Code that 91530
operates as a restaurant for purposes of this chapter and is 91531
affiliated with the hotel or motel and within or contiguous to the 91532

hotel or motel and serving food within the hotel or motel, to 91533
allow sale under such permit between the hours of ten a.m. and 91534
midnight on Sunday, whether or not that sale has been authorized 91535
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 91536
Revised Code. 91537

(D) The holder of a D-6 permit that is issued to a sports 91538
facility may make sales under the permit between the hours of 91539
eleven a.m. and midnight on any Sunday on which a professional 91540
baseball, basketball, football, hockey, or soccer game is being 91541
played at the sports facility. As used in this division, "sports 91542
facility" means a stadium or arena that has a seating capacity of 91543
at least four thousand and that is owned or leased by a 91544
professional baseball, basketball, football, hockey, or soccer 91545
franchise or any combination of those franchises. 91546

(E) Permit D-6 shall be issued to the holder of any permit 91547
that authorizes the sale of beer or intoxicating liquor and that 91548
is issued to a premises located in or at the Ohio historical 91549
society area or the state fairgrounds, as defined in division (B) 91550
of section 4301.40 of the Revised Code, to allow sale under that 91551
permit between the hours of ten a.m. and midnight on Sunday, 91552
whether or not that sale has been authorized under section 91553
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 91554

(F) Permit D-6 shall be issued to the holder of any permit 91555
that authorizes the sale of intoxicating liquor and that is issued 91556
to an outdoor performing arts center to allow sale under that 91557
permit between the hours of one p.m. and midnight on Sunday, 91558
whether or not that sale has been authorized under section 91559
4301.361 of the Revised Code. A D-6 permit issued under this 91560
division is subject to the results of an election, held after the 91561
D-6 permit is issued, on question (B)(4) as set forth in section 91562
4301.351 of the Revised Code. Following the end of the period 91563
during which an election may be held on question (B)(4) as set 91564

forth in that section, sales of intoxicating liquor may continue 91565
at an outdoor performing arts center under a D-6 permit issued 91566
under this division, unless an election on that question is held 91567
during the permitted period and a majority of the voters voting in 91568
the precinct on that question vote "no." 91569

As used in this division, "outdoor performing arts center" 91570
means an outdoor performing arts center that is located on not 91571
less than eight hundred acres of land and that is open for 91572
performances from the first day of April to the last day of 91573
October of each year. 91574

(G) Permit D-6 shall be issued to the holder of any permit 91575
that authorizes the sale of beer or intoxicating liquor and that 91576
is issued to a golf course owned by the state, a conservancy 91577
district, a park district created under Chapter 1545. of the 91578
Revised Code, or another political subdivision to allow sale under 91579
that permit between the hours of ten a.m. and midnight on Sunday, 91580
whether or not that sale has been authorized under section 91581
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 91582

(H) Permit D-6 shall be issued to the holder of a D-5g permit 91583
to allow sale under that permit between the hours of ten a.m. and 91584
midnight on Sunday, whether or not that sale has been authorized 91585
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 91586
Revised Code. 91587

(I) Permit D-6 shall be issued to the holder of any D permit 91588
for a premises that is licensed under Chapter 3717. of the Revised 91589
Code and that is located at a ski area to allow sale under the D-6 91590
permit between the hours of ten a.m. and midnight on Sunday, 91591
whether or not that sale has been authorized under section 91592
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 91593

As used in this division, "ski area" means a ski area as 91594
defined in section 4169.01 of the Revised Code, provided that the 91595

passenger tramway operator at that area is registered under 91596
section 4169.03 of the Revised Code. 91597

(J) Permit D-6 shall be issued to the holder of a ~~D-5~~ any 91598
permit that is described in division (A) of this section for a 91599
permit premises that is located in a community entertainment 91600
district, as defined in section 4301.80 of the Revised Code, that 91601
was approved by the legislative authority of a municipal 91602
corporation under that section between October 1 and October 15, 91603
2005, to allow sale under the permit between the hours of ten a.m. 91604
and midnight on Sunday, whether or not that sale has been 91605
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 91606
of the Revised Code. 91607

(K) If the restriction to licensed premises where the sale of 91608
food and other goods and services exceeds fifty per cent of the 91609
total gross receipts of the permit holder at the premises is 91610
applicable, the division of liquor control may accept an affidavit 91611
from the permit holder to show the proportion of the permit 91612
holder's gross receipts derived from the sale of food and other 91613
goods and services. If the liquor control commission determines 91614
that affidavit to have been false, it shall revoke the permits of 91615
the permit holder at the premises concerned. 91616

(L) The fee for the D-6 permit is five hundred dollars when 91617
it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, 91618
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 91619
D-5i, D-5j, D-5k, D-5l, D-5m, or D-7 permit. The fee for the D-6 91620
permit is four hundred dollars when it is issued to the holder 91621
of a C-2 permit. 91622

Sec. 4303.331. No permit holder shall purchase and import 91623
into this state any beer from any manufacturer, bottler, importer, 91624
wholesale dealer, or broker outside this state and within the 91625
United States unless and until such manufacturer, bottler, 91626
importer, wholesale dealer, or broker registers with the tax 91627

commissioner and supplies such information as the commissioner may
require.

The commissioner may, by rule, require any registrant to file
with the commissioner a bond payable to the state in such form and
amount as the commissioner prescribes with surety to the
satisfaction of the tax commissioner conditioned upon the making
of the report to be made to the tax commissioner and the payment
to the tax commissioner of taxes levied by sections 4301.42 and
4305.01 of the Revised Code, all as provided in section 4303.33 of
the Revised Code.

Any such manufacturer, bottler, importer, wholesale dealer,
or broker shall, as a part of such registration, make the
secretary of state its agent for the service of process or notice
of any assessment, action, or proceedings instituted in the state
against such person under sections 4303.33, 4301.42, and 4305.01
of the Revised Code.

~~Such process or notice shall be served, by the officer to
whom it is directed or by the tax commissioner, or by the sheriff
of Franklin county, who may be deputized for such purpose by the
officer to whom the service is directed, upon the secretary of
state by leaving at the office of the secretary of state, at least
fifteen days before the return day of such process or notice, a
true and attested copy thereof, and by sending to the defendant by
certified mail, postage prepaid, a like and true attested copy,
with an endorsement thereon of the service upon the secretary of
state, addressed to such defendant at the address listed in the
registration or at the defendant's last known address in
accordance with section 5703.37 of the Revised Code.~~

Any B-1 permit holder who purchases beer from any
manufacturer, bottler, importer, wholesale dealer, or broker
outside this state and within the United States who has not
registered with the tax commissioner and filed a bond as provided

in this section shall be liable for any tax due on any beer 91660
purchased from such unregistered manufacturer, bottler, importer, 91661
wholesale dealer, or broker and shall be subject to any penalties 91662
provided in Chapters 4301., 4303., 4305., and 4307. of the Revised 91663
Code. 91664

Any B-1 permit holder who purchases beer from any 91665
manufacturer, bottler, importer, wholesale dealer, or broker 91666
outside this state and within the United States who has complied 91667
with this section shall not be liable for any tax due to the state 91668
on any beer purchased from any such manufacturer, bottler, 91669
importer, wholesale dealer, or broker. 91670

All money collected by the tax commissioner under this 91671
section shall be paid to the treasurer of state as revenue arising 91672
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 91673
4305.01 of the Revised Code. 91674

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 91675
referred to in division (O) of section 4503.04, division (E) of 91676
section 4503.042, division (B) of section 4503.07, division 91677
(C)(1) of section 4503.10, division (D) of section 4503.182, 91678
division (A) of section 4503.19, division (D)(2) of section 91679
4507.24, division (A) of section 4508.06, and sections 4503.40, 91680
4503.42, 4505.11, 4505.111, 4506.08, 4506.09, 4507.23, 4508.05, 91681
4923.12, and 5502.12 of the Revised Code, and the taxes charged 91682
in section 4503.65 that are distributed in accordance with 91683
division (A)(2) of section 4501.044 of the Revised Code unless 91684
otherwise designated by law, shall be deposited in the state 91685
treasury to the credit of the state highway safety fund, which 91686
is hereby created, and shall, after receipt of certifications 91687
from the commissioners of the sinking fund certifying, as 91688
required by sections 5528.15 and 5528.35 of the Revised Code, 91689
that there are sufficient moneys to the credit of the highway 91690
improvement bond retirement fund created by section 5528.12 of 91691

the Revised Code to meet in full all payments of interest,	91692
principal, and charges for the retirement of bonds and other	91693
obligations issued pursuant to Section 2g of Article VIII, Ohio	91694
Constitution, and sections 5528.10 and 5528.11 of the Revised	91695
Code due and payable during the current calendar year, and that	91696
there are sufficient moneys to the credit of the highway	91697
obligations bond retirement fund created by section 5528.32 of	91698
the Revised Code to meet in full all payments of interest,	91699
principal, and charges for the retirement of highway obligations	91700
issued pursuant to Section 2i of Article VIII, Ohio	91701
Constitution, and sections 5528.30 and 5528.31 of the Revised	91702
Code due and payable during the current calendar year, be used	91703
for the purpose of enforcing and paying the expenses of	91704
administering the law relative to the registration and operation	91705
of motor vehicles on the public roads or highways. Amounts	91706
credited to the fund may also be used to pay the expenses of	91707
administering and enforcing the laws under which such fees were	91708
collected. All investment earnings of the state highway safety	91709
fund shall be credited to the fund.	91710

Sec. 4501.24. There is hereby created in the state treasury	91711
the scenic rivers protection fund. The fund shall consist of the	91712
contributions not to exceed forty dollars that are paid to the	91713
registrar of motor vehicles by applicants who voluntarily choose	91714
to obtain scenic rivers license plates pursuant to section 4503.56	91715
of the Revised Code.	91716

The contributions deposited in the fund shall be used by the	91717
department of natural resources to help finance <u>wild, scenic, and</u>	91718
<u>recreational</u> river <u>areas</u> conservation, education, ~~scenic river~~	91719
corridor protection ~~and~~ , restoration, ~~scenic river~~ <u>and</u> habitat	91720
enhancement; and clean-up projects along ~~scenic rivers~~ <u>in those</u>	91721
<u>areas. The chief of the division of watercraft in the department</u>	91722
<u>may expend money in the fund for the acquisition of wild, scenic,</u>	91723
<u>and recreational river areas, for the maintenance, protection, and</u>	91724

administration of such areas, and for construction of facilities 91725
within those areas. All investment earnings of the fund shall be 91726
credited to the fund. 91727

As used in this section, "wild river areas," "scenic river 91728
areas," and "recreational river areas" have the same meanings as 91729
in section 1547.01 of the Revised Code. 91730

Sec. 4501.243. There is hereby created in the state 91731
treasury the Ohio nature preserves fund. The fund shall consist 91732
of the contributions that are paid to the registrar of motor 91733
vehicles by applicants who obtain Ohio nature preserves license 91734
plates pursuant to section 4503.563 of the Revised Code. All 91735
investment earnings of the fund shall be credited to the fund. 91736

The department of natural resources shall use the money in 91737
the fund to help finance nature preserve education, nature 91738
preserve clean-up projects, and nature preserve maintenance, 91739
protection, and restoration. 91740

Sec. 4501.271. (A)(1) A peace officer, correctional 91741
employee, or youth services employee may file a written request 91742
with the bureau of motor vehicles to do either or both of the 91743
following: 91744

(a) Prohibit disclosure of the officer's or employee's 91745
residence address as contained in motor vehicle records of the 91746
bureau; 91747

(b) Provide a business address to be displayed on the 91748
officer's or employee's driver's license or certificate of 91749
registration, or both. 91750

(2) The officer or employee shall file the request described 91751
in division (A)(1) of this section on a form provided by the 91752
registrar of motor vehicles and shall provide any documentary 91753

evidence verifying the person's status as a peace officer, 91754
correctional employee, or youth services employee and the 91755
officer's or employee's business address that the registrar 91756
requires pursuant to division (G) of this section. 91757

(B)(1) Except as provided in division (C) of this section, if 91758
a peace officer, correctional employee, or youth services employee 91759
has filed a request under division (A) of this section, neither 91760
the registrar nor an employee or contractor of the bureau of motor 91761
vehicles shall knowingly disclose the residence address of the 91762
officer or employee that the bureau obtained in connection with a 91763
motor vehicle record. 91764

(2) In accordance with section 149.43 of the Revised Code, 91765
the registrar or an employee or contractor of the bureau shall 91766
make available for inspection or copying a motor vehicle record of 91767
a peace officer, correctional employee, or youth services employee 91768
who has filed a request under division (A) of this section if the 91769
record is a public record under that section, but shall obliterate 91770
the residence address of the officer or employee from the record 91771
before making the record available for inspection or copying. The 91772
business address of the officer or employee may be made available 91773
in response to a valid request under section 149.43 of the Revised 91774
Code. 91775

(C) Notwithstanding division (B)(2) of section 4501.27 of the 91776
Revised Code, the registrar or an employee or contractor of the 91777
bureau may disclose the residence address of a peace officer, 91778
correctional employee, or youth services employee who files a 91779
request under division (A) of this section only in accordance with 91780
division (B)(1) of section 4501.27 of the Revised Code or pursuant 91781
to a court order. 91782

(D) If a peace officer, correctional employee, or youth 91783
services employee files a request under division (A)(1)(b) of this 91784
section, the officer shall still provide a residence address in 91785

any application for a driver's license or license renewal and in 91786
any application for a motor vehicle registration or registration 91787
renewal. In accordance with sections 4503.101 and 4507.09 of the 91788
Revised Code, an officer or employee shall notify the registrar of 91789
any change in the officer's or employee's residence within ten 91790
days after the change occurs. 91791

(E) A certificate of registration issued to a peace officer, 91792
correctional employee, or youth services employee who files a 91793
request under division (A)(1)(b) of this section shall display the 91794
business address of the officer. Notwithstanding section 4507.13 91795
of the Revised Code, a driver's license issued to an officer or 91796
employee who files a request under division (A)(1)(b) of this 91797
section shall display the business address of the officer or 91798
employee. 91799

(F) The registrar may utilize the residence address of a 91800
peace officer, correctional employee, or youth services employee 91801
who files a request under division (A)(1)(b) of this section in 91802
carrying out the functions of the bureau of motor vehicles, 91803
including determining the district of registration for any 91804
applicable motor vehicle tax levied under Chapter 4504. of the 91805
Revised Code, determining whether tailpipe emissions inspections 91806
are required, and financial responsibility verification. 91807

(G) The registrar shall adopt rules governing a request for 91808
confidentiality of a peace officer's, correctional employee's, or 91809
youth services employee's residence address or use of a business 91810
address, including the documentary evidence required to verify the 91811
person's status as a peace officer, correctional employee, or 91812
youth services employee, the length of time that the request will 91813
be valid, procedures for ensuring that the bureau of motor 91814
vehicles receives notice of any change in a person's status as a 91815
peace officer, correctional employee, or youth services employee, 91816
and any other procedures the registrar considers necessary. The 91817

rules of the registrar may require an officer or employee to 91818
surrender any certificate of registration and any driver's license 91819
bearing the business address of the officer or employee and, upon 91820
payment of any applicable fees, to receive a certificate of 91821
registration and license bearing the officer's or employee's 91822
residence address, whenever the officer or employee no longer is 91823
associated with that business address. 91824

(H) As used in this section: 91825

(1) "Motor vehicle record" has the same meaning as in section 91826
4501.27 of the Revised Code. 91827

(2) "Peace officer" means those persons described in division 91828
(A)(1), (2), (4), (5), (6), (9), (10), (12), ~~or (13)~~, or (15) of 91829
section 109.71 of the Revised Code, an officer, agent, or employee 91830
of the state or any of its agencies, instrumentalities, or 91831
political subdivisions, upon whom, by statute, a duty to conserve 91832
the peace or to enforce all or certain laws is imposed and the 91833
authority to arrest violators is conferred, within the limits of 91834
that statutory duty and authority, an investigator of the bureau 91835
of criminal identification and investigation as defined in section 91836
2903.11 of the Revised Code, the house sergeant at arms appointed 91837
under division (B)(1) of section 101.311 of the Revised Code, and 91838
any assistant sergeant at arms appointed under division (C)(1) of 91839
section 101.311 of the Revised Code. "Peace officer" includes 91840
state highway patrol troopers but does not include the sheriff of 91841
a county or a supervisory employee who, in the absence of the 91842
sheriff, is authorized to stand in for, exercise the authority of, 91843
and perform the duties of the sheriff. 91844

(3) "Correctional employee" and "youth services employee" 91845
have the same meanings as in section 149.43 of the Revised Code. 91846

Sec. 4501.29. The department of administrative services shall 91847
collect user fees from participants in the multi-agency radio 91848

communications system (MARCS). The director of administrative services, with the advice of the MARCS steering committee and the consent of the director of budget and management, shall determine the amount of the user fees and the manner by which the fees shall be collected. All moneys from user fees shall be deposited in the MARCS administration fund, which is hereby created in the state treasury. All investment earnings on moneys in the fund shall be credited to the fund.

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Sec. 4503.068. On or before the second Monday in September of each year, the county treasurer shall total the amount by which the manufactured home taxes levied in that year were reduced pursuant to section 4503.065 of the Revised Code, and certify that amount to the tax commissioner. Within ninety days of the receipt of the certification, the commissioner shall ~~certify that amount to the director of budget and management and the director shall make two payments from the general revenue fund in favor of the county treasurer. One shall be in the full amount by which taxes were reduced. The other shall be in an amount equal to two per cent of such amount and shall be a payment~~provide for payment to the county treasurer, from the general revenue fund, of the amount certified, which shall be credited upon receipt to the county's undivided income tax fund, and an amount equal to two per cent of the amount by which taxes were reduced, which shall be credited upon receipt to the county general fund as a payment, in addition to the fees and charges authorized by sections 319.54 and 321.26 of the Revised Code, to the county auditor and county treasurer for the costs of administering sections 4503.064 to 4503.069 of the Revised Code.

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Immediately upon receipt of ~~the payment in the full amount by which taxes were reduced, the full amount of the payment shall be distributed~~funds into the county undivided income tax fund under this section, the county auditor shall distribute the full amount thereof among the taxing districts in the county as though it had

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been received as taxes under section 4503.06 of the Revised Code 91882
from each person for whom taxes were reduced under section 91883
4503.065 of the Revised Code. 91884

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 91885
motorcycle, and all-purpose vehicle required to be registered 91886
under section 4519.02 of the Revised Code shall file an 91887
application for registration under section 4519.03 of the Revised 91888
Code. The owner of a motor vehicle, other than a snowmobile, 91889
off-highway motorcycle, or all-purpose vehicle, that is not 91890
designed and constructed by the manufacturer for operation on a 91891
street or highway may not register it under this chapter except 91892
upon certification of inspection pursuant to section 4513.02 of 91893
the Revised Code by the sheriff, or the chief of police of the 91894
municipal corporation or township, with jurisdiction over the 91895
political subdivision in which the owner of the motor vehicle 91896
resides. Except as provided in section 4503.103 of the Revised 91897
Code, every owner of every other motor vehicle not previously 91898
described in this section and every person mentioned as owner in 91899
the last certificate of title of a motor vehicle that is operated 91900
or driven upon the public roads or highways shall cause to be 91901
filed each year, by mail or otherwise, in the office of the 91902
registrar of motor vehicles or a deputy registrar, a written or 91903
electronic application or a preprinted registration renewal 91904
notice issued under section 4503.102 of the Revised Code, the 91905
form of which shall be prescribed by the registrar, for 91906
registration for the following registration year, which shall 91907
begin on the first day of January of every calendar year and end 91908
on the thirty-first day of December in the same year. 91909
Applications for registration and registration renewal notices 91910
shall be filed at the times established by the registrar pursuant 91911
to section 4503.101 of the Revised Code. A motor vehicle owner 91912
also may elect to apply for or renew a motor vehicle 91913
registration by electronic means using electronic signature in 91914
accordance with rules adopted by the registrar. Except as 91915

provided in division (J) of this section, applications for	91916
registration shall be made on blanks furnished by the registrar	91917
for that purpose, containing the following information:	91918
(1) A brief description of the motor vehicle to be	91919
registered, including the year, make, model, and vehicle	91920
identification number, and, in the case of commercial cars, the	91921
gross weight of the vehicle fully equipped computed in the manner	91922
prescribed in section 4503.08 of the Revised Code;	91923
(2) The name and residence address of the owner, and the	91924
township and municipal corporation in which the owner resides;	91925
(3) The district of registration, which shall be determined	91926
as follows:	91927
(a) In case the motor vehicle to be registered is used for	91928
hire or principally in connection with any established business or	91929
branch business, conducted at a particular place, the district of	91930
registration is the municipal corporation in which that place is	91931
located or, if not located in any municipal corporation, the	91932
county and township in which that place is located.	91933
(b) In case the vehicle is not so used, the district of	91934
registration is the municipal corporation or county in which the	91935
owner resides at the time of making the application.	91936
(4) Whether the motor vehicle is a new or used motor vehicle;	91937
(5) The date of purchase of the motor vehicle;	91938
(6) Whether the fees required to be paid for the registration	91939
or transfer of the motor vehicle, during the preceding	91940
registration year and during the preceding period of the current	91941
registration year, have been paid. Each application for	91942
registration shall be signed by the owner, either manually or by	91943

electronic signature, or pursuant to obtaining a limited power of attorney authorized by the registrar for registration, or other document authorizing such signature. If the owner elects to apply for or renew the motor vehicle registration with the registrar by electronic means, the owner's manual signature is not required.

(7) The owner's social security number, driver's license number, or state identification number, or, where a motor vehicle to be registered is used for hire or principally in connection with any established business, the owner's federal taxpayer identification number. The bureau of motor vehicles shall retain in its records all social security numbers provided under this section, but the bureau shall not place social security numbers on motor vehicle certificates of registration.

(B) Except as otherwise provided in this division, each time an applicant first registers a motor vehicle in the applicant's name, the applicant shall present for inspection a physical certificate of title or memorandum certificate showing title to the motor vehicle to be registered in the name of the applicant if a physical certificate of title or memorandum certificate has been issued by a clerk of a court of common pleas. If, under sections 4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk instead has issued an electronic certificate of title for the applicant's motor vehicle, that certificate may be presented for inspection at the time of first registration in a manner prescribed by rules adopted by the registrar. An applicant is not required to present a certificate of title to an electronic motor vehicle dealer acting as a limited authority deputy registrar in accordance with rules adopted by the registrar. When a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it, each application for registration for a vehicle required to be inspected under that section and those rules shall be accompanied by an inspection certificate for the motor vehicle issued in

accordance with that section. The application shall be refused if	91977
any of the following applies:	91978
(1) The application is not in proper form.	91979
(2) The application is prohibited from being accepted by	91980
division (D) of section 2935.27, division (A) of section 2937.221,	91981
division (A) of section 4503.13, division (B) of section 4510.22,	91982
or division (B)(1) of section 4521.10 of the Revised Code.	91983
(3) A certificate of title or memorandum certificate of title	91984
is required but does not accompany the application or, in the case	91985
of an electronic certificate of title, is required but is not	91986
presented in a manner prescribed by the registrar's rules.	91987
(4) All registration and transfer fees for the motor vehicle,	91988
for the preceding year or the preceding period of the current	91989
registration year, have not been paid.	91990
(5) The owner or lessee does not have an inspection	91991
certificate for the motor vehicle as provided in section 3704.14	91992
of the Revised Code, and rules adopted under it, if that section	91993
is applicable.	91994
This section does not require the payment of license or	91995
registration taxes on a motor vehicle for any preceding year, or	91996
for any preceding period of a year, if the motor vehicle was not	91997
taxable for that preceding year or period under sections 4503.02,	91998
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the	91999
Revised Code. When a certificate of registration is issued upon	92000
the first registration of a motor vehicle by or on behalf of the	92001
owner, the official issuing the certificate shall indicate the	92002
issuance with a stamp on the certificate of title or memorandum	92003
certificate or, in the case of an electronic certificate of title,	92004
an electronic stamp or other notation as specified in rules	92005
adopted by the registrar, and with a stamp on the inspection	92006

certificate for the motor vehicle, if any. The official also shall
indicate, by a stamp or by other means the registrar prescribes,
on the registration certificate issued upon the first registration
of a motor vehicle by or on behalf of the owner the odometer
reading of the motor vehicle as shown in the odometer statement
included in or attached to the certificate of title. Upon each
subsequent registration of the motor vehicle by or on behalf of
the same owner, the official also shall so indicate the odometer
reading of the motor vehicle as shown on the immediately preceding
certificate of registration.

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The registrar shall include in the permanent registration
record of any vehicle required to be inspected under section
3704.14 of the Revised Code the inspection certificate number from
the inspection certificate that is presented at the time of
registration of the vehicle as required under this division.

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(C)(1) Except as otherwise provided in division (C)(1) of
this section, for each registration renewal with an expiration
date on or after October 1, 2003, and for each initial
application for registration received on and after that date,
the registrar and each deputy registrar shall collect an
additional fee of eleven dollars for each application for
registration and registration renewal received. For vehicles
specified in divisions (A)(1) to (21) of section 4503.042 of the
Revised Code, commencing with each registration renewal with an
expiration date on or after October 1, 2009, and for each
initial application received on or after that date, the registrar
and deputy registrar shall collect an additional fee of thirty
dollars for each application for registration and registration
renewal received. The additional fee is for the purpose of
defraying the department of public safety's costs associated with
the administration and enforcement of the motor vehicle and
traffic laws of Ohio. Each deputy registrar shall transmit the
fees collected under division (C)(1) of this section in the time

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and manner provided in this section. The registrar shall deposit
all moneys received under division (C)(1) of this section into
the state highway safety fund established in section 4501.06 of
the Revised Code.

(2) In addition, a charge of twenty-five cents shall be made
for each reflectorized safety license plate issued, and a single
charge of twenty-five cents shall be made for each county
identification sticker or each set of county identification
stickers issued, as the case may be, to cover the cost of
producing the license plates and stickers, including material,
manufacturing, and administrative costs. Those fees shall be in
addition to the license tax. If the total cost of producing the
plates is less than twenty-five cents per plate, or if the total
cost of producing the stickers is less than twenty-five cents per
sticker or per set issued, any excess moneys accruing from the
fees shall be distributed in the same manner as provided by
section 4501.04 of the Revised Code for the distribution of
license tax moneys. If the total cost of producing the plates
exceeds twenty-five cents per plate, or if the total cost of
producing the stickers exceeds twenty-five cents per sticker or
per set issued, the difference shall be paid from the license tax
moneys collected pursuant to section 4503.02 of the Revised Code.

(D) Each deputy registrar shall be allowed a fee of three
dollars and fifty cents for each application for registration and
registration renewal notice the deputy registrar receives, which
shall be for the purpose of compensating the deputy registrar for
the deputy registrar's services, and such office and rental
expenses, as may be necessary for the proper discharge of the
deputy registrar's duties in the receiving of applications and
renewal notices and the issuing of registrations.

(E) Upon the certification of the registrar, the county
sheriff or local police officials shall recover license plates

erroneously or fraudulently issued. 92072

(F) Each deputy registrar, upon receipt of any application 92073
for registration or registration renewal notice, together with the 92074
license fee and any local motor vehicle license tax levied 92075
pursuant to Chapter 4504. of the Revised Code, shall transmit that 92076
fee and tax, if any, in the manner provided in this section, 92077
together with the original and duplicate copy of the application, 92078
to the registrar. The registrar, subject to the approval of the 92079
director of public safety, may deposit the funds collected by 92080
those deputies in a local bank or depository to the credit of the 92081
"state of Ohio, bureau of motor vehicles." Where a local bank or 92082
depository has been designated by the registrar, each deputy 92083
registrar shall deposit all moneys collected by the deputy 92084
registrar into that bank or depository not more than one business 92085
day after their collection and shall make reports to the 92086
registrar of the amounts so deposited, together with any other 92087
information, some of which may be prescribed by the treasurer of 92088
state, as the registrar may require and as prescribed by the 92089
registrar by rule. The registrar, within three days after receipt 92090
of notification of the deposit of funds by a deputy registrar in a 92091
local bank or depository, shall draw on that account in favor of 92092
the treasurer of state. The registrar, subject to the approval of 92093
the director and the treasurer of state, may make reasonable rules 92094
necessary for the prompt transmittal of fees and for safeguarding 92095
the interests of the state and of counties, townships, municipal 92096
corporations, and transportation improvement districts levying 92097
local motor vehicle license taxes. The registrar may pay service 92098
charges usually collected by banks and depositories for such 92099
service. If deputy registrars are located in communities where 92100
banking facilities are not available, they shall transmit the fees 92101
forthwith, by money order or otherwise, as the registrar, by rule 92102
approved by the director and the treasurer of state, may 92103
prescribe. The registrar may pay the usual and customary fees for 92104
such service. 92105

(G) This section does not prevent any person from making an application for a motor vehicle license directly to the registrar by mail, by electronic means, or in person at any of the registrar's offices, upon payment of a service fee of three dollars and fifty cents for each application.

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(H) No person shall make a false statement as to the district of registration in an application required by division (A) of this section. Violation of this division is falsification under section 2921.13 of the Revised Code and punishable as specified in that section.

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(I)(1) Where applicable, the requirements of division (B) of this section relating to the presentation of an inspection certificate issued under section 3704.14 of the Revised Code and rules adopted under it for a motor vehicle, the refusal of a license for failure to present an inspection certificate, and the stamping of the inspection certificate by the official issuing the certificate of registration apply to the registration of and issuance of license plates for a motor vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised Code.

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(2)(a) The registrar shall adopt rules ensuring that each owner registering a motor vehicle in a county where a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it receives information about the requirements established in that section and those rules and about the need in those counties to present an inspection certificate with an application for registration or preregistration.

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(b) Upon request, the registrar shall provide the director of environmental protection, or any person that has been awarded a

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contract under ~~division (D)~~ of section 3704.14 of the Revised Code, an on-line computer data link to registration information for all passenger cars, noncommercial motor vehicles, and commercial cars that are subject to that section. The registrar also shall provide to the director of environmental protection a magnetic data tape containing registration information regarding passenger cars, noncommercial motor vehicles, and commercial cars for which a multi-year registration is in effect under section 4503.103 of the Revised Code or rules adopted under it, including, without limitation, the date of issuance of the multi-year registration, the registration deadline established under rules adopted under section 4503.101 of the Revised Code that was applicable in the year in which the multi-year registration was issued, and the registration deadline for renewal of the multi-year registration.

(J) Application ~~Subject to division (K) of this section,~~
application for registration under the international registration plan, as set forth in sections 4503.60 to 4503.66 of the Revised Code, shall be made to the registrar on forms furnished by the registrar. In accordance with international registration plan guidelines and pursuant to rules adopted by the registrar, the forms shall include the following:

(1) A uniform mileage schedule;

(2) The gross vehicle weight of the vehicle or combined gross vehicle weight of the combination vehicle as declared by the registrant;

(3) Any other information the registrar requires by rule.

(K) The registrar shall determine the feasibility of implementing an electronic commercial fleet licensing and management program that will enable the owners of commercial tractors, commercial trailers, and commercial semitrailers to

conduct electronic transactions by July 1, 2010, or sooner. If 92168
the registrar determines that implementing such a program is 92169
feasible, the registrar shall adopt new rules under this division 92170
or amend existing rules adopted under this division as necessary 92171
in order to respond to advances in technology. 92172

If international registration plan guidelines and provisions 92173
allow member jurisdictions to permit applications for 92174
registrations under the international registration plan to be made 92175
via the internet, the rules the registrar adopts under this 92176
division shall permit such action. 92177

Sec. 4503.103. (A)(1)(a)(i) The registrar of motor vehicles 92178
may adopt rules to permit any person or lessee, other than a 92179
person receiving an apportioned license plate under the 92180
international registration plan, who owns or leases one or more 92181
motor vehicles to file a written application for registration for 92182
no more than five succeeding registration years. The rules adopted 92183
by the registrar may designate the classes of motor vehicles that 92184
are eligible for such registration. At the time of application, 92185
all annual taxes and fees shall be paid for each year for which 92186
the person is registering. 92187

(ii) Not later than October 1, 2009, the registrar shall 92188
adopt rules to permit any person or lessee who owns or leases ~~two~~ 92189
~~or more trailers~~ a trailer or semitrailer ~~semitrailer~~ that are ~~is~~ 92190
subject to the tax rates prescribed in section 4503.042 of the 92191
Revised Code for such trailers or semitrailers to file a written 92192
application for registration for not more than five succeeding 92193
registration years. At the time of application, all annual taxes 92194
and fees shall be paid for each year for which the person is 92195
registering. A person who registers a vehicle under division 92196
(A)(1)(a)(ii) of this section shall pay for each year of 92197
registration the additional fee established under division (C)(1) 92198
of section 4503.10 of the Revised Code. The person also shall pay 92199

one single deputy registrar service fee in the amount specified in 92200
division (D) of section 4503.10 of the Revised Code or one single 92201
bureau of motor vehicles service fee in the amount specified in 92202
division (G) of that section, as applicable, regardless of the 92203
number of years for which the person is registering. 92204

(b)(i) Except as provided in division (A)(1)(b)(ii) of this 92205
section, the registrar shall adopt rules to permit any person who 92206
owns a motor vehicle to file an application for registration for 92207
the next two succeeding registration years. At the time of 92208
application, the person shall pay the annual taxes and fees for 92209
each registration year, calculated in accordance with division (C) 92210
of section 4503.11 of the Revised Code. A person who is 92211
registering a vehicle under division (A)(1)(b) of this section 92212
shall pay for each year of registration the additional fee 92213
established under division (C)(1) of section 4503.10 of the 92214
Revised Code. The person shall also pay one and one-half times the 92215
amount of the deputy registrar service fee specified in division 92216
(D) of section 4503.10 of the Revised Code or the bureau of motor 92217
vehicles service fee specified in division (G) of that section, 92218
as applicable. 92219

(ii) Division (A)(1)(b)(i) of this section does not apply to 92220
a person receiving an apportioned license plate under the 92221
international registration plan, or the owner of a commercial car 92222
used solely in intrastate commerce, or the owner of a bus as 92223
defined in section 4513.50 of the Revised Code. 92224

(2) No person applying for a multi-year registration under 92225
division (A)(1) of this section is entitled to a refund of any 92226
taxes or fees paid. 92227

(3) The registrar shall not issue to any applicant who has 92228
been issued a final, nonappealable order under division (B) of 92229
this section a multi-year registration or renewal thereof under 92230
this division or rules adopted under it for any motor vehicle that 92231

is required to be inspected under section 3704.14 of the Revised Code the district of registration of which, as determined under section 4503.10 of the Revised Code, is or is located in the county named in the order.

(B) Upon receipt from the director of environmental protection of a notice issued under rules adopted under section 3704.14 of the Revised Code indicating that an owner of a motor vehicle that is required to be inspected under that section who obtained a multi-year registration for the vehicle under division (A) of this section or rules adopted under that division has not obtained a required inspection certificate for the vehicle, the registrar in accordance with Chapter 119. of the Revised Code shall issue an order to the owner impounding the certificate of registration and identification license plates for the vehicle. The order also shall prohibit the owner from obtaining or renewing a multi-year registration for any vehicle that is required to be inspected under that section, the district of registration of which is or is located in the same county as the county named in the order during the number of years after expiration of the current multi-year registration that equals the number of years for which the current multi-year registration was issued.

An order issued under this division shall require the owner to surrender to the registrar the certificate of registration and license plates for the vehicle named in the order within five days after its issuance. If the owner fails to do so within that time, the registrar shall certify that fact to the county sheriff or local police officials who shall recover the certificate of registration and license plates for the vehicle.

(C) Upon the occurrence of either of the following circumstances, the registrar in accordance with Chapter 119. of the Revised Code shall issue to the owner a modified order rescinding the provisions of the order issued under division (B)

of this section impounding the certificate of registration and 92264
license plates for the vehicle named in that original order: 92265

(1) Receipt from the director of environmental protection of 92266
a subsequent notice under rules adopted under section 3704.14 of 92267
the Revised Code that the owner has obtained the inspection 92268
certificate for the vehicle as required under those rules; 92269

(2) Presentation to the registrar by the owner of the 92270
required inspection certificate for the vehicle. 92271

(D) The owner of a motor vehicle for which the certificate of 92272
registration and license plates have been impounded pursuant to an 92273
order issued under division (B) of this section, upon issuance of 92274
a modified order under division (C) of this section, may apply to 92275
the registrar for their return. A fee of two dollars and fifty 92276
cents shall be charged for the return of the certificate of 92277
registration and license plates for each vehicle named in the 92278
application. 92279

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon 92280
application and proof of purchase of the vehicle, may be issued a 92281
temporary license placard or windshield sticker for the motor 92282
vehicle. 92283

The purchaser of a vehicle applying for a temporary license 92284
placard or windshield sticker under this section shall execute an 92285
affidavit stating that the purchaser has not been issued 92286
previously during the current registration year a license plate 92287
that could legally be transferred to the vehicle. 92288

Placards or windshield stickers shall be issued only for the 92289
applicant's use of the vehicle to enable the applicant to legally 92290
operate the motor vehicle while proper title, license plates, and 92291
a certificate of registration are being obtained, and shall be 92292
displayed on no other motor vehicle. 92293

Placards or windshield stickers issued under this section are 92294
valid for a period of thirty days from date of issuance and are 92295
not transferable or renewable. 92296

The fee for the placards or windshield stickers issued under 92297
this section is two dollars plus a service fee of three dollars 92298
and fifty cents. 92299

(B)(1) The registrar of motor vehicles may issue to a 92300
motorized bicycle dealer or a licensed motor vehicle dealer 92301
temporary license placards to be issued to purchasers for use on 92302
vehicles sold by the dealer, in accordance with rules prescribed 92303
by the registrar. The dealer shall notify the registrar, within 92304
forty-eight hours, of the issuance of a placard by electronic 92305
means via computer equipment purchased and maintained by the 92306
dealer or in any other manner prescribed by the registrar. 92307

(2) The fee for each placard issued by the registrar to a 92308
dealer is ~~fifteen~~two dollars, ~~of which thirteen dollars shall~~ 92309
~~be deposited and used in accordance with division (D) of this~~ 92310
~~section.~~ The registrar shall charge an additional three dollars 92311
and fifty cents for each placard issued to a dealer who notifies 92312
the registrar of the issuance of the placards in a manner other 92313
than by approved electronic means. 92314

(3) When a dealer issues a temporary license placard to a 92315
purchaser, the dealer shall collect and retain the fees 92316
established under divisions (A) and (D) of this section. 92317

(C) The registrar of motor vehicles, at the registrar's 92318
discretion, may issue a temporary license placard. Such a placard 92319
may be issued in the case of extreme hardship encountered by a 92320
citizen from this state or another state who has attempted to 92321
comply with all registration laws, but for extreme circumstances 92322
is unable to properly register the citizen's vehicle. 92323

(D) In addition to the fees charged under divisions (A) and (B) of this section, commencing on October 1, 2003, the registrar and each deputy registrar shall collect a fee of five dollars and commencing on October 1, 2009, a fee of thirteen dollars, for each temporary license placard issued. The additional fee is for the purpose of defraying the department of public safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws of Ohio. ~~Each~~ At the time and in the manner provided by section 4503.10 of the Revised Code, the deputy registrar shall transmit to the registrar the fees collected under this division in the same manner as provided for transmission of fees collected under division (A) of this section. The registrar shall deposit all moneys received under this division into the state highway safety fund established in section 4501.06 of the Revised Code.

(E) The registrar shall adopt rules, in accordance with division (B) of section 111.15 of the Revised Code, to specify the procedures for reporting the information from applications for temporary license placards and windshield stickers and for providing the information from these applications to law enforcement agencies.

(F) Temporary license placards issued under this section shall bear a distinctive combination of seven letters, numerals, or letters and numerals, and shall incorporate a security feature that, to the greatest degree possible, prevents tampering with any of the information that is entered upon a placard when it is issued.

(G) Whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates division (B) of this section is guilty of a misdemeanor of the first degree.

(H) As used in this section, "motorized bicycle dealer" means
any person engaged in the business of selling at retail,
displaying, offering for sale, or dealing in motorized bicycles
who is not subject to section 4503.09 of the Revised Code.

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Sec. 4503.19. (A) Upon the filing of an application for
registration and the payment of the tax for registration, the
registrar of motor vehicles or a deputy registrar shall determine
whether the owner previously has been issued license plates for
the motor vehicle described in the application. If no license
plates previously have been issued to the owner for that motor
vehicle, the registrar or deputy registrar shall assign to the
motor vehicle a distinctive number and issue and deliver to the
owner in the manner that the registrar may select a certificate of
registration, in the form that the registrar shall prescribe, and,
except as otherwise provided in this section, two license plates,
duplicates of each other, and a validation sticker, or a
validation sticker alone, to be attached to the number plates as
provided in section 4503.191 of the Revised Code. The registrar or
deputy registrar also shall charge the owner any fees required
under division (C) of section 4503.10 of the Revised Code.
Trailers, manufactured homes, mobile homes, semitrailers, the
manufacturer thereof, the dealer, or in transit companies therein,
shall be issued one license plate only and one validation sticker,
or a validation sticker alone, and the license plate and
validation sticker shall be displayed only on the rear of such
vehicles. A commercial tractor that does not receive an
apportioned license plate under the international registration
plan shall be issued two license plates and one validation
sticker, and the validation sticker shall be displayed on the
front of the commercial tractor. An apportioned vehicle receiving
an apportioned license plate under the international registration
plan shall be issued one license plate only and one validation
sticker, or a validation sticker alone; the license plate shall be
displayed only on the front of a semitractor and on the rear of

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all other vehicles. School buses shall not be issued license	92389
plates but shall bear identifying numbers in the manner prescribed	92390
by section 4511.764 of the Revised Code. The certificate of	92391
registration and license plates and validation stickers, or	92392
validation stickers alone, shall be issued and delivered to the	92393
owner in person or by mail. Chauffeured limousines shall be issued	92394
license plates, a validation sticker, and a livery sticker as	92395
provided in section 4503.24 of the Revised Code. In the event of	92396
the loss, mutilation, or destruction of any certificate of	92397
registration, or of any license plates or validation stickers, or	92398
if the owner chooses to replace license plates previously issued	92399
for a motor vehicle, or if the registration certificate and	92400
license plates have been impounded as provided by division (B)(1)	92401
of section 4507.02 and section 4507.16 of the Revised Code, the	92402
owner of a motor vehicle, or manufacturer or dealer, may obtain	92403
from the registrar, or from a deputy registrar if authorized by	92404
the registrar, a duplicate thereof or new license plates bearing a	92405
different number, if the registrar considers it advisable, upon	92406
filing an application prescribed by the registrar, and upon paying	92407
a fee of one dollar for such certificate of registration, <u>which</u>	92408
<u>one dollar fee shall be deposited into the state treasury to the</u>	92409
<u>credit of the state bureau of motor vehicles fund created in</u>	92410
<u>section 4501.25 of the Revised Code. Commencing with each request</u>	92411
<u>made on or after October 1, 2009, or in conjunction with</u>	92412
<u>replacement license plates issued for renewal registrations</u>	92413
<u>expiring on or after October 1, 2009, a fee of seven dollars and</u>	92414
<u>fifty cents for each set of two license plates; or six dollars</u>	92415
<u>and fifty cents for each single license plate or validation</u>	92416
<u>sticker shall be charged and collected, of which the registrar</u>	92417
<u>shall deposit five dollars and fifty cents of each seven dollar</u>	92418
<u>and fifty cent fee or each six dollar and fifty cent fee into the</u>	92419
<u>state treasury to the credit of the state highway safety fund</u>	92420
<u>created in section 4501.06 of the Revised Code and the remaining</u>	92421
<u>portion of each such fee into the state treasury to the credit of</u>	92422
<u>the state bureau of motor vehicles fund created in section 4501.25</u>	92423

of the Revised Code. In addition, each applicant for a replacement
certificate of registration, license plate, or validation sticker
shall pay the fees provided in divisions (C) and (D) of section
4503.10 of the Revised Code.

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~~The registrar shall pay five dollars and fifty cents of the
fee collected for each license plate or set of license plates
issued into the state highway safety fund created in section
4501.06 of the Revised Code.~~

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Additionally, the registrar and each deputy registrar who
either issues license plates and a validation sticker for use on
any vehicle other than a commercial tractor, semitrailer, or
apportioned vehicle, or who issues a validation sticker alone for
use on such a vehicle and the owner has changed the owner's county
of residence since the owner last was issued county identification
stickers, also shall issue and deliver to the owner either one or
two county identification stickers, as appropriate, which shall be
attached to the license plates in a manner prescribed by the
director of public safety. The county identification stickers
shall identify prominently by name or number the county in which
the owner of the vehicle resides at the time of registration.

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(B) Whoever violates this section is guilty of a minor
misdemeanor.

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Sec. 4503.191. (A)(1) The identification license plate
shall be issued for a multi-year period as determined by the
director of public safety, and shall be accompanied by a
validation sticker, to be attached to the license plate. Except
as provided in division (A)(2) of this section, the validation
sticker shall indicate the expiration of the registration period
to which the motor vehicle for which the license plate is issued
is assigned, in accordance with rules adopted by the registrar of
motor vehicles. During each succeeding year of the multi-year
period following the issuance of the plate and validation

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sticker, upon the filing of an application for registration and 92456
the payment of the tax therefor, a validation sticker alone shall 92457
be issued. The validation stickers required under this section 92458
shall be of different colors or shades each year, the new colors 92459
or shades to be selected by the director. 92460

(2)(a) Not later than October 1, 2009, the director shall 92461
develop a universal validation sticker that may be issued to any 92462
owner of two hundred fifty or more passenger vehicles, so that a 92463
sticker issued to the owner may be placed on any passenger 92464
vehicle in that owner's fleet. The director may establish and 92465
charge an additional fee of not more than one dollar per 92466
registration to compensate for necessary costs of the universal 92467
validation sticker program. The additional fee shall be credited 92468
to the state bureau of motor vehicles fund created in section 92469
4501.25 of the Revised Code. 92470

(b) A validation sticker issued for an all-purpose vehicle 92471
that is registered under Chapter 4519. of the Revised Code or for 92472
a trailer or semitrailer that is registered under division 92473
(A)(1)(a)(ii) of section 4503.103 of the Revised Code for a period 92474
of not more than five succeeding registration years may indicate 92475
the expiration of the registration period by any manner determined 92476
by the registrar by rule. 92477

(B) Identification license plates shall be produced by Ohio 92478
penal industries. Validation stickers and county identification 92479
stickers shall be produced by Ohio penal industries unless the 92480
registrar adopts rules that permit the registrar or deputy 92481
registrars to print or otherwise produce them in house. 92482

Sec. 4503.235. (A) If division (G) of section 4511.19 or 92483
division (B) of section 4511.193 of the Revised Code requires a 92484
court, as part of the sentence of an offender who is convicted of 92485
or pleads guilty to a violation of division (A) of section 92486
4511.19 of the Revised Code or as a sanction for an offender who 92487

is convicted of or pleaded guilty to a violation of a municipal	92488
OVI ordinance, to order the immobilization of a vehicle for a	92489
specified period of time, notwithstanding the requirement, the	92490
court in its discretion may determine not to order the	92491
immobilization of the vehicle if both of the following apply:	92492
(1) Prior to the issuance of the order of immobilization, a	92493
family or household member of the offender files a motion with	92494
the court identifying the vehicle and requesting that the	92495
immobilization order not be issued on the ground that the family	92496
or household member is completely dependent on the vehicle for	92497
the necessities of life and that the immobilization of the	92498
vehicle would be an undue hardship to the family or household	92499
member.	92500
(2) The court determines that the family or household member	92501
who files the motion is completely dependent on the vehicle for	92502
the necessities of life and that the immobilization of the	92503
vehicle would be an undue hardship to the family or household	92504
member.	92505
(B) If a court pursuant to division (A) of this section	92506
determines not to order the immobilization of a vehicle that	92507
otherwise would be required pursuant to division (G) of section	92508
4511.19 or division (B) of section 4511.193 of the Revised Code,	92509
the court shall issue an order that waives the immobilization that	92510
otherwise would be required pursuant to either of those divisions.	92511
The immobilization waiver order shall be in effect for the period	92512
of time for which the immobilization of the vehicle otherwise	92513
would have been required under division (G) of section 4511.19 or	92514
division (B) of section 4511.193 of the Revised Code if the	92515
immobilization waiver order had not been issued, subject to	92516
division (D) of this section. The immobilization waiver order	92517
shall specify the period of time for which it is in effect. The	92518
court shall provide a copy of an immobilization waiver order to	92519

the offender and to the family or household member of the 92520
offender who filed the motion requesting that the immobilization 92521
order not be issued and shall place a copy of the immobilization 92522
waiver order in the record in the case. The court shall impose an 92523
immobilization waiver fee in the amount of fifty dollars. The 92524
court shall determine whether the fee is to be paid by the 92525
offender or by the family or household member. The clerk of the 92526
court shall ~~transmit~~deposit all of the fees collected during a 92527
month on or before the twenty-third day of the following month 92528
~~to~~into the state treasury to be credited to the county or 92529
municipal indigent drivers alcohol treatment fund under the 92530
control of that court, as created by the county or municipal 92531
corporation under division (F) of section 4511.191 of the 92532
Revised Code. 92533

(C) If a court pursuant to division (B) of this section 92534
issues an immobilization waiver order, the order shall identify 92535
the family or household member who requested the order and the 92536
vehicle to which the order applies, shall identify the family or 92537
household members who are permitted to operate the vehicle, and 92538
shall identify the offender and specify that the offender is not 92539
permitted to operate the vehicle. The immobilization waiver order 92540
shall require that the family or household member display on the 92541
vehicle to which the order applies restricted license plates that 92542
are issued under section 4503.231 of the Revised Code for the 92543
entire period for which the immobilization of the vehicle 92544
otherwise would have been required under division (G) of section 92545
4511.19 or division (B) of section 4511.193 of the Revised Code 92546
if the immobilization waiver order had not been issued. 92547

(D) A family or household member who is permitted to operate 92548
a vehicle under an immobilization waiver order issued under this 92549
section shall not permit the offender to operate the vehicle. If 92550
a family or household member who is permitted to operate a 92551
vehicle under an immobilization waiver order issued under this 92552

section permits the offender to operate the vehicle, both of the 92553
following apply: 92554

(1) The court that issued the immobilization waiver order 92555
shall terminate that order and shall issue an immobilization order 92556
in accordance with section 4503.233 of the Revised Code that 92557
applies to the vehicle, and the immobilization order shall be in 92558
effect for the remaining period of time for which the 92559
immobilization of the vehicle otherwise would have been required 92560
under division (G) of section 4511.19 or division (B) of section 92561
4511.193 of the Revised Code if the immobilization waiver order 92562
had not been issued. 92563

(2) The conduct of the family or household member in 92564
permitting the offender to operate the vehicle is a violation of 92565
section 4511.203 of the Revised Code. 92566

(E) No offender shall operate a motor vehicle subject to an 92567
immobilization waiver order. Whoever violates this division is 92568
guilty of operating a motor vehicle in violation of an 92569
immobilization waiver, a misdemeanor of the first degree. 92570

(F) "Family or household member" has the same meaning as in 92571
section 2919.25 of the Revised Code, except that the person must 92572
be currently residing with the offender. 92573

Sec. 4503.40. ~~The~~ For each registration renewal with an 92574
expiration date before October 1, 2009, and for each initial 92575
application for registration received before that date the 92576
registrar of motor vehicles shall be allowed a fee not to exceed 92577
ten dollars, and for each registration renewal with an expiration 92578
date on or after October 1, 2009, and for each initial application 92579
for registration received on or after that date the registrar of 92580
~~motor vehicles~~ shall be allowed a fee of twenty-five dollars, for 92581
each application received by the registrar for special state 92582
reserved license plate numbers and the issuing of such licenses, 92583

and validation stickers, in the several series as the registrar may designate. The fee shall be in addition to the license tax established by this chapter and, where applicable, Chapter 4504. of the Revised Code. Seven dollars and fifty cents of the fee shall be for the purpose of compensating the bureau of motor vehicles for additional services required in the issuing of such licenses, and the remaining ~~seventeen dollars and fifty cents~~ portion of the fee shall be deposited by the registrar into the state treasury to the credit of the state highway safety fund created by section 4501.06 of the Revised Code. The types of motor vehicles for which special state reserved license plates may be issued in accordance with this section shall include at least motorcycles, buses, passenger cars, and noncommercial motor vehicles.

Sec. 4503.42. The ~~For each registration renewal with an expiration date before October 1, 2009, and for each initial application for registration received before that date the registrar of motor vehicles shall be allowed a fee not to exceed thirty-five dollars, and for each registration renewal with an expiration date on or after October 1, 2009, and for each initial application for registration received on or after that date the registrar of motor vehicles shall be allowed a fee of fifty dollars, which shall be in addition to the regular license fee for tags as prescribed under section 4503.04 of the Revised Code and any tax levied under section 4504.02 or 4504.06 of the Revised Code, for each application received by the registrar for special reserved license plate numbers containing more than three letters or numerals, and the issuing of such licenses and validation stickers in the several series as the registrar may designate. Five dollars of the fee shall be for the purpose of compensating the bureau of motor vehicles for additional services required in the issuing of such licenses and validation stickers, and the remaining ~~forty-five dollars~~ portion of the fee shall be deposited by the registrar into the state treasury to~~

the credit of the state highway safety fund created by section 92618
4501.06 of the Revised Code. 92619

This section does not apply to the issuance of reserved 92620
license plates as authorized by sections 4503.14, 4503.15, and 92621
4503.40 of the Revised Code. The types of motor vehicles for which 92622
license plate numbers containing more than three letters or 92623
numerals may be issued in accordance with this section shall 92624
include at least buses, passenger cars, and noncommercial motor 92625
vehicles. 92626

Sec. 4503.44. (A) As used in this section and in section 92627
4511.69 of the Revised Code: 92628

(1) "Person with a disability that limits or impairs the 92629
ability to walk" means any person who, as determined by a health 92630
care provider, meets any of the following criteria: 92631

(a) Cannot walk two hundred feet without stopping to rest; 92632

(b) Cannot walk without the use of, or assistance from, a 92633
brace, cane, crutch, another person, prosthetic device, 92634
wheelchair, or other assistive device; 92635

(c) Is restricted by a lung disease to such an extent that 92636
the person's forced (respiratory) expiratory volume for one 92637
second, when measured by spirometry, is less than one liter, or 92638
the arterial oxygen tension is less than sixty millimeters of 92639
mercury on room air at rest; 92640

(d) Uses portable oxygen; 92641

(e) Has a cardiac condition to the extent that the person's 92642
functional limitations are classified in severity as class III or 92643
class IV according to standards set by the American heart 92644
association; 92645

(f) Is severely limited in the ability to walk due to an arthritic, neurological, or orthopedic condition;	92646 92647
(g) Is blind.	92648
(2) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports persons with disabilities that limit or impair the ability to walk on a regular basis in a motor vehicle that has not been altered for the purpose of providing it with special equipment for use by handicapped persons. This definition does not apply to division (J) of this section.	92649 92650 92651 92652 92653 92654 92655 92656
(3) "Health care provider" means a physician, physician assistant, advanced practice nurse, or chiropractor as defined in this section.	92657 92658 92659
(4) "Physician" means a person licensed to practice medicine or surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code.	92660 92661 92662
(5) "Chiropractor" means a person licensed to practice chiropractic under Chapter 4734. of the Revised Code.	92663 92664
(6) "Advanced practice nurse" means any certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code.	92665 92666 92667 92668 92669
(7) "Physician assistant" means a person who holds a certificate to practice as a physician assistant issued under Chapter 4730. of the Revised Code.	92670 92671 92672

(B) Any organization or person with a disability that limits	92673
or impairs the ability to walk may apply to the registrar of motor	92674
vehicles for a removable windshield placard or, if the person owns	92675
or leases a motor vehicle, the person may apply for the	92676
registration of any motor vehicle the person owns or leases. In	92677
addition to one or more sets of license plates or one placard, a	92678
person with a disability that limits or impairs the ability to	92679
walk is entitled to one additional placard, but only if the person	92680
applies separately for the additional placard, states the reasons	92681
why the additional placard is needed, and the registrar, in the	92682
registrar's discretion, determines that good and justifiable cause	92683
exists to approve the request for the additional placard. When a	92684
motor vehicle has been altered for the purpose of providing it	92685
with special equipment for a person with a disability that limits	92686
or impairs the ability to walk, but is owned or leased by someone	92687
other than such a person, the owner or lessee may apply to the	92688
registrar or a deputy registrar for registration under this	92689
section. The application for registration of a motor vehicle owned	92690
or leased by a person with a disability that limits or impairs the	92691
ability to walk shall be accompanied by a signed statement from	92692
the applicant's health care provider certifying that the	92693
applicant meets at least one of the criteria contained in	92694
division (A)(1) of this section and that the disability is	92695
expected to continue for more than six consecutive months. The	92696
application for a removable windshield placard made by a person	92697
with a disability that limits or impairs the ability to walk	92698
shall be accompanied by a prescription from the applicant's	92699
health care provider prescribing such a placard for the	92700
applicant, provided that the applicant meets at least one of the	92701
criteria contained in division (A)(1) of this section. The	92702
health care provider shall state on the prescription the length	92703
of time the health care provider expects the applicant to have	92704
the disability that limits or impairs the applicant's ability to	92705
walk. The application for a removable windshield placard made by	92706
an organization shall be accompanied by such documentary evidence	92707

of regular transport of persons with disabilities that limit or 92708
impair the ability to walk by the organization as the registrar 92709
may require by rule and shall be completed in accordance with 92710
procedures that the registrar may require by rule. The application 92711
for registration of a motor vehicle that has been altered for the 92712
purpose of providing it with special equipment for a person with a 92713
disability that limits or impairs the ability to walk but is owned 92714
by someone other than such a person shall be accompanied by such 92715
documentary evidence of vehicle alterations as the registrar may 92716
require by rule. 92717

(C) When an organization, a person with a disability that 92718
limits or impairs the ability to walk, or a person who does not 92719
have a disability that limits or impairs the ability to walk but 92720
owns a motor vehicle that has been altered for the purpose of 92721
providing it with special equipment for a person with a disability 92722
that limits or impairs the ability to walk first submits an 92723
application for registration of a motor vehicle under this section 92724
and every fifth year thereafter, the organization or person shall 92725
submit a signed statement from the applicant's health care 92726
provider, a completed application, and any required documentary 92727
evidence of vehicle alterations as provided in division (B) of 92728
this section, and also a power of attorney from the owner of the 92729
motor vehicle if the applicant leases the vehicle. Upon 92730
submission of these items, the registrar or deputy registrar shall 92731
issue to the applicant appropriate vehicle registration and a set 92732
of license plates and validation stickers, or validation 92733
stickers alone when required by section 4503.191 of the Revised 92734
Code. In addition to the letters and numbers ordinarily 92735
inscribed thereon, the license plates shall be imprinted with 92736
the international symbol of access. The license plates and 92737
validation stickers shall be issued upon payment of the regular 92738
license fee as prescribed under section 4503.04 of the Revised 92739
Code and any motor vehicle tax levied under Chapter 4504. of the 92740
Revised Code, and the payment of a service fee equal to the 92741

amount specified in division (D) or (G) of section 4503.10 of
the Revised Code. 92742
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(D)(1) Upon receipt of a completed and signed application for 92744
a removable windshield placard, a prescription as described in 92745
division (B) of this section, documentary evidence of regular 92746
transport of persons with disabilities that limit or impair the 92747
ability to walk, if required, and payment of a service fee equal 92748
to the amount specified in division (D) or (G) of section 4503.10 92749
of the Revised Code, the registrar or deputy registrar shall issue 92750
to the applicant a removable windshield placard, which shall bear 92751
the date of expiration on both sides of the placard and shall be 92752
valid until expired, revoked, or surrendered. Every removable 92753
windshield placard expires as described in division (D)(2) of this 92754
section, but in no case shall a removable windshield placard be 92755
valid for a period of less than sixty days. Removable windshield 92756
placards shall be renewable upon application as provided in 92757
division (B) of this section, and a service fee equal to the 92758
amount specified in division (D) or (G) of section 4503.10 of the 92759
Revised Code shall be charged for the renewal of a removable 92760
windshield placard. The registrar shall provide the application 92761
form and shall determine the information to be included thereon. 92762
The registrar also shall determine the form and size of the 92763
removable windshield placard, the material of which it is to be 92764
made, and any other information to be included thereon, and shall 92765
adopt rules relating to the issuance, expiration, revocation, 92766
surrender, and proper display of such placards. Any placard 92767
issued after October 14, 1999, shall be manufactured in a manner 92768
that allows the expiration date of the placard to be indicated on 92769
it through the punching, drilling, boring, or creation by any 92770
other means of holes in the placard. 92771

(2) At the time a removable windshield placard is issued to a 92772
person with a disability that limits or impairs the ability to 92773
walk, the registrar or deputy registrar shall enter into the 92774

records of the bureau of motor vehicles the last date on which the person will have that disability, as indicated on the accompanying prescription. Not less than thirty days prior to that date and all removable windshield placard renewal dates, the bureau shall send a renewal notice to that person at the person's last known address as shown in the records of the bureau, informing the person that the person's removable windshield placard will expire on the indicated date not to exceed five years from the date of issuance, and that the person is required to renew the placard by submitting to the registrar or a deputy registrar another prescription, as described in division (B) of this section, and by complying with the renewal provisions prescribed in division (D)(1) of this section. If such a prescription is not received by the registrar or a deputy registrar by that date, the placard issued to that person expires and no longer is valid, and this fact shall be recorded in the records of the bureau.

(3) At least once every year, on a date determined by the registrar, the bureau shall examine the records of the office of vital statistics, located within the department of health, that pertain to deceased persons, and also the bureau's records of all persons who have been issued removable windshield placards and temporary removable windshield placards. If the records of the office of vital statistics indicate that a person to whom a removable windshield placard or temporary removable windshield placard has been issued is deceased, the bureau shall cancel that placard, and note the cancellation in its records.

The office of vital statistics shall make available to the bureau all information necessary to enable the bureau to comply with division (D)(3) of this section.

(4) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license

plates issued to the person or organization under prior law have 92807
not expired or been surrendered or revoked. 92808

(E)(1)(a) Any person with a disability that limits or impairs 92809
the ability to walk may apply to the registrar or a deputy 92810
registrar for a temporary removable windshield placard. The 92811
application for a temporary removable windshield placard shall be 92812
accompanied by a prescription from the applicant's health care 92813
provider prescribing such a placard for the applicant, provided 92814
that the applicant meets at least one of the criteria contained in 92815
division (A)(1) of this section and that the disability is 92816
expected to continue for six consecutive months or less. The 92817
health care provider shall state on the prescription the length 92818
of time the health care provider expects the applicant to have 92819
the disability that limits or impairs the applicant's ability to 92820
walk, which cannot exceed six months from the date of the 92821
prescription. Upon receipt of an application for a temporary 92822
removable windshield placard, presentation of the prescription 92823
from the applicant's health care provider, and payment of a 92824
service fee equal to the amount specified in division (D) or (G) 92825
of section 4503.10 of the Revised Code, the registrar or deputy 92826
registrar shall issue to the applicant a temporary removable 92827
windshield placard. 92828

(b) Any active-duty member of the armed forces of the United 92829
States, including the reserve components of the armed forces and 92830
the national guard, who has an illness or injury that limits or 92831
impairs the ability to walk may apply to the registrar or a deputy 92832
registrar for a temporary removable windshield placard. With the 92833
application, the person shall present evidence of the person's 92834
active-duty status and the illness or injury. Evidence of the 92835
illness or injury may include a current department of defense 92836
convalescent leave statement, any department of defense document 92837
indicating that the person currently has an ill or injured 92838
casualty status or has limited duties, or a prescription from any 92839

health care provider prescribing the placard for the applicant. 92840
Upon receipt of the application and the necessary evidence, the 92841
registrar or deputy registrar shall issue the applicant the 92842
temporary removable windshield placard without the payment of any 92843
service fee. 92844

(2) The temporary removable windshield placard shall be of 92845
the same size and form as the removable windshield placard, shall 92846
be printed in white on a red-colored background, and shall bear 92847
the word "temporary" in letters of such size as the registrar 92848
shall prescribe. A temporary removable windshield placard also 92849
shall bear the date of expiration on the front and back of the 92850
placard, and shall be valid until expired, surrendered, or 92851
revoked, but in no case shall such a placard be valid for a period 92852
of less than sixty days. The registrar shall provide the 92853
application form and shall determine the information to be 92854
included on it, provided that the registrar shall not require a 92855
health care provider's prescription or certification for a person 92856
applying under division (E)(1)(b) of this section. The registrar 92857
also shall determine the material of which the temporary 92858
removable windshield placard is to be made and any other 92859
information to be included on the placard and shall adopt rules 92860
relating to the issuance, expiration, surrender, revocation, and 92861
proper display of those placards. Any temporary removable 92862
windshield placard issued after October 14, 1999, shall be 92863
manufactured in a manner that allows for the expiration date of 92864
the placard to be indicated on it through the punching, drilling, 92865
boring, or creation by any other means of holes in the placard. 92866

(F) If an applicant for a removable windshield placard is a 92867
veteran of the armed forces of the United States whose disability, 92868
as defined in division (A)(1) of this section, is 92869
service-connected, the registrar or deputy registrar, upon receipt 92870
of the application, presentation of a signed statement from the 92871
applicant's health care provider certifying the applicant's 92872

disability, and presentation of such documentary evidence from the
department of veterans affairs that the disability of the
applicant meets at least one of the criteria identified in
division (A)(1) of this section and is service-connected as the
registrar may require by rule, but without the payment of any
service fee, shall issue the applicant a removable windshield
placard that is valid until expired, surrendered, or revoked.

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(G) Upon a conviction of a violation of division (I), (J), or
(K) of this section, the court shall report the conviction, and
send the placard or parking card, if available, to the registrar,
who thereupon shall revoke the privilege of using the placard or
parking card and send notice in writing to the placardholder or
cardholder at that holder's last known address as shown in the
records of the bureau, and the placardholder or cardholder shall
return the placard or card if not previously surrendered to the
court, to the registrar within ten days following mailing of the
notice.

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Whenever a person to whom a removable windshield placard or
parking card has been issued moves to another state, the person
shall surrender the placard or card to the registrar; and whenever
an organization to which a placard or card has been issued changes
its place of operation to another state, the organization shall
surrender the placard or card to the registrar.

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(H) Subject to division (F) of section 4511.69 of the Revised
Code, the operator of a motor vehicle displaying a removable
windshield placard, temporary removable windshield placard,
parking card, or the special license plates authorized by this
section is entitled to park the motor vehicle in any special
parking location reserved for persons with disabilities that limit
or impair the ability to walk, also known as handicapped parking
spaces or disability parking spaces.

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(I) No person or organization that is not eligible under

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division (B) or (E) of this section shall willfully and falsely
represent that the person or organization is so eligible.

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No person or organization shall display license plates issued
under this section unless the license plates have been issued for
the vehicle on which they are displayed and are valid.

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(J) No person or organization to which a removable windshield
placard or temporary removable windshield placard is issued shall
do either of the following:

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(1) Display or permit the display of the placard on any motor
vehicle when having reasonable cause to believe the motor vehicle
is being used in connection with an activity that does not include
providing transportation for persons with disabilities that limit
or impair the ability to walk;

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(2) Refuse to return or surrender the placard, when required.

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(K)(1) No person or organization to which a parking card is
issued shall do either of the following:

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(a) Display or permit the display of the parking card on any
motor vehicle when having reasonable cause to believe the motor
vehicle is being used in connection with an activity that does not
include providing transportation for a handicapped person;

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(b) Refuse to return or surrender the parking card, when
required.

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(2) As used in division (K) of this section:

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(a) "Handicapped person" means any person who has lost the
use of one or both legs or one or both arms, who is blind, deaf,
or so severely handicapped as to be unable to move about without
the aid of crutches or a wheelchair, or whose mobility is

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restricted by a permanent cardiovascular, pulmonary, or other
handicapping condition.

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(b) "Organization" means any private organization or
corporation, or any governmental board, agency, department,
division, or office, that, as part of its business or program,
transports handicapped persons on a regular basis in a motor
vehicle that has not been altered for the purposes of providing it
with special equipment for use by handicapped persons.

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(L) If a removable windshield placard, temporary removable
windshield placard, or parking card is lost, destroyed, or
mutilated, the placardholder or cardholder may obtain a duplicate
by doing both of the following:

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(1) Furnishing suitable proof of the loss, destruction, or
mutilation to the registrar;

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(2) Paying a service fee equal to the amount specified in
division (D) or (G) of section 4503.10 of the Revised Code.

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Any placardholder or cardholder who loses a placard or card
and, after obtaining a duplicate, finds the original, immediately
shall surrender the original placard or card to the registrar.

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(M) The registrar shall pay all fees received under this
section for the issuance of removable windshield placards or
temporary removable windshield placards or duplicate removable
windshield placards or cards into the state treasury to the credit
of the state bureau of motor vehicles fund created in section
4501.25 of the Revised Code.

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(N) In addition to the fees collected under this section, the
registrar or deputy registrar shall ask each person applying for a
removable windshield placard or temporary removable windshield
placard or duplicate removable windshield placard or license plate

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issued under this section, whether the person wishes to make a 92961
two-dollar voluntary contribution to support rehabilitation 92962
employment services. The registrar shall transmit the 92963
contributions received under this division to the treasurer of 92964
state for deposit into the rehabilitation employment fund, which 92965
is hereby created in the state treasury. A deputy registrar shall 92966
transmit the contributions received under this division to the 92967
registrar in the time and manner prescribed by the registrar. The 92968
contributions in the fund shall be used by the rehabilitation 92969
services commission to purchase services related to vocational 92970
evaluation, work adjustment, personal adjustment, job placement, 92971
job coaching, and community-based assessment from accredited 92972
community rehabilitation program facilities. 92973

(O) For purposes of enforcing this section, every peace 92974
officer is deemed to be an agent of the registrar. Any peace 92975
officer or any authorized employee of the bureau of motor vehicles 92976
who, in the performance of duties authorized by law, becomes aware 92977
of a person whose placard or parking card has been revoked 92978
pursuant to this section, may confiscate that placard or parking 92979
card and return it to the registrar. The registrar shall prescribe 92980
any forms used by law enforcement agencies in administering this 92981
section. 92982

No peace officer, law enforcement agency employing a peace 92983
officer, or political subdivision or governmental agency employing 92984
a peace officer, and no employee of the bureau is liable in a 92985
civil action for damages or loss to persons arising out of the 92986
performance of any duty required or authorized by this section. As 92987
used in this division, "peace officer" has the same meaning as in 92988
division (B) of section 2935.01 of the Revised Code. 92989

~~(O)~~(P) All applications for registration of motor vehicles, 92990
removable windshield placards, and temporary removable windshield 92991
placards issued under this section, all renewal notices for such 92992

items, and all other publications issued by the bureau that relate 92993
to this section shall set forth the criminal penalties that may be 92994
imposed upon a person who violates any provision relating to 92995
special license plates issued under this section, the parking of 92996
vehicles displaying such license plates, and the issuance, 92997
procurement, use, and display of removable windshield placards and 92998
temporary removable windshield placards issued under this section. 92999

~~(P)~~(Q) Whoever violates this section is guilty of a 93000
misdemeanor of the fourth degree. 93001

Sec. 4503.548. (A) Any person who has been awarded the 93002
combat infantryman badge may apply to the registrar of motor 93003
vehicles for the registration of any passenger car, noncommercial 93004
motor vehicle, recreational vehicle, or other vehicle of a class 93005
approved by the registrar that the person owns or leases. The 93006
application shall be accompanied by such documentary evidence in 93007
support of the award as the registrar may require. The application 93008
may be combined with a request for a special reserved license 93009
plate under section 4503.40 or 4503.42 of the Revised Code. 93010

Upon receipt of an application for registration of a motor 93011
vehicle under this section and the required taxes and fees, and 93012
upon presentation of the required supporting evidence of the award 93013
of the combat infantryman badge, the registrar shall issue to the 93014
applicant the appropriate motor vehicle registration and a set of 93015
license plates and a validation sticker, or a validation sticker 93016
alone when required by section 4503.191 of the Revised Code. 93017

In addition to the letters and numbers ordinarily inscribed 93018
on license plates, the license plates shall be inscribed with the 93019
words "combat infantryman badge" and bear a reproduction of the 93020
combat infantryman badge. The license plates shall bear county 93021
identification stickers that identify the county of registration 93022
by name or number. 93023

The license plates and a validation sticker or, when applicable, a validation sticker alone shall be issued upon payment of the regular license tax required by section 4503.04 of the Revised Code, payment of any local motor vehicle license tax levied under Chapter 4504. of the Revised Code, payment of any applicable additional fee prescribed by section 4503.40 or 4503.42 of the Revised Code, and compliance with all other applicable laws relating to the registration of motor vehicles.

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(B) No person who is not a recipient of the combat infantryman badge shall willfully and falsely represent that the person is a recipient of the combat infantryman badge for the purpose of obtaining license plates under this section. No person shall own a motor vehicle bearing license plates issued under this section unless the person is eligible to be issued those license plates.

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(C) Sections 4503.77 and 4503.78 of the Revised Code do not apply to license plates issued under this section.

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Sec. 4503.563. (A) The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and issuance of Ohio nature preserves license plates. The application for Ohio nature preserves license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance with division (B) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of Ohio nature preserves license plates with a validation sticker or a validation sticker alone when required by section 4503.191 of the Revised Code.

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In addition to the letters and numbers ordinarily inscribed thereon, Ohio nature preserves license plates shall be inscribed

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with identifying words or markings designed by the department of 93056
natural resources and approved by the registrar. Ohio nature 93057
preserves license plates shall bear county identification stickers 93058
that identify the county of registration by name or number. 93059

(B) The Ohio nature preserves license plates and validation 93060
sticker shall be issued upon receipt of a contribution as provided 93061
in division (C) of this section and upon payment of the regular 93062
license fees as prescribed under section 4503.04 of the Revised 93063
Code, a bureau of motor vehicles administrative fee of ten 93064
dollars, any applicable motor vehicle tax levied under Chapter 93065
4504. of the Revised Code, and compliance with all other 93066
applicable laws relating to the registration of motor vehicles. If 93067
the application for Ohio nature preserves license plates is 93068
combined with a request for a special reserved license plate under 93069
section 4503.40 or 4503.42 of the Revised Code, the license plates 93070
and validation sticker shall be issued upon payment of the 93071
contribution, fees, and taxes contained in this division and the 93072
additional fee prescribed under section 4503.40 or 4503.42 of the 93073
Revised Code. 93074

(C) For each application for registration and registration 93075
renewal submitted under this section, the registrar shall collect 93076
a contribution in an amount not to exceed forty dollars as 93077
determined by the department. The registrar shall transmit this 93078
contribution to the treasurer of state for deposit in the Ohio 93079
nature preserves fund created in section 4501.243 of the Revised 93080
Code. 93081

The registrar shall deposit the ten-dollar bureau 93082
administrative fee, the purpose of which is to compensate the 93083
bureau for additional services required in issuing Ohio nature 93084
preserves license plates, in the state bureau of motor vehicles 93085
fund created in section 4501.25 of the Revised Code. 93086

Sec. 4505.01. (A) As used in this chapter: 93087

(1) "Lien" includes, unless the context requires a different meaning, a security interest in a motor vehicle.	93088 93089
(2) "Motor vehicle" includes manufactured homes, mobile homes, recreational vehicles, and trailers and semitrailers whose weight exceeds four thousand pounds.	93090 93091 93092
(3) <u>"Manufactured home" has the same meaning as section 3781.06 of the Revised Code.</u>	93093 93094
(4) <u>"Mobile home" has the same meaning as in section 4501.01 of the Revised Code.</u>	93095 93096
(5) <u>"Manufactured housing dealer," "manufactured housing broker," and "manufactured housing salesperson" have the same meanings as in section 4781.01 of the Revised Code.</u>	93097 93098 93099
(6) <u>"Motor vehicle dealer" includes manufactured housing dealers.</u>	93100 93101
(7) <u>"Motor vehicle salesperson" includes manufactured housing salespersons.</u>	93102 93103
(B) The various certificates, applications, and assignments necessary to provide certificates of title for manufactured homes, mobile homes, recreational vehicles, and trailers and semitrailers whose weight exceeds four thousand pounds, shall be made upon forms prescribed by the registrar of motor vehicles.	93104 93105 93106 93107 93108
Sec. 4505.06. (A)(1) Application for a certificate of title shall be made in a form prescribed by the registrar of motor vehicles and shall be sworn to before a notary public or other officer empowered to administer oaths. The application shall be filed with the clerk of any court of common pleas. An application for a certificate of title may be filed electronically by any	93109 93110 93111 93112 93113 93114

electronic means approved by the registrar in any county with the clerk of the court of common pleas of that county. Any payments required by this chapter shall be considered as accompanying any electronically transmitted application when payment actually is received by the clerk. Payment of any fee or taxes may be made by electronic transfer of funds.

(2) The application for a certificate of title shall be accompanied by the fee prescribed in section 4505.09 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to the transaction to the automated title processing system.

(3) If a certificate of title previously has been issued for a motor vehicle in this state, the application for a certificate of title also shall be accompanied by that certificate of title duly assigned, unless otherwise provided in this chapter. If a certificate of title previously has not been issued for the motor vehicle in this state, the application, unless otherwise provided in this chapter, shall be accompanied by a manufacturer's or importer's certificate or by a certificate of title of another state from which the motor vehicle was brought into this state. If the application refers to a motor vehicle last previously registered in another state, the application also shall be accompanied by the physical inspection certificate required by section 4505.061 of the Revised Code. If the application is made by two persons regarding a motor vehicle in which they wish to establish joint ownership with right of survivorship, they may do so as provided in section 2131.12 of the Revised Code. If the applicant requests a designation of the motor vehicle in beneficiary form so that upon the death of the owner of the motor

vehicle, ownership of the motor vehicle will pass to a designated 93148
transfer-on-death beneficiary or beneficiaries, the applicant may 93149
do so as provided in section 2131.13 of the Revised Code. A person 93150
who establishes ownership of a motor vehicle that is transferable 93151
on death in accordance with section 2131.13 of the Revised Code 93152
may terminate that type of ownership or change the designation of 93153
the transfer-on-death beneficiary or beneficiaries by applying for 93154
a certificate of title pursuant to this section. The clerk shall 93155
retain the evidence of title presented by the applicant and on 93156
which the certificate of title is issued, except that, if an 93157
application for a certificate of title is filed electronically by 93158
an electronic motor vehicle dealer on behalf of the purchaser of a 93159
motor vehicle, the clerk shall retain the completed electronic 93160
record to which the dealer converted the certificate of title 93161
application and other required documents. The registrar, after 93162
consultation with the attorney general, shall adopt rules that 93163
govern the location at which, and the manner in which, are stored 93164
the actual application and all other documents relating to the 93165
sale of a motor vehicle when an electronic motor vehicle dealer 93166
files the application for a certificate of title electronically on 93167
behalf of the purchaser. 93168

The clerk shall use reasonable diligence in ascertaining 93169
whether or not the facts in the application for a certificate of 93170
title are true by checking the application and documents 93171
accompanying it or the electronic record to which a dealer 93172
converted the application and accompanying documents with the 93173
records of motor vehicles in the clerk's office. If the clerk is 93174
satisfied that the applicant is the owner of the motor vehicle and 93175
that the application is in the proper form, the clerk, within five 93176
business days after the application is filed and except as 93177
provided in section 4505.021 of the Revised Code, shall issue a 93178
physical certificate of title over the clerk's signature and 93179
sealed with the clerk's seal, unless the applicant specifically 93180
requests the clerk not to issue a physical certificate of title 93181

and instead to issue an electronic certificate of title. For 93182
purposes of the transfer of a certificate of title, if the clerk 93183
is satisfied that the secured party has duly discharged a lien 93184
notation but has not canceled the lien notation with a clerk, the 93185
clerk may cancel the lien notation on the automated title 93186
processing system and notify the clerk of the county of origin. 93187

(4) In the case of the sale of a motor vehicle to a general 93188
buyer or user by a dealer, by a motor vehicle leasing dealer 93189
selling the motor vehicle to the lessee or, in a case in which the 93190
leasing dealer subleased the motor vehicle, the sublessee, at the 93191
end of the lease agreement or sublease agreement, or by a 93192
manufactured ~~home~~housing broker, the certificate of title shall 93193
be obtained in the name of the buyer by the dealer, leasing 93194
dealer, or manufactured ~~home~~housing broker, as the case may be, 93195
upon application signed by the buyer. The certificate of title 93196
shall be issued, or the process of entering the certificate of 93197
title application information into the automated title processing 93198
system if a physical certificate of title is not to be issued 93199
shall be completed, within five business days after the 93200
application for title is filed with the clerk. If the buyer of the 93201
motor vehicle previously leased the motor vehicle and is buying 93202
the motor vehicle at the end of the lease pursuant to that lease, 93203
the certificate of title shall be obtained in the name of the 93204
buyer by the motor vehicle leasing dealer who previously leased 93205
the motor vehicle to the buyer or by the motor vehicle leasing 93206
dealer who subleased the motor vehicle to the buyer under a 93207
sublease agreement. 93208

In all other cases, except as provided in section 4505.032 93209
and division (D)(2) of section 4505.11 of the Revised Code, such 93210
certificates shall be obtained by the buyer. 93211

(5)(a)(i) If the certificate of title is being obtained in 93212
the name of the buyer by a motor vehicle dealer or motor vehicle 93213

leasing dealer and there is a security interest to be noted on the 93214
certificate of title, the dealer or leasing dealer shall submit 93215
the application for the certificate of title and payment of the 93216
applicable tax to a clerk within seven business days after the 93217
later of the delivery of the motor vehicle to the buyer or the 93218
date the dealer or leasing dealer obtains the manufacturer's or 93219
importer's certificate, or certificate of title issued in the name 93220
of the dealer or leasing dealer, for the motor vehicle. Submission 93221
of the application for the certificate of title and payment of the 93222
applicable tax within the required seven business days may be 93223
indicated by postmark or receipt by a clerk within that period. 93224

(ii) Upon receipt of the certificate of title with the 93225
security interest noted on its face, the dealer or leasing dealer 93226
shall forward the certificate of title to the secured party at the 93227
location noted in the financing documents or otherwise specified 93228
by the secured party. 93229

(iii) A motor vehicle dealer or motor vehicle leasing dealer 93230
is liable to a secured party for a late fee of ten dollars per day 93231
for each certificate of title application and payment of the 93232
applicable tax that is submitted to a clerk more than seven 93233
business days but less than twenty-one days after the later of the 93234
delivery of the motor vehicle to the buyer or the date the dealer 93235
or leasing dealer obtains the manufacturer's or importer's 93236
certificate, or certificate of title issued in the name of the 93237
dealer or leasing dealer, for the motor vehicle and, from then on, 93238
twenty-five dollars per day until the application and applicable 93239
tax are submitted to a clerk. 93240

(b) In all cases of transfer of a motor vehicle except the 93241
transfer of a manufactured home or mobile home, the application 93242
for certificate of title shall be filed within thirty days after 93243
the assignment or delivery of the motor vehicle. If 93244

(c) An application for a certificate of title for a new 93245

manufactured home shall be filed within thirty days after the 93246
delivery of the new manufactured home to the purchaser. The date 93247
of the delivery shall be the date on which an occupancy permit for 93248
the manufactured home is delivered to the purchaser of the home by 93249
the appropriate legal authority. 93250

(d) An application for a certificate of title for a used 93251
manufactured home or a used mobile home shall be filed as follows: 93252

(i) If a certificate of title for the used manufactured home 93253
or used mobile home was issued to the motor vehicle dealer prior 93254
to the sale of the manufactured or mobile home to the purchaser, 93255
the application for certificate of title shall be filed within 93256
thirty days after the date on which an occupancy permit for the 93257
manufactured or mobile home is delivered to the purchaser by the 93258
appropriate legal authority. 93259

(ii) If the motor vehicle dealer has been designated by a 93260
secured party to display the manufactured or mobile home for sale, 93261
or to sell the manufactured or mobile home under section 4505.20 93262
of the Revised Code, but the certificate of title has not been 93263
transferred by the secured party to the motor vehicle dealer, and 93264
the dealer has complied with the requirements of division (A) of 93265
section 4505.181 of the Revised Code, the application for 93266
certificate of title shall be filed within thirty days after the 93267
date on which the motor vehicle dealer obtains the certificate of 93268
title for the home from the secured party or the date on which an 93269
occupancy permit for the manufactured or mobile home is delivered 93270
to the purchaser by the appropriate legal authority, whichever 93271
occurs later. 93272

(6) If an application for a certificate of title is not filed 93273
within the period specified in division (A)(5)(b), (c), or (d) of 93274
this section, the clerk shall collect a fee of five dollars for 93275
the issuance of the certificate, except that no such fee shall be 93276
required from a motor vehicle salvage dealer, as defined in 93277

division (A) of section 4738.01 of the Revised Code, who 93278
immediately surrenders the certificate of title for cancellation. 93279
The fee shall be in addition to all other fees established by this 93280
chapter, and shall be retained by the clerk. The registrar shall 93281
provide, on the certificate of title form prescribed by section 93282
4505.07 of the Revised Code, language necessary to give evidence 93283
of the date on which the assignment or delivery of the motor 93284
vehicle was made. 93285

~~(6)(7)~~ As used in division (A) of this section, "lease 93286
agreement," "lessee," and "sublease agreement" have the same 93287
meanings as in section 4505.04 of the Revised Code and "new 93288
manufactured home," "used manufactured home," and "used mobile 93289
home" have the same meanings as in section 5739.0210 of the 93290
Revised Code. 93291

(B)(1) The clerk, except as provided in this section, shall 93292
refuse to accept for filing any application for a certificate of 93293
title and shall refuse to issue a certificate of title unless the 93294
dealer ~~or manufactured home broker~~ or the applicant, in cases in 93295
which the certificate shall be obtained by the buyer, submits with 93296
the application payment of the tax levied by or pursuant to 93297
Chapters 5739. and 5741. of the Revised Code based on the 93298
purchaser's county of residence. Upon payment of the tax in 93299
accordance with division (E) of this section, the clerk shall 93300
issue a receipt prescribed by the registrar and agreed upon by the 93301
tax commissioner showing payment of the tax or a receipt issued by 93302
the commissioner showing the payment of the tax. When submitting 93303
payment of the tax to the clerk, a dealer shall retain any 93304
discount to which the dealer is entitled under section 5739.12 of 93305
the Revised Code. 93306

(2) For receiving and disbursing such taxes paid to the clerk 93307
by a resident of the clerk's county, the clerk may retain a 93308
poundage fee of one and one one-hundredth per cent, and the clerk 93309

shall pay the poundage fee into the certificate of title 93310
administration fund created by section 325.33 of the Revised Code. 93311
The clerk shall not retain a poundage fee from payments of taxes 93312
by persons who do not reside in the clerk's county. 93313

A clerk, however, may retain from the taxes paid to the clerk 93314
an amount equal to the poundage fees associated with certificates 93315
of title issued by other clerks of courts of common pleas to 93316
applicants who reside in the first clerk's county. The registrar, 93317
in consultation with the tax commissioner and the clerks of the 93318
courts of common pleas, shall develop a report from the automated 93319
title processing system that informs each clerk of the amount of 93320
the poundage fees that the clerk is permitted to retain from those 93321
taxes because of certificates of title issued by the clerks of 93322
other counties to applicants who reside in the first clerk's 93323
county. 93324

(3) In the case of casual sales of motor vehicles, as defined 93325
in section 4517.01 of the Revised Code, the price for the purpose 93326
of determining the tax shall be the purchase price on the assigned 93327
certificate of title executed by the seller and filed with the 93328
clerk by the buyer on a form to be prescribed by the registrar, 93329
which shall be prima-facie evidence of the amount for the 93330
determination of the tax. 93331

(4) Each county clerk shall forward to the treasurer of state 93332
all sales and use tax collections resulting from sales of motor 93333
vehicles, off-highway motorcycles, and all-purpose vehicles during 93334
a calendar week on or before the Friday following the close of 93335
that week. If, on any Friday, the offices of the clerk of courts 93336
or the state are not open for business, the tax shall be forwarded 93337
to the treasurer of state on or before the next day on which the 93338
offices are open. Every remittance of tax under division (B)(4) of 93339
this section shall be accompanied by a remittance report in such 93340
form as the tax commissioner prescribes. Upon receipt of a tax 93341

remittance and remittance report, the treasurer of state shall 93342
date stamp the report and forward it to the tax commissioner. If 93343
the tax due for any week is not remitted by a clerk of courts as 93344
required under division (B)(4) of this section, the commissioner 93345
may require the clerk to forfeit the poundage fees for the sales 93346
made during that week. The treasurer of state may require the 93347
clerks of courts to transmit tax collections and remittance 93348
reports electronically. 93349

(C)(1) If the transferor indicates on the certificate of 93350
title that the odometer reflects mileage in excess of the designed 93351
mechanical limit of the odometer, the clerk shall enter the phrase 93352
"exceeds mechanical limits" following the mileage designation. If 93353
the transferor indicates on the certificate of title that the 93354
odometer reading is not the actual mileage, the clerk shall enter 93355
the phrase "nonactual: warning - odometer discrepancy" following 93356
the mileage designation. The clerk shall use reasonable care in 93357
transferring the information supplied by the transferor, but is 93358
not liable for any errors or omissions of the clerk or those of 93359
the clerk's deputies in the performance of the clerk's duties 93360
created by this chapter. 93361

The registrar shall prescribe an affidavit in which the 93362
transferor shall swear to the true selling price and, except as 93363
provided in this division, the true odometer reading of the motor 93364
vehicle. The registrar may prescribe an affidavit in which the 93365
seller and buyer provide information pertaining to the odometer 93366
reading of the motor vehicle in addition to that required by this 93367
section, as such information may be required by the United States 93368
secretary of transportation by rule prescribed under authority of 93369
subchapter IV of the "Motor Vehicle Information and Cost Savings 93370
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 93371

(2) Division (C)(1) of this section does not require the 93372
giving of information concerning the odometer and odometer reading 93373

of a motor vehicle when ownership of a motor vehicle is being transferred as a result of a bequest, under the laws of intestate succession, to a survivor pursuant to section 2106.18, 2131.12, or 4505.10 of the Revised Code, to a transfer-on-death beneficiary or beneficiaries pursuant to section 2131.13 of the Revised Code, in connection with the creation of a security interest or for a vehicle with a gross vehicle weight rating of more than sixteen thousand pounds.

(D) When the transfer to the applicant was made in some other state or in interstate commerce, the clerk, except as provided in this section, shall refuse to issue any certificate of title unless the tax imposed by or pursuant to Chapter 5741. of the Revised Code based on the purchaser's county of residence has been paid as evidenced by a receipt issued by the tax commissioner, or unless the applicant submits with the application payment of the tax. Upon payment of the tax in accordance with division (E) of this section, the clerk shall issue a receipt prescribed by the registrar and agreed upon by the tax commissioner, showing payment of the tax.

For receiving and disbursing such taxes paid to the clerk by a resident of the clerk's county, the clerk may retain a poundage fee of one and one one-hundredth per cent. The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county.

A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The registrar, in consultation with the tax commissioner and the clerks of the courts of common pleas, shall develop a report from the automated title processing system that informs each clerk of the amount of the poundage fees that the clerk is permitted to retain from those

taxes because of certificates of title issued by the clerks of 93406
other counties to applicants who reside in the first clerk's 93407
county. 93408

When the vendor is not regularly engaged in the business of 93409
selling motor vehicles, the vendor shall not be required to 93410
purchase a vendor's license or make reports concerning those 93411
sales. 93412

(E) The clerk shall accept any payment of a tax in cash, or 93413
by cashier's check, certified check, draft, money order, or teller 93414
check issued by any insured financial institution payable to the 93415
clerk and submitted with an application for a certificate of title 93416
under division (B) or (D) of this section. The clerk also may 93417
accept payment of the tax by corporate, business, or personal 93418
check, credit card, electronic transfer or wire transfer, debit 93419
card, or any other accepted form of payment made payable to the 93420
clerk. The clerk may require bonds, guarantees, or letters of 93421
credit to ensure the collection of corporate, business, or 93422
personal checks. Any service fee charged by a third party to a 93423
clerk for the use of any form of payment may be paid by the clerk 93424
from the certificate of title administration fund created in 93425
section 325.33 of the Revised Code, or may be assessed by the 93426
clerk upon the applicant as an additional fee. Upon collection, 93427
the additional fees shall be paid by the clerk into that 93428
certificate of title administration fund. 93429

The clerk shall make a good faith effort to collect any 93430
payment of taxes due but not made because the payment was returned 93431
or dishonored, but the clerk is not personally liable for the 93432
payment of uncollected taxes or uncollected fees. The clerk shall 93433
notify the tax commissioner of any such payment of taxes that is 93434
due but not made and shall furnish the information to the 93435
commissioner that the commissioner requires. The clerk shall 93436
deduct the amount of taxes due but not paid from the clerk's 93437

periodic remittance of tax payments, in accordance with procedures 93438
agreed upon by the tax commissioner. The commissioner may collect 93439
taxes due by assessment in the manner provided in section 5739.13 93440
of the Revised Code. 93441

Any person who presents payment that is returned or 93442
dishonored for any reason is liable to the clerk for payment of a 93443
penalty over and above the amount of the taxes due. The clerk 93444
shall determine the amount of the penalty, and the penalty shall 93445
be no greater than that amount necessary to compensate the clerk 93446
for banking charges, legal fees, or other expenses incurred by the 93447
clerk in collecting the returned or dishonored payment. The 93448
remedies and procedures provided in this section are in addition 93449
to any other available civil or criminal remedies. Subsequently 93450
collected penalties, poundage fees, and title fees, less any title 93451
fee due the state, from returned or dishonored payments collected 93452
by the clerk shall be paid into the certificate of title 93453
administration fund. Subsequently collected taxes, less poundage 93454
fees, shall be sent by the clerk to the treasurer of state at the 93455
next scheduled periodic remittance of tax payments, with 93456
information as the commissioner may require. The clerk may abate 93457
all or any part of any penalty assessed under this division. 93458

(F) In the following cases, the clerk shall accept for filing 93459
an application and shall issue a certificate of title without 93460
requiring payment or evidence of payment of the tax: 93461

(1) When the purchaser is this state or any of its political 93462
subdivisions, a church, or an organization whose purchases are 93463
exempted by section 5739.02 of the Revised Code; 93464

(2) When the transaction in this state is not a retail sale 93465
as defined by section 5739.01 of the Revised Code; 93466

(3) When the purchase is outside this state or in interstate 93467
commerce and the purpose of the purchaser is not to use, store, or 93468

consume within the meaning of section 5741.01 of the Revised Code;	93469
(4) When the purchaser is the federal government;	93470
(5) When the motor vehicle was purchased outside this state for use outside this state;	93471 93472
(6) When the motor vehicle is purchased by a nonresident under the circumstances described in division (B)(1) of section 5739.029 of the Revised Code, and upon presentation of a copy of the affidavit provided by that section, and a copy of the exemption certificate provided by section 5739.03 of the Revised Code.	93473 93474 93475 93476 93477 93478
(G) An application, as prescribed by the registrar and agreed to by the tax commissioner, shall be filled out and sworn to by the buyer of a motor vehicle in a casual sale. The application shall contain the following notice in bold lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed any additional tax found to be due."	93479 93480 93481 93482 93483 93484 93485 93486 93487 93488 93489 93490
(H) For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the clerk shall accept for filing, pursuant to Chapter 5739. of the Revised Code, an application for a certificate of title for a manufactured home or mobile home without requiring payment of any tax pursuant to section 5739.02, 5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt issued by the tax commissioner showing payment of the tax. For sales of manufactured homes or mobile homes occurring on or after	93491 93492 93493 93494 93495 93496 93497 93498

January 1, 2000, the applicant shall pay to the clerk an 93499
additional fee of five dollars for each certificate of title 93500
issued by the clerk for a manufactured or mobile home pursuant to 93501
division (H) of section 4505.11 of the Revised Code and for each 93502
certificate of title issued upon transfer of ownership of the 93503
home. The clerk shall credit the fee to the county certificate of 93504
title administration fund, and the fee shall be used to pay the 93505
expenses of archiving those certificates pursuant to division (A) 93506
of section 4505.08 and division (H)(3) of section 4505.11 of the 93507
Revised Code. The tax commissioner shall administer any tax on a 93508
manufactured or mobile home pursuant to Chapters 5739. and 5741. 93509
of the Revised Code. 93510

(I) Every clerk shall have the capability to transact by 93511
electronic means all procedures and transactions relating to the 93512
issuance of motor vehicle certificates of title that are described 93513
in the Revised Code as being accomplished by electronic means. 93514

Sec. 4505.062. Notwithstanding any general requirement in 93515
this chapter to the effect that an application for a certificate 93516
of title to a motor vehicle shall be "sworn to" or shall be "sworn 93517
to before a notary public or other officer empowered to administer 93518
oaths," that requirement shall apply only in the case of a 93519
transfer of a motor vehicle between parties in the course of a 93520
casual sale, as defined in ~~section~~sections 4517.01 and 4781.01 of 93521
the Revised Code. 93522

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 93523
shall charge and retain fees as follows: 93524

(a) Five dollars for each certificate of title that is not 93525
applied for within thirty days after the later of the assignment 93526
or delivery of the motor vehicle described in it. The entire fee 93527
shall be retained by the clerk. 93528

(b) Fifteen dollars for each certificate of title or 93529

duplicate certificate of title including the issuance of a 93530
memorandum certificate of title, or authorization to print a 93531
non-negotiable evidence of ownership described in division (G) of 93532
section 4505.08 of the Revised Code, non-negotiable evidence of 93533
ownership printed by the clerk under division (H) of that section, 93534
and notation of any lien on a certificate of title that is applied 93535
for at the same time as the certificate of title. The clerk shall 93536
retain eleven dollars and fifty cents of that fee for each 93537
certificate of title when there is a notation of a lien or 93538
security interest on the certificate of title, twelve dollars and 93539
twenty-five cents when there is no lien or security interest noted 93540
on the certificate of title, and eleven dollars and fifty cents 93541
for each duplicate certificate of title. 93542

(c) Five dollars for each certificate of title with no 93543
security interest noted that is issued to a licensed motor vehicle 93544
dealer for resale purposes. The clerk shall retain two dollars and 93545
twenty-five cents of that fee. 93546

(d) Five dollars for each memorandum certificate of title or 93547
non-negotiable evidence of ownership that is applied for 93548
separately. The clerk shall retain that entire fee. 93549

(2) The fees that are not retained by the clerk shall be 93550
paid to the registrar of motor vehicles by monthly returns, which 93551
shall be forwarded to the registrar not later than the fifth day 93552
of the month next succeeding that in which the certificate is 93553
issued or that in which the registrar is notified of a lien or 93554
cancellation of a lien. 93555

(B)(1) The registrar shall pay twenty-five cents of the 93556
amount received for each certificate of title issued to a motor 93557
vehicle dealer for resale ~~and, one dollar for all other~~ 93558
certificates of title issued with a lien or security interest 93559
noted on the certificate of title, and twenty-five cents for each 93560
certificate of title with no lien or security interest noted on 93561

the certificate of title into the state bureau of motor vehicles 93562
fund established in section 4501.25 of the Revised Code. 93563

(2) Fifty cents of the amount received for each certificate 93564
of title shall be paid by the registrar as follows: 93565

(a) Four cents shall be paid into the state treasury to the 93566
credit of the motor vehicle dealers board fund, which is hereby 93567
created. All investment earnings of the fund shall be credited to 93568
the fund. The moneys in the motor vehicle dealers board fund shall 93569
be used by the motor vehicle dealers board created under section 93570
4517.30 of the Revised Code, together with other moneys 93571
appropriated to it, in the exercise of its powers and the 93572
performance of its duties under Chapter 4517. of the Revised Code, 93573
except that the director of budget and management may transfer 93574
excess money from the motor vehicle dealers board fund to the 93575
bureau of motor vehicles fund if the registrar determines that the 93576
amount of money in the motor vehicle dealers board fund, together 93577
with other moneys appropriated to the board, exceeds the amount 93578
required for the exercise of its powers and the performance of its 93579
duties under Chapter 4517. of the Revised Code and requests the 93580
director to make the transfer. 93581

(b) Twenty-one cents shall be paid into the highway operating 93582
fund. 93583

(c) Twenty-five cents shall be paid into the state treasury 93584
to the credit of the motor vehicle sales audit fund, which is 93585
hereby created. The moneys in the fund shall be used by the tax 93586
commissioner together with other funds available to the 93587
commissioner to conduct a continuing investigation of sales and 93588
use tax returns filed for motor vehicles in order to determine if 93589
sales and use tax liability has been satisfied. The commissioner 93590
shall refer cases of apparent violations of section 2921.13 of the 93591
Revised Code made in connection with the titling or sale of a 93592
motor vehicle and cases of any other apparent violations of the 93593

sales or use tax law to the appropriate county prosecutor whenever
the commissioner considers it advisable.

(3) Two dollars of the amount received by the registrar for
each certificate of title shall be paid into the state treasury to
the credit of the automated title processing fund, which is hereby
created and which shall consist of moneys collected under division
(B)(3) of this section and under sections 1548.10 and 4519.59 of
the Revised Code. All investment earnings of the fund shall be
credited to the fund. The moneys in the fund shall be used as
follows:

(a) Except for moneys collected under section 1548.10 of the
Revised Code and as provided in division (B)(3)(c) of this
section, moneys collected under division (B)(3) of this section
shall be used to implement and maintain an automated title
processing system for the issuance of motor vehicle, off-highway
motorcycle, and all-purpose vehicle certificates of title in the
offices of the clerks of the courts of common pleas.

(b) Moneys collected under section 1548.10 of the Revised
Code shall be used to issue marine certificates of title in the
offices of the clerks of the courts of common pleas as provided in
Chapter 1548. of the Revised Code.

(c) Moneys collected under division (B)(3) of this section
shall be used in accordance with section 4505.25 of the Revised
Code to implement Sub. S.B. 59 of the 124th general assembly.

(C)(1) The automated title processing board is hereby created
consisting of the registrar or the registrar's representative, a
person selected by the registrar, the president of the Ohio clerks
of court association or the president's representative, and two
clerks of courts of common pleas appointed by the governor. The
director of budget and management or the director's designee, the
chief of the division of watercraft in the department of natural

resources or the chief's designee, and the tax commissioner or 93625
the commissioner's designee shall be nonvoting members of the 93626
board. The purpose of the board is to facilitate the operation 93627
and maintenance of an automated title processing system and 93628
approve the procurement of automated title processing system 93629
equipment. Voting members of the board, excluding the registrar 93630
or the registrar's representative, shall serve without 93631
compensation, but shall be reimbursed for travel and other 93632
necessary expenses incurred in the conduct of their official 93633
duties. The registrar or the registrar's representative shall 93634
receive neither compensation nor reimbursement as a board 93635
member. 93636

(2) The automated title processing board shall determine each 93637
of the following: 93638

(a) The automated title processing equipment and certificates 93639
of title requirements for each county; 93640

(b) The payment of expenses that may be incurred by the 93641
counties in implementing an automated title processing system; 93642

(c) The repayment to the counties for existing title 93643
processing equipment. 93644

(3) The registrar shall purchase, lease, or otherwise acquire 93645
any automated title processing equipment and certificates of title 93646
that the board determines are necessary from moneys in the 93647
automated title processing fund established by division (B)(3) of 93648
this section. 93649

(D) All counties shall conform to the requirements of the 93650
registrar regarding the operation of their automated title 93651
processing system for motor vehicle titles, certificates of title 93652
for off-highway motorcycles and all-purpose vehicles, and 93653
certificates of title for watercraft and outboard motors. 93654

Sec. 4505.111. (A) Every motor vehicle, other than a manufactured home, a mobile home, or a motor vehicle as provided in divisions (C), (D), and (E) of section 4505.11 of the Revised Code, that is assembled from component parts by a person other than the manufacturer, shall be inspected by the state highway patrol prior to issuance of title to the motor vehicle. The inspection shall include establishing proof of ownership and an inspection of the motor number and vehicle identification number of the motor vehicle, and any items of equipment the director of public safety considers advisable and requires to be inspected by rule. A fee of forty dollars in fiscal year 1998 and fifty dollars in fiscal year 1999 and thereafter shall be assessed by the state highway patrol for each inspection made pursuant to this section, and shall be deposited in the state highway safety fund established by section 4501.06 of the Revised Code.

(B) Whoever violates this section shall be fined not more than two thousand dollars, imprisoned not more than one year, or both.

Sec. 4505.181. (A) Notwithstanding divisions (A)(2), (5), and (6) of section 4505.18 of the Revised Code, a motor vehicle dealer or person acting on behalf of a motor vehicle dealer may display, offer for sale, or sell a used motor vehicle and a manufactured housing dealer or person acting on behalf of a manufactured housing dealer may display, offer for sale, or sell a used manufactured home or used mobile home without having first obtained a certificate of title for the vehicle in the name of the dealer as required by this chapter if the dealer or person acting on behalf of the dealer complies with divisions (A)(1)(a) and (2) of this section, or divisions (A)(1)(b) and (2) of this section, as follows:

(1)(a) If the dealer has been licensed as a motor vehicle dealer or manufactured housing dealer for less than the three-year

period prior to the date on which the dealer or person acting on behalf of the dealer displays, offers for sale, or sells the used motor vehicle for which the dealer has not obtained a certificate of title in the name of the dealer, or if the attorney general has paid a retail purchaser of the dealer under division (C) of this section within three years prior to such date, the dealer posts with the attorney general's office in favor of this state a bond of a surety company authorized to do business in this state, in an amount of not less than twenty-five thousand dollars, to be used solely for the purpose of compensating retail purchasers of motor vehicles, manufactured homes, or mobile homes who suffer damages due to failure of the dealer or person acting on behalf of the dealer to comply with this section. The dealer's surety shall notify the registrar and attorney general when a bond of a motor vehicle dealer is canceled and shall notify the manufactured homes commission and the attorney general when a bond of a manufactured housing dealer is canceled. Such notification of cancellation shall include the effective date of and reason for cancellation.

(b) If the dealer has been licensed as a motor vehicle dealer or manufactured housing dealer for longer than the three-year period prior to the date on which the dealer or person acting on behalf of the dealer displays, offers for sale, or sells the used motor vehicle, used manufactured home, or used mobile home for which the dealer has not obtained a certificate of title in the name of the dealer and the attorney general has not paid a retail purchaser of the dealer under division (C) of this section within three years prior to such date, the dealer pays one hundred fifty dollars to the attorney general for deposit into the title defect recision fund created by section 1345.52 of the Revised Code.

(2) The dealer or person acting on behalf of the dealer possesses a bill of sale for each motor vehicle, used manufactured home, and used mobile home proposed to be displayed, offered for

sale, or sold under this section and a properly executed power of attorney or other related documents from the prior owner of the motor vehicle, manufactured home, or mobile home giving the dealer or person acting on behalf of the dealer authority to have a certificate of title to the motor vehicle, manufactured home, or mobile home issued in the name of the dealer, and retains copies of all such documents in the dealer's or person's files until such time as a certificate of title in the dealer's name is issued for each such motor vehicle, manufactured home, or mobile home by the clerk of the court of common pleas. Such documents shall be available for inspection by the bureau of motor vehicles and the manufactured homes commission during normal business hours.

(B) If a retail purchaser purchases a motor vehicle, used manufactured home, or used mobile home for which the dealer, pursuant to and in accordance with division (A) of this section, does not have a certificate of title issued in the name of the dealer at the time of the sale, the retail purchaser has an unconditional right to rescind the transaction and the dealer has an obligation to refund to the retail purchaser the full purchase price of the vehicle, if one of the following applies:

(1) The dealer fails, on or before the fortieth day following the date of the sale, to obtain a title in the name of the retail purchaser.

(2) The title for the vehicle indicates that it is a rebuilt salvage vehicle, and the fact that it is a rebuilt salvage vehicle was not disclosed to the retail purchaser in writing prior to the execution of the purchase agreement.

(3) The title for the vehicle indicates that the dealer has made an inaccurate odometer disclosure to the retail purchaser.

(4) The motor vehicle is a used manufactured home or used mobile home, as defined by section 5739.021 of the Revised Code,

that has been repossessed under Chapter 1309. or 1317. of the 93751
Revised Code, but a certificate of title for the repossessed home 93752
has not yet been transferred by the repossessing party to the 93753
dealer on the date the retail purchaser purchases the used 93754
manufactured home or used mobile home from the dealer, and the 93755
dealer fails to obtain a certificate of title on or before the 93756
fortieth day after the dealer obtains the certificate of title for 93757
the home from the repossessing party or the date on which an 93758
occupancy permit for the home is delivered to the purchaser by the 93759
appropriate legal authority, whichever occurs later. 93760

If any of the circumstances described in divisions (B)(1) to 93761
~~(3)~~(4) of this section applies, a retail purchaser or the retail 93762
purchaser's representative shall notify the dealer and afford the 93763
dealer the opportunity to comply with the dealer's obligation to 93764
refund the full purchase price of the motor vehicle. Nothing in 93765
this division shall be construed as prohibiting the dealer and the 93766
retail purchaser or their representatives from negotiating a 93767
compromise resolution that is satisfactory to both parties. 93768

(C) If a retail purchaser notifies a dealer of one or more of 93769
the circumstances listed in division (B) of this section and the 93770
dealer fails to refund to the retail purchaser the full purchase 93771
price of the vehicle or reach a satisfactory compromise with the 93772
retail purchaser within three business days of presentation of the 93773
retail purchaser's recision claim, the retail purchaser may apply 93774
to the attorney general for payment from the fund of the full 93775
purchase price to the retail purchaser. 93776

(D) Upon application by a retail purchaser for payment from 93777
the fund, if the attorney general is satisfied that one or more of 93778
the circumstances contained in divisions (B)(1) to ~~(3)~~(4) of this 93779
section exist, the attorney general shall cause the full purchase 93780
price of the vehicle, manufactured home, or mobile home to be paid 93781
to the retail purchaser from the fund after delivery of the 93782

vehicle, manufactured home, or mobile home to the attorney 93783
general. The attorney general may sell or otherwise dispose of any 93784
vehicle, manufactured home, or mobile home that is delivered to 93785
the attorney general under this section, and may collect the 93786
proceeds of any bond posted under division (A) of this section by 93787
a dealer who has failed to comply with division (C) of this 93788
section. The proceeds from all such sales and collections shall 93789
be deposited into the title defect recision fund for use as 93790
specified in section 1345.52 of the Revised Code. 93791

(E) Failure by a dealer to comply with division (A) or (B) of 93792
this section constitutes a deceptive act or practice in connection 93793
with a consumer transaction, and is a violation of section 1345.02 93794
of the Revised Code. 93795

(F) The remedy provided in this section to retail purchasers 93796
is in addition to any remedies otherwise available to the retail 93797
purchaser for the same conduct of the dealer or person acting on 93798
behalf of the dealer under federal law or the laws of this state 93799
or a political subdivision of this state. 93800

(G) All motor vehicle dealers licensed under Chapter 4517. of 93801
the Revised Code and manufactured housing dealers licensed under 93802
Chapter 4781. of the Revised Code shall pay to the attorney 93803
general for deposit into the title defect recision fund the amount 93804
described in division (A)(1)(b) of this section beginning with the 93805
calendar year during which this section becomes effective and each 93806
year subsequent to that year until the balance in the fund is not 93807
less than three hundred thousand dollars. All such dealers also 93808
shall pay to the attorney general for deposit into the fund that 93809
amount during any year and subsequent years during which the 93810
balance in the fund is less than three hundred thousand dollars 93811
until the balance in the fund reaches three hundred thousand 93812
dollars. 93813

If a motor vehicle dealer or manufactured housing dealer 93814

fails to comply with this division, the attorney general may bring
a civil action in a court of competent jurisdiction to collect the
amount the dealer failed to pay to the attorney general for
deposit into the fund.

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Sec. 4505.20. (A) Notwithstanding division (A)(2) of section
4505.18 of the Revised Code or any other provision of this chapter
or Chapter 4517. of the Revised Code, a secured party may
designate ~~any~~ any manufactured housing dealer to display, display
for sale, or sell a manufactured or mobile home if the home has
come into the possession of that secured party by a default in the
terms of a security instrument and the certificate of title
remains in the name and possession of the secured party.

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(B) Notwithstanding division (A)(2) of section 4505.18 of the
Revised Code or any other provision of this chapter or Chapter
4517. of the Revised Code, the owner of a recreational vehicle or
a secured party of a recreational vehicle who has come into
possession of the vehicle by a default in the terms of a security
instrument, may designate ~~any~~ any new motor vehicle dealer to
display, display for sale, or sell the vehicle while the
certificate of title remains in the possession of the owner or
secured party. No new motor vehicle dealer may display or offer
for sale more than five recreational vehicles at any time under
this division. No new motor vehicle dealer may display or offer
for sale a recreational vehicle under this division unless the new
motor vehicle dealer maintains insurance or the bond of a surety
company authorized to transact business within this state in an
amount sufficient to satisfy the fair market value of the vehicle.

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(C) ~~The registrar of motor vehicles may adopt rules in
accordance with Chapter 119. of the Revised Code prescribing the
maximum number of manufactured or mobile homes that have come into
the possession of a secured party by a default in the terms of a
security instrument that any dealer may display or offer for sale~~

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~~at any time.~~ The registrar may adopt ~~other~~ reasonable rules 93847
regarding the resale of ~~such manufactured homes, mobile homes, and~~ 93848
recreational vehicles that the registrar considers necessary. 93849

(D) The manufactured housing dealer or new motor vehicle 93850
secured party or owner shall provide the dealer with written 93851
authorization to display, display for sale, or sell the 93852
manufactured home, mobile home, or recreational vehicle. The 93853
manufactured housing dealer or new motor vehicle dealer shall show 93854
and explain the written authorization to any prospective 93855
purchaser. The written authorization shall contain the vehicle 93856
identification number, make, model, year of manufacture, and 93857
physical description of the manufactured home, mobile home, or 93858
recreational vehicle that is provided to the manufactured housing 93859
dealer or new motor vehicle dealer. 93860

(E) ~~As used in this section, "dealer" means a new motor~~ 93861
~~vehicle dealer that is licensed under Chapter 4517. of the~~ 93862
~~Revised Code.~~ 93863

~~(F)~~ Whoever violates this section shall be fined not more 93864
than two hundred dollars, imprisoned not more than ninety days, or 93865
both. 93866

Sec. 4507.02. (A)(1) No person shall permit the operation 93867
of a motor vehicle upon any public or private property used by the 93868
public for purposes of vehicular travel or parking knowing the 93869
operator does not have a valid driver's license issued to the 93870
operator by the registrar of motor vehicles under this chapter or 93871
a valid commercial driver's license issued under Chapter 4506. of 93872
the Revised Code. Whoever violates this division is guilty of ~~an~~ 93873
unclassified misdemeanor ~~of the first degree.~~ The offender may be 93874
fined up to one thousand dollars and pursuant to division (B) of 93875
section 2929.27 of the Revised Code additionally may be ordered to 93876
serve a term of community service of up to five hundred hours. If 93877
the offender previously was convicted of or pleaded guilty to two 93878

or more violations of this section or a substantially equivalent 93879
municipal ordinance within the past three years, the offense is a 93880
misdemeanor of the first degree. 93881

(2) No person shall receive a driver's license, or a 93882
motorcycle operator's endorsement of a driver's or commercial 93883
driver's license, unless and until the person surrenders to the 93884
registrar all valid licenses issued to the person by another 93885
jurisdiction recognized by this state. The registrar shall report 93886
the surrender of a license to the issuing authority, together with 93887
information that a license is now issued in this state. The 93888
registrar shall destroy any such license that is not returned to 93889
the issuing authority. No person shall be permitted to have more 93890
than one valid license at any time. 93891

(B)(1) If a person is convicted of a violation of section 93892
4510.11, 4510.14, 4510.16 when division (B)(3) of that section 93893
applies, or 4510.21 of the Revised Code or if division (F) of 93894
section 4507.164 of the Revised Code applies, the trial judge of 93895
any court, in addition to or independent of any other penalties 93896
provided by law or ordinance, shall impound the identification 93897
license plates of any motor vehicle registered in the name of the 93898
person. If a person is convicted of a violation of section 4510.16 93899
of the Revised Code and division (B)(2) of that section applies, 93900
the trial judge of any court, in addition to or independent of any 93901
other penalties provided by law or ordinance, may impound the 93902
identification license plates of any motor vehicle registered in 93903
the name of the person. The court shall send the impounded license 93904
plates to the registrar, who may retain the license plates until 93905
the driver's or commercial driver's license of the owner has been 93906
reinstated or destroy them pursuant to section 4503.232 of the 93907
Revised Code. 93908

If the license plates of a person convicted of a violation of 93909
any provision of those sections have been impounded in accordance 93910

with the provisions of this division, the court shall notify the registrar of that action. The notice shall contain the name and address of the driver, the serial number of the driver's driver's or commercial driver's license, the serial numbers of the license plates of the motor vehicle, and the length of time for which the license plates have been impounded. The registrar shall record the data in the notice as part of the driver's permanent record.

(2) Any motor vehicle owner who has had the license plates of a motor vehicle impounded pursuant to division (B)(1) of this section may apply to the registrar, or to a deputy registrar, for restricted license plates that shall conform to the requirements of section 4503.231 of the Revised Code. The registrar or deputy registrar forthwith shall notify the court of the application and, upon approval of the court, shall issue restricted license plates to the applicant. Until the driver's or commercial driver's license of the owner is reinstated, any new license plates issued to the owner also shall conform to the requirements of section 4503.231 of the Revised Code.

The registrar or deputy registrar shall charge the owner of a vehicle the fees provided in section 4503.19 of the Revised Code for restricted license plates that are issued in accordance with this division, except upon renewal as specified in section 4503.10 of the Revised Code, when the regular fee as provided in section 4503.04 of the Revised Code shall be charged. The registrar or deputy registrar shall charge the owner of a vehicle the fees provided in section 4503.19 of the Revised Code whenever restricted license plates are exchanged, by reason of the reinstatement of the driver's or commercial driver's license of the owner, for those ordinarily issued.

(3) If an owner wishes to sell a motor vehicle during the time the restricted license plates provided under division (B)(2) of this section are in use, the owner may apply to the court that

impounded the license plates of the motor vehicle for permission 93943
to transfer title to the motor vehicle. If the court is satisfied 93944
that the sale will be made in good faith and not for the purpose 93945
of circumventing the provisions of this section, it may certify 93946
its consent to the owner and to the registrar of motor vehicles 93947
who shall enter notice of the transfer of the title of the motor 93948
vehicle in the vehicle registration record. 93949

If, during the time the restricted license plates provided 93950
under division (B)(2) of this section are in use, the title to a 93951
motor vehicle is transferred by the foreclosure of a chattel 93952
mortgage, a sale upon execution, the cancellation of a conditional 93953
sales contract, or by order of a court, the court shall notify the 93954
registrar of the action and the registrar shall enter notice of 93955
the transfer of the title to the motor vehicle in the vehicle 93956
registration record. 93957

(C) This section is not intended to change or modify any 93958
provision of Chapter 4503. of the Revised Code with respect to the 93959
taxation of motor vehicles or the time within which the taxes on 93960
motor vehicles shall be paid. 93961

Sec. 4507.03. (A)(1) No person shall be required to obtain 93962
a driver's or commercial driver's license for the purpose of 93963
temporarily driving, operating, drawing, moving, or propelling a 93964
road roller or road machinery upon a street or highway. 93965

(2) No person shall be required to obtain a driver's or 93966
commercial driver's license for the purpose of temporarily 93967
driving, operating, drawing, moving, or propelling any 93968
agricultural tractor or implement of husbandry upon a street or 93969
highway at a speed of twenty-five miles per hour or less. 93970

(3) No person shall drive, operate, draw, move, or propel any 93971
agricultural tractor or implement of husbandry upon a street or 93972
highway at a speed greater than twenty-five miles per hour unless 93973

the person has a current, valid driver's or commercial driver's license. 93974
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(4) No person having a valid driver's or commercial driver's 93976
license shall be required to have a motorcycle operator's 93977
endorsement to operate a motorcycle having three wheels with a 93978
motor of not more than fifty cubic centimeters piston 93979
displacement. 93980

(B) Every person on active duty in the armed forces of the 93981
United States, when furnished with a driver's permit and when 93982
operating an official motor vehicle in connection with such duty, 93983
is exempt from the license requirements of Chapters 4506. and 93984
4507. of the Revised Code. 93985

Every person on active duty in the armed forces of the United 93986
States or in service with the peace corps, volunteers in service 93987
to America, or the foreign service of the United States is exempt 93988
from the license requirements of those chapters for the period of 93989
the person's active duty or service and for six months 93990
thereafter, provided the person was a licensee under those 93991
chapters at the time the person commenced ~~his~~the person's active 93992
duty or service. The spouse or a dependent of any such person on 93993
active duty or in service also is exempt from the license 93994
requirements of those chapters for the period of the person's 93995
active duty or service and for six months thereafter, provided 93996
the spouse or dependent was a licensee under those chapters at 93997
the time the person commenced the active duty or service, and 93998
provided further that the person's active duty or service causes 93999
the spouse or dependent to relocate outside of this state during 94000
the period of the active duty or service. 94001

This section does not prevent such a person or ~~his~~the 94002
person's spouse or dependent from making an application, as 94003
provided in division (C) of section 4507.10 of the Revised Code, 94004
for the renewal of a driver's license or motorcycle operator's 94005

endorsement or as provided in section 4506.14 of the Revised Code	94006
for the renewal of a commercial driver's license during the	94007
period of the person's active duty or service.	94008
 (C) Whoever violates division (A)(3) of this section is	94009
guilty of a misdemeanor of the first degree.	94010
 Sec. 4507.23. (A) Except as provided in division (J) of this	94011
section, each application for a temporary instruction permit and	94012
examination shall be accompanied by a fee of five dollars.	94013
 (B) Except as provided in division (J) of this section, each	94014
application for a driver's license made by a person who	94015
previously held such a license and whose license has expired not	94016
more than two years prior to the date of application, and who is	94017
required under this chapter to give an actual demonstration of the	94018
person's ability to drive, shall be accompanied by a fee of three	94019
dollars in addition to any other fees.	94020
 (C)(1) Except as provided in divisions (E) and (J) of this	94021
section, each application for a driver's license, or motorcycle	94022
operator's endorsement, or renewal of a driver's license shall be	94023
accompanied by a fee of six dollars.	94024
 (2) Except as provided in division ~~(H)~~ <u>(J)</u> of this section,	94025
each application for a duplicate driver's license shall be	94026
accompanied by a fee of seven dollars and fifty cents. The	94027
duplicate driver's licenses issued under this section shall be	94028
distributed by the deputy registrar in accordance with rules	94029
adopted by the registrar of motor vehicles.	94030
 (D) Except as provided in division (J) of this section, each	94031
application for a motorized bicycle license or duplicate thereof	94032
shall be accompanied by a fee of two dollars and fifty cents.	94033
 (E) Except as provided in division (J) of this section, each	94034

application for a driver's license or renewal of a driver's	94035
license that will be issued to a person who is less than	94036
twenty-one years of age shall be accompanied by whichever of the	94037
following fees is applicable:	94038
(1) If the person is sixteen years of age or older, but less	94039
than seventeen years of age, a fee of seven dollars and	94040
twenty-five cents;	94041
(2) If the person is seventeen years of age or older, but	94042
less than eighteen years of age, a fee of six dollars;	94043
(3) If the person is eighteen years of age or older, but less	94044
than nineteen years of age, a fee of four dollars and seventy-five	94045
cents;	94046
(4) If the person is nineteen years of age or older, but less	94047
than twenty years of age, a fee of three dollars and fifty cents;	94048
(5) If the person is twenty years of age or older, but less	94049
than twenty-one years of age, a fee of two dollars and twenty-five	94050
cents.	94051
(F) Neither the registrar nor any deputy registrar shall	94052
charge a fee in excess of one dollar and fifty cents for	94053
laminating a driver's license, motorized bicycle license, or	94054
temporary instruction permit identification cards as required by	94055
sections 4507.13 and 4511.521 of the Revised Code. A deputy	94056
registrar laminating a driver's license, motorized bicycle	94057
license, or temporary instruction permit identification cards	94058
shall retain the entire amount of the fee charged for lamination,	94059
less the actual cost to the registrar of the laminating materials	94060
used for that lamination, as specified in the contract executed by	94061
the bureau for the laminating materials and laminating equipment.	94062
The deputy registrar shall forward the amount of the cost of the	94063
laminating materials to the registrar for deposit as provided in	94064

this section. 94065

(G) Except as provided in division (J) of this section and 94066
except for the renewal of a driver's license, commencing on 94067
October 1, 2003, each transaction described in divisions (A), (B), 94068
(C), (D), and (E) of this section shall be accompanied by an 94069
additional fee of twelve dollars. A transaction involving the 94070
renewal of a driver's license with an expiration date on or after 94071
that date shall be accompanied by an additional fee of twelve 94072
dollars. The additional fee is for the purpose of defraying the 94073
department of public safety's costs associated with the 94074
administration and enforcement of the motor vehicle and traffic 94075
laws of Ohio. 94076

(H) Except as provided in division (J) of this section, 94077
commencing on October 1, 2009, if an application for a driver's 94078
license or motorcycle operator's endorsement made by a person who 94079
previously held such a license is not applied for within the 94080
period specified in section 4507.09 of the Revised Code or within 94081
seven days after the period so specified, the registrar or 94082
deputy registrar shall collect a fee of twenty dollars for the 94083
issuance of the driver's license or motorcycle endorsement, but 94084
may waive the fee for good cause shown if the application is 94085
accompanied by supporting evidence as the registrar may require. 94086
The fee shall be in addition to all other fees established by 94087
this section. A deputy registrar collecting this twenty dollar 94088
fee shall retain fifty cents and send the remaining fee to the 94089
registrar as specified in division (I) of this section. 94090

(I) At the time and in the manner provided by section 4503.10 94091
of the Revised Code, the deputy registrar shall transmit the fees 94092
collected under divisions (A), (B), (C), (D), and (E), those 94093
portions of the fees specified in and collected under division 94094
(F), and the additional fee under divisions (G) and (H) of this 94095
section to the registrar. The registrar shall pay two dollars and 94096

fifty cents of each fee collected under divisions (A), (B),	94097
(C)(1) and (2), (D), and (E)(1) to (4) of this section, and the	94098
entire fee collected under division (E)(5) of this section, into	94099
the state highway safety fund established in section 4501.06 of	94100
the Revised Code, and such fees shall be used for the sole	94101
purpose of supporting driver licensing activities. The registrar	94102
also shall pay five dollars of each fee collected under division	94103
(C)(2) of this section and the entire fee collected under	94104
divisions (G) and (H) of this section into the state highway	94105
safety fund created in section 4501.06 of the Revised Code. The	94106
remaining fees collected by the registrar under this section	94107
shall be paid into the state bureau of motor vehicles fund	94108
established in section 4501.25 of the Revised Code.	94109
(J) A disabled veteran who has a service-connected disability	94110
rated at one hundred per cent by the veterans' administration may	94111
apply to the registrar or a deputy registrar for the issuance to	94112
that veteran, without the payment of any fee prescribed in this	94113
section, of any of the following items:	94114
(1) A temporary instruction permit and examination;	94115
(2) A new, renewal, or duplicate driver's or commercial	94116
driver's license;	94117
(3) A motorcycle operator's endorsement;	94118
(4) A motorized bicycle license or duplicate thereof;	94119
(5) The fee established in division (H) of this section;	94120
(6) Lamination of a driver's license, motorized bicycle	94121
license, or temporary instruction permit identification card as	94122
provided in division (F) of this section, if the circumstances	94123
specified in division (J)(6) of this section are met.	94124

A disabled veteran whose driver's license, motorized bicycle license, or temporary instruction permit identification card is laminated by the registrar or deputy registrar is not required to pay the registrar any lamination fee.

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An application made under division (J) of this section shall be accompanied by such documentary evidence of disability as the registrar may require by rule.

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Sec. 4507.24. (A) Except as provided in division (C) of this section, the registrar of motor vehicles or a deputy registrar may collect a fee not to exceed the following:

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(1) Four dollars and fifty cents commencing on January 1, 2004, and six dollars and twenty-five cents commencing on October 1, 2009, for each application for renewal of a driver's license received by the deputy registrar, when the applicant is required to submit to a screening of the applicant's vision under section 4507.12 of the Revised Code;

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(2) Three dollars and fifty cents commencing on January 1, 2004, for each application for a driver's license, or motorized bicycle license, or for renewal of such a license, received by the deputy registrar, when the applicant is not required to submit to a screening of the applicant's vision under section 4507.12 of the Revised Code.

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(B) The fees prescribed by division (A) of this section shall be in addition to the fee for a temporary instruction permit and examination, a driver's license, a motorized bicycle license, or duplicates thereof. The fees retained by a deputy registrar shall compensate the deputy registrar for the deputy registrar's services, for office and rental expense, and for costs as provided in division (D) of this section, as are necessary for the proper discharge of the deputy registrar's duties under sections 4507.01 to 4507.39 of the Revised Code.

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(C) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration is required to pay the applicable fee prescribed in division (A) of this section if the disabled veteran submits an application for a driver's license or motorized bicycle license or a renewal of either of these licenses to a deputy registrar who is acting as a deputy registrar pursuant to a contract with the registrar that is in effect on the effective date of this amendment. The disabled veteran also is required to submit with the disabled veteran's application such documentary evidence of disability as the registrar may require by rule.

A disabled veteran who submits an application described in this division is not required to pay either of the fees prescribed in division (A) of this section if the disabled veteran submits the application to a deputy registrar who is acting as a deputy registrar pursuant to a contract with the registrar that is executed after the effective date of this amendment. The disabled veteran still is required to submit with the disabled veteran's application such documentary evidence of disability as the registrar may require by rule.

A disabled veteran who submits an application described in this division directly to the registrar is not required to pay either of the fees prescribed in division (A) of this section if the disabled veteran submits with the disabled veteran's application such documentary evidence of disability as the registrar may require by rule.

(D)(1) Each deputy registrar shall transmit to the registrar of motor vehicles, at such time and in such manner as the registrar shall require by rule, an amount of each fee collected under division (A)(1) of this section as shall be determined by the registrar. The registrar shall pay all such moneys so received into the state bureau of motor vehicles fund created in

section 4501.25 of the Revised Code. 94188

(2) Commencing on October 1, 2009, each deputy registrar 94189
shall transmit one dollar and seventy-five cents of each fee 94190
collected under division (A)(1) of this section to the registrar 94191
at the time and in the manner provided by section 4503.10 of the 94192
Revised Code. The registrar shall deposit all moneys received 94193
under division (D)(2) of this section into the state highway 94194
safety fund established in section 4501.06 of the Revised Code. 94195

Sec. 4507.45. If a person's driver's license, commercial 94196
driver's license, or nonresident operating privilege is suspended, 94197
disqualified, or canceled for an indefinite period of time or for 94198
a period of at least ninety days, and if at the end of the period 94199
of suspension, disqualification, or cancellation the person is 94200
eligible to have the license or privilege reinstated, the 94201
registrar of motor vehicles shall collect a reinstatement fee of 94202
~~thirty~~forty dollars when the person requests reinstatement. 94203
However, the registrar shall not collect the fee prescribed by 94204
this section if a different driver's license, commercial driver's 94205
license, or nonresident operating privilege reinstatement fee is 94206
prescribed by law. 94207

The registrar shall deposit ten dollars of each forty-dollar 94208
fee into the state treasury to the credit of the indigent defense 94209
support fund created by section 120.08 of the Revised Code and 94210
thirty dollars of each fee into the state treasury to the credit 94211
of the state bureau of motor vehicles fund created by section 94212
4501.25 of the Revised Code. 94213

Sec. 4509.101. (A)(1) No person shall operate, or permit the 94214
operation of, a motor vehicle in this state, unless proof of 94215
financial responsibility is maintained continuously throughout the 94216
registration period with respect to that vehicle, or, in the case 94217
of a driver who is not the owner, with respect to that driver's 94218
operation of that vehicle. 94219

(2) Whoever violates division (A)(1) of this section shall be 94220
subject to the following civil penalties: 94221

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 94222
class E suspension of the person's driver's license, commercial 94223
driver's license, temporary instruction permit, probationary 94224
license, or nonresident operating privilege for the period of time 94225
specified in division (B)(5) of section 4510.02 of the Revised 94226
Code and impoundment of the person's license. The court may grant 94227
limited driving privileges to the person only if the person 94228
presents proof of financial responsibility and has complied with 94229
division (A)(5) of this section. 94230

(b) If, within five years of the violation, the person's 94231
operating privileges are again suspended and the person's license 94232
again is impounded for a violation of division (A)(1) of this 94233
section, a class C suspension of the person's driver's license, 94234
commercial driver's license, temporary instruction permit, 94235
probationary license, or nonresident operating privilege for the 94236
period of time specified in division (B)(3) of section 4510.02 of 94237
the Revised Code. The court may grant limited driving privileges 94238
to the person only if the person presents proof of financial 94239
responsibility and has complied with division (A)(5) of this 94240
section, and no court may grant limited driving privileges for the 94241
first fifteen days of the suspension. 94242

(c) If, within five years of the violation, the person's 94243
operating privileges are suspended and the person's license is 94244
impounded two or more times for a violation of division (A)(1) of 94245
this section, a class B suspension of the person's driver's 94246
license, commercial driver's license, temporary instruction 94247
permit, probationary license, or nonresident operating privilege 94248
for the period of time specified in division (B)(2) of section 94249
4510.02 of the Revised Code. No court may grant limited driving 94250
privileges during the suspension. 94251

(d) In addition to the suspension of an owner's license under division (A)(2)(a), (b), or (c) of this section, the suspension of the rights of the owner to register the motor vehicle and the impoundment of the owner's certificate of registration and license plates until the owner complies with division (A)(5) of this section.

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(3) A person to whom this state has issued a certificate of registration for a motor vehicle or a license to operate a motor vehicle or who is determined to have operated any motor vehicle or permitted the operation in this state of a motor vehicle owned by the person shall be required to verify the existence of proof of financial responsibility covering the operation of the motor vehicle or the person's operation of the motor vehicle under any of the following circumstances:

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(a) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report under section 4509.06 of the Revised Code.

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(b) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or state highway patrol trooper made in accordance with division (D)(2) of this section.

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(c) Whenever, in accordance with rules adopted by the registrar, the person is randomly selected by the registrar and requested to provide such verification.

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(4) An order of the registrar that suspends and impounds a license or registration, or both, shall state the date on or before which the person is required to surrender the person's license or certificate of registration and license plates. The person is deemed to have surrendered the license or certificate of

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registration and license plates, in compliance with the order, if
the person does either of the following:

(a) On or before the date specified in the order, personally
delivers the license or certificate of registration and license
plates, or causes the delivery of the items, to the registrar;

(b) Mails the license or certificate of registration and
license plates to the registrar in an envelope or container
bearing a postmark showing a date no later than the date specified
in the order.

(5) Except as provided in division (A)(6) or (L) of this
section, the registrar shall not restore any operating privileges
or registration rights suspended under this section, return any
license, certificate of registration, or license plates impounded
under this section, or reissue license plates under section
4503.232 of the Revised Code, if the registrar destroyed the
impounded license plates under that section, or reissue a license
under section 4510.52 of the Revised Code, if the registrar
destroyed the suspended license under that section, unless the
rights are not subject to suspension or revocation under any other
law and unless the person, in addition to complying with all other
conditions required by law for reinstatement of the operating
privileges or registration rights, complies with all of the
following:

(a) Pays a financial responsibility reinstatement fee of
~~seventy-five~~one hundred dollars for the first violation of
division (A)(1) of this section, ~~two~~three hundred ~~fifty~~
dollars for a second violation of that division, and ~~five~~six hundred
dollars for a third or subsequent violation of that division;

(b) If the person has not voluntarily surrendered the
license, certificate, or license plates in compliance with the
order, pays a financial responsibility nonvoluntary compliance fee

in an amount, not to exceed fifty dollars, determined by the registrar;	94313 94314
(c) Files and continuously maintains proof of financial responsibility under sections 4509.44 to 4509.65 of the Revised Code.	94315 94316 94317
(6) If the registrar issues an order under division (A)(2) of this section resulting from the failure of a person to respond to a financial responsibility random verification request under division (A)(3)(c) of this section and the person successfully maintains an affirmative defense to a violation of section 4510.16 of the Revised Code or is determined by the registrar or a deputy registrar to have been in compliance with division (A)(1) of this section at the time of the initial financial responsibility random verification request, the registrar shall do both of the following:	94318 94319 94320 94321 94322 94323 94324 94325 94326 94327
(a) Terminate the order of suspension or impoundment;	94328
(b) Restore the operating privileges and registration rights of the person without payment of the fees established in divisions (A)(5)(a) and (b) of this section and without a requirement to file proof of financial responsibility.	94329 94330 94331 94332
(B)(1) Every party required to file an accident report under section 4509.06 of the Revised Code also shall include with the report a document described in division (G)(1) of this section.	94333 94334 94335
If the registrar determines, within forty-five days after the report is filed, that an operator or owner has violated division (A)(1) of this section, the registrar shall do all of the following:	94336 94337 94338 94339
(a) Order the impoundment, with respect to the motor vehicle involved, required under division (A)(2)(d) of this section, of	94340 94341

the certificate of registration and license plates of any owner	94342
who has violated division (A)(1) of this section;	94343
(b) Order the suspension required under division (A)(2)(a),	94344
(b), or (c) of this section of the license of any operator or	94345
owner who has violated division (A)(1) of this section;	94346
(c) Record the name and address of the person whose	94347
certificate of registration and license plates have been impounded	94348
or are under an order of impoundment, or whose license has been	94349
suspended or is under an order of suspension; the serial number of	94350
the person's license; the serial numbers of the person's	94351
certificate of registration and license plates; and the person's	94352
social security account number, if assigned, or, where the motor	94353
vehicle is used for hire or principally in connection with any	94354
established business, the person's federal taxpayer identification	94355
number. The information shall be recorded in such a manner that it	94356
becomes a part of the person's permanent record, and assists the	94357
registrar in monitoring compliance with the orders of suspension	94358
or impoundment.	94359
(d) Send written notification to every person to whom the	94360
order pertains, at the person's last known address as shown on the	94361
records of the bureau. The person, within ten days after the date	94362
of the mailing of the notification, shall surrender to the	94363
registrar, in a manner set forth in division (A)(4) of this	94364
section, any certificate of registration and registration plates	94365
under an order of impoundment, or any license under an order of	94366
suspension.	94367
(2) The registrar shall issue any order under division (B)(1)	94368
of this section without a hearing. Any person adversely affected	94369
by the order, within ten days after the issuance of the order, may	94370
request an administrative hearing before the registrar, who shall	94371
provide the person with an opportunity for a hearing in accordance	94372
with this paragraph. A request for a hearing does not operate as a	94373

suspension of the order. The scope of the hearing shall be limited to whether the person in fact demonstrated to the registrar proof of financial responsibility in accordance with this section. The registrar shall determine the date, time, and place of any hearing, provided that the hearing shall be held, and an order issued or findings made, within thirty days after the registrar receives a request for a hearing. If requested by the person in writing, the registrar may designate as the place of hearing the county seat of the county in which the person resides or a place within fifty miles of the person's residence. The person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension or impoundment is upheld.

(C) Any order of suspension or impoundment issued under this section or division (B) of section 4509.37 of the Revised Code may be terminated at any time if the registrar determines upon a showing of proof of financial responsibility that the operator or owner of the motor vehicle was in compliance with division (A)(1) of this section at the time of the traffic offense, motor vehicle inspection, or accident that resulted in the order against the person. A determination may be made without a hearing. This division does not apply unless the person shows good cause for the person's failure to present satisfactory proof of financial responsibility to the registrar prior to the issuance of the order.

(D)(1) For the purpose of enforcing this section, every peace officer is deemed an agent of the registrar.

(a) Except as provided in division (D)(1)(b) of this section, any peace officer who, in the performance of the peace officer's duties as authorized by law, becomes aware of a person whose license is under an order of suspension, or whose certificate of registration and license plates are under an order of impoundment, pursuant to this section, may confiscate the license, certificate

of registration, and license plates, and return them to the registrar. 94406
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(b) Any peace officer who, in the performance of the peace officer's duties as authorized by law, becomes aware of a person whose license is under an order of suspension, or whose certificate of registration and license plates are under an order of impoundment resulting from failure to respond to a financial responsibility random verification, shall not, for that reason, arrest the owner or operator or seize the vehicle or license plates. Instead, the peace officer shall issue a citation for a violation of section 4510.16 of the Revised Code specifying the circumstances as failure to respond to a financial responsibility random verification. 94408
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(2) A peace officer shall request the owner or operator of a motor vehicle to produce proof of financial responsibility in a manner described in division (G) of this section at the time the peace officer acts to enforce the traffic laws of this state and during motor vehicle inspections conducted pursuant to section 4513.02 of the Revised Code. 94419
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(3) A peace officer shall indicate on every traffic ticket whether the person receiving the traffic ticket produced proof of the maintenance of financial responsibility in response to the officer's request under division (D)(2) of this section. The peace officer shall inform every person who receives a traffic ticket and who has failed to produce proof of the maintenance of financial responsibility that the person must submit proof to the traffic violations bureau with any payment of a fine and costs for the ticketed violation or, if the person is to appear in court for the violation, the person must submit proof to the court. 94425
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(4)(a) If a person who has failed to produce proof of the maintenance of financial responsibility appears in court for a ticketed violation, the court may permit the defendant to present 94435
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evidence of proof of financial responsibility to the court at such 94438
time and in such manner as the court determines to be necessary or 94439
appropriate. In a manner prescribed by the registrar, the clerk of 94440
courts shall provide the registrar with the identity of any person 94441
who fails to submit proof of the maintenance of financial 94442
responsibility pursuant to division (D)(3) of this section. 94443

(b) If a person who has failed to produce proof of the 94444
maintenance of financial responsibility also fails to submit that 94445
proof to the traffic violations bureau with payment of a fine and 94446
costs for the ticketed violation, the traffic violations bureau, 94447
in a manner prescribed by the registrar, shall notify the 94448
registrar of the identity of that person. 94449

(5)(a) Upon receiving notice from a clerk of courts or 94450
traffic violations bureau pursuant to division (D)(4) of this 94451
section, the registrar shall order the suspension of the license 94452
of the person required under division (A)(2)(a), (b), or (c) of 94453
this section and the impoundment of the person's certificate of 94454
registration and license plates required under division (A)(2)(d) 94455
of this section, effective thirty days after the date of the 94456
mailing of notification. The registrar also shall notify the 94457
person that the person must present the registrar with proof of 94458
financial responsibility in accordance with this section, 94459
surrender to the registrar the person's certificate of 94460
registration, license plates, and license, or submit a statement 94461
subject to section 2921.13 of the Revised Code that the person did 94462
not operate or permit the operation of the motor vehicle at the 94463
time of the offense. Notification shall be in writing and shall 94464
be sent to the person at the person's last known address as shown 94465
on the records of the bureau of motor vehicles. The person, within 94466
fifteen days after the date of the mailing of notification, shall 94467
present proof of financial responsibility, surrender the 94468
certificate of registration, license plates, and license to the 94469
registrar in a manner set forth in division (A)(4) of this 94470

section, or submit the statement required under this section 94471
together with other information the person considers appropriate. 94472

If the registrar does not receive proof or the person does 94473
not surrender the certificate of registration, license plates, and 94474
license, in accordance with this division, the registrar shall 94475
permit the order for the suspension of the license of the person 94476
and the impoundment of the person's certificate of registration 94477
and license plates to take effect. 94478

(b) In the case of a person who presents, within the 94479
fifteen-day period, documents to show proof of financial 94480
responsibility, the registrar shall terminate the order of 94481
suspension and the impoundment of the registration and license 94482
plates required under division (A)(2)(d) of this section and shall 94483
send written notification to the person, at the person's last 94484
known address as shown on the records of the bureau. 94485

(c) Any person adversely affected by the order of the 94486
registrar under division (D)(5)(a) or (b) of this section, within 94487
ten days after the issuance of the order, may request an 94488
administrative hearing before the registrar, who shall provide the 94489
person with an opportunity for a hearing in accordance with this 94490
paragraph. A request for a hearing does not operate as a 94491
suspension of the order. The scope of the hearing shall be limited 94492
to whether, at the time of the hearing, the person presents proof 94493
of financial responsibility covering the vehicle and whether the 94494
person is eligible for an exemption in accordance with this 94495
section or any rule adopted under it. The registrar shall 94496
determine the date, time, and place of any hearing; provided, that 94497
the hearing shall be held, and an order issued or findings made, 94498
within thirty days after the registrar receives a request for a 94499
hearing. If requested by the person in writing, the registrar may 94500
designate as the place of hearing the county seat of the county in 94501
which the person resides or a place within fifty miles of the 94502

person's residence. Such person shall pay the cost of the hearing 94503
before the registrar, if the registrar's order of suspension or 94504
impoundment under division (D)(5)(a) or (b) of this section is 94505
upheld. 94506

(6) A peace officer may charge an owner or operator of a 94507
motor vehicle with a violation of section 4510.16 of the Revised 94508
Code when the owner or operator fails to show proof of the 94509
maintenance of financial responsibility pursuant to a peace 94510
officer's request under division (D)(2) of this section, if a 94511
check of the owner or operator's driving record indicates that the 94512
owner or operator, at the time of the operation of the motor 94513
vehicle, is required to file and maintain proof of financial 94514
responsibility under section 4509.45 of the Revised Code for a 94515
previous violation of this chapter. 94516

(7) Any forms used by law enforcement agencies in 94517
administering this section shall be prescribed, supplied, and paid 94518
for by the registrar. 94519

(8) No peace officer, law enforcement agency employing a 94520
peace officer, or political subdivision or governmental agency 94521
that employs a peace officer shall be liable in a civil action for 94522
damages or loss to persons arising out of the performance of any 94523
duty required or authorized by this section. 94524

(9) As used in this division and divisions (E) and (G) of 94525
this section, "peace officer" has the meaning set forth in section 94526
2935.01 of the Revised Code. 94527

(E) All fees, except court costs and those portions of the 94528
financial responsibility reinstatement fees as otherwise specified 94529
in this division, collected under this section shall be paid into 94530
the state treasury to the credit of the financial responsibility 94531
compliance fund. The financial responsibility compliance fund 94532
shall be used exclusively to cover costs incurred by the bureau in 94533

the administration of this section and sections 4503.20, 4507.212,
and 4509.81 of the Revised Code, and by any law enforcement agency
employing any peace officer who returns any license, certificate
of registration, and license plates to the registrar pursuant to
division (C) of this section, except that the director of budget
and management may transfer excess money from the financial
responsibility compliance fund to the state bureau of motor
vehicles fund if the registrar determines that the amount of money
in the financial responsibility compliance fund exceeds the amount
required to cover such costs incurred by the bureau or a law
enforcement agency and requests the director to make the transfer.

Of each financial responsibility reinstatement fee the
registrar collects pursuant to division (A)(5)(a) of this section,
the registrar shall deposit twenty-five dollars of each
one-hundred-dollar reinstatement fee, fifty dollars of each
three-hundred-dollar reinstatement fee, and one hundred dollars of
each six-hundred-dollar reinstatement fee into the state treasury
to the credit of the indigent defense support fund created by
section 120.08 of the Revised Code.

All investment earnings of the financial responsibility
compliance fund shall be credited to the fund.

(F) Chapter 119. of the Revised Code applies to this section
only to the extent that any provision in that chapter is not
clearly inconsistent with this section.

(G)(1) The registrar, court, traffic violations bureau, or
peace officer may require proof of financial responsibility to be
demonstrated by use of a standard form prescribed by the
registrar. If the use of a standard form is not required, a person
may demonstrate proof of financial responsibility under this
section by presenting to the traffic violations bureau, court,
registrar, or peace officer any of the following documents or a
copy of the documents:

(a) A financial responsibility identification card as provided in section 4509.103 of the Revised Code;	94566 94567
(b) A certificate of proof of financial responsibility on a form provided and approved by the registrar for the filing of an accident report required to be filed under section 4509.06 of the Revised Code;	94568 94569 94570 94571
(c) A policy of liability insurance, a declaration page of a policy of liability insurance, or liability bond, if the policy or bond complies with section 4509.20 or sections 4509.49 to 4509.61 of the Revised Code;	94572 94573 94574 94575
(d) A bond or certification of the issuance of a bond as provided in section 4509.59 of the Revised Code;	94576 94577
(e) A certificate of deposit of money or securities as provided in section 4509.62 of the Revised Code;	94578 94579
(f) A certificate of self-insurance as provided in section 4509.72 of the Revised Code.	94580 94581
(2) If a person fails to demonstrate proof of financial responsibility in a manner described in division (G)(1) of this section, the person may demonstrate proof of financial responsibility under this section by any other method that the court or the bureau, by reason of circumstances in a particular case, may consider appropriate.	94582 94583 94584 94585 94586 94587
(3) A motor carrier certificated by the interstate commerce commission or by the public utilities commission may demonstrate proof of financial responsibility by providing a statement designating the motor carrier's operating authority and averring that the insurance coverage required by the certifying authority is in full force and effect.	94588 94589 94590 94591 94592 94593

(4)(a) A finding by the registrar or court that a person is covered by proof of financial responsibility in the form of an insurance policy or surety bond is not binding upon the named insurer or surety or any of its officers, employees, agents, or representatives and has no legal effect except for the purpose of administering this section.	94594 94595 94596 94597 94598 94599
(b) The preparation and delivery of a financial responsibility identification card or any other document authorized to be used as proof of financial responsibility under this division does not do any of the following:	94600 94601 94602 94603
(i) Create any liability or estoppel against an insurer or surety, or any of its officers, employees, agents, or representatives;	94604 94605 94606
(ii) Constitute an admission of the existence of, or of any liability or coverage under, any policy or bond;	94607 94608
(iii) Waive any defenses or counterclaims available to an insurer, surety, agent, employee, or representative in an action commenced by an insured or third-party claimant upon a cause of action alleged to have arisen under an insurance policy or surety bond or by reason of the preparation and delivery of a document for use as proof of financial responsibility.	94609 94610 94611 94612 94613 94614
(c) Whenever it is determined by a final judgment in a judicial proceeding that an insurer or surety, which has been named on a document accepted by a court or the registrar as proof of financial responsibility covering the operation of a motor vehicle at the time of an accident or offense, is not liable to pay a judgment for injuries or damages resulting from such operation, the registrar, notwithstanding any previous contrary finding, shall forthwith suspend the operating privileges and registration rights of the person against whom the judgment was	94615 94616 94617 94618 94619 94620 94621 94622 94623

rendered as provided in division (A)(2) of this section. 94624

(H) In order for any document described in division (G)(1)(b) 94625
of this section to be used for the demonstration of proof of 94626
financial responsibility under this section, the document shall 94627
state the name of the insured or obligor, the name of the insurer 94628
or surety company, and the effective and expiration dates of the 94629
financial responsibility, and designate by explicit description or 94630
by appropriate reference all motor vehicles covered which may 94631
include a reference to fleet insurance coverage. 94632

(I) For purposes of this section, "owner" does not include a 94633
licensed motor vehicle leasing dealer as defined in section 94634
4517.01 of the Revised Code, but does include a motor vehicle 94635
renting dealer as defined in section 4549.65 of the Revised Code. 94636
Nothing in this section or in section 4509.51 of the Revised Code 94637
shall be construed to prohibit a motor vehicle renting dealer from 94638
entering into a contractual agreement with a person whereby the 94639
person renting the motor vehicle agrees to be solely responsible 94640
for maintaining proof of financial responsibility, in accordance 94641
with this section, with respect to the operation, maintenance, or 94642
use of the motor vehicle during the period of the motor vehicle's 94643
rental. 94644

(J) The purpose of this section is to require the maintenance 94645
of proof of financial responsibility with respect to the operation 94646
of motor vehicles on the highways of this state, so as to minimize 94647
those situations in which persons are not compensated for injuries 94648
and damages sustained in motor vehicle accidents. The general 94649
assembly finds that this section contains reasonable civil 94650
penalties and procedures for achieving this purpose. 94651

(K) Nothing in this section shall be construed to be subject 94652
to section 4509.78 of the Revised Code. 94653

(L)(1) The registrar may terminate any suspension imposed 94654

under this section and not require the owner to comply with	94655
divisions (A)(5)(a), (b), and (c) of this section if the registrar	94656
with or without a hearing determines that the owner of the vehicle	94657
has established by clear and convincing evidence that all of the	94658
following apply:	94659
(a) The owner customarily maintains proof of financial	94660
responsibility.	94661
(b) Proof of financial responsibility was not in effect for	94662
the vehicle on the date in question for one of the following	94663
reasons:	94664
(i) The vehicle was inoperable.	94665
(ii) The vehicle is operated only seasonally, and the date in	94666
question was outside the season of operation.	94667
(iii) A person other than the vehicle owner or driver was at	94668
fault for the lapse of proof of financial responsibility through	94669
no fault of the owner or driver.	94670
(iv) The lapse of proof of financial responsibility was	94671
caused by excusable neglect under circumstances that are not	94672
likely to recur and do not suggest a purpose to evade the	94673
requirements of this chapter.	94674
(2) The registrar may grant an owner or driver relief for a	94675
reason specified in division (L)(1)(b)(i) or (ii) of this section	94676
whenever the owner or driver is randomly selected to verify the	94677
existence of proof of financial responsibility for such a vehicle.	94678
However, the registrar may grant an owner or driver relief for a	94679
reason specified in division (L)(1)(b)(iii) or (iv) of this	94680
section only if the owner or driver has not previously been	94681
granted relief under division (L)(1)(b)(iii) or (iv) of this	94682
section.	94683

(M) The registrar shall adopt rules in accordance with 94684
Chapter 119. of the Revised Code that are necessary to administer 94685
and enforce this section. The rules shall include procedures for 94686
the surrender of license plates upon failure to maintain proof of 94687
financial responsibility and provisions relating to reinstatement 94688
of registration rights, acceptable forms of proof of financial 94689
responsibility, and verification of the existence of financial 94690
responsibility during the period of registration. 94691

Sec. 4510.11. (A) No person whose driver's or commercial 94692
driver's license or permit or nonresident operating privilege has 94693
been suspended under any provision of the Revised Code, other than 94694
Chapter 4509. of the Revised Code, or under any applicable law in 94695
any other jurisdiction in which the person's license or permit was 94696
issued shall operate any motor vehicle upon the public roads and 94697
highways or upon any public or private property used by the public 94698
for purposes of vehicular travel or parking within this state 94699
during the period of suspension unless the person is granted 94700
limited driving privileges and is operating the vehicle in 94701
accordance with the terms of the limited driving privileges. 94702

(B) No person shall operate any motor vehicle upon a highway 94703
or any public or private property used by the public for purposes 94704
of vehicular travel or parking in this state in violation of any 94705
restriction of the person's driver's or commercial driver's 94706
license or permit imposed under division (D) of section 4506.10 or 94707
under section 4507.14 of the Revised Code. 94708

(C)(1) ~~Whoever~~ (a) Except as provided in division (C)(1)(b) 94709
of this section, whoever violates division (A) of this section is 94710
guilty of driving under suspension ~~or in violation of a license~~ 94711
~~restriction~~, a misdemeanor of the first degree. The court shall 94712
impose upon the offender a class seven suspension of the 94713
offender's driver's license, commercial driver's license, 94714
temporary instruction permit, probationary license, or nonresident 94715

operating privilege from the range specified in division (A)(7) of
section 4510.02 of the Revised Code. 94716
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(b) If the offender's driver's or commercial driver's license 94718
or permit or nonresident operating privilege has been suspended 94719
under section 3123.58 or 4510.22 of the Revised Code, a violation 94720
of division (A) of this section is an unclassified misdemeanor. 94721
The offender may be fined up to one thousand dollars and pursuant 94722
to division (B) of section 2929.27 of the Revised Code 94723
additionally may be ordered to serve a term of community service 94724
of up to five hundred hours. If the offender previously was 94725
convicted of or pleaded guilty to two or more violations of this 94726
section or a substantially equivalent municipal ordinance within 94727
the past three years, the offense is a misdemeanor of the first 94728
degree. 94729

(2) Whoever violates division (B) of this section is guilty 94730
of driving in violation of a license restriction, a misdemeanor of 94731
the first degree. 94732

(3) Except as provided in division (C)(3)(4) or (4)(5) of 94733
this section, the court, in addition to any other penalty that it 94734
imposes on the offender and if the vehicle is registered in the 94735
offender's name, shall order the immobilization of the vehicle 94736
involved in the offense for thirty days in accordance with section 94737
4503.233 of the Revised Code and the impoundment of that vehicle's 94738
license plates for thirty days. 94739

(3)(4) If the offender previously has been convicted of or 94740
pleaded guilty to one violation of this section or of a 94741
substantially similar municipal ordinance, the court, in addition 94742
to any other sentence that it imposes on the offender and if the 94743
vehicle is registered in the offender's name, shall order the 94744
immobilization of the vehicle involved in the offense for sixty 94745
days in accordance with section 4503.233 of the Revised Code and 94746
the impoundment of that vehicle's license plates for sixty days. 94747

~~(4)~~(5) If the offender previously has been convicted of or
pleaded guilty to two or more violations of this section or of a
substantially similar municipal ordinance, the court, in addition
to any other sentence that it imposes on the offender and if the
vehicle is registered in the offender's name, shall order the
criminal forfeiture of the vehicle involved in the offense to the
state.

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(D) Any order for immobilization and impoundment under this
section shall be issued and enforced under section 4503.233 of the
Revised Code. The court shall not release a vehicle from
immobilization ordered under this section unless the court is
presented with current proof of financial responsibility with
respect to that vehicle.

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(E) Any order of criminal forfeiture under this section shall
be issued and enforced under section 4503.234 of the Revised Code.
Upon receipt of the copy of the order from the court, neither the
registrar of motor vehicles nor a deputy registrar shall accept
any application for the registration or transfer of registration
of any motor vehicle owned or leased by the person named in the
declaration of forfeiture. The period of registration denial shall
be five years after the date of the order, unless, during that
period, the court having jurisdiction of the offense that led to
the order terminates the forfeiture and notifies the registrar of
the termination. The registrar then shall take necessary measures
to permit the person to register a vehicle owned or leased by the
person or to transfer registration of the vehicle.

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Sec. 4510.12. (A)(1) No person, except those expressly
exempted under sections 4507.03, 4507.04, and 4507.05 of the
Revised Code, shall operate any motor vehicle upon a public road
or highway or any public or private property used by the public
for purposes of vehicular travel or parking in this state unless
the person has a valid driver's license issued under Chapter 4507.

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of the Revised Code or a commercial driver's license issued under 94780
Chapter 4506. of the Revised Code. 94781

(2) No person, except a person expressly exempted under 94782
sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall 94783
operate any motorcycle upon a public road or highway or any public 94784
or private property used by the public for purposes of vehicular 94785
travel or parking in this state unless the person has a valid 94786
license as a motorcycle operator that was issued upon application 94787
by the registrar of motor vehicles under Chapter 4507. of the 94788
Revised Code. The license shall be in the form of an endorsement, 94789
as determined by the registrar, upon a driver's or commercial 94790
driver's license, if the person has a valid license to operate a 94791
motor vehicle or commercial motor vehicle, or in the form of a 94792
restricted license as provided in section 4507.14 of the Revised 94793
Code, if the person does not have a valid license to operate a 94794
motor vehicle or commercial motor vehicle. 94795

(B) Whoever violates this section is guilty of operating a 94796
motor vehicle without a valid license and shall be punished as 94797
follows: 94798

(1) If the trier of fact finds that the offender never has 94799
held a valid driver's or commercial driver's license issued by 94800
this state or any other jurisdiction, the offense is an 94801
unclassified misdemeanor of the first degree. The offender may be 94802
fined up to one thousand dollars and pursuant to division (B) of 94803
section 2929.27 of the Revised Code additionally may be ordered to 94804
serve a term of community service of up to five hundred hours. 94805

(2)(a) Subject to division (B)(2)(b) of this section, if the 94806
offender's driver's or commercial driver's license or permit was 94807
expired at the time of the offense ~~for no more than six months,~~ 94808
the offense is a minor misdemeanor ~~and if the offender's driver's~~ 94809
~~or commercial driver's license or permit was expired at the time~~ 94810
~~of the offense for more than six months, the offense is a~~ 94811

~~misdemeanor of the fourth degree.~~	94812
~~(b)(i) If the offender previously was convicted of or pleaded guilty to one violation of this section or a substantially equivalent municipal ordinance within the past three years, the offense is a misdemeanor of the third degree.~~	94813
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~~(ii) If the offender previously was convicted of or pleaded guilty to two violations of this section or a substantially equivalent municipal ordinance within the past three years, the offense is a misdemeanor of the second degree.~~	94817
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~~(iii) If the offender previously was convicted of or pleaded guilty to three or more violations of this section or a substantially equivalent municipal ordinance within the past three years, the offense is a misdemeanor of the first degree.~~	94821
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(C) The court shall not impose a license suspension for a first violation of this section or if more than three years have passed since the offender's last violation of this section or a substantially equivalent municipal ordinance.	94825
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(D) If the offender was convicted of or pleaded guilty to one or more violations of this section or a substantially equivalent municipal ordinance within the past three years, and if the offender's license was expired for more than six months at the time of the offense, the court shall impose a class seven suspension of the offender's driver license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code.	94829
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Sec. 4510.16. (A) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to Chapter 4509. of the Revised Code, shall operate any motor vehicle	94838
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within this state, or knowingly permit any motor vehicle owned by 94842
the person to be operated by another person in the state, during 94843
the period of the suspension or cancellation, except as 94844
specifically authorized by Chapter 4509. of the Revised Code. No 94845
person shall operate a motor vehicle within this state, or 94846
knowingly permit any motor vehicle owned by the person to be 94847
operated by another person in the state, during the period in 94848
which the person is required by section 4509.45 of the Revised 94849
Code to file and maintain proof of financial responsibility for a 94850
violation of section 4509.101 of the Revised Code, unless proof of 94851
financial responsibility is maintained with respect to that 94852
vehicle. 94853

(B)(1) Whoever violates this section is guilty of driving 94854
under financial responsibility law suspension or cancellation, a 94855
an unclassified misdemeanor of the first degree. The offender may 94856
be fined up to one thousand dollars and pursuant to division (B) 94857
of section 2929.27 of the Revised Code additionally may be ordered 94858
to serve a term of community service of up to five hundred hours. 94859
If the offender previously was convicted of or pleaded guilty to 94860
two or more violations of this section or a substantially 94861
equivalent municipal ordinance within the past three years, the 94862
offense is a misdemeanor of the first degree. The court shall 94863
impose a class seven suspension of the offender's driver's or 94864
commercial driver's license or permit or nonresident operating 94865
privilege for the period of time specified in division (A)(7) of 94866
section 4510.02 of the Revised Code. 94867

(2) If the vehicle is registered in the offender's name and 94868
division (B)(3) of this section does not apply, the court, in 94869
addition to or independent of any other sentence that it imposes 94870
upon the offender, may order the immobilization for no more than 94871
thirty days of the vehicle involved in the offense and the 94872
impoundment for no more than thirty days of the license plates of 94873
that vehicle. 94874

(3) If the vehicle is registered in the offender's name and 94875
if, within five years of the offense, the offender has been 94876
convicted of or pleaded guilty to one violation of this section or 94877
a substantially similar municipal ordinance, the court, in 94878
addition to or independent of any other sentence that it imposes 94879
on the offender, shall order the immobilization for sixty days of 94880
the vehicle involved in the offense and impoundment for sixty days 94881
of the license plates of that vehicle. 94882

If the vehicle is registered in the offender's name and if, 94883
within five years of the offense, the offender has been convicted 94884
of or pleaded guilty to two or more violations of this section or 94885
a substantially similar municipal ordinance, the court, in 94886
addition to or independent of any other sentence that it imposes 94887
upon the offender, shall order the criminal forfeiture to the 94888
state of the vehicle involved in the offense. If title to a motor 94889
vehicle that is subject to an order for criminal forfeiture under 94890
this division is assigned or transferred and division (B)(2) or 94891
(3) of section 4503.234 of the Revised Code applies, in addition 94892
to or independent of any other penalty established by law, the 94893
court may fine the offender the value of the vehicle as determined 94894
by publications of the national auto dealers association. The 94895
proceeds from any fine so imposed shall be distributed in 94896
accordance with division (C)(2) of that section. 94897

(C) Any order for immobilization and impoundment under this 94898
section shall be issued and enforced in accordance with sections 94899
4503.233 and 4507.02 of the Revised Code, as applicable. Any order 94900
of criminal forfeiture shall be issued and enforced in accordance 94901
with section 4503.234 of the Revised Code. The court shall not 94902
release a vehicle from immobilization orders under this section 94903
unless the court is presented with current proof of financial 94904
responsibility with respect to that vehicle. 94905

Sec. 4510.22. (A) If a person who has a current valid Ohio 94906

driver's, commercial driver's license, or temporary instruction 94907
permit is charged with a violation of any provision in sections 94908
4511.01 to 4511.76, 4511.84, 4513.01 to 4513.65, or 4549.01 to 94909
4549.65 of the Revised Code that is classified as a misdemeanor of 94910
the first, second, third, or fourth degree or with a violation of 94911
any substantially equivalent municipal ordinance and if the person 94912
either fails to appear in court at the required time and place to 94913
answer the charge or pleads guilty to or is found guilty of the 94914
violation and fails within the time allowed by the court to pay 94915
the fine imposed by the court, the court shall declare the 94916
forfeiture of the person's license. Thirty days after the 94917
declaration of forfeiture, the court shall inform the registrar of 94918
motor vehicles of the forfeiture by entering information relative 94919
to the of forfeiture on a form approved and furnished by the 94920
registrar and sending the form to the registrar. The court also 94921
shall forward the person's license, if it is in the possession of 94922
the court, to the registrar. 94923

The registrar shall impose a class F suspension of the 94924
person's driver's or commercial driver's license, or temporary 94925
instruction permit for the period of time specified in division 94926
(B)(6) of section 4510.02 of the Revised Code on any person who is 94927
named in a declaration received by the registrar under this 94928
section. The registrar shall send written notification of the 94929
suspension to the person at the person's last known address and, 94930
if the person is in possession of the license, order the person to 94931
surrender the person's license or permit to the registrar within 94932
forty-eight hours. 94933

No valid driver's or commercial driver's license shall be 94934
granted to the person after the suspension, unless the court 94935
having jurisdiction of the offense that led to the suspension 94936
orders that the forfeiture be terminated. The court shall order 94937
the termination of the forfeiture if the person thereafter appears 94938
to answer the charge and pays any fine imposed by the court or 94939

pays the fine originally imposed by the court. The court shall
inform the registrar of the termination of the forfeiture by
entering information relative to the termination on a form
approved and furnished by the registrar and sending the form to
the registrar. The person shall pay to the bureau of motor
vehicles a ~~fifteen-dollar~~twenty-five-dollar reinstatement fee ~~to~~
~~cover the costs of the bureau in administering this section.~~ The
registrar shall deposit fifteen dollars of the fee into the state
treasury to the credit of the state bureau of motor vehicles fund
created by section 4501.25 of the Revised Code to cover the costs
of the bureau in administering this section and shall deposit ten
dollars of the fee into the state treasury to the credit of the
indigent defense support fund created by section 120.08 of the
Revised Code.

(B) In addition to suspending the driver's or commercial
driver's license or permit of the person named in a declaration of
forfeiture, the registrar, upon receipt from the court of the copy
of the declaration of forfeiture, shall take any measures that may
be necessary to ensure that neither the registrar nor any deputy
registrar accepts any application for the registration or transfer
of registration of any motor vehicle owned or leased by the person
named in the declaration of forfeiture. However, for a motor
vehicle leased by a person named in a declaration of forfeiture,
the registrar shall not implement the preceding sentence until the
registrar adopts procedures for that implementation under section
4503.39 of the Revised Code. The period of denial of registration
or transfer shall continue until such time as the court having
jurisdiction of the offense that led to the suspension orders the
forfeiture be terminated. Upon receipt by the registrar of an
order terminating the forfeiture, the registrar also shall take
any measures that may be necessary to permit the person to
register a motor vehicle owned or leased by the person or to
transfer the registration of such a motor vehicle, if the person
later makes application to take such action and otherwise is

eligible to register the motor vehicle or to transfer its
registration.

The registrar shall not be required to give effect to any
declaration of forfeiture or order terminating a forfeiture
provided by a court under this section unless the information
contained in the declaration or order is transmitted to the
registrar by means of an electronic transfer system. The registrar
shall not restore the person's driving or vehicle registration
privileges until the person pays the reinstatement fee as provided
in this section.

The period of denial relating to the issuance or transfer of
a certificate of registration for a motor vehicle imposed pursuant
to this division remains in effect until the person pays any fine
imposed by the court relative to the offense.

Sec. 4511.191. (A)(1) As used in this section:

(a) "Physical control" has the same meaning as in section
4511.194 of the Revised Code.

(b) "Alcohol monitoring device" means any device that
provides for continuous alcohol monitoring, any ignition interlock
device, any immobilizing or disabling device other than an
ignition interlock device that is constantly available to monitor
the concentration of alcohol in a person's system, or any other
device that provides for the automatic testing and periodic
reporting of alcohol consumption by a person and that a court
orders a person to use as a sanction imposed as a result of the
person's conviction of or plea of guilty to an offense.

(2) Any person who operates a vehicle, streetcar, or
trackless trolley upon a highway or any public or private property
used by the public for vehicular travel or parking within this
state or who is in physical control of a vehicle, streetcar, or

trackless trolley shall be deemed to have given consent to a 95004
chemical test or tests of the person's whole blood, blood serum or 95005
plasma, breath, or urine to determine the alcohol, drug of abuse, 95006
controlled substance, metabolite of a controlled substance, or 95007
combination content of the person's whole blood, blood serum or 95008
plasma, breath, or urine if arrested for a violation of division 95009
(A) or (B) of section 4511.19 of the Revised Code, section 95010
4511.194 of the Revised Code or a substantially equivalent 95011
municipal ordinance, or a municipal OVI ordinance. 95012

(3) The chemical test or tests under division (A)(2) of this 95013
section shall be administered at the request of a law enforcement 95014
officer having reasonable grounds to believe the person was 95015
operating or in physical control of a vehicle, streetcar, or 95016
trackless trolley in violation of a division, section, or 95017
ordinance identified in division (A)(2) of this section. The law 95018
enforcement agency by which the officer is employed shall 95019
designate which of the tests shall be administered. 95020

(4) Any person who is dead or unconscious, or who otherwise 95021
is in a condition rendering the person incapable of refusal, shall 95022
be deemed to have consented as provided in division (A)(2) of this 95023
section, and the test or tests may be administered, subject to 95024
sections 313.12 to 313.16 of the Revised Code. 95025

(5)(a) If a law enforcement officer arrests a person for a 95026
violation of division (A) or (B) of section 4511.19 of the Revised 95027
Code, section 4511.194 of the Revised Code or a substantially 95028
equivalent municipal ordinance, or a municipal OVI ordinance and 95029
if the person if convicted would be required to be sentenced under 95030
division (G)(1)(c), (d), or (e) of section 4511.19 of the 95031
Revised Code, the law enforcement officer shall request the 95032
person to submit, and the person shall submit, to a chemical 95033
test or tests of the person's whole blood, blood serum or 95034
plasma, breath, or urine for the purpose of determining the 95035

alcohol, drug of abuse, controlled substance, metabolite of a 95036
controlled substance, or combination content of the person's 95037
whole blood, blood serum or plasma, breath, or urine. A law 95038
enforcement officer who makes a request pursuant to this 95039
division that a person submit to a chemical test or tests is not 95040
required to advise the person of the consequences of submitting 95041
to, or refusing to submit to, the test or tests and is not 95042
required to give the person the form described in division (B) of 95043
section 4511.192 of the Revised Code, but the officer shall 95044
advise the person at the time of the arrest that if the person 95045
refuses to take a chemical test the officer may employ whatever 95046
reasonable means are necessary to ensure that the person submits 95047
to a chemical test of the person's whole blood or blood serum or 95048
plasma. The officer shall also advise the person at the time of 95049
the arrest that the person may have an independent chemical test 95050
taken at the person's own expense. Divisions (A)(3) and (4) of 95051
this section apply to the administration of a chemical test or 95052
tests pursuant to this division. 95053

(b) If a person refuses to submit to a chemical test upon a 95054
request made pursuant to division (A)(5)(a) of this section, the 95055
law enforcement officer who made the request may employ whatever 95056
reasonable means are necessary to ensure that the person submits 95057
to a chemical test of the person's whole blood or blood serum or 95058
plasma. A law enforcement officer who acts pursuant to this 95059
division to ensure that a person submits to a chemical test of the 95060
person's whole blood or blood serum or plasma is immune from 95061
criminal and civil liability based upon a claim for assault and 95062
battery or any other claim for the acts, unless the officer so 95063
acted with malicious purpose, in bad faith, or in a wanton or 95064
reckless manner. 95065

(B)(1) Upon receipt of the sworn report of a law enforcement 95066
officer who arrested a person for a violation of division (A) or 95067
(B) of section 4511.19 of the Revised Code, section 4511.194 of 95068

the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code.

(b) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical test or had been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(c) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused two previous requests to consent to a chemical test, had been convicted of or pleaded guilty to two violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused one previous request to

consent to a chemical test and also had been convicted of or
pleaded guilty to one violation of division (A) or (B) of section
4511.19 of the Revised Code or other equivalent offenses, which
violation or offense arose from an incident other than the
incident that led to the refusal, the suspension shall be a class
A suspension imposed for the period of time specified in division
(B)(1) of section 4510.02 of the Revised Code.

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(d) If the arrested person, within six years of the date on
which the person refused the request to consent to the chemical
test, had refused three or more previous requests to consent to a
chemical test, had been convicted of or pleaded guilty to three or
more violations of division (A) or (B) of section 4511.19 of the
Revised Code or other equivalent offenses, or had refused a number
of previous requests to consent to a chemical test and also had
been convicted of or pleaded guilty to a number of violations of
division (A) or (B) of section 4511.19 of the Revised Code or
other equivalent offenses that cumulatively total three or more
such refusals, convictions, and guilty pleas, the suspension shall
be for five years.

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(2) The registrar shall terminate a suspension of the
driver's or commercial driver's license or permit of a resident or
of the operating privilege of a nonresident, or a denial of a
driver's or commercial driver's license or permit, imposed
pursuant to division (B)(1) of this section upon receipt of notice
that the person has entered a plea of guilty to, or that the
person has been convicted after entering a plea of no contest to,
operating a vehicle in violation of section 4511.19 of the Revised
Code or in violation of a municipal OVI ordinance, if the offense
for which the conviction is had or the plea is entered arose from
the same incident that led to the suspension or denial.

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The registrar shall credit against any judicial suspension of
a person's driver's or commercial driver's license or permit or

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nonresident operating privilege imposed pursuant to section 95133
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 95134
Revised Code for a violation of a municipal OVI ordinance, any 95135
time during which the person serves a related suspension imposed 95136
pursuant to division (B)(1) of this section. 95137

(C)(1) Upon receipt of the sworn report of the law 95138
enforcement officer who arrested a person for a violation of 95139
division (A) or (B) of section 4511.19 of the Revised Code or a 95140
municipal OVI ordinance that was completed and sent to the 95141
registrar and a court pursuant to section 4511.192 of the Revised 95142
Code in regard to a person whose test results indicate that the 95143
person's whole blood, blood serum or plasma, breath, or urine 95144
contained at least the concentration of alcohol specified in 95145
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 95146
Revised Code or at least the concentration of a listed controlled 95147
substance or a listed metabolite of a controlled substance 95148
specified in division (A)(1)(j) of section 4511.19 of the Revised 95149
Code, the registrar shall enter into the registrar's records the 95150
fact that the person's driver's or commercial driver's license or 95151
permit or nonresident operating privilege was suspended by the 95152
arresting officer under this division and section 4511.192 of the 95153
Revised Code and the period of the suspension, as determined under 95154
divisions (C)(1)(a) to (d) of this section. The suspension shall 95155
be subject to appeal as provided in section 4511.197 of the 95156
Revised Code. The suspension described in this division does not 95157
apply to, and shall not be imposed upon, a person arrested for a 95158
violation of section 4511.194 of the Revised Code or a 95159
substantially equivalent municipal ordinance who submits to a 95160
designated chemical test. The suspension shall be for whichever of 95161
the following periods applies: 95162

(a) Except when division (C)(1)(b), (c), or (d) of this 95163
section applies and specifies a different period, the suspension 95164
shall be a class E suspension imposed for the period of time 95165

specified in division (B)(5) of section 4510.02 of the Revised Code. 95166
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(b) The suspension shall be a class C suspension for the 95168
period of time specified in division (B)(3) of section 4510.02 of 95169
the Revised Code if the person has been convicted of or pleaded 95170
guilty to, within six years of the date the test was conducted, 95171
one violation of division (A) or (B) of section 4511.19 of the 95172
Revised Code or one other equivalent offense. 95173

(c) If, within six years of the date the test was conducted, 95174
the person has been convicted of or pleaded guilty to two 95175
violations of a statute or ordinance described in division 95176
(C)(1)(b) of this section, the suspension shall be a class B 95177
suspension imposed for the period of time specified in division 95178
(B)(2) of section 4510.02 of the Revised Code. 95179

(d) If, within six years of the date the test was conducted, 95180
the person has been convicted of or pleaded guilty to more than 95181
two violations of a statute or ordinance described in division 95182
(C)(1)(b) of this section, the suspension shall be a class A 95183
suspension imposed for the period of time specified in division 95184
(B)(1) of section 4510.02 of the Revised Code. 95185

(2) The registrar shall terminate a suspension of the 95186
driver's or commercial driver's license or permit of a resident or 95187
of the operating privilege of a nonresident, or a denial of a 95188
driver's or commercial driver's license or permit, imposed 95189
pursuant to division (C)(1) of this section upon receipt of notice 95190
that the person has entered a plea of guilty to, or that the 95191
person has been convicted after entering a plea of no contest to, 95192
operating a vehicle in violation of section 4511.19 of the Revised 95193
Code or in violation of a municipal OVI ordinance, if the offense 95194
for which the conviction is had or the plea is entered arose from 95195
the same incident that led to the suspension or denial. 95196

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (C)(1) of this section.

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(D)(1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in division (B) or (C) of this section is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of this section does not affect the suspension.

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(2) If a person is arrested for operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance, or for being in physical control of a vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under division (B) or (C) of this section or Chapter 4510. of the Revised Code, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the person's arrest or the issuance of the citation to the person, subject to any continuance granted by the court pursuant to section 4511.197 of the Revised Code regarding the issues specified in that division.

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(E) When it finally has been determined under the procedures

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of this section and sections 4511.192 to 4511.197 of the Revised Code that a nonresident's privilege to operate a vehicle within this state has been suspended, the registrar shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

(F) At the end of a suspension period under this section, under section 4511.194, section 4511.196, or division (G) of section 4511.19 of the Revised Code, or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance and upon the request of the person whose driver's or commercial driver's license or permit was suspended and who is not otherwise subject to suspension, cancellation, or disqualification, the registrar shall return the driver's or commercial driver's license or permit to the person upon the occurrence of all of the conditions specified in divisions (F)(1) and (2) of this section:

(1) A showing that the person has proof of financial responsibility, a policy of liability insurance in effect that meets the minimum standards set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in section 4509.51 of the Revised Code.

(2) Subject to the limitation contained in division (F)(3) of this section, payment by the person to the bureau of motor vehicles of a license reinstatement fee of four hundred seventy-five dollars, which fee shall be deposited in the state treasury and credited as follows:

(a) One hundred twelve dollars and fifty cents shall be credited to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code. The fund shall be used to pay the costs of driver treatment and intervention programs

operated pursuant to sections 3793.02 and 3793.10 of the Revised Code. The director of alcohol and drug addiction services shall determine the share of the fund that is to be allocated to alcohol and drug addiction programs authorized by section 3793.02 of the Revised Code, and the share of the fund that is to be allocated to drivers' intervention programs authorized by section 3793.10 of the Revised Code.

(b) Seventy-five dollars shall be credited to the reparations fund created by section 2743.191 of the Revised Code.

(c) Thirty-seven dollars and fifty cents shall be credited to the indigent drivers alcohol treatment fund, which is hereby established in the state treasury. Except as otherwise provided in division (F)(2)(c) of this section, moneys in the fund shall be distributed by the department of alcohol and drug addiction services to the county indigent drivers alcohol treatment funds, the county juvenile indigent drivers alcohol treatment funds, and the municipal indigent drivers alcohol treatment funds that are required to be established by counties and municipal corporations pursuant to division (H) of this section, and shall be used only to pay the cost of an alcohol and drug addiction treatment program attended by an offender or juvenile traffic offender who is ordered to attend an alcohol and drug addiction treatment program by a county, juvenile, or municipal court judge and who is determined by the county, juvenile, or municipal court judge not to have the means to pay for the person's attendance at the program or to pay the costs specified in division (H)(4) of this section in accordance with that division. In addition, a county, juvenile, or municipal court judge may use moneys in the county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund to pay for the cost of the continued use of an alcohol monitoring device as described in divisions (H)(3) and (4) of this section. Moneys in the fund

that are not distributed to a county indigent drivers alcohol 95294
treatment fund, a county juvenile indigent drivers alcohol 95295
treatment fund, or a municipal indigent drivers alcohol treatment 95296
fund under division (H) of this section because the director of 95297
alcohol and drug addiction services does not have the information 95298
necessary to identify the county or municipal corporation where 95299
the offender or juvenile offender was arrested may be transferred 95300
by the director of budget and management to the statewide 95301
treatment and prevention fund created by section 4301.30 of the 95302
Revised Code, upon certification of the amount by the director of 95303
alcohol and drug addiction services. 95304

(d) Seventy-five dollars shall be credited to the Ohio 95305
rehabilitation services commission established by section 3304.12 95306
of the Revised Code, to the services for rehabilitation fund, 95307
which is hereby established. The fund shall be used to match 95308
available federal matching funds where appropriate, and for any 95309
other purpose or program of the commission to rehabilitate people 95310
with disabilities to help them become employed and independent. 95311

(e) Seventy-five dollars shall be deposited into the state 95312
treasury and credited to the drug abuse resistance education 95313
programs fund, which is hereby established, to be used by the 95314
attorney general for the purposes specified in division (F)(4) of 95315
this section. 95316

(f) Thirty dollars shall be credited to the state bureau of 95317
motor vehicles fund created by section 4501.25 of the Revised 95318
Code. 95319

(g) Twenty dollars shall be credited to the trauma and 95320
emergency medical services grants fund created by section 4513.263 95321
of the Revised Code. 95322

(h) Fifty dollars shall be credited to the indigent drivers 95323
interlock and alcohol monitoring fund, which is hereby established 95324

in the state treasury. Monies in the fund shall be distributed by 95325
the department of public safety to the county indigent drivers 95326
interlock and alcohol monitoring funds, the county juvenile 95327
indigent drivers interlock and alcohol monitoring funds, and the 95328
municipal indigent drivers interlock and alcohol monitoring funds 95329
that are required to be established by counties and municipal 95330
corporations pursuant to this section, and shall be used only to 95331
pay the cost of an immobilizing or disabling device, including a 95332
certified ignition interlock device, or an alcohol monitoring 95333
device used by an offender or juvenile offender who is ordered to 95334
use the device by a county, juvenile, or municipal court judge and 95335
who is determined by the county, juvenile, or municipal court 95336
judge not to have the means to pay for the person's use of the 95337
device. 95338

(3) If a person's driver's or commercial driver's license or 95339
permit is suspended under this section, under section 4511.196 or 95340
division (G) of section 4511.19 of the Revised Code, under section 95341
4510.07 of the Revised Code for a violation of a municipal OVI 95342
ordinance or under any combination of the suspensions described in 95343
division (F)(3) of this section, and if the suspensions arise from 95344
a single incident or a single set of facts and circumstances, the 95345
person is liable for payment of, and shall be required to pay to 95346
the bureau, only one reinstatement fee of four hundred twenty-five 95347
dollars. The reinstatement fee shall be distributed by the bureau 95348
in accordance with division (F)(2) of this section. 95349

(4) The attorney general shall use amounts in the drug abuse 95350
resistance education programs fund to award grants to law 95351
enforcement agencies to establish and implement drug abuse 95352
resistance education programs in public schools. Grants awarded to 95353
a law enforcement agency under this section shall be used by the 95354
agency to pay for not more than fifty per cent of the amount of 95355
the salaries of law enforcement officers who conduct drug abuse 95356
resistance education programs in public schools. The attorney 95357

general shall not use more than six per cent of the amounts the attorney general's office receives under division (F)(2)(e) of this section to pay the costs it incurs in administering the grant program established by division (F)(2)(e) of this section and in providing training and materials relating to drug abuse resistance education programs.

The attorney general shall report to the governor and the general assembly each fiscal year on the progress made in establishing and implementing drug abuse resistance education programs. These reports shall include an evaluation of the effectiveness of these programs.

(G) Suspension of a commercial driver's license under division (B) or (C) of this section shall be concurrent with any period of disqualification under section 3123.611 or 4506.16 of the Revised Code or any period of suspension under section 3123.58 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the commercial driver's license was suspended under division (B) or (C) of this section. No person whose commercial driver's license is suspended under division (B) or (C) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(H)(1) Each county shall establish an indigent drivers alcohol treatment fund, each county shall establish a juvenile indigent drivers alcohol treatment fund, and each municipal corporation in which there is a municipal court shall establish an indigent drivers alcohol treatment fund. All revenue that the general assembly appropriates to the indigent drivers alcohol treatment fund for transfer to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol

treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of fees that are paid under division (F) of this section and that are credited under that division to the indigent drivers alcohol treatment fund in the state treasury for a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of additional costs imposed under section 2949.094 of the Revised Code that are specified for deposit into a county, county juvenile, or municipal indigent drivers alcohol treatment fund by that section, and all portions of fines that are specified for deposit into a county or municipal indigent drivers alcohol treatment fund by section 4511.193 of the Revised Code shall be deposited into that county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund. The portions of the fees paid under division (F) of this section that are to be so deposited shall be determined in accordance with division (H)(2) of this section. Additionally, all portions of fines that are paid for a violation of section 4511.19 of the Revised Code or of any prohibition contained in Chapter 4510. of the Revised Code, and that are required under section 4511.19 or any provision of Chapter 4510. of the Revised Code to be deposited into a county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund shall be deposited into the appropriate fund in accordance with the applicable division of the section or provision.

(2) That portion of the license reinstatement fee that is paid under division (F) of this section and that is credited under that division to the indigent drivers alcohol treatment fund shall be deposited into a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund as follows:

(a) Regarding a suspension imposed under this section, that portion of the fee shall be deposited as follows:	95424 95425
(i) If the fee is paid by a person who was charged in a county court with the violation that resulted in the suspension or in the imposition of the court costs, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;	95426 95427 95428 95429 95430
(ii) If the fee is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension or in the imposition of the court costs, the portion shall be deposited into the county juvenile indigent drivers alcohol treatment fund established in the county served by the court;	95431 95432 95433 95434 95435
(iii) If the fee is paid by a person who was charged in a municipal court with the violation that resulted in the suspension or in the imposition of the court costs, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.	95436 95437 95438 95439 95440
(b) Regarding a suspension imposed under section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, that portion of the fee shall be deposited as follows:	95441 95442 95443 95444
(i) If the fee is paid by a person whose license or permit was suspended by a county court, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;	95445 95446 95447 95448
(ii) If the fee is paid by a person whose license or permit was suspended by a municipal court, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.	95449 95450 95451 95452

(3) Expenditures from a county indigent drivers alcohol	95453
treatment fund, a county juvenile indigent drivers alcohol	95454
treatment fund, or a municipal indigent drivers alcohol treatment	95455
fund shall be made only upon the order of a county, juvenile, or	95456
municipal court judge and only for payment of the cost of an	95457
assessment or the cost of the attendance at an alcohol and drug	95458
addiction treatment program of a person who is convicted of, or	95459
found to be a juvenile traffic offender by reason of, a violation	95460
of division (A) of section 4511.19 of the Revised Code or a	95461
substantially similar municipal ordinance, who is ordered by the	95462
court to attend the alcohol and drug addiction treatment program,	95463
and who is determined by the court to be unable to pay the cost	95464
of the assessment or the cost of attendance at the treatment	95465
program or for payment of the costs specified in division (H)(4)	95466
of this section in accordance with that division. The alcohol	95467
and drug addiction services board or the board of alcohol, drug	95468
addiction, and mental health services established pursuant to	95469
section 340.02 or 340.021 of the Revised Code and serving the	95470
alcohol, drug addiction, and mental health service district in	95471
which the court is located shall administer the indigent drivers	95472
alcohol treatment program of the court. When a court orders an	95473
offender or juvenile traffic offender to obtain an assessment or	95474
attend an alcohol and drug addiction treatment program, the board	95475
shall determine which program is suitable to meet the needs of the	95476
offender or juvenile traffic offender, and when a suitable program	95477
is located and space is available at the program, the offender or	95478
juvenile traffic offender shall attend the program designated by	95479
the board. A reasonable amount not to exceed five per cent of the	95480
amounts credited to and deposited into the county indigent	95481
drivers alcohol treatment fund, the county juvenile indigent	95482
drivers alcohol treatment fund, or the municipal indigent drivers	95483
alcohol treatment fund serving every court whose program is	95484
administered by that board shall be paid to the board to cover	95485
the costs it incurs in administering those indigent drivers	95486

alcohol treatment programs. 95487

In addition, upon exhaustion of moneys in the indigent 95488
drivers interlock and alcohol monitoring fund for the use of an 95489
alcohol monitoring device, a county, juvenile, or municipal court 95490
judge may use moneys in the county indigent drivers alcohol 95491
treatment fund, county juvenile indigent drivers alcohol 95492
treatment fund, or municipal indigent drivers alcohol treatment 95493
fund in the following manners: 95494

(a) If the source of the moneys was an appropriation of the 95495
general assembly, a portion of a fee that was paid under division 95496
(F) of this section, a portion of a fine that was specified for 95497
deposit into the fund by section 4511.193 of the Revised Code, or 95498
a portion of a fine that was paid for a violation of section 95499
4511.19 of the Revised Code or of a provision contained in Chapter 95500
4510. of the Revised Code that was required to be deposited into 95501
the fund, to pay for the continued use of an alcohol monitoring 95502
device by an offender or juvenile traffic offender, in 95503
conjunction with a treatment program approved by the department 95504
of alcohol and drug addiction services, when such use is 95505
determined clinically necessary by the treatment program and 95506
when the court determines that the offender or juvenile traffic 95507
offender is unable to pay all or part of the daily monitoring or 95508
cost of the device; 95509

(b) If the source of the moneys was a portion of an 95510
additional court cost imposed under section 2949.094 of the 95511
Revised Code, to pay for the continued use of an alcohol 95512
monitoring device by an offender or juvenile traffic offender 95513
when the court determines that the offender or juvenile traffic 95514
offender is unable to pay all or part of the daily monitoring or 95515
cost of the device. The moneys may be used for a device as 95516
described in this division if the use of the device is in 95517
conjunction with a treatment program approved by the department 95518

of alcohol and drug addiction services, when the use of the device 95519
is determined clinically necessary by the treatment program, but 95520
the use of a device is not required to be in conjunction with a 95521
treatment program approved by the department in order for the 95522
moneys to be used for the device as described in this division. 95523

(4) If a county, juvenile, or municipal court determines, in 95524
consultation with the alcohol and drug addiction services board 95525
or the board of alcohol, drug addiction, and mental health 95526
services established pursuant to section 340.02 or 340.021 of the 95527
Revised Code and serving the alcohol, drug addiction, and mental 95528
health district in which the court is located, that the funds in 95529
the county indigent drivers alcohol treatment fund, the county 95530
juvenile indigent drivers alcohol treatment fund, or the 95531
municipal indigent drivers alcohol treatment fund under the 95532
control of the court are more than sufficient to satisfy the 95533
purpose for which the fund was established, as specified in 95534
divisions (H)(1) to (3) of this section, the court may declare a 95535
surplus in the fund. If the court declares a surplus in the 95536
fund, the court may expend the amount of the surplus in the fund 95537
for: 95538

(a) Alcohol and drug abuse assessment and treatment of 95539
persons who are charged in the court with committing a criminal 95540
offense or with being a delinquent child or juvenile traffic 95541
offender and in relation to whom both of the following apply: 95542

(i) The court determines that substance abuse was a 95543
contributing factor leading to the criminal or delinquent activity 95544
or the juvenile traffic offense with which the person is charged. 95545

(ii) The court determines that the person is unable to pay 95546
the cost of the alcohol and drug abuse assessment and treatment 95547
for which the surplus money will be used. 95548

(b) All or part of the cost of purchasing alcohol monitoring 95549

devices to be used in conjunction with division (H)(3) of this 95550
section, upon exhaustion of moneys in the indigent drivers 95551
interlock and alcohol monitoring fund for the use of an alcohol 95552
monitoring device. 95553

(5) For the purpose of determining as described in division 95554
(F)(2)(c) of this section whether an offender does not have the 95555
means to pay for the offender's attendance at an alcohol and drug 95556
addiction treatment program or whether an alleged offender or 95557
delinquent child is unable to pay the costs specified in division 95558
(H)(4) of this section, the court shall use the indigent client 95559
eligibility guidelines and the standards of indigency established 95560
by the state public defender to make the determination. 95561

(6) The court shall identify and refer any alcohol and drug 95562
addiction program that is not certified under section 3793.06 of 95563
the Revised Code and that is interested in receiving amounts from 95564
the surplus in the fund declared under division (H)(4) of this 95565
section to the department of alcohol and drug addiction services 95566
in order for the program to become a certified alcohol and drug 95567
addiction program. The department shall keep a record of 95568
applicant referrals received pursuant to this division and shall 95569
submit a report on the referrals each year to the general 95570
assembly. If a program interested in becoming certified makes an 95571
application to become certified pursuant to section 3793.06 of 95572
the Revised Code, the program is eligible to receive surplus 95573
funds as long as the application is pending with the department. 95574
The department of alcohol and drug addiction services must offer 95575
technical assistance to the applicant. If the interested program 95576
withdraws the certification application, the department must 95577
notify the court, and the court shall not provide the interested 95578
program with any further surplus funds. 95579

(7)(a) Each alcohol and drug addiction services board and 95580
board of alcohol, drug addiction, and mental health services 95581

established pursuant to section 340.02 or 340.021 of the Revised Code shall submit to the department of alcohol and drug addiction services an annual report for each indigent drivers alcohol treatment fund in that board's area.

(b) The report, which shall be submitted not later than sixty days after the end of the state fiscal year, shall provide the total payment that was made from the fund, including the number of indigent consumers that received treatment services and the number of indigent consumers that received an alcohol monitoring device. The report shall identify the treatment program and expenditure for an alcohol monitoring device for which that payment was made. The report shall include the fiscal year balance of each indigent drivers alcohol treatment fund located in that board's area. In the event that a surplus is declared in the fund pursuant to division (H)(4) of this section, the report also shall provide the total payment that was made from the surplus moneys and identify the treatment program and expenditure for an alcohol monitoring device for which that payment was made. The department may require additional information necessary to complete the comprehensive statewide alcohol and drug addiction services plan as required by section 3793.04 of the Revised Code.

(c) If a board is unable to obtain adequate information to develop the report to submit to the department for a particular indigent drivers alcohol treatment fund, the board shall submit a report detailing the effort made in obtaining the information.

(I)(1) Each county shall establish an indigent drivers interlock and alcohol monitoring fund and a juvenile indigent drivers interlock and alcohol treatment fund, and each municipal corporation in which there is a municipal court shall establish an indigent drivers interlock and alcohol monitoring fund. All revenue that the general assembly appropriates to the indigent drivers interlock and alcohol monitoring fund for transfer to a

county indigent drivers interlock and alcohol monitoring fund, a 95614
county juvenile indigent drivers interlock and alcohol monitoring 95615
fund, or a municipal indigent drivers interlock and alcohol 95616
monitoring fund, all portions of license reinstatement fees that 95617
are paid under division (F)(2) of this section and that are 95618
credited under that division to the indigent drivers interlock and 95619
alcohol monitoring fund in the state treasury, and all portions of 95620
fines that are paid under division (G) of section 4511.19 of the 95621
Revised Code and that are credited by division (G)(5)(e) of that 95622
section to the indigent drivers interlock and alcohol monitoring 95623
fund in the state treasury shall be deposited in the appropriate 95624
fund in accordance with division (I)(2) of this section. 95625

(2) That portion of the license reinstatement fee that is 95626
paid under division (F) of this section and that portion of the 95627
fine paid under division (G) of section 4511.19 of the Revised 95628
Code and that is credited under either division to the indigent 95629
drivers interlock and alcohol monitoring fund shall be deposited 95630
into a county indigent drivers interlock and alcohol monitoring 95631
fund, a county juvenile indigent drivers interlock and alcohol 95632
monitoring fund, or a municipal indigent drivers interlock and 95633
alcohol monitoring fund as follows: 95634

(a) If the fee or fine is paid by a person who was charged in 95635
a county court with the violation that resulted in the suspension 95636
or fine, the portion shall be deposited into the county indigent 95637
drivers interlock and alcohol monitoring fund under the control of 95638
that court. 95639

(b) If the fee or fine is paid by a person who was charged in 95640
a juvenile court with the violation that resulted in the 95641
suspension or fine, the portion shall be deposited into the county 95642
juvenile indigent drivers interlock and alcohol monitoring fund 95643
established in the county served by the court. 95644

(c) If the fee or fine is paid by a person who was charged in 95645

a municipal court with the violation that resulted in the suspension, the portion shall be deposited into the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court.

Sec. 4511.69. (A)(1) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than twelve inches from the right-hand curb, unless it is impossible to approach so close to the curb; in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities by ordinance may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within a municipal corporation unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic, subject to division (A)(2) of this section.

(2)(a) On and after the effective date of this amendment, no angled parking space that is located on a state route within a municipal corporation is subject to elimination, irrespective of whether there is or is not at least twenty-five feet of unoccupied roadway width available for free-moving traffic at the location of that angled parking space, unless the municipal corporation approves of the elimination of the angled parking space.

(b) Replacement, repainting, or any other repair performed by or on behalf of the municipal corporation of the lines that indicate the angled parking space does not constitute an intent by the municipal corporation to eliminate the angled parking space.

(B) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within twelve inches of the left-hand curb of a one-way roadway.

(C) No vehicle or trackless trolley shall be stopped or	95677
parked on a road or highway with the vehicle or trackless trolley	95678
facing in a direction other than the direction of travel on that	95679
side of the road or highway.	95680
(D) Notwithstanding any statute or any rule, resolution, or	95681
ordinance adopted by any local authority, air compressors,	95682
tractors, trucks, and other equipment, while being used in the	95683
construction, reconstruction, installation, repair, or removal of	95684
facilities near, on, over, or under a street or highway, may stop,	95685
stand, or park where necessary in order to perform such work,	95686
provided a flagperson is on duty or warning signs or lights are	95687
displayed as may be prescribed by the director of transportation.	95688
(E) Special parking locations and privileges for persons with	95689
disabilities that limit or impair the ability to walk, also known	95690
as handicapped parking spaces or disability parking spaces, shall	95691
be provided and designated by all political subdivisions and by	95692
the state and all agencies and instrumentalities thereof at all	95693
offices and facilities, where parking is provided, whether owned,	95694
rented, or leased, and at all publicly owned parking garages. The	95695
locations shall be designated through the posting of an elevated	95696
sign, whether permanently affixed or movable, imprinted with the	95697
international symbol of access and shall be reasonably close to	95698
exits, entrances, elevators, and ramps. All elevated signs posted	95699
in accordance with this division and division (C) of section	95700
3781.111 of the Revised Code shall be mounted on a fixed or	95701
movable post, and the distance from the ground to the top edge of	95702
the sign shall measure five feet. If a new sign or a replacement	95703
sign designating a special parking location is posted on or after	95704
October 14, 1999, there also shall be affixed upon the surface of	95705
that sign or affixed next to the designating sign a notice that	95706
states the fine applicable for the offense of parking a motor	95707
vehicle in the special designated parking location if the motor	95708
vehicle is not legally entitled to be parked in that location.	95709

(F)(1) No person shall stop, stand, or park any motor vehicle at special parking locations provided under division (E) of this section or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with that division, unless one of the following applies:

(a) The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates;

(b) The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.

(2) Any motor vehicle that is parked in a special marked parking location in violation of division (F)(1)(a) or (b) of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the political subdivision in which the parking location is located. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles.

(3) If a person is charged with a violation of division (F)(1)(a) or (b) of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the

ticket or citation and that, because of the injury, the person 95741
meets at least one of the criteria contained in division (A)(1) of 95742
section 4503.44 of the Revised Code. 95743

(G) When a motor vehicle is being operated by or for the 95744
transport of a person with a disability that limits or impairs the 95745
ability to walk and is displaying a removable windshield placard 95746
or a temporary removable windshield placard or special license 95747
plates, or when a motor vehicle is being operated by or for the 95748
transport of a handicapped person and is displaying a parking card 95749
or special handicapped license plates, the motor vehicle is 95750
permitted to park for a period of two hours in excess of the legal 95751
parking period permitted by local authorities, except where local 95752
ordinances or police rules provide otherwise or where the vehicle 95753
is parked in such a manner as to be clearly a traffic hazard. 95754

(H) No owner of an office, facility, or parking garage where 95755
special parking locations are required to be designated in 95756
accordance with division (E) of this section shall fail to 95757
properly mark the special parking locations in accordance with 95758
that division or fail to maintain the markings of the special 95759
locations, including the erection and maintenance of the fixed or 95760
movable signs. 95761

(I) Nothing in this section shall be construed to require a 95762
person or organization to apply for a removable windshield placard 95763
or special license plates if the parking card or special license 95764
plates issued to the person or organization under prior law have 95765
not expired or been surrendered or revoked. 95766

(J)(1) Whoever violates division (A) or (C) of this section 95767
is guilty of a minor misdemeanor. 95768

(2)(a) Whoever violates division (F)(1)(a) or (b) of this 95769
section is guilty of a misdemeanor and shall be punished as 95770
provided in division (J)(2)(a) and (b) of this section. Except as 95771

otherwise provided in division (J)(2)(a) of this section, an
offender who violates division (F)(1)(a) or (b) of this section
shall be fined not less than two hundred fifty nor more than five
hundred dollars. An offender who violates division (F)(1)(a) or
(b) of this section shall be fined not more than one hundred
dollars if the offender, prior to sentencing, proves either of the
following to the satisfaction of the court:

(i) At the time of the violation of division (F)(1)(a) of
this section, the offender or the person for whose transport the
motor vehicle was being operated had been issued a removable
windshield placard that then was valid or special license plates
that then were valid but the offender or the person neglected to
display the placard or license plates as described in division
(F)(1)(a) of this section.

(ii) At the time of the violation of division (F)(1)(b) of
this section, the offender or the person for whose transport the
motor vehicle was being operated had been issued a parking card
that then was valid or special handicapped license plates that
then were valid but the offender or the person neglected to
display the card or license plates as described in division
(F)(1)(b) of this section.

(b) In no case shall an offender who violates division
(F)(1)(a) or (b) of this section be sentenced to any term of
imprisonment.

An arrest or conviction for a violation of division (F)(1)(a)
or (b) of this section does not constitute a criminal record and
need not be reported by the person so arrested or convicted in
response to any inquiries contained in any application for
employment, license, or other right or privilege, or made in
connection with the person's appearance as a witness.

The clerk of the court shall pay every fine collected under

division (J)(2) of this section to the political subdivision in 95803
which the violation occurred. Except as provided in division 95804
(J)(2) of this section, the political subdivision shall use the 95805
fine moneys it receives under division (J)(2) of this section to 95806
pay the expenses it incurs in complying with the signage and 95807
notice requirements contained in division (E) of this section. The 95808
political subdivision may use up to fifty per cent of each fine it 95809
receives under division (J)(2) of this section to pay the costs of 95810
educational, advocacy, support, and assistive technology programs 95811
for persons with disabilities, and for public improvements within 95812
the political subdivision that benefit or assist persons with 95813
disabilities, if governmental agencies or nonprofit organizations 95814
offer the programs. 95815

(3) Whoever violates division (H) of this section shall be 95816
punished as follows: 95817

(a) Except as otherwise provided in division (J)(3) of this 95818
section, the offender shall be issued a warning. 95819

(b) If the offender previously has been convicted of or 95820
pleaded guilty to a violation of division (H) of this section or 95821
of a municipal ordinance that is substantially similar to that 95822
division, the offender shall not be issued a warning but shall be 95823
fined not more than twenty-five dollars for each parking location 95824
that is not properly marked or whose markings are not properly 95825
maintained. 95826

(K) As used in this section: 95827

(1) "Handicapped person" means any person who has lost the 95828
use of one or both legs or one or both arms, who is blind, deaf, 95829
or so severely handicapped as to be unable to move without the aid 95830
of crutches or a wheelchair, or whose mobility is restricted by a 95831
permanent cardiovascular, pulmonary, or other handicapping 95832
condition. 95833

(2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in section 4503.44 of the Revised Code.

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(3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under section 4503.41 or 4503.44 of the Revised Code, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country, or sovereignty.

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Sec. 4513.021. (A) As used in this section:

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(1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.

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(2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.

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(3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of ten thousand pounds or less.

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(4) "Manufacturer" has the same meaning as in section 4501.01 of the Revised Code.

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(5) "Gross vehicle weight rating" means the manufacturer's gross vehicle weight rating established for that vehicle.

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(B) The director of public safety, in accordance with Chapter 119. of the Revised Code, shall adopt rules in conformance with

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standards of the vehicle equipment safety commission, that shall 95861
govern the maximum bumper height or, in the absence of bumpers and 95862
in cases where bumper heights have been lowered or modified, the 95863
maximum height to the bottom of the frame rail, of any passenger 95864
car, multipurpose passenger vehicle, or truck. 95865

(C) No person shall operate upon a street or highway any 95866
passenger car, multipurpose passenger vehicle, or truck registered 95867
in this state that does not conform to the requirements of this 95868
section or to any applicable rule adopted pursuant to this 95869
section. 95870

(D) No person shall modify any motor vehicle registered in 95871
this state in such a manner as to cause the vehicle body or 95872
chassis to come in contact with the ground, expose the fuel tank 95873
to damage from collision, or cause the wheels to come in contact 95874
with the body under normal operation, and no person shall 95875
disconnect any part of the original suspension system of the 95876
vehicle to defeat the safe operation of that system. 95877

(E) Nothing contained in this section or in the rules adopted 95878
pursuant to this section shall be construed to prohibit either of 95879
the following: 95880

(1) The installation upon a passenger car, multipurpose 95881
passenger vehicle, or truck registered in this state of heavy duty 95882
equipment, including shock absorbers and overload springs; 95883

(2) The operation on a street or highway of a passenger car, 95884
multipurpose passenger vehicle, or truck registered in this state 95885
with normal wear to the suspension system if the normal wear does 95886
not adversely affect the control of the vehicle. 95887

(F) This section and the rules adopted pursuant to it do not 95888
apply to any specially designed or modified passenger car, 95889
multipurpose passenger vehicle, or truck when operated off a 95890

street or highway in races and similar events. 95891

(G) ~~Except as otherwise provided in this division, whoever~~ 95892
Whoever violates this section is guilty of a minor misdemeanor. If 95893
~~the offender previously has been convicted of a violation of this~~ 95894
~~section, whoever violates this section is guilty of a misdemeanor~~ 95895
~~of the third degree.~~ 95896

Sec. 4513.03. (A) Every vehicle upon a street or highway 95897
within this state during the time from sunset to sunrise, and at 95898
any other time when there are unfavorable atmospheric conditions 95899
or when there is not sufficient natural light to render 95900
discernible persons, vehicles, and substantial objects on the 95901
highway at a distance of one thousand feet ahead, shall display 95902
lighted lights and illuminating devices as required by sections 95903
4513.04 to 4513.37 of the Revised Code, for different classes of 95904
vehicles; except that every motorized bicycle shall display at 95905
such times lighted lights meeting the rules adopted by the 95906
director of public safety under section 4511.521 of the Revised 95907
Code. No motor vehicle, during such times, shall be operated upon 95908
a street or highway within this state using only parking lights as 95909
illumination. 95910

Whenever in such sections a requirement is declared as to the 95911
distance from which certain lamps and devices shall render objects 95912
visible, or within which such lamps or devices shall be visible, 95913
such distance shall be measured upon a straight level unlighted 95914
highway under normal atmospheric conditions unless a different 95915
condition is expressly stated. 95916

Whenever in such sections a requirement is declared as to the 95917
mounted height of lights or devices, it shall mean from the center 95918
of such light or device to the level ground upon which the vehicle 95919
stands. 95920

(B) Whoever violates this section ~~shall be punished as~~ 95921

~~provided in section 4513.99 of the Revised Code~~ is guilty of a 95922
minor misdemeanor. 95923

Sec. 4513.04. (A) Every motor vehicle, other than a 95924
motorcycle, and every trackless trolley shall be equipped with at 95925
least two headlights with at least one near each side of the front 95926
of the motor vehicle or trackless trolley. 95927

Every motorcycle shall be equipped with at least one and not 95928
more than two headlights. 95929

(B) Whoever violates this section ~~shall be punished as~~ 95930
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 95931
minor misdemeanor. 95932

Sec. 4513.05. (A) Every motor vehicle, trackless trolley, 95933
trailer, semitrailer, pole trailer, or vehicle which is being 95934
drawn at the end of a train of vehicles shall be equipped with at 95935
least one tail light mounted on the rear which, when lighted, 95936
shall emit a red light visible from a distance of five hundred 95937
feet to the rear, provided that in the case of a train of vehicles 95938
only the tail light on the rearmost vehicle need be visible from 95939
the distance specified. 95940

Either a tail light or a separate light shall be so 95941
constructed and placed as to illuminate with a white light the 95942
rear registration plate, when such registration plate is required, 95943
and render it legible from a distance of fifty feet to the rear. 95944
Any tail light, together with any separate light for illuminating 95945
the rear registration plate, shall be so wired as to be lighted 95946
whenever the headlights or auxiliary driving lights are lighted, 95947
except where separate lighting systems are provided for trailers 95948
for the purpose of illuminating such registration plate. 95949

(B) Whoever violates this section ~~shall be punished as~~ 95950
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 95951

minor misdemeanor. 95952

Sec. 4513.06. (A) Every new motor vehicle sold after 95953
September 6, 1941, and operated on a highway, other than a 95954
commercial tractor, to which a trailer or semitrailer is attached 95955
shall carry at the rear, either as a part of the tail lamps or 95956
separately, two red reflectors meeting the requirements of this 95957
section, except that vehicles of the type mentioned in section 95958
4513.07 of the Revised Code shall be equipped with reflectors as 95959
required by the regulations provided for in said section. 95960

Every such reflector shall be of such size and 95961
characteristics and so maintained as to be visible at night from 95962
all distances within three hundred feet to fifty feet from such 95963
vehicle. 95964

(B) Whoever violates this section ~~shall be punished as~~ 95965
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 95966
minor misdemeanor. 95967

Sec. 4513.07. (A) The director of public safety shall 95968
prescribe and promulgate regulations relating to clearance lights, 95969
marker lights, reflectors, and stop lights on buses, trackless 95970
trolleys, trucks, commercial tractors, trailers, semitrailers, and 95971
pole trailers, when operated upon any highway, and such vehicles 95972
shall be equipped as required by such regulations, and such 95973
equipment shall be lighted at all times mentioned in section 95974
4513.03 of the Revised Code, except that clearance lights and side 95975
marker lights need not be lighted on any such vehicle when it is 95976
operated within a municipal corporation where there is sufficient 95977
light to reveal any person or substantial object on the highway at 95978
a distance of five hundred feet. 95979

Such equipment shall be in addition to all other lights 95980
specifically required by sections 4513.03 to 4513.16 of the 95981
Revised Code. 95982

Vehicles operated under the jurisdiction of the public
utilities commission are not subject to this section.

(B) Whoever violates this section ~~shall be punished as~~
~~provided in section 4513.99 of the Revised Code~~ is guilty of a
minor misdemeanor.

Sec. 4513.071. (A) Every motor vehicle, trailer,
semitrailer, and pole trailer when operated upon a highway shall
be equipped with two or more stop lights, except that passenger
cars manufactured or assembled prior to January 1, 1967,
motorcycles, and motor-driven cycles shall be equipped with at
least one stop light. Stop lights shall be mounted on the rear of
the vehicle, actuated upon application of the service brake, and
may be incorporated with other rear lights. Such stop lights when
actuated shall emit a red light visible from a distance of five
hundred feet to the rear, provided that in the case of a train of
vehicles only the stop lights on the rear-most vehicle need be
visible from the distance specified.

Such stop lights when actuated shall give a steady warning
light to the rear of a vehicle or train of vehicles to indicate
the intention of the operator to diminish the speed of or stop a
vehicle or train of vehicles.

When stop lights are used as required by this section, they
shall be constructed or installed so as to provide adequate and
reliable illumination and shall conform to the appropriate rules
and regulations established under section 4513.19 of the Revised
Code.

Historical motor vehicles as defined in section 4503.181 of
the Revised Code, not originally manufactured with stop lights,
are not subject to this section.

(B) Whoever violates this section ~~shall be punished as~~ 96012
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 96013
minor misdemeanor. 96014

Sec. 4513.09. (A) Whenever the load upon any vehicle extends 96015
to the rear four feet or more beyond the bed or body of such 96016
vehicle, there shall be displayed at the extreme rear end of the 96017
load, at the times specified in section 4513.03 of the Revised 96018
Code, a red light or lantern plainly visible from a distance of at 96019
least five hundred feet to the sides and rear. The red light or 96020
lantern required by this section is in addition to the red rear 96021
light required upon every vehicle. At any other time there shall 96022
be displayed at the extreme rear end of such load a red flag or 96023
cloth not less than sixteen inches square. 96024

(B) Whoever violates this section ~~shall be punished as~~ 96025
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 96026
minor misdemeanor. 96027

Sec. 4513.11. (A) All vehicles other than bicycles, 96028
including animal-drawn vehicles and vehicles referred to in 96029
division (G) of section 4513.02 of the Revised Code, not 96030
specifically required to be equipped with lamps or other lighting 96031
devices by sections 4513.03 to 4513.10 of the Revised Code, shall, 96032
at the times specified in section 4513.03 of the Revised Code, be 96033
equipped with at least one lamp displaying a white light visible 96034
from a distance of not less than one thousand feet to the front of 96035
the vehicle, and also shall be equipped with two lamps displaying 96036
red light visible from a distance of not less than one thousand 96037
feet to the rear of the vehicle, or as an alternative, one lamp 96038
displaying a red light visible from a distance of not less than 96039
one thousand feet to the rear and two red reflectors visible from 96040
all distances of six hundred feet to one hundred feet to the rear 96041
when illuminated by the lawful lower beams of headlamps. 96042

Lamps and reflectors required or authorized by this section 96043

shall meet standards adopted by the director of public safety. 96044

(B) All boat trailers, farm machinery, and other machinery, 96045
including all road construction machinery, upon a street or 96046
highway, except when being used in actual construction and 96047
maintenance work in an area guarded by a flagperson, or where 96048
flares are used, or when operating or traveling within the limits 96049
of a construction area designated by the director of 96050
transportation, a city engineer, or the county engineer of the 96051
several counties, when such construction area is marked in 96052
accordance with requirements of the director and the manual of 96053
uniform traffic control devices, as set forth in section 4511.09 96054
of the Revised Code, which is designed for operation at a speed of 96055
twenty-five miles per hour or less shall be operated at a speed 96056
not exceeding twenty-five miles per hour, and shall display a 96057
triangular slow-moving vehicle emblem (SMV). The emblem shall be 96058
mounted so as to be visible from a distance of not less than five 96059
hundred feet to the rear. The director of public safety shall 96060
adopt standards and specifications for the design and position of 96061
mounting the SMV emblem. The standards and specifications for SMV 96062
emblems referred to in this section shall correlate with and, so 96063
far as possible, conform with those approved by the American 96064
society of agricultural engineers. 96065

A unit of farm machinery that is designed by its manufacturer 96066
to operate at a speed greater than twenty-five miles per hour may 96067
be operated on a street or highway at a speed greater than 96068
twenty-five miles per hour provided it is operated in accordance 96069
with this section. 96070

As used in this division, "machinery" does not include any 96071
vehicle designed to be drawn by an animal. 96072

(C) The use of the SMV emblem shall be restricted to 96073
animal-drawn vehicles, and to the slow-moving vehicles specified 96074
in division (B) of this section operating or traveling within the 96075

limits of the highway. Its use on slow-moving vehicles being 96076
transported upon other types of vehicles or on any other type of 96077
vehicle or stationary object on the highway is prohibited. 96078

(D)(1) No person shall sell, lease, rent, or operate any boat 96079
trailer, farm machinery, or other machinery defined as a 96080
slow-moving vehicle in division (B) of this section, except those 96081
units designed to be completely mounted on a primary power unit, 96082
which is manufactured or assembled on or after April 1, 1966, 96083
unless the vehicle is equipped with a slow-moving vehicle emblem 96084
mounting device as specified in division (B) of this section. 96085

(2) No person shall sell, lease, rent, or operate on a street 96086
or highway any unit of farm machinery that is designed by its 96087
manufacturer to operate at a speed greater than twenty-five miles 96088
per hour unless the unit displays a slow-moving vehicle emblem as 96089
specified in division (B) of this section and a speed 96090
identification symbol that meets the specifications contained in 96091
the American society of agricultural engineers standard ANSI/ASAE 96092
S584 JAN2005, agricultural equipment: speed identification symbol 96093
(SIS). 96094

(E) Any boat trailer, farm machinery, or other machinery 96095
defined as a slow-moving vehicle in division (B) of this section, 96096
in addition to the use of the slow-moving vehicle emblem, and any 96097
unit of farm machinery that is designed by its manufacturer to 96098
operate at a speed greater than twenty-five miles per hour, in 96099
addition to the display of a speed identification symbol, may be 96100
equipped with a red flashing light that shall be visible from a 96101
distance of not less than one thousand feet to the rear at all 96102
times specified in section 4513.03 of the Revised Code. When a 96103
double-faced light is used, it shall display amber light to the 96104
front and red light to the rear. 96105

In addition to the lights described in this division, farm 96106
machinery and motor vehicles escorting farm machinery may display 96107

a flashing, oscillating, or rotating amber light, as permitted by 96108
section 4513.17 of the Revised Code, and also may display 96109
simultaneously flashing turn signals or warning lights, as 96110
permitted by that section. 96111

(F) Every animal-drawn vehicle upon a street or highway shall 96112
at all times be equipped in one of the following ways: 96113

(1) With a slow-moving vehicle emblem complying with division 96114
(B) of this section; 96115

(2) With alternate reflective material complying with rules 96116
adopted under this division; 96117

(3) With both a slow-moving vehicle emblem and alternate 96118
reflective material as specified in this division. 96119

The director of public safety, subject to Chapter 119. of the 96120
Revised Code, shall adopt rules establishing standards and 96121
specifications for the position of mounting of the alternate 96122
reflective material authorized by this division. The rules shall 96123
permit, as a minimum, the alternate reflective material to be 96124
black, gray, or silver in color. The alternate reflective material 96125
shall be mounted on the animal-drawn vehicle so as to be visible, 96126
at all times specified in section 4513.03 of the Revised Code, 96127
from a distance of not less than five hundred feet to the rear 96128
when illuminated by the lawful lower beams of headlamps. 96129

(G) Every unit of farm machinery that is designed by its 96130
manufacturer to operate at a speed greater than twenty-five miles 96131
per hour shall display a slow-moving vehicle emblem and a speed 96132
identification symbol that meets the specifications contained in 96133
the American society of agricultural engineers standard ANSI/ASAE 96134
S584 JAN2005, agricultural equipment: speed identification symbol 96135
(SIS) when the unit is operated upon a street or highway, 96136
irrespective of the speed at which the unit is operated on the 96137

street or highway. The speed identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this division.

If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour and is towing, pulling, or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

(H) When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour, the operator shall possess some documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.

(I) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

(J) As used in this section, "boat trailer" means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

Sec. 4513.111. (A)(1) Every multi-wheel agricultural tractor whose model year was 2001 or earlier, when being operated or

traveling on a street or highway at the times specified in section 96169
4513.03 of the Revised Code, at a minimum shall be equipped with 96170
and display reflectors and illuminated amber lamps so that the 96171
extreme left and right projections of the tractor are indicated by 96172
flashing lamps displaying amber light, visible to the front and 96173
the rear, by amber reflectors, all visible to the front, and by 96174
red reflectors, all visible to the rear. 96175

(2) The lamps displaying amber light need not flash 96176
simultaneously and need not flash in conjunction with any 96177
directional signals of the tractor. 96178

(3) The lamps and reflectors required by division (A)(1) of 96179
this section and their placement shall meet standards and 96180
specifications contained in rules adopted by the director of 96181
public safety in accordance with Chapter 119. of the Revised Code. 96182
The rules governing the amber lamps, amber reflectors, and red 96183
reflectors and their placement shall correlate with and, as far as 96184
possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2 96185
respectively of the American society of agricultural engineers 96186
standard ANSI/ASAE S279.10 OCT98, lighting and marking of 96187
agricultural equipment on highways. 96188

(B) Every unit of farm machinery whose model year was 2002 or 96189
later, when being operated or traveling on a street or highway at 96190
the times specified in section 4513.03 of the Revised Code, shall 96191
be equipped with and display markings and illuminated lamps that 96192
meet or exceed the lighting, illumination, and marking standards 96193
and specifications that are applicable to that type of farm 96194
machinery for the unit's model year specified in the American 96195
society of agricultural engineers standard ANSI/ASAE S279.11 96196
APR01, lighting and marking of agricultural equipment on highways, 96197
or any subsequent revisions of that standard. 96198

(C) The lights and reflectors required by division (A) of 96199
this section are in addition to the slow-moving vehicle emblem and 96200

lights required or permitted by section 4513.11 or 4513.17 of the Revised Code to be displayed on farm machinery being operated or traveling on a street or highway.

(D) No person shall operate any unit of farm machinery on a street or highway or cause any unit of farm machinery to travel on a street or highway in violation of division (A) or (B) of this section.

(E) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.12. (A) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than one hundred feet ahead of the vehicle.

Any motor vehicle may be equipped with not more than three auxiliary driving lights mounted on the front of the vehicle. The director of public safety shall prescribe specifications for auxiliary driving lights and regulations for their use, and any such lights which do not conform to said specifications and regulations shall not be used.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.13. (A) Any motor vehicle may be equipped with side cowl or fender lights which shall emit a white or amber light without glare.

Any motor vehicle may be equipped with lights on each side

thereof which shall emit a white or amber light without glare. 96230

Any motor vehicle may be equipped with back-up lights, either 96231
separately or in combination with another light. No back-up lights 96232
shall be continuously lighted when the motor vehicle is in forward 96233
motion. 96234

(B) Whoever violates this section ~~shall be punished as~~ 96235
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 96236
minor misdemeanor. 96237

Sec. 4513.14. (A) At all times mentioned in section 4513.03 96238
of the Revised Code at least two lighted lights shall be 96239
displayed, one near each side of the front of every motor vehicle 96240
and trackless trolley, except when such vehicle or trackless 96241
trolley is parked subject to the regulations governing lights on 96242
parked vehicles and trackless trolleys. 96243

The director of public safety shall prescribe and promulgate 96244
regulations relating to the design and use of such lights and such 96245
regulations shall be in accordance with currently recognized 96246
standards. 96247

(B) Whoever violates this section ~~shall be punished as~~ 96248
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 96249
minor misdemeanor. 96250

Sec. 4513.15. (A) Whenever a motor vehicle is being operated 96251
on a roadway or shoulder adjacent thereto during the times 96252
specified in section 4513.03 of the Revised Code, the driver shall 96253
use a distribution of light, or composite beam, directed high 96254
enough and of sufficient intensity to reveal persons, vehicles, 96255
and substantial objects at a safe distance in advance of the 96256
vehicle, subject to the following requirements; 96257

(1) Whenever the driver of a vehicle approaches an oncoming 96258

vehicle, such driver shall use a distribution of light, or 96259
composite beam, so aimed that the glaring rays are not projected 96260
into the eyes of the oncoming driver. 96261

(2) Every new motor vehicle registered in this state, which 96262
has multiple-beam road lighting equipment shall be equipped with a 96263
beam indicator, which shall be lighted whenever the uppermost 96264
distribution of light from the headlights is in use, and shall not 96265
otherwise be lighted. Said indicator shall be so designed and 96266
located that, when lighted, it will be readily visible without 96267
glare to the driver of the vehicle. 96268

(B) Whoever violates this section ~~shall be punished as~~ 96269
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 96270
minor misdemeanor. 96271

Sec. 4513.16. (A) Any motor vehicle may be operated under 96272
the conditions specified in section 4513.03 of the Revised Code 96273
when it is equipped with two lighted lights upon the front thereof 96274
capable of revealing persons and substantial objects seventy-five 96275
feet ahead, in lieu of lights required in section 4513.14 of the 96276
Revised Code, provided that such vehicle shall not be operated at 96277
a speed in excess of twenty miles per hour. 96278

(B) Whoever violates this section ~~shall be punished as~~ 96279
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 96280
minor misdemeanor. 96281

Sec. 4513.17. (A) Whenever a motor vehicle equipped with 96282
headlights also is equipped with any auxiliary lights or spotlight 96283
or any other light on the front thereof projecting a beam of an 96284
intensity greater than three hundred candle power, not more than a 96285
total of five of any such lights on the front of a vehicle shall 96286
be lighted at any one time when the vehicle is upon a highway. 96287

(B) Any lighted light or illuminating device upon a motor 96288

vehicle, other than headlights, spotlights, signal lights, or 96289
auxiliary driving lights, that projects a beam of light of an 96290
intensity greater than three hundred candle power, shall be so 96291
directed that no part of the beam will strike the level of the 96292
roadway on which the vehicle stands at a distance of more than 96293
seventy-five feet from the vehicle. 96294

(C)(1) Flashing lights are prohibited on motor vehicles, 96295
except as a means for indicating a right or a left turn, or in the 96296
presence of a vehicular traffic hazard requiring unusual care in 96297
approaching, or overtaking or passing. This prohibition does not 96298
apply to emergency vehicles, road service vehicles servicing or 96299
towing a disabled vehicle, traffic line strippers, snow plows, 96300
rural mail delivery vehicles, vehicles as provided in section 96301
4513.182 of the Revised Code, department of transportation 96302
maintenance vehicles, funeral hearses, funeral escort vehicles, 96303
and similar equipment operated by the department or local 96304
authorities, which shall be equipped with and display, when used 96305
on a street or highway for the special purpose necessitating such 96306
lights, a flashing, oscillating, or rotating amber light, but 96307
shall not display a flashing, oscillating, or rotating light of 96308
any other color, nor to vehicles or machinery permitted by section 96309
4513.11 of the Revised Code to have a flashing red light. 96310

(2) When used on a street or highway, farm machinery and 96311
vehicles escorting farm machinery may be equipped with and display 96312
a flashing, oscillating, or rotating amber light, and the 96313
prohibition contained in division (C)(1) of this section does not 96314
apply to such machinery or vehicles. Farm machinery also may 96315
display the lights described in section 4513.11 of the Revised 96316
Code. 96317

(D) Except a person operating a public safety vehicle, as 96318
defined in division (E) of section 4511.01 of the Revised Code, or 96319
a school bus, no person shall operate, move, or park upon, or 96320

permit to stand within the right-of-way of any public street or 96321
highway any vehicle or equipment that is equipped with and 96322
displaying a flashing red or a flashing combination red and white 96323
light, or an oscillating or rotating red light, or a combination 96324
red and white oscillating or rotating light; and except a public 96325
law enforcement officer, or other person sworn to enforce the 96326
criminal and traffic laws of the state, operating a public safety 96327
vehicle when on duty, no person shall operate, move, or park upon, 96328
or permit to stand within the right-of-way of any street or 96329
highway any vehicle or equipment that is equipped with, or upon 96330
which is mounted, and displaying a flashing blue or a flashing 96331
combination blue and white light, or an oscillating or rotating 96332
blue light, or a combination blue and white oscillating or 96333
rotating light. 96334

(E) This section does not prohibit the use of warning lights 96335
required by law or the simultaneous flashing of turn signals on 96336
disabled vehicles or on vehicles being operated in unfavorable 96337
atmospheric conditions in order to enhance their visibility. This 96338
section also does not prohibit the simultaneous flashing of turn 96339
signals or warning lights either on farm machinery or vehicles 96340
escorting farm machinery, when used on a street or highway. 96341

(F) Whoever violates this section ~~shall be punished as~~ 96342
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 96343
minor misdemeanor. 96344

Sec. 4513.171. (A) Notwithstanding any other provision of 96345
law, a motor vehicle operated by a coroner, deputy coroner, or 96346
coroner's investigator may be equipped with a flashing, 96347
oscillating, or rotating red or blue light and a siren, whistle, 96348
or bell capable of emitting sound audible under normal conditions 96349
from a distance of not less than five hundred feet. Such a vehicle 96350
may display the flashing, oscillating, or rotating red or blue 96351
light and may give the audible signal of the siren, exhaust 96352

whistle, or bell only when responding to a fatality or a fatal
motor vehicle accident on a street or highway and only at those
locations where the stoppage of traffic impedes the ability of the
coroner, deputy coroner, or coroner's investigator to arrive at
the site of the fatality.

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This section does not relieve a coroner, deputy coroner, or
coroner's investigator operating a motor vehicle from the duty to
drive with due regard for the safety of all persons and property
upon the highway.

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(B) Whoever violates this section ~~shall be punished as~~
~~provided in section 4513.99 of the Revised Code~~ is guilty of a
minor misdemeanor.

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Sec. 4513.18. (A) The director of transportation shall adopt
standards and specifications applicable to headlights, clearance
lights, identification, and other lights, on snow removal
equipment when operated on the highways, and on vehicles operating
under special permits pursuant to section 4513.34 of the Revised
Code, in lieu of the lights otherwise required on motor vehicles.
Such standards and specifications may permit the use of flashing
lights for purposes of identification on snow removal equipment,
and oversize vehicles when in service upon the highways. The
standards and specifications for lights referred to in this
section shall correlate with and, so far as possible, conform with
those approved by the American association of state highway
officials.

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It is unlawful to operate snow removal equipment on a highway
unless the lights thereon comply with and are lighted when and as
required by the standards and specifications adopted as provided
in this section.

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(B) Whoever violates this section ~~shall be punished as~~
~~provided in section 4513.99 of the Revised Code~~ is guilty of a

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minor misdemeanor. 96384

Sec. 4513.19. (A) No person shall use any lights mentioned 96385
in sections 4513.03 to 4513.18 of the Revised Code upon any motor 96386
vehicle, trailer, or semitrailer unless said lights are equipped, 96387
mounted, and adjusted as to focus and aim in accordance with 96388
regulations which are prescribed by the director of public safety. 96389

(B) Whoever violates this section ~~shall be punished as~~ 96390
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 96391
minor misdemeanor. 96392

Sec. 4513.21. (A) Every motor vehicle or trackless trolley 96393
when operated upon a highway shall be equipped with a horn which 96394
is in good working order and capable of emitting sound audible, 96395
under normal conditions, from a distance of not less than two 96396
hundred feet. 96397

No motor vehicle or trackless trolley shall be equipped with, 96398
nor shall any person use upon a vehicle, any siren, whistle, or 96399
bell. Any vehicle may be equipped with a theft alarm signal device 96400
which shall be so arranged that it cannot be used as an ordinary 96401
warning signal. Every emergency vehicle shall be equipped with a 96402
siren, whistle, or bell, capable of emitting sound audible under 96403
normal conditions from a distance of not less than five hundred 96404
feet and of a type approved by the director of public safety. Such 96405
equipment shall not be used except when such vehicle is operated 96406
in response to an emergency call or is in the immediate pursuit of 96407
an actual or suspected violator of the law, in which case the 96408
driver of the emergency vehicle shall sound such equipment when it 96409
is necessary to warn pedestrians and other drivers of the approach 96410
thereof. 96411

(B) Whoever violates this section ~~shall be punished as~~ 96412
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 96413
minor misdemeanor. 96414

Sec. 4513.22. (A) Every motor vehicle and motorcycle with an internal combustion engine shall at all times be equipped with a muffler which is in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, by-pass, or similar device upon a motor vehicle on a highway. Every motorcycle muffler shall be equipped with baffle plates.

No person shall own, operate, or have in the person's possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.23. (A) Every motor vehicle, motorcycle, and trackless trolley shall be equipped with a mirror so located as to reflect to the operator a view of the highway to the rear of such vehicle, motorcycle, or trackless trolley. Operators of vehicles, motorcycles, streetcars, and trackless trolleys shall have a clear and unobstructed view to the front and to both sides of their vehicles, motorcycles, streetcars, or trackless trolleys and shall have a clear view to the rear of their vehicles, motorcycles, streetcars, or trackless trolleys by mirror.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.24. (A) No person shall drive any motor vehicle on a street or highway in this state, other than a motorcycle or motorized bicycle, that is not equipped with a windshield.

(B) No person shall drive any motor vehicle, other than a bus, with any sign, poster, or other nontransparent material upon the front windshield, sidewings, side, or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster, or decal not to exceed four inches in height by six inches in width. No sign, poster, or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when, in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.

(C) The windshield on every motor vehicle, streetcar, and trackless trolley shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield. The device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle, streetcar, or trackless trolley.

(D) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.242. (A) Notwithstanding section 4513.24 and division (F) of section 4513.241 of the Revised Code or any rule adopted thereunder, a decal, whether reflectorized or not, may be displayed upon any side window or sidewing of a motor vehicle if all of the following are met:

(1) The decal is necessary for public or private security

arrangements to which the motor vehicle periodically is subjected; 96476

(2) The decal is no larger than is necessary to accomplish 96477
the security arrangements; 96478

(3) The decal does not obscure the vision of the motor 96479
vehicle operator or prevent a person looking into the motor 96480
vehicle from seeing or identifying persons or objects inside the 96481
motor vehicle. 96482

(B) Whoever violates this section ~~shall be punished as~~ 96483
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 96484
minor misdemeanor. 96485

Sec. 4513.28. (A) Whenever any motor truck, trackless 96486
trolley, bus, commercial tractor, trailer, semi-trailer, or pole 96487
trailer is disabled upon the traveled portion of any highway or 96488
the shoulder thereof outside of any municipality, or upon any 96489
freeway, expressway, thruway and connecting, entering or exiting 96490
ramps within a municipality, at any time when lighted lamps are 96491
required on vehicles and trackless trolleys, the operator of such 96492
vehicle or trackless trolley shall display the following warning 96493
devices upon the highway during the time the vehicle or trackless 96494
trolley is so disabled on the highway except as provided in 96495
division (B) of this section: 96496

(1) A lighted fusee shall be immediately placed on the 96497
roadway at the traffic side of such vehicle or trackless trolley, 96498
unless red electric lanterns or red reflectors are displayed. 96499

(2) Within the burning period of the fusee and as promptly as 96500
possible, three lighted flares or pot torches, or three red 96501
reflectors or three red electric lanterns shall be placed on the 96502
roadway as follows: 96503

(a) One at a distance of forty paces or approximately one 96504

hundred feet in advance of the vehicle;	96505
(b) One at a distance of forty paces or approximately one hundred feet to the rear of the vehicle or trackless trolley except as provided in this section, each in the center of the lane of traffic occupied by the disabled vehicle or trackless trolley;	96506 96507 96508 96509
(c) One at the traffic side of the vehicle or trackless trolley.	96510 96511
(B) Whenever any vehicle used in transporting flammable liquids in bulk, or in transporting compressed flammable gases, is disabled upon a highway at any time or place mentioned in division (A) of this section, the driver of such vehicle shall display upon the roadway the following warning devices:	96512 96513 96514 96515 96516
(1) One red electric lantern or one red reflector shall be immediately placed on the roadway at the traffic side of the vehicle;	96517 96518 96519
(2) Two other red electric lanterns or two other red reflectors shall be placed to the front and rear of the vehicle in the same manner prescribed for flares in division (A) of this section.	96520 96521 96522 96523
(C) When a vehicle of a type specified in division (B) of this section is disabled, the use of flares, fusees, or any signal produced by flame as warning signals is prohibited.	96524 96525 96526
(D) Whenever any vehicle or trackless trolley of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof, outside of any municipality, or upon any freeway, expressway, thruway and connecting, entering or exiting ramps within a municipality, at any time when the display of fusees, flares, red reflectors, or electric lanterns is not required, the operator of such vehicle or trackless trolley	96527 96528 96529 96530 96531 96532 96533

shall display two red flags upon the roadway in the lane of 96534
traffic occupied by the disabled vehicle or trackless trolley, one 96535
at a distance of forty paces or approximately one hundred feet in 96536
advance of the vehicle or trackless trolley, and one at a distance 96537
of forty paces or approximately one hundred feet to the rear of 96538
the vehicle or trackless trolley, except as provided in this 96539
section. 96540

(E) The flares, fusees, lanterns, red reflectors, and flags 96541
to be displayed as required in this section shall conform with the 96542
requirements of section 4513.27 of the Revised Code applicable 96543
thereto. 96544

(F) In the event the vehicle or trackless trolley is disabled 96545
near a curve, crest of a hill, or other obstruction of view, the 96546
flare, flag, reflector, or lantern in that direction shall be 96547
placed as to afford ample warning to other users of the highway, 96548
but in no case shall it be placed less than forty paces or 96549
approximately one hundred feet nor more than one hundred twenty 96550
paces or approximately three hundred feet from the disabled 96551
vehicle or trackless trolley. 96552

(G) This section does not apply to the operator of any 96553
vehicle in a work area designated by protection equipment devices 96554
that are displayed and used in accordance with the manual adopted 96555
by the department of transportation under section 4511.09 of the 96556
Revised Code. 96557

(H) Whoever violates this section ~~shall be punished as~~ 96558
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 96559
minor misdemeanor. 96560

Sec. 4513.60. (A)(1) The sheriff of a county or chief of 96561
police of a municipal corporation, township, or township police 96562
district, within the sheriff's or chief's respective territorial 96563
jurisdiction, upon complaint of any person adversely affected, may 96564

order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in section 4513.63 of the Revised Code, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. The sheriff or chief of police, upon complaint of the owner of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. The place of storage shall be designated by the sheriff or chief of police. When ordering a motor vehicle into storage pursuant to this division, a sheriff or chief of police, whenever possible, shall arrange for the removal of the motor vehicle by a private tow truck operator or towing company. Subject to division (C) of this section, the owner of a motor vehicle that has been removed pursuant to this division may recover the vehicle only in accordance with division (E) of this section.

(2) Divisions (A)(1) to (3) of this section do not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with division (B) of this section.

(3) As used in divisions (A)(1) and (2) of this section, "private residential property" means private property on which is located one or more structures that are used as a home, residence, or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. "Private residential property" does not include any private property on which is located one or more structures that are used as a home, residence, or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

(B)(1) The owner of private property may establish a private tow-away zone only if all of the following conditions are satisfied:	96597 96598 96599
(a) The owner posts on the owner's property a sign, that is at least eighteen inches by twenty-four inches in size, that is visible from all entrances to the property, and that contains at least all of the following information:	96600 96601 96602 96603
(i) A notice that the property is a private tow-away zone and that vehicles not authorized to park on the property will be towed away;	96604 96605 96606
(ii) The telephone number of the person from whom a towed-away vehicle can be recovered, and the address of the place to which the vehicle will be taken and the place from which it may be recovered;	96607 96608 96609 96610
(iii) A statement that the vehicle may be recovered at any time during the day or night upon the submission of proof of ownership and the payment of a towing charge, in an amount not to exceed ninety dollars, and a storage charge, in an amount not to exceed twelve dollars per twenty-four-hour period; except that the charge for towing shall not exceed one hundred fifty dollars, and the storage charge shall not exceed twenty dollars per twenty-four-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of ten thousand pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer.	96611 96612 96613 96614 96615 96616 96617 96618 96619 96620 96621
(b) The place to which the towed vehicle is taken and from which it may be recovered is conveniently located, is well lighted, and is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is	96622 96623 96624 96625 96626 96627

located. 96628

(2) If a vehicle is parked on private property that is 96629
established as a private tow-away zone in accordance with division 96630
(B)(1) of this section, without the consent of the owner of the 96631
property or in violation of any posted parking condition or 96632
regulation, the owner or the owner's agent may remove, or cause 96633
the removal of, the vehicle, the owner and the operator of the 96634
vehicle shall be deemed to have consented to the removal and 96635
storage of the vehicle and to the payment of the towing and 96636
storage charges specified in division (B)(1)(a)(iii) of this 96637
section, and the owner, subject to division (C) of this section, 96638
may recover a vehicle that has been so removed only in accordance 96639
with division (E) of this section. 96640

(3) If a municipal corporation requires tow trucks and tow 96641
truck operators to be licensed, no owner of private property 96642
located within the municipal corporation shall remove, or shall 96643
cause the removal and storage of, any vehicle pursuant to division 96644
(B)(2) of this section by an unlicensed tow truck or unlicensed 96645
tow truck operator. 96646

(4) Divisions (B)(1) to (3) of this section do not affect or 96647
limit the operation of division (A) of this section or sections 96648
4513.61 to 4513.65 of the Revised Code as they relate to property 96649
other than private property that is established as a private 96650
tow-away zone under division (B)(1) of this section. 96651

(C) If the owner or operator of a motor vehicle that has been 96652
ordered into storage pursuant to division (A)(1) of this section 96653
or of a vehicle that is being removed under authority of division 96654
(B)(2) of this section arrives after the motor vehicle or vehicle 96655
has been prepared for removal, but prior to its actual removal 96656
from the property, the owner or operator shall be given the 96657
opportunity to pay a fee of not more than one-half of the charge 96658
for the removal of motor vehicles under division (A)(1) of this 96659

section or of vehicles under division (B)(2) of this section, 96660
whichever is applicable, that normally is assessed by the person 96661
who has prepared the motor vehicle or vehicle for removal, in 96662
order to obtain release of the motor vehicle or vehicle. Upon 96663
payment of that fee, the motor vehicle or vehicle shall be 96664
released to the owner or operator, and upon its release, the owner 96665
or operator immediately shall move it so that: 96666

(1) If the motor vehicle was ordered into storage pursuant to 96667
division (A)(1) of this section, it is not on the private 96668
residential or private agricultural property without the 96669
permission of the person having the right to possession of the 96670
property, or is not at the garage or place of storage without the 96671
permission of the owner, whichever is applicable. 96672

(2) If the vehicle was being removed under authority of 96673
division (B)(2) of this section, it is not parked on the private 96674
property established as a private tow-away zone without the 96675
consent of the owner or in violation of any posted parking 96676
condition or regulation. 96677

(D)(1) If an owner of private property that is established as 96678
a private tow-away zone in accordance with division (B)(1) of this 96679
section or the authorized agent of such an owner removes or causes 96680
the removal of a vehicle from that property under authority of 96681
division (B)(2) of this section, the owner or agent promptly shall 96682
notify the police department of the municipal corporation, 96683
township, or township police district in which the property is 96684
located, of the removal, the vehicle's license number, make, 96685
model, and color, the location from which it was removed, the date 96686
and time of its removal, the telephone number of the person from 96687
whom it may be recovered, and the address of the place to which it 96688
has been taken and from which it may be recovered. 96689

(2) Each county sheriff and each chief of police of a 96690
municipal corporation, township, or township police district shall 96691

maintain a record of motor vehicles that the sheriff or chief
orders into storage pursuant to division (A)(1) of this section
and of vehicles removed from private property in the sheriff's or
chief's jurisdiction that is established as a private tow-away
zone of which the sheriff or chief has received notice under
division (D)(1) of this section. The record shall include an entry
for each such motor vehicle or vehicle that identifies the motor
vehicle's or vehicle's license number, make, model, and color, the
location from which it was removed, the date and time of its
removal, the telephone number of the person from whom it may be
recovered, and the address of the place to which it has been taken
and from which it may be recovered. Any information in the record
that pertains to a particular motor vehicle or vehicle shall be
provided to any person who, either in person or pursuant to a
telephone call, identifies self as the owner or operator of the
motor vehicle or vehicle and requests information pertaining to
its location.

(3) Any person who registers a complaint that is the basis of
a sheriff's or police chief's order for the removal and storage of
a motor vehicle under division (A)(1) of this section shall
provide the identity of the law enforcement agency with which the
complaint was registered to any person who identifies self as the
owner or operator of the motor vehicle and requests information
pertaining to its location.

(E) The owner of a motor vehicle that is ordered into storage
pursuant to division (A)(1) of this section or of a vehicle that
is removed under authority of division (B)(2) of this section may
reclaim it upon payment of any expenses or charges incurred in its
removal, in an amount not to exceed ninety dollars, and storage,
in an amount not to exceed twelve dollars per twenty-four-hour
period; except that the charge for towing shall not exceed one
hundred fifty dollars, and the storage charge shall not exceed
twenty dollars per twenty-four-hour period, if the vehicle has a

manufacturer's gross vehicle weight rating in excess of ten
thousand pounds and is a truck, bus, or a combination of a
commercial tractor and trailer or semitrailer. Presentation of
proof of ownership, which may be evidenced by a certificate of
title to the motor vehicle or vehicle also shall be required for
reclamation of the vehicle. If a motor vehicle that is ordered
into storage pursuant to division (A)(1) of this section remains
unclaimed by the owner for thirty days, the procedures established
by sections 4513.61 and 4513.62 of the Revised Code shall apply.

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(F) No person shall remove, or cause the removal of, any
vehicle from private property that is established as a private
tow-away zone under division (B)(1) of this section other than in
accordance with division (B)(2) of this section, and no person
shall remove, or cause the removal of, any motor vehicle from any
other private property other than in accordance with division
(A)(1) of this section or sections 4513.61 to 4513.65 of the
Revised Code.

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(G)(4) Whoever violates division (B)(3) or (F) of this
section is guilty of a minor misdemeanor.

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~~(2) Except as otherwise provided in this division, whoever
violates division (F) of this section is guilty of a minor
misdemeanor. If the offender previously has been convicted of or
pleaded guilty to a violation of division (F) of this section,
whoever violates division (F) of this section is guilty of a
misdemeanor of the third degree.~~

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Sec. 4513.65. (A) For purposes of this section, "junk motor
vehicle" means any motor vehicle meeting the requirements of
divisions (B), (C), (D), and (E) of section 4513.63 of the Revised
Code that is left uncovered in the open on private property for
more than seventy-two hours with the permission of the person
having the right to the possession of the property, except if the
person is operating a junk yard or scrap metal processing facility

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licensed under authority of sections 4737.05 to 4737.12 of the Revised Code, or regulated under authority of a political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle.

No political subdivision shall prevent a person from storing or keeping, or restrict a person in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property; except that a political subdivision may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

The sheriff of a county, or chief of police of a municipal corporation, within the sheriff's or chief's respective territorial jurisdiction, a state highway patrol trooper, a board of township trustees, the legislative authority of a municipal corporation, or the zoning authority of a township or a municipal corporation, may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days

that a junk motor vehicle continues to be so left constitutes a 96789
separate offense. 96790

(B) ~~Except as otherwise provided in this division, whoever~~ 96791
Whoever violates this section is guilty of a minor misdemeanor ~~on~~ 96792
~~a first offense. If the offender previously has been convicted of~~ 96793
~~or pleaded guilty to one violation of this section, whoever~~ 96794
~~violates this section is guilty of a misdemeanor of the fourth~~ 96795
~~degree. If the offender previously has been convicted of or~~ 96796
~~pleaded guilty to two or more violations of this section, whoever~~ 96797
~~violates this section is guilty of a misdemeanor of the third~~ 96798
~~degree.~~ 96799

Sec. 4513.99. (A) Any violation of section ~~4513.03, 4513.04,~~ 96800
~~4513.05, 4513.06, 4513.07, 4513.071, 4513.09, 4513.10, 4513.11~~ 96801
~~except for division (H) of that section, 4513.111, 4513.12,~~ 96802
~~4513.13, 4513.14, 4513.15, 4513.16, 4513.17, 4513.171, 4513.18,~~ 96803
~~4513.182, 4513.19, 4513.20, 4513.201, 4513.202, 4513.21, 4513.22,~~ 96804
~~4513.23, 4513.24, 4513.242, 4513.25, 4513.26, 4513.27, 4513.28,~~ 96805
~~4513.29, 4513.30, 4513.31, 4513.32, or 4513.34 of the Revised Code~~ 96806
shall be punished under division (B) of this section. 96807

(B) Whoever violates the sections of this chapter that are 96808
specifically required to be punished under this division, or any 96809
provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37 of 96810
the Revised Code for which violation no penalty is otherwise 96811
provided, is guilty of a minor misdemeanor on a first offense; on 96812
a second offense within one year after the first offense, the 96813
person is guilty of a misdemeanor of the fourth degree; on each 96814
subsequent offense within one year after the first offense, the 96815
person is guilty of a misdemeanor of the third degree. 96816

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the 96817
Revised Code: 96818

(A) "Persons" includes individuals, firms, partnerships, 96819

associations, joint stock companies, corporations, and any 96820
combinations of individuals. 96821

(B) "Motor vehicle" means motor vehicle as defined in section 96822
4501.01 of the Revised Code and also includes "all-purpose 96823
vehicle" and "off-highway motorcycle" as those terms are defined 96824
in section 4519.01 of the Revised Code ~~and manufactured and mobile~~ 96825
~~homes~~. "Motor vehicle" does not include a snowmobile as defined in 96826
section 4519.01 of the Revised Code or manufactured and mobile 96827
homes. 96828

(C) "New motor vehicle" means a motor vehicle, the legal 96829
title to which has never been transferred by a manufacturer, 96830
remanufacturer, distributor, or dealer to an ultimate purchaser. 96831

(D) "Ultimate purchaser" means, with respect to any new motor 96832
vehicle, the first person, other than a dealer purchasing in the 96833
capacity of a dealer, who in good faith purchases such new motor 96834
vehicle for purposes other than resale. 96835

(E) "Business" includes any activities engaged in by any 96836
person for the object of gain, benefit, or advantage either direct 96837
or indirect. 96838

(F) "Engaging in business" means commencing, conducting, or 96839
continuing in business, or liquidating a business when the 96840
liquidator thereof holds self out to be conducting such business; 96841
making a casual sale or otherwise making transfers in the ordinary 96842
course of business when the transfers are made in connection with 96843
the disposition of all or substantially all of the transferor's 96844
assets is not engaging in business. 96845

(G) "Retail sale" or "sale at retail" means the act or 96846
attempted act of selling, bartering, exchanging, or otherwise 96847
disposing of a motor vehicle to an ultimate purchaser for use as a 96848
consumer. 96849

(H) "Retail installment contract" includes any contract in the form of a note, chattel mortgage, conditional sales contract, lease, agreement, or other instrument payable in one or more installments over a period of time and arising out of the retail sale of a motor vehicle.

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(I) "Farm machinery" means all machines and tools used in the production, harvesting, and care of farm products.

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(J) "Dealer" or "motor vehicle dealer" means any new motor vehicle dealer, any motor vehicle leasing dealer, and any used motor vehicle dealer.

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(K) "New motor vehicle dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in new motor vehicles pursuant to a contract or agreement entered into with the manufacturer, remanufacturer, or distributor of the motor vehicles.

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(L) "Used motor vehicle dealer" means any person engaged in the business of selling, displaying, offering for sale, or dealing in used motor vehicles, at retail or wholesale, but does not mean any new motor vehicle dealer selling, displaying, offering for sale, or dealing in used motor vehicles incidentally to engaging in the business of selling, displaying, offering for sale, or dealing in new motor vehicles, any person engaged in the business of dismantling, salvaging, or rebuilding motor vehicles by means of using used parts, or any public officer performing official duties.

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(M) "Motor vehicle leasing dealer" means any person engaged in the business of regularly making available, offering to make available, or arranging for another person to use a motor vehicle pursuant to a bailment, lease, sublease, or other contractual arrangement under which a charge is made for its use at a periodic

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rate for a term of thirty days or more, and title to the motor vehicle is in and remains in the motor vehicle leasing dealer who originally leases it, irrespective of whether or not the motor vehicle is the subject of a later sublease, and not in the user, but does not mean a manufacturer or its affiliate leasing to its employees or to dealers.

(N) "Salesperson" means any person employed by a dealer or manufactured home broker to sell, display, and offer for sale, or deal in motor vehicles for a commission, compensation, or other valuable consideration, but does not mean any public officer performing official duties.

(O) "Casual sale" means any transfer of a motor vehicle by a person other than a new motor vehicle dealer, used motor vehicle dealer, motor vehicle salvage dealer, as defined in division (A) of section 4738.01 of the Revised Code, salesperson, motor vehicle auction owner, manufacturer, or distributor acting in the capacity of a dealer, salesperson, auction owner, manufacturer, or distributor, to a person who purchases the motor vehicle for use as a consumer.

(P) "Motor vehicle show" means a display of current models of motor vehicles whereby the primary purpose is the exhibition of competitive makes and models in order to provide the general public the opportunity to review and inspect various makes and models of motor vehicles at a single location.

(Q) "Motor vehicle auction owner" means any person who is engaged wholly or in part in the business of auctioning motor vehicles.

(R) "Manufacturer" means a person who manufactures, assembles, or imports motor vehicles, including motor homes, but does not mean a person who only assembles or installs a body, special equipment unit, finishing trim, or accessories on a motor

vehicle chassis supplied by a manufacturer or distributor.	96911
(S) "Tent-type fold-out camping trailer" means any vehicle	96912
intended to be used, when stationary, as a temporary shelter with	96913
living and sleeping facilities, and that is subject to the	96914
following properties and limitations:	96915
(1) A minimum of twenty-five per cent of the fold-out portion	96916
of the top and sidewalls combined must be constructed of canvas,	96917
vinyl, or other fabric, and form an integral part of the shelter.	96918
(2) When folded, the unit must not exceed:	96919
(a) Fifteen feet in length, exclusive of bumper and tongue;	96920
(b) Sixty inches in height from the point of contact with the	96921
ground;	96922
(c) Eight feet in width;	96923
(d) One ton gross weight at time of sale.	96924
(T) "Distributor" means any person authorized by a motor	96925
vehicle manufacturer to distribute new motor vehicles to licensed	96926
new motor vehicle dealers, but does not mean a person who only	96927
assembles or installs a body, special equipment unit, finishing	96928
trim, or accessories on a motor vehicle chassis supplied by a	96929
manufacturer or distributor.	96930
(U) "Flea market" means a market place, other than a dealer's	96931
location licensed under this chapter, where a space or location is	96932
provided for a fee or compensation to a seller to exhibit and	96933
offer for sale or trade, motor vehicles to the general public.	96934
(V) "Franchise" means any written agreement, contract, or	96935
understanding between any motor vehicle manufacturer or	96936
remanufacturer engaged in commerce and any motor vehicle dealer	96937

that purports to fix the legal rights and liabilities of the parties to such agreement, contract, or understanding.	96938 96939
(W) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise agreement and who offers, sells, and provides service for such new motor vehicles to the general public.	96940 96941 96942 96943
(X) "Franchisor" means a new motor vehicle manufacturer, remanufacturer, or distributor who supplies new motor vehicles under a franchise agreement to a franchisee.	96944 96945 96946
(Y) "Dealer organization" means a state or local trade association the membership of which is comprised predominantly of new motor vehicle dealers.	96947 96948 96949
(Z) "Factory representative" means a representative employed by a manufacturer, remanufacturer, or by a factory branch primarily for the purpose of promoting the sale of its motor vehicles, parts, or accessories to dealers or for supervising or contacting its dealers or prospective dealers.	96950 96951 96952 96953 96954
(AA) "Administrative or executive management" means those individuals who are not subject to federal wage and hour laws.	96955 96956
(BB) "Good faith" means honesty in the conduct or transaction concerned and the observance of reasonable commercial standards of fair dealing in the trade as is defined in division (S) of section 1301.01 of the Revised Code, including, but not limited to, the duty to act in a fair and equitable manner so as to guarantee freedom from coercion, intimidation, or threats of coercion or intimidation; provided however, that recommendation, endorsement, exposition, persuasion, urging, or argument shall not be considered to constitute a lack of good faith.	96957 96958 96959 96960 96961 96962 96963 96964 96965
(CC) "Coerce" means to compel or attempt to compel by failing	96966

to act in good faith or by threat of economic harm, breach of contract, or other adverse consequences. Coerce does not mean to argue, urge, recommend, or persuade.

(DD) "Relevant market area" means any area within a radius of ten miles from the site of a potential new dealership, except that for manufactured home or recreational vehicle dealerships the radius shall be twenty-five miles. The ten-mile radius shall be measured from the dealer's established place of business that is used exclusively for the purpose of selling, displaying, offering for sale, or dealing in motor vehicles.

(EE) "Wholesale" or "at wholesale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle to a transferee for the purpose of resale and not for ultimate consumption by that transferee.

(FF) "Motor vehicle wholesaler" means any person licensed as a dealer under the laws of another state and engaged in the business of selling, displaying, or offering for sale used motor vehicles, at wholesale, but does not mean any motor vehicle dealer as defined in this section.

(GG)(1) "Remanufacturer" means a person who assembles or installs passenger seating, walls, a roof elevation, or a body extension on a conversion van with the motor vehicle chassis supplied by a manufacturer or distributor, a person who modifies a truck chassis supplied by a manufacturer or distributor for use as a public safety or public service vehicle, a person who modifies a motor vehicle chassis supplied by a manufacturer or distributor for use as a limousine or hearse, or a person who modifies an incomplete motor vehicle cab and chassis supplied by a new motor vehicle dealer or distributor for use as a tow truck, but does not mean either of the following:

(a) A person who assembles or installs passenger seating,

~~walls, a roof elevation, or a body extension on a manufactured~~ 96998
~~home as defined in division (C)(4) of section 3781.06 of the~~ 96999
~~Revised Code, a mobile home as defined in division (O) and~~ 97000
~~referred to in division (B) of section 4501.01 of the Revised~~ 97001
~~Code, or a recreational vehicle as defined in division (Q) and~~ 97002
~~referred to in division (B) of section 4501.01 of the Revised~~ 97003
~~Code;~~ 97004

(b) A person who assembles or installs special equipment or 97005
accessories for handicapped persons, as defined in section 4503.44 97006
of the Revised Code, upon a motor vehicle chassis supplied by a 97007
manufacturer or distributor. 97008

(2) For the purposes of division (GG)(1) of this section, 97009
"public safety vehicle or public service vehicle" means a fire 97010
truck, ambulance, school bus, street sweeper, garbage packing 97011
truck, or cement mixer, or a mobile self-contained facility 97012
vehicle. 97013

(3) For the purposes of division (GG)(1) of this section, 97014
"limousine" means a motor vehicle, designed only for the purpose 97015
of carrying nine or fewer passengers, that a person modifies by 97016
cutting the original chassis, lengthening the wheelbase by forty 97017
inches or more, and reinforcing the chassis in such a way that all 97018
modifications comply with all applicable federal motor vehicle 97019
safety standards. No person shall qualify as or be deemed to be a 97020
remanufacturer who produces limousines unless the person has a 97021
written agreement with the manufacturer of the chassis the person 97022
utilizes to produce the limousines to complete properly the 97023
remanufacture of the chassis into limousines. 97024

(4) For the purposes of division (GG)(1) of this section, 97025
"hearse" means a motor vehicle, designed only for the purpose of 97026
transporting a single casket, that is equipped with a compartment 97027
designed specifically to carry a single casket that a person 97028
modifies by cutting the original chassis, lengthening the 97029

wheelbase by ten inches or more, and reinforcing the chassis in such a way that all modifications comply with all applicable federal motor vehicle safety standards. No person shall qualify as or be deemed to be a remanufacturer who produces hearses unless the person has a written agreement with the manufacturer of the chassis the person utilizes to produce the hearses to complete properly the remanufacture of the chassis into hearses.

(5) For the purposes of division (GG)(1) of this section, "mobile self-contained facility vehicle" means a mobile classroom vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, testing laboratory, and mobile display vehicle, each of which is designed for purposes other than for passenger transportation and other than the transportation or displacement of cargo, freight, materials, or merchandise. A vehicle is remanufactured into a mobile self-contained facility vehicle in part by the addition of insulation to the body shell, and installation of all of the following: a generator, electrical wiring, plumbing, holding tanks, doors, windows, cabinets, shelving, and heating, ventilating, and air conditioning systems.

(6) For the purposes of division (GG)(1) of this section, "tow truck" means both of the following:

(a) An incomplete cab and chassis that are purchased by a remanufacturer from a new motor vehicle dealer or distributor of the cab and chassis and on which the remanufacturer then installs in a permanent manner a wrecker body it purchases from a manufacturer or distributor of wrecker bodies, installs an emergency flashing light pylon and emergency lights upon the mast of the wrecker body or rooftop, and installs such other related accessories and equipment, including push bumpers, front grille guards with pads and other custom-ordered items such as painting, special lettering, and safety striping so as to create a complete motor vehicle capable of lifting and towing another motor vehicle.

(b) An incomplete cab and chassis that are purchased by a remanufacturer from a new motor vehicle dealer or distributor of the cab and chassis and on which the remanufacturer then installs in a permanent manner a car carrier body it purchases from a manufacturer or distributor of car carrier bodies, installs an emergency flashing light pylon and emergency lights upon the rooftop, and installs such other related accessories and equipment, including push bumpers, front grille guards with pads and other custom-ordered items such as painting, special lettering, and safety striping.

As used in division (GG)(6)(b) of this section, "car carrier body" means a mechanical or hydraulic apparatus capable of lifting and holding a motor vehicle on a flat level surface so that one or more motor vehicles can be transported, once the car carrier is permanently installed upon an incomplete cab and chassis.

(HH) "Operating as a new motor vehicle dealership" means engaging in activities such as displaying, offering for sale, and selling new motor vehicles at retail, operating a service facility to perform repairs and maintenance on motor vehicles, offering for sale and selling motor vehicle parts at retail, and conducting all other acts that are usual and customary to the operation of a new motor vehicle dealership. For the purposes of this chapter only, possession of either a valid new motor vehicle dealer franchise agreement or a new motor vehicle dealers license, or both of these items, is not evidence that a person is operating as a new motor vehicle dealership.

~~(II) "Manufactured home broker" means any person acting as a selling agent on behalf of an owner of a manufactured or mobile home that is subject to taxation under section 4503.06 of the Revised Code.~~

~~(JJ)~~ "Outdoor power equipment" means garden and small utility

tractors, walk-behind and riding mowers, chainsaws, and tillers. 97093

~~(KK)~~(JJ) "Remote service facility" means premises that are 97094
separate from a licensed new motor vehicle dealer's sales facility 97095
by not more than one mile and that are used by the dealer to 97096
perform repairs, warranty work, recall work, and maintenance on 97097
motor vehicles pursuant to a franchise agreement entered into with 97098
a manufacturer of motor vehicles. A remote service facility shall 97099
be deemed to be part of the franchise agreement and is subject to 97100
all the rights, duties, obligations, and requirements of Chapter 97101
4517. of the Revised Code that relate to the performance of motor 97102
vehicle repairs, warranty work, recall work, and maintenance work 97103
by new motor vehicle dealers. 97104

Sec. 4517.02. (A) Except as otherwise provided in this 97105
section, no person shall do any of the following: 97106

(1) Engage in the business of displaying or selling at retail 97107
new motor vehicles or assume to engage in that business, unless 97108
the person is licensed as a new motor vehicle dealer under 97109
sections 4517.01 to 4517.45 of the Revised Code, or is a 97110
salesperson licensed under those sections and employed by a 97111
licensed new motor vehicle dealer; 97112

(2) Engage in the business of offering for sale, displaying 97113
for sale, or selling at retail or wholesale used motor vehicles or 97114
assume to engage in that business, unless the person is licensed 97115
as a dealer under sections 4517.01 to 4517.45 of the Revised Code, 97116
or is a salesperson licensed under those sections and employed by 97117
a licensed used motor vehicle dealer or licensed new motor vehicle 97118
dealer; 97119

(3) Engage in the business of regularly making available, 97120
offering to make available, or arranging for another person to use 97121
a motor vehicle, in the manner described in division (M) of 97122
section 4517.01 of the Revised Code, unless the person is licensed 97123

as a motor vehicle leasing dealer under sections 4517.01 to 97124
4517.45 of the Revised Code; 97125

(4) Engage in the business of motor vehicle auctioning or 97126
assume to engage in that business, unless the person is licensed 97127
as a motor vehicle auction owner under sections 4517.01 to 4517.45 97128
of the Revised Code and the person uses an auctioneer who is 97129
licensed under Chapter 4707. of the Revised Code to conduct the 97130
motor vehicle auctions; 97131

(5) Engage in the business of distributing motor vehicles or 97132
assume to engage in that business, unless the person is licensed 97133
as a distributor under sections 4517.01 to 4517.45 of the Revised 97134
Code; 97135

(6) Make more than five casual sales of motor vehicles in a 97136
twelve-month period, commencing with the day of the month in which 97137
the first such sale is made, nor provide a location or space for 97138
the sale of motor vehicles at a flea market, without obtaining a 97139
license as a dealer under sections 4517.01 to 4517.45 of the 97140
Revised Code, provided that nothing in this section shall be 97141
construed to prohibit the disposition without a license of a motor 97142
vehicle originally acquired and held for purposes other than sale, 97143
rental, or lease to an employee, retiree, officer, or director of 97144
the person making the disposition, to a corporation affiliated 97145
with the person making the disposition, or to a person licensed 97146
under sections 4517.01 to 4517.45 of the Revised Code; 97147

~~(7) Engage in the business of brokering manufactured homes 97148
unless that person is licensed as a manufactured home broker under 97149
sections 4517.01 to 4517.45 of the Revised Code. 97150~~

(B) Nothing in this section shall be construed to require an 97151
auctioneer licensed under sections 4707.01 to 4707.19 of the 97152
Revised Code, to obtain a motor vehicle salesperson's license 97153
under sections 4517.01 to 4517.45 of the Revised Code when 97154

conducting an auction sale for a licensed motor vehicle dealer on 97155
the dealer's premises, or when conducting an auction sale for a 97156
licensed motor vehicle auction owner; nor shall such an auctioneer 97157
be required to obtain a motor vehicle auction owner's license 97158
under sections 4517.01 to 4517.45 of the Revised Code when engaged 97159
in auctioning for a licensed motor vehicle auction owner. 97160

(C) Sections 4517.01 to 4517.45 of the Revised Code do not 97161
apply to any of the following: 97162

(1) Persons engaging in the business of selling commercial 97163
tractors, trailers, or semitrailers incidentally to engaging 97164
primarily in business other than the selling or leasing of motor 97165
vehicles; 97166

(2) Mortgagees selling at retail only those motor vehicles 97167
that have come into their possession by a default in the terms of 97168
a mortgage contract; 97169

(3) The leasing, rental, and interchange of motor vehicles 97170
used directly in the rendition of a public utility service by 97171
regulated motor carriers. 97172

(D) When a partnership licensed under sections 4517.01 to 97173
4517.45 of the Revised Code is dissolved by death, the surviving 97174
partners may operate under the license for a period of sixty days, 97175
and the heirs or representatives of deceased persons and receivers 97176
or trustees in bankruptcy appointed by any competent authority may 97177
operate under the license of the person succeeded in possession by 97178
that heir, representative, receiver, or trustee in bankruptcy. 97179

(E) No remanufacturer shall engage in the business of selling 97180
at retail any new motor vehicle without having written authority 97181
from the manufacturer or distributor of the vehicle to sell new 97182
motor vehicles and to perform repairs under the terms of the 97183
manufacturer's or distributor's new motor vehicle warranty, 97184

unless, at the time of the sale of the vehicle, each customer is 97185
furnished with a binding agreement ensuring that the customer has 97186
the right to have the vehicle serviced or repaired by a new motor 97187
vehicle dealer who is franchised to sell and service vehicles of 97188
the same line-make as the chassis of the remanufactured vehicle 97189
purchased by the customer and whose service or repair facility is 97190
located within either twenty miles of the remanufacturer's 97191
location and place of business or twenty miles of the customer's 97192
residence or place of business. If there is no such new motor 97193
vehicle dealer located within twenty miles of the remanufacturer's 97194
location and place of business or the customer's residence or 97195
place of business, the binding agreement furnished to the customer 97196
may be with the new motor vehicle dealer who is franchised to sell 97197
and service vehicles of the same line-make as the chassis of the 97198
remanufactured vehicle purchased by the customer and whose service 97199
or repair facility is located nearest to the remanufacturer's 97200
location and place of business or the customer's residence or 97201
place of business. Additionally, at the time of sale of any 97202
vehicle, each customer of the remanufacturer shall be furnished 97203
with a warranty issued by the remanufacturer for a term of at 97204
least one year. 97205

(F) Except as otherwise provided in this division, whoever 97206
violates this section is guilty of a minor misdemeanor and shall 97207
be subject to a mandatory fine of one hundred dollars. If the 97208
offender previously has been convicted of or pleaded guilty to a 97209
violation of this section, whoever violates this section is guilty 97210
of a misdemeanor of the first degree and shall be subject to a 97211
mandatory fine of one thousand dollars. 97212

Sec. 4517.03. (A) A place of business that is used for 97213
selling, displaying, offering for sale, or dealing in motor 97214
vehicles shall be considered as used exclusively for those 97215
purposes even though snowmobiles, farm machinery, outdoor power 97216
equipment, watercraft and related products, or products 97217

manufactured or distributed by a motor vehicle manufacturer with 97218
which the motor vehicle dealer has a franchise agreement are sold 97219
or displayed there, or if repair, accessory, gasoline and oil, 97220
storage, parts, service, or paint departments are maintained 97221
there, or such products or services are provided there, if the 97222
departments are operated or the products or services are provided 97223
for the business of selling, displaying, offering for sale, or 97224
dealing in motor vehicles. Places of business or departments in a 97225
place of business used to dismantle, salvage, or rebuild motor 97226
vehicles by means of using used parts, are not considered as being 97227
maintained for the purpose of assisting or furthering the selling, 97228
displaying, offering for sale, or dealing in motor vehicles. A 97229
place of business shall be considered as used exclusively for 97230
selling, displaying, offering for sale, or dealing in motor 97231
vehicles even though a business owned by a motor vehicle leasing 97232
dealer or a motor vehicle renting dealer is located at the place 97233
of business. 97234

(B)(1) No new motor vehicle dealer shall sell, display, offer 97235
for sale, or deal in motor vehicles at any place except an 97236
established place of business that is used exclusively for the 97237
purpose of selling, displaying, offering for sale, or dealing in 97238
motor vehicles. The place of business shall have space, under 97239
roof, for the display of at least one new motor vehicle. The 97240
established place of business or, if the dealer operates a remote 97241
service facility, the dealer's remote service facility shall have 97242
facilities and space for the inspection, servicing, and repair of 97243
at least one motor vehicle. However a new motor vehicle dealer 97244
selling manufactured or mobile homes is exempt from the 97245
requirement that a place of business have space, under roof, for 97246
the display of at least one new motor vehicle and facilities and 97247
space for the inspection, servicing, and repair of at least one 97248
motor vehicle. 97249

(2) A licensed new motor vehicle dealer may operate a remote 97250

service facility with the consent of the manufacturer and only to
perform repairs, warranty work, recall work, and maintenance on
motor vehicles as part of the dealer's franchised and licensed new
motor vehicle dealership. The remote service facility shall be
included on the new motor vehicle dealer's license and be deemed
to be part of the dealer's licensed location.

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(3) No person shall use a remote service facility for
selling, displaying, or offering for sale motor vehicles.

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~~(4) Nothing in Chapter 4517. of the Revised Code shall be
construed as prohibiting the sale of a new or used manufactured or
mobile home located in a manufactured home park by a licensed new
or used motor vehicle dealer.~~

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(C) No used motor vehicle dealer shall sell, display, offer
for sale, or deal in motor vehicles at any place except an
established place of business that is used exclusively for the
purpose of selling, displaying, offering for sale, or dealing in
motor vehicles.

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(D) No motor vehicle leasing dealer shall make a motor
vehicle available for use by another, in the manner described in
division (M) of section 4517.01 of the Revised Code, at any place
except an established place of business that is used for leasing
motor vehicles; except that a motor vehicle leasing dealer who is
also a new motor vehicle dealer or used motor vehicle dealer may
lease motor vehicles at the same place of business at which the
dealer sells, offers for sale, or deals in new or used motor
vehicles.

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(E) No motor vehicle leasing dealer or motor vehicle renting
dealer shall sell a motor vehicle within ninety days after a
certificate of title to the motor vehicle is issued to the dealer,
except when a salvage certificate of title is issued to replace
the original certificate of title and except when a motor vehicle

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leasing dealer sells a motor vehicle to another motor vehicle 97282
leasing dealer at the end of a sublease pursuant to that sublease. 97283

(F) No distributor shall distribute new motor vehicles to new 97284
motor vehicle dealers at any place except an established place of 97285
business that is used exclusively for the purpose of distributing 97286
new motor vehicles to new motor vehicle dealers; except that a 97287
distributor who is also a new motor vehicle dealer may distribute 97288
new motor vehicles at the same place of business at which the 97289
distributor sells, displays, offers for sale, or deals in new 97290
motor vehicles. 97291

(G) No person, firm, or corporation that sells, displays, or 97292
offers for sale tent-type fold-out camping trailers is subject to 97293
the requirement that the person's, firm's, or corporation's place 97294
of business be used exclusively for the purpose of selling, 97295
displaying, offering for sale, or dealing in motor vehicles. No 97296
person, firm, or corporation that sells, displays, or offers for 97297
sale tent-type fold-out camping trailers, trailers, semitrailers, 97298
or park trailers is subject to the requirement that the place of 97299
business have space, under roof, for the display of at least one 97300
new motor vehicle and facilities and space for the inspection, 97301
servicing, and repair of at least one motor vehicle. 97302

~~(H) No manufactured or mobile home broker shall engage in the 97303
business of brokering manufactured or mobile homes at any place 97304
except an established place of business that is used exclusively 97305
for the purpose of brokering manufactured or mobile homes. 97306~~

~~(I)~~ Nothing in this section shall be construed to prohibit 97307
persons licensed under this chapter from making sales calls. 97308

~~(J)~~(I) Whoever violates this section is guilty of a 97309
misdemeanor of the fourth degree. 97310

~~(K)~~(J) As used in this section: 97311

(1) "Motor vehicle leasing dealer" has the same meaning as in section 4517.01 of the Revised Code. 97312
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(2) "Motor vehicle renting dealer" has the same meaning as in section 4549.65 of the Revised Code. 97314
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(3) "Watercraft" has the same meaning as in section 1547.01 of the Revised Code. 97316
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Sec. 4517.30. The motor vehicle dealers board shall consist 97318
of eleven members. The registrar of motor vehicles or the 97319
registrar's designee shall be a member of the board, and the other 97320
ten members shall be appointed by the governor with the advice and 97321
consent of the senate. Not more than five of the ten members other 97322
than the registrar shall be of any one political party, and of the 97323
ten: 97324

(A) Three shall represent the public and shall not have 97325
engaged in the business of selling motor vehicles at retail in 97326
this state; 97327

(B) Five shall have been engaged in the business of selling 97328
motor vehicles at retail in this state for at least five years and 97329
have been engaged in such business within two years prior to the 97330
date of their appointment. Of these five: 97331

(1) Three shall have been engaged in the sale of new motor 97332
vehicles; 97333

(2) One shall have been engaged in the business of selling 97334
~~manufactured homes, mobile homes, or~~ recreational vehicles at 97335
retail; 97336

(3) One shall have been engaged in the sale of used motor 97337
vehicles. 97338

(C) Two shall have been engaged in the leasing of motor vehicles. 97339
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Terms of office of the ten members appointed by the governor shall be for three years, commencing on the fifth day of October and ending on the fourth day of October. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any appointed member shall continue in office subsequent to the expiration date of the member's term until a successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Annually the board shall organize by selecting from its members a president. Each appointed member of the board shall receive an amount fixed in accordance with division (J) of section 124.15 of the Revised Code, and shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's official duties. 97341
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Sec. 4517.33. The motor vehicle dealers board shall hear appeals which may be taken from an order of the registrar of motor vehicles, refusing to issue a license. All appeals from any order of the registrar refusing to issue any license upon proper application must be taken within thirty days from the date of the order, or the order is final and conclusive. All appeals from orders of the registrar must be by petition in writing and verified under oath by the applicant whose application for license has been denied, and must set forth the reason for the appeal and the reason why, in the petitioner's opinion, the order of the registrar is not correct. In such appeals the board may make investigation to determine the correctness and legality of the order of the registrar. 97358
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The board may make rules governing its actions relative to the suspension and revocation of dealers', motor vehicle leasing dealers', ~~manufactured home brokers'~~, distributors', auction owners', and salespersons' licenses, and may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the conduct of any licensee under sections 4517.01 to 4517.65 of the Revised Code. The board shall suspend or revoke or notify the registrar to refuse to renew any dealer's, motor vehicle leasing dealer's, ~~manufactured home broker's~~, distributor's, auction owner's, or salesperson's license, if any ground existed upon which the license might have been refused, or if a ground exists that would be cause for refusal to issue a license.

The board may suspend or revoke any license if the licensee has in any manner violated the rules issued pursuant to sections 4517.01 to 4517.65 of the Revised Code, or has violated section 4501.02 of the Revised Code, or has been convicted of committing a felony or violating any law that in any way relates to the selling, taxing, licensing, or regulation of sales of motor vehicles.

Sec. 4517.43. (A) The applications for licenses and the copies of contracts required by sections 4517.04, 4517.05, 4517.051, ~~4517.052~~, 4517.06, 4517.07, 4517.08, and 4517.09 of the Revised Code are not part of the public records but are confidential information for the use of the registrar of motor vehicles and the motor vehicle dealers board. No person shall divulge any information contained in such applications and acquired by the person in the person's capacity as an official or employee of the bureau of motor vehicles or of the board, except in a report to the registrar, to the board, or when called upon to testify in any court or proceeding.

(B) Whoever violates this section is guilty of a minor

misdemeanor. 97403

Sec. 4519.02. (A) Except as provided in divisions (B), (C), 97404
and (D) of this section, no person shall operate any snowmobile, 97405
off-highway motorcycle, or all-purpose vehicle within this state 97406
unless the snowmobile, off-highway motorcycle, or all-purpose 97407
vehicle is registered and numbered in accordance with sections 97408
4519.03 and 4519.04 of the Revised Code. 97409

(B)(1) No registration is required for a snowmobile or 97410
off-highway motorcycle that is operated exclusively upon lands 97411
owned by the owner of the snowmobile or off-highway motorcycle, 97412
or on lands to which the owner of the snowmobile or off-highway 97413
motorcycle has a contractual right. 97414

(2) No registration is required for an all-purpose vehicle 97415
that is used primarily ~~on a farm as a farm implement for~~ 97416
agricultural purposes when the owner qualifies for the current 97417
agricultural use valuation tax credit, unless it is to be used on 97418
any public land, trail, or right-of-way. 97419

(3) Any all-purpose vehicle exempted from registration under 97420
division (B)(2) of this section and operated for agricultural 97421
purposes may use public roads and rights-of-way when traveling 97422
from one farm field to another, when such use does not violate 97423
section 4519.41 of the Revised Code. 97424

(C) No registration is required for a snowmobile, off-highway 97425
motorcycle, or all-purpose vehicle owned and used in this state by 97426
a resident of another state whenever that state has in effect a 97427
registration law similar to this chapter and the snowmobile, 97428
off-highway motorcycle, or all-purpose vehicle is properly 97429
registered under that state's law. Any snowmobile, off-highway 97430
motorcycle, or all-purpose vehicle owned and used in this state by 97431
a resident of a state not having a registration law similar to 97432
this chapter shall comply with section 4519.09 of the Revised 97433

Code.	97434
(D) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by the United States, another state, or a political subdivision thereof, but the snowmobile, off-highway motorcycle, or all-purpose vehicle shall display the name of the owner thereon.	97435 97436 97437 97438 97439
(E) The owner or operator of any all-purpose vehicle operated or used upon the waters in this state shall comply with Chapters 1547. and 1548. of the Revised Code relative to the operation of watercraft.	97440 97441 97442 97443
(F) Except as otherwise provided in this division, whoever violates division (A) of this section shall be fined not less than fifty dollars but not more than one hundred dollars.	97444 97445 97446
Sec. 4519.03. (A) The owner of every snowmobile, off-highway motorcycle, and all-purpose vehicle required to be registered under section 4519.02 of the Revised Code shall file an application for registration with the registrar of motor vehicles or a deputy registrar, on blanks furnished by the registrar for that purpose and containing all of the following information:	97447 97448 97449 97450 97451 97452 97453
(1) A brief description of the snowmobile, off-highway motorcycle, or all-purpose vehicle, including the year, make, model, and the vehicle identification number;	97454 97455 97456
(2) The name, residence, and business address of the owner;	97457
(3) A statement that the snowmobile, off-highway motorcycle, or all-purpose vehicle is equipped as required by section 4519.20 of the Revised Code and any rule adopted under that section. The statement shall include a check list of the required equipment items in the form the registrar shall prescribe.	97458 97459 97460 97461 97462

The application shall be signed by the owner of the snowmobile, off-highway motorcycle, or all-purpose vehicle and shall be accompanied by a fee as provided in division (C) of section 4519.04 of the Revised Code.

If the application is not in proper form, or if the vehicle for which registration is sought does not appear to be equipped as required by section 4519.20 of the Revised Code or any rule adopted under that section, the registration shall be refused, and no registration sticker, license plate, or validation sticker shall be issued.

(B) ~~On and after July 1, 1999, no~~Except as provided in this division, no certificate of registration or renewal of a certificate of registration shall be issued for an off-highway motorcycle or all-purpose vehicle required to be registered under section 4519.02 of the Revised Code, and no certificate of registration issued under this chapter for an off-highway motorcycle or all-purpose vehicle that is sold or otherwise transferred shall be transferred to the new owner of the off-highway motorcycle or all-purpose vehicle as permitted by division (B) of section 4519.05 of the Revised Code, unless a certificate of title has been issued under this chapter for the motorcycle or vehicle, and the owner or new owner, as the case may be, presents a physical certificate of title or memorandum certificate of title for inspection at the time the owner or new owner first submits a registration application, registration renewal application, or registration transfer application for the motorcycle or vehicle ~~on or after July 1, 1999~~, if a physical certificate of title or memorandum certificate has been issued by a clerk of a court of common pleas. If, under sections 4519.512 and 4519.58 of the Revised Code, a clerk instead has issued an electronic certificate of title for the applicant's off-highway motorcycle or all-purpose vehicle, that certificate may be

presented for inspection at the time of first registration in a 97495
manner prescribed by rules adopted by the registrar. In the case 97496
of an off-highway motorcycle or all-purpose vehicle that was 97497
purchased prior to October 1, 2005, and for which a certificate of 97498
title has not been issued, the owner shall not be required to 97499
present a physical certificate of title or memorandum certificate 97500
of title or an electronic certificate of title for the motorcycle 97501
or vehicle but instead may present a signed affidavit of ownership 97502
in a form prescribed by the registrar. The affidavit shall 97503
include, at a minimum, the date of purchase, make, model, and 97504
vehicle identification number of the motorcycle or vehicle. If no 97505
vehicle identification number has been assigned to the off-highway 97506
motorcycle or all-purpose vehicle, then the serial number of the 97507
motorcycle or vehicle shall be presented at the time of 97508
application. 97509

(C) When the owner of an off-highway motorcycle or 97510
all-purpose vehicle first registers it in the owner's name, and a 97511
certificate of title has been issued for the motorcycle or 97512
vehicle, the owner shall present for inspection a physical 97513
certificate of title or memorandum certificate of title showing 97514
title to the off-highway motorcycle or all-purpose vehicle in the 97515
name of the owner if a physical certificate of title or memorandum 97516
certificate has been issued by a clerk of a court of common pleas. 97517
If, under sections 4519.512 and 4519.58 of the Revised Code, a 97518
clerk instead has issued an electronic certificate of title for 97519
the applicant's off-highway motorcycle or all-purpose vehicle, 97520
that certificate may be presented for inspection at the time of 97521
first registration in a manner prescribed by rules adopted by the 97522
registrar. In the case of an off-highway motorcycle or all-purpose 97523
vehicle that was purchased prior to October 1, 2005, and for which 97524
a certificate of title has not been issued, the owner shall not be 97525
required to present a physical certificate of title or memorandum 97526
certificate of title or an electronic certificate of title for the 97527
motorcycle or vehicle but instead may present a signed affidavit 97528

of ownership in a form prescribed by the registrar. The affidavit shall include, at a minimum, the date of purchase, make, model, and vehicle identification number of the motorcycle or vehicle. If no vehicle identification number has been assigned to the off-highway motorcycle or all-purpose vehicle, then the serial number of the motorcycle or vehicle shall be presented at the time of application. If, when the owner of such an off-highway motorcycle or all-purpose vehicle first makes application to register it in the owner's name, the application is not in proper form or the certificate of title or memorandum certificate of title does not accompany the registration or, in the case of an electronic certificate of title or ownership affidavit, it is not presented in a manner prescribed by the registrar, the registration shall be refused, and neither a certificate of registration nor a registration sticker, license plate, or validation sticker shall be issued. When a certificate of registration and registration sticker, license plate, or validation sticker are issued upon the first registration of an off-highway motorcycle or all-purpose vehicle by or on behalf of the owner, the official issuing them shall indicate the issuance with a stamp on the certificate of title ~~or~~, memorandum certificate of title, or affidavit, or, in the case of an electronic certificate of title, an electronic stamp or other notation as specified in rules adopted by the registrar.

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(D) Each deputy registrar shall be allowed a fee of three dollars and fifty cents for each application or renewal application received by the deputy registrar, which shall be for the purpose of compensating the deputy registrar for services, and office and rental expense, as may be necessary for the proper discharge of the deputy registrar's duties in the receiving of applications and the issuing of certificates of registration.

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Each deputy registrar, upon receipt of any application for registration, together with the registration fee, shall transmit

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the fee, together with the original and duplicate copy of the application, to the registrar in the manner and at the times the registrar, subject to the approval of the director of public safety and the treasurer of state, shall prescribe by rule.

Sec. 4519.04. (A) Upon the filing of an application for registration of a snowmobile, off-highway motorcycle, or all-purpose vehicle and the payment of the tax therefor, the registrar of motor vehicles or a deputy registrar shall assign to the snowmobile, off-highway motorcycle, or all-purpose vehicle a distinctive number and issue and deliver to the owner in such manner as the registrar may select, a certificate of registration, in such form as the registrar shall prescribe. Any number so assigned to a snowmobile, off-highway motorcycle, or all-purpose vehicle shall be a permanent number, and shall not be issued to any other snowmobile, off-highway motorcycle, or all-purpose vehicle.

(B)(1) In addition to the certificate of registration, the registrar or deputy registrar also shall issue to the owner of a snowmobile or off-highway motorcycle at two decal registration stickerstickers. The registrar shall prescribe the color and size of the stickerstickers and the combination of numerals and letters displayed on it, and them. The placement of the sticker decal stickers shall be one on the snowmobile or off-highway motoreyele-

Upon receipt of a certificate of registration for a snowmobile, the owner shall paint or otherwise attach upon each either side of the forward cowling of the snowmobile the identifying registration number, in block characters of not less than two inches in height and of such color as to be distinctly visible and legible or fuel tank.

(2) The registrar or deputy registrar also shall issue to the owner of an all-purpose vehicle, in addition to the certificate of

registration, one license plate and a validation sticker, or a 97594
validation sticker alone when applicable upon a registration 97595
renewal. The license plate and validation sticker shall be 97596
displayed on the all-purpose vehicle so that they are distinctly 97597
visible, in accordance with such rules as the registrar adopts. 97598
The validation sticker shall indicate the expiration date of the 97599
registration period of the all-purpose vehicle. During each 97600
succeeding registration period following the issuance of the 97601
license plate and validation sticker, upon the filing of an 97602
application for registration and payment of the fee specified in 97603
division (C) of this section, a validation sticker alone shall be 97604
issued. 97605

(C) Unless previously canceled, each certificate of 97606
registration issued for a snowmobile, off-highway motorcycle, or 97607
all-purpose vehicle expires upon the thirty-first day of December 97608
in the third year after the date it is issued. Application for 97609
renewal of a certificate may be made not earlier than ninety days 97610
preceding the expiration date, and shall be accompanied by a fee 97611
of thirty-one dollars and twenty-five cents. 97612

Notwithstanding section 4519.11 of the Revised Code, of each 97613
thirty-one dollar and twenty-five-cent fee collected for the 97614
registration of an all-purpose vehicle, the registrar shall 97615
retain not more than five dollars to pay for the licensing and 97616
registration costs the bureau of motor vehicles incurs in 97617
registering the all-purpose vehicle. The remainder of the fee 97618
shall be deposited into the state treasury to the credit of the 97619
state recreational vehicle fund created by section 4519.11 of the 97620
Revised Code. 97621

Sec. 4519.44. (A) No person who does not hold a valid, 97622
current motor vehicle driver's or commercial driver's license, 97623
motorcycle operator's endorsement, or probationary license, issued 97624
under Chapter 4506. or 4507. of the Revised Code or a valid, 97625

current driver's license issued by another jurisdiction, shall 97626
operate a snowmobile, off-highway motorcycle, or all-purpose 97627
vehicle on any street or highway in this state, on any portion of 97628
the right-of-way thereof, or on any public land or waters. 97629

(B) No person who is less than sixteen years of age shall 97630
operate a snowmobile, off-highway motorcycle, or all-purpose 97631
vehicle on any land or waters other than private property or 97632
waters owned by or leased to the person's parent or guardian, 97633
unless accompanied by another person who is eighteen years of age, 97634
or older, and who holds a license as provided in division (A) of 97635
this section, except that the department of natural resources may 97636
permit such operation on state controlled land under its 97637
jurisdiction when such person is less than sixteen years of age; 97638
~~but is twelve years of age or older~~ and is accompanied by a parent 97639
or guardian who is a licensed driver eighteen years of age or 97640
older. 97641

(C) Whoever violates this section shall be fined not less 97642
than fifty nor more than five hundred dollars, imprisoned not 97643
less than three nor more than thirty days, or both. 97644

Sec. 4519.59. (A)(1) The clerk of a court of common pleas 97645
shall charge and retain fees as follows: 97646

(a) Fifteen dollars for each certificate of title or 97647
duplicate certificate of title including the issuance of a 97648
memorandum certificate of title, authorization to print a 97649
non-negotiable evidence of ownership described in division (D) of 97650
section 4519.58 of the Revised Code, non-negotiable evidence of 97651
ownership printed by the clerk under division (E) of that section, 97652
and notation of any lien on a certificate of title that is applied 97653
for at the same time as the certificate of title. The clerk shall 97654
retain eleven dollars and fifty cents of that fee for each 97655
certificate of title when there is a notation of a lien or 97656
security interest on the certificate of title, twelve dollars and 97657

twenty-five cents when there is no lien or security interest noted 97658
on the certificate of title, and eleven dollars and fifty cents 97659
for each duplicate certificate of title. 97660

(b) Five dollars for each certificate of title with no 97661
security interest noted that is issued to a licensed motor vehicle 97662
dealer for resale purposes. The clerk shall retain two dollars and 97663
twenty-five cents of that fee. 97664

(c) Five dollars for each memorandum certificate of title or 97665
non-negotiable evidence of ownership that is applied for 97666
separately. The clerk shall retain that entire fee. 97667

(2) The fees that are not retained by the clerk shall be 97668
paid to the registrar of motor vehicles by monthly returns, which 97669
shall be forwarded to the registrar not later than the fifth day 97670
of the month next succeeding that in which the certificate is 97671
forwarded or that in which the registrar is notified of a lien or 97672
cancellation of a lien. 97673

(B)(1) The registrar shall pay twenty-five cents of the 97674
amount received for each certificate of title that is issued to a 97675
motor vehicle dealer for resale ~~and~~, one dollar for ~~all other~~ 97676
certificates of title issued with a lien or security interest 97677
noted on the certificate of title, and twenty-five cents for each 97678
certificate of title with no lien or security interest noted on 97679
the certificate of title into the state bureau of motor vehicles 97680
fund established in section 4501.25 of the Revised Code. 97681

(2) Fifty cents of the amount received for each certificate 97682
of title shall be paid by the registrar as follows: 97683

(a) Four cents shall be paid into the state treasury to the 97684
credit of the motor vehicle dealers board fund created in section 97685
4505.09 of the Revised Code, for use as described in division 97686
(B)(2)(a) of that section. 97687

(b) Twenty-one cents shall be paid into the highway operating fund. 97688
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(c) Twenty-five cents shall be paid into the state treasury to the credit of the motor vehicle sales audit fund created in section 4505.09 of the Revised Code, for use as described in division (B)(2)(c) of that section. 97690
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(3) Two dollars of the amount received by the registrar for each certificate of title shall be paid into the state treasury to the credit of the automated title processing fund created in section 4505.09 of the Revised Code, for use as described in divisions (B)(3)(a) and (c) of that section. 97694
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Sec. 4549.10. (A) No person shall operate or cause to be operated upon a public road or highway a motor vehicle of a manufacturer or dealer unless the vehicle carries and displays two placards, except as provided in section 4503.21 of the Revised Code, issued by the director of public safety that bear the registration number of its manufacturer or dealer. 97699
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(B) Whoever violates division (A) of this section is guilty of illegal operation of a manufacturer's or dealer's motor vehicle, a minor misdemeanor ~~on a first offense and a misdemeanor of the fourth degree on each subsequent offense.~~ 97705
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Sec. 4549.12. (A) No person who is the owner of a motor vehicle and a resident of this state shall operate or drive the motor vehicle upon the highways of this state, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of this state relating to the registration and identification of motor vehicles. 97709
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(B) Whoever violates division (A) of this section is guilty 97716

of illegal operation by a resident of this state of a motor 97717
vehicle bearing the distinctive number or identification mark 97718
issued by a foreign jurisdiction, a minor misdemeanor ~~on a first~~ 97719
~~offense and a misdemeanor of the fourth degree on each subsequent~~ 97720
~~offense.~~ 97721

Sec. 4582.07. (A) The board of directors of a port authority 97722
shall prepare or cause to be prepared a plan for ~~the~~any future 97723
development, construction, and improvement of the ~~port and its~~ 97724
maritime facilities of the port authority, including such maps, 97725
profiles, and other data and descriptions as may be necessary to 97726
set forth the location and character of the work to be undertaken 97727
by the port authority and a then-current good faith estimate of 97728
the cost of the proposed facilities. The plan also shall contain 97729
~~a description of any and all financing under the port authority's~~ 97730
proposal for payment of the cost of such facilities, including 97731
revenues, grants, subsidies, loans, and financing; provided, that 97732
the plan and any such proposal and the contents thereof, and 97733
anything contained or not contained therein, shall not affect the 97734
legality, validity, or enforceability of any bonds, notes, leases, 97735
~~or otherwise, and a description of any and all certificates, or~~ 97736
other financing instruments, any real estate, operating or 97737
management contracts or instruments or any taxes, tax abatements 97738
or exemptions, tax credits, tax increment financing, emoluments, 97739
~~subsidies, grants, loans and assessments, or other~~ financial 97740
participation related to maritime facilities or such plan ~~or that~~ 97741
~~has been proposed by the port authority and its public and~~ 97742
~~private affiliates for such plan~~. Upon the completion of such 97743
plan the board of directors shall cause notice by publication as 97744
~~provided in section 4582.01 of the Revised Code to be given in~~ as 97745
to each county in which there is a political subdivision 97746
~~participating that participated~~ in the creation of the port 97747
authority, ~~and shall likewise cause notice to be served upon the~~ 97748
~~owners of the uplands contiguous to any submerged lands affected~~ 97749
~~by such plan in the manner provided by law for service of notice~~ 97750

~~in the levy of special assessments by municipal corporations, and~~ 97751
shall permit the inspection of the plan at ~~their~~the port 97752
authority office by all persons interested. The notice shall fix 97753
the time and place for the hearing of all ~~objections to~~comments 97754
on the plan, which shall be not less than thirty nor more than 97755
sixty days after the ~~last publication~~completion of the notice 97756
~~and after service of notice upon the owners of such uplands.~~ Any 97757
interested person may file written ~~objections to~~comments on the 97758
plan, provided the ~~objections~~comments are filed with the 97759
secretary of the board of directors at the secretary's office not 97760
less than five days prior to the date fixed for the hearing. 97761
After the hearing the board of directors may adopt the plan with 97762
any modifications or amendments to it as the official plan for 97763
the maritime facilities of the port authority. 97764

(B) For purposes of this section and section 4582.08 of the 97765
Revised Code: 97766

(1) "Maritime facilities" means docks, wharves, warehouses, 97767
piers, and other terminal and transportation buildings or 97768
structures used in connection with the transport, storage, or 97769
distribution of commercial goods on, over, or across the waterways 97770
or shorelines of this state, or buildings or structures for the 97771
construction, rehabilitation, maintenance, or repair of 97772
commercial vessels used for such purposes, which facilities are or 97773
are expected to be owned or leased by a port authority, operated 97774
by or on behalf of a port authority, or publicly owned and 97775
financed by a port authority. 97776

(2) "Notice by publication" means publication once in a 97777
newspaper of general circulation in the county or counties where 97778
such publication is required and the posting of the notice on the 97779
web site, if any, of the port authority. Notice is complete on the 97780
later of the date of posting or the date of newspaper publication. 97781

Sec. 4582.08. The board of directors, from time to time after 97782

the adoption of an official plan for the maritime facilities of 97783
the port authority, shall have the power to modify, amend, or 97784
extend the plan; ~~provided, that upon~~prior to the making of any 97785
modification, amendment or extension of the plan, the board shall 97786
cause notice by publication to be given and shall conduct a 97787
hearing, all as provided in section 4582.07 of the Revised Code, 97788
and shall not adopt any such modification, amendment, or 97789
extension until the notice has been given and the hearing held as 97790
provided in ~~this~~that section. The board, from time to time after 97791
the adoption of an official plan under section 4582.07 of the 97792
Revised Code, also shall have the power to ~~consider, implement,~~ 97793
modify, amend, or ~~extend~~supplement any proposal for any type of 97794
financing related to the plan and shall do so prior to 97795
undertaking any financing not identified in the plan as described 97796
in section 4582.07 of the Revised Code, then in effect; provided, 97797
that the board shall first cause notice to be given and shall 97798
conduct a hearing on ~~the~~that proposal, all as provided in 97799
section 4582.07 of the Revised Code, and provided further that the 97800
plan, and any such proposal and the contents thereof, and anything 97801
contained or not contained therein, shall not affect the legality, 97802
validity, or enforceability of any bonds, notes, leases, 97803
certificates, or other financing instruments, any real estate, 97804
operating or management contracts or instruments or any taxes, tax 97805
abatements or exemptions, tax credits, tax increment financing, 97806
assessments, or other financial participation related to maritime 97807
facilities, the plan, or such proposal. Nothing in this section or 97808
in section 4582.07 of the Revised Code shall require a port 97809
authority to amend a plan, publish a notice, or hold a public 97810
hearing except to add or delete maritime facilities to the plan, 97811
to describe changes or deletions in the location or character of 97812
the maritime facilities covered by the plan, or to add, change, or 97813
delete financings not previously identified in the plan or cost 97814
projection changes not previously identified in the plan. 97815

Sec. 4582.32. (A) The board of directors of a port authority 97816

shall prepare, or cause to be prepared, a plan for ~~the~~any future 97817
 development, construction, and improvement of the ~~port authority~~ 97818
~~and its~~maritime facilities of the port authority, including such 97819
 maps, profiles, and other data and descriptions as may be 97820
 necessary to set forth the location and character of the work to 97821
 be undertaken by the port authority and a then-current good faith 97822
estimate of the cost of the proposed facilities. The plan also 97823
 shall contain ~~a description of any and all financing under the~~ 97824
port authority's proposal for payment of the cost of such 97825
facilities, including revenues, grants, subsidies, loans, and 97826
financing; provided, that the plan and any such proposal and the 97827
contents thereof, and anything contained or not contained therein, 97828
shall not affect the legality, validity, or enforceability of any 97829
bonds, notes, leases, or otherwise, and a description of any and 97830
all certificates, or other financing instruments, any real estate, 97831
operating or management contracts or instruments or any taxes, tax 97832
abatements or exemptions, tax credits, tax increment financing, 97833
emoluments, subsidies, grants, loans and assessments, or other 97834
financial participation related to maritime facilities or such 97835
plan or that has been proposed by the port authority and its 97836
public and private affiliates for such plan. Upon the completion 97837
 of such plan the board of directors shall cause notice by 97838
 publication to be given ~~in~~as to each county in which there is a 97839
 political subdivision ~~participating~~that participated in the 97840
 creation of the port authority, and, ~~in the case of a water port,~~ 97841
~~shall likewise cause notice to be served upon the owners of the~~ 97842
~~uplands contiguous to any submerged lands affected by such plan~~ 97843
~~in the manner provided by law for service of notice in the levy~~ 97844
~~of special assessments by municipal corporations, and shall~~ 97845
 permit the inspection of the plan at ~~their~~the port authority 97846
 office by all persons interested. The notice shall fix the time 97847
 and place for the hearing of all ~~objections to~~comments on the 97848
 plan, which shall be not less than thirty nor more than sixty 97849
 days after the ~~last publication~~completion of the notice ~~and~~ 97850
~~after service of notice upon the owners of such uplands.~~ Any 97851

interested person may file written ~~objections to~~comments on the 97852
plan, provided the ~~objections~~comments are filed with the 97853
secretary of the board of directors at the secretary's office not 97854
less than five days prior to the date fixed for the hearing. 97855
After the hearing the board of directors may adopt the plan with 97856
any modifications or amendments thereto as the official plan for 97857
the maritime facilities of the port authority. 97858

(B) For purposes of this section and section 4582.33 of the 97859
Revised Code: 97860

(1) "Maritime facilities" means docks, wharves, warehouses, 97861
piers, and other terminal and transportation buildings or 97862
structures used in connection with the transport, storage, or 97863
distribution of commercial goods on, over, or across the waterways 97864
or shorelines of this state, or buildings or structures for the 97865
construction, rehabilitation, maintenance, or repair of 97866
commercial vessels used for such purposes, which facilities are or 97867
are expected to be owned or leased by a port authority, operated 97868
by or on behalf of a port authority, or publicly owned and 97869
financed by a port authority. 97870

(2) "Notice by publication" means publication once in a 97871
newspaper of general circulation in the county or counties where 97872
such publication is required and the posting of the notice on the 97873
web site, if any, of the port authority. Notice is complete on the 97874
later of the date of posting or the date of newspaper publication. 97875

Sec. 4582.33. The board of directors, from time to time after 97876
the adoption of an official plan ~~under section 4582.32 of the~~ 97877
~~Revised Code~~for the maritime facilities of the port authority, 97878
shall have the power to modify, amend, or extend the plan, 97879
provided that ~~upon~~prior to the making of any modification, 97880
amendment, or extension of the plan, the board shall cause notice 97881
by publication to be given and shall conduct a hearing, all as 97882
provided in section 4582.32 of the Revised Code, and shall not 97883

adopt any such modification, amendment, or extension until the 97884
notice has been given and the hearing held as provided in ~~this~~ 97885
that section. The board, from time to time after the adoption of 97886
an official plan under section 4582.32 of the Revised Code, also 97887
shall have the power to ~~consider, implement,~~ modify, amend, or 97888
~~extend~~ supplement any proposal for any type of financing related 97889
to the plan and shall do so prior to undertaking any financing not 97890
identified in or pursuant to the plan as described in section 97891
~~4582.07 of the Revised Code, then in effect;~~ provided, that the 97892
board shall first cause notice to be given and shall conduct a 97893
hearing on ~~the~~ that proposal, all as provided in section ~~4582.07~~ 97894
4582.32 of the Revised Code, and provided further that the plan, 97895
and any such proposal and the contents thereof, and anything 97896
contained or not contained therein, shall not affect the legality, 97897
validity, or enforceability of any bonds, notes, leases, 97898
certificates, or other financing instruments, any real estate, 97899
operating or management contracts or instruments or any taxes, tax 97900
abatements or exemptions, tax credits, tax increment financing, 97901
assessments or other financial participation related to maritime 97902
facilities, the plan, or such proposal. Nothing in this section or 97903
in section 4582.32 of the Revised Code shall require a port 97904
authority to amend a plan, publish a notice, or hold a public 97905
hearing except to add or delete maritime facilities to the plan, 97906
to describe changes or deletions in the location or character of 97907
the maritime facilities covered by the plan, or to add, change, or 97908
delete financings not previously identified in the plan or cost 97909
projection changes not previously identified in the plan. 97910

Sec. 4582.71. (A) As used in this section: 97911

(1) "Bond proceedings" means, with respect to obligations 97912
authorized under this section, the resolutions, certifications and 97913
agreements, including without limitation a venture capital 97914
agreement, the loan documents and any trust agreements, and any 97915
authorized credit enhancement facilities or swaps or other hedging 97916

instruments, and amendments or supplements thereto, or to any one 97917
or more or combination of them, authorizing, awarding, or 97918
providing for the terms and conditions applicable to or providing 97919
for the security or liquidity of, the particular obligations, and 97920
the provisions contained in those obligations. 97921

(2) "Issuing authority" means a port authority that, pursuant 97922
to a venture capital agreement, issues or issued obligations to 97923
fund one or more loans to the program fund. 97924

(3) "Loan" means an extension of credit to or in aid of the 97925
program fund in any form, including loans to lenders or the 97926
purchase of loans, including the purchase for cancellation of any 97927
loan, and evidenced in any manner including, without limitation, 97928
by a loan agreement, a promissory note, a bond, note, certificate 97929
of participation or other security, a letter of credit and 97930
reimbursement agreement or other credit facility, or a standby 97931
bond or note purchase agreement, line of credit or other liquidity 97932
facility, and including, in any event, any related swap or other 97933
hedging instrument. 97934

(4) "Obligations" means, as applicable to the issuing 97935
authority, bonds, notes, or other forms or evidences of obligation 97936
constituting revenue bonds as that term is used in division (A)(4) 97937
of section 4582.06 of the Revised Code, or port authority revenue 97938
bonds as that term is used in section 4582.48 and division (A)(8) 97939
of section 4582.31 of the Revised Code, which obligations are 97940
issued by the issuing authority pursuant to the bond proceedings 97941
and this section. 97942

(5) "Port authority" means a port authority organized and 97943
existing under Chapter 4582. of the Revised Code. 97944

(6) "Research and development costs" means costs of or in 97945
support of or related to the implementation of research and 97946
development purposes including, without limitation, capital 97947

formation, direct operating costs, costs of research and 97948
facilities, including interests in real property therefor, and 97949
other support, and costs of making grants, loans, including loans 97950
to lenders or the purchase of loans, subsidies, contributions, 97951
advances or guarantees, or direct investments in, or payment, or 97952
reimbursement from available moneys for, implementing research and 97953
development purposes consistent with Section 2p of Article VIII, 97954
Ohio Constitution, and the investment policy adopted by the 97955
venture capital authority pursuant to section 150.03 of the 97956
Revised Code, and includes financing charges, amounts necessary to 97957
establish the reserves required pursuant to the bond proceedings, 97958
interest on loans including loans purchased for cancellation, 97959
interest on the obligations from their date until the time 97960
determined in the bond proceedings when interest is to be paid 97961
from sources other than the proceeds of obligations, legal 97962
expenses and other costs of or related to the issuance of 97963
obligations, estimates of costs and revenues or other expenses 97964
necessary or incident to determining the feasibility or 97965
practicability of the financing of any research and development 97966
costs with proceeds of obligations or other sources, 97967
administrative expenses related to obligations, and the 97968
application of the proceeds of obligations, including fees of the 97969
issuing authority, any trustee, and any other costs and expenses 97970
reasonably necessary or incident thereto or to the financing of 97971
research and development costs, and costs described in this 97972
division incurred prior to the issuance of obligations and paid, 97973
advanced, or borrowed by an issuing authority, the venture capital 97974
authority, the program fund or other public or private person or 97975
entity, which costs may be reimbursed from the proceeds of such 97976
obligations. "Research and development costs" does not include any 97977
otherwise qualifying costs that are in support of the purposes 97978
provided for in Section 15 of Article VIII, Ohio Constitution. 97979

(7) "Tax credits" means the refundable tax credits authorized 97980
by section 150.07 of the Revised Code and to be issued by the 97981

venture capital authority to any lender. 97982

(8) "Venture capital agreement" means an agreement between 97983
the venture capital authority and an issuing authority entered 97984
into under division (E) of section 150.02 of the Revised Code. 97985

(9) "Venture capital authority" means the Ohio venture 97986
capital authority established under section 150.02 of the Revised 97987
Code. 97988

(10) "Lender," "program fund," and "research and development 97989
purposes" have the same meanings as in section 150.01 of the 97990
Revised Code. 97991

(B) An issuing authority may issue obligations pursuant to 97992
this section and Section 2p of Article VIII, Ohio Constitution, to 97993
make loans to the program fund to provide for research and 97994
development costs. The proceeds of the obligations shall be used 97995
to make loans to provide for research and development costs and 97996
all such proceeds shall be so used in accordance with the bond 97997
proceedings. Activities authorized by Section 2p of Article VIII, 97998
Ohio Constitution, shall be authorized purposes of port 97999
authorities to the extent necessary for a port authority to act 98000
as an issuing authority under this section. 98001

(C) Except to any extent inconsistent with this section, all 98002
terms, provisions, and authorizations in Chapter 4582. of the 98003
Revised Code as applicable to the issuing authority, and the 98004
terms, provisions, and authorizations of sections 9.96, 9.98, 98005
9.981, 9.982, and 9.983 of the Revised Code apply to the 98006
obligations and the bond proceedings except as otherwise provided 98007
or provided for in those obligations and bond proceedings. The 98008
obligations shall be secured by a trust agreement between the 98009
issuing authority and a trustee, and such trust agreement, and the 98010
establishment, deposit, investment and application of special 98011
funds, and the safeguarding of moneys shall be governed by the 98012

bond proceedings and by Chapter 4582. of the Revised Code, as 98013
applicable to the issuing authority. Pursuant to the trust 98014
agreement and other bond proceedings, there shall be established, 98015
in addition to any other special funds in the custody of the 98016
trustee, one or more funds into which shall be deposited the 98017
proceeds of the obligations and the revenues pledged to the 98018
payment of the obligations, including a reserve fund in an amount 98019
established in, and to be funded as provided in, the bond 98020
proceedings. 98021

(D) The trustee, for the benefit of the issuing authority, 98022
may be authorized under the venture capital agreement to receive 98023
and claim tax credits in accordance with division (E) of section 98024
150.07 of the Revised Code. If the trustee is so authorized, the 98025
holders of the obligations, or any book-entry interests therein, 98026
shall have no rights with respect to the tax credits except any 98027
right established under the applicable trust agreement to direct 98028
the trustee to take the actions necessary to receive and claim 98029
any available tax credits. Upon receipt of any tax credit 98030
certificate issued by the venture capital authority, the trustee 98031
shall, within the times required by law, file an appropriate tax 98032
return to claim the applicable tax credits and, upon receipt of 98033
the proceeds of any such tax credits, shall promptly deposit the 98034
proceeds into the funds established in accordance with division 98035
(C) of this section. 98036

(E) The obligations do not constitute a debt, or a pledge of 98037
the faith and credit, of the state, the issuing authority or any 98038
political subdivision of the state, and the holders or owners of 98039
the obligations have no right to have taxes levied by the general 98040
assembly or the taxing authority of the issuing authority or any 98041
political subdivision of the state for the payment of the 98042
principal of or interest or any premium on the obligations, but 98043
the obligations are payable solely from the revenues and funds 98044
pledged for their payment as authorized in or pursuant to this 98045

section and the bond proceedings, and the obligations shall 98046
contain on the face thereof a statement to the effect that the 98047
obligations, as to principal and interest and any premium, are not 98048
debts of the state, the issuing authority, or any political 98049
subdivision of the state, but are payable solely from the 98050
revenues and funds pledged for their payment. 98051

(F) This section is intended to implement Section 2p of 98052
Article VIII, Ohio Constitution, including provision for 98053
procedures for incurring and issuing obligations of local public 98054
entities and agencies authorized by that section, for the purpose 98055
of making loans to the program fund to provide for research and 98056
development costs, and shall be liberally construed to effect 98057
such purposes. The powers and authorizations granted in this 98058
section may be exercised jointly or separately by one or more 98059
issuing authorities and are in addition to and supplemental to 98060
the powers and authorizations otherwise granted to port 98061
authorities under applicable provisions of Chapter 4582. of the 98062
Revised Code and shall not be construed as a limitation on any 98063
such powers or authorizations. 98064

Sec. 4709.12. (A) The barber board shall charge and collect 98065
the following fees: 98066

(1) For the application to take the barber examination, 98067
ninety dollars; 98068

(2) For an application to retake any part of the barber 98069
examination, forty-five dollars; 98070

(3) For the initial issuance of a license to practice as a 98071
barber, thirty dollars; 98072

(4) For the biennial renewal of the license to practice as a 98073
barber, one hundred ten dollars; 98074

(5) For the restoration of an expired barber license, one hundred dollars, and seventy-five dollars for each lapsed year, provided that the total fee shall not exceed six hundred ninety dollars;	98075 98076 98077 98078
(6) For the issuance of a duplicate barber or shop license, forty-five dollars;	98079 98080
(7) For the inspection of a new barber shop, change of ownership, or reopening of premises or facilities formerly operated as a barber shop, and issuance of a shop license, one hundred ten dollars;	98081 98082 98083 98084
(8) For the biennial renewal of a barber shop license, seventy-five dollars;	98085 98086
(9) For the restoration of a barber shop license, one hundred ten dollars;	98087 98088
(10) For each inspection of premises for location of a new barber school, or each inspection of premises for relocation of a currently licensed barber school, seven hundred fifty dollars;	98089 98090 98091
(11) For the initial barber school license, one thousand dollars, and one thousand dollars for the renewal of the license;	98092 98093
(12) For the restoration of a barber school license, one thousand dollars;	98094 98095
(13) For the issuance of a student registration, forty dollars;	98096 98097
(14) For the examination and issuance of a biennial teacher license, one hundred eighty-five dollars;	98098 98099
(15) For the renewal of a biennial teacher license, one	98100

hundred fifty dollars;	98101
(16) For the restoration of an expired teacher license, two	98102
hundred twenty-five dollars, and sixty dollars for each lapsed	98103
year, provided that the total fee shall not exceed four hundred	98104
fifty dollars;	98105
(17) For the issuance of a barber license by reciprocity	98106
pursuant to section 4709.08 of the Revised Code, three hundred	98107
dollars;	98108
(18) For providing licensure information concerning an	98109
applicant, upon written request of the applicant, forty dollars.	98110
(B) The board, subject to the approval of the controlling	98111
board, may establish fees in excess of the amounts provided in	98112
this section, provided that the fees do not exceed the amounts	98113
permitted by this section by more than fifty per cent.	98114
<u>(C) In addition to any other fee charged and collected under</u>	98115
<u>this section, the barber board shall ask each person renewing a</u>	98116
<u>license to practice as a barber whether the person wishes to make</u>	98117
<u>a two-dollar voluntary contribution to the Ed Jeffers barber</u>	98118
<u>museum. The board shall transmit any contributions to the</u>	98119
<u>treasurer of state for deposit into the occupational licensing</u>	98120
<u>fund.</u>	98121
Sec. 4713.32. When determining the total hours of	98122
instruction received by an applicant for a license under section	98123
4713.28, 4713.30, or 4713.31 of the Revised Code, the state board	98124
of cosmetology shall not take into account more than ~~eight~~ <u>ten</u>	98125
hours of instruction per day. The board shall take into account	98126
instruction received more than five years prior to the date of	98127
application for the license in accordance with rules adopted under	98128
section 4713.08 of the Revised Code.	98129

Sec. 4713.63. A practicing license, managing license, or instructor license that has not been renewed for any reason other than because it has been revoked, suspended, or classified inactive, or because the license holder has been given a waiver or extension under section 4713.60 of the Revised Code, is expired. An expired license may be restored if the person who held the license meets all of the following applicable conditions:

(A) Pays to the state board of cosmetology the restoration fee, the current renewal fee, and any applicable late fees;

(B) Pays all a lapsed renewal fees fee of forty-five dollars per license renewal period that has elapsed since the license was last issued or renewed;

(C) Submits proof satisfactory to the state board of cosmetology that the person has completed all applicable continuing education requirements;

~~(D)~~ In the case of a practicing license or managing license that has been expired for more than two years, ~~retakes and passes an examination conducted under section 4713.24 of the Revised Code for the branch of cosmetology that the person seeks to practice or type of salon the person seeks to manage~~ consecutive license renewal periods, completes eight hours of continuing education for each license renewal period that has elapsed since the license was last issued or renewed, up to a maximum of twenty-four hours. At least four of those hours shall include a course pertaining to sanitation and safety methods.

The board shall deposit all fees it receives under division (B) of this section into the general revenue fund.

Sec. 4713.64. (A) In accordance with Chapter 119. of the Revised Code, the state board of cosmetology may deny, revoke, or suspend a license or permit issued by the board or impose a fine

for any of the following:	98160
(1) Failure to comply with the requirements of this chapter or rules adopted under it;	98161 98162
(2) Continued practice by a person knowingly having an infectious or contagious disease;	98163 98164
(3) Habitual drunkenness or addiction to any habit-forming drug;	98165 98166
(4) Willful false and fraudulent or deceptive advertising;	98167
(5) Falsification of any record or application required to be filed with the board;	98168 98169
(6) Failure to pay a fine or abide by a suspension order issued by the board.	98170 98171
(B) The board may impose a separate fine for each offense listed in division (A) of this section. The amount of a fine shall be not more than ~~one~~ <u>five</u> hundred dollars if the violator has not previously been fined for that offense. The fine shall be not more than ~~five hundred~~ <u>one thousand</u> dollars if the violator has been fined for the same offense once before. The fine shall be not more than one thousand <u>five hundred</u> dollars if the violator has been fined for the same offense two or more times before.	98172 98173 98174 98175 98176 98177 98178 98179
(C) If a person fails to request a hearing within thirty days of the date the board, in accordance with section 119.07 of the Revised Code, notifies the person of the board's intent to act against the person under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the person without holding an adjudication hearing.	98180 98181 98182 98183 98184 98185
(D) The board, after a hearing in accordance with Chapter	98186

119. of the Revised Code, may suspend a tanning facility permit if 98187
the owner or operator fails to correct an unsafe condition that 98188
exists in violation of the board's rules or fails to cooperate in 98189
an inspection of the tanning facility. If a violation has resulted 98190
in a condition reasonably believed by an inspector to create an 98191
immediate danger to the health and safety of any person using the 98192
tanning facility, the inspector may suspend the permit without a 98193
prior hearing until the condition is corrected or until a hearing 98194
in accordance with Chapter 119. of the Revised Code is held and 98195
the board either upholds the suspension or reinstates the permit. 98196

Sec. 4717.31. (A) Only a funeral director licensed pursuant 98197
to this chapter may sell a preneed funeral contract that includes 98198
funeral services. Sections 4717.31 to 4717.38 of the Revised Code 98199
do not prohibit a person who is not a licensed funeral director 98200
from selling funeral goods pursuant to a preneed funeral contract; 98201
however, when a seller sells funeral goods pursuant to a preneed 98202
funeral contract, that seller shall comply with those sections 98203
unless the seller is specifically exempt from compliance under 98204
section 4717.38 of the Revised Code. 98205

(B) An insurance agent licensed pursuant to Chapter 3905. of 98206
the Revised Code may sell, solicit, or negotiate the sale of an 98207
insurance policy or annuity that will be used to fund a preneed 98208
funeral contract, but in so doing the insurance agent may not 98209
offer advice or make recommendations about funeral services and 98210
may not discuss the advantages or disadvantages of any funeral 98211
service. In selling, soliciting, or negotiating the sale of an 98212
insurance policy or annuity that will be used to fund a preneed 98213
funeral contract, the insurance agent may do any of the following: 98214

(1) Provide the person purchasing the insurance policy or 98215
annuity with price lists from one or more funeral homes and other 98216
materials that may assist the person in determining the cost of 98217
funeral goods and services; 98218

(2) Discuss the cost of funeral goods and services with the person in order to assist the person in selecting the appropriate amount of life insurance or annuity coverage;	98219 98220 98221
(3) Complete a worksheet or other record to calculate the estimated cost of a funeral.	98222 98223
(C) Activities conducted pursuant to division (B) of this section by an insurance agent licensed pursuant to Chapter 3905. of the Revised Code do not constitute funeral directing, funeral arranging, the business of directing and supervising funerals for profit, or the sale of a preneed funeral contract.	98224 98225 98226 98227 98228
(D) No seller shall fail to comply with the requirements and duties specified in this section and sections 4717.32 to 4717.38 of the Revised Code.	98229 98230 98231
(E) No trustee of a preneed funeral contract trust shall fail to comply with sections 4717.33, 4717.34, 4717.36, and 4717.37 of the Revised Code.	98232 98233 98234
(F) No insurance agent or insurance company that sells or offers life insurance policies or annuities used to fund a preneed funeral contract shall fail to comply with this section and sections 4717.33, 4717.34, 4717.35, and 4717.37 of the Revised Code. To the extent this section and sections 4717.33, 4717.34, 4717.35, and 4717.37 of the Revised Code apply to insurance companies or insurance agents, those sections constitute laws of this state relating to insurance for purposes of sections 3901.03 and 3901.04 of the Revised Code and the superintendent of insurance shall enforce those sections with respect to insurance companies and insurance agents. The superintendent may adopt rules in accordance with Chapter 119. of the Revised Code for purposes of administering and enforcing this section and sections 4717.33, 4717.34, 4717.35, and 4717.37 of the Revised Code as those sections apply to insurance companies	98235 98236 98237 98238 98239 98240 98241 98242 98243 98244 98245 98246 98247 98248 98249

or insurance agents. 98250

(G) A preneed funeral contract may be funded by the purchase 98251
or assignment of an insurance policy or annuity in accordance with 98252
section 3905.45 of the Revised Code. A preneed funeral contract 98253
that is funded by the purchase or assignment of an insurance 98254
policy or annuity in accordance with section 3905.45 of the 98255
Revised Code is not subject to section 4717.36 of the Revised 98256
Code. 98257

(H) The board of embalmers and funeral directors shall 98258
administer and enforce the provisions of sections 4717.31 to 98259
4717.38 of the Revised Code concerning the requirements for and 98260
sale of preneed funeral contracts. The superintendent of insurance 98261
shall enforce sections 4717.31, 4717.33, 4717.34, 4717.35, and 98262
4717.37 of the Revised Code to the extent those sections apply to 98263
insurance companies and insurance agents. Payments from a trust, 98264
insurance policy, or annuity, including any fraudulent activities 98265
in which a person engages to obtain payments from a trust, 98266
insurance policy, or annuity, shall be regulated in accordance 98267
with Chapter 1111. or Title XXXIX of the Revised Code, as 98268
applicable. 98269

(I) Except as provided in division (K) of this section, a 98270
seller of a preneed funeral contract that is funded by insurance 98271
or otherwise annually shall submit to the board the reports the 98272
board requires pursuant to division (J) of this section. 98273

(J) Except as provided in division (K) of this section, 98274
the board shall adopt rules specifying the procedures and 98275
requirements for annual reporting of the sales of all preneed 98276
funeral contracts sold by every seller who is subject to sections 98277
4717.31 to 4717.38 of the Revised Code. 98278

(K) A cemetery company or cemetery association that sells 98279
merchandise or services pursuant to a preneed cemetery merchandise 98280

and services contract and that also sells funeral goods pursuant 98281
to a preneed funeral contract shall be deemed to have met the 98282
requirements in divisions (I) and (J) of this section by 98283
submitting the annual preneed funeral contract report to the 98284
division of real estate of the department of commerce along with 98285
or as part of the annual cemetery merchandise and services 98286
contract affidavit required under division (F)(1) of section 98287
1721.211 of the Revised Code. 98288

Sec. 4729.42. (A) As used in this section, "qualified 98289
pharmacy technician" means a person who is under the personal 98290
supervision of a pharmacist and to whom all of the following 98291
apply: 98292

(1) The person is eighteen years of age or older. 98293

(2) The person possesses a high school diploma, possesses a 98294
certificate of high school equivalence, or was employed prior to 98295
April 8, 2009, as a pharmacy technician without a high school 98296
diploma or a certificate of high school equivalence. 98297

(3) The person has passed an examination approved by the 98298
state board of pharmacy to determine a person's competency to 98299
perform services as a pharmacy technician. 98300

(4) Except as otherwise provided in this section, the person 98301
has submitted to a criminal records check in accordance with 98302
section 4776.02 of the Revised Code as if the person was an 98303
applicant for an initial license who is subject to that section, 98304
and the results of the criminal records check provided as 98305
described in that section and section 4776.04 of the Revised Code 98306
do not show that the person previously has been convicted of or 98307
pleaded guilty to any felony in this state, any other state, or 98308
the United States. 98309

(B) Except as provided in division (F) of this section, no 98310

person who is not a pharmacist, pharmacy intern, or qualified	98311
pharmacy technician shall do any of the following in a pharmacy	98312
or while performing a function of a pharmacy:	98313
(1) Engage in the compounding of any drug;	98314
(2) Package or label any drug;	98315
(3) Prepare or mix any intravenous drug to be injected into	98316
a human being.	98317
(C) No pharmacist shall allow any person employed or	98318
otherwise under the control of the pharmacist to violate division	98319
(B) of this section.	98320
(D) No person who owns, manages, or conducts a pharmacy shall	98321
allow any person employed or otherwise under the control of the	98322
person who owns, manages, or conducts the pharmacy to violate	98323
division (B) of this section.	98324
(E) No person who submits to a criminal records check in	98325
accordance with section 4776.02 of the Revised Code for the	98326
purpose of satisfying the criterion set forth in division (A)(4)	98327
of this section and who obtains a report pursuant to section	98328
4776.02 or 4776.04 of the Revised Code containing the results of	98329
the criminal records check and any information provided by the	98330
federal bureau of investigation shall modify or alter, or allow	98331
any other person to modify or alter, any item, record, or	98332
information contained in the report and thereafter use the	98333
modified or altered report for the purpose of satisfying the	98334
criterion set forth in division (A)(4) of this section or	98335
otherwise submit or use it for any purpose or in any manner	98336
identified in division (A) of section 2921.13 of the Revised Code.	98337
(F)(1) Division (B) of this section does not prohibit a	98338
health care professional authorized to engage in the activities	98339

specified in division (B)(1), (2), or (3) of this section while 98340
acting in the course of the professional's practice. 98341

(2) Division (B) of this section does not prohibit the 98342
activities performed by a student as an integral part of a 98343
pharmacy technician training program that is operated by a 98344
vocational school district or joint vocational school district, 98345
certified by the department of education, or approved by the Ohio 98346
board of regents. 98347

(3) In the case of a person employed after April 8, 2009, 98348
division (B) of this section does not prohibit the person's 98349
activities for the first ~~two hundred ten days~~twelve months 98350
following the initial date of employment, if both of the 98351
following apply: 98352

(a) The person is participating in or has completed a 98353
pharmacy technician training program that meets the board's 98354
standards for those programs and is making substantial progress 98355
in preparation to take a pharmacy technician examination approved 98356
by the board. 98357

(b) The results of the person's criminal records check 98358
provided as described in sections 4776.02 and 4776.04 of the 98359
Revised Code show that the person previously has not been 98360
convicted of or has not pleaded guilty to any felony in this 98361
state, any other state, or the United States. 98362

(4) In the case of a person who completes a pharmacy 98363
technician training program that is operated by a vocational 98364
school district or joint vocational school district, division (B) 98365
of this section does not prohibit the person's activities for the 98366
first ~~two hundred ten days~~twelve months following the date of 98367
completing the program, if both of the following apply: 98368

(a) The person is making substantial progress in preparation 98369

to take a pharmacy technician examination approved by the board.	98370
(b) The results of the person's criminal records check show	98371
that the person previously has not been convicted of or has not	98372
pleaded guilty to any felony in this state, any other state, or	98373
the United States.	98374
(5) In the case of a person employed on April 8, 2009, in the	98375
capacity of a pharmacy technician, division (B) of this section	98376
does not do either of the following:	98377
(a) Require the person to undergo a criminal records check if	98378
the person has been employed for five years or longer;	98379
(b) Prohibit the person's activities until the earlier of	98380
either of the following:	98381
(i) If the person has not passed an examination described in	98382
division (A)(3) of this section, ~~one year~~ <u>eighteen months</u> after	98383
April 8, 2009;	98384
(ii) If a criminal records check is required because the	98385
person has not been employed for five years or longer, the date on	98386
which the person and the employer receive the results of a	98387
criminal records check provided as described in sections 4776.02	98388
and 4776.04 of the Revised Code that show the person previously	98389
has been convicted of or pleaded guilty to any felony in this	98390
state, any other state, or the United States.	98391
(G) <u>If, pursuant to rules adopted under section 4729.26 of</u>	98392
<u>the Revised Code, the board requires a person that develops or</u>	98393
<u>administers a pharmacy technician examination to submit</u>	98394
<u>examination materials to the board for approval, any examination</u>	98395
<u>materials that are submitted shall not be public records for</u>	98396
<u>purposes of section 149.43 of the Revised Code.</u>	98397

Sec. 4729.99. (A) Whoever violates section 4729.16, division	98398
(A) or (B) of section 4729.38, or section 4729.57 of the Revised	98399
Code is guilty of a minor misdemeanor. Each day's violation	98400
constitutes a separate offense.	98401
(B) Whoever violates section 4729.27, 4729.28, or 4729.36 of	98402
the Revised Code is guilty of a misdemeanor of the third degree.	98403
Each day's violation constitutes a separate offense. If the	98404
offender previously has been convicted of or pleaded guilty to a	98405
violation of this chapter, that person is guilty of a misdemeanor	98406
of the second degree.	98407
(C) Whoever violates section 4729.32, 4729.33, or 4729.34 of	98408
the Revised Code is guilty of a misdemeanor.	98409
(D) Whoever violates division (A), (B), (D), or (E) of	98410
section 4729.51 of the Revised Code is guilty of a misdemeanor of	98411
the first degree.	98412
(E)(1) Whoever violates section 4729.37, division (C)(2) of	98413
section 4729.51, division (J) of section 4729.54, or section	98414
4729.61 of the Revised Code is guilty of a felony of the fifth	98415
degree. If the offender previously has been convicted of or	98416
pleaded guilty to a violation of this chapter or a violation of	98417
Chapter 2925. or 3719. of the Revised Code, that person is guilty	98418
of a felony of the fourth degree.	98419
(2) If an offender is convicted of or pleads guilty to a	98420
violation of section 4729.37, division (C) of section 4729.51,	98421
division (J) of section 4729.54, or section 4729.61 of the Revised	98422
Code, if the violation involves the sale, offer to sell, or	98423
possession of a schedule I or II controlled substance, with the	98424
exception of marihuana, and if the court imposing sentence upon	98425
the offender finds that the offender as a result of the violation	98426
is a major drug offender, as defined in section 2929.01 of the	98427
Revised Code, and is guilty of a specification of the type	98428

described in section 2941.1410 of the Revised Code, the court, in lieu of the prison term authorized or required by division (E)(1) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under sections 2929.11 to 2929.18 of the Revised Code, shall impose upon the offender, in accordance with division (D)(3)(a) of section 2929.14 of the Revised Code, the mandatory prison term specified in that division and may impose an additional prison term under division (D)(3)(b) of that section.

(3) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of court shall pay any fine imposed for a violation of section 4729.37, division (C) of section 4729.51, division (J) of section 4729.54, or section 4729.61 of the Revised Code pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.

(F) Whoever violates section 4729.531 of the Revised Code or any rule adopted thereunder or section 4729.532 of the Revised Code is guilty of a misdemeanor of the first degree.

(G) Whoever violates division (C)(1) of section 4729.51 of the Revised Code is guilty of a felony of the fourth degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the third degree.

(H) Whoever violates division (C)(3) of section 4729.51 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of

the fifth degree. 98461

(I)(1) Whoever violates division (B) of section 4729.42 of 98462
the Revised Code is guilty of unauthorized pharmacy-related drug 98463
conduct. Except as otherwise provided in this section, 98464
unauthorized pharmacy-related drug conduct is a misdemeanor of 98465
the second degree. If the offender previously has been convicted 98466
of or pleaded guilty to a violation of division (B), (C), (D), 98467
or (E) of that section, unauthorized pharmacy-related drug 98468
conduct is a misdemeanor of the first degree on a second offense 98469
and a felony of the fifth degree on a third or subsequent offense. 98470

(2) Whoever violates division (C) or (D) of section 4729.42 98471
of the Revised Code is guilty of permitting unauthorized 98472
pharmacy-related drug conduct. Except as otherwise provided in 98473
this section, permitting unauthorized pharmacy-related drug 98474
conduct is a misdemeanor of the second degree. If the offender 98475
previously has been convicted of or pleaded guilty to a violation 98476
of division (B), (C), (D), or (E) of that section, permitting 98477
unauthorized pharmacy-related drug conduct is a misdemeanor of 98478
the first degree on a second offense and a felony of the fifth 98479
degree on a third or subsequent offense. 98480

(3) Whoever violates division (E) of section ~~4749.02~~4729.42 98481
of the Revised Code is guilty of the offense of falsification 98482
under section 2921.13 of the Revised Code. In addition to any 98483
other sanction imposed for the violation, the offender is forever 98484
disqualified from engaging in any activity specified in division 98485
(B)(1), (2), or (3) of section ~~4749.02~~4729.42 of the Revised Code 98486
and from performing any function as a health care professional or 98487
health care worker. As used in this division, "health care 98488
professional" and "health care worker" have the same meanings as 98489
in section 2305.234 of the Revised Code. 98490

(4) Notwithstanding any contrary provision of section 98491
3719.21 of the Revised Code or any other provision of law that 98492

governs the distribution of fines, the clerk of the court shall 98493
pay any fine imposed pursuant to division (I)(1), (2), or (3) of 98494
this section to the state board of pharmacy if the board has 98495
adopted a written internal control policy under division (F)(2) 98496
of section 2925.03 of the Revised Code that addresses fine 98497
moneys that it receives under Chapter 2925. of the Revised Code 98498
and if the policy also addresses fine moneys paid under this 98499
division. The state board of pharmacy shall use the fines so 98500
paid in accordance with the written internal control policy to 98501
subsidize the board's law enforcement efforts that pertain to 98502
drug offenses. 98503

Sec. 4731.10. Upon the request of a person ~~licensed who~~ 98504
holds a certificate to practice in this state pursuant to Chapter 98505
4731. of the Revised Code and is seeking licensure in another 98506
state, the state medical board shall ~~certify an application for~~ 98507
~~licensure in another~~ provide verification of the person's 98508
certificate to practice in this state. The fee for such 98509
~~certification~~ verification shall be fifty dollars. 98510

Sec. 4731.26. Upon application by the holder of a 98511
certificate to practice or certificate of registration issued 98512
under this chapter, the state medical board shall issue a 98513
duplicate certificate to replace one missing or damaged, to 98514
reflect a name change, or for any other reasonable cause. The fee 98515
for ~~such a~~ duplicate certificate to practice or duplicate 98516
certificate of registration shall be thirty-five dollars. 98517

Sec. 4731.38. All vouchers of the state medical board shall 98518
be approved by the ~~board~~ board's president or, the board's 98519
executive ~~secretary~~ director, or ~~both, as another person~~ 98520
authorized by the board. 98521

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 98522
Revised Code: 98523

(A)(1) "Clinical laboratory services" means either of the following:	98524 98525
(a) Any examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment or for the assessment of health;	98526 98527 98528 98529
(b) Procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the body.	98530 98531 98532
(2) "Clinical laboratory services" does not include the mere collection or preparation of specimens.	98533 98534
(B) "Designated health services" means any of the following:	98535
(1) Clinical laboratory services;	98536
(2) Home health care services;	98537
(3) Outpatient prescription drugs.	98538
(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:	98539 98540
(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use;	98541 98542 98543
(2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee.	98544 98545 98546 98547
(D) "Governmental health care program" means any program providing health care benefits that is administered by the federal	98548 98549

government, this state, or a political subdivision of this state, 98550
including the medicare program established under Title XVIII of 98551
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 98552
as amended, health care coverage for public employees, health care 98553
benefits administered by the bureau of workers' compensation, the 98554
medicaid program established under Chapter 5111. of the Revised 98555
Code, ~~the disability medical assistance program established~~ 98556
~~under Chapter 5115. of the Revised Code,~~ and the children's 98557
buy-in program established under sections 5101.5211 to 5101.5216 98558
of the Revised Code. 98559

(E)(1) "Group practice" means a group of two or more holders 98560
of certificates under this chapter legally organized as a 98561
partnership, professional corporation or association, limited 98562
liability company, foundation, nonprofit corporation, faculty 98563
practice plan, or similar group practice entity, including an 98564
organization comprised of a nonprofit medical clinic that 98565
contracts with a professional corporation or association of 98566
physicians to provide medical services exclusively to patients of 98567
the clinic in order to comply with section 1701.03 of the Revised 98568
Code and including a corporation, limited liability company, 98569
partnership, or professional association described in division (B) 98570
of section 4731.226 of the Revised Code formed for the purpose of 98571
providing a combination of the professional services of 98572
optometrists who are licensed, certificated, or otherwise legally 98573
authorized to practice optometry under Chapter 4725. of the 98574
Revised Code, chiropractors who are licensed, certificated, or 98575
otherwise legally authorized to practice chiropractic or 98576
acupuncture under Chapter 4734. of the Revised Code, psychologists 98577
who are licensed, certificated, or otherwise legally authorized to 98578
practice psychology under Chapter 4732. of the Revised Code, 98579
registered or licensed practical nurses who are licensed, 98580
certificated, or otherwise legally authorized to practice nursing 98581
under Chapter 4723. of the Revised Code, pharmacists who are 98582
licensed, certificated, or otherwise legally authorized to 98583

practice pharmacy under Chapter 4729. of the Revised Code, 98584
physical therapists who are licensed, certificated, or otherwise 98585
legally authorized to practice physical therapy under sections 98586
4755.40 to 4755.56 of the Revised Code, occupational therapists 98587
who are licensed, certificated, or otherwise legally authorized to 98588
practice occupational therapy under sections 4755.04 to 4755.13 of 98589
the Revised Code, mechanotherapists who are licensed, 98590
certificated, or otherwise legally authorized to practice 98591
mechanotherapy under section 4731.151 of the Revised Code, and 98592
doctors of medicine and surgery, osteopathic medicine and surgery, 98593
or podiatric medicine and surgery who are licensed, certificated, 98594
or otherwise legally authorized for their respective practices 98595
under this chapter, to which all of the following apply: 98596

(a) Each physician who is a member of the group practice 98597
provides substantially the full range of services that the 98598
physician routinely provides, including medical care, 98599
consultation, diagnosis, or treatment, through the joint use of 98600
shared office space, facilities, equipment, and personnel. 98601

(b) Substantially all of the services of the members of the 98602
group are provided through the group and are billed in the name of 98603
the group and amounts so received are treated as receipts of the 98604
group. 98605

(c) The overhead expenses of and the income from the practice 98606
are distributed in accordance with methods previously determined 98607
by members of the group. 98608

(d) The group practice meets any other requirements that the 98609
state medical board applies in rules adopted under section 4731.70 98610
of the Revised Code. 98611

(2) In the case of a faculty practice plan associated with a 98612
hospital with a medical residency training program in which 98613
physician members may provide a variety of specialty services and 98614

provide professional services both within and outside the group, 98615
as well as perform other tasks such as research, the criteria in 98616
division (E)(1) of this section apply only with respect to 98617
services rendered within the faculty practice plan. 98618

(F) "Home health care services" and "immediate family" have 98619
the same meanings as in the rules adopted under section 4731.70 of 98620
the Revised Code. 98621

(G) "Hospital" has the same meaning as in section 3727.01 of 98622
the Revised Code. 98623

(H) A "referral" includes both of the following: 98624

(1) A request by a holder of a certificate under this chapter 98625
for an item or service, including a request for a consultation 98626
with another physician and any test or procedure ordered by or to 98627
be performed by or under the supervision of the other physician; 98628

(2) A request for or establishment of a plan of care by a 98629
certificate holder that includes the provision of designated 98630
health services. 98631

(I) "Third-party payer" has the same meaning as in section 98632
3901.38 of the Revised Code. 98633

Sec. 4731.71. The auditor of state may implement procedures 98634
to detect violations of section 4731.66 or 4731.69 of the Revised 98635
Code within governmental health care programs administered by the 98636
state. The auditor of state shall report any violation of either 98637
section to the state medical board and shall certify to the 98638
attorney general in accordance with section 131.02 of the Revised 98639
Code the amount of any refund owed to a state-administered 98640
governmental health care program under section 4731.69 of the 98641
Revised Code as a result of a violation. If a refund is owed to 98642
the medicaid program established under Chapter 5111. of the 98643

Revised Code, ~~the disability medical assistance program~~ 98644
~~established under Chapter 5115. of the Revised Code,~~ or the 98645
children's buy-in program established under sections 5101.5211 to 98646
5101.5216 of the Revised Code, the auditor of state also shall 98647
report the amount to the department of job and family services. 98648

The state medical board also may implement procedures to 98649
detect violations of section 4731.66 or 4731.69 of the Revised 98650
Code. 98651

Sec. 4733.10. The state board of registration for 98652
professional engineers and surveyors shall prepare annually a 98653
listing of all registered professional engineers, registered 98654
professional surveyors, and firms that possess a certificate of 98655
authorization. The board shall provide a copy of this listing upon 98656
request to registrants of the board and to firms possessing a 98657
certificate of authorization without charge and to the public upon 98658
request and payment of copy costs. 98659

Additionally, the board shall issue an official verification 98660
of the status of any person registered as a professional engineer 98661
or professional surveyor in this state upon receipt of a 98662
verification form and the payment of a fee established by the 98663
board. 98664

Sec. 4734.25. A license to practice chiropractic from the 98665
state chiropractic board expires ~~annually on the first day of~~ 98666
~~January~~ biennially in accordance with the schedule established in 98667
rules adopted under this section and may be renewed. The renewal 98668
process shall be conducted in accordance with the standard renewal 98669
procedures of Chapter 4745. of the Revised Code, except that the 98670
board's executive director shall notify each license holder of the 98671
license renewal requirements of this section not later than sixty 98672
days prior to the license's expiration date. When an application 98673
for renewal is submitted, the applicant shall provide the 98674
information necessary to process the application and pay a renewal 98675

fee of ~~two hundred fifty dollars~~ in an amount the board specifies 98676
in rules adopted under this section. 98677

Before a renewal of license is issued by the board, the 98678
licensee shall furnish the board with satisfactory evidence that 98679
the licensee has completed during the current licensing period not 98680
less than the number of hours of continuing education that the 98681
board requires in rules adopted under this section. For an 98682
activity to be applied toward the continuing education 98683
requirement, the activity must meet the board's approval as a 98684
continuing education activity, as specified in rules adopted under 98685
this section. Any exception from the continuing education 98686
requirement must be approved by the board. 98687

Failure of a licensee to comply with this section, ~~including~~ 98688
~~failure to pay the renewal fee on or before the first day of~~ 98689
~~January of each year,~~ shall operate as an automatic forfeiture of 98690
the right of the licensee to practice chiropractic in this state. 98691
A forfeited license may be reinstated by the board upon payment of 98692
all fees due and a penalty fee of ~~one hundred fifty dollars~~ in an 98693
amount the board specifies in rules adopted under this section for 98694
reinstatement, in addition to satisfying the board of having 98695
complied with the continuing education requirements of this 98696
section. If an individual's license has been forfeited for two or 98697
more years, the board may also require as a condition of 98698
reinstatement that the individual complete training or testing as 98699
specified by the board. 98700

The board shall adopt any rules it considers necessary to 98701
implement this section, including standards for approval of 98702
continuing education in the practice of chiropractic. All rules 98703
adopted under this section shall be adopted in accordance with 98704
Chapter 119. of the Revised Code. 98705

Sec. 4735.06. (A) Application for a license as a real estate 98706
broker shall be made to the superintendent of real estate on forms 98707

furnished by the superintendent and filed with the superintendent 98708
and shall be signed by the applicant or its members or officers. 98709
Each application shall state the name of the person applying and 98710
the location of the place of business for which the license is 98711
desired, and give such other information as the superintendent 98712
requires in the form of application prescribed by the 98713
superintendent. 98714

If the applicant is a partnership, limited liability company, 98715
limited liability partnership, or association, the names of all 98716
the members also shall be stated, and, if the applicant is a 98717
corporation, the names of its president and of each of its 98718
officers also shall be stated. The superintendent has the right to 98719
reject the application of any partnership, association, limited 98720
liability company, limited liability partnership, or corporation 98721
if the name proposed to be used by such partnership, association, 98722
limited liability company, limited liability partnership, or 98723
corporation is likely to mislead the public or if the name is not 98724
such as to distinguish it from the name of any existing 98725
partnership, association, limited liability company, limited 98726
liability partnership, or corporation licensed under this chapter, 98727
unless there is filed with the application the written consent of 98728
such existing partnership, association, limited liability company, 98729
limited liability partnership, or corporation, executed by a duly 98730
authorized representative of it, permitting the use of the name of 98731
such existing partnership, association, limited liability company, 98732
limited liability partnership, or corporation. 98733

(B) A fee of ~~sixty-nine~~ one hundred dollars shall accompany 98734
the application for a real estate broker's license, which fee 98735
includes the fee for the initial year of the licensing period, if 98736
a license is issued. The application fee shall be retained by the 98737
superintendent if the applicant is admitted to the examination for 98738
the license or the examination requirement is waived, but, if an 98739
applicant is not so admitted and a waiver is not involved, 98740

one-half of the fee shall be retained by the superintendent to 98741
cover the expenses of processing the application and the other 98742
one-half shall be returned to the applicant. A fee of ~~sixty-nine~~ 98743
one hundred dollars shall be charged by the superintendent for 98744
each successive application made by an applicant. In the case of 98745
issuance of a three-year license, upon passing the examination, 98746
or upon waiver of the examination requirement, if the 98747
superintendent determines it is necessary, the applicant shall 98748
submit an additional fee determined by the superintendent based 98749
upon the number of years remaining in a real estate salesperson's 98750
licensing period. 98751

(C) ~~Four dollars~~One dollar of each application fee for a 98752
real estate broker's license shall be credited to the real estate 98753
education and research fund, which is hereby created in the state 98754
treasury. The Ohio real estate commission may use the fund in 98755
discharging the duties prescribed in divisions (E), (F), (G), and 98756
(H) of section 4735.03 of the Revised Code and shall use it in the 98757
advancement of education and research in real estate at any 98758
institution of higher education in the state, or in contracting 98759
with any such institution or a trade organization for a particular 98760
research or educational project in the field of real estate, or in 98761
advancing loans, not exceeding eight hundred dollars, to 98762
applicants for salesperson licenses, to defray the costs of 98763
satisfying the educational requirements of division (F) of section 98764
4735.09 of the Revised Code. Such loans shall be made according to 98765
rules established by the commission under the procedures of 98766
Chapter 119. of the Revised Code, and they shall be repaid to the 98767
fund within three years of the time they are made. No more than 98768
ten thousand dollars shall be lent from the fund in any one year. 98769

The governor may appoint a representative from the executive 98770
branch to be a member ex officio of the commission for the purpose 98771
of advising on research requests or educational projects. The 98772
commission shall report to the general assembly on the third 98773

Tuesday after the third Monday in January of each year setting
forth the total amount contained in the fund and the amount of
each research grant that it has authorized and the amount of each
research grant requested. A copy of all research reports shall be
submitted to the state library of Ohio and the library of the
legislative service commission.

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(D) If the superintendent, with the consent of the
commission, enters into an agreement with a national testing
service to administer the real estate broker's examination,
pursuant to division (A) of section 4735.07 of the Revised Code,
the superintendent may require an applicant to pay the testing
service's examination fee directly to the testing service. If the
superintendent requires the payment of the examination fee
directly to the testing service, each applicant shall submit to
the superintendent a processing fee in an amount determined by the
Ohio real estate commission pursuant to division (A)(2) of section
4735.10 of the Revised Code.

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Sec. 4735.09. (A) Application for a license as a real estate
salesperson shall be made to the superintendent of real estate on
forms furnished by the superintendent and signed by the applicant.
The application shall be in the form prescribed by the
superintendent and shall contain such information as is required
by this chapter and the rules of the Ohio real estate commission.
The application shall be accompanied by the recommendation of the
real estate broker with whom the applicant is associated or with
whom the applicant intends to be associated, certifying that the
applicant is honest, truthful, and of good reputation, has not
been convicted of a felony or a crime involving moral turpitude,
and has not been finally adjudged by a court to have violated any
municipal, state, or federal civil rights laws relevant to the
protection of purchasers or sellers of real estate, which
conviction or adjudication the applicant has not disclosed to the
superintendent, and recommending that the applicant be admitted to

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the real estate salesperson examination. 98807

(B) A fee of ~~forty-nine~~sixty dollars shall accompany the 98808
application, which fee includes the fee for the initial year of 98809
the licensing period, if a license is issued. The application 98810
fee shall be retained by the superintendent if the applicant is 98811
admitted to the examination for the license or the examination 98812
requirement is waived, but, if an applicant is not so admitted 98813
and a waiver is not involved, one-half of the fee shall be 98814
retained by the superintendent to cover the expenses of processing 98815
the application and the other one-half shall be returned to the 98816
applicant. A fee of ~~forty-nine~~sixty dollars shall be charged by 98817
the superintendent for each successive application made by the 98818
applicant. ~~Four dollars~~One dollar of each application fee shall 98819
be credited to the real estate education and research fund. 98820

(C) There shall be no limit placed on the number of times an 98821
applicant may retake the examination. 98822

(D) The superintendent, with the consent of the commission, 98823
may enter into an agreement with a recognized national testing 98824
service to administer the real estate salesperson's examination 98825
under the superintendent's supervision and control, consistent 98826
with the requirements of this chapter as to the contents of the 98827
examination. 98828

If the superintendent, with the consent of the commission, 98829
enters into an agreement with a national testing service to 98830
administer the real estate salesperson's examination, the 98831
superintendent may require an applicant to pay the testing 98832
service's examination fee directly to the testing service. If the 98833
superintendent requires the payment of the examination fee 98834
directly to the testing service, each applicant shall submit to 98835
the superintendent a processing fee in an amount determined by the 98836
Ohio real estate commission pursuant to division (A)(1) of section 98837
4735.10 of the Revised Code. 98838

(E) The superintendent shall issue a real estate salesperson's license when satisfied that the applicant has received a passing score on each portion of the salesperson's examination as determined by rule by the real estate commission, except that the superintendent may waive one or more of the requirements of this section in the case of an applicant who is a licensed real estate salesperson in another state pursuant to a reciprocity agreement with the licensing authority of the state from which the applicant holds a valid real estate salesperson's license.

(F) No applicant for a salesperson's license shall take the salesperson's examination who has not established to the satisfaction of the superintendent that the applicant:

(1) Is honest, truthful, and of good reputation;

(2)(a) Has not been convicted of a felony or crime of moral turpitude or, if the applicant has been so convicted, the superintendent has disregarded the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved;

(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant is honest, truthful, and of good reputation, and there is no basis in fact

for believing that the applicant again will violate the laws involved.	98870 98871
(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to this chapter, or, if the applicant has violated such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;	98872 98873 98874 98875 98876 98877
(4) Is at least eighteen years of age;	98878
(5) If born after the year 1950, has a high school diploma or its equivalent as recognized by the state department of education;	98879 98880
(6)(a) If beginning instruction prior to August 1, 2001, has successfully completed at an institution of higher education all of the following:	98881 98882 98883
(i) Thirty hours of classroom instruction in real estate practice;	98884 98885
(ii) Thirty hours of classroom instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the classroom instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the classroom instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	98886 98887 98888 98889 98890 98891 98892 98893 98894 98895 98896 98897 98898 98899

(iii) Thirty hours of classroom instruction in real estate appraisal;	98900 98901
(iv) Thirty hours of classroom instruction in real estate finance.	98902 98903
(b) Any person who has not been licensed as a real estate salesperson or broker within a four-year period immediately preceding the person's current application for the salesperson's examination shall have successfully completed the classroom instruction required by division (F)(6)(a) of this section within a ten-year period immediately preceding the person's current application for the salesperson's examination.	98904 98905 98906 98907 98908 98909 98910
(7) If beginning instruction, as determined by the superintendent, on or after August 1, 2001, has successfully completed at an institution of higher education all of the following:	98911 98912 98913 98914
(a) Forty hours of classroom instruction in real estate practice;	98915 98916
(b) Forty hours of classroom instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the classroom instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the classroom instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to	98917 98918 98919 98920 98921 98922 98923 98924 98925 98926 98927 98928 98929

practice before the supreme court.	98930
(c) Twenty hours of classroom instruction in real estate appraisal;	98931 98932
(d) Twenty hours of classroom instruction in real estate finance.	98933 98934
(G) No later than twelve months after the date of issue of a real estate salesperson license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of completion, at an institution of higher education or any other institution approved by the commission, of ten hours of classroom instruction in real estate courses that cover current issues regarding consumers, real estate practice, ethics, and real estate law.	98935 98936 98937 98938 98939 98940 98941 98942
If proof of completion of the required instruction is not submitted within twelve months of the date a license is issued under this section, the licensee's license is suspended automatically without the taking of any action by the superintendent. The superintendent immediately shall notify the broker with whom such salesperson is associated of the suspension of the salesperson's license. A salesperson whose license has been suspended under this division shall have twelve months after the date of the suspension of the salesperson's license to submit proof of successful completion of the instruction required under this division. No such license shall be reactivated by the superintendent until it is established, to the satisfaction of the superintendent, that the requirements of this division have been met and that the licensee is in compliance with this chapter. A licensee's license is revoked automatically without the taking of any action by the superintendent when the licensee fails to submit the required proof of completion of the education requirements under division (G) of this section within twelve months of the date the license is suspended.	98943 98944 98945 98946 98947 98948 98949 98950 98951 98952 98953 98954 98955 98956 98957 98958 98959 98960 98961

(H) Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101. The contents of an examination shall be consistent with the classroom instructional requirements of division (F)(6) or (7) of this section. An applicant who has completed the classroom instructional requirements of division (F)(6) or (7) of this section at the time of application shall be examined no later than twelve months after the applicant is notified of the applicant's admission to the examination.

Sec. 4735.12. (A) The real estate recovery fund is hereby created in the state treasury, to be administered by the superintendent of real estate. Amounts collected by the superintendent as prescribed in this section and interest earned on the assets of the fund shall be credited by the treasurer of state to the fund. The amount of money in the fund shall be ascertained by the superintendent as of the first day of July of each year.

The commission, in accordance with rules adopted under division (A)(2)(g) of section 4735.10 of the Revised Code, shall impose a special assessment not to exceed ten dollars per year for each year of a licensing period on each licensee filing a notice of renewal under section 4735.14 of the Revised Code if the amount available in the fund is less than ~~one million~~ five hundred thousand dollars on the first day of July preceding that filing. The commission may impose a special assessment not to exceed five dollars per year for each year of a licensing period if the amount available in the fund is greater than one million dollars, but less than two million dollars on the first day of July preceding that filing. The commission shall not impose a special assessment if the amount available in the fund exceeds two million dollars on the first day of July preceding that filing.

(B)(1) Any person who obtains a final judgment in any court	98994
of competent jurisdiction against any broker or salesperson	98995
licensed under this chapter, on the grounds of conduct that is in	98996
violation of this chapter or the rules adopted under it, and that	98997
is associated with an act or transaction that only a licensed real	98998
estate broker or licensed real estate salesperson is authorized to	98999
perform as specified in division (A) or (C) of section 4735.01 of	99000
the Revised Code, may file a verified application, as described in	99001
division (B)(3) of this section, in ~~any~~ <u>the</u> court of common pleas	99002
<u>of Franklin county</u> for an order directing payment out of the real	99003
estate recovery fund of the portion of the judgment that remains	99004
unpaid and that represents the actual and direct loss sustained by	99005
the applicant.	99006
 (2) Punitive damages, attorney's fees, and interest on a	99007
judgment are not recoverable from the fund. In the discretion of	99008
the superintendent of real estate, court costs may be recovered	99009
from the fund, and, if the superintendent authorizes the recovery	99010
of court costs, the order of the court of common pleas then may	99011
direct their payment from the fund.	99012
 (3) The application shall specify the nature of the act or	99013
transaction upon which the underlying judgment was based, the	99014
activities of the applicant in pursuit of remedies available under	99015
law for the collection of judgments, and the actual and direct	99016
losses, attorney's fees, and the court costs sustained or incurred	99017
by the applicant. The applicant shall attach to the application a	99018
copy of each pleading and order in the underlying court action.	99019
 (4) The court shall order the superintendent to make such	99020
payments out of the fund when the person seeking the order has	99021
shown all of the following:	99022
 (a) The person has obtained a judgment, as provided in this	99023
division;	99024

(b) All appeals from the judgment have been exhausted and the person has given notice to the superintendent, as required by division (C) of this section;	99025 99026 99027
(c) The person is not a spouse of the judgment debtor, or the personal representative of such spouse;	99028 99029
(d) The person has diligently pursued the person's remedies against all the judgment debtors and all other persons liable to the person in the transaction for which the person seeks recovery from the fund;	99030 99031 99032 99033
(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment.	99034 99035 99036
(5) Divisions (B)(1) to (4) of this section do not apply to any of the following:	99037 99038
(a) Actions arising from property management accounts maintained in the name of the property owner;	99039 99040
(b) A bonding company when it is not a principal in a real estate transaction;	99041 99042
(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code;	99043 99044 99045 99046
(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment.	99047 99048
(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend	99049 99050 99051

any such action on behalf of the fund and shall have recourse to 99052
all appropriate means of defense and review, including examination 99053
of witnesses, verification of actual and direct losses, and 99054
challenges to the underlying judgment required in division 99055
(B)(4)(a) of this section to determine whether the underlying 99056
judgment is based on activity only a licensed broker or licensed 99057
salesperson is permitted to perform. The superintendent may move 99058
the court at any time to dismiss the application when it appears 99059
there are no triable issues and the application is without merit. 99060
The motion may be supported by affidavit of any person having 99061
knowledge of the facts and may be made on the basis that the 99062
application, including the judgment referred to in it, does not 99063
form the basis for a meritorious recovery claim; provided, that 99064
the superintendent shall give written notice to the applicant at 99065
least ten days before such motion. The superintendent may, subject 99066
to court approval, compromise a claim based upon the application 99067
of an aggrieved party. The superintendent shall not be bound by 99068
any prior compromise or stipulation of the judgment debtor. 99069

(D) Notwithstanding any other provision of this section, the 99070
liability of the fund shall not exceed forty thousand dollars for 99071
any one licensee. If a licensee's license is reactivated as 99072
provided in division (E) of this section, the liability of the 99073
fund for the licensee under this section shall again be forty 99074
thousand dollars, but only for transactions that occur subsequent 99075
to the time of reactivation. 99076

If the forty-thousand-dollar liability of the fund is 99077
insufficient to pay in full the valid claims of all aggrieved 99078
persons by whom claims have been filed against any one licensee, 99079
the forty thousand dollars shall be distributed among them in the 99080
ratio that their respective claims bear to the aggregate of valid 99081
claims or in such other manner as the court finds equitable. 99082
Distribution of moneys shall be among the persons entitled to 99083
share in it, without regard to the order of priority in which 99084

their respective judgments may have been obtained or their claims 99085
have been filed. Upon petition of the superintendent, the court 99086
may require all claimants and prospective claimants against one 99087
licensee to be joined in one action, to the end that the 99088
respective rights of all such claimants to the fund may be 99089
equitably adjudicated and settled. 99090

(E) If the superintendent pays from the fund any amount in 99091
settlement of a claim or toward satisfaction of a judgment against 99092
a licensed broker or salesperson, the license of the broker or 99093
salesperson shall be automatically suspended upon the date of 99094
payment from the fund. The superintendent shall not reactivate the 99095
suspended license of that broker or salesperson until the broker 99096
or salesperson has repaid in full, plus interest per annum at the 99097
rate specified in division (A) of section 1343.03 of the Revised 99098
Code, the amount paid from the fund on the broker's or 99099
salesperson's account. A discharge in bankruptcy does not relieve 99100
a person from the suspension and requirements for reactivation 99101
provided in this section unless the underlying judgment has been 99102
included in the discharge and has not been reaffirmed by the 99103
debtor. 99104

(F) If, at any time, the money deposited in the fund is 99105
insufficient to satisfy any duly authorized claim or portion of a 99106
claim, the superintendent shall, when sufficient money has been 99107
deposited in the fund, satisfy such unpaid claims or portions, in 99108
the order that such claims or portions were originally filed, plus 99109
accumulated interest per annum at the rate specified in division 99110
(A) of section 1343.03 of the Revised Code. 99111

(G) When, upon the order of the court, the superintendent has 99112
paid from the fund any sum to the judgment creditor, the 99113
superintendent shall be subrogated to all of the rights of the 99114
judgment creditor to the extent of the amount so paid, and the 99115
judgment creditor shall assign all the judgment creditor's right, 99116

title, and interest in the judgment to the superintendent to the 99117
extent of the amount so paid. Any amount and interest so recovered 99118
by the superintendent on the judgment shall be deposited in the 99119
fund. 99120

(H) Nothing contained in this section shall limit the 99121
authority of the superintendent to take disciplinary action 99122
against any licensee under other provisions of this chapter; nor 99123
shall the repayment in full of all obligations to the fund by any 99124
licensee nullify or modify the effect of any other disciplinary 99125
proceeding brought pursuant to this chapter. 99126

(I) The superintendent shall collect from the fund a service 99127
fee in an amount equivalent to the interest rate specified in 99128
division (A) of section 1343.03 of the Revised Code multiplied by 99129
the annual interest earned on the assets of the fund, to defray 99130
the expenses incurred in the administration of the fund. 99131

Sec. 4735.13. (A) The license of a real estate broker shall 99132
be prominently displayed in the office or place of business of 99133
the broker, and no license shall authorize the licensee to do 99134
business except from the location specified in it. If the broker 99135
maintains more than one place of business within the state, the 99136
broker shall apply for and procure a duplicate license for each 99137
branch office maintained by the broker. Each branch office shall 99138
be in the charge of a licensed broker or salesperson. The branch 99139
office license shall be prominently displayed at the branch 99140
office location. 99141

(B) The license of each real estate salesperson shall be 99142
mailed to and remain in the possession of the licensed broker with 99143
whom the salesperson is or is to be associated until the licensee 99144
places the license on inactive, voluntary hold, or resigned status 99145
or until the salesperson leaves the brokerage or is terminated. 99146
The broker shall keep each salesperson's license in a way that it 99147
can, and shall on request, be made immediately available for 99148

public inspection at the office or place of business of the 99149
broker. Except as provided in divisions (G) and (H) of this 99150
section, immediately upon the salesperson's leaving the 99151
association or termination of the association of a real estate 99152
salesperson with the broker, the broker shall return the 99153
salesperson's license to the superintendent of real estate. 99154

The failure of a broker to return the license of a real 99155
estate salesperson or broker who leaves or who is terminated, via 99156
certified mail return receipt requested, within three business 99157
days of the receipt of a written request from the superintendent 99158
for the return of the license, is prima-facie evidence of 99159
misconduct under division (A)(6) of section 4735.18 of the Revised 99160
Code. 99161

(C) Any licensee who is convicted of a felony or a crime 99162
involving moral turpitude or of violating any federal, state, or 99163
municipal civil rights law pertaining to discrimination in 99164
housing, or any court that issues a finding of an unlawful 99165
discriminatory practice pertaining to housing accommodations 99166
described in division (H) of section 4112.02 of the Revised Code 99167
or that convicts a licensee of a violation of any municipal civil 99168
rights law pertaining to housing discrimination, shall notify the 99169
superintendent of the conviction or finding within fifteen days. 99170
If a licensee fails to notify the superintendent within the 99171
required time, the superintendent immediately may revoke the 99172
license of the licensee. 99173

Any court that convicts a licensee of a violation of any 99174
municipal civil rights law pertaining to housing discrimination 99175
also shall notify the Ohio civil rights commission within fifteen 99176
days of the conviction. 99177

(D) In case of any change of business location, a broker 99178
shall give notice in writing to the superintendent, whereupon the 99179
superintendent shall issue new licenses for the unexpired period 99180

without charge. If a broker changes a business location without 99181
giving the required notice and without receiving new licenses 99182
that action is prima-facie evidence of misconduct under division 99183
(A)(6) of section 4735.18 of the Revised Code. 99184

(E) If a real estate broker desires to associate with another 99185
real estate broker in the capacity of a real estate salesperson, 99186
the broker shall apply to the superintendent to deposit the 99187
broker's real estate broker's license with the superintendent and 99188
for the issuance of a real estate salesperson's license. The 99189
application shall be made on a form prescribed by the 99190
superintendent and shall be accompanied by the recommendation of 99191
the real estate broker with whom the applicant intends to become 99192
associated and a fee of twenty-five dollars for the real estate 99193
salesperson's license. ~~Four dollars~~One dollar of the fee shall be 99194
credited to the real estate education and research fund. If the 99195
superintendent is satisfied that the applicant is honest, 99196
truthful, and of good reputation, has not been convicted of a 99197
felony or a crime involving moral turpitude, and has not been 99198
finally adjudged by a court to have violated any municipal, state, 99199
or federal civil rights laws relevant to the protection of 99200
purchasers or sellers of real estate, and that the association of 99201
the real estate broker and the applicant will be in the public 99202
interest, the superintendent shall grant the application and issue 99203
a real estate salesperson's license to the applicant. Any license 99204
so deposited with the superintendent shall be subject to this 99205
chapter. A broker who intends to deposit the broker's license with 99206
the superintendent, as provided in this section, shall give 99207
written notice of this fact in a format prescribed by the 99208
superintendent to all salespersons associated with the broker when 99209
applying to place the broker's license on deposit. 99210

(F) If a real estate broker desires to become a member or 99211
officer of a partnership, association, limited liability company, 99212
limited liability partnership, or corporation that is or intends 99213

to become a licensed real estate broker, the broker shall notify 99214
the superintendent of the broker's intentions. The notice of 99215
intention shall be on a form prescribed by the superintendent and 99216
shall be accompanied by a fee of twenty-five dollars. ~~Four dollars~~ 99217
One dollar of the fee shall be credited to the real estate 99218
education and research fund. 99219

No real estate broker who is a member or officer of a 99220
partnership, association, limited liability company, limited 99221
liability partnership, or corporation that is a licensed real 99222
estate broker shall perform any acts as a real estate broker 99223
other than as the agent of the partnership, association, limited 99224
liability company, limited liability partnership, or corporation, 99225
and such broker shall not have any real estate salespersons 99226
associated with the broker. 99227

(G) If a real estate broker or salesperson enters the armed 99228
forces, the broker or salesperson may place the broker's or 99229
salesperson's license on deposit with the Ohio real estate 99230
commission. The licensee shall not be required to renew the 99231
license until the renewal date that follows the date of discharge 99232
from the armed forces. Any license deposited with the commission 99233
shall be subject to this chapter. Any licensee whose license is on 99234
deposit under this division and who fails to meet the continuing 99235
education requirements of section 4735.141 of the Revised Code 99236
because the licensee is in the armed forces shall satisfy the 99237
commission that the licensee has complied with the continuing 99238
education requirements within twelve months of the licensee's 99239
discharge. The commission shall notify the licensee of the 99240
licensee's obligations under section 4735.141 of the Revised Code 99241
at the time the licensee applies for reactivation of the 99242
licensee's license. 99243

(H) If a licensed real estate salesperson submits an 99244
application to the superintendent to leave the association of one 99245

broker to associate with a different broker, the broker possessing 99246
the licensee's license need not return the salesperson's license 99247
to the superintendent. The superintendent may process the 99248
application regardless of whether the licensee's license is 99249
returned to the superintendent. 99250

Sec. 4735.15. (A) The fees for reactivation or transfer of 99251
a license shall be as follows: 99252

(1) Reactivation or transfer of a broker's license into or 99253
out of a partnership, association, limited liability company, 99254
limited liability partnership, or corporation or from one 99255
partnership, association, limited liability company, limited 99256
liability partnership, or corporation to another partnership, 99257
association, limited liability company, limited liability 99258
partnership, or corporation, twenty-five dollars. An application 99259
for such transfer shall be made to the superintendent of real 99260
estate on forms provided by the superintendent. 99261

(2) Reactivation or transfer of a license by a real estate 99262
salesperson, ~~twenty~~twenty-five dollars. 99263

(B) Except as may otherwise be specified pursuant to division 99264
(F) of this section, the nonrefundable fees for a branch office 99265
license, license renewal, late filing, and foreign real estate 99266
dealer and salesperson license are as follows per year for each 99267
year of a licensing period: 99268

(1) Branch office license, ~~eight~~fifteen dollars; 99269

(2) Renewal of a real estate broker's license, ~~forty-nine~~ 99270
sixty dollars. If the licensee is a partnership, association, 99271
limited liability company, limited liability partnership, or 99272
corporation, the full broker's renewal fee shall be required for 99273
each member of such partnership, association, limited liability 99274
company, limited liability partnership, or corporation that is a 99275

real estate broker. If the real estate broker has not less than	99276
eleven nor more than twenty real estate salespersons associated	99277
with the broker, an additional fee of sixty-four dollars shall be	99278
assessed to the brokerage. For every additional ten real estate	99279
salespersons or fraction of that number, the brokerage assessment	99280
fee shall be increased in the amount of thirty-seven dollars.	99281
 (3) Renewal of a real estate salesperson's license,	99282
~~thirty-nine~~ <u>forty-five</u> dollars;	99283
 (4) Renewal of a real estate broker's or salesperson's	99284
license filed within twelve months after the licensee's renewal	99285
date, an additional late filing penalty of fifty per cent of the	99286
required fee;	99287
 (5) Foreign real estate dealer's license and each renewal of	99288
the license, thirty dollars per salesperson employed by the	99289
dealer, but not less than one hundred fifty dollars;	99290
 (6) Foreign real estate salesperson's license and each	99291
renewal of the license, fifty dollars.	99292
 (C) All fees collected under this section shall be paid to	99293
the treasurer of state. ~~Four dollars~~ <u>One dollar</u> of each such fee	99294
shall be credited to the real estate education and research fund,	99295
except that for fees that are assessed only once every three	99296
years, ~~twelve~~ <u>three</u> dollars of each triennial fee shall be	99297
credited to the real estate education and research fund.	99298
 (D) In all cases, the fee and any penalty shall accompany the	99299
application for the license, license transfer, or license	99300
reactivation or shall accompany the filing of the renewal.	99301
 (E) The commission may establish by rule reasonable fees for	99302
services not otherwise established by this chapter.	99303

(F) The commission may adopt rules that provide for a reduction in the fees established in divisions (B)(2) and (3) of this section.

Sec. 4736.01. As used in this chapter:

(A) "Environmental health science" means the aspect of public health science that includes, but is not limited to, the following bodies of knowledge: air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation, and rabies control.

(B) "Sanitarian" means a person who performs for compensation educational, investigational, technical, or administrative duties requiring specialized knowledge and skills in the field of environmental health science.

(C) "Registered sanitarian" means a person who is registered as a sanitarian in accordance with this chapter.

(D) "Sanitarian-in-training" means a person who is registered as a sanitarian-in-training in accordance with this chapter.

(E) "Practice of environmental health" means consultation, instruction, investigation, inspection, or evaluation by an employee of a city health district, a general health district, the environmental protection agency, the department of health, or the department of agriculture requiring specialized knowledge, training, and experience in the field of environmental health science, with the primary purpose of improving or conducting administration or enforcement under any of the following:

(1) Chapter 911., 913., 917., 3717., ~~3718.~~, 3721., 3729., or

3733. of the Revised Code;	99333
(2) Chapter 3734. of the Revised Code as it pertains to solid waste;	99334 99335
(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 3707.38 to 3707.99, or section 3715.21 of the Revised Code;	99336 99337
(4) Rules adopted under section 3701.34 of the Revised Code pertaining to <u>home sewage</u> , rabies control, or swimming pools;	99338 99339
~~(5) Rules adopted under section 3701.935 of the Revised Code for school health and safety network inspections and rules adopted under section 3707.26 of the Revised Code for sanitary inspections.~~	99340 99341 99342 99343
"Practice of environmental health" does not include sampling, testing, controlling of vectors, reporting of observations, or other duties that do not require application of specialized knowledge and skills in environmental health science performed under the supervision of a registered sanitarian.	99344 99345 99346 99347 99348
The state board of sanitarian registration may further define environmental health science in relation to specific functions in the practice of environmental health through rules adopted by the board under Chapter 119. of the Revised Code.	99349 99350 99351 99352
Sec. 4740.03. (A) The administrative section of the Ohio construction industry licensing board annually shall elect from among its members a chairperson and other officers as the board, by rule, designates. The chairperson shall preside over meetings of the administrative section or designate another member to preside in the chairperson's absence. The administrative section shall hold at least two regular meetings each year, but may meet at additional times as specified by rule, at the call of the chairperson, or upon the request of two or more members. A	99353 99354 99355 99356 99357 99358 99359 99360 99361

majority of the members of the administrative section constitutes 99362
a quorum for the transaction of all business. The administrative 99363
section may not take any action without the concurrence of at 99364
least three of its members. 99365

(B)(1) The administrative section shall employ a secretary, 99366
who is not a member of the board, to serve at the pleasure of the 99367
administrative section, and shall fix the compensation of the 99368
secretary. The secretary shall be in the unclassified civil 99369
service of the state. 99370

(2) The secretary shall do all of the following: 99371

(a) Keep or set standards for and delegate to another person 99372
the keeping of the minutes, books, and other records and files of 99373
the board and each section of the board; 99374

(b) Issue all licenses in the name of the board; 99375

(c) Send out all notices, including advance notices of 99376
meetings of the board and each section of the board, and attend to 99377
all correspondence of the board and each section of the board, 99378
under the direction of the administrative section; 99379

(d) Receive and deposit all fees payable pursuant to this 99380
chapter into the ~~industrial compliance~~ labor operating fund 99381
created pursuant to section 121.084 of the Revised Code; 99382

(e) Perform all other duties incidental to the office of the 99383
secretary or properly assigned to the secretary by the 99384
administrative section of the board. 99385

(3) Before entering upon the discharge of the duties of the 99386
secretary, the secretary shall file with the treasurer of state a 99387
bond in the sum of five thousand dollars, payable to the state, to 99388
ensure the faithful performance of the secretary's duties. The 99389

board shall pay the premium of the bond in the same manner as it 99390
pays other expenditures of the board. 99391

(C) Upon the request of the administrative section of the 99392
board, the director of commerce shall supply the board and its 99393
sections with personnel, office space, and supplies, as the 99394
director determines appropriate. The administrative section of the 99395
board shall employ any additional staff it considers necessary and 99396
appropriate. 99397

(D) The chairperson of the board or the secretary, or both, 99398
as authorized by the board, shall approve all vouchers of the 99399
board. 99400

Sec. 4740.11. The Ohio construction industry licensing board 99401
and its sections shall deposit all receipts and fines collected 99402
under this chapter into the state treasury to the credit of the 99403
~~industrial compliance~~labor operating fund created in section 99404
121.084 of the Revised Code. 99405

Sec. 4740.14. (A) There is hereby created within the 99406
department of commerce the residential construction advisory 99407
committee consisting of nine persons the director of commerce 99408
appoints. Of the advisory committee's members, three shall be 99409
general contractors who have recognized ability and experience in 99410
the construction of residential buildings, two shall be building 99411
officials who have experience administering and enforcing a 99412
residential building code, one, chosen from a list of three names 99413
the Ohio fire chief's association submits, shall be from the fire 99414
service certified as a fire safety inspector who has at least ten 99415
years of experience enforcing fire or building codes, one shall be 99416
a residential contractor who has recognized ability and experience 99417
in the remodeling and construction of residential buildings, one 99418
shall be an architect registered pursuant to Chapter 4703. of the 99419
Revised Code, with recognized ability and experience in the 99420
architecture of residential buildings, and one, chosen from a 99421

list of three names the Ohio municipal league submits to the 99422
director, shall be a mayor of a municipal corporation in which 99423
the Ohio residential building code is being enforced in the 99424
municipal corporation by a certified building department. 99425

(B) The director shall make appointments to the advisory 99426
committee within ninety days after May 27, 2005. 99427

Terms of office shall be for three years, with each term 99428
ending on the date three years after the date of appointment. 99429
Each member shall hold office from the date of appointment until 99430
the end of the term for which the member was appointed. The 99431
director shall fill a vacancy in the manner provided for initial 99432
appointments. Any member appointed to fill a vacancy in an 99433
unexpired term shall hold office for the remainder of that term. 99434

(C) The advisory committee shall do all of the following: 99435

(1) Recommend to the board of building standards a building 99436
code for residential buildings. The committee shall recommend a 99437
code that it ~~models~~may model on a residential building code a 99438
national model code organization issues, with adaptations 99439
necessary to implement the code in this state. If the board of 99440
building standards decides not to adopt a code the committee 99441
recommends, the committee shall revise the code and resubmit it 99442
until the board adopts a code the committee recommends as the 99443
state residential building code; 99444

(2) Advise the board regarding the establishment of standards 99445
for certification of building officials who enforce the state 99446
residential building code; 99447

(3) Assist the board in providing information and guidance to 99448
residential contractors and building officials who enforce the 99449
state residential building code; 99450

(4) Advise the board regarding the interpretation of the state residential building code;	99451 99452
(5) Provide other assistance the committee considers necessary;	99453 99454
<u>(6) Provide the board with a written report of the committee's findings for each consideration required by division (D) of this section.</u>	99455 99456 99457
(D) ~~In making~~ <u>The committee shall not make</u> its recommendation to the board pursuant to ~~division~~ <u>divisions</u> (C)(1), (2), and (4) of this section; <u>until</u> the advisory committee ~~shall consider~~ <u>has considered</u> all of the following:	99458 99459 99460 99461
(1) The impact that the state residential building code may have upon the health, safety, and welfare of the public;	99462 99463
(2) The economic reasonableness of the residential building code;	99464 99465
(3) The technical feasibility of the residential building code;	99466 99467
(4) The financial impact that the residential building code may have on the public's ability to purchase affordable housing.	99468 99469
<u>(E) The advisory committee may provide the board with any rule the committee recommends to update or amend the state residential building code or any rule that the committee recommends to update or amend the state residential building code after receiving a petition described in division (A)(2) of section 3781.12 of the Revised Code.</u>	99470 99471 99472 99473 99474 99475
~~(E)~~ (F) Members of the advisory committee shall receive no salary for the performance of their duties as members, but shall	99476 99477

receive their actual and necessary expenses incurred in the 99478
performance of their duties as members of the advisory committee 99479
and shall receive a per diem for each day in attendance at an 99480
official meeting of the committee, to be paid from the ~~industrial~~ 99481
~~compliance~~ labor operating fund in the state treasury, using fees 99482
collected in connection with residential buildings pursuant to 99483
division (F)(2) of section 3781.102 of the Revised Code and 99484
deposited in that fund. 99485

~~(F)~~(G) The advisory committee is not subject to divisions (A) 99486
and (B) of section 101.84 of the Revised Code. 99487

Sec. 4741.41. There is hereby created the veterinarian loan 99488
repayment program. Under the program, the ~~Ohio board of regents~~ 99489
state veterinary medical licensing board, by means of a contract 99490
entered into under section 4741.44 of the Revised Code, may agree 99491
to repay all or part of the principal and interest of a government 99492
or other educational loan taken out by a veterinarian for the 99493
following expenses if the expenses were incurred while the 99494
veterinarian was enrolled, for a maximum of four years, in a 99495
veterinary college in the United States that, during the time of 99496
enrollment, was approved by the ~~state veterinary medical licensing~~ 99497
board or accredited by the American veterinary medical 99498
association: 99499

(A) Tuition; 99500

(B) Other educational expenses, such as fees, books, and 99501
laboratory expenses, for specific purposes and in amounts 99502
determined to be reasonable by the ~~state veterinary medical~~ 99503
~~licensing~~ board; 99504

(C) Room and board, in an amount determined to be reasonable 99505
by the ~~state veterinary medical licensing~~ board. 99506

No repayment shall exceed twenty thousand dollars in any 99507

year. If, however, a repayment results in an increase in the 99508
veterinarian's federal, state, or local income tax liability, the 99509
~~Ohio board of regents board~~, at the veterinarian's request ~~and~~ 99510
~~with the approval of the state veterinary medical licensing board~~, 99511
may reimburse the veterinarian for the increased tax liability 99512
regardless of the amount of the repayment made to the veterinarian 99513
in that year. 99514

Sec. 4741.44. (A) A veterinarian who has signed a letter of 99515
intent under section 4741.43 of the Revised Code, and the state 99516
veterinary medical licensing board, ~~and the Ohio board of regents~~ 99517
may enter into a contract for the veterinarian's participation in 99518
the veterinarian loan repayment program. A lending institution 99519
also may be a party to the contract. 99520

(B) The contract shall include all of the following 99521
obligations: 99522

(1) The veterinarian agrees to provide large animal 99523
veterinary services or to provide veterinary services necessary to 99524
implement or enforce the law or to protect public health, as 99525
applicable, in a veterinary resource shortage area identified in 99526
the letter of intent for at least two years or one year per ten 99527
thousand dollars of repayment agreed to under division (B)(3) of 99528
this section, whichever is greater. 99529

(2) When providing veterinary services in the veterinary 99530
resource shortage area, the veterinarian agrees to do both of the 99531
following: 99532

(a) Provide veterinary services for a minimum of forty hours 99533
per week; 99534

(b) Devote not less than sixty per cent of total monthly 99535
veterinary services to large animal veterinary services or 99536
veterinary services necessary to implement or enforce the law or 99537

to protect public health, as applicable. 99538

(3) The ~~Ohio board of regents~~ state veterinary medical licensing board agrees, as provided in section 4741.41 of the Revised Code, to repay, so long as the veterinarian performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the veterinarian for expenses described in section 4741.41 of the Revised Code. 99539
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(4) The veterinarian agrees to pay the ~~Ohio board of regents~~ state veterinary medical licensing board the following as damages if the veterinarian fails to complete the service obligation agreed to under division (B)(1) of this section: 99546
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(a) If the failure occurs during the first two years of the service obligation, two times the total amount the board has agreed to pay under division (B)(3) of this section; 99550
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(b) If the failure occurs after the first two years of the service obligation, two times the total amount the board is still obligated to repay under division (B)(3) of this section. 99553
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(C) The contract may include any other terms agreed upon by the parties, including an assignment to the ~~Ohio board of regents~~ state veterinary medical licensing board of the veterinarian's duty to pay the principal and interest of a government or other educational loan taken by the veterinarian for expenses described in section 4741.41 of the Revised Code. If the ~~Ohio board of regents~~ state veterinary medical licensing board assumes the veterinarian's duty to pay a loan, the contract shall set forth the total amount of principal and interest to be paid, an amortization schedule, and the amount of each payment to be made under the schedule. 99556
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(D) Not later than the thirty-first day of January each year, 99567

the ~~Ohio board of regents~~board shall mail to each veterinarian 99568
to whom or on whose behalf repayment is made under section 99569
4741.41 of the Revised Code a statement showing the amount of 99570
principal and interest repaid by the ~~Ohio board of regents~~board 99571
in the preceding year pursuant to the contract. The statement 99572
shall be sent by ordinary mail with address correction and 99573
forwarding requested in the manner prescribed by the United 99574
States postal service. 99575

Sec. 4741.45. The state veterinary medical licensing board, 99576
in accordance with Chapter 119. of the Revised Code, shall adopt 99577
rules that do all of the following: 99578

(A) Define "large animal veterinary services," "veterinary 99579
services necessary to implement or enforce the law," and 99580
"veterinary services necessary to protect public health"; 99581

(B) Designate veterinary resource shortage areas comprised of 99582
areas in this state that have limited access to each of the 99583
following: 99584

(1) Large animal veterinary services; 99585

(2) Veterinary services necessary to implement or enforce the 99586
law; 99587

(3) Veterinary services necessary to protect public health. 99588

The designations may apply to a geographic area, one or more 99589
facilities within a particular area, or a population group of 99590
animals within a particular area. 99591

(C) Establish priorities among veterinary resource shortage 99592
areas for use in recruiting veterinarians under the veterinarian 99593
loan repayment program; 99594

(D) Establish priorities for use in determining eligibility 99595
among applicants for participation in the veterinarian loan 99596
repayment program; 99597

(E) Establish any other requirement or procedure that is 99598
necessary to implement and administer sections 4741.40 to 4741.47 99599
of the Revised Code. 99600

In adopting the rules, the board shall consult with the state 99601
veterinarian ~~and the Ohio board of regents.~~ 99602

Sec. 4741.46. (A) The state veterinary medical licensing 99603
board may accept gifts of money from any source for the 99604
implementation and administration of sections 4741.40 to 4741.45 99605
of the Revised Code. The board shall deposit all gifts so accepted 99606
into the state treasury to the credit of the veterinary resource 99607
shortage area fund, which is hereby created. The board shall use 99608
the fund for the implementation and administration of sections 99609
4741.40 to 4741.45 of the Revised Code. 99610

(B) The ~~Ohio board of regents~~board may accept gifts of money 99611
from any source for the ~~implementation and administration of~~ 99612
~~sections~~purposes of providing loans under the veterinarian loan 99613
repayment program created in section 4741.41 and 4741.44 of the 99614
Revised Code. The board shall deposit all gifts so accepted 99615
together with all damages collected under division (B)(4) of 99616
section 4741.44 of the Revised Code into the state treasury to the 99617
credit of the veterinarian loan repayment fund, which is hereby 99618
created. The fund also shall consist of the portion of biennial 99619
renewal fees that is credited to the fund under section 4741.17 of 99620
the Revised Code. The board shall use the fund for the 99621
implementation and administration of the veterinarian loan 99622
repayment program ~~created in section 4741.41 of the Revised Code.~~ 99623

Sec. 4751.07. (A) Every individual who holds a valid license 99624
as a nursing home administrator issued under division (A) of 99625

section 4751.06 of the Revised Code, shall immediately upon
issuance thereof be registered with the board of examiners of
nursing home administrators and be issued a certificate of
registration. Such individual shall annually apply to the board
for a new certificate of registration on forms provided for such
purpose prior to the expiration of the certificate of registration
and shall at the same time submit satisfactory evidence to the
board of having attended such continuing education programs or
courses of study as may be prescribed in rules adopted by the
board.

(B) Upon making an application for a new certificate of
registration such individual shall pay the annual registration fee
of ~~two~~three hundred ~~fifty~~ dollars.

(C) Upon receipt of such application for registration and the
registration fee required by divisions (A) and (B) of this
section, the board shall issue a certificate of registration to
such nursing home administrator.

(D) The license of a nursing home administrator who fails to
comply with this section shall automatically lapse.

(E) A nursing home administrator who has been licensed and
registered in this state who determines to temporarily abandon the
practice of nursing home administration shall notify the board in
writing immediately; provided, that such individual may thereafter
register to resume the practice of nursing home administration
within the state upon complying with the requirements of this
section regarding annual registration.

(F) Only an individual who has qualified as a licensed and
registered nursing home administrator under Chapter 4751. of the
Revised Code and the rules adopted thereunder, and who holds a
valid current registration certificate pursuant to this section,
may use the title "nursing home administrator," or the

abbreviation "N.H.A." after the individual's name. No other person shall use such title or such abbreviation or any other words, letters, sign, card, or device tending to indicate or to imply that the person is a licensed and registered nursing home administrator.

(G) Every person holding a valid license entitling the person to practice nursing home administration in this state shall display said license in the nursing home which is the person's principal place of employment, and while engaged in the practice of nursing home administration shall have at hand the current registration certificate.

(H) Every person holding a valid temporary license shall have such license at hand while engaged in the practice of nursing home administration.

Sec. 4755.06. The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may make reasonable rules in accordance with Chapter 119. of the Revised Code relating to, but not limited to, the following:

(A) The form and manner for filing applications for licensure under sections 4755.04 to 4755.13 of the Revised Code;

(B) The issuance, suspension, and revocation of the licenses and the conducting of investigations and hearings;

(C) Standards for approval of courses of study relative to the practice of occupational therapy;

(D) The time and form of examination for the licensure;

(E) Standards of ethical conduct in the practice of occupational therapy;

(F) The form and manner for filing applications for renewal and a schedule of deadlines for renewal;	99684 99685
(G) ~~Late fees and the~~ <u>The</u> conditions under which a license of a licensee who files a late application for renewal will be reinstated;	99686 99687 99688
(H) Placing an existing license in escrow;	99689
(I) The amount, scope, and nature of continuing education activities required for license renewal, including waivers ~~and the establishment of appropriate fees to be charged for the administrative costs associated with the review of the~~ continuing education ~~activities~~ <u>requirements</u> ;	99690 99691 99692 99693 99694
(J) ~~Limited permit guidelines~~ <u>Guidelines for limited permits</u> ;	99695
(K) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	99696 99697
(L) <u>Subject to section 4755.061 of the Revised Code, the amount for each fee specified in section 4755.12 of the Revised Code that the section charges.</u>	99698 99699 99700
The section may hear testimony in matters relating to the duties imposed upon it, and the chairperson and secretary of the section may administer oaths. The section may require proof, beyond the evidence found in the application, of the honesty, truthfulness, and good reputation of any person named in an application for ~~such~~ licensure, before admitting the applicant to an examination or issuing a license.	99701 99702 99703 99704 99705 99706 99707
<u>Sec. 4755.061.</u> <u>If the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board adopts rules pursuant to section 4755.06 of the Revised Code relating to the amounts of the fees that the section may charge</u>	99708 99709 99710 99711

for the late renewal of licenses and the review of continuing education activities, as provided in divisions (A)(5) and (A)(6) of section 4755.12 of the Revised Code, the section shall not establish fee amounts for those services that exceed the actual costs the section incurs in providing the services to a licensee.

Sec. 4755.12. (A) The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board ~~shall~~may charge ~~any or all of the following fees:~~

(1) A nonrefundable examination fee, established pursuant to section 4755.03 of the Revised Code, which is to be paid at the time of application for licensure.

~~The section shall charge a:~~

(2) An application fee for an initial license;

(3) An initial licensure fee, established pursuant to section 4755.03 of the Revised Code.

~~The section shall charge a:~~

(4) A fee for biennial renewal fee and shall charge aof a license;

(5) A fee for late renewal of a license;

(6) A fee for the review of continuing education activities;

(7) A fee for a limited permit, established pursuant to section 4755.03 of the Revised Code;

(8) A fee for verification of a license.

(B) Any person who is qualified to practice occupational therapy as certified by the section, but who is not in the active

practice, as defined by section rule, may register with the 99737
section as a nonactive licensee at a biennial fee, ~~established~~ 99738
~~pursuant to section 4755.03 of the Revised Code.~~ 99739

(C) The section may, by rule, provide for the waiver of all 99740
or part of a fee when the license is issued less than one hundred 99741
days before the date on which it will expire. 99742

(D) Except when all or part of a fee is waived under division 99743
(C) of this section, the amount charged by the occupational 99744
therapy section for each of its fees shall be the applicable 99745
amount established in rules adopted under section 4755.06 of the 99746
Revised Code. 99747

Sec. 4757.10. The counselor, social worker, and marriage and 99748
family therapist board may adopt any rules necessary to carry out 99749
this chapter. 99750

The board shall adopt rules that do all of the following: 99751

(A) Concern intervention for and treatment of any impaired 99752
person holding a license or certificate of registration issued 99753
under this chapter; 99754

(B) Establish standards for training and experience of 99755
supervisors described in division (C) of section 4757.30 of the 99756
Revised Code; 99757

(C) Define the requirement that an applicant be of good moral 99758
character in order to be licensed or registered under this 99759
chapter; 99760

(D) Establish requirements for criminal records checks of 99761
applicants under section 4776.03 of the Revised Code; 99762

(E) Establish a graduated system of fines based on the scope 99763

and severity of violations and the history of compliance, not to 99764
exceed five hundred dollars per incident, that any professional 99765
standards committee of the board may charge for a disciplinary 99766
violation described in section 4757.36 of the Revised Code. 99767

All rules adopted under this section shall be adopted in 99768
accordance with Chapter 119. of the Revised Code. When it adopts 99769
rules under this section or any other section of this chapter, the 99770
board may consider standards established by any national 99771
association or other organization representing the interests of 99772
those involved in professional counseling, social work, or 99773
marriage and family therapy. 99774

Sec. 4757.31. (A) Subject to division (B) of this section, 99775
the counselor, social worker, and marriage and family therapist 99776
board shall establish, and may from time to time adjust, fees to 99777
be charged for the following: 99778

(1) Examination for licensure as a professional clinical 99779
counselor, professional counselor, marriage and family therapist, 99780
independent marriage and family therapist, social worker, or 99781
independent social worker; 99782

(2) Initial licenses of professional clinical counselors, 99783
professional counselors, marriage and family therapists, 99784
independent marriage and family therapists, social workers, and 99785
independent social workers, except that the board shall charge 99786
only one fee to a person who fulfills all requirements for more 99787
than one of the following initial licenses: an initial license as 99788
a social worker or independent social worker, an initial license 99789
as a professional counselor or professional clinical counselor, 99790
and an initial license as a marriage and family therapist or 99791
independent marriage and family therapist; 99792

(3) Initial certificates of registration of social work 99793
assistants; 99794

(4) Renewal and late renewal of licenses of professional clinical counselors, professional counselors, marriage and family therapists, independent marriage and family therapists, social workers, and independent social workers and renewal and late renewal of certificates of registration of social work assistants; 99795
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(5) Verification, to another jurisdiction, of a license or registration issued by the board; 99800
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(6) Continuing education programs offered by the board to licensees or registrants. 99802
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(B) The fees charged under division (A)(1) of this section shall be established in amounts sufficient to cover the direct expenses incurred in examining applicants for licensure. The fees charged under divisions (A)(2), ~~(3), and (4)~~ to (6) of this section shall be nonrefundable and shall be established in amounts sufficient to cover the necessary expenses in administering this chapter and rules adopted under it that are not covered by fees charged under division (A)(1) or (C) of this section. The renewal fee for a license or certificate of registration shall not be less than the initial fee for that license or certificate. The fees charged for licensure and registration and the renewal of licensure and registration may differ for the various types of licensure and registration, but shall not exceed one hundred twenty-five dollars each, unless the board determines that amounts in excess of one hundred twenty-five dollars are needed to cover its necessary expenses in administering this chapter and rules adopted under it and the amounts in excess of one hundred twenty-five dollars are approved by the controlling board. 99804
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(C) All receipts of the board shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the chairperson or executive director of the board, or both, as 99822
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authorized by the board. 99826

Sec. 4757.36. (A) The appropriate professional standards 99827
~~committees~~committee of the counselor, social worker, and marriage 99828
and family therapist board may, in accordance with Chapter 119. of 99829
the Revised Code, ~~may refuse to issue a license or certificate of~~ 99830
~~registration applied for under this chapter; refuse to renew a~~ 99831
~~license or certificate of registration issued under this chapter;~~ 99832
~~suspend, revoke, or otherwise restrict a license or certificate of~~ 99833
~~registration issued under this chapter; or reprimand a person~~ 99834
~~holding a license or certificate of registration issued under this~~ 99835
~~chapter. Such actions may be taken by the appropriate committee if~~ 99836
~~the applicant for a license or certificate of registration or the~~ 99837
~~person holding a license or certificate of registration has~~take 99838
any action specified in division (B) of this section against an 99839
individual who has applied for or holds a license to practice as a 99840
professional clinical counselor, professional counselor, 99841
independent marriage and family therapist, marriage and family 99842
therapist, social worker, or independent social worker, or a 99843
certificate of registration to practice as a social work 99844
assistant, for any reason described in division (C) of this 99845
section. 99846

(B) In its imposition of sanctions against an individual, the 99847
board may do any of the following: 99848

(1) Refuse to issue or refuse to renew a license or 99849
certificate of registration; 99850

(2) Suspend, revoke, or otherwise restrict a license or 99851
certificate of registration; 99852

(3) Reprimand an individual holding a license or certificate 99853
of registration; 99854

(4) Impose a fine in accordance with the graduated system of 99855

<u>fines established by the board in rules adopted under section 4757.10 of the Revised Code.</u>	99856 99857
<u>(C) The appropriate professional standards committee of the board may take an action specified in division (B) of this section for any of the following reasons:</u>	99858 99859 99860
(1) ~~Committed a violation of~~ <u>Commission of an act that violates</u> any provision of this chapter or rules adopted under it;	99861 99862
(2) Knowingly ~~made~~ <u>making</u> a false statement on an application for licensure or registration, or for renewal of a license or certificate of registration;	99863 99864 99865
(3) ~~Accepted~~ <u>Accepting</u> a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, individuals practicing counseling, social work, or marriage and family therapy or practicing in fields related to counseling, social work, or marriage and family therapy;	99866 99867 99868 99869 99870 99871 99872
(4) ~~Failed~~ <u>A failure</u> to comply with section 4757.12 of the Revised Code;	99873 99874
(5) ~~Been convicted~~ <u>A conviction</u> in this or any other state of ~~any~~ <u>a</u> crime that is a felony in this state;	99875 99876
(6) ~~Had the ability~~ <u>A failure</u> to perform properly as a professional clinical counselor, professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker ~~impaired~~ due to the use of alcohol or other drugs or any other physical or mental condition;	99877 99878 99879 99880 99881 99882
(7) ~~Been convicted~~ <u>A conviction</u> in this state or in any other	99883

state of a misdemeanor committed in the course of practice as a	99884
professional clinical counselor, professional counselor,	99885
independent marriage and family therapist, marriage and family	99886
therapist, social work assistant, social worker, or independent	99887
social worker;	99888
 (8) ~~Practiced~~ <u>Practicing</u> outside the scope of practice	99889
applicable to that person;	99890
 (9) ~~Practiced without complying with~~ <u>Practicing in violation</u>	99891
<u>of</u> the supervision requirements specified under sections 4757.21	99892
and 4757.26, and division ~~(F)~~ <u>(E)</u> of section 4757.30, of the	99893
Revised Code;	99894
 (10) ~~Violated~~ <u>A violation of</u> the person's code of ethical	99895
practice adopted by rule of the board pursuant to section 4757.11	99896
of the Revised Code;	99897
 (11) ~~Had~~ <u>Revocation or suspension of</u> a license or certificate	99898
of registration ~~revoked or suspended~~ , or ~~voluntarily surrendered~~	99899
<u>the voluntary surrender of</u> a license or certificate of	99900
registration in another state or jurisdiction for an offense that	99901
would be a violation of this chapter.	99902
 ~~(B)~~ <u>(D)</u> One year or more after the date of suspension or	99903
revocation of a license or certificate of registration under this	99904
section, application may be made to the appropriate professional	99905
standards committee for reinstatement. The committee may accept or	99906
refuse an application for reinstatement. If a license has been	99907
suspended or revoked, the committee may require an examination for	99908
reinstatement.	99909
 <u>(E) On request of the board, the attorney general shall bring</u>	99910
<u>and prosecute to judgment a civil action to collect any fine</u>	99911
<u>imposed under division (B)(4) of this section that remains unpaid.</u>	99912

(F) All fines collected under division (B)(4) of this section 99913
shall be deposited into the state treasury to the credit of the 99914
occupational licensing and regulatory fund. 99915

Sec. 4763.01. As used in this chapter: 99916

(A) "Real estate appraisal" or "appraisal" means an analysis, 99917
opinion, or conclusion relating to the nature, quality, value, or 99918
utility of specified interests in, or aspects of identified real 99919
estate that is classified as either a valuation or an analysis. 99920

(B) "Valuation" means an estimate of the value of real 99921
estate. 99922

(C) "Analysis" means a study of real estate for purposes 99923
other than valuation. 99924

(D) "Appraisal report" means a written communication of a 99925
real estate appraisal, appraisal review, or appraisal consulting 99926
service or an oral communication of a real estate appraisal 99927
accompanied, appraisal review, or appraisal consulting service 99928
that is documented by a writing that supports the oral 99929
communication. 99930

(E) "Appraisal assignment" means an engagement for which a 99931
person licensed or certified under this chapter is employed ~~or~~, 99932
retained, or engaged to act, or would be perceived by third 99933
parties or the public as acting, as a disinterested third party in 99934
rendering an unbiased real estate appraisal. 99935

(F) "Specialized services" means all appraisal services, 99936
other than appraisal assignments, including, but not limited to, 99937
valuation and analysis given in connection with activities such as 99938
real estate brokerage, mortgage banking, real estate counseling, 99939
and real estate tax counseling, and specialized marketing, 99940
financing, and feasibility studies. 99941

(G) "Real estate" has the same meaning as in section 4735.01 of the Revised Code. 99942
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(H) "Appraisal foundation" means a nonprofit corporation incorporated under the laws of the state of Illinois on November 30, 1987, for the purposes of establishing and improving uniform appraisal standards by defining, issuing, and promoting those standards; establishing appropriate criteria for the certification and recertification of qualified appraisers by defining, issuing, and promoting the qualification criteria and disseminating the qualification criteria to others; and developing or assisting in development of appropriate examinations for qualified appraisers. 99944
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(I) "Prepare" means to develop and communicate, whether through a personal physical inspection or through the act or process of critically studying a report prepared by another who made the physical inspection, an appraisal, analysis, or opinion, or specialized service and to report the results. If the person who develops and communicates the appraisal or specialized service does not make the personal inspection, the name of the person who does make the personal inspection shall be identified on the appraisal or specialized service reported. 99953
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(J) "Report" means any communication, written, oral, or by any other means of transmission of information, of a real estate appraisal, appraisal review, appraisal consulting service, or specialized service that is transmitted to a client or employer upon completion of the appraisal or service. 99962
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(K) "State-certified general real estate appraiser" means any person who satisfies the certification requirements of this chapter relating to the appraisal of all types of real property and who holds a current and valid certificate or renewal certificate issued to the person pursuant to this chapter. 99967
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(L) "State-certified residential real estate appraiser" means 99972
any person who satisfies the certification requirements only 99973
relating to the appraisal of one to four units of single-family 99974
residential real estate without regard to transaction value or 99975
complexity and who holds a current and valid certificate or 99976
renewal certificate issued to the person pursuant to this chapter. 99977

(M) "State-licensed residential real estate appraiser" means 99978
any person who satisfies the licensure requirements of this 99979
chapter relating to the appraisal of noncomplex one-to-four unit 99980
single-family residential real estate having a transaction value 99981
of less than one million dollars and complex one-to-four unit 99982
single-family residential real estate having a transaction value 99983
of less than two hundred fifty thousand dollars and who holds a 99984
current and valid license or renewal license issued to the person 99985
pursuant to this chapter. 99986

(N) "Certified or licensed real estate appraisal" means an 99987
appraisal prepared and reported by a certificate holder or 99988
licensee under this chapter acting within the scope of 99989
certification or licensure and as a disinterested third party. 99990

(O) "State-registered real estate appraiser assistant" means 99991
any person, other than a state-certified general real estate 99992
appraiser, state-certified residential real estate appraiser, or a 99993
state-licensed residential real estate appraiser, who satisfies 99994
the registration requirements of this chapter for participating in 99995
the development and preparation of real estate appraisals and who 99996
holds a current and valid registration or renewal registration 99997
issued to the person pursuant to this chapter. 99998

(P) "Institution of higher education" means a state 99999
university or college, a private college or university located in 100000
this state that possesses a certificate of authorization issued by 100001
the Ohio board of regents pursuant to Chapter 1713. of the Revised 100002
Code, or an accredited college or university located outside this 100003

state that is accredited by an accrediting organization or
professional accrediting association recognized by the Ohio board
of regents.

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(Q) "Division of real estate" may be used interchangeably
with, and for all purposes has the same meaning as, "division of
real estate and professional licensing."

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(R) "Superintendent" or "superintendent of real estate" means
the superintendent of the division of real estate and professional
licensing of this state. Whenever the division or superintendent
of real estate is referred to or designated in any statute, rule,
contract, or other document, the reference or designation shall be
deemed to refer to the division or superintendent of real estate
and professional licensing, as the case may be.

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(S) "Appraisal review" means the act or process of developing
and communicating an opinion about the quality of another
appraiser's work that was performed as part of an appraisal,
appraisal review, or appraisal consulting assignment.

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(T) "Appraisal consulting" means the act or process of
developing an analysis, recommendation, or opinion to solve a
problem related to real estate.

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(U) "Work file" means documentation used during the
preparation of an appraisal report or necessary to support an
appraiser's analyses, opinions, or conclusions.

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Sec. 4763.03. (A) In addition to any other duties imposed on
the real estate appraiser board under this chapter, the board
shall:

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(1) Adopt rules, in accordance with Chapter 119. of the
Revised Code, in furtherance of this chapter, including, but not
limited to, all of the following:

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(a) Defining, with respect to state-certified general real	100033
estate appraisers, state-certified residential real estate	100034
appraisers, and state-licensed residential real estate appraisers,	100035
the type of educational experience, appraisal experience, and	100036
other equivalent experience that satisfy the requirements of this	100037
chapter. The rules shall require that all appraisal experience	100038
performed after January 1, 1996, meet the uniform standards of	100039
professional practice established by the appraisal foundation.	100040
(b) Establishing the examination specifications for	100041
state-certified general real estate appraisers, state-certified	100042
residential real estate appraisers, and state-licensed residential	100043
real estate appraisers;	100044
(c) Relating to disciplinary proceedings conducted in	100045
accordance with section 4763.11 of the Revised Code, including	100046
rules governing the reinstatement of certificates, registrations,	100047
and licenses that have been suspended pursuant to those	100048
proceedings;	100049
(d) Identifying any additional information to be included on	100050
the forms specified in division (C) of section 4763.12 of the	100051
Revised Code, provided that the rules shall not require any less	100052
information than is required in that division;	100053
(e) Establishing the fees set forth in section 4763.09 of the	100054
Revised Code;	100055
(f) Establishing the amount of the assessment required by	100056
division (A)(2) of section 4763.05 of the Revised Code. The board	100057
annually shall determine the amount due from each applicant for an	100058
initial certificate, registration, and license in an amount that	100059
will maintain the real estate appraiser recovery fund at the level	100060
specified in division (A) of section 4763.16 of the Revised Code.	100061
The board may, if the fund falls below that amount, require	100062

current certificate holders, registrants, and licensees to pay an additional assessment.	100063 100064
(g) Defining the educational requirements pursuant to division (C) of section 4763.05 of the Revised Code;	100065 100066
(h) Establishing a real estate appraiser assistant program for the registration of real estate appraiser assistants.	100067 100068
(2) Prescribe by rule the requirements for the examinations required by division (D) of section 4763.05 of the Revised Code;	100069 100070
(3) Periodically review the standards for ~~preparation and reporting of real estate appraisals~~ <u>the development and reporting of appraisal reports</u> provided in this chapter and adopt rules explaining and interpreting those standards;	100071 100072 100073 100074
(4) Hear appeals, pursuant to Chapter 119. of the Revised Code, from decisions and orders the superintendent of real estate issues pursuant to this chapter;	100075 100076 100077
(5) Request the initiation by the superintendent of investigations of violations of this chapter or the rules adopted pursuant thereto, as the board determines appropriate;	100078 100079 100080
(6) Determine the appropriate disciplinary actions to be taken against certificate holders, registrants, and licensees under this chapter as provided in section 4763.11 of the Revised Code.	100081 100082 100083 100084
(B) In addition to any other duties imposed on the superintendent of real estate under this chapter, the superintendent shall:	100085 100086 100087
(1) Prescribe the form and content of all applications required by this chapter;	100088 100089

(2) Receive applications for certifications, registrations, and licenses and renewal thereof under this chapter and establish the procedures for processing, approving, and disapproving those applications;	100090 100091 100092 100093
(3) Retain records and all application materials submitted to the superintendent;	100094 100095
(4) Establish the time and place for conducting the examinations required by division (D) of section 4763.05 of the Revised Code;	100096 100097 100098
(5) Issue certificates, registrations, and licenses and maintain a register of the names and addresses of all persons issued a certificate, registration, or license under this chapter;	100099 100100 100101
(6) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter;	100102 100103
(7) Administer this chapter;	100104
(8) Issue all orders necessary to implement this chapter;	100105
(9) Investigate complaints, upon the superintendent's own motion or upon receipt of a complaint or upon a request of the board, concerning any violation of this chapter or the rules adopted pursuant thereto or the conduct of any person holding a certificate, registration, or license issued pursuant to this chapter;	100106 100107 100108 100109 100110 100111
(10) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the superintendent are appropriate to enforce this chapter. The investigators and auditors have the right to review and audit the business records of certificate holders, registrants, and licensees during normal	100112 100113 100114 100115 100116 100117

business hours. The superintendent may utilize the investigators	100118
and auditors employed pursuant to division (B)(4) of section	100119
4735.05 of the Revised Code or currently licensed certificate	100120
holders or licensees to assist in performing the duties of this	100121
division.	100122
(11) Appoint a referee or examiner for any proceeding	100123
involving the ~~revocation or suspension of a certificate,~~	100124
~~registration, or license under section 3123.47 or~~ disciplinary	100125
<u>action of a certificate holder, licensee, or registrant under</u>	100126
<u>section 4763.11</u> of the Revised Code;	100127
(12) Administer the real estate appraiser recovery fund;	100128
(13) Conduct the examinations required by division (D) of	100129
section 4763.05 of the Revised Code at least four times per year.	100130
(C) The superintendent may do all of the following:	100131
(1) In connection with investigations and audits under	100132
division (B) of this section, subpoena witnesses as provided in	100133
section 4763.04 of the Revised Code;	100134
(2) Apply to the appropriate court to enjoin any violation of	100135
this chapter. Upon a showing by the superintendent that any person	100136
has violated or is about to violate this chapter, the court shall	100137
grant an injunction, restraining order, or other appropriate	100138
relief, or any combination thereof.	100139
(D) All information that is obtained by investigators and	100140
auditors performing investigations or conducting inspections,	100141
audits, and other inquiries pursuant to division (B)(10) of this	100142
section, from certificate holders, registrants, licensees,	100143
complainants, or other persons, and all reports, documents, and	100144
other work products that arise from that information and that are	100145
prepared by the investigators, auditors, or other personnel of the	100146

department of commerce, shall be held in confidence by the 100147
superintendent, the investigators and auditors, and other 100148
personnel of the department. 100149

(E) This section does not prevent the division of real estate 100150
and professional licensing from releasing information relating to 100151
certificate holders, registrants, and licensees to the 100152
superintendent of financial institutions for purposes relating to 100153
the administration of sections 1322.01 to 1322.12 of the Revised 100154
Code, to the superintendent of insurance for purposes relating to 100155
the administration of Chapter 3953. of the Revised Code, to the 100156
attorney general, or to local law enforcement agencies and local 100157
prosecutors. Information released by the division pursuant to this 100158
section remains confidential. 100159

(F) Any rule the board adopts shall not exceed the 100160
requirements specified in federal law or regulations. 100161

Sec. 4763.04. The real estate appraiser board or the 100162
superintendent ~~or of~~ real estate may compel, by order or subpoena, 100163
the attendance of witnesses to testify in relation to any matter 100164
over which the board or the superintendent has jurisdiction and 100165
which is the subject of the inquiry and investigation by the board 100166
or superintendent, and require the production of any book, paper, 100167
or document pertaining to such matter. For such purpose, the board 100168
or the superintendent has the same power as judges of county 100169
courts to administer oaths, compel the attendance of witnesses, 100170
and punish witnesses for refusal to testify. Sheriffs and service 100171
of the subpoena may be made by constables or by certified mail, 100172
return receipt requested, and the subpoena shall be deemed served 100173
on the date delivery is made or the date the person refuses to 100174
accept delivery. Sheriffs or constables shall serve and 100175
such process and shall receive the same fees for doing so as are 100176
allowed for like service if service of the subpoena is made by 100177
sheriffs or constables. Witnesses shall receive, after their 100178

appearance before the board or the superintendent, the fees and 100179
mileage provided for under section 119.094 of the Revised Code. 100180
If two or more witnesses travel together in the same vehicle, 100181
the mileage fee shall be paid to only one of those witnesses, 100182
but the witnesses may agree to divide the fee among themselves 100183
in any manner. 100184

In addition to the powers and duties granted to the board and 100185
the superintendent under this section, in case any person fails to 100186
file any statement or report, obey any subpoena, give testimony, 100187
answer questions, or produce books, records, or papers as required 100188
by the board or the superintendent under this chapter, the court 100189
of common pleas of any county in the state, upon application made 100190
to it by the board or the superintendent setting forth the 100191
failure, may make an order awarding process of subpoena or 100192
subpoena duces tecum for the person to appear and testify before 100193
the board or the superintendent, and may order any person to give 100194
testimony and answer questions, and to produce books, records, or 100195
papers, as required by the board or the superintendent. Upon the 100196
filing of such order in the office of the clerk of the court of 100197
common pleas, the clerk, under the seal of the court, shall issue 100198
process or subpoena, and each day thereafter until the examination 100199
of the person is completed. The subpoena may contain a direction 100200
that the witness bring with the witness to the examination any 100201
books, records, or papers mentioned in the subpoena. The clerk 100202
also shall issue, under the seal of the court, such other orders, 100203
in reference to the examination, appearance, and production of 100204
books, records, or papers, as the court directs. If any person 100205
summoned by subpoena fails to obey the subpoena, to give 100206
testimony, to answer questions as required, or to obey an order of 100207
the court, the court, on motion supported by proof, may order an 100208
attachment for contempt to be issued against the person charged 100209
with disobedience of any order or injunction issued by the court 100210
under this chapter. If the person is brought before the court by 100211
virtue of the attachment, and if upon a hearing the disobedience 100212

appears, the court may order the offender to be committed and kept
in close custody.

Sec. 4763.05. (A)(1)(a) A person shall make application for
an initial state-certified general real estate appraiser
certificate, an initial state-certified residential real estate
appraiser certificate, an initial state-licensed residential real
estate appraiser license, or an initial state-registered real
estate appraiser assistant registration in writing to the
superintendent of real estate on a form the superintendent
prescribes. The application shall include the address of the
applicant's principal place of business and all other addresses at
which the applicant currently engages in the business of preparing
real estate appraisals and the address of the applicant's current
residence. The superintendent shall retain the applicant's current
residence address in a separate record which shall not constitute
a public record for purposes of section 149.03 of the Revised
Code. The application shall indicate whether the applicant seeks
certification as a general real estate appraiser or as a
residential real estate appraiser, licensure as a residential real
estate appraiser, or registration as a real estate appraiser
assistant and be accompanied by the prescribed examination and
certification, registration, or licensure fees set forth in
section 4763.09 of the Revised Code. The application also shall
include ~~a fingerprint of the applicant;~~ a pledge, signed by the
applicant, that the applicant will comply with the standards set
forth in this chapter; and a statement that the applicant
understands the types of misconduct for which disciplinary
proceedings may be initiated against the applicant pursuant to
this chapter.

(b) Upon the filing of an application and payment of any
examination and certification, registration, or licensure fees,
the superintendent of real estate shall request the superintendent
of the bureau of criminal identification and investigation, or a

vendor approved by the bureau, to conduct a criminal records check 100246
based on the applicant's fingerprints in accordance with division 100247
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 100248
division (K) of section 121.08 of the Revised Code, the 100249
superintendent of real estate shall request that criminal record 100250
information from the federal bureau of investigation be obtained 100251
as part of the criminal records check. Any fee required under 100252
division (C)(3) of section 109.572 of the Revised Code shall be 100253
paid by the applicant. 100254

(2) For purposes of providing funding for the real estate 100255
appraiser recovery fund established by section 4763.16 of the 100256
Revised Code, the real estate appraiser board shall levy an 100257
assessment against each person issued an initial certificate, 100258
registration, or license and against current licensees, 100259
registrants, and certificate holders, as required by board rule. 100260
The assessment is in addition to the application and examination 100261
fees for initial applicants required by division (A)(1) of this 100262
section and the renewal fees required for current certificate 100263
holders, registrants, and licensees. The superintendent of real 100264
estate shall deposit the assessment into the state treasury to the 100265
credit of the real estate appraiser recovery fund. The assessment 100266
for initial certificate holders, registrants, and licensees shall 100267
be paid prior to the issuance of a certificate, registration, or 100268
license, and for current certificate holders, registrants, and 100269
licensees, at the time of renewal. 100270

(B) An applicant for an initial general real estate appraiser 100271
certificate, residential real estate appraiser certificate, or 100272
residential real estate appraiser license shall possess 100273
experience in real estate appraisal as the board prescribes by 100274
rule. In addition to any other information required by the board, 100275
the applicant shall furnish, under oath, a detailed listing of the 100276
appraisal reports or file memoranda for each year for which 100277
experience is claimed and, upon request of the superintendent or 100278

the board, shall make available for examination a sample of the	100279
appraisal reports prepared by the applicant in the course of the	100280
applicant's practice.	100281
(C) An applicant for an initial certificate, registration, or	100282
license shall be at least eighteen years of age, honest, truthful,	100283
and of good reputation and shall present satisfactory evidence to	100284
the superintendent that the applicant has successfully completed	100285
any education requirements the board prescribes by rule.	100286
(D) An applicant for an initial general real estate appraiser	100287
or residential real estate appraiser certificate or residential	100288
real estate appraiser license shall take and successfully complete	100289
a written examination in order to qualify for the certificate or	100290
license.	100291
The board shall prescribe the examination requirements by	100292
rule.	100293
(E)(1) A nonresident, natural person of this state who has	100294
complied with this section may obtain a certificate, registration,	100295
or license. The board shall adopt rules relating to the	100296
certification, registration, and licensure of a nonresident	100297
applicant whose state of residence the board determines to have	100298
certification, registration, or licensure requirements that are	100299
substantially similar to those set forth in this chapter and the	100300
rules adopted thereunder.	100301
(2) The board shall recognize on a temporary basis a	100302
certification or license issued in another state and shall	100303
register on a temporary basis an appraiser who is certified or	100304
licensed in another state if all of the following apply:	100305
(a) The temporary registration is to perform an appraisal	100306
assignment that is part of a federally related transaction.	100307

(b) The appraiser's business in this state is of a temporary nature.	100308 100309
(c) The appraiser registers with the board pursuant to this division.	100310 100311
An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction.	100312 100313 100314 100315
The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers from another state. The registration for temporary recognition of certified or licensed appraisers from another state shall not authorize completion of more than one appraisal assignment in this state. The board shall not issue more than two registrations for temporary practice to any one applicant in any calendar year.	100316 100317 100318 100319 100320 100321 100322
(3) In addition to any other information required to be submitted with the nonresident applicant's or appraiser's application for a certificate, registration, license, or temporary recognition of a certificate or license, each nonresident applicant or appraiser shall submit a statement consenting to the service of process upon the nonresident applicant or appraiser by means of delivering that process to the secretary of state if, in an action against the applicant, certificate holder, registrant, or licensee arising from the applicant's, certificate holder's, registrant's, or licensee's activities as a certificate holder, registrant, or licensee, the plaintiff, in the exercise of due diligence, cannot effect personal service upon the applicant, certificate holder, registrant, or licensee.	100323 100324 100325 100326 100327 100328 100329 100330 100331 100332 100333 100334 100335
(F) The superintendent shall not issue a certificate, registration, or license to, or recognize on a temporary basis an appraiser from another state that is a corporation, partnership,	100336 100337 100338

or association. This prohibition shall not be construed to prevent
a certificate holder or licensee from signing an appraisal report
on behalf of a corporation, partnership, or association.

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(G) Every person licensed, registered, or certified under
this chapter shall notify the superintendent, on a form provided
by the superintendent, of a change in the address of the
licensee's, registrant's, or certificate holder's principal place
of business or residence within thirty days of the change. If a
licensee's, registrant's, or certificate holder's license,
registration, or certificate is revoked or not renewed, the
licensee, registrant, or certificate holder immediately shall
return the annual and any renewal certificate, registration, or
license to the superintendent.

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(H)(1) The superintendent shall not issue a certificate,
registration, or license to any person, or recognize on a
temporary basis an appraiser from another state, who does not meet
applicable minimum criteria for state certification, registration,
or licensure prescribed by federal law or rule.

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(2) The superintendent shall not issue a general real estate
appraiser certificate, residential real estate appraiser
certificate, residential real estate appraiser license, or real
estate appraiser assistant registration to any person who has been
convicted of or pleaded guilty to any criminal offense involving
theft, receiving stolen property, embezzlement, forgery, fraud,
passing bad checks, money laundering, or drug trafficking, or any
criminal offense involving money or securities, including a
violation of an existing or former law of this state, any other
state, or the United States that substantially is equivalent to
such an offense. However, if the applicant has pleaded guilty to
or been convicted of such an offense, the superintendent shall not
consider the offense if the applicant has proven to the
superintendent, by a preponderance of the evidence, that the

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applicant's activities and employment record since the conviction 100371
show that the applicant is honest, truthful, and of good 100372
reputation, and there is no basis in fact for believing that the 100373
applicant will commit such an offense again. 100374

Sec. 4763.06. (A) A person licensed, registered, or 100375
certified under this chapter may obtain a renewal certificate, 100376
registration, or license by filing a renewal application with and 100377
paying the renewal fee set forth in section 4763.09 of the Revised 100378
Code and any amount assessed pursuant to division (A)(2) of 100379
section 4763.05 of the Revised Code to the superintendent of real 100380
estate. The renewal application shall include a statement, signed 100381
by the certificate holder, registrant, or licensee, that the 100382
certificate holder, registrant, or licensee has not, during the 100383
immediately preceding twelve-month period, been convicted of or 100384
pleaded guilty to any criminal offense described in division 100385
(H)(2) of section 4763.05 of the Revised Code. The certificate 100386
holder, registrant, or licensee shall file the renewal application 100387
at least thirty days, but no earlier than one hundred twenty days, 100388
prior to expiration of the certificate holder's, registrant's, or 100389
licensee's current certificate, registration, or license. 100390

(B) A certificate holder, registrant, or licensee who fails 100391
to renew a certificate, registration, or license prior to its 100392
expiration is ineligible to obtain a renewal certificate, 100393
registration, or license and shall comply with section 4763.05 of 100394
the Revised Code in order to regain certification, registration, 100395
or licensure, except that a certificate holder, registrant, or 100396
licensee may, ~~within three months after the expiration of the~~ 100397
~~certificate holder's, registrant's, or licensee's certificate,~~ 100398
~~registration, or license,~~ renew the certificate, registration, or 100399
license without having to comply with section 4763.05 of the 100400
Revised Code by payment ~~doing either of the following:~~ 100401

(1) Filing a renewal application and submitting payment of 100402

all fees for renewal and payment of the late filing fee set forth 100403
in section 4763.09 of the Revised Code within three months after 100404
the expiration of the certificate holder's, registrant's, or 100405
licensee's certificate, registration, or license; 100406

(2) Obtaining a medical exception under division (C) of this 100407
section, filing a renewal application, and submitting payment of 100408
all fees for renewal and payment of the late filing fee set forth 100409
in section 4763.09 of the Revised Code. A certificate holder, 100410
registrant, or licensee who applies for late renewal of the 100411
certificate holder's, registrant's, or licensee's certificate, 100412
registration, or license may not engage in ~~all~~any activities 100413
permitted by the certification, registration, or license being 100414
renewed ~~for~~during the three-month period following the 100415
certificate's, registration's, or license's normal expiration 100416
date, or during the time period for which a medical exception 100417
applies, until all renewal fees and the late filing fee have been 100418
paid. 100419

(C) The superintendent may grant a medical exception upon 100420
application by a person certified, registered, or licensed under 100421
this chapter. To receive an exception, the certificate holder, 100422
registrant, or licensee shall submit a request to the 100423
superintendent with proof satisfactory that a medical exception is 100424
warranted. If the superintendent makes a determination that 100425
satisfactory proof has not been presented, within fifteen days of 100426
the date of the denial of the medical exception the certificate 100427
holder, registrant, or licensee may file with the division of real 100428
estate a request that the real estate appraiser board review the 100429
determination. The board may adopt reasonable rules in accordance 100430
with Chapter 119. of the Revised Code to implement this division. 100431

Sec. 4763.07. (A) Every state-certified general real estate 100432
appraiser, state-certified residential real estate appraiser, and 100433
state-licensed residential real estate appraiser, ~~and~~ 100434

~~state-registered real estate appraiser assistant~~ shall submit	100435
proof of successfully completing a minimum of fourteen classroom	100436
hours of continuing education instruction in courses or seminars	100437
approved by the real estate appraiser board. The certificate	100438
holder and licensee shall have satisfied the fourteen-hour	100439
continuing education requirements within the one-year period	100440
immediately following the issuance of the initial certificate or	100441
license and shall satisfy those requirements annually thereafter.	100442
<u>A state-registered real estate appraiser assistant who remains in</u>	100443
<u>this classification for more than two years shall satisfy in the</u>	100444
<u>third and successive years this section's requirements.</u> ~~If the~~ <u>A</u>	100445
<u>certificate holder or, licensee, or registrant who</u> fails to submit	100446
proof to the superintendent of meeting these requirements, ~~the~~	100447
~~certificate holder's, registrant's, or licensee's certificate or~~	100448
~~license automatically is suspended. The superintendent shall~~	100449
~~notify the certificate holder or licensee of the suspension and if~~	100450
~~the certificate holder or licensee fails to submit proof to the~~	100451
~~superintendent of meeting those requirements within three months~~	100452
~~from the date of suspension, the superintendent shall revoke the~~	100453
~~certificate or license. If a certificate holder or licensee whose~~	100454
~~certificate or license has been revoked under this division~~	100455
~~desires to be certified or licensed under this chapter the~~	100456
~~certificate holder or licensee shall apply for an initial~~	100457
~~certificate or license and shall meet all of the requirements of~~	100458
~~section 4763.05 of the Revised Code for the issuance of a~~	100459
~~certificate or license~~ <u>is ineligible to obtain a renewal</u>	100460
<u>certificate, license, or registration and shall comply with</u>	100461
<u>section 4763.05 of the Revised Code in order to regain a</u>	100462
<u>certificate, license, or registration, except that the certificate</u>	100463
<u>holder, licensee, or registrant may submit proof to the</u>	100464
<u>superintendent of meeting these requirements within three months</u>	100465
<u>after the date of expiration of the certificate, license, or</u>	100466
<u>registration, or by obtaining a medical exception under division</u>	100467
<u>(E) of this section, without having to comply with section 4763.05</u>	100468
<u>of the Revised Code. A certificate holder, licensee, or registrant</u>	100469

may not engage in any activities permitted by the certificate, 100470
license, or registration during the three-month period following 100471
the certificate's, license's, or registration's normal expiration 100472
date or during the time period for which a medical exception 100473
applies. 100474

A certificate holder ~~and~~, licensee, or registrant may satisfy 100475
all or a portion of the required hours of classroom instruction in 100476
the following manner: 100477

(1) Completion of an educational program of study determined 100478
by the board to be equivalent, for continuing education purposes, 100479
to courses or seminars approved by the board; 100480

(2) Participation, other than as a student, in educational 100481
processes or programs approved by the board that relate to real 100482
estate appraisal theory, practices, or techniques. 100483

A certificate holder ~~and a~~, licensee, or registrant shall 100484
present to the superintendent of real estate evidence of the 100485
manner in which the certificate holder ~~and~~, licensee, or 100486
registrant satisfied the requirements of division (A) of this 100487
section. 100488

(B) The board shall adopt rules for implementing a continuing 100489
education program for state-certified general real estate 100490
appraisers, state-certified residential real estate appraisers, 100491
state-licensed residential real estate appraisers, and 100492
state-registered real estate appraiser assistants for the purpose 100493
of assuring that certificate holders ~~and~~, licensees, and 100494
registrants have current knowledge of real estate appraisal 100495
theories, practices, and techniques that will provide a high 100496
degree of service and protection to members of the public. In 100497
addition to any other provisions the board considers appropriate, 100498
the rules adopted by the board shall prescribe the following: 100499

(1) Policies and procedures for obtaining board approval of courses of instruction and seminars;	100500 100501
(2) Standards, policies, and procedures to be applied in evaluating the alternative methods of complying with continuing education requirements set forth in divisions (A)(1) and (2) of this section;	100502 100503 100504 100505
(3) Standards, monitoring methods, and systems for recording attendance to be employed by course sponsors as a prerequisite to approval of courses for continuing education credit.	100506 100507 100508
(C) No amendment or rescission of a rule the board adopts pursuant to division (B) of this section shall operate to deprive a certificate holder or licensee of credit toward renewal of certification or licensure for any course of instruction completed by the certificate holder or licensee prior to the effective date of the amendment or rescission that would have qualified for credit under the rule as it existed prior to amendment or rescission.	100509 100510 100511 100512 100513 100514 100515 100516
(D) The superintendent of real estate shall not issue a renewal certificate, registration, or license to any person who does not meet applicable minimum criteria for state certification, registration, or licensure prescribed by federal law or rule.	100517 100518 100519 100520
<u>(E) The superintendent may grant a medical exception upon application by a person certified, registered, or licensed under this chapter. To receive an exception, the certificate holder, registrant, or licensee shall submit a request to the superintendent with proof satisfactory that a medical exception is warranted. If the superintendent makes a determination that satisfactory proof has not been presented, within fifteen days of the date of the denial of the medical exception, the certificate holder, registrant, or licensee may file with the division of real estate a request that the real estate appraiser board review the</u>	100521 100522 100523 100524 100525 100526 100527 100528 100529 100530

determination. The board may adopt reasonable rules in accordance 100531
with Chapter 119. of the Revised Code to implement this division. 100532

Sec. 4763.09. (A) The real estate appraiser board shall 100533
adopt rules, in accordance with Chapter 119. of the Revised Code, 100534
for the establishment of the following fees: 100535

(1) The examination fee required under division (A) of 100536
section 4763.05 of the Revised Code, up to a maximum of one 100537
hundred fifty dollars, which fee shall be nonrefundable; 100538

(2) The initial state-certified general real estate appraiser 100539
and state-certified residential real estate appraiser 100540
certification and state-licensed residential real estate appraiser 100541
license fees, and the annual renewal thereof, up to a maximum of 100542
one hundred ~~twenty-five~~seventy-five dollars each; 100543

(3) The initial real estate appraiser assistant registration 100544
fee, and the annual renewal thereof, up to a maximum of ~~fifty~~one
hundred dollars; 100545
100546

(4) The late filing fee for renewal of a certification, 100547
registration, or license, which shall be one-half of the 100548
certification, registration, and licensure fees established 100549
pursuant to divisions (A)(2) and (3) of this section; 100550

(5) The amount to be charged to cover the cost of the 100551
issuance of a temporary certificate or license under division 100552
(E)(2) of section 4763.05 of the Revised Code; 100553

(6) Other reasonable fees as needed, including any annual 100554
pass-through charges imposed by the federal government. 100555

(B) An applicant for certification or licensure under this 100556
chapter shall pay the examination fee directly to a testing 100557
service if so prescribed and in such amount as the superintendent 100558

of real estate prescribes. The balance, if any, of the examination
fee shall accompany the application.

Sec. 4763.11. (A) Within ~~five~~ten business days after a
person files a ~~signed~~ written complaint against a person
certified, registered, or licensed under this chapter with the
division of real estate, the superintendent of real estate shall
acknowledge receipt of the complaint ~~or request and send~~ by
sending notice to the certificate holder, registrant, or licensee
~~describing the acts of which there is a~~ that includes a copy of
the complaint. The acknowledgement to the complainant and the
notice to the certificate holder, registrant, or licensee ~~shall~~
may state that an informal mediation meeting will be held with the
complainant, the certificate holder, registrant, or licensee, and
an investigator from the investigation and audit section of the
division, if the complainant and certificate holder, registrant,
or licensee both file a request for such a meeting within ~~ten~~
businesstwenty calendar days ~~thereafter on a form the~~
~~superintendent provides~~ after the acknowledgment and notice are
mailed.

(B) If the complainant and certificate holder, registrant, or
licensee both file with the division requests for an informal
mediation meeting, the superintendent shall notify the complainant
and certificate holder, registrant, or licensee of the date of the
meeting, ~~which shall be within twenty business days thereafter,~~
~~except that the complainant, certificate holder, registrant, or~~
~~licensee may request an extension of up to fifteen business days~~
~~for good cause shown~~ by regular mail. If the complainant and
certificate holder, registrant, or licensee reach an accommodation
at an informal mediation meeting, the investigator shall ~~so~~ report
the accommodation to the superintendent ~~and to~~ the complainant,
and the certificate holder, registrant, or licensee and the
complaint file shall be closed, ~~unless, based upon the~~
~~investigator's report, the superintendent finds evidence that the~~

~~certificate holder, registrant, or licensee has violated division~~ 100592
~~(G) of this section upon the superintendent receiving satisfactory~~ 100593
~~notice that the accommodation has been fulfilled.~~ 100594

(C) If the complainant and certificate holder, registrant, or 100595
licensee fail to agree to an informal mediation meeting or fail to 100596
reach an accommodation, ~~or if the superintendent finds evidence of~~ 100597
~~a violation of division (G) of this section pursuant to an~~ 100598
~~investigation conducted pursuant to division (B)(9) of section~~ 100599
~~4763.03 of the Revised Code agreement, or fail to fulfill an~~ 100600
accommodation agreement, the superintendent shall, ~~within five~~ 100601
~~business days of such determination, notify the complainant and~~ 100602
~~certificate holder, registrant, or licensee and investigate~~ 100603
assign
the complaint to an investigator for an investigation into the 100604
conduct of the certificate holder, registrant, or licensee against 100605
whom the complaint is filed. 100606

(D) ~~Within sixty business days after receipt of the~~ 100607
~~complaint, or, if an informal meeting is held, within sixty days~~ 100608
~~after such meeting~~ Upon the conclusion of the investigation, the 100609
investigator shall file a written report of the results of the 100610
investigation with the superintendent. ~~Within ten business days~~ 100611
~~thereafter, the~~ The superintendent shall review the report and 100612
determine whether there exists reasonable and substantial evidence 100613
of a violation of division (G) of this section by the certificate 100614
holder, registrant, or licensee. If the superintendent finds such 100615
evidence exists, ~~within five business days of that determination,~~ 100616
the superintendent shall notify the complainant and certificate 100617
holder, registrant, or licensee of the determination. The 100618
certificate holder, registrant, or licensee may request a hearing 100619
pursuant to Chapter 119. of the Revised Code. If a formal hearing 100620
is conducted, the hearing examiner shall file a report of findings 100621
of fact and conclusions of law with the superintendent, the board, 100622
the complainant and the certificate holder, licensee, or 100623
registrant after the conclusion of the formal hearing. Within ten 100624

calendar days of receipt of the copy of the hearing examiner's 100625
finding of fact and conclusions of law, the certificate holder, 100626
licensee, or registrant or the division may file with the board 100627
written objections to the hearing examiner's report, which shall 100628
be considered by the board before approving, modifying, or 100629
rejecting the hearing examiner's report. If the superintendent 100630
finds that such evidence does not exist, ~~within five business days~~ 100631
~~thereafter~~, the superintendent shall notify the complainant and 100632
certificate holder, registrant, or licensee of that determination 100633
and the basis for the determination. Within fifteen business days 100634
after the superintendent notifies the complainant and certificate 100635
holder, registrant, or licensee that such evidence does not exist, 100636
the complainant may file with the division a request that the real 100637
estate appraiser board review the determination. If the 100638
complainant files such request, the board shall review the 100639
determination at the next regularly scheduled meeting held at 100640
least fifteen business days after the request is filed but no 100641
longer than six months after the request is filed. The board may 100642
hear the testimony of the complainant, certificate holder, 100643
registrant, or licensee at the meeting upon the request of that 100644
party. If the board affirms the determination of the 100645
superintendent, the superintendent shall notify the complainant 100646
and the certificate holder, registrant, or licensee within five 100647
business days thereafter. If the board reverses the determination 100648
of the superintendent, a hearing before a hearing examiner shall 100649
be held and the complainant and certificate holder, registrant, or 100650
licensee notified as provided in this division. 100651

(E) The board shall review the referee's or hearing 100652
examiner's report and the evidence at the next regularly scheduled 100653
board meeting held at least fifteen business days after receipt of 100654
the referee's or examiner's report. The board may hear the 100655
testimony of the complainant, certificate holder, registrant, or 100656
licensee upon request. If the complainant is the Ohio civil 100657
rights commission, the board shall review the complaint 100658

(F) If the board determines that a licensee, registrant, or certificate holder has violated this chapter for which disciplinary action may be taken under division (G) of this section, after review of the referee's or examiner's report and the evidence as provided in division (E) of this section, the board shall order the disciplinary action the board considers appropriate, which may include, but is not limited to, any of the following:	100659 100660 100661 100662 100663 100664 100665 100666
(1) Reprimand of the certificate holder, registrant, or licensee;	100667 100668
(2) <u>Imposition of a fine, not exceeding, two thousand five hundred dollars per violation;</u>	100669 100670
(3) <u>Requirement of the completion of additional education courses. Any course work imposed pursuant to this section shall not count toward continuing education requirements or prelicense or precertification requirements set forth in section 4763.05 of the Revised Code.</u>	100671 100672 100673 100674 100675
(4) Suspension of the certificate, registration, or license for a specific period of time;	100676 100677
~~(3) Suspension of the certificate, registration, or license until the certificate holder, registrant, or licensee complies with conditions the board sets, including but not limited to, successful completion of the real estate appraiser examination described in division (D) of section 4763.05 of the Revised Code or completion of a specific number of hours of continuing education instruction in courses or seminars approved by the board;~~	100678 100679 100680 100681 100682 100683 100684 100685
~~(4)~~ (5) Revocation of the certificate, registration, or license.	100686 100687

The decision and order of the board is final, subject to	100688
review in the manner provided for in Chapter 119. of the Revised	100689
Code and appeal to any court of common pleas.	100690
(G) The board shall take any disciplinary action authorized	100691
by this section against a certificate holder, registrant, or	100692
licensee who is found to have committed any of the following acts,	100693
omissions, or violations during the appraiser's certification,	100694
registration, or licensure:	100695
(1) Procuring or attempting to procure a certificate,	100696
registration, or license pursuant to this chapter by knowingly	100697
making a false statement, submitting false information, refusing	100698
to provide complete information in response to a question in an	100699
application for certification, registration, or licensure, or by	100700
any means of fraud or misrepresentation;	100701
(2) Paying, or attempting to pay, anything of value, other	100702
than the fees or assessments required by this chapter, to any	100703
member or employee of the board for the purpose of procuring a	100704
certificate, registration, or license;	100705
(3) Being convicted in a criminal proceeding for a felony or	100706
a crime involving moral turpitude;	100707
(4) Dishonesty, fraud, or misrepresentation, with the intent	100708
to either benefit the certificate holder, registrant, or licensee	100709
or another person or injure another person;	100710
(5) Violation of any of the standards for the development ~~or,~~	100711
<u>preparation, communication, or reporting</u> of ~~real estate appraisals~~	100712
<u>an appraisal report</u> set forth in this chapter and rules of the	100713
board;	100714
(6) Failure or refusal to exercise reasonable diligence in	100715

developing ~~an appraisal~~ , preparing, or communicating an appraisal report, ~~or communicating an appraisal~~ ;	100716
	100717
(7) Negligence or incompetence in developing ~~an appraisal~~ , in preparing, <u>communicating, or reporting</u> an appraisal report, ~~or in communicating an appraisal~~ ;	100718
	100719
	100720
(8) ~~Willfully~~ <u>Violating or willfully</u> disregarding or ~~violating this chapter or the rules adopted thereunder~~ ;	100721
	100722
(9) Accepting an appraisal assignment where the employment is contingent upon the appraiser preparing or reporting a predetermined estimate, analysis, or opinion, or where the fee to be paid for the appraisal is contingent upon the opinion, conclusion, or valuation attained or upon the consequences resulting from the appraisal assignment;	100723
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(10) Violating the confidential nature of governmental records to which the certificate holder, registrant, or licensee gained access through employment or engagement as an appraiser by a governmental agency;	100729
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	100732
(11) Entry of final judgment against the certificate holder, registrant, or licensee on the grounds of fraud, deceit, misrepresentation, or gross negligence in the making of any appraisal of real estate;	100733
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	100736
(12) Violating any federal or state civil rights law;	100737
(13) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any appraisal or specialized service;	100738
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	100741
(14) <u>Failing to provide copies of records to the superintendent or failing to maintain records for five years as</u>	100742
	100743

required by section 4763.14 of the Revised Code. <u>Failure of a</u>	100744
<u>certificate holder, licensee, or registrant to comply with a</u>	100745
<u>subpoena issued under division (C)(1) of section 4763.03 of the</u>	100746
<u>Revised Code is prima-facie evidence of a violation of division</u>	100747
<u>(G)(14) of section 4763.11 of the Revised Code.</u>	100748
<u>(15) Failing to provide notice to the board as required in</u>	100749
<u>division (I) of this section.</u>	100750
(H) The board immediately shall notify the superintendent of	100751
real estate of any disciplinary action taken under this section	100752
against a certificate holder, registrant, or licensee who also is	100753
licensed under Chapter 4735. of the Revised Code, and also shall	100754
notify any other federal, state, or local agency and any other	100755
public or private association that the board determines is	100756
responsible for licensing or otherwise regulating the professional	100757
or business activity of the appraiser. Additionally, the board	100758
shall notify the complainant and any other party who may have	100759
suffered financial loss because of the certificate holder's,	100760
registrant's, or licensee's violations, that the complainant or	100761
other party may sue for recovery under section 4763.16 of the	100762
Revised Code. The notice provided under this division shall	100763
specify the conduct for which the certificate holder, registrant,	100764
or licensee was disciplined and the disciplinary action taken by	100765
the board and the result of that conduct.	100766
(I) A certificate holder, registrant, or licensee shall	100767
notify the board ~~of the existence of a criminal conviction of the~~	100768
~~type~~ <u>within fifteen days of the agency's issuance of an order</u>	100769
<u>revoking or permanently surrendering any professional license,</u>	100770
<u>certificate, or registration by any public entity other than the</u>	100771
<u>division of real estate. A certificate holder, registrant, or</u>	100772
<u>licensee who is convicted of a felony or crime of moral turpitude</u>	100773
<u>as described in division (G)(3) of this section shall notify the</u>	100774
<u>board of the conviction</u> within fifteen days of the conviction.	100775

(J) If the board determines that a certificate holder, registrant, or licensee has violated this chapter for which disciplinary action may be taken under division (G) of this section as a result of an investigation conducted by the superintendent upon the superintendent's own motion or upon the request of the board, the superintendent shall notify the certificate holder, registrant, or licensee of the certificate holder's, registrant's, or licensee's right to a hearing pursuant to Chapter 119. of the Revised Code and to an appeal of a final determination of such administrative proceedings to any court of common pleas.

(K) All notices, written reports, and determinations issued pursuant to this section shall be mailed via certified mail, return receipt requested. If the certified notice is returned because of failure of delivery or was unclaimed, the notice, written reports, or determinations are deemed served if the superintendent sends the notice, written reports, or determination via regular mail and obtains a certificate of mailing of the notice, written reports, or determination. Refusal of delivery by personal service or by mail is not failure of delivery and service is deemed to be complete.

Sec. 4763.13. (A) In engaging in appraisal activities, a person certified, registered, or licensed under this chapter shall comply with the applicable standards prescribed by the board of governors of the federal reserve system, the federal deposit insurance corporation, the comptroller of the currency, the office of thrift supervision, the national credit union administration, and the resolution trust corporation in connection with federally related transactions under the jurisdiction of the applicable agency or instrumentality. A certificate holder, registrant, and licensee also shall comply with the uniform standards of professional appraisal practice, as adopted by the appraisal standards board of the appraisal foundation and such other

standards adopted by the real estate appraiser board, to the 100809
extent that those standards do not conflict with applicable 100810
federal standards in connection with a particular federally 100811
related transaction. 100812

(B) The terms "state-licensed residential real estate 100813
appraiser," "state-certified residential real estate appraiser," 100814
"state-certified general real estate appraiser," and 100815
"state-registered real estate appraiser assistant" shall be used 100816
to refer only to those persons who have been issued the applicable 100817
certificate, registration, or license or renewal certificate, 100818
registration, or license pursuant to this chapter. None of these 100819
terms shall be used following or in connection with the name or 100820
signature of a partnership, corporation, or association or in a 100821
manner that could be interpreted as referring to a person other 100822
than the person to whom the certificate, registration, or license 100823
has been issued. No person shall fail to comply with this 100824
division. 100825

(C) No person, other than a certificate holder, a registrant, 100826
or a licensee, shall assume or use a title, designation, or 100827
abbreviation that is likely to create the impression that the 100828
person possesses certification, registration, or licensure under 100829
this chapter, provided that professional designations containing 100830
the term "certified appraiser" and being used on or before July 100831
26, 1989, shall not be construed as being misleading under this 100832
division. No person other than a person certified or licensed 100833
under this chapter shall describe or refer to an appraisal or 100834
other evaluation of real estate located in this state as being 100835
certified. 100836

(D) The terms "state-certified or state-licensed real estate 100837
appraisal report," "state-certified or state-licensed appraisal 100838
report," or "state-certified or state-licensed appraisal" shall be 100839
used to refer only to those real estate appraisals conducted by a 100840

certificate holder or licensee as a disinterested and unbiased
third party provided that the certificate holder or licensee
provides certification with the appraisal and provided further
that if a licensee is providing the appraisal, such terms shall
only be used if the licensee is acting within the scope of the
licensee's license. No person shall fail to comply with this
division.

(E) Nothing in this chapter shall preclude a partnership,
corporation, or association which employs ~~or~~, retains, or engages
the services of a certificate holder or licensee to advertise that
the partnership, corporation, or association offers
state-certified or state-licensed appraisals through a
certificate holder or licensee if the advertisement clearly
states such fact in accordance with guidelines for such
advertisements established by rule of the real estate appraiser
board.

(F) Except as otherwise provided in section 4763.19 of the
Revised Code, nothing in this chapter shall preclude a person who
is not licensed or certified under this chapter from appraising
real estate for compensation.

Sec. 4763.14. A person licensed, registered, or certified
under this chapter shall retain for a period of five years the
original or a true copy of each written contract for the person's
services relating to real estate appraisal work ~~and~~, all appraisal
reports, and all work file documentation and ~~supporting~~ data
assembled ~~and formulated by the person~~ in preparing those reports.
The retention period begins on the date the appraisal is submitted
to the client unless, prior to expiration of the retention period,
the certificate holder, registrant, or licensee is notified that
the appraisal or report is the subject of or is otherwise involved
in pending litigation, in which case the retention period begins
on the date of final disposition of the litigation.

A certificate holder, registrant, and a licensee shall make
available all records required to be maintained under this section
for inspection and copying by the superintendent of real estate or
the real estate appraiser board, or both, upon reasonable notice
to the certificate holder, registrant, or licensee.

Sec. 4763.17. Every partnership, corporation, or association
which employs ~~or~~ retains, or engages the services of a person
licensed, registered, or certified under this chapter, whether the
certificate holder, registrant, or licensee is an independent
contractor or under the supervision or control of the partnership,
corporation, or association, is jointly and severally liable for
any damages incurred by any person as a result of an act or
omission concerning a state-certified or state-licensed real
estate appraisal prepared or facilitated in the preparation by a
certificate holder, registrant, or licensee while employed ~~or~~
retained, or engaged by the partnership, corporation, or
association.

Sec. 4765.11. (A) The state board of emergency medical
services shall adopt, and may amend and rescind, rules in
accordance with Chapter 119. of the Revised Code and division (C)
of this section that establish all of the following:

(1) Procedures for its governance and the control of its
actions and business affairs;

(2) Standards for the performance of emergency medical
services by first responders, emergency medical technicians-basic,
emergency medical technicians-intermediate, and emergency medical
technicians-paramedic;

(3) Application fees for certificates of accreditation,
certificates of approval, certificates to teach, and certificates
to practice, which shall be deposited into the trauma and
emergency medical services fund created in section 4513.263 of the

Revised Code;	100904
(4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an applicant cannot afford to pay the fee;	100905 100906 100907
(5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including any procedures necessary to ensure that adequate notice of renewal is provided in accordance with division (D) of section 4765.30 of the Revised Code;	100908 100909 100910 100911 100912 100913
(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;	100914 100915 100916
(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	100917 100918 100919 100920
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	100921 100922
(9) Standards for certificates of accreditation and certificates of approval;	100923 100924
(10) Qualifications for certificates to teach;	100925
(11) Requirements for a certificate to practice;	100926
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education	100927 100928 100929 100930

programs;	100931
(13) Procedures for conducting courses in recognizing	100932
symptoms of life-threatening allergic reactions and in calculating	100933
proper dosage levels and administering injections of epinephrine	100934
to adult and pediatric patients who suffer life-threatening	100935
allergic reactions;	100936
(14) Examinations for certificates to practice;	100937
(15) Procedures for administering examinations for	100938
certificates to practice;	100939
(16) Procedures for approving examinations that demonstrate	100940
competence to have a certificate to practice renewed without	100941
completing an emergency medical services continuing education	100942
program;	100943
(17) Procedures for granting extensions and exemptions of	100944
emergency medical services continuing education requirements;	100945
(18) Procedures for approving the additional emergency	100946
medical services first responders are authorized by division (C)	100947
of section 4765.35 of the Revised Code to perform, EMTs-basic are	100948
authorized by division (C) of section 4765.37 of the Revised Code	100949
to perform, EMTs-I are authorized by division (B)(5) of section	100950
4765.38 of the Revised Code to perform, and paramedics are	100951
authorized by division (B)(6) of section 4765.39 of the Revised	100952
Code to perform;	100953
(19) Standards and procedures for implementing the	100954
requirements of section 4765.06 of the Revised Code, including	100955
designations of the persons who are required to report information	100956
to the board and the types of information to be reported;	100957
(20) Procedures for administering the emergency medical	100958

services grant program established under section 4765.07 of the Revised Code;	100959 100960
(21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board;	100961 100962
(22) Minimum qualifications and peer review and quality improvement requirements for persons who provide medical direction to emergency medical service personnel;	100963 100964 100965
(23) The manner in which a patient, or a patient's parent, guardian, or custodian may consent to the board releasing identifying information about the patient under division (D) of section 4765.102 of the Revised Code;	100966 100967 100968 100969
(24) Circumstances under which a training program or continuing education program, or portion of either type of program, may be taught by a person who does not hold a certificate to teach issued under section 4765.23 of the Revised Code;	100970 100971 100972 100973
<u>(25) Certification cycles for certificates issued under sections 4765.23 and 4765.30 of the Revised Code and certificates issued by the executive director of the state board of emergency medical services under section 4765.55 of the Revised Code that establish a common expiration date for all certificates.</u>	100974 100975 100976 100977 100978
(B) The board may adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and division (C) of this section that establish the following:	100979 100980 100981
(1) Specifications of information that may be collected under the trauma system registry and incidence reporting system created under section 4765.06 of the Revised Code;	100982 100983 100984
(2) Standards and procedures for implementing any of the recommendations made by any committees of the board or under	100985 100986

section 4765.04 of the Revised Code;	100987
(3) Requirements that a person must meet to receive a	100988
certificate to practice as a first responder pursuant to division	100989
(A)(2) of section 4765.30 of the Revised Code;	100990
(4) Any other rules necessary to implement this chapter.	100991
(C) In developing and administering rules adopted under this	100992
chapter, the state board of emergency medical services shall	100993
consult with regional directors and regional physician advisory	100994
boards created by section 4765.05 of the Revised Code and	100995
emphasize the special needs of pediatric and geriatric patients.	100996
(D) Except as otherwise provided in this division, before	100997
adopting, amending, or rescinding any rule under this chapter, the	100998
board shall submit the proposed rule to the director of public	100999
safety for review. The director may review the proposed rule for	101000
not more than sixty days after the date it is submitted. If,	101001
within this sixty-day period, the director approves the proposed	101002
rule or does not notify the board that the rule is disapproved,	101003
the board may adopt, amend, or rescind the rule as proposed. If,	101004
within this sixty-day period, the director notifies the board that	101005
the proposed rule is disapproved, the board shall not adopt,	101006
amend, or rescind the rule as proposed unless at least twelve	101007
members of the board vote to adopt, amend, or rescind it.	101008
This division does not apply to an emergency rule adopted in	101009
accordance with section 119.03 of the Revised Code.	101010
Sec. 4765.17. (A) The state board of emergency medical	101011
services shall issue the appropriate certificate of accreditation	101012
or certificate of approval to an applicant who is of good	101013
reputation and meets the requirements of section 4765.16 of the	101014
Revised Code. The board shall grant or deny a certificate of	101015
accreditation or certificate of approval within one hundred twenty	101016

days of receipt of the application. The board may issue or renew a certificate of accreditation or certificate of approval on a provisional basis to an applicant who is of good reputation and is in substantial compliance with the requirements of section 4765.16 of the Revised Code. The board shall inform an applicant receiving such a certificate of the conditions ~~he~~that must ~~meet~~be met to complete compliance with section 4765.16 of the Revised Code.

(B) Except as provided in division (C) of this section, a certificate of accreditation or certificate of approval is valid for ~~three~~up to five years and may be renewed by the board pursuant to procedures and standards established in rules adopted under section 4765.11 of the Revised Code. An application for renewal shall be accompanied by the appropriate renewal fee established in rules adopted under section 4765.11 of the Revised Code.

(C) A certificate of accreditation or certificate of approval issued on a provisional basis is valid for ~~one year and shall not be renewed~~the length of time established by the board. If the board finds that the holder of such a certificate has met the conditions it specifies under division (A) of this section, the board shall issue the appropriate certificate of accreditation or certificate of approval.

(D) A certificate of accreditation is valid only for the emergency medical services training program or programs for which it is issued. The holder of a certificate of accreditation may apply to operate additional training programs in accordance with rules adopted by the board under section 4765.11 of the Revised Code. Any additional training programs shall expire on the expiration date of the applicant's current certificate. A certificate of approval is valid only for the emergency medical services continuing education program for which it is issued. Neither is transferable.

(E) The ~~operator~~holder of an ~~accredited~~a certificate of accreditation or approved program ~~a certificate of approval~~ may offer courses ~~from the program~~ at more than one location in accordance with rules adopted under section 4765.11 of the Revised Code.

Sec. 4765.23. The state board of emergency medical services shall issue a certificate to teach in an emergency medical services training program or an emergency medical services continuing education program to any applicant who it determines meets the qualifications established in rules adopted under section 4765.11 of the Revised Code. The certificate shall indicate each type of instruction and training the certificate holder may teach under the certificate.

A certificate to teach ~~is valid for two years~~shall have a certification cycle established by the board and may be renewed by the board pursuant to ~~procedures established in~~ rules adopted under section 4765.11 of the Revised Code. An application for renewal shall be accompanied by the appropriate renewal fee established in rules adopted under section 4765.11 of the Revised Code.

The board may suspend or revoke a certificate to teach pursuant to rules adopted under section 4765.11 of the Revised Code.

Sec. 4765.30. (A)(1) The state board of emergency medical services shall issue a certificate to practice as a first responder to an applicant who meets all of the following conditions:

(a) Except as provided in division (A)(2) of this section, is a volunteer for a nonprofit emergency medical service organization or a nonprofit fire department;

(b) Holds the appropriate certificate of completion issued in accordance with section 4765.24 of the Revised Code;	101079 101080
(c) Passes the appropriate examination conducted under section 4765.29 of the Revised Code;	101081 101082
(d) Is not in violation of any provision of this chapter or the rules adopted under it;	101083 101084
(e) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code.	101085 101086
(2) The board may waive the requirement to be a volunteer for a nonprofit entity if the applicant meets other requirements established in rules adopted under division (B)(3) of section 4765.11 of the Revised Code relative to a person's eligibility to practice as a first responder.	101087 101088 101089 101090 101091
(B) The state board of emergency medical services shall issue a certificate to practice as an emergency medical technician-basic to an applicant who meets all of the following conditions:	101092 101093 101094
(1) Holds a certificate of completion in emergency medical services training-basic issued in accordance with section 4765.24 of the Revised Code;	101095 101096 101097
(2) Passes the examination for emergency medical technicians-basic conducted under section 4765.29 of the Revised Code;	101098 101099 101100
(3) Is not in violation of any provision of this chapter or the rules adopted under it;	101101 101102
(4) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code.	101103 101104
(C) The state board of emergency medical services shall issue	101105

a certificate to practice as an emergency medical	101106
technician-intermediate or emergency medical technician-paramedic	101107
to an applicant who meets all of the following conditions:	101108
(1) Holds a certificate to practice as an emergency medical	101109
technician-basic;	101110
(2) Holds the appropriate certificate of completion issued in	101111
accordance with section 4765.24 of the Revised Code;	101112
(3) Passes the appropriate examination conducted under	101113
section 4765.29 of the Revised Code;	101114
(4) Is not in violation of any provision of this chapter or	101115
the rules adopted under it;	101116
(5) Meets any other certification requirements established in	101117
rules adopted under section 4765.11 of the Revised Code.	101118
(D) A certificate to practice ~~is valid for three years~~ shall	101119
<u>have a certification cycle established by the board</u> and may be	101120
renewed by the board pursuant to ~~procedures established in~~ rules	101121
adopted under section 4765.11 of the Revised Code. Not later than	101122
sixty days prior to the expiration date of an individual's	101123
certificate to practice, the board shall notify the individual of	101124
the scheduled expiration ~~and furnish an application for renewal.~~	101125
An application for renewal shall be accompanied by the	101126
appropriate renewal fee established in rules adopted under section	101127
4765.11 of the Revised Code, unless the board waives the fee on	101128
determining pursuant to those rules that the applicant cannot	101129
afford to pay the fee. Except as provided in division (B) of	101130
section 4765.31 of the Revised Code, the application shall include	101131
evidence of either of the following:	101132
(1) That the applicant received a certificate of completion	101133

from the appropriate emergency medical services continuing	101134
education program pursuant to section 4765.24 of the Revised Code;	101135
(2) That the applicant has successfully passed an examination	101136
that demonstrates the competence to have a certificate renewed	101137
without completing an emergency medical services continuing	101138
education program. The board shall approve such examinations in	101139
accordance with rules adopted under section 4765.11 of the Revised	101140
Code.	101141
(E) The board shall not require an applicant for renewal of a	101142
certificate to practice to take an examination as a condition of	101143
renewing the certificate. This division does not preclude the use	101144
of examinations by operators of approved emergency medical	101145
services continuing education programs as a condition for issuance	101146
of a certificate of completion in emergency medical services	101147
continuing education.	101148
Sec. 4766.09. This chapter does not apply to any of the	101149
following:	101150
(A) A person rendering services with an ambulance in the	101151
event of a disaster situation when licensees' vehicles based in	101152
the locality of the disaster situation are incapacitated or	101153
insufficient in number to render the services needed;	101154
(B) Any person operating an ambulance, ambulette, rotorcraft	101155
air ambulance, or fixed wing air ambulance outside this state	101156
unless receiving a person within this state for transport to a	101157
location within this state;	101158
(C) A publicly owned or operated emergency medical service	101159
organization and the vehicles it owns or leases and operates,	101160
except as provided in section 307.051, division (G) of section	101161
307.055, division (F) of section 505.37, division (B) of section	101162
505.375, and division (B)(3) of section 505.72 of the Revised	101163

Code;	101164
(D) An ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, or nontransport vehicle owned or leased and operated by the federal government;	101165 101166 101167
(E) A publicly owned and operated fire department vehicle;	101168
(F) Emergency vehicles owned by a corporation and operating only on the corporation's premises, for the sole use by that corporation;	101169 101170 101171
(G) An ambulance, nontransport vehicle, or other emergency medical service organization vehicle owned and operated by a municipal corporation;	101172 101173 101174
(H) A motor vehicle titled in the name of a volunteer rescue service organization, as defined in section 4503.172 of the Revised Code;	101175 101176 101177
(I) A public emergency medical service organization;	101178
(J) A fire department, rescue squad, or life squad comprised of volunteers who provide services without expectation of remuneration and do not receive payment for services other than reimbursement for expenses;	101179 101180 101181 101182
(K) A private, nonprofit emergency medical service organization when fifty per cent or more of its personnel are volunteers, as defined in section 4765.01 of the Revised Code;	101183 101184 101185
(L) Emergency medical service personnel who are regulated by the state board of emergency medical services under Chapter 4765. of the Revised Code;	101186 101187 101188
(M) Any of the following that operates a transit bus, as that term is defined in division (Q) of section 5735.01 of the Revised	101189 101190

Code, unless the entity provides ambulette services that are reimbursed under the state medicaid plan:	101191
	101192
(1) A public nonemergency medical service organization;	101193
(2) An urban or rural public transit system;	101194
(3) A private nonprofit organization that receives grants under section 5501.07 of the Revised Code.	101195
	101196
(N)(1) <u>An entity ~~or vehicle owned by an entity that~~, to the extent it provides ambulette services, if the entity meets all of the following conditions:</u>	101197
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	101199
(a) <u>The entity is certified by the department of aging or the department's designee ~~under~~in accordance with section 173.391 of the Revised Code ~~and~~or operates under a contract or grant agreement with the department or the department's designee in accordance with section 173.392 of the Revised Code.</u>	101200
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(b) <u>The entity meets the requirements of section 4766.14 of the Revised Code,</u> ~~unless the entity or,~~	101205
	101206
(c) <u>The entity does not provide ambulette services that are reimbursed under the state medicaid plan.</u>	101207
	101208
(2) <u>A vehicle, to the extent it is used to provide ambulette services, if the vehicle meets both of the following conditions:</u>	101209
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(a) <u>The vehicle is owned by an entity that meets the conditions specified in division (N)(1) of this section.</u>	101211
	101212
(b) <u>The vehicle ~~provides~~does not provide ambulette services that are reimbursed under the state medicaid plan;</u>	101213
	101214
(O) A vehicle that meets both of the following criteria, unless the vehicle provides services that are reimbursed under the	101215
	101216

state medicaid plan:	101217
(1) The vehicle was purchased with funds from a grant made by	101218
the United States secretary of transportation under 49 U.S.C.	101219
5310;	101220
(2) The department of transportation holds a lien on the	101221
vehicle.	101222
Sec. 4767.05. (A) There is hereby created the Ohio cemetery	101223
dispute resolution commission, which shall consist of nine members	101224
to be appointed by the governor with the advice and consent of the	101225
senate as follows:	101226
(1) One member shall be the management authority of a	101227
municipal, township, or union cemetery and shall be selected from	101228
a list of four names submitted to the governor. Two of the four	101229
names shall be submitted by the Ohio township association and two	101230
names shall be submitted by the Ohio municipal league.	101231
(2) Four members shall be individuals employed in a	101232
management position by a cemetery company or cemetery association.	101233
Two of the four members shall be selected from a list of four	101234
names submitted to the governor by the Ohio association of	101235
cemeteries and two shall be selected from a list of four names	101236
submitted by the Ohio association of cemetery superintendents and	101237
officials.	101238
(3) Two members shall be employed in a management position by	101239
a cemetery that is owned or operated by a religious, fraternal, or	101240
benevolent society and shall be selected from a list of four names	101241
submitted by the Ohio association of cemetery superintendents and	101242
officials.	101243
(4) Two members, at least one of whom shall be at least	101244
sixty-five years of age, shall be representatives of the public	101245

with no financial interest in the death care industry. 101246

Each member of the commission, except for the two members who 101247
represent the public, shall, at the time of appointment, have had 101248
a minimum of five consecutive years of experience in the active 101249
administration and management of a cemetery in this state. 101250

(B) Within ninety days after the effective date of this 101251
section, the governor shall make initial appointments to the 101252
commission. Of the initial appointments, two shall be for terms 101253
ending one year after the effective date of this section, two 101254
shall be for terms ending two years after that date, two shall be 101255
for terms ending three years after that date, and three shall be 101256
for terms ending four years after that date. Thereafter, terms of 101257
office shall be for four years, with each term ending on the same 101258
day of the same month as did the term that it succeeds. Each 101259
member shall hold office from the date of appointment until the 101260
end of the term for which the member was appointed. Vacancies 101261
shall be filled in the manner provided for original appointments, 101262
with each appointee, other than a representative of the public, 101263
being appointed from a list of two names submitted to the governor 101264
by the association or organization that was required to nominate 101265
candidates for initial appointment to the position that has become 101266
vacant. Any member appointed to fill a vacancy occurring prior to 101267
the expiration date of the term for which the member's predecessor 101268
was appointed shall hold office for the remainder of that term. A 101269
member shall continue in office subsequent to the expiration date 101270
of the member's term until the member's successor takes office or 101271
until a period of sixty days has elapsed, whichever occurs first. 101272
No person shall serve as a member of the commission for more than 101273
two consecutive terms, excluding any term served to fill an 101274
initial appointment to a term of less than four years or an 101275
unexpired term caused by a vacancy. 101276

(C) The commission annually shall elect from among its 101277

members a chairperson, vice-chairperson, and secretary, each of whom shall serve a term of one year in that office. The commission shall meet at least four times a year. Additional meetings may be called by the chairperson, or by the vice-chairperson when the chairperson is disabled, or by a majority of the members of the commission. A majority of the members constitutes a quorum to transact and vote on business of the commission.

The chairperson or vice-chairperson may:

(1) Administer oaths;

(2) Issue subpoenas;

(3) Summon witnesses;

(4) Compel the production of books, papers, records, and other forms of evidence;

(5) Fix the time and place for hearing any matter related to compliance with sections 1721.19, 1721.20, 1721.21, 1721.211, 4735.02, ~~4735.22~~, and 4767.02 of the Revised Code.

The chairperson shall designate three members of the commission to serve on the crematory review board in accordance with section 4717.03 of the Revised Code for such time as the chairperson finds appropriate. Members designated to serve on the crematory review board shall perform all functions necessary to carry out the duties of the board as described in section 4717.03 of the Revised Code. Members who serve on the crematory review board shall receive no compensation for such service.

(D) Before entering upon the duties of office, each member of the commission shall take the oath pursuant to section 3.22 of the Revised Code. The governor may remove any member for misconduct, neglect of duty, incapacity, or malfeasance in accordance with

section 3.04 of the Revised Code. 101306

(E) Members of the commission shall receive no compensation 101307
but shall be reimbursed for their actual and necessary expenses 101308
incurred in the performance of their duties as members of the 101309
commission. 101310

(F) The division of real estate in the department of commerce 101311
shall provide the commission with meeting space, staff services, 101312
and other technical assistance required by the commission in 101313
carrying out its duties pursuant to sections 4767.05 to 4767.08 of 101314
the Revised Code. 101315

Sec. 4767.07. (A) Any person may file a complaint regarding 101316
the activity, practice, policy, or procedure of, or regarding an 101317
alleged violation of section 1721.19, 1721.20, 1721.21, 1721.211, 101318
4735.02, ~~4735.22~~, or 4767.02 of the Revised Code by, any person 101319
operating or maintaining a cemetery registered pursuant to section 101320
4767.03 of the Revised Code that adversely affects or may 101321
adversely affect the interest of an owner or family member of the 101322
owner of a cemetery lot or burial, entombment, or columbarium 101323
right. All complaints shall be in writing and submitted to the 101324
division of real estate in the department of commerce on forms 101325
provided by the division. 101326

(B) With respect to complaints filed pursuant to division (A) 101327
of this section, the division of real estate shall do all of the 101328
following: 101329

(1) Acknowledge receipt of the complaint by sending written 101330
notice to the person who filed the complaint not more than twenty 101331
days after receipt of the complaint; 101332

(2) Send written notice of the complaint within seven days 101333
after receipt of the complaint to the person responsible for the 101334
operation and maintenance of the cemetery that is the subject of 101335

the complaint;	101336
(3) Before taking further action, allow the owner or the person responsible for the operation and maintenance of the cemetery that is the subject of a complaint thirty days after the date the division sends notice of the complaint to respond to the division with respect to the complaint.	101337 101338 101339 101340 101341
(C) The cemetery dispute resolution commission shall hear each complaint filed pursuant to division (A) of this section within one hundred eighty days after its filing, unless it has been resolved by the parties to the complaint.	101342 101343 101344 101345
Sec. 4767.08. (A) The Ohio cemetery dispute resolution commission, on its own motion or as a result of a complaint received pursuant to section 4767.07 of the Revised Code and with good cause shown, shall investigate or cause to be investigated alleged violations of sections 1721.19, 1721.20, 1721.21, 1721.211, 4735.02, ~~4735.22, and 4767.03~~ <u>4767.02, and 4767.03</u> of the Revised Code. If the commission or the superintendent of the division of real estate in the department of commerce believes that a violation has occurred, the commission or superintendent shall do all of the following:	101346 101347 101348 101349 101350 101351 101352 101353 101354 101355
(1) Review the financial records of the cemetery to ensure compliance with sections 1721.21 and 1721.211 of the Revised Code;	101356 101357
(2) Request the prosecuting attorney of the county in which the alleged violation occurred to initiate such proceedings as are appropriate.	101358 101359 101360
(B) If, as a result of an investigation, the commission or the superintendent believes that a person has violated Chapter 1345. of the Revised Code, the commission or superintendent shall report the findings to the attorney general.	101361 101362 101363 101364

(C) The commission, at any time, may dismiss a complaint if it determines there is not good cause shown for the complaint. If the commission dismisses a complaint, it shall notify the person who filed the complaint within twenty days of reaching its decision and identify the reason why the complaint was dismissed.

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(D) When necessary for the division of real estate to perform the duties required by sections 4767.07 and 4767.08 of the Revised Code, the superintendent of the division, after consultation with at least a majority of the members of the cemetery dispute resolution commission, may issue subpoenas and compel the production of books, papers, records, and other forms of evidence.

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Sec. 4776.02. (A) An applicant for an initial license or restored license from a licensing agency, or a person seeking to satisfy the criteria for being a qualified pharmacy technician that are specified in section 4729.42 of the Revised Code, shall submit a request to the bureau of criminal identification and investigation for a criminal records check of the applicant or person. The request shall be accompanied by a completed copy of the form prescribed under division (C)(1) of section 109.572 of the Revised Code, a set of fingerprint impressions obtained as described in division (C)(2) of that section, and the fee prescribed under division (C)(3) of that section. The applicant or person shall ask the superintendent of the bureau of criminal identification and investigation in the request to obtain from the federal bureau of investigation any information it has pertaining to the applicant or person.

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An applicant or person requesting a criminal records check shall provide the bureau of criminal identification and investigation with the applicant's or person's name and address and, regarding an applicant, with the licensing agency's name and address.

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(B) Upon receipt of the completed form, the set of

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fingerprint impressions, and the fee provided for in division (A)	101397
of this section, the superintendent of the bureau of criminal	101398
identification and investigation shall conduct a criminal records	101399
check of the applicant or person under division (B) of section	101400
109.572 of the Revised Code. Upon completion of the criminal	101401
records check, the superintendent shall do whichever of the	101402
following is applicable:	101403
 (1) If the request was submitted by an applicant for an	101404
initial license or restored license, report the results of the	101405
criminal records check and any information the federal bureau of	101406
investigation provides to the licensing agency identified in the	101407
request for a criminal records check;	101408
 (2) If the request was submitted by a person seeking to	101409
satisfy the criteria for being a qualified pharmacy technician	101410
that are specified in section 4729.42 of the Revised Code, do both	101411
of the following:	101412
 (a) Report the results of the criminal records check and any	101413
information the federal bureau of investigation provides to the	101414
person who submitted the request;	101415
 (b) Report the results of the portion of the criminal records	101416
check performed by the bureau of criminal identification and	101417
investigation under division (B)(1) of section 109.572 of the	101418
Revised Code to the employer or potential employer specified in	101419
the request of the person who submitted the request and send a	101420
letter to that employer or potential employer regarding the	101421
information provided by the federal bureau of investigation that	101422
states either that based on that information there is no record of	101423
any conviction or that based on that information the person who	101424
submitted the request may not meet the criteria that are specified	101425
in section ~~4729.02~~ <u>4729.42</u> of the Revised Code, whichever is	101426
applicable.	101427

Sec. 4781.01. As used in this chapter:	101428
(A) "Industrialized unit" has the same meaning as in division (C)(3) of section 3781.06 of the Revised Code.	101429 101430
(B) "Installation" means any of the following:	101431
(1) The temporary or permanent construction of stabilization, support, and anchoring systems for manufactured housing;	101432 101433
(2) The placement and erection of a manufactured housing unit or components of a unit on a structural support system;	101434 101435
(3) The supporting, blocking, leveling, securing, anchoring, underpinning, or adjusting of any section or component of a manufactured housing unit;	101436 101437 101438
(4) The joining or connecting of all sections or components of a manufactured housing unit.	101439 101440
(C) "Manufactured home" has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code.	101441 101442
(D) "Manufactured home park" has the same meaning as in division (A) of section 3733.01 of the Revised Code.	101443 101444
(E) "Manufactured housing" means manufactured homes and mobile homes.	101445 101446
(F) "Manufactured housing installer" means an individual who installs manufactured housing.	101447 101448
(G) "Mobile home" has the same meaning as in division (O) of section 4501.01 of the Revised Code.	101449 101450
(H) "Model standards" means the federal manufactured home installation standards established pursuant to 42 U.S.C. 5404.	101451 101452

(I) "Permanent foundation" has the same meaning as in division (C)(5) of section 3781.06 of the Revised Code.	101453 101454
<u>(J) "Business" includes any activities engaged in by any person for the object of gain, benefit, or advantage either direct or indirect.</u>	101455 101456 101457
<u>(K) "Casual sale" means any transfer of a manufactured home or mobile home by a person other than a manufactured housing dealer, manufactured housing salesperson, or manufacturer to an ultimate consumer or a person who purchases the home for use as a residence.</u>	101458 101459 101460 101461 101462
<u>(L) "Engaging in business" means commencing, conducting, or continuing in business, or liquidating a business when the liquidator thereof holds self out to be conducting such business; making a casual sale or otherwise making transfers in the ordinary course of business when the transfers are made in connection with the disposition of all or substantially all of the transferor's assets is not engaging in business.</u>	101463 101464 101465 101466 101467 101468 101469
<u>(M) "Manufactured home park operator" has the same meaning as "operator" in section 3733.01 of the Revised Code.</u>	101470 101471
<u>(N) "Manufactured housing broker" means any person acting as a selling agent on behalf of an owner of a manufactured home or mobile home that is subject to taxation under section 4503.06 of the Revised Code.</u>	101472 101473 101474 101475
<u>(O) "Manufactured housing dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in manufactured homes or mobile homes.</u>	101476 101477 101478
<u>(P) "Manufacturer" means a person who manufactures, assembles, or imports manufactured homes or mobile homes.</u>	101479 101480

(Q) "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a manufactured home or mobile home to an ultimate purchaser for use as a residence.

(R) "Salesperson" means any individual employed by a manufactured housing dealer or manufactured housing broker to sell, display, and offer for sale, or deal in manufactured homes or mobile homes for a commission, compensation, or other valuable consideration, but does not mean any public officer performing official duties.

(S) "Ultimate purchaser" means, with respect to any new manufactured home, the first person, other than a manufactured housing dealer purchasing in the capacity of a manufactured housing dealer, who purchases such new manufactured home for purposes other than resale.

Sec. 4781.02. (A) There is hereby created the manufactured homes commission which consists of nine members, with three members appointed by the governor, three members appointed by the president of the senate, and three members appointed by the speaker of the house of representatives.

(B)(1) Commission members shall be residents of this state, except for members appointed pursuant to divisions (B)(3)(b) and (B)(4)(a) of this section. Members shall be selected from a list of persons the Ohio manufactured homes association, or any successor entity, recommends, except for appointments made pursuant to division (B)(2) of this section.

(2) The governor shall appoint the following members:

(a) One member to represent the board of building standards, who may be a member of the board or a board employee not in the

classified civil service, with an initial term ending December 31, 2007;	101510 101511
(b) One member to represent the department of health, who may be a department employee not in the classified civil service, with an initial term ending December 31, 2005;	101512 101513 101514
(c) One member whose primary residence is a manufactured home, with an initial term ending December 31, 2006.	101515 101516
(3) The president of the senate shall appoint the following members:	101517 101518
(a) Two members who are manufactured housing installers who have been actively engaged in the installation of manufactured housing for the five years immediately prior to appointment, with the initial term of one installer ending December 31, 2007, and the initial term of the other installer ending December 31, 2005.	101519 101520 101521 101522 101523
(b) One member who manufactures manufactured homes in this state or who manufactures manufactured homes in another state and ships homes into this state, to represent manufactured home manufacturers, with an initial term ending December 31, 2006.	101524 101525 101526 101527
(4) The speaker of the house of representatives shall appoint the following members:	101528 101529
(a) One member who operates a manufactured or mobile home retail business in this state to represent manufactured ~~and mobile home retailers~~ <u>housing dealers</u> , with an initial term ending December 31, 2007;	101530 101531 101532 101533
(b) One member who is a manufactured home park operator or is employed by an operator, with an initial term ending December 31, 2005;	101534 101535 101536

(c) One member to represent the Ohio manufactured home association, or any successor entity, who may be the president or executive director of the association or the successor entity, with an initial term ending December 31, 2006.

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(C)(1) After the initial term, each term of office is for four years ending on the thirty-first day of December. A member holds office from the date of appointment until the end of the term. No member may serve more than two consecutive four-year terms.

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(2) Any member appointed to fill a vacancy that occurs prior to the expiration of a term continues in office for the remainder of that term. Any member continues in office subsequent to the expiration date of the term until the member's successor takes office or until sixty days have elapsed, whichever occurs first.

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(3) A vacancy on the commission does not impair the authority of the remaining members to exercise all of the commission's powers.

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(D)(1) The governor may remove any member from office for incompetence, neglect of duty, misfeasance, nonfeasance, malfeasance, or unprofessional conduct in office.

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(2) Vacancies shall be filled in the manner of the original appointment.

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Sec. 4781.04. (A) The manufactured homes commission shall adopt rules pursuant to Chapter 119. of the Revised Code to do all of the following:

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(1) Establish uniform standards that govern the installation of manufactured housing. Not later than one hundred eighty days after the secretary of the United States department of housing and urban development adopts model standards for the installation of

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manufactured housing or amends those standards, the commission shall amend its standards as necessary to be consistent with, and not less stringent than, the model standards for the design and installation of manufactured housing the secretary adopts or any manufacturers' standards that the secretary determines are equal to or not less stringent than the model standards.

(2) Govern the inspection of the installation of manufactured housing. The rules shall specify that the ~~department of health or a licensor, as determined by the director of health,~~commission, any building department or personnel of any department, any licensor or personnel of any licensor, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards the commission establishes pursuant to this section. ~~The rules shall specify that all installation inspections in a manufactured home park the department of health or the licensor conducts shall be conducted by a person who has completed an installation training course approved by the commission pursuant to division (B) of section 4781.04 of the Revised Code.~~

As used in division (A)(2) of this section, "licensor" has the same meaning as in section 3733.01 of the Revised Code.

(3) Govern the design, construction, installation, approval, and inspection of foundations and the base support systems for manufactured housing. The rules shall specify that the ~~department of health or the licensor, as determined by the director of health,~~commission, any building department or personnel of any department, any licensor or personnel of any licensor, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation, foundations, and base support systems of manufactured housing

located in manufactured home parks to determine compliance with	101598
the uniform installation standards and foundation and base support	101599
system design the commission establishes pursuant to this section.	101600
~~The rules shall specify that all foundation and base support~~	101601
~~system inspections in a manufactured home park the department of~~	101602
~~health or the licensor conducts shall be conducted by a person who~~	101603
~~has completed an installation training course approved by the~~	101604
~~commission pursuant to division (B) of section 4781.04 of the~~	101605
~~Revised Code.~~	101606
As used in division (A)(3) of this section, "licensor" has	101607
the same meaning as in section 3733.01 of the Revised Code.	101608
(4) Govern the training, experience, and education	101609
requirements for manufactured housing installers, <u>manufactured</u>	101610
<u>housing dealers, manufactured housing brokers, and manufactured</u>	101611
<u>housing salespersons;</u>	101612
(5) Establish a code of ethics for manufactured housing	101613
installers;	101614
(6) Govern the issuance, revocation, and suspension of	101615
licenses to manufactured housing installers;	101616
(7) Establish fees for the issuance and renewal of licenses,	101617
for conducting inspections to determine an applicant's compliance	101618
with this chapter and the rules adopted pursuant to it, and for	101619
the commission's expenses incurred in implementing this chapter;	101620
(8) Establish conditions under which a licensee may enter	101621
into contracts to fulfill the licensee's responsibilities;	101622
(9) Govern the investigation of complaints concerning any	101623
violation of this chapter or the rules adopted pursuant to it or	101624
complaints involving the conduct of any licensed manufactured	101625
housing installer or person installing manufactured housing	101626

without a license, licensed manufactured housing dealer, licensed 101627
manufactured housing broker, or manufactured housing salesperson; 101628

(10) Establish a dispute resolution program for the timely 101629
resolution of warranty issues involving new manufactured homes, 101630
disputes regarding responsibility for the correction or repair of 101631
defects in manufactured housing, and the installation of 101632
manufactured housing. The rules shall provide for the timely 101633
resolution of disputes between manufacturers, ~~retailers~~ 101634
manufactured housing dealers, and installers regarding the 101635
correction or repair of defects in manufactured housing that are 101636
reported by the purchaser of the home during the one-year period 101637
beginning on the date of installation of the home. The rules also 101638
shall provide that decisions made regarding the dispute under the 101639
program are not binding upon the purchaser of the home or the 101640
other parties involved in the dispute unless the purchaser so 101641
agrees in a written acknowledgement that the purchaser signs and 101642
delivers to the program within ten business days after the 101643
decision is issued. 101644

(11) Establish the requirements and procedures for the 101645
certification of building departments and building department 101646
personnel pursuant to section 4781.07 of the Revised Code; 101647

(12) Establish fees to be charged to building departments and 101648
building department personnel applying for certification and 101649
renewal of certification pursuant to section 4781.07 of the 101650
Revised Code; 101651

(13) Carry out any other provision of this chapter. 101652

(B) The manufactured homes commission shall do all of the 101653
following: 101654

(1) Prepare and administer a licensure examination to 101655
determine an applicant's knowledge of manufactured housing 101656

installation and other aspects of installation the commission determines appropriate;	101657 101658
(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;	101659 101660 101661
(3) Prepare and distribute any application form this chapter requires;	101662 101663
(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;	101664 101665
(5) Establish procedures for processing, approving, and disapproving applications for licensure;	101666 101667
(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;	101668 101669 101670
(7) Review the design and plans for manufactured housing installations, foundations, and support systems;	101671 101672
(8) Inspect a sample of homes at a percentage the commission determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the commission adopts;	101673 101674 101675 101676 101677
(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer, <u>manufactured housing dealer</u> , <u>manufactured housing broker</u> , or <u>manufactured housing salesperson</u> ;	101678 101679 101680 101681
(10) Determine appropriate disciplinary actions for violations of this chapter;	101682 101683

(11) Conduct audits and inquiries of manufactured housing installers, <u>manufactured housing dealers</u> , and <u>manufactured housing brokers</u> as appropriate for the enforcement of this chapter. The commission, or any person the commission employs for the purpose, may review and audit the business records of any manufactured housing installer, <u>dealer</u> , or <u>broker</u> during normal business hours.	101684 101685 101686 101687 101688 101689
(12) Approve an installation training course, which may be offered by the Ohio manufactured homes association or other entity;	101690 101691 101692
(13) Perform any function or duty necessary to administer this chapter and the rules adopted pursuant to it.	101693 101694
Sec. 4781.05. The executive director of the manufactured homes commission shall do all of the following:	101695 101696
(A) With commission approval, secure and manage office space, supplies, and the professional and clerical staff necessary to effectively perform the executive director's and commission's duties;	101697 101698 101699 101700
(B) Pursuant to rules the commission adopts, review applications for manufactured housing installer licenses, <u>manufactured housing dealer licenses</u> , <u>manufactured housing broker licenses</u> , and <u>manufactured housing salesperson licenses</u> and on behalf of the commission, issue licenses to qualified persons;	101701 101702 101703 101704 101705
(C) Administer the dispute resolution program the commission develops if the commission does not contract with the Ohio manufactured homes association or another entity to administer the program;	101706 101707 101708 101709
(D) Administer any continuing education program the commission develops;	101710 101711

(E) Collect fees the commission establishes;	101712
(F) Except as provided in divisions (A)(2) and (3) of section 4781.04 of the Revised Code, employ installation inspectors and investigators to serve at the executive director's pleasure to assist in carrying out the executive director's duties under this chapter or the duties the commission delegates to the executive director;	101713 101714 101715 101716 101717 101718
(G) Serve as secretary of the commission and maintain a written record of the commission's meetings and proceedings;	101719 101720
(H) Notify manufactured housing installers, <u>manufactured housing dealers, manufactured housing brokers, and manufactured housing salespersons</u> of changes in this chapter and the rules adopted pursuant to it;	101721 101722 101723 101724
(I) Do all things the commission requests or delegates for the administration and enforcement of this chapter.	101725 101726
Sec. 4781.06. (A) The manufactured homes commission may delegate to the executive director any of its duties set forth in division (B) of section 4781.04 of the Revised Code.	101727 101728 101729
(B) The commission may enter into a contract with the Ohio manufactured homes association or another entity to administer the dispute resolution program created pursuant to section 4781.04 of the Revised Code. The contract shall specify the terms for the administration of the program.	101730 101731 101732 101733 101734
(C)(1) The commission may enter into a contract with any private third party, municipal corporation, township, county, state agency, or the Ohio manufactured homes association, or any successor entity, to perform any of the commission's functions set forth in division (B) of section 4781.04 of the Revised Code that the commission has not delegated to the executive director. Each	101735 101736 101737 101738 101739 101740

contract shall specify the compensation to be paid to the private
third party, municipal corporation, township, county, state
agency, or the Ohio manufactured homes association, or successor
entity, for the performance of the commission's functions.

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(2) Except as provided in this division, the commission shall
not enter into any contract with any person or building department
to accept and approve plans and specifications or to inspect
manufactured housing foundations and the installation of
manufactured housing unless that person or building department is
certified pursuant to section 4781.07 of the Revised Code. The
commission shall ~~not~~ require inspectors the Ohio department of
health employs to obtain certification pursuant to section 4781.07
of the Revised Code, ~~but shall require inspectors to complete an
installation training course approved by the commission pursuant
to division (B) of section 4781.04 of the Revised Code.~~

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Sec. 4781.07. (A) Pursuant to rules the manufactured homes
commission adopts, the commission may certify municipal, township,
and county building departments and the personnel of those
departments, licensors as defined in section 3733.01 of the
Revised Code and the personnel of those licensors, or any private
third party, to exercise the commission's enforcement authority,
accept and approve plans and specifications for foundations,
support systems and installations, and inspect manufactured
housing foundations, support systems, and manufactured housing
installations. Any certification is effective for three years.

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(B) Following an investigation and finding of facts that
support its action, the commission may revoke or suspend
certification. The commission may initiate an investigation on its
own motion or the petition of a person affected by the enforcement
or approval of plans.

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Sec. 4781.16. (A) Except as provided in division (E) of this
section, no person shall do any of the following:

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<u>(1) Engage in the business of displaying or selling at retail</u>	101773
<u>manufactured homes or mobile homes or assume to engage in that</u>	101774
<u>business, unless the person is licensed as a manufactured housing</u>	101775
<u>dealer under this chapter, or is a salesperson licensed under this</u>	101776
<u>chapter and employed by a licensed manufactured housing dealer;</u>	101777
<u>(2) Make more than five casual sales of manufactured homes or</u>	101778
<u>mobile homes in a twelve-month period without obtaining a license</u>	101779
<u>as a manufactured housing dealer under this chapter;</u>	101780
<u>(3) Engage in the business of brokering manufactured homes</u>	101781
<u>unless that person is licensed as a manufactured housing broker</u>	101782
<u>under this chapter.</u>	101783
<u>(B)(1) Except as provided in this division, no manufactured</u>	101784
<u>housing dealer shall sell, display, offer for sale, or deal in</u>	101785
<u>manufactured homes or mobile homes at any place except an</u>	101786
<u>established place of business that is used exclusively for the</u>	101787
<u>purpose of selling, displaying, offering for sale, or dealing in</u>	101788
<u>manufactured homes or mobile homes.</u>	101789
<u>(2) No manufactured housing broker shall engage in the</u>	101790
<u>business of brokering manufactured or mobile homes at any place</u>	101791
<u>except an established place of business that is used exclusively</u>	101792
<u>for the purpose of brokering manufactured and mobile homes.</u>	101793
<u>(3) A place of business used for the brokering or sale of</u>	101794
<u>manufactured homes or mobile homes is considered to be used</u>	101795
<u>exclusively for brokering, selling, displaying, offering for sale,</u>	101796
<u>or dealing in manufactured or mobile homes even though</u>	101797
<u>industrialized units, as defined by section 3781.06 of the</u>	101798
<u>Revised Code, are brokered, sold, displayed, offered for sale, or</u>	101799
<u>dealt at the same place of business.</u>	101800
<u>(4) If the licensed manufactured housing dealer is a</u>	101801

<u>manufactured home park operator, then all of the following apply:</u>	101802
<u>(a) An established place of business that is located in the</u>	101803
<u>operator's manufactured home park and that is used for selling,</u>	101804
<u>leasing, and renting manufactured homes and mobile homes in that</u>	101805
<u>manufactured home park is considered to be used exclusively for</u>	101806
<u>that purpose even though rent and other activities related to the</u>	101807
<u>operation of the manufactured home park take place at the same</u>	101808
<u>location or office.</u>	101809
<u>(b) The dealer's established place of business in the</u>	101810
<u>manufactured home park shall be staffed by someone licensed and</u>	101811
<u>regulated under this chapter who could reasonably assist any</u>	101812
<u>retail customer with or without an appointment, but such</u>	101813
<u>established place of business need not satisfy office size,</u>	101814
<u>display lot size, and physical barrier requirements applicable to</u>	101815
<u>other used motor vehicle dealers.</u>	101816
<u>(c) The manufactured and mobile homes being offered for sale,</u>	101817
<u>lease, or rental by the dealer may be located on individual rental</u>	101818
<u>lots inside the operator's manufactured home park.</u>	101819
<u>(C) Nothing in this chapter shall be construed as prohibiting</u>	101820
<u>the sale of a new or used manufactured or mobile home located in a</u>	101821
<u>manufactured home park by a licensed manufactured housing dealer.</u>	101822
<u>(D) Nothing in this section shall be construed to prohibit</u>	101823
<u>persons licensed under this chapter from making sales calls.</u>	101824
<u>(E)(1) This chapter does not apply to mortgagees selling at</u>	101825
<u>retail only those manufactured homes or mobile homes that have</u>	101826
<u>come into their possession by a default in the terms of a mortgage</u>	101827
<u>contract.</u>	101828
<u>(2) When a partnership licensed under this chapter is</u>	101829
<u>dissolved by death, the surviving partners may operate under the</u>	101830

manufactured housing dealer license for a period of sixty days, 101831
and the heirs or representatives of deceased persons and 101832
receivers or trustees in bankruptcy appointed by any competent 101833
authority may operate under the license of the person succeeded 101834
in possession by that heir, representative, receiver, or trustee 101835
in bankruptcy. 101836

Sec. 4781.17. (A) Each person applying for a manufactured 101837
housing dealer's license or manufactured housing broker's license 101838
shall complete and deliver to the manufactured homes commission, 101839
before the first day of April, a separate application for license 101840
for each county in which the business of selling or brokering 101841
manufactured or mobile homes is to be conducted. The application 101842
shall be in the form prescribed by the commission and 101843
accompanied by the fee established by the commission. The 101844
applicant shall sign and swear to the application that shall 101845
include all of the following: 101846

(1) Name of applicant and location of principal place of 101847
business; 101848

(2) Name or style under which business is to be conducted 101849
and, if a corporation, the state of incorporation; 101850

(3) Name and address of each owner or partner and, if a 101851
corporation, the names of the officers and directors; 101852

(4) The county in which the business is to be conducted and 101853
the address of each place of business therein; 101854

(5) A statement of the previous history, record, and 101855
association of the applicant and of each owner, partner, officer, 101856
and director, that is sufficient to establish to the satisfaction 101857
of the commission the reputation in business of the applicant; 101858

(6) A statement showing whether the applicant has previously 101859

applied for a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, and the result of the application, and whether the applicant has ever been the holder of any such license that was revoked or suspended;

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(7) If the applicant is a corporation or partnership, a statement showing whether any partner, employee, officer, or director has been refused a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, or has been the holder of any such license that was revoked or suspended;

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(8) Any other information required by the commission.

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(B)Each person applying for a manufactured housing salesperson's license shall complete and deliver to the manufactured homes commission before the first day of July an application for license. The application shall be in the form prescribed by the commission and shall be accompanied by the fee established by the commission. The applicant shall sign and swear to the application that shall include all of the following:

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(1) Name and post-office address of the applicant;

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(2) Name and post-office address of the manufactured housing dealer or manufactured housing broker for whom the applicant intends to act as salesperson;

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(3) A statement of the applicant's previous history, record, and association, that is sufficient to establish to the satisfaction of the commission the applicant's reputation in

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<u>business;</u>	101890
<u>(4) A statement as to whether the applicant intends to engage</u>	101891
<u>in any occupation or business other than that of a manufactured</u>	101892
<u>housing salesperson;</u>	101893
<u>(5) A statement as to whether the applicant has ever had any</u>	101894
<u>previous application for a manufactured housing salesperson</u>	101895
<u>license refused or, prior to July 1, 2010, any application for a</u>	101896
<u>motor vehicle salesperson license refused, and whether the</u>	101897
<u>applicant has previously had a manufactured housing salesperson or</u>	101898
<u>motor vehicle salesperson license revoked or suspended;</u>	101899
<u>(6) A statement as to whether the applicant was an employee</u>	101900
<u>of or salesperson for a manufactured housing dealer or</u>	101901
<u>manufactured housing broker whose license was suspended or</u>	101902
<u>revoked;</u>	101903
<u>(7) A statement of the manufactured housing dealer or</u>	101904
<u>manufactured housing broker named therein, designating the</u>	101905
<u>applicant as the dealer's or broker's salesperson;</u>	101906
<u>(8) Any other information required by the commission.</u>	101907
<u>(C) Any application for a manufactured housing dealer or</u>	101908
<u>manufactured housing broker delivered to the commission under this</u>	101909
<u>section also shall be accompanied by a photograph, as prescribed</u>	101910
<u>by the commission, of each place of business operated, or to be</u>	101911
<u>operated, by the applicant.</u>	101912
<u>(D) The manufactured homes commission shall deposit all</u>	101913
<u>license fees into the state treasury to the credit of the</u>	101914
<u>occupational licensing and regulatory fund.</u>	101915
<u>Sec. 4781.18. (A) The manufactured homes commission shall</u>	101916
<u>deny the application of any person for a license as a manufactured</u>	101917

<u>housing dealer or manufactured housing broker and refuse to issue</u>	101918
<u>the license if the commission finds that any of the following is</u>	101919
<u>true of the applicant:</u>	101920
<u>(1) The applicant has made any false statement of a material</u>	101921
<u>fact in the application.</u>	101922
<u>(2) The applicant has not complied with this chapter or the</u>	101923
<u>rules adopted by the commission under this chapter.</u>	101924
<u>(3) The applicant is of bad business reput e or has habitually</u>	101925
<u>defaulted on financial obligations.</u>	101926
<u>(4) The applicant has been guilty of a fraudulent act in</u>	101927
<u>connection with selling or otherwise dealing in manufactured</u>	101928
<u>housing or in connection with brokering manufactured housing.</u>	101929
<u>(5) The applicant has entered into or is about to enter into</u>	101930
<u>a contract or agreement with a manufacturer or distributor of</u>	101931
<u>manufactured homes that is contrary to the requirements of this</u>	101932
<u>chapter.</u>	101933
<u>(6) The applicant is insolvent.</u>	101934
<u>(7) The applicant is of insufficient responsibility to ensure</u>	101935
<u>the prompt payment of any final judgments that might reasonably be</u>	101936
<u>entered against the applicant because of the transaction of</u>	101937
<u>business as a manufactured housing dealer or manufactured housing</u>	101938
<u>broker during the period of the license applied for, or has failed</u>	101939
<u>to satisfy any such judgment.</u>	101940
<u>(8) The applicant has no established place of business that,</u>	101941
<u>where applicable, is used or will be used for the purpose of</u>	101942
<u>selling, displaying, offering for sale or dealing in manufactured</u>	101943
<u>housing at the location for which application is made.</u>	101944

<u>(9) Within less than twelve months prior to making</u>	101945
<u>application, the applicant has been denied a manufactured housing</u>	101946
<u>dealer's license or manufactured housing broker's license, or has</u>	101947
<u>any such license revoked.</u>	101948
<u>(B) The commission shall deny the application of any person</u>	101949
<u>for a license as a salesperson and refuse to issue the license if</u>	101950
<u>the commission finds that any of the following is true of the</u>	101951
<u>applicant:</u>	101952
<u>(1) The applicant has made any false statement of a material</u>	101953
<u>fact in the application.</u>	101954
<u>(2) The applicant has not complied with this chapter or the</u>	101955
<u>rules adopted by the commission under this chapter.</u>	101956
<u>(3) The applicant is of bad business repute or has habitually</u>	101957
<u>defaulted on financial obligations.</u>	101958
<u>(4) The applicant has been guilty of a fraudulent act in</u>	101959
<u>connection with selling or otherwise dealing in manufactured</u>	101960
<u>housing.</u>	101961
<u>(5) The applicant has not been designated to act as</u>	101962
<u>salesperson for a manufactured housing dealer or manufactured</u>	101963
<u>housing broker licensed to do business in this state under this</u>	101964
<u>chapter, or intends to act as salesperson for more than one</u>	101965
<u>licensed manufactured housing dealer or manufactured housing</u>	101966
<u>broker at the same time, unless the licensed dealership is owned</u>	101967
<u>or operated by the same corporation, regardless of the county in</u>	101968
<u>which the dealership's facility is located.</u>	101969
<u>(6) The applicant holds a current manufactured housing</u>	101970
<u>dealer's or manufactured housing broker's license issued under</u>	101971
<u>this chapter, and intends to act as salesperson for another</u>	101972
<u>licensed manufactured housing dealer or manufactured housing</u>	101973

<u>broker.</u>	101974
<u>(7) Within less than twelve months prior to making</u>	101975
<u>application, the applicant has been denied a salesperson's license</u>	101976
<u>or had a salesperson's license revoked.</u>	101977
<u>(8) The applicant was salesperson for, or in the employ of, a</u>	101978
<u>manufactured housing dealer or manufactured housing broker at the</u>	101979
<u>time the dealer's or broker's license was revoked.</u>	101980
<u>(C) If an applicant for a manufactured housing dealer or</u>	101981
<u>manufactured housing broker's license is a corporation or</u>	101982
<u>partnership, the commission may refuse to issue a license if any</u>	101983
<u>officer, director, or partner of the applicant has been guilty of</u>	101984
<u>any act or omission that would be cause for refusing or revoking a</u>	101985
<u>license issued to such officer, director, or partner as an</u>	101986
<u>individual. The commission's finding may be based upon facts</u>	101987
<u>contained in the application or upon any other information the</u>	101988
<u>commission may have.</u>	101989
<u>(D) Notwithstanding division (A)(4) of this section, the</u>	101990
<u>commission shall not deny the application of any person and refuse</u>	101991
<u>to issue a license if the commission finds that the applicant is</u>	101992
<u>engaged or will engage in the business of selling at retail any</u>	101993
<u>new manufactured homes and demonstrates that the applicant has</u>	101994
<u>posted a bond, surety, or certificate of deposit with the</u>	101995
<u>commission in an amount not less than one hundred thousand dollars</u>	101996
<u>for the protection and benefit of the applicant's customers.</u>	101997
<u>(E) A decision made by the commission under this section may</u>	101998
<u>be based upon any statement contained in the application or upon</u>	101999
<u>any facts within the commission's knowledge.</u>	102000
<u>(F) Immediately upon denying an application for any of the</u>	102001
<u>reasons in this section, the commission shall enter a final order</u>	102002
<u>together with the commission's findings. If the application is</u>	102003

denied by the executive director of the commission under authority 102004
of section 4781.05 of the Revised Code, the executive director 102005
shall enter a final order together with the director's findings 102006
and certify the same to the commission. The commission shall issue 102007
to the applicant a written notice of refusal to grant a license 102008
that shall disclose the reason for refusal. 102009

Sec. 4781.19. (A) At the time the manufactured homes 102010
commission grants the application of any person for a license as a 102011
manufactured housing dealer, manufactured housing broker, or 102012
manufactured housing salesperson, the commission shall issue to 102013
the person a license that includes the name and post-office 102014
address of the person licensed. If a manufactured housing dealer 102015
or manufactured housing broker has more than one place of business 102016
in a county, the dealer or broker shall make application, in such 102017
form as the commission prescribes, for a certified copy of the 102018
license issued to the dealer or broker for each place of business 102019
in the county. 102020

(B) The commission may require each applicant for a 102021
manufactured housing dealer's license, manufactured housing 102022
broker's license, and manufactured housing salesperson's license 102023
issued under this chapter to pay an additional fee, which shall be 102024
used by the commission to pay the costs of obtaining a record of 102025
any arrests and convictions of the applicant from the bureau of 102026
identification and investigation. The amount of the fee shall be 102027
equal to that paid by the commission to obtain such record. 102028

(C) In the event of the loss, mutilation, or destruction of a 102029
manufactured housing dealer's license, manufactured housing 102030
broker's license, or manufactured housing salesperson's license, 102031
any licensee may make application to the commission, in the form 102032
prescribed by the commission, for a duplicate copy thereof and pay 102033
a fee established by the commission. 102034

(D) All manufactured housing dealers' licenses, all 102035

manufactured housing brokers' licenses, and all manufactured 102036
housing salespersons' licenses issued or renewed shall expire 102037
biennially on a day within the two-year cycle that is prescribed 102038
by the manufactured homes commission, unless sooner suspended or 102039
revoked. Before the first day after the day prescribed by the 102040
commission in the year that the license expires, each licensed 102041
manufactured housing dealer, manufactured housing broker, and 102042
manufactured housing salesperson, in the year in which the license 102043
will expire, shall file an application, in such form as the 102044
commission prescribes, for the renewal of such license. The fee 102045
required by this section for the original license shall accompany 102046
the application. 102047

(E) Each manufactured housing dealer and manufactured housing 102048
broker shall keep the license or a certified copy thereof and a 102049
current list of the dealer's or the broker's licensed 102050
salespersons, showing the names, addresses, and serial numbers of 102051
their licenses, posted in a conspicuous place in each place of 102052
business. Each salesperson shall carry the salesperson's license 102053
or a certified copy thereof and shall exhibit such license or copy 102054
upon demand to any inspector of the commission, state highway 102055
patrol trooper, police officer, or person with whom the 102056
salesperson seeks to transact business as a manufactured housing 102057
salesperson. 102058

Sec. 4781.20. The applications for licenses submitted under 102059
section 4781.17 of the Revised Code are not part of the public 102060
records but are confidential information for the use of the 102061
manufactured homes commission. No person shall divulge any 102062
information contained in such applications and acquired by the 102063
person in the person's capacity as an official or employee of the 102064
manufactured homes commission, except in a report to the 102065
commission, or when called upon to testify in any court or 102066
proceeding. 102067

Sec. 4781.21. (A) The manufactured homes commission may make 102068
rules governing its actions relative to the suspension and 102069
revocation of manufactured housing dealers', manufactured housing 102070
brokers', and manufactured housing salespersons' licenses, and 102071
may, upon its own motion, and shall, upon the verified complaint 102072
in writing of any person, investigate the conduct of any licensee 102073
under this chapter. The commission shall suspend, revoke, or 102074
refuse to renew any manufactured housing dealer's, manufactured 102075
housing broker's, or manufactured housing salesperson's license, 102076
if any ground existed upon which the license might have been 102077
refused, or if a ground exists that would be cause for refusal to 102078
issue a license. 102079

The commission may suspend or revoke any license if the 102080
licensee has in any manner violated the rules adopted by the 102081
commission under this chapter, or has been convicted of committing 102082
a felony or violating any law that in any way relates to the 102083
selling, taxing, licensing, or regulation of sales of manufactured 102084
or mobile homes. 102085

(B) Any salesperson's license shall be suspended upon the 102086
termination, suspension, or revocation of the license of the 102087
manufactured housing dealer or manufactured housing broker for 102088
whom the salesperson is acting, or upon the salesperson leaving 102089
the service of the manufactured housing dealer or manufactured 102090
housing broker. Upon the termination, suspension, or revocation of 102091
the license of the manufactured housing dealer or manufactured 102092
housing broker for whom the salesperson is acting, or upon the 102093
salesperson leaving the service of a licensed manufactured housing 102094
or manufactured housing broker, the licensed salesperson may make 102095
application to the commission, in such form as the commission 102096
prescribes, to have the salesperson's license reinstated, 102097
transferred, and registered as a salesperson for another dealer or 102098
broker. If the information contained in the application is 102099
satisfactory to the commission, the commission shall reinstate, 102100

transfer, or register the salesperson's license as a salesperson 102101
for other dealer or broker. The commission shall establish the fee 102102
for the reinstatement and transfer of license. No license issued 102103
to a dealer, broker, or salesperson under this chapter may be 102104
transferred to any other person. 102105

(C) Any person whose manufactured housing dealer's license, 102106
manufactured housing broker's license, or manufactured housing 102107
salesperson's license is revoked, suspended, denied, or not 102108
renewed may request an adjudication hearing on the matter within 102109
thirty days after receipt of the notice of the action. If no 102110
appeal is taken within thirty days after receipt of the order, the 102111
order is final and conclusive. All appeals must be by petition in 102112
writing and verified under oath by the applicant whose application 102113
for license has been revoked, suspended, denied, or not renewed 102114
and must set forth the reason for the appeal and the reason why, 102115
in the petitioner's opinion, the order is not correct. In such 102116
appeals the board may make investigation to determine the 102117
correctness and legality of the appealed order. The hearing shall 102118
be held in accordance with Chapter 119. of the Revised Code. 102119

Sec. 4781.22. No manufactured housing dealer licensed under 102120
this chapter shall do any of the following: 102121

(A) Directly or indirectly, solicit the sale of a 102122
manufactured home or mobile home through an interested person 102123
other than a salesperson licensed in the employ of a licensed 102124
dealer; 102125

(B) Pay any commission or compensation in any form to any 102126
person in connection with the sale of a manufactured home or 102127
mobile home unless the person is licensed as a salesperson in the 102128
employ of the dealer; 102129

(C) Fail to immediately notify the manufactured homes 102130
commission upon termination of the employment of any person 102131

licensed as a salesperson to sell, display, offer for sale, or 102132
deal in manufactured homes or mobile homes for the dealer. 102133

Sec. 4781.23. (A) Each licensed manufactured housing dealer 102134
and manufactured housing broker shall notify the manufactured 102135
homes commission of any change in status as a manufactured housing 102136
dealer or manufactured housing broker during the period for which 102137
the dealer or broker is licensed, if the change of status concerns 102138
either of the following: 102139

(1) Personnel of owners, partners, officers, or directors; 102140

(2) Location of an office or principal place of business. 102141

(B) The notification required by division (A) of this section 102142
shall be made by filing with the commission, within fifteen days 102143
after the change of status, a supplemental statement in a form 102144
prescribed by the commission showing in what respect the status 102145
has been changed. 102146

The commission may adopt a rule exempting from the 102147
notification requirement of division (A)(1) of this section any 102148
dealer if stock in the dealer or its parent company is publicly 102149
traded and if there are public records filed with and in the 102150
possession of state or federal agencies that provide the 102151
information required by division (A)(1) of this section. 102152

Sec. 4781.24. (A) Every retail sale of a manufactured home 102153
or mobile home shall be preceded by a written contract that shall 102154
contain all of the agreements of the parties and shall be signed 102155
by the buyer and the seller. The seller, upon execution of the 102156
contract and before the delivery of the manufactured or mobile 102157
home, shall deliver to the buyer a copy of the contract that shall 102158
clearly describe all of the following: 102159

(1) The home sold to the buyer, including, where applicable, 102160

<u>its vehicle identification number;</u>	102161
<u>(2) The sale price of the home, and, if applicable, the</u>	102162
<u>amount paid down by the buyer;</u>	102163
<u>(3) The amount credited to the buyer for any trade-in and a</u>	102164
<u>description thereof;</u>	102165
<u>(4) The amount of any finance charge;</u>	102166
<u>(5) The amount charged for any home insurance and a statement</u>	102167
<u>of the types of insurance provided by the policy or policies;</u>	102168
<u>(6) The amount of any other charge and a specification of its</u>	102169
<u>purpose;</u>	102170
<u>(7) The net balance of payment due from the buyer including</u>	102171
<u>the terms of the payment of the net balance.</u>	102172
<u>(B) A manufactured housing dealer may contract for and</u>	102173
<u>receive a documentary service charge for a retail sale of a</u>	102174
<u>manufactured home or mobile home. The documentary service charge</u>	102175
<u>shall be specified in writing without itemization of the</u>	102176
<u>individual services provided and shall not be more than the lesser</u>	102177
<u>of the following:</u>	102178
<u>(1) The amount allowed in a retail installment contract;</u>	102179
<u>(2) Ten per cent of the amount the buyer is required to pay</u>	102180
<u>pursuant to the contract, excluding tax, title, and registration</u>	102181
<u>fees, and any negative equity adjustment.</u>	102182
<u>(C) This section does not apply to a casual sale of a</u>	102183
<u>manufactured home or mobile home.</u>	102184
<u>Sec. 4781.25. The manufactured homes commission shall adopt</u>	102185
<u>rules for the regulation of manufactured housing brokers in</u>	102186

accordance with Chapter 119. of the Revised Code. The rules shall 102187
require that a manufactured housing broker maintain a bond of a 102188
surety company authorized to transact business in this state in an 102189
amount determined by the commission. The rules also shall require 102190
each person licensed as a manufactured housing broker to maintain 102191
at all times a special or trust bank account that is 102192
noninterest-bearing, is separate and distinct from any personal or 102193
other account of the broker, and into which shall be deposited and 102194
maintained all escrow funds, security deposits, and other moneys 102195
received by the broker in a fiduciary capacity. In a form 102196
determined by the commission, a manufactured housing broker shall 102197
submit written proof to the commission of the continued 102198
maintenance of the special or trust account. A depository where 102199
special or trust accounts are maintained in accordance with this 102200
section shall be located in this state. 102201

Sec. 4781.99. (A) Whoever violates division (A) of section 102202
4781.16 of the Revised Code is guilty of a minor misdemeanor on a 102203
first offense and shall be subject to a mandatory fine of one 102204
hundred dollars. On a second offense, the person is guilty of a 102205
misdemeanor of the first degree and shall be subject to a 102206
mandatory fine of one thousand dollars. 102207

(B) Whoever violates section 4781.20 of the Revised Code is 102208
guilty of a minor misdemeanor. 102209

(C) Whoever violates any of the following is guilty of a 102210
misdemeanor of the fourth degree: 102211

(1) Division (B) or (C) of section 4781.16 of the Revised 102212
Code; 102213

(2) Section 4781.22 of the Revised Code; 102214

(3) Section 4781.23 of the Revised Code; 102215

<u>(4) Division (A) of section 4781.24 of the Revised Code;</u>	102216
<u>(5) Section 4781.25 of the Revised Code.</u>	102217
Sec. 4905.801. (A) No person shall transport or cause to be	102218
transported any shipment of material that is subject to division	102219
(A)(1) of section 4163.07 of the Revised Code within, into, or	102220
through this state by rail or motor carrier unless the person, at	102221
least four days prior to the date of the shipment, pays to the	102222
public utilities commission the following fees for each shipment:	102223
(1) Two thousand five hundred dollars for each shipment by a	102224
motor carrier;	102225
(2) Four thousand five hundred dollars for the first cask	102226
designated for transport by rail and three thousand dollars for	102227
each additional cask designated for transport by rail that is	102228
shipped by the same person or entity in the same shipment.	102229
(B)(1) This section does not apply to either of the	102230
following:	102231
(a) Any shipment of material that is subject to division	102232
(A)(1) of section 4163.07 of the Revised Code by or for the United	102233
States government for military or national defense purposes;	102234
(b) Any shipment of material that is subject to division	102235
(A)(1) of section 4163.07 of the Revised Code to or from a plant	102236
that is owned by the United States department of energy and that	102237
is located in this state or to or from entities that operate on	102238
land located in this state that is owned or controlled by the	102239
United States department of energy or the United States department	102240
of defense.	102241
(2) Except as provided in division (B)(1)(a) and (b) of this	102242
section, this section applies to all other shipments of any	102243

material that is subject to division (A)(1) of section 4163.07 of
the Revised Code by or for the United States government to the
extent permitted by federal law.

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(C) Whoever violates division (A) of this section is liable
for a civil penalty in an amount not to exceed ten times the
amount of the fee that is due under this section. The attorney
general, upon the request of the public utilities commission,
shall bring a civil action to collect the penalty. Penalties
collected under this section shall be deposited in the state
treasury to the credit of the radioactive waste transportation
fund created in section 4905.802 of the Revised Code.

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(D) If a highway route controlled quantity shipment of a
material that is subject to division (A)(1) of section 4163.07 of
the Revised Code has been the subject of a United States
department of transportation level VI inspection and has passed
the inspection, the shipment shall not otherwise be subject to
inspection by state or local officials unless such inspection is
determined to be necessary by the state highway patrol. The public
utilities commission shall establish procedures for the reduction
of the fee established in division (A) of this section for such
shipments to incorporate police escort services only. The
procedures shall require the payment of the fee only after the
police escort has been completed.

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Sec. 4928.01. (A) As used in this chapter:

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(1) "Ancillary service" means any function necessary to the
provision of electric transmission or distribution service to a
retail customer and includes, but is not limited to, scheduling,
system control, and dispatch services; reactive supply from
generation resources and voltage control service; reactive supply
from transmission resources service; regulation service; frequency
response service; energy imbalance service; operating
reserve-spinning reserve service; operating reserve-supplemental

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reserve service; load following; back-up supply service; 102276
real-power loss replacement service; dynamic scheduling; system 102277
black start capability; and network stability service. 102278

(2) "Billing and collection agent" means a fully independent 102279
agent, not affiliated with or otherwise controlled by an electric 102280
utility, electric services company, electric cooperative, or 102281
governmental aggregator subject to certification under section 102282
4928.08 of the Revised Code, to the extent that the agent is under 102283
contract with such utility, company, cooperative, or aggregator 102284
solely to provide billing and collection for retail electric 102285
service on behalf of the utility company, cooperative, or 102286
aggregator. 102287

(3) "Certified territory" means the certified territory 102288
established for an electric supplier under sections 4933.81 to 102289
4933.90 of the Revised Code. 102290

(4) "Competitive retail electric service" means a component 102291
of retail electric service that is competitive as provided under 102292
division (B) of this section. 102293

(5) "Electric cooperative" means a not-for-profit electric 102294
light company that both is or has been financed in whole or in 102295
part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 102296
7 U.S.C. 901, and owns or operates facilities in this state to 102297
generate, transmit, or distribute electricity, or a not-for-profit 102298
successor of such company. 102299

(6) "Electric distribution utility" means an electric utility 102300
that supplies at least retail electric distribution service. 102301

(7) "Electric light company" has the same meaning as in 102302
section 4905.03 of the Revised Code and includes an electric 102303
services company, but excludes any self-generator to the extent 102304
that it consumes electricity it so produces, sells that 102305

electricity for resale, or obtains electricity from a generating facility it hosts on its premises.	102306 102307
(8) "Electric load center" has the same meaning as in section 4933.81 of the Revised Code.	102308 102309
(9) "Electric services company" means an electric light company that is engaged on a for-profit or not-for-profit basis in the business of supplying or arranging for the supply of only a competitive retail electric service in this state. "Electric services company" includes a power marketer, power broker, aggregator, or independent power producer but excludes an electric cooperative, municipal electric utility, governmental aggregator, or billing and collection agent.	102310 102311 102312 102313 102314 102315 102316 102317
(10) "Electric supplier" has the same meaning as in section 4933.81 of the Revised Code.	102318 102319
(11) "Electric utility" means an electric light company that has a certified territory and is engaged on a for-profit basis either in the business of supplying a noncompetitive retail electric service in this state or in the businesses of supplying both a noncompetitive and a competitive retail electric service in this state. "Electric utility" excludes a municipal electric utility or a billing and collection agent.	102320 102321 102322 102323 102324 102325 102326
(12) "Firm electric service" means electric service other than nonfirm electric service.	102327 102328
(13) "Governmental aggregator" means a legislative authority of a municipal corporation, a board of township trustees, or a board of county commissioners acting as an aggregator for the provision of a competitive retail electric service under authority conferred under section 4928.20 of the Revised Code.	102329 102330 102331 102332 102333
(14) A person acts "knowingly," regardless of the person's	102334

purpose, when the person is aware that the person's conduct will
probably cause a certain result or will probably be of a certain
nature. A person has knowledge of circumstances when the person is
aware that such circumstances probably exist.

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(15) "Level of funding for low-income customer energy
efficiency programs provided through electric utility rates" means
the level of funds specifically included in an electric utility's
rates on October 5, 1999, pursuant to an order of the public
utilities commission issued under Chapter 4905. or 4909. of the
Revised Code and in effect on October 4, 1999, for the purpose of
improving the energy efficiency of housing for the utility's
low-income customers. The term excludes the level of any such
funds committed to a specific nonprofit organization or
organizations pursuant to a stipulation or contract.

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(16) "Low-income customer assistance programs" means the
percentage of income payment plan program, the home energy
assistance program, the home weatherization assistance program,
and the targeted energy efficiency and weatherization program.

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(17) "Market development period" for an electric utility
means the period of time beginning on the starting date of
competitive retail electric service and ending on the applicable
date for that utility as specified in section 4928.40 of the
Revised Code, irrespective of whether the utility applies to
receive transition revenues under this chapter.

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(18) "Market power" means the ability to impose on customers
a sustained price for a product or service above the price that
would prevail in a competitive market.

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(19) "Mercantile customer" means a commercial or industrial
customer if the electricity consumed is for nonresidential use and
the customer consumes more than seven hundred thousand kilowatt
hours per year or is part of a national account involving multiple

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facilities in one or more states.	102366
(20) "Municipal electric utility" means a municipal corporation that owns or operates facilities to generate, transmit, or distribute electricity.	102367 102368 102369
(21) "Noncompetitive retail electric service" means a component of retail electric service that is noncompetitive as provided under division (B) of this section.	102370 102371 102372
(22) "Nonfirm electric service" means electric service provided pursuant to a schedule filed under section 4905.30 of the Revised Code or pursuant to an arrangement under section 4905.31 of the Revised Code, which schedule or arrangement includes conditions that may require the customer to curtail or interrupt electric usage during nonemergency circumstances upon notification by an electric utility.	102373 102374 102375 102376 102377 102378 102379
(23) "Percentage of income payment plan arrears" means funds eligible for collection through the percentage of income payment plan rider, but uncollected as of July 1, 2000.	102380 102381 102382
(24) "Person" has the same meaning as in section 1.59 of the Revised Code.	102383 102384
(25) "Advanced energy project" means any technologies, products, activities, or management practices or strategies that facilitate the generation or use of electricity <u>or energy</u> and that reduce or support the reduction of energy consumption or support the production of clean, renewable energy for industrial, distribution, commercial, institutional, governmental, research, not-for-profit, or residential energy users, including, but not limited to, advanced energy resources and renewable energy resources. "Advanced energy project" also includes any project described in division (A), (B), or (C) of section 4928.621 of the Revised Code.	102385 102386 102387 102388 102389 102390 102391 102392 102393 102394 102395

(26) "Regulatory assets" means the unamortized net regulatory assets that are capitalized or deferred on the regulatory books of the electric utility, pursuant to an order or practice of the public utilities commission or pursuant to generally accepted accounting principles as a result of a prior commission rate-making decision, and that would otherwise have been charged to expense as incurred or would not have been capitalized or otherwise deferred for future regulatory consideration absent commission action. "Regulatory assets" includes, but is not limited to, all deferred demand-side management costs; all deferred percentage of income payment plan arrears; post-in-service capitalized charges and assets recognized in connection with statement of financial accounting standards no. 109 (receivables from customers for income taxes); future nuclear decommissioning costs and fuel disposal costs as those costs have been determined by the commission in the electric utility's most recent rate or accounting application proceeding addressing such costs; the undepreciated costs of safety and radiation control equipment on nuclear generating plants owned or leased by an electric utility; and fuel costs currently deferred pursuant to the terms of one or more settlement agreements approved by the commission.

(27) "Retail electric service" means any service involved in supplying or arranging for the supply of electricity to ultimate consumers in this state, from the point of generation to the point of consumption. For the purposes of this chapter, retail electric service includes one or more of the following "service components": generation service, aggregation service, power marketing service, power brokerage service, transmission service, distribution service, ancillary service, metering service, and billing and collection service.

(28) "Starting date of competitive retail electric service"

means January 1, 2001.	102428
(29) "Customer-generator" means a user of a net metering system.	102429 102430
(30) "Net metering" means measuring the difference in an applicable billing period between the electricity supplied by an electric service provider and the electricity generated by a customer-generator that is fed back to the electric service provider.	102431 102432 102433 102434 102435
(31) "Net metering system" means a facility for the production of electrical energy that does all of the following:	102436 102437
(a) Uses as its fuel either solar, wind, biomass, landfill gas, or hydropower, or uses a microturbine or a fuel cell;	102438 102439
(b) Is located on a customer-generator's premises;	102440
(c) Operates in parallel with the electric utility's transmission and distribution facilities;	102441 102442
(d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.	102443 102444
(32) "Self-generator" means an entity in this state that owns or hosts on its premises an electric generation facility that produces electricity primarily for the owner's consumption and that may provide any such excess electricity to another entity, whether the facility is installed or operated by the owner or by an agent under a contract.	102445 102446 102447 102448 102449 102450
(33) "Rate plan" means the standard service offer in effect on the effective date of the amendment of this section by S.B. 221 of the 127th general assembly, <u>July 31, 2008</u> .	102451 102452 102453
(34) "Advanced energy resource" means any of the following:	102454

(a) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility;	102455 102456 102457 102458 102459
(b) Any distributed generation system consisting of customer cogeneration of electricity and thermal output simultaneously, primarily to meet the energy needs of the customer's facilities;	102460 102461 102462
(c) Clean coal technology that includes a carbon-based product that is chemically altered before combustion to demonstrate a reduction, as expressed as ash, in emissions of nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or sulfur trioxide in accordance with the American society of testing and materials standard D1757A or a reduction of metal oxide emissions in accordance with standard D5142 of that society, or clean coal technology that includes the design capability to control or prevent the emission of carbon dioxide, which design capability the commission shall adopt by rule and shall be based on economically feasible best available technology or, in the absence of a determined best available technology, shall be of the highest level of economically feasible design capability for which there exists generally accepted scientific opinion;	102463 102464 102465 102466 102467 102468 102469 102470 102471 102472 102473 102474 102475 102476
(d) Advanced nuclear energy technology consisting of generation III technology as defined by the nuclear regulatory commission; other, later technology; or significant improvements to existing facilities;	102477 102478 102479 102480
(e) Any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell;	102481 102482 102483 102484

(f) Advanced solid waste or construction and demolition debris conversion technology, including, but not limited to,	102485
advanced stoker technology, and advanced fluidized bed	102486
gasification technology, that results in measurable greenhouse	102487
gas emissions reductions as calculated pursuant to the United	102488
States environmental protection agency's waste reduction model	102489
(WARM).	102490
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(g) Demand-side management and any energy efficiency improvement;	102492
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<u>(h) Methane gas emitted from an operating or abandoned coal mine.</u>	102494
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(35) "Renewable energy resource" means solar photovoltaic or	102496
solar thermal energy, wind energy, power produced by a	102497
hydroelectric facility, geothermal energy, fuel derived from	102498
solid wastes, as defined in section 3734.01 of the Revised	102499
Code, through fractionation, biological decomposition, or other	102500
process that does not principally involve combustion, biomass	102501
energy, biologically derived methane gas, or energy derived	102502
from nontreated by-products of the pulping process or wood	102503
manufacturing process, including bark, wood chips, sawdust,	102504
and lignin in spent pulping liquors. "Renewable energy	102505
resource" includes, but is not limited to, any fuel cell used	102506
in the generation of electricity, including, but not limited	102507
to, a proton exchange membrane fuel cell, phosphoric acid fuel	102508
cell, molten carbonate fuel cell, or solid oxide fuel cell; wind	102509
turbine located in the state's territorial waters of Lake Erie;	102510
storage facility that will promote the better utilization of a	102511
renewable energy resource that primarily generates off peak; or	102512
distributed generation system used by a customer to generate	102513
electricity from any such energy. As used in division (A)(35)	102514
of this section, "hydroelectric facility" means a hydroelectric	102515
generating facility that is located at a dam on a river, or on	102516

any water discharged to a river, that is within or bordering this	102517
state or within or bordering an adjoining state and meets all of	102518
the following standards:	102519
(a) The facility provides for river flows that are not	102520
detrimental for fish, wildlife, and water quality, including	102521
seasonal flow fluctuations as defined by the applicable licensing	102522
agency for the facility.	102523
(b) The facility demonstrates that it complies with the	102524
water quality standards of this state, which compliance may	102525
consist of certification under Section 401 of the "Clean Water	102526
Act of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and	102527
demonstrates that it has not contributed to a finding by this	102528
state that the river has impaired water quality under Section	102529
303(d) of the "Clean Water Act of 1977," 114 Stat. 870, 33	102530
U.S.C. 1313.	102531
(c) The facility complies with mandatory prescriptions	102532
regarding fish passage as required by the federal energy	102533
regulatory commission license issued for the project, regarding	102534
fish protection for riverine, anadromous, and catadromus fish.	102535
(d) The facility complies with the recommendations of the	102536
Ohio environmental protection agency and with the terms of its	102537
federal energy regulatory commission license regarding watershed	102538
protection, mitigation, or enhancement, to the extent of each	102539
agency's respective jurisdiction over the facility.	102540
(e) The facility complies with provisions of the "Endangered	102541
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as	102542
amended.	102543
(f) The facility does not harm cultural resources of the	102544
area. This can be shown through compliance with the terms of its	102545
federal energy regulatory commission license or, if the facility	102546

is not regulated by that commission, through development of a plan approved by the Ohio historic preservation office, to the extent it has jurisdiction over the facility.

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(g) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge.

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(h) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the particular agency has jurisdiction over the facility.

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(B) For the purposes of this chapter, a retail electric service component shall be deemed a competitive retail electric service if the service component is competitive pursuant to a declaration by a provision of the Revised Code or pursuant to an order of the public utilities commission authorized under division (A) of section 4928.04 of the Revised Code. Otherwise, the service component shall be deemed a noncompetitive retail electric service.

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Sec. 5101.073. There is hereby created in the state treasury the ODJFS general services administration and operating fund. The director of job and family services may submit a deposit modification and payment detail report to the treasurer of state after the completion of the reconciliation of all final transactions with the federal government regarding a federal grant for a program the department of job and family services administers and a final closeout for the grant. On receipt of the report, the treasurer of state shall transfer the money in the refunds and audit settlements fund that is the subject of the

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report to the ODJFS general services administration and operating 102579
fund. Money in the ODJFS general services administration and 102580
operating fund shall be used to pay for the expenses of the 102581
programs the department administers and the department's 102582
administrative expenses, including the costs of state hearings 102583
under section 5101.35 of the Revised Code, required audit 102584
adjustments, and other related expenses. 102585

Sec. 5101.11. This section does not apply to contracts 102586
entered into under section 5111.90 or 5111.91 of the Revised Code. 102587

(A) As used in this section: 102588

(1) "Entity" includes an agency, board, commission, or 102589
department of the state or a political subdivision of the state; a 102590
private, nonprofit entity; a school district; a private school; or 102591
a public or private institution of higher education. 102592

(2) "Federal financial participation" means the federal 102593
government's share of expenditures made by an entity in 102594
implementing a program administered by the department of job and 102595
family services. 102596

(B) At the request of any public entity having authority to 102597
implement a program administered by the department of job and 102598
family services or any private entity under contract with a public 102599
entity to implement a program administered by the department, the 102600
department may seek to obtain federal financial participation for 102601
costs incurred by the entity. Federal financial participation may 102602
be sought from programs operated pursuant to Title IV-A, Title 102603
IV-E, and Title XIX of the "Social Security Act," 49 Stat. 620 102604
(1935), 42 U.S.C. 301, as amended; the "Food Stamp and Nutrition 102605
Act of 1964," 78 Stat. 703, 2008 (7 U.S.C. 2011, as amended et 102606
seq.); and any other statute or regulation under which federal 102607
financial participation may be available, except that federal 102608
financial participation may be sought only for expenditures made 102609

with funds for which federal financial participation is available 102610
under federal law. 102611

(C) All funds collected by the department of job and family 102612
services pursuant to division (B) of this section shall be 102613
distributed to the entities that incurred the costs, except for 102614
any amounts retained by the department pursuant to division (D)(3) 102615
of this section. 102616

(D) In distributing federal financial participation pursuant 102617
to this section, the department may either enter into an agreement 102618
with the entity that is to receive the funds or distribute the 102619
funds in accordance with rules adopted under division (F) of this 102620
section. If the department decides to enter into an agreement to 102621
distribute the funds, the agreement may include terms that do any 102622
of the following: 102623

(1) Provide for the whole or partial reimbursement of any 102624
cost incurred by the entity in implementing the program; 102625

(2) In the event that federal financial participation is 102626
disallowed or otherwise unavailable for any expenditure, require 102627
the department of job and family services or the entity, whichever 102628
party caused the disallowance or unavailability of federal 102629
financial participation, to assume responsibility for the 102630
expenditures; 102631

(3) Permit the department to retain not more than five per 102632
cent of the amount of the federal financial participation to be 102633
distributed to the entity; 102634

(4) Require the public entity to certify the availability of 102635
sufficient unencumbered funds to match the federal financial 102636
participation it receives under this section; 102637

(5) Establish the length of the agreement, which may be for a 102638

fixed or a continuing period of time;	102639
(6) Establish any other requirements determined by the department to be necessary for the efficient administration of the agreement.	102640 102641 102642
(E) An entity that receives federal financial participation pursuant to this section for a program aiding children and their families shall establish a process for collaborative planning with the department of job and family services for the use of the funds to improve and expand the program.	102643 102644 102645 102646 102647
(F) The director of job and family services shall adopt rules as necessary to implement this section, including rules for the distribution of federal financial participation pursuant to this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The director may adopt or amend any statewide plan required by the federal government for a program administered by the department, as necessary to implement this section.	102648 102649 102650 102651 102652 102653 102654 102655
(G) Federal financial participation received pursuant to this section shall not be included in any calculation made under section 5101.16 or 5101.161 of the Revised Code.	102656 102657 102658
Sec. 5101.16. (A) As used in this section and sections 5101.161 and 5101.162 of the Revised Code:	102659 102660
(1) "Disability financial assistance" means the financial assistance program established under Chapter 5115. of the Revised Code.	102661 102662 102663
(2) ~~"Disability medical assistance" means the medical assistance program established under Chapter 5115. of the Revised Code.~~	102664 102665 102666

~~(3)~~ <u>(3)</u> " ~~Food stamps~~ <u>Supplemental nutrition assistance program</u> "	102667
means the program administered by the department of job and family	102668
services pursuant to section 5101.54 of the Revised Code.	102669
~~(4)~~ <u>(3)</u> "Medicaid" means the medical assistance program	102670
established by Chapter 5111. of the Revised Code, excluding	102671
transportation services provided under that chapter.	102672
~~(5)~~ <u>(4)</u> "Ohio works first" means the program established by	102673
Chapter 5107. of the Revised Code.	102674
~~(6)~~ <u>(5)</u> "Prevention, retention, and contingency" means the	102675
program established by Chapter 5108. of the Revised Code.	102676
~~(7)~~ <u>(6)</u> "Public assistance expenditures" means expenditures	102677
for all of the following:	102678
(a) Ohio works first;	102679
(b) County administration of Ohio works first;	102680
(c) Prevention, retention, and contingency;	102681
(d) County administration of prevention, retention, and	102682
contingency;	102683
(e) Disability financial assistance;	102684
(f) ~~Disability medical assistance;~~	102685
~~(g)~~ County administration of disability financial	102686
assistance;	102687
~~(h)~~ ~~County administration of disability medical assistance;~~	102688
~~(i)~~ <u>(g)</u> County administration of ~~food stamps~~ <u>the supplemental</u>	102689
<u>nutrition assistance program</u> ;	102690

(j)(h) County administration of medicaid.	102691
(8)(7) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.	102692 102693
(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal year 1998 and each state fiscal year thereafter:	102694 102695 102696 102697 102698 102699
(1) The amount that is twenty-five per cent of the county's total expenditures for disability financial assistance and ~~disability medical assistance and county administration of those programs~~ <u>that program</u> during the state fiscal year ending in the previous calendar year that the department of job and family services determines are allowable.	102700 102701 102702 102703 102704 102705
(2) The amount that is ten per cent, or other percentage determined under division (D) of this section, of the county's total expenditures for county administration of ~~food stamps~~ <u>the supplemental nutrition assistance program</u> and medicaid during the state fiscal year ending in the previous calendar year that the department determines are allowable, less the amount of federal reimbursement credited to the county under division (E) of this section for the state fiscal year ending in the previous calendar year;	102706 102707 102708 102709 102710 102711 102712 102713 102714
(3) A percentage of the actual amount of the county share of program and administrative expenditures during federal fiscal year 1994 for assistance and services, other than child care, provided under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as those titles existed prior to the enactment of the "Personal Responsibility and Work Opportunity	102715 102716 102717 102718 102719 102720

Reconciliation Act of 1996," 110 Stat. 2105. The department of job and family services shall determine the actual amount of the county share from expenditure reports submitted to the United States department of health and human services. The percentage shall be the percentage established in rules adopted under division (F) of this section.

(C)(1) If a county's share of public assistance expenditures determined under division (B) of this section for a state fiscal year exceeds one hundred ten per cent of the county's share for those expenditures for the immediately preceding state fiscal year, the department of job and family services shall reduce the county's share for expenditures under divisions (B)(1) and (2) of this section so that the total of the county's share for expenditures under division (B) of this section equals one hundred ten per cent of the county's share of those expenditures for the immediately preceding state fiscal year.

(2) A county's share of public assistance expenditures determined under division (B) of this section may be increased pursuant to section 5101.163 of the Revised Code and a sanction under section 5101.24 of the Revised Code. An increase made pursuant to section 5101.163 of the Revised Code may cause the county's share to exceed the limit established by division (C)(1) of this section.

(D)(1) If the per capita tax duplicate of a county is less than the per capita tax duplicate of the state as a whole and division (D)(2) of this section does not apply to the county, the percentage to be used for the purpose of division (B)(2) of this section is the product of ten multiplied by a fraction of which the numerator is the per capita tax duplicate of the county and the denominator is the per capita tax duplicate of the state as a whole. The department of job and family services shall compute the per capita tax duplicate for the state and for each county by

dividing the tax duplicate for the most recent available year by
the current estimate of population prepared by the department of
development.

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(2) If the percentage of families in a county with an annual
income of less than three thousand dollars is greater than the
percentage of such families in the state and division (D)(1) of
this section does not apply to the county, the percentage to be
used for the purpose of division (B)(2) of this section is the
product of ten multiplied by a fraction of which the numerator is
the percentage of families in the state with an annual income of
less than three thousand dollars a year and the denominator is the
percentage of such families in the county. The department of job
and family services shall compute the percentage of families with
an annual income of less than three thousand dollars for the state
and for each county by multiplying the most recent estimate of
such families published by the department of development, by a
fraction, the numerator of which is the estimate of average annual
personal income published by the bureau of economic analysis of
the United States department of commerce for the year on which the
census estimate is based and the denominator of which is the most
recent such estimate published by the bureau.

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(3) If the per capita tax duplicate of a county is less than
the per capita tax duplicate of the state as a whole and the
percentage of families in the county with an annual income of less
than three thousand dollars is greater than the percentage of such
families in the state, the percentage to be used for the purpose
of division (B)(2) of this section shall be determined as follows:

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(a) Multiply ten by the fraction determined under division
(D)(1) of this section;

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(b) Multiply the product determined under division (D)(3)(a)
of this section by the fraction determined under division (D)(2)
of this section.

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(4) The department of job and family services shall	102785
determine, for each county, the percentage to be used for the	102786
purpose of division (B)(2) of this section not later than the	102787
first day of July of the year preceding the state fiscal year for	102788
which the percentage is used.	102789
(E) The department of job and family services shall credit to	102790
a county the amount of federal reimbursement the department	102791
receives from the United States departments of agriculture and	102792
health and human services for the county's expenditures for	102793
administration of ~~food stamps~~ <u>the supplemental nutrition</u>	102794
<u>assistance program</u> and medicaid that the department determines are	102795
allowable administrative expenditures.	102796
(F)(1) The director of job and family services shall adopt	102797
rules in accordance with section 111.15 of the Revised Code to	102798
establish all of the following:	102799
(a) The method the department is to use to change a county's	102800
share of public assistance expenditures determined under division	102801
(B) of this section as provided in division (C) of this section;	102802
(b) The allocation methodology and formula the department	102803
will use to determine the amount of funds to credit to a county	102804
under this section;	102805
(c) The method the department will use to change the payment	102806
of the county share of public assistance expenditures from a	102807
calendar-year basis to a state fiscal year basis;	102808
(d) The percentage to be used for the purpose of division	102809
(B)(3) of this section, which shall, except as provided in section	102810
5101.163 of the Revised Code, meet both of the following	102811
requirements:	102812

(i) The percentage shall not be less than seventy-five per cent nor more than eighty-two per cent;	102813 102814
(ii) The percentage shall not exceed the percentage that the state's qualified state expenditures is of the state's historic state expenditures as those terms are defined in 42 U.S.C. 609(a)(7).	102815 102816 102817 102818
(e) Other procedures and requirements necessary to implement this section.	102819 102820
(2) The director of job and family services may amend the rule adopted under division (F)(1)(d) of this section to modify the percentage on determination that the amount the general assembly appropriates for Title IV-A programs makes the modification necessary. The rule shall be adopted and amended as if an internal management rule and in consultation with the director of budget and management.	102821 102822 102823 102824 102825 102826 102827
Sec. 5101.162. Subject to available federal funds and appropriations made by the general assembly, the department of job and family services may, at its sole discretion, use available federal funds to reimburse county expenditures for county administration of ~~food stamps~~ <u>the supplemental nutrition assistance program</u> or medicaid even though the county expenditures meet or exceed the maximum allowable reimbursement amount established by rules adopted under section 5101.161 of the Revised Code. The director may adopt internal management rules in accordance with section 111.15 of the Revised Code to implement this section.	102828 102829 102830 102831 102832 102833 102834 102835 102836 102837 102838
Sec. 5101.181. (A) As used in this section and section 5101.182 of the Revised Code, "public assistance" includes, in addition to Ohio works first, all of the following:	102839 102840 102841
(1) Prevention, retention, and contingency;	102842

(2) Medicaid;	102843
(3) Disability financial assistance;	102844
(4) ~~Disability medical assistance;~~	102845
(5) General assistance provided prior to July 17, 1995, under former Chapter 5113. of the Revised Code.	102846 102847
(B) As part of the procedure for the determination of overpayment to a recipient of public assistance under Chapter 5107., 5108., 5111., or 5115. of the Revised Code, the director of job and family services shall furnish quarterly the name and social security number of each individual who receives public assistance to the director of administrative services, the administrator of the bureau of workers' compensation, and each of the state's retirement boards. Within fourteen days after receiving the name and social security number of an individual who receives public assistance, the director of administrative services, administrator, or board shall inform the auditor of state as to whether such individual is receiving wages or benefits, the amount of any wages or benefits being received, the social security number, and the address of the individual. The director of administrative services, administrator, boards, and any agent or employee of those officials and boards shall comply with the rules of the director of job and family services restricting the disclosure of information regarding recipients of public assistance. Any person who violates this provision shall thereafter be disqualified from acting as an agent or employee or in any other capacity under appointment or employment of any state board, commission, or agency.	102848 102849 102850 102851 102852 102853 102854 102855 102856 102857 102858 102859 102860 102861 102862 102863 102864 102865 102866 102867 102868 102869
(C) The auditor of state may enter into a reciprocal agreement with the director of job and family services or comparable officer of any other state for the exchange of names,	102870 102871 102872

current or most recent addresses, or social security numbers of 102873
persons receiving public assistance under Title IV-A or under 102874
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 102875
U.S.C. 301, as amended. 102876

(D)(1) The auditor of state shall retain, for not less than 102877
two years, at least one copy of all information received under 102878
this section and sections 145.27, 742.41, 3307.20, 3309.22, 102879
4123.27, 5101.182, and 5505.04 of the Revised Code. The auditor 102880
shall review the information to determine whether overpayments 102881
were made to recipients of public assistance under Chapters 5107., 102882
5108., 5111., and 5115. of the Revised Code. The auditor of state 102883
shall initiate action leading to prosecution, where warranted, of 102884
recipients who received overpayments by forwarding the name of 102885
each recipient who received overpayment, together with other 102886
pertinent information, to the director of job and family services 102887
and the attorney general, to the district director of job and 102888
family services of the district through which public assistance 102889
was received, and to the county director of job and family 102890
services and county prosecutor of the county through which public 102891
assistance was received. 102892

(2) The auditor of state and the attorney general or their 102893
designees may examine any records, whether in computer or printed 102894
format, in the possession of the director of job and family 102895
services or any county director of job and family services. They 102896
shall provide safeguards which restrict access to such records to 102897
purposes directly connected with an audit or investigation, 102898
prosecution, or criminal or civil proceeding conducted in 102899
connection with the administration of the programs and shall 102900
comply with the rules of the director of job and family services 102901
restricting the disclosure of information regarding recipients of 102902
public assistance. Any person who violates this provision shall 102903
thereafter be disqualified from acting as an agent or employee or 102904
in any other capacity under appointment or employment of any state 102905

board, commission, or agency.	102906
(3) Costs incurred by the auditor of state in carrying out the auditor of state's duties under this division shall be borne by the auditor of state.	102907 102908 102909
Sec. 5101.24. (A) As used in this section, "responsible county grantee" means whichever county grantee, as defined in section 5101.21 of the Revised Code, the director of job and family services determines is appropriate to take action against under division (C) of this section.	102910 102911 102912 102913 102914
(B) Regardless of whether a family services duty is performed by a county family services agency, private or government entity pursuant to a contract entered into under section 307.982 of the Revised Code or division (C)(2) of section 5153.16 of the Revised Code, or private or government provider of a family service duty, the department of job and family services may take action under division (C) of this section against the responsible county grantee if the department determines any of the following are the case:	102915 102916 102917 102918 102919 102920 102921 102922 102923
(1) A requirement of a grant agreement entered into under section 5101.21 of the Revised Code that includes a grant for the family services duty, including a requirement for grant agreements established by rules adopted under that section, is not complied with;	102924 102925 102926 102927 102928
(2) A county family services agency fails to develop, submit to the department, or comply with a corrective action plan under division (B) of section 5101.221 of the Revised Code, or the department disapproves the agency's corrective action plan developed under division (B) of section 5101.221 of the Revised Code;	102929 102930 102931 102932 102933 102934
(3) A requirement for the family services duty established by	102935

the department or any of the following is not complied with: a	102936
federal or state law, state plan for receipt of federal financial	102937
participation, grant agreement between the department and a	102938
federal agency, or executive order issued by the governor;	102939
(4) The responsible county grantee is solely or partially	102940
responsible, as determined by the director of job and family	102941
services, for an adverse audit finding, adverse quality control	102942
finding, final disallowance of federal financial participation,	102943
or other sanction or penalty regarding the family services duty.	102944
(C) The department may take one or more of the following	102945
actions against the responsible county grantee when authorized by	102946
division (B)(1), (2), (3), or (4) of this section:	102947
(1) Require the responsible county grantee to comply with a	102948
corrective action plan pursuant to a time schedule specified by	102949
the department. The corrective action plan shall be established	102950
or approved by the department and shall not require a county	102951
grantee to commit resources to the plan.	102952
(2) Require the responsible county grantee to comply with a	102953
corrective action plan pursuant to a time schedule specified by	102954
the department. The corrective action plan shall be established	102955
or approved by the department and require a county grantee to	102956
commit to the plan existing resources identified by the agency.	102957
(3) Require the responsible county grantee to do one of the	102958
following:	102959
(a) Share with the department a final disallowance of federal	102960
financial participation or other sanction or penalty;	102961
(b) Reimburse the department the final amount the department	102962
pays to the federal government or another entity that represents	102963
the amount the responsible county grantee is responsible for of	102964

an adverse audit finding, adverse quality control finding, final	102965
disallowance of federal financial participation, or other	102966
sanction or penalty issued by the federal government, auditor of	102967
state, or other entity;	102968
 (c) Pay the federal government or another entity the final	102969
amount that represents the amount the responsible county grantee	102970
is responsible for of an adverse audit finding, adverse quality	102971
control finding, final disallowance of federal financial	102972
participation, or other sanction or penalty issued by the federal	102973
government, auditor of state, or other entity;	102974
 (d) Pay the department the final amount that represents the	102975
amount the responsible county grantee is responsible for of an	102976
adverse audit finding or adverse quality control finding.	102977
 (4) Impose an administrative sanction issued by the	102978
department against the responsible county grantee. A sanction may	102979
be increased if the department has previously taken action	102980
against the responsible entity under this division.	102981
 (5) Perform, or contract with a government or private entity	102982
for the entity to perform, the family services duty until the	102983
department is satisfied that the responsible county grantee	102984
ensures that the duty will be performed satisfactorily. If the	102985
department performs or contracts with an entity to perform a	102986
family services duty under division (C)(5) of this section, the	102987
department may do either or both of the following:	102988
 (a) Spend funds in the county treasury appropriated by the	102989
board of county commissioners for the duty;	102990
 (b) Withhold funds allocated or reimbursements due to the	102991
responsible county grantee for the duty and spend the funds for	102992
the duty.	102993

(6) Request that the attorney general bring mandamus proceedings to compel the responsible county grantee to take or cease the action that causes division (B)(1), (2), (3), or (4) of this section to apply. The attorney general shall bring mandamus proceedings in the Franklin county court of appeals at the department's request.

(7) If the department takes action under this division because of division (B)(3) of this section, temporarily withhold funds allocated or reimbursement due to the responsible county grantee until the department determines that the responsible county grantee is in compliance with the requirement. The department shall release the funds when the department determines that compliance has been achieved.

(D) If the department proposes to take action against the responsible county grantee under division (C) of this section, the department shall notify the responsible county grantee, director of the appropriate county family services agency, and county auditor. The notice shall be in writing and specify the action the department proposes to take. The department shall send the notice by regular United States mail.

Except as provided by division (E) of this section, the responsible county grantee may request an administrative review of a proposed action in accordance with administrative review procedures the department shall establish. The administrative review procedures shall comply with all of the following:

(1) A request for an administrative review shall state specifically all of the following:

(a) The proposed action specified in the notice from the department for which the review is requested;

(b) The reason why the responsible county grantee believes

the proposed action is inappropriate;	103024
(c) All facts and legal arguments that the responsible county grantee wants the department to consider;	103025 103026
(d) The name of the person who will serve as the responsible county grantee's representative in the review.	103027 103028
(2) If the department's notice specifies more than one proposed action and the responsible county grantee does not specify all of the proposed actions in its request pursuant to division (D)(1)(a) of this section, the proposed actions not specified in the request shall not be subject to administrative review and the parts of the notice regarding those proposed actions shall be final and binding on the responsible county grantee.	103029 103030 103031 103032 103033 103034 103035 103036
(3) In the case of a proposed action under division (C)(1) of this section, the responsible county grantee shall have fifteen calendar days after the department mails the notice to the responsible county grantee to send a written request to the department for an administrative review. If it receives such a request within the required time, the department shall postpone taking action under division (C)(1) of this section for fifteen calendar days following the day it receives the request or extended period of time provided for in division (D)(5) of this section to allow a representative of the department and a representative of the responsible county grantee an informal opportunity to resolve any dispute during that fifteen-day or extended period.	103037 103038 103039 103040 103041 103042 103043 103044 103045 103046 103047 103048 103049
(4) In the case of a proposed action under division (C)(2), (3), (4), (5), or (7) of this section, the responsible county grantee shall have thirty calendar days after the department mails the notice to the responsible county grantee to send a written request to the department for an administrative review.	103050 103051 103052 103053 103054

If it receives such a request within the required time, the
department shall postpone taking action under division (C)(2),
(3), (4), (5), or (7) of this section for thirty calendar days
following the day it receives the request or extended period of
time provided for in division (D)(5) of this section to allow a
representative of the department and a representative of the
responsible county grantee an informal opportunity to resolve
any dispute during that thirty-day or extended period.

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(5) If the informal opportunity provided in division (D)(3)
or (4) of this section does not result in a written resolution to
the dispute within the fifteen- or thirty-day period, the director
of job and family services and representative of the responsible
county grantee may enter into a written agreement extending the
time period for attempting an informal resolution of the dispute
under division (D)(3) or (4) of this section.

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(6) In the case of a proposed action under division (C)(3) of
this section, the responsible county grantee may not include in
its request disputes over a finding, final disallowance of
federal financial participation, or other sanction or penalty
issued by the federal government, auditor of state, or entity
other than the department.

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(7) If the responsible county grantee fails to request an
administrative review within the required time, the responsible
county grantee loses the right to request an administrative
review of the proposed actions specified in the notice and the
notice becomes final and binding on the responsible county
grantee.

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(8) If the informal opportunity provided in division (D)(3)
or (4) of this section does not result in a written resolution to
the dispute within the time provided by division (D)(3), (4), or
(5) of this section, the director shall appoint an administrative
review panel to conduct the administrative review. The review

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panel shall consist of department employees and one director or
other representative of the type of county family services agency
that is responsible for the kind of family services duty that is
the subject of the dispute and serves a different county than the
county served by the responsible county grantee. No individual
involved in the department's proposal to take action against the
responsible county grantee may serve on the review panel. The
review panel shall review the responsible county grantee's
request. The review panel may require that the department or
responsible county grantee submit additional information and
schedule and conduct an informal hearing to obtain testimony or
additional evidence. A review of a proposal to take action under
division (C)(3) of this section shall be limited solely to the
issue of the amount the responsible county grantee shall share
with the department, reimburse the department, or pay to the
federal government, department, or other entity under division
(C)(3) of this section. The review panel is not required to make
a stenographic record of its hearing or other proceedings.

(9) After finishing an administrative review, an
administrative review panel appointed under division (D)(8) of
this section shall submit a written report to the director setting
forth its findings of fact, conclusions of law, and
recommendations for action. The director may approve, modify, or
disapprove the recommendations. If the director modifies or
disapproves the recommendations, the director shall state the
reasons for the modification or disapproval and the actions to be
taken against the responsible county grantee.

(10) The director's approval, modification, or disapproval
under division (D)(9) of this section shall be final and binding
on the responsible county grantee and shall not be subject to
further departmental review.

(E) The responsible county grantee is not entitled to an

administrative review under division (D) of this section for any	103119
of the following:	103120
(1) An action taken under division (C)(6) of this section;	103121
(2) An action taken under section 5101.242 of the Revised Code;	103122 103123
(3) An action taken under division (C)(3) of this section if	103124
the federal government, auditor of state, or entity other than the	103125
department has identified the responsible county grantee as being	103126
solely or partially responsible for an adverse audit finding,	103127
adverse quality control finding, final disallowance of federal	103128
financial participation, or other sanction or penalty;	103129
(4) An adjustment to an allocation, cash draw, advance, or	103130
reimbursement to a responsible county grantee that the department	103131
determines necessary for budgetary reasons;	103132
(5) Withholding of a cash draw or reimbursement due to	103133
noncompliance with a reporting requirement established in rules	103134
adopted under section 5101.243 of the Revised Code;	103135
<u>(6) An action taken under division (C)(5) of this section if</u>	103136
<u>the department determines that an emergency exists.</u>	103137
(F) This section does not apply to other actions the	103138
department takes against the responsible county grantee pursuant	103139
to authority granted by another state law unless the other state	103140
law requires the department to take the action in accordance with	103141
this section.	103142
(G) The director of job and family services may adopt rules	103143
in accordance with Chapter 119. of the Revised Code as necessary	103144
to implement this section.	103145

Sec. 5101.26. As used in this section and in sections 5101.27 to 5101.30 of the Revised Code:	103146 103147
(A) "County agency" means a county department of job and family services or a public children services agency.	103148 103149
(B) "Fugitive felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence.	103150 103151 103152 103153 103154 103155 103156 103157
(C) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, a county agency, or an entity performing duties on behalf of the department or a county agency.	103158 103159 103160 103161 103162 103163
(D) "Law enforcement agency" means the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency.	103164 103165 103166 103167 103168 103169 103170 103171
(E) "Medical assistance provided under a public assistance program" means medical assistance provided under the programs established under sections 5101.49, 5101.50 to ~~5101.503~~ , 5101.51 to ~~5101.5110~~ , 5101.52 to ~~5101.529~~ , and 5101.5211 to 5101.5216, ~~Chapter 5111. and 5115.~~ <u>Chapter 5111.</u> , or any other provision of the	103172 103173 103174 103175 103176

Revised Code.	103177
(F) "Public assistance" means financial assistance, medical assistance, or social services provided under a program administered by the department of job and family services or a county agency pursuant to Chapter 329., 5101., 5104., 5107., 5108., 5111., or 5115. of the Revised Code or an executive order issued under section 107.17 of the Revised Code.	103178 103179 103180 103181 103182 103183
(G) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance.	103184 103185
Sec. 5101.31. Any record, data, pricing information, or other information regarding a drug rebate agreement or a supplemental drug rebate agreement for the medicaid program established under Chapter 5111. of the Revised Code ~~or the disability medical assistance program established under section 5115.10 of the Revised Code~~ that the department of job and family services receives from a pharmaceutical manufacturer or creates pursuant to negotiation of the agreement is not a public record under section 149.43 of the Revised Code and shall be treated by the department as confidential information.	103186 103187 103188 103189 103190 103191 103192 103193 103194 103195
Sec. 5101.33. (A) As used in this section, "benefits" means any of the following:	103196 103197
(1) Cash assistance paid under Chapter 5107. or 5115. of the Revised Code;	103198 103199
(2) ~~Food stamp~~ <u>Supplemental nutrition assistance program</u> benefits provided under section 5101.54 of the Revised Code;	103200 103201
(3) Any other program administered by the department of job and family services under which assistance is provided or service rendered;	103202 103203 103204

(4) Any other program, service, or assistance administered by a person or government entity that the department determines may be delivered through the medium of electronic benefit transfer.	103205 103206 103207
(B) The department of job and family services may make any payment or delivery of benefits to eligible individuals through the medium of electronic benefit transfer by doing all of the following:	103208 103209 103210 103211
(1) Contracting with an agent to supply debit cards to the department of job and family services for use by such individuals in accessing their benefits and to credit such cards electronically with the amounts specified by the director of job and family services pursuant to law;	103212 103213 103214 103215 103216
(2) Informing such individuals about the use of the electronic benefit transfer system and furnishing them with debit cards and information that will enable them to access their benefits through the system;	103217 103218 103219 103220
(3) Arranging with specific financial institutions or vendors, county departments of job and family services, or persons or government entities for individuals to have their cards credited electronically with the proper amounts at their facilities;	103221 103222 103223 103224 103225
(4) Periodically preparing vouchers for the payment of such benefits by electronic benefit transfer;	103226 103227
(5) Satisfying any applicable requirements of federal and state law.	103228 103229
(C) The department may enter into a written agreement with any person or government entity to provide benefits administered by that person or entity through the medium of electronic benefit transfer. A written agreement may require the person or government	103230 103231 103232 103233

entity to pay to the department either or both of the following:	103234
(1) A charge that reimburses the department for all costs the department incurs in having the benefits administered by the person or entity provided through the electronic benefit transfer system;	103235 103236 103237 103238
(2) A fee for having the benefits provided through the electronic benefit transfer system.	103239 103240
(D) The department may designate which counties will participate in the medium of electronic benefit transfer, specify the date a designated county will begin participation, and specify which benefits will be provided through the medium of electronic benefit transfer in a designated county.	103241 103242 103243 103244 103245
(E) The department may adopt rules in accordance with Chapter 119. of the Revised Code for the efficient administration of this section.	103246 103247 103248
Sec. 5101.34. (A) There is hereby created in the department of job and family services the Ohio commission on fatherhood. The commission shall consist of the following members:	103249 103250 103251
(1)(a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party. Two of the members must be from legislative districts that include a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.	103252 103253 103254 103255 103256 103257
(b) Two members of the senate appointed by the president of the senate, each from a different political party. One of the members must be from a legislative district that includes a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed	103258 103259 103260 103261 103262

by females.	103263
(2) The governor, or the governor's designee;	103264
(3) One representative of the judicial branch of government appointed by the chief justice of the supreme court;	103265 103266
(4) The directors of health, job and family services, rehabilitation and correction, <u>alcohol and drug addiction services</u> , and youth services and the superintendent of public instruction, or their designees;	103267 103268 103269 103270
(5) One representative of the Ohio family and children first cabinet council created under section 121.37 of the Revised Code appointed by the chairperson of the council;	103271 103272 103273
(6) Five representatives of the general public appointed by the governor. These members shall have extensive experience in issues related to fatherhood.	103274 103275 103276
(B) The appointing authorities of the Ohio commission on fatherhood shall make initial appointments to the commission within thirty days after ~~the effective date of this section~~ <u>September 29, 1999</u> . Of the initial appointments to the commission made pursuant to divisions (A)(3), (5), and (6) of this section, three of the members shall serve a term of one year and four shall serve a term of two years. Members so appointed subsequently shall serve two-year terms. A member appointed pursuant to division (A)(1) of this section shall serve on the commission until the end of the general assembly from which the member was appointed or until the member ceases to serve in the chamber of the general assembly in which the member serves at the time of appointment, whichever occurs first. The governor or the governor's designee shall serve on the commission until the governor ceases to be governor. The directors and superintendent or their designees shall serve on the commission until they cease, or the director or	103277 103278 103279 103280 103281 103282 103283 103284 103285 103286 103287 103288 103289 103290 103291 103292

superintendent a designee represents ceases, to be director or 103293
superintendent. Each member shall serve on the commission from the 103294
date of appointment until the end of the term for which the member 103295
was appointed. Members may be reappointed. 103296

Vacancies shall be filled in the manner provided for original 103297
appointments. Any member appointed to fill a vacancy occurring 103298
prior to the expiration date of the term for which the member's 103299
predecessor was appointed shall serve on the commission for the 103300
remainder of that term. A member shall continue to serve on the 103301
commission subsequent to the expiration date of the member's term 103302
until the member's successor is appointed or until a period of 103303
sixty days has elapsed, whichever occurs first. Members shall 103304
serve without compensation but shall be reimbursed for necessary 103305
expenses. 103306

Sec. 5101.36. Any application for public assistance gives a 103307
right of subrogation to the department of job and family services 103308
for any workers' compensation benefits payable to a person who is 103309
subject to a support order, as defined in section 3119.01 of the 103310
Revised Code, on behalf of the applicant, to the extent of any 103311
public assistance payments made on the applicant's behalf. If the 103312
director of job and family services, in consultation with a child 103313
support enforcement agency and the administrator of the bureau of 103314
workers' compensation, determines that a person responsible for 103315
support payments to a recipient of public assistance is receiving 103316
workers' compensation, the director shall notify the administrator 103317
of the amount of the benefit to be paid to the department of job 103318
and family services. 103319

For purposes of this section, "public assistance" means 103320
medical assistance provided through the medical assistance program 103321
established under section 5111.01 of the Revised Code; Ohio works 103322
first provided under Chapter 5107. of the Revised Code; 103323
prevention, retention, and contingency benefits and services 103324

provided under Chapter 5108. of the Revised Code; <u>or</u> disability	103325
financial assistance provided under Chapter 5115. of the Revised	103326
Code; ~~or disability medical assistance provided under Chapter~~	103327
~~5115. of the Revised Code.~~	103328

Sec. 5101.47. (A) Except as provided in division (B) of	103329
this section, the director of job and family services may accept	103330
applications, determine eligibility, redetermine eligibility, and	103331
perform related administrative activities for one or more of the	103332
following:	103333

(1) The medicaid program established by Chapter 5111. of the	103334
Revised Code;	103335

(2) The children's health insurance program parts I, II, and	103336
III provided for under sections 5101.50, 5101.51, and 5101.52 of	103337
the Revised Code;	103338

(3) Publicly funded child care provided under Chapter 5104.	103339
of the Revised Code;	103340

(4) The ~~food stamp~~ <u>supplemental nutrition assistance</u> program	103341
administered by the department of job and family services	103342
pursuant to section 5101.54 of the Revised Code;	103343

(5) Other programs the director determines are supportive of	103344
children, adults, or families;	103345

(6) Other programs regarding which the director determines	103346
administrative cost savings and efficiency may be achieved through	103347
the department accepting applications, determining eligibility,	103348
redetermining eligibility, or performing related administrative	103349
activities.	103350

(B) If federal law requires a face-to-face interview to	103351
complete an eligibility determination for a program specified in	103352

or pursuant to division (A) of this section, the face-to-face
interview shall not be conducted by the department of job and
family services.

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(C) Subject to division (B) of this section, if the director
elects to accept applications, determine eligibility, redetermine
eligibility, and perform related administrative activities for a
program specified in or pursuant to division (A) of this section,
both of the following apply:

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(1) An individual seeking services under the program may
apply for the program to the director or to the entity that state
law governing the program authorizes to accept applications for
the program.

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(2) The director is subject to federal statutes and
regulations and state statutes and rules that require, permit, or
prohibit an action regarding accepting applications, determining
or redetermining eligibility, and performing related
administrative activities for the program.

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(D) The director may adopt rules as necessary to implement
this section.

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Sec. 5101.50. (A) As used in sections 5101.50 to ~~5101.529~~
5101.5210 of the Revised Code:

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(1) "Children's health insurance program" means the program
authorized by Title XXI of the "Social Security Act," 111 Stat.
552 (1997), 42 U.S.C.A. 1397aa.

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(2) "Federal poverty guidelines" has the same meaning as in
section 5101.46 of the Revised Code.

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(B) The director of job and family services may continue to
operate the children's health insurance program initially

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authorized by an executive order issued under section 107.17 of the Revised Code as long as federal financial participation is available for the program. If operated, the program shall provide health assistance to uninsured individuals under nineteen years of age with family incomes not exceeding one hundred fifty per cent of the federal poverty guidelines. In accordance with 42 U.S.C.A. 1397aa, the director may provide for the health assistance to meet the requirements of 42 U.S.C.A. 1397cc, to be provided under the medicaid program established under Chapter 5111. of the Revised Code, or to be a combination of both.

Sec. 5101.504. (A) A school-based health center, as defined in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services that the children's health insurance program part I covers if the center meets the requirements applicable to other providers providing those services.

(B) The director may adopt rules under section 5101.502 of the Revised Code pertaining to the billing, reimbursement, and data collection for school-based health centers.

Sec. 5101.5110. (A) A school-based health center, as defined in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services that the children's health insurance program part II covers if the center meets the requirements applicable to other providers providing those services.

(B) The director may adopt rules under section 5101.512 of the Revised Code pertaining to the billing, reimbursement, and data collection for school-based health centers.

~~**Sec. 5101.5110.**~~ **Sec. 5101.5111.** (A) The director of job and family services may submit a waiver request to the United States secretary of health and human services to provide health assistance to any individual who meets all of the following requirements:

(1) Is the parent of a child under nineteen years of age who resides with the parent and is eligible for health assistance under the children's health insurance program part I or II or the medicaid program established under Chapter 5111. of the Revised Code;	103412 103413 103414 103415 103416
(2) Is uninsured;	103417
(3) Has a family income that does not exceed one hundred per cent of the federal poverty guidelines.	103418 103419
(B) A waiver request the director submits under division (A) of this section may seek federal funds allotted to the state under Title XXI of the "Social Security Act," 111 Stat. 558 (1997), 42 U.S.C.A. 1397dd, as amended, that are not otherwise used to fund the children's health insurance program parts I and II.	103420 103421 103422 103423 103424
(C) If a waiver request the director submits under division (A) of this section is granted, the director may adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of the program authorization by the waiver.	103425 103426 103427 103428 103429
<u>Sec. 5101.5210. (A) A school-based health center, as defined in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services that the children's health insurance program part III covers if the center meets the requirements applicable to other providers providing those services.</u>	103430 103431 103432 103433 103434
<u>(B) The director may adopt rules under section 5101.522 of the Revised Code pertaining to the billing, reimbursement, and data collection for school-based health centers.</u>	103435 103436 103437
<u>Sec. 5101.5212. (A) Under the children's buy-in program and subject to section 5101.5213 of the Revised Code, an</u>	103438 103439

individual who does both of the following in accordance with 103440
rules adopted under section 5101.5215 of the Revised Code 103441
qualifies for medical assistance under the program, unless the 103442
director of job and family services has adopted rules under 103443
division (B) of section 5101.5215 of the Revised Code to limit 103444
the number of individuals who may participate in the program at 103445
one time and the program is serving the maximum number of 103446
individuals specified in the rules: 103447

~~(A)~~(1) Applies for the children's buy-in program; 103448

~~(B)~~(2) Provides satisfactory evidence of all of the 103449
following: 103450

~~(1)~~(a) That the individual is under nineteen years of age; 103451

~~(2)~~(b) That the individual's countable family income exceeds 103452
~~two~~three hundred ~~fifty~~ per cent of the federal poverty 103453
guidelines; 103454

~~(3)~~(c) Except as provided in division (B) of this 103455
section, that the individual has not had creditable coverage for 103456
at least ~~six~~three months before enrolling in the children's 103457
buy-in program, unless the individual lost the only creditable 103458
coverage available to the individual because the individual 103459
exhausted a lifetime benefit limitation; 103460

~~(4)~~ That one or more of the following apply to the 103461
individual: 103462

~~(a)~~ The individual is unable to obtain creditable coverage 103463
due to a pre-existing condition of the individual; 103464

~~(b)~~ The individual lost the only creditable coverage 103465
available to the individual because the individual has exhausted 103466
a lifetime benefit limitation; 103467

~~(c) The premium for the only creditable coverage available to the individual is greater than two hundred per cent of the premium applicable to the individual under the children's buy-in program;~~	103468
	103469
	103470
~~(d) The individual participates in the program for medically handicapped children.~~	103471
	103472
~~(5)(d)~~ That the individual meets the additional eligibility requirements for the children's buy-in program established in rules adopted under section 5101.5215 of the Revised Code.	103473
	103474
	103475
<u>(B) Division (A)(2)(c) of this section does not apply to an individual who meets both of the following requirements:</u>	103476
	103477
<u>(1) At least one of the following applies to the individual:</u>	103478
<u>(a) The individual's parents are involuntarily unemployed.</u>	103479
<u>(b) At least one of the individual's parents is unable to find work due to a disabling condition.</u>	103480
	103481
<u>(c) At least one of the individual's parents involuntarily lost creditable coverage for the individual.</u>	103482
	103483
<u>(d) The individual has creditable coverage under COBRA continuation coverage as defined in 42 U.S.C. 1396a(u)(3).</u>	103484
	103485
<u>(2) At least one of the following applies to the individual:</u>	103486
<u>(a) The cost of the least expensive creditable coverage available to the individual is greater than ten per cent of the individual's countable family income.</u>	103487
	103488
	103489
<u>(b) The premium for the creditable coverage with the lowest premium available to the individual is greater than one hundred fifty per cent of the premium applicable to the individual under</u>	103490
	103491
	103492

<u>the children's buy-in program.</u>	103493
<u>(c) The individual is unable to obtain creditable coverage due to a pre-existing condition of the individual.</u>	103494 103495
<u>(d) The individual lost the only creditable coverage available to the individual because the individual has exhausted a lifetime benefit limitation.</u>	103496 103497 103498
<u>(e) The individual participates in the program for medically handicapped children.</u>	103499 103500
Sec. 5101.5213. (A) An individual participating in the children's buy-in program shall be charged a monthly premium established by rules adopted under section 5101.5215 of the Revised Code. The amount of the monthly premium shall not be less than the following:	103501 103502 103503 103504 103505
(1) In the case of an individual with countable family income exceeding ~~two~~ <u>three</u> hundred ~~fifty~~ per cent but not exceeding four hundred per cent of the federal poverty guidelines, the following amount:	103506 103507 103508 103509
(a) If no other member of the individual's family receives medical assistance under the program with the individual, one hundred dollars;	103510 103511 103512
(b) If one or more members of the individual's family receive medical assistance under the program with the individual, one hundred fifty dollars.	103513 103514 103515
(2) In the case of an individual with countable family income exceeding four hundred per cent but not exceeding five hundred per cent of the federal poverty guidelines, the following amount:	103516 103517 103518 103519

(a) If no other member of the individual's family receives medical assistance under the program with the individual, one hundred twenty-five dollars;	103520 103521 103522
(b) If one or more members of the individual's family receive medical assistance under the program with the individual, one hundred seventy-five dollars.	103523 103524 103525
(3) In the case of an individual with countable family income exceeding five hundred per cent of the federal poverty guidelines, the full amount of the actuarially determined cost of the premium.	103526 103527 103528 103529
(B) If the premium for the children's buy-in program is not paid for two consecutive months, the individual shall lose eligibility for the program. The individual may not resume participation in the program until the unpaid premiums that accrued before the individual lost eligibility are paid.	103530 103531 103532 103533 103534
Sec. 5101.54. (A) The director of job and family services shall administer the ~~food stamp~~ <u>supplemental nutrition assistance</u> program in accordance with the "Food ~~Stamp~~ <u>and Nutrition</u> Act of 1977," ~~91 Stat. 958, 2008 (7 U.S.C.A. 2011, as amended et seq).~~	103535 103536 103537 103538
The department may:	103539
(1) Prepare and submit to the secretary of the United States department of agriculture a plan for the administration of the ~~food stamp~~ <u>supplemental nutrition assistance</u> program;	103540 103541 103542
(2) Prescribe forms for applications, certificates, reports, records, and accounts of county departments of job and family services, and other matters;	103543 103544 103545
(3) Require such reports and information from each county department of job and family services as may be necessary and advisable;	103546 103547 103548

(4) Administer and expend any sums appropriated by the general assembly for the purposes of ~~this section~~ <u>the supplemental nutrition assistance program</u> and all sums paid to the state by the United States as authorized by the Food Stamp and Nutrition Act of ~~1977~~ <u>2008</u> ;	103549 103550 103551 103552 103553
(5) Conduct such investigations as are necessary;	103554
(6) Enter into interagency agreements and cooperate with investigations conducted by the department of public safety, including providing information for investigative purposes, exchanging property and records, passing through federal financial participation, modifying any agreements with the United States department of agriculture, providing for the supply, security, and accounting of ~~food stamps~~ <u>supplemental nutrition assistance program</u> benefits for investigative purposes, and meeting any other requirements necessary for the detection and deterrence of illegal activities in the ~~state food stamps~~ <u>supplemental nutrition assistance program</u> ;	103555 103556 103557 103558 103559 103560 103561 103562 103563 103564 103565
(7) Adopt rules in accordance with Chapter 119. of the Revised Code governing employment and training requirements of recipients of ~~food stamps~~ <u>supplemental nutrition assistance program</u> benefits, including rules specifying which recipients are subject to the requirements and establishing sanctions for failure to satisfy the requirements. The rules shall be consistent with 7 U.S.C.A. 2015 and, to the extent practicable, may provide for ~~food stamp benefit~~ <u>the</u> recipients to participate in work activities, developmental activities, and alternative work activities established under sections 5107.40 to 5107.69 of the Revised Code that are comparable to programs authorized by 7 U.S.C.A. 2015(d)(4). The rules may reference rules adopted under section 5107.05 of the Revised Code governing work activities, developmental activities, and alternative work activities established under sections 5107.40 to 5107.69 of the Revised Code.	103566 103567 103568 103569 103570 103571 103572 103573 103574 103575 103576 103577 103578 103579 103580

(8) Adopt rules in accordance with section 111.15 of the Revised Code that are consistent with the Food Stamp and Nutrition Act of 1977 ~~2008~~ , as amended, and regulations adopted thereunder governing the following:	103581 103582 103583 103584
(a) Eligibility requirements for the ~~food stamp~~ <u>supplemental nutrition assistance</u> program;	103585 103586
(b) Sanctions for failure to comply with eligibility requirements;	103587 103588
(c) Allotment of ~~food stamp~~ <u>supplemental nutrition assistance program</u> benefits;	103589 103590
(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of ~~food stamp~~ <u>supplemental nutrition assistance program</u> benefits subject to employment and training requirements established by rules adopted under division (A)(7) of this section receive ~~food stamp~~ <u>the</u> benefits after satisfying the requirements;	103591 103592 103593 103594 103595 103596
(e) Administration of the program by county departments of job and family services;	103597 103598
(f) Other requirements necessary for the efficient administration of the program.	103599 103600
(9) Submit a plan to the United States secretary of agriculture for the department of job and family services to operate a simplified ~~food stamp~~ <u>supplemental nutrition assistance</u> program pursuant to 7 U.S.C.A. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the ~~food stamp~~ <u>supplemental nutrition assistance</u> program in the case of households receiving ~~food stamp~~ <u>supplemental nutrition assistance program</u> benefits and	103601 103602 103603 103604 103605 103606 103607 103608

participating in Ohio works first. 103609

~~(B) Except while in the custody of the United States postal service, food stamps and any document necessary to obtain food stamps are the property of the department of job and family services from the time they are received in accordance with federal regulations by the department from the federal agency responsible for such delivery until they are received by a household entitled to receive them or by the authorized representative of the household.~~ 103610
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~~(C) A household that is entitled to receive food stamps under the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended, supplemental nutrition assistance program benefits and that is determined to be in immediate need of food nutrition assistance, shall receive certification of eligibility for program benefits, pending verification, within twenty-four hours, or, if mitigating circumstances occur, within seventy-two hours, after application, if:~~ 103618
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(1) The results of the application interview indicate that the household will be eligible upon full verification; 103626
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(2) Information sufficient to confirm the statements in the application has been obtained from at least one additional source, not a member of the applicant's household. Such information shall be recorded in the case file, and shall include: 103628
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(a) The name of the person who provided the name of the information source; 103632
103633

(b) The name and address of the information source; 103634

(c) A summary of the information obtained. 103635

The period of temporary eligibility shall not exceed one 103636

month from the date of certification of temporary eligibility. If 103637
eligibility is established by full verification, benefits shall 103638
continue without interruption as long as eligibility continues. 103639

At the time of application, the county department of job and 103640
family services shall provide to a household described in this 103641
division a list of community assistance programs that provide 103642
emergency food. 103643

~~(D)~~(C) All applications shall be approved or denied through 103644
full verification within thirty days from receipt of the 103645
application by the county department of job and family services. 103646

~~(E)~~(D) Nothing in this section shall be construed to prohibit 103647
the certification of households that qualify under federal 103648
regulations to receive ~~food stamps~~supplemental nutrition 103649
assistance program benefits without charge under the "Food Stamp 103650
and Nutrition Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 103651
~~amended~~2008. 103652

~~(F)~~(E) Any person who applies for ~~food stamps under this~~ 103653
~~section~~the supplemental nutrition assistance program shall 103654
receive a voter registration application under section 3503.10 of 103655
the Revised Code. 103656

Sec. 5101.541. The ~~food stamp~~supplemental nutrition 103657
assistance program fund is hereby created in the state treasury. 103658
The fund shall consist of federal reimbursement for ~~food stamp~~ 103659
supplemental nutrition assistance program administrative expenses 103660
and other ~~food stamp~~supplemental nutrition assistance program 103661
expenses. The department of job and family services shall use the 103662
money credited to the fund to pay for ~~food stamp~~supplemental 103663
nutrition assistance program administrative expenses and other 103664
~~food stamp~~supplemental nutrition assistance program expenses. 103665

Sec. 5101.542. Immediately following a county department of 103666

job and family services' certification that a household determined under division (B) of section 5101.54 of the Revised Code to be in immediate need of nutrition assistance is eligible for the supplemental nutrition assistance program, the department of job and family services shall provide for the household to be sent by regular United States mail an electronic benefit transfer card containing the amount of benefits the household is eligible to receive under the program. The card shall be sent to the member of the household in whose name application for the supplemental nutrition assistance program was made or that member's authorized representative.

Sec. 5101.544. If the benefits of a household are reduced under a federal, state, or local means-tested public assistance program for failure of a member of the household to perform an action required under the program, the household may not receive, for the duration of the reduction, an increased allotment of ~~food stamps~~ supplemental nutrition assistance program benefits as the result of a decrease in the income of the household to the extent that the decrease is the result of the reduction.

The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall be consistent with 7 U.S.C.A. 2017(d) and federal regulations.

Sec. 5101.571. As used in sections 5101.571 to 5101.591 of the Revised Code:

(A) "Information" means all of the following:

(1) An individual's name, address, date of birth, and social security number;

(2) The group or plan number, or other identifier, assigned by a third party to a policy held by an individual or a plan in

which the individual participates and the nature of the coverage;	103697
(3) Any other data the director of job and family services specifies in rules adopted under section 5101.591 of the Revised Code.	103698 103699 103700
(B) "Medical assistance" means medical items or services provided under any of the following:	103701 103702
(1) Medicaid, as defined in section 5111.01 of the Revised Code;	103703 103704
(2) The children's health insurance program part I, part II, and part III established under sections 5101.50 to ~~5101.529~~ , <u>5101.51</u> , and <u>5101.52</u> of the Revised Code;	103705 103706 103707
~~(3) The disability medical assistance program established under Chapter 5115. of the Revised Code;~~	103708 103709
~~(4)~~ The children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code.	103710 103711
(C) "Medical support" means support specified as support for the purpose of medical care by order of a court or administrative agency.	103712 103713 103714
(D) "Public assistance" means medical assistance or assistance under the Ohio works first program established under Chapter 5107. of the Revised Code.	103715 103716 103717
(E)(1) Subject to division (E)(2) of this section, and except as provided in division (E)(3) of this section, "third party" means all of the following:	103718 103719 103720
(a) A person authorized to engage in the business of sickness and accident insurance under Title XXXIX of the Revised Code;	103721 103722

(b) A person or governmental entity providing coverage for medical services or items to individuals on a self-insurance basis;	103723 103724 103725
(c) A health insuring corporation as defined in section 1751.01 of the Revised Code;	103726 103727
(d) A group health plan as defined in 29 U.S.C. 1167;	103728
(e) A service benefit plan as referenced in 42 U.S.C. 1396a(a)(25);	103729 103730
(f) A managed care organization;	103731
(g) A pharmacy benefit manager;	103732
(h) A third party administrator;	103733
(i) Any other person or governmental entity that is, by law, contract, or agreement, responsible for the payment or processing of a claim for a medical item or service for a public assistance recipient or participant.	103734 103735 103736 103737
(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a person or governmental entity listed in division (E)(1) of this section is a third party even if the person or governmental entity limits or excludes payments for a medical item or service in the case of a public assistance recipient.	103738 103739 103740 103741 103742
(3) "Third party" does not include the program for medically handicapped children established under section 3701.023 of the Revised Code.	103743 103744 103745
Sec. 5101.573. (A) Subject to divisions (B) and (C) of this section, a third party shall do all of the following:	103746 103747
(1) Accept the department of job and family services' right	103748

of recovery under section 5101.58 of the Revised Code and the	103749
assignment of rights to the department that are described in	103750
section 5101.59 of the Revised Code;	103751
(2) Respond to an inquiry by the department regarding a claim	103752
for payment of a medical item or service that was submitted to the	103753
third party not later than three years after the date of the	103754
provision of such medical item or service;	103755
(3) Pay a claim described in division (A)(2) of this section;	103756
(4) Not deny a claim submitted by the department solely on	103757
the basis of the date of submission of the claim, type or format	103758
of the claim form, or a failure by the medical assistance	103759
recipient who is the subject of the claim to present proper	103760
documentation of coverage at the time of service, if both of the	103761
following are true:	103762
(a) The claim was submitted by the department not later than	103763
three years after the date of the provision of the medical item or	103764
service;	103765
(b) An action by the department to enforce its right of	103766
recovery under section 5101.58 of the Revised Code on the claim	103767
was commenced not later than six years after the department's	103768
submission of the claim.	103769
<u>(5) Consider the department's payment of a claim for a</u>	103770
<u>medical item or service to be the equivalent of the medical</u>	103771
<u>assistance recipient having obtained prior authorization for the</u>	103772
<u>item or service from the third party;</u>	103773
<u>(6) Not deny a claim described in division (A)(5) of this</u>	103774
<u>section that is submitted by the department solely on the basis of</u>	103775
<u>the medical assistance recipient's failure to obtain prior</u>	103776
<u>authorization for the medical item or service.</u>	103777

(B) For purposes of the requirements in division (A) of this section, a third party shall treat a managed care organization as the department for a claim in which both of the following are true:

(1) The individual who is the subject of the claim received a medical item or service through a managed care organization that has entered into a contract with the department of job and family services under section ~~5111.16~~5111.17 of the Revised Code;

(2) The department has assigned its right of recovery for the claim to the managed care organization.

(C) The time limitations associated with the requirements in divisions (A)(2) and (A)(4) of this section apply only to submissions of claims to, and payments of claims by, a health insurer to which 42 U.S.C. 1396a(a)(25)(I) applies.

Sec. 5101.58. (A) The acceptance of public assistance gives an automatic right of recovery to the department of job and family services and a county department of job and family services against the liability of a third party for the cost of medical assistance paid on behalf of the public assistance recipient or participant. When an action or claim is brought against a third party by a public assistance recipient or participant, any payment, settlement or compromise of the action or claim, or any court award or judgment, is subject to the recovery right of the department of job and family services or county department of job and family services. Except in the case of a recipient or participant who receives medical assistance through a managed care organization, the department's or county department's claim shall not exceed the amount of medical assistance paid by a department on behalf of the recipient or participant. A payment, settlement, compromise, judgment, or award that excludes the cost of medical assistance paid for by a department shall not

preclude a department from enforcing its rights under this section. 103809
103810

(B) In the case of a recipient or participant who receives 103811
medical assistance through a managed care organization, the 103812
amount of the department's or county department's claim shall be 103813
the amount the managed care organization pays for medical 103814
assistance rendered to the recipient or participant, even if that 103815
amount is more than the amount a department pays to the managed 103816
care organization for the recipient's or participant's medical 103817
assistance. 103818

(C) A recipient or participant, and the recipient's or 103819
participant's attorney, if any, shall cooperate with the 103820
departments. In furtherance of this requirement, the recipient or 103821
participant, or the recipient's or participant's attorney, if 103822
any, shall, not later than thirty days after initiating informal 103823
recovery activity or filing a legal recovery action against a 103824
third party, provide written notice of the activity or action to 103825
the appropriate department or departments as follows: 103826

(1) ~~To only the~~ department of job and family services when 103827
medical assistance under medicaid or the children's buy-in program 103828
has been paid; 103829

(2) ~~To the department of job and family services and the~~ 103830
~~appropriate county department of job and family services when~~ 103831
~~medical assistance under the disability medical assistance program~~ 103832
~~has been paid.~~ 103833

(D) The written notice that must be given under division (C) 103834
of this section shall disclose the identity and address of any 103835
third party against whom the recipient or participant has or may 103836
have a right of recovery. 103837

(E) No settlement, compromise, judgment, or award or any 103838

recovery in any action or claim by a recipient or participant 103839
where the departments have a right of recovery shall be made final 103840
without first giving the appropriate departments written notice as 103841
described in division (C) of this section and a reasonable 103842
opportunity to perfect their rights of recovery. If the 103843
departments are not given the appropriate written notice, the 103844
recipient or participant and, if there is one, the recipient's or 103845
participant's attorney, are liable to reimburse the departments 103846
for the recovery received to the extent of medical payments made 103847
by the departments. 103848

(F) The departments shall be permitted to enforce their 103849
recovery rights against the third party even though they accepted 103850
prior payments in discharge of their rights under this section if, 103851
at the time the departments received such payments, they were not 103852
aware that additional medical expenses had been incurred but had 103853
not yet been paid by the departments. The third party becomes 103854
liable to the department of job and family services or county 103855
department of job and family services as soon as the third party 103856
is notified in writing of the valid claims for recovery under this 103857
section. 103858

(G)(1) Subject to division (G)(2) of this section, the right 103859
of recovery of a department does not apply to that portion of any 103860
judgment, award, settlement, or compromise of a claim, to the 103861
extent of attorneys' fees, costs, or other expenses incurred by a 103862
recipient or participant in securing the judgment, award, 103863
settlement, or compromise, or to the extent of medical, surgical, 103864
and hospital expenses paid by such recipient or participant from 103865
the recipient's or participant's own resources. 103866

(2) Reasonable attorneys' fees, not to exceed one-third of 103867
the total judgment, award, settlement, or compromise, plus costs 103868
and other expenses incurred by the recipient or participant in 103869
securing the judgment, award, settlement, or compromise, shall 103870

first be deducted from the total judgment, award, settlement, or 103871
compromise. After fees, costs, and other expenses are deducted 103872
from the total judgment, award, settlement, or compromise, the 103873
department of job and family services or appropriate county 103874
department of job and family services shall receive no less than 103875
one-half of the remaining amount, or the actual amount of medical 103876
assistance paid, whichever is less. 103877

(H) A right of recovery created by this section may be 103878
enforced separately or jointly by the department of job and family 103879
services or the appropriate county department of job and family 103880
services. To enforce their recovery rights, the departments may do 103881
any of the following: 103882

(1) Intervene or join in any action or proceeding brought by 103883
the recipient or participant or on the recipient's or 103884
participant's behalf against any third party who may be liable for 103885
the cost of medical assistance paid; 103886

(2) Institute and pursue legal proceedings against any third 103887
party who may be liable for the cost of medical assistance paid; 103888

(3) Initiate legal proceedings in conjunction with any 103889
injured, diseased, or disabled recipient or participant or the 103890
recipient's or participant's attorney or representative. 103891

(I) A recipient or participant shall not assess attorney 103892
fees, costs, or other expenses against the department of job and 103893
family services or a county department of job and family services 103894
when the department or county department enforces its right of 103895
recovery created by this section. 103896

(J) The right of recovery given to the department under this 103897
section does not include rights to support from any other person 103898
assigned to the state under sections 5107.20 and 5115.07 of the 103899
Revised Code, but includes payments made by a third party under 103900

contract with a person having a duty to support.	103901
Sec. 5101.60. As used in sections 5101.60 to 5101.71 of the Revised Code:	103902 103903
(A) "Abuse" means the infliction upon an adult by self or others of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish.	103904 103905 103906
(B) "Adult" means any person sixty years of age or older within this state who is handicapped by the infirmities of aging or who has a physical or mental impairment which prevents the person from providing for the person's own care or protection, and who resides in an independent living arrangement. An "independent living arrangement" is a domicile of a person's own choosing, including, but not limited to, a private home, apartment, trailer, or rooming house. ~~Except as otherwise provided in this division,~~ <u>An "independent living arrangement" includes a community alternative home or an adult care facility licensed pursuant to section 3724.03 Chapter 3722.</u> of the Revised Code, but does not include other institutions or facilities licensed by the state, or facilities in which a person resides as a result of voluntary, civil, or criminal commitment. ~~"Independent living arrangement" does include adult care facilities licensed pursuant to Chapter 3722. of the Revised Code.~~	103907 103908 103909 103910 103911 103912 103913 103914 103915 103916 103917 103918 103919 103920 103921 103922
(C) "Caretaker" means the person assuming the responsibility for the care of an adult on a voluntary basis, by contract, through receipt of payment for care, as a result of a family relationship, or by order of a court of competent jurisdiction.	103923 103924 103925 103926
(D) "Court" means the probate court in the county where an adult resides.	103927 103928
(E) "Emergency" means that the adult is living in conditions which present a substantial risk of immediate and irreparable	103929 103930

physical harm or death to self or any other person.	103931
(F) "Emergency services" means protective services furnished to an adult in an emergency.	103932 103933
(G) "Exploitation" means the unlawful or improper act of a caretaker using an adult or an adult's resources for monetary or personal benefit, profit, or gain.	103934 103935 103936
(H) "In need of protective services" means an adult known or suspected to be suffering from abuse, neglect, or exploitation to an extent that either life is endangered or physical harm, mental anguish, or mental illness results or is likely to result.	103937 103938 103939 103940
(I) "Incapacitated person" means a person who is impaired for any reason to the extent that the person lacks sufficient understanding or capacity to make and carry out reasonable decisions concerning the person's self or resources, with or without the assistance of a caretaker. Refusal to consent to the provision of services shall not be the sole determinative that the person is incapacitated. "Reasonable decisions" are decisions made in daily living which facilitate the provision of food, shelter, clothing, and health care necessary for life support.	103941 103942 103943 103944 103945 103946 103947 103948 103949
(J) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.	103950 103951 103952 103953
(K) "Neglect" means the failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.	103954 103955 103956 103957
(L) "Peace officer" means a peace officer as defined in section 2935.01 of the Revised Code.	103958 103959

(M) "Physical harm" means bodily pain, injury, impairment, or disease suffered by an adult. 103960
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(N) "Protective services" means services provided by the county department of job and family services or its designated agency to an adult who has been determined by evaluation to require such services for the prevention, correction, or discontinuance of an act of as well as conditions resulting from abuse, neglect, or exploitation. Protective services may include, but are not limited to, case work services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services, and placement services as well as the provision of such commodities as food, clothing, and shelter. 103962
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(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a holiday as defined in section 1.14 of the Revised Code. 103973
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Sec. 5101.61. (A) As used in this section: 103976

(1) "Senior service provider" means any person who provides care or services to a person who is an adult as defined in division (B) of section 5101.60 of the Revised Code. 103977
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(2) "Ambulatory health facility" means a nonprofit, public or proprietary freestanding organization or a unit of such an agency or organization that: 103980
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(a) Provides preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient or ambulatory patient, by or under the direction of a physician or dentist in a facility which is not a part of a hospital, but which is organized and operated to provide medical care to outpatients; 103983
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(b) Has health and medical care policies which are developed	103989
with the advice of, and with the provision of review of such	103990
policies, an advisory committee of professional personnel,	103991
including one or more physicians, one or more dentists, if dental	103992
care is provided, and one or more registered nurses;	103993
(c) Has a medical director, a dental director, if dental care	103994
is provided, and a nursing director responsible for the execution	103995
of such policies, and has physicians, dentists, nursing, and	103996
ancillary staff appropriate to the scope of services provided;	103997
(d) Requires that the health care and medical care of every	103998
patient be under the supervision of a physician, provides for	103999
medical care in a case of emergency, has in effect a written	104000
agreement with one or more hospitals and other centers or clinics,	104001
and has an established patient referral system to other resources,	104002
and a utilization review plan and program;	104003
(e) Maintains clinical records on all patients;	104004
(f) Provides nursing services and other therapeutic services	104005
in accordance with programs and policies, with such services	104006
supervised by a registered professional nurse, and has a	104007
registered professional nurse on duty at all times of clinical	104008
operations;	104009
(g) Provides approved methods and procedures for the	104010
dispensing and administration of drugs and biologicals;	104011
(h) Has established an accounting and record keeping system	104012
to determine reasonable and allowable costs;	104013
(i) "Ambulatory health facilities" also includes an	104014
alcoholism treatment facility approved by the joint commission on	104015
accreditation of healthcare organizations as an alcoholism	104016

treatment facility or certified by the department of alcohol and	104017
drug addiction services, and such facility shall comply with other	104018
provisions of this division not inconsistent with such	104019
accreditation or certification.	104020

(3) "Community mental health facility" means a facility which	104021
provides community mental health services and is included in the	104022
comprehensive mental health plan for the alcohol, drug addiction,	104023
and mental health service district in which it is located.	104024

(4) "Community mental health service" means services, other	104025
than inpatient services, provided by a community mental health	104026
facility.	104027

(5) "Home health agency" means an institution or a distinct	104028
part of an institution operated in this state which:	104029

(a) Is primarily engaged in providing home health services;	104030

(b) Has home health policies which are established by a group	104031
of professional personnel, including one or more duly licensed	104032
doctors of medicine or osteopathy and one or more registered	104033
professional nurses, to govern the home health services it	104034
provides and which includes a requirement that every patient must	104035
be under the care of a duly licensed doctor of medicine or	104036
osteopathy;	104037

(c) Is under the supervision of a duly licensed doctor of	104038
medicine or doctor of osteopathy or a registered professional	104039
nurse who is responsible for the execution of such home health	104040
policies;	104041

(d) Maintains comprehensive records on all patients;	104042

(e) Is operated by the state, a political subdivision, or an	104043
agency of either, or is operated not for profit in this state and	104044

is licensed or registered, if required, pursuant to law by the
appropriate department of the state, county, or municipality in
which it furnishes services; or is operated for profit in this
state, meets all the requirements specified in divisions (A)(5)(a)
to (d) of this section, and is certified under Title XVIII of the
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as
amended.

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(6) "Home health service" means the following items and
services, provided, except as provided in division (A)(6)(g) of
this section, on a visiting basis in a place of residence used as
the patient's home:

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(a) Nursing care provided by or under the supervision of a
registered professional nurse;

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(b) Physical, occupational, or speech therapy ordered by the
patient's attending physician;

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(c) Medical social services performed by or under the
supervision of a qualified medical or psychiatric social worker
and under the direction of the patient's attending physician;

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(d) Personal health care of the patient performed by aides in
accordance with the orders of a doctor of medicine or osteopathy
and under the supervision of a registered professional nurse;

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(e) Medical supplies and the use of medical appliances;

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(f) Medical services of interns and residents-in-training
under an approved teaching program of a nonprofit hospital and
under the direction and supervision of the patient's attending
physician;

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(g) Any of the foregoing items and services which:

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(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility; 104072
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(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment. 104075
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Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of an adult care facility as defined in section 3722.01 of the Revised Code, ~~any employee of a community alternative home as defined in section 3724.01 of the Revised Code,~~ any employee of a nursing home, residential care facility, or home for the aging, as defined in section 3721.01 of the Revised Code, any senior service provider, any peace officer, coroner, clergyman, any employee of a community mental health facility, and any person engaged in social work or counseling having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation shall immediately report such belief to the county department of job and family services. This section does not apply to employees of any hospital or public hospital as defined in section 5122.01 of the Revised Code. 104080
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(B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause reports to be made of such belief to the department. 104099
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(C) The reports made under this section shall be made orally or in writing except that oral reports shall be followed by a 104102
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written report if a written report is requested by the department.	104104
Written reports shall include:	104105
(1) The name, address, and approximate age of the adult who is the subject of the report;	104106 104107
(2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known;	104108 104109 104110
(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult;	104111 104112
(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited.	104113 104114
(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.62 of the Revised Code shall be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose.	104115 104116 104117 104118 104119 104120 104121 104122 104123 104124
(E) No employer or any other person with the authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, or reduce benefits, pay, or work privileges, or take any other action detrimental to an employee or in any way retaliate against an employee as a result of the employee's having filed a report under this section.	104125 104126 104127 104128 104129 104130
(F) Neither the written or oral report provided for in this section nor the investigatory report provided for in section	104131 104132

5101.62 of the Revised Code shall be considered a public record as 104133
defined in section 149.43 of the Revised Code. Information 104134
contained in the report shall upon request be made available to 104135
the adult who is the subject of the report, to agencies authorized 104136
by the department to receive information contained in the report, 104137
and to legal counsel for the adult. 104138

Sec. 5101.84. An individual otherwise ineligible for aid 104139
under Chapter 5107. or 5108. of the Revised Code or ~~food stamps~~ 104140
supplemental nutrition assistance program benefits under the 104141
"Food Stamp and Nutrition Act of 1977," 78 Stat. 703, 2008 (7 104142
U.S.C. 2011, ~~as amended, et seq.~~) because of paragraph (a) of 104143
section 115 of the "Personal Responsibility and Work Opportunity 104144
Reconciliation Act of 1996," 110 Stat. 2105, 21 U.S.C. 862a; is 104145
eligible for the aid or benefits if the individual meets all 104146
other eligibility requirements for the aid or benefits. 104147

Sec. 5103.02. As used in sections 5103.03 to 5103.17 of the 104148
Revised Code: 104149

(A) ~~"Association"~~ (1) Except as provided in division (A)(2) of 104150
this section, "association" or "institution" includes ~~any~~ all of 104151
the following: 104152

(a) Any incorporated or unincorporated organization, society, 104153
association, or agency, public or private, that receives or cares 104154
for children for two or more consecutive weeks; ~~any~~ 104155

(b) Any individual, including the operator of a foster home, 104156
who, for hire, gain, or reward, receives or cares for children for 104157
two or more consecutive weeks, unless the individual is related to 104158
them by blood or marriage; ~~and any~~ 104159

(c) Any individual not in the regular employ of a court, or 104160
of an institution or association certified in accordance with 104161
section 5103.03 of the Revised Code, who in any manner becomes a 104162

party to the placing of children in foster homes, unless the 104163
individual is related to such children by blood or marriage, ~~or is~~ 104164
the appointed guardian of such children; ~~provided, that any, or is~~ 104165
authorized pursuant to Chapter 3107. of the Revised Code. 104166

(2) The following are exempt from the requirements of 104167
sections 5103.03 to 5103.17 of the Revised Code: 104168

(a) Any organization, society, association, school, agency, 104169
child guidance center, detention or rehabilitation facility, or 104170
children's clinic licensed, regulated, approved, operated under 104171
the direction of, or otherwise certified by the department of 104172
education, a local board of education, the department of youth 104173
services, the department of mental health, or the department of 104174
mental retardation and developmental disabilities; ~~or any.~~ This 104175
exemption includes any facility under the control of the 104176
department of youth services and any place of detention for 104177
children established and maintained pursuant to sections 2152.41 104178
to 2152.44 of the Revised Code. 104179

(b) Any individual who provides care for only a single-family 104180
group, placed there by their parents or other relative having 104181
custody, ~~shall not be considered as being within the purview of~~ 104182
~~these sections;~~ 104183

(c) A child day-care center subject to Chapter 5104. of the 104184
Revised Code. 104185

(B) "Family foster home" means a foster home that is not a 104186
specialized foster home. 104187

(C) "Foster caregiver" means a person holding a valid foster 104188
home certificate issued under section 5103.03 of the Revised Code. 104189

(D) "Foster home" means a private residence in which children 104190
are received apart from their parents, guardian, or legal 104191

custodian, by an individual reimbursed for providing the children 104192
nonsecure care, supervision, or training twenty-four hours a day. 104193
"Foster home" does not include care provided for a child in the 104194
home of a person other than the child's parent, guardian, or legal 104195
custodian while the parent, guardian, or legal custodian is 104196
temporarily away. Family foster homes and specialized foster homes 104197
are types of foster homes. 104198

(E) "Medically fragile foster home" means a foster home that 104199
provides specialized medical services designed to meet the needs 104200
of children with intensive health care needs who meet all of the 104201
following criteria: 104202

(1) Under rules adopted by the department of job and family 104203
services governing payment under Chapter 5111. of the Revised Code 104204
for long-term care services, the children require a skilled level 104205
of care. 104206

(2) The children require the services of a doctor of medicine 104207
or osteopathic medicine at least once a week due to the 104208
instability of their medical conditions. 104209

(3) The children require the services of a registered nurse 104210
on a daily basis. 104211

(4) The children are at risk of institutionalization in a 104212
hospital, skilled nursing facility, or intermediate care facility 104213
for the mentally retarded. 104214

(F) "Recommending agency" means a public children services 104215
agency, private child placing agency, or private noncustodial 104216
agency that recommends that the department of job and family 104217
services take any of the following actions under section 5103.03 104218
of the Revised Code regarding a foster home: 104219

(1) Issue a certificate; 104220

(2) Deny a certificate;	104221
(3) Renew a certificate;	104222
(4) Deny renewal of a certificate;	104223
(5) Revoke a certificate.	104224
(G) "Specialized foster home" means a medically fragile foster home or a treatment foster home.	104225 104226
(H) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, chemically dependent, mentally retarded, developmentally disabled, or who otherwise have exceptional needs.	104227 104228 104229 104230 104231 104232
Sec. 5103.03. (A) The director of job and family services shall adopt rules as necessary for the adequate and competent management of institutions or associations. The director shall ensure that foster care home study rules adopted under this section align any home study content, time period, and process with any home study content, time period, and process required by rules adopted under section 3107.033 of the Revised Code.	104233 104234 104235 104236 104237 104238 104239
(B)(1)(a) ~~Except for facilities under the control of the department of youth services, places of detention for children established and maintained pursuant to sections 2152.41 to 2152.44 of the Revised Code, and child day care centers subject to Chapter 5104. of the Revised Code~~ as provided in division (B)(1)(b) of <u>this section</u> , the department of job and family services every ~~two~~ <u>four</u> years shall pass upon the fitness of every institution and association that receives, or desires to receive and care for children, or places children in private homes.	104240 104241 104242 104243 104244 104245 104246 104247 104248

(b) The department of job and family services every two years 104249
shall pass upon the fitness of any individual, including the 104250
operator of a foster home, who, for hire, gain, or reward, 104251
receives or cares for children for two or more consecutive weeks, 104252
unless the individual is related to them by blood or marriage. 104253

(2) When the department of job and family services is 104254
satisfied as to the care given such children, and that the 104255
requirements of the statutes and rules covering the management of 104256
such institutions and associations are being complied with, it 104257
shall issue to the institution or association a certificate to 104258
that effect. A certificate issued pursuant to division (B)(1)(a) 104259
of this section is valid for four years, unless sooner revoked by 104260
the department. A certificate issued pursuant to division 104261
(B)(1)(b) of this section is valid for two years, unless sooner 104262
revoked by the department. When determining whether an institution 104263
or association meets a particular requirement for certification, 104264
the department may consider the institution or association to have 104265
met the requirement if the institution or association shows to the 104266
department's satisfaction that it has met a comparable requirement 104267
to be accredited by a nationally recognized accreditation 104268
organization. 104269

(3) The department may issue a temporary certificate valid 104270
for less than one year authorizing an institution or association 104271
to operate until minimum requirements have been met. 104272

(4) An institution or association that knowingly makes a 104273
false statement that is included as a part of certification under 104274
this section is guilty of the offense of falsification under 104275
section 2921.13 of the Revised Code and the department shall not 104276
certify that institution or association. 104277

(5) The department shall not issue a certificate to a 104278
prospective foster home or prospective specialized foster home 104279

pursuant to this section if the prospective foster home or 104280
prospective specialized foster home operates as a type A family 104281
day-care home pursuant to Chapter 5104. of the Revised Code. The 104282
department shall not issue a certificate to a prospective 104283
specialized foster home if the prospective specialized foster home 104284
operates a type B family day-care home pursuant to Chapter 5104. 104285
of the Revised Code. 104286

(C) The department may revoke a certificate if it finds that 104287
the institution or association is in violation of law or rule. No 104288
juvenile court shall commit a child to an association or 104289
institution that is required to be certified under this section if 104290
its certificate has been revoked or, if after revocation, the date 104291
of reissue is less than fifteen months prior to the proposed 104292
commitment. 104293

(D) ~~Every two years, on~~On a date specified by the department 104294
in accordance with division (D)(1) or (2) of this section, each 104295
institution or association desiring certification or 104296
recertification shall submit to the department a report showing 104297
its condition, management, competency to care adequately for the 104298
children who have been or may be committed to it or to whom it 104299
provides care or services, the system of visitation it employs for 104300
children placed in private homes, and other information the 104301
department requires; 104302

(1) Every four years, for an institution or association that 104303
receives a certificate pursuant to division (B)(1)(a) of this 104304
section; 104305

(2) Every two years, for an individual who receives a 104306
certificate pursuant to division (B)(1)(b) of this section. 104307

(E) The department shall, not less than once each year, send 104308
a list of certified institutions and associations to each juvenile 104309
court and certified association or institution. 104310

(F) No person shall receive children or receive or solicit	104311
money on behalf of such an institution or association not so	104312
certified or whose certificate has been revoked.	104313
(G)(1) The director may delegate by rule any duties imposed	104314
on it by this section to inspect and approve family foster homes	104315
and specialized foster homes to public children services agencies,	104316
private child placing agencies, or private noncustodial agencies.	104317
(2) The director shall adopt rules that require a foster	104318
caregiver or other individual certified to operate a foster home	104319
under this section to notify the recommending agency that the	104320
foster caregiver or other individual is certified to operate a	104321
type B family day-care home under Chapter 5104. of the Revised	104322
Code.	104323
(H) If the director of job and family services determines	104324
that an institution or association that cares for children is	104325
operating without a certificate, the director may petition the	104326
court of common pleas in the county in which the institution or	104327
association is located for an order enjoining its operation. The	104328
court shall grant injunctive relief upon a showing that the	104329
institution or association is operating without a certificate.	104330
(I) If both of the following are the case, the director of	104331
job and family services may petition the court of common pleas of	104332
any county in which an institution or association that holds a	104333
certificate under this section operates for an order, and the	104334
court may issue an order, preventing the institution or	104335
association from receiving additional children into its care or an	104336
order removing children from its care:	104337
(1) The department has evidence that the life, health, or	104338
safety of one or more children in the care of the institution or	104339
association is at imminent risk.	104340

(2) The department has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to deny renewal of or revoke the certificate of the institution or association.

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Sec. 5104.04. (A) The department of job and family services shall establish procedures to be followed in investigating, inspecting, and licensing child day-care centers and type A family day-care homes.

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(B)(1)(a) The department shall, at least ~~twice~~once during every twelve-month period of operation of a center or type A home, inspect the center or type A home. The department shall inspect a part-time center or part-time type A home at least once during every twelve-month period of operation. The department shall provide a written inspection report to the licensee within a reasonable time after each inspection. The licensee shall display all written reports of inspections conducted during the current licensing period in a conspicuous place in the center or type A home.

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~~At least one inspection shall be unannounced and all inspections~~Inspections may be unannounced. No person, firm, organization, institution, or agency shall interfere with the inspection of a center or type A home by any state or local official engaged in performing duties required of the state or local official by Chapter 5104. of the Revised Code or rules adopted pursuant to Chapter 5104. of the Revised Code, including inspecting the center or type A home, reviewing records, or interviewing licensees, employees, children, or parents.

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(b) Upon receipt of any complaint that a center or type A home is out of compliance with the requirements of Chapter 5104. of the Revised Code or rules adopted pursuant to Chapter 5104. of the Revised Code, the department shall investigate the center or home, and both of the following apply:

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(i) If the complaint alleges that a child suffered physical harm while receiving child care at the center or home or that the noncompliance alleged in the complaint involved, resulted in, or poses a substantial risk of physical harm to a child receiving child care at the center or home, the department shall inspect the center or home.	104372 104373 104374 104375 104376 104377
(ii) If division (B)(1)(b)(i) of this section does not apply regarding the complaint, the department may inspect the center or home.	104378 104379 104380
(c) Division (B)(1)(b) of this section does not limit, restrict, or negate any duty of the department to inspect a center or type A home that otherwise is imposed under this section, or any authority of the department to inspect a center or type A home that otherwise is granted under this section when the department believes the inspection is necessary and it is permitted under the grant.	104381 104382 104383 104384 104385 104386 104387
(2) If the department implements an instrument-based program monitoring information system, it may use an indicator checklist to comply with division (B)(1) of this section.	104388 104389 104390
(3) The department shall contract with a third party by the first day of October in each even-numbered year to collect information concerning the amounts charged by the center or home for providing child care services for use in establishing reimbursement ceilings and payment pursuant to section 5104.30 of the Revised Code. The third party shall compile the information and report the results of the survey to the department not later than the first day of December in each even-numbered year.	104391 104392 104393 104394 104395 104396 104397 104398
(C) In the event a licensed center or type A home is determined to be out of compliance with the requirements of Chapter 5104. of the Revised Code or rules adopted pursuant to	104399 104400 104401

Chapter 5104. of the Revised Code, the department shall notify the licensee of the center or type A home in writing regarding the nature of the violation, what must be done to correct the violation, and by what date the correction must be made. If the correction is not made by the date established by the department, the department may commence action under Chapter 119. of the Revised Code to revoke the license. The department's commencement of an action to revoke the license is sufficient notice that the correction has not been made, and no other notice regarding the correction is required.

(D) The department may deny or revoke a license, or refuse to renew a license of a center or type A home, if the applicant knowingly makes a false statement on the application, does not comply with the requirements of Chapter 5104. or rules adopted pursuant to Chapter 5104. of the Revised Code, or has pleaded guilty to or been convicted of an offense described in section 5104.09 of the Revised Code.

(E) If the department finds, after notice and hearing pursuant to Chapter 119. of the Revised Code, that any person, firm, organization, institution, or agency licensed under section 5104.03 of the Revised Code is in violation of any provision of Chapter 5104. of the Revised Code or rules adopted pursuant to Chapter 5104. of the Revised Code, the department may issue an order of revocation to the center or type A home revoking the license previously issued by the department. Upon the issuance of any order of revocation, the person whose license is revoked may appeal in accordance with section 119.12 of the Revised Code.

(F) The surrender of a center or type A home license to the department or the withdrawal of an application for licensure by the owner or administrator of the center or type A home shall not prohibit the department from instituting any of the actions set forth in this section.

(G) Whenever the department receives a complaint, is advised, 104434
or otherwise has any reason to believe that a center or type A 104435
home is providing child care without a license issued or renewed 104436
pursuant to section 5104.03 and is not exempt from licensing 104437
pursuant to section 5104.02 of the Revised Code, the department 104438
shall investigate the center or type A home and may inspect the 104439
areas children have access to or areas necessary for the care of 104440
children in the center or type A home during suspected hours of 104441
operation to determine whether the center or type A home is 104442
subject to the requirements of Chapter 5104. or rules adopted 104443
pursuant to Chapter 5104. of the Revised Code. 104444

(H) The department, upon determining that the center or type 104445
A home is operating without a license, shall notify the attorney 104446
general, the prosecuting attorney of the county in which the 104447
center or type A home is located, or the city attorney, village 104448
solicitor, or other chief legal officer of the municipal 104449
corporation in which the center or type A home is located, that 104450
the center or type A home is operating without a license. Upon 104451
receipt of the notification, the attorney general, prosecuting 104452
attorney, city attorney, village solicitor, or other chief legal 104453
officer of a municipal corporation shall file a complaint in the 104454
court of common pleas of the county in which the center or type A 104455
home is located requesting that the court grant an order enjoining 104456
the owner from operating the center or type A home in violation of 104457
section 5104.02 of the Revised Code. The court shall grant such 104458
injunctive relief upon a showing that the respondent named in the 104459
complaint is operating a center or type A home and is doing so 104460
without a license. 104461

(I) The department shall prepare an annual report on 104462
inspections conducted under this section. The report shall include 104463
the number of inspections conducted, the number and types of 104464
violations found, and the steps taken to address the violations. 104465
The department shall file the report with the governor, the 104466

president and minority leader of the senate, and the speaker and
minority leader of the house of representatives on or before the
first day of January of each year, beginning in 1999.

Sec. 5104.041. (A) All type A and type B family day-care
homes shall procure and maintain one of the following:

(1) Liability insurance issued by an insurer authorized to do
business in this state under Chapter 3905. of the Revised Code
insuring the type A or type B family day-care home against
liability arising out of, or in connection with, the operation of
the family day-care home. Liability insurance procured under this
division shall cover any cause for which the type A or type B
family day-care home would be liable, in the amount of at least
one hundred thousand dollars per occurrence and three hundred
thousand dollars in the aggregate.

(2) ~~An affidavit~~ A written statement signed by the parent,
guardian, or custodian of each child receiving child care from
the type A or type B family day-care home that states all of the
following:

(a) The family day-care home does not carry liability
insurance described in division (A)(1) of this section;

(b) If the licensee of a type A family day-care home or the
provider of a type B family day-care home is not the owner of
the real property where the family day-care home is located, the
liability insurance, if any, of the owner of the real property
may not provide for coverage of any liability arising out of, or
in connection with, the operation of the family day-care home.

(B) If the licensee of a type A family day-care home or the
provider of a type B family day-care home is not the owner of
the real property where the family day-care home is located and
the family day-care home procures liability insurance described

in division (A)(1) of this section, that licensee or provider
shall name the owner of the real property as an additional
insured party on the liability insurance policy if all of the
following apply:

(1) The owner of the real property requests the licensee or
provider, in writing, to add the owner of the real property to
the liability insurance policy as an additional insured party.

(2) The addition of the owner of the real property does not
result in cancellation or nonrenewal of the insurance policy
procured by the type A or type B family day-care home.

(3) The owner of the real property pays any additional
premium assessed for coverage of the owner of the real property.

(C) Proof of insurance or ~~affidavit~~ written statement
required under division (A) of this section shall be maintained
at the type A or type B family day-care home and made available
for review during inspection or investigation as required under
this chapter.

(D) The director of job and family services shall adopt rules
for the enforcement of this section.

Sec. 5104.051. (A)(1) The department of commerce is
responsible for the inspections of child day-care centers as
required by division (A)(1) of section 5104.05 of the Revised
Code. Where there is a municipal, township, or county building
department certified under section 3781.10 of the Revised Code to
exercise enforcement authority with respect to the category of
building occupancy which includes day-care centers, all
inspections required under division (A)(1) of section 5104.05 of
the Revised Code shall be made by that department according to the
standards established by the board of building standards.
Inspections in areas of the state where there is no municipal,

township, or county building department certified under section 104527
3781.10 of the Revised Code to exercise enforcement authority with 104528
respect to the category of building occupancy which includes 104529
day-care centers shall be made by personnel of the department of 104530
commerce. Inspections of centers shall be contingent upon payment 104531
of a fee by the applicant to the department having jurisdiction to 104532
inspect. 104533

(2) The department of commerce is responsible for the 104534
inspections of type A family day-care homes as required by 104535
division (B)(3) of section 5104.05 of the Revised Code. Where 104536
there is a municipal, township, or county building department 104537
certified under section 3781.10 of the Revised Code to exercise 104538
enforcement authority with respect to the category of building 104539
occupancy which includes type A homes, all inspections required 104540
under division (B)(3) of section 5104.05 of the Revised Code shall 104541
be made by that department according to the standards established 104542
by the board of building standards. Inspections in areas of the 104543
state where there is no municipal, township, or county building 104544
department certified under section 3781.10 of the Revised Code to 104545
exercise enforcement authority with respect to the category of 104546
building occupancy which includes type A homes shall be made by 104547
personnel of the department of commerce. Inspections of type A 104548
homes shall be contingent upon payment of a fee by the applicant 104549
to the department having jurisdiction to inspect. 104550

(B) The state fire marshal is responsible for the inspections 104551
required by divisions (A)(2) and (B)(1) of section 5104.05 of the 104552
Revised Code. In municipal corporations and in townships outside 104553
municipal corporations where there is a fire prevention official, 104554
the inspections shall be made by the fire chief or the fire 104555
prevention official under the supervision of and according to the 104556
standards established by the state fire marshal. In townships 104557
outside municipal corporations where there is no fire prevention 104558
official, inspections shall be made by the employees of the state 104559

fire marshal. 104560

(C) The state fire marshal shall enforce all statutes and 104561
rules pertaining to fire safety and fire prevention in child 104562
day-care centers and type A family day-care homes. In the event of 104563
a dispute between the state fire marshal and any other responsible 104564
officer under sections 5104.05 and 5104.051 of the Revised Code 104565
with respect to the interpretation or application of a specific 104566
fire safety statute or rule, the interpretation of the state fire 104567
marshal shall prevail. 104568

(D) As used in this division, "licensor" has the same meaning 104569
as in section 3717.01 of the Revised Code. 104570

The licensor for food service operations in the city or 104571
general health district in which the center is located is 104572
responsible for the inspections required under Chapter 3717. of 104573
the Revised Code. 104574

(E) Any moneys collected by the department of commerce under 104575
this section shall be paid into the state treasury to the credit 104576
of the ~~industrial compliance~~ labor operating fund created in 104577
section 121.084 of the Revised Code. 104578

Sec. 5104.30. (A) The department of job and family services 104579
is hereby designated as the state agency responsible for 104580
administration and coordination of federal and state funding for 104581
publicly funded child care in this state. Publicly funded child 104582
care shall be provided to the following: 104583

(1) Recipients of transitional child care as provided under 104584
section 5104.34 of the Revised Code; 104585

(2) Participants in the Ohio works first program established 104586
under Chapter 5107. of the Revised Code; 104587

(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;

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(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line;

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(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.

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The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care.

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(B) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may use any state funds appropriated for publicly funded child care as the state share required to match any federal funds appropriated for publicly funded child care.

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(C) In the use of federal funds available under the child

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care block grant act, all of the following apply:	104619
(1) The department may use the federal funds to hire staff to	104620
prepare any rules required under this chapter and to administer	104621
and coordinate federal and state funding for publicly funded child	104622
care.	104623
(2) Not more than five per cent of the aggregate amount of	104624
the federal funds received for a fiscal year may be expended for	104625
administrative costs.	104626
(3) The department shall allocate and use at least four per	104627
cent of the federal funds for the following:	104628
(a) Activities designed to provide comprehensive consumer	104629
education to parents and the public;	104630
(b) Activities that increase parental choice;	104631
(c) Activities, including child care resource and referral	104632
services, designed to improve the quality, and increase the	104633
supply, of child care;	104634
(d) Establishing a voluntary child day-care center	104635
quality-rating program in which participation in the program may	104636
allow a child day-care center to be eligible for grants, technical	104637
assistance, training, or other assistance and become eligible for	104638
unrestricted monetary awards for maintaining a quality rating.	104639
(4) The department shall ensure that the federal funds will	104640
be used only to supplement, and will not be used to supplant,	104641
federal, state, and local funds available on the effective date of	104642
the child care block grant act for publicly funded child care and	104643
related programs. <u>As authorized by rules adopted by the</u>	104644
<u>department pursuant to section 5104.42 of the Revised Code, county</u>	104645
<u>department</u> <u>departments</u> of job and family services may purchase	104646

child care from funds obtained through any other means. 104647

(D) The department shall encourage the development of 104648
suitable child care throughout the state, especially in areas with 104649
high concentrations of recipients of public assistance and 104650
families with low incomes. The department shall encourage the 104651
development of suitable child care designed to accommodate the 104652
special needs of migrant workers. On request, the department, 104653
through its employees or contracts with state or community child 104654
care resource and referral service organizations, shall provide 104655
consultation to groups and individuals interested in developing 104656
child care. The department of job and family services may enter 104657
into interagency agreements with the department of education, the 104658
board of regents, the department of development, and other state 104659
agencies and entities whenever the cooperative efforts of the 104660
other state agencies and entities are necessary for the department 104661
of job and family services to fulfill its duties and 104662
responsibilities under this chapter. 104663

The department shall develop and maintain a registry of 104664
persons providing child care. The director shall adopt rules 104665
pursuant to Chapter 119. of the Revised Code establishing 104666
procedures and requirements for the registry's administration. 104667

(E)(1) The director shall adopt rules in accordance with 104668
Chapter 119. of the Revised Code establishing both of the 104669
following: 104670

(a) Reimbursement ceilings for providers of publicly funded 104671
child care not later than the first day of July in each 104672
odd-numbered year; 104673

(b) A procedure for reimbursing and paying providers of 104674
publicly funded child care. 104675

(2) In establishing reimbursement ceilings under division 104676

(E)(1)(a) of this section, the director shall do all of the following:	104677 104678
(a) Use the information obtained under division (B)(3) of section 5104.04 of the Revised Code;	104679 104680
(b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours;	104681 104682 104683
(c) For a type B family day-care home provider that has received limited certification pursuant to rules adopted under division (G)(1) of section 5104.011 of the Revised Code, establish a reimbursement ceiling that is the following:	104684 104685 104686 104687
(i) If the provider is a person described in division (G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five per cent of the reimbursement ceiling that applies to a type B family day-care home certified by the same county department of job and family services pursuant to section 5104.11 of the Revised Code;	104688 104689 104690 104691 104692 104693
(ii) If the provider is a person described in division (G)(1)(a)(ii) of section 5104.011 of the Revised Code, sixty per cent of the reimbursement ceiling that applies to a type B family day-care home certified by the same county department pursuant to section 5104.11 of the Revised Code.	104694 104695 104696 104697 104698
(3) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:	104699 104700 104701
(a) Geographic location of the provider;	104702
(b) Type of care provided;	104703

(c) Age of the child served;	104704
(d) Special needs of the child served;	104705
(e) Whether the expanded hours of service are provided;	104706
(f) Whether weekend service is provided;	104707
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	104708 104709
(h) Any other factors the director considers appropriate.	104710
(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the voluntary child day-care center quality-rating program described in division (C)(3)(d) of this section.	104711 104712 104713 104714
Sec. 5104.32. (A) Except as provided in division (C) of this section, all purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, certified type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the county department of job and family services. A county department of job and family services may enter into a contract with a provider for publicly funded child care for a specified period of time or upon a continuous basis for an unspecified period of time. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department of job and family services shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that	104715 104716 104717 104718 104719 104720 104721 104722 104723 104724 104725 104726 104727 104728 104729 104730 104731 104732

regulates state or county contracts or contracts involving the 104733
expenditure of state, county, or federal funds, all contracts for 104734
publicly funded child care shall be entered into in accordance 104735
with the provisions of this chapter and are exempt from any other 104736
provision of the Revised Code that regulates state or county 104737
contracts or contracts involving the expenditure of state, county, 104738
or federal funds. 104739

(B) Each contract for publicly funded child care shall 104740
specify at least the following: 104741

(1) That the provider of publicly funded child care agrees to 104742
be paid for rendering services at the lowest of the rate 104743
customarily charged by the provider for children enrolled for 104744
child care, the reimbursement ceiling or rate of payment 104745
established pursuant to section 5104.30 of the Revised Code, or a 104746
rate the county department negotiates with the provider; 104747

(2) That, if a provider provides child care to an individual 104748
potentially eligible for publicly funded child care who is 104749
subsequently determined to be eligible, the county department 104750
agrees to pay for all child care provided between the date the 104751
county department receives the individual's completed application 104752
and the date the individual's eligibility is determined; 104753

(3) Whether the county department of job and family services, 104754
the provider, or a child care resource and referral service 104755
organization will make eligibility determinations, whether the 104756
provider or a child care resource and referral service 104757
organization will be required to collect information to be used by 104758
the county department to make eligibility determinations, and the 104759
time period within which the provider or child care resource and 104760
referral service organization is required to complete required 104761
eligibility determinations or to transmit to the county department 104762
any information collected for the purpose of making eligibility 104763
determinations; 104764

(4) That the provider, other than a border state child care provider, shall continue to be licensed, approved, or certified pursuant to this chapter and shall comply with all standards and other requirements in this chapter and in rules adopted pursuant to this chapter for maintaining the provider's license, approval, or certification;

(5) That, in the case of a border state child care provider, the provider shall continue to be licensed, certified, or otherwise approved by the state in which the provider is located and shall comply with all standards and other requirements established by that state for maintaining the provider's license, certificate, or other approval;

(6) Whether the provider will be paid by the county department of job and family services ~~or~~, the state department of job and family services, or in some other manner as prescribed by rules adopted under section 5104.42 of the Revised Code;

(7) That the contract is subject to the availability of state and federal funds.

(C) Unless specifically prohibited by federal law or by rules adopted under section 5104.42 of the Revised Code, the county department of job and family services shall give individuals eligible for publicly funded child care the option of obtaining certificates for payment that the individual may use to purchase services from any provider qualified to provide publicly funded child care under section 5104.31 of the Revised Code. Providers of publicly funded child care may present these certificates for payment for reimbursement in accordance with rules that the director of job and family services shall adopt. Only providers may receive reimbursement for certificates for payment. The value of the certificate for payment shall be based on the lowest of the rate customarily charged by the provider, the reimbursement

ceiling or rate of payment established pursuant to section 5104.30 104796
of the Revised Code, or a rate the county department negotiates 104797
with the provider. The county department may provide the 104798
certificates for payment to the individuals or may contract with 104799
child care providers or child care resource and referral service 104800
organizations that make determinations of eligibility for publicly 104801
funded child care pursuant to contracts entered into under section 104802
5104.34 of the Revised Code for the providers or resource and 104803
referral service organizations to provide the certificates for 104804
payment to individuals whom they determine are eligible for 104805
publicly funded child care. 104806

For each six-month period a provider of publicly funded child 104807
care provides publicly funded child day-care to the child of an 104808
individual given certificates for payment, the individual shall 104809
provide the provider certificates for days the provider would have 104810
provided publicly funded child care to the child had the child 104811
been present. ~~County departments shall specify the maximum number~~ 104812
~~of days providers will be provided certificates of payment for~~ 104813
~~days the provider would have provided publicly funded child care~~ 104814
~~had the child been present.~~ The maximum number of days providers 104815
shall be provided certificates shall not exceed ten days in a 104816
six-month period during which publicly funded child care is 104817
provided to the child regardless of the number of providers that 104818
provide publicly funded child care to the child during that 104819
period. 104820

Sec. 5104.341. (A) Except as provided in division (B) of 104821
this section, both of the following apply: 104822

(1) An eligibility determination made under section 5104.34 104823
of the Revised Code for publicly funded child care is valid for 104824
one year; 104825

(2) The county department of job and family services shall 104826
~~redetermine~~adjust the appropriate level of a fee charged under 104827

division (B) of section 5104.34 of the Revised Code ~~every six~~ 104828
~~months during the one year period, unless~~ 104829
~~if a caretaker parent~~ 104830
~~requests that the fee be reduced due to~~ 104831
~~reports changes in income,~~ 104832
~~family size, or both and the county department of job and family~~
~~services approves the reduction.~~

(B) Division (A) of this section does not apply in either of 104833
the following circumstances: 104834

(1) The publicly funded child care is provided under division 104835
(B)(4) of section 5104.35 of the Revised Code; 104836

(2) The recipient of the publicly funded child care ceases to 104837
be eligible for publicly funded child care. 104838

Sec. 5104.35. (A) The county department of job and family 104839
services shall do all of the following: 104840

(1) Accept any gift, grant, or other funds from either public 104841
or private sources offered unconditionally or under conditions 104842
which are, in the judgment of the department, proper and 104843
consistent with this chapter and deposit the funds in the county 104844
public assistance fund established by section 5101.161 of the 104845
Revised Code; 104846

(2) Recruit individuals and groups interested in 104847
certification as in-home aides or in developing and operating 104848
suitable licensed child day-care centers, type A family day-care 104849
homes, or certified type B family day-care homes, especially in 104850
areas with high concentrations of recipients of public assistance, 104851
and for that purpose provide consultation to interested 104852
individuals and groups on request; 104853

(3) Inform clients of the availability of child care 104854
services; 104855

(4) Pay to a child day-care center, type A family day-care home, certified type B family day-care home, in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider for child care services, the amount provided for in division (B) of section 5104.32 of the Revised Code. If part of the cost of care of a child is paid by the child's parent or any other person, the amount paid shall be subtracted from the amount the ~~county~~ department pays provider is paid.

(5) In accordance with rules adopted pursuant to section 5104.39 of the Revised Code, provide monthly reports to the director of job and family services and the director of budget and management regarding expenditures for the purchase of publicly funded child care.

(B) The county department of job and family services may do any of the following:

(1) To the extent permitted by federal law, use public child care funds to extend the hours of operation of the county department to accommodate the needs of working caretaker parents and enable those parents to apply for publicly funded child care;

(2) In accordance with rules adopted by the director of job and family services, request a waiver of the reimbursement ceiling established pursuant to section 5104.30 of the Revised Code for the purpose of paying a higher rate for publicly funded child care based upon the special needs of a child;

(3) To the extent permitted by federal law, use state and federal funds to pay deposits and other advance payments that a provider of child care customarily charges all children who receive child care from that provider;

(4) To the extent permitted by federal law, pay for up to

thirty days of child care for a child whose caretaker parent is 104886
seeking employment, taking part in employment orientation 104887
activities, or taking part in activities in anticipation of 104888
enrollment or attendance in an education or training program or 104889
activity, if the employment or education or training program or 104890
activity is expected to begin within the thirty-day period. 104891

Sec. 5104.39. (A) The director of job and family services 104892
shall adopt rules in accordance with Chapter 119. of the Revised 104893
Code establishing a procedure for monitoring the expenditures of 104894
county departments of job and family services to ensure that 104895
expenditures do not exceed the available federal and state funds 104896
for publicly funded child care. The department, with the 104897
assistance of the office of budget and management and the child 104898
care advisory council created pursuant to section 5104.08 of the 104899
Revised Code, shall monitor the anticipated future expenditures of 104900
county departments for publicly funded child care and shall 104901
compare those anticipated future expenditures to available federal 104902
and state funds for publicly funded child care. Whenever the 104903
department determines that the anticipated future expenditures of 104904
the county departments will exceed the available federal and state 104905
funds for publicly funded child care, ~~it~~ and the department 104906
reimburses the county departments in accordance with rules adopted 104907
under section 5104.42 of the Revised Code, the department shall 104908
promptly ~~shall~~ notify the county departments and, before the 104909
available state and federal funds are used, the director shall 104910
issue and implement an administrative order that shall specify 104911
both of the following: 104912

(1) Priorities for expending the remaining available federal 104913
and state funds for publicly funded child care; 104914

(2) Instructions and procedures to be used by the county 104915
departments. 104916

(B) The order may do any or all of the following: 104917

(1) Suspend enrollment of all new participants in any program of publicly funded child care;	104918 104919
(2) Limit enrollment of new participants to those with incomes at or below a specified percentage of the federal poverty line;	104920 104921 104922
(3) Disenroll existing participants with income above a specified percentage of the federal poverty line.	104923 104924
(C) Each county department shall comply with the order no later than thirty days after it is issued. If the department fails to notify the county departments and to implement the reallocation priorities specified in the order before the available federal and state funds for publicly funded child care are used, the state department shall provide sufficient funds to the county departments for publicly funded child care to enable each county department to pay for all publicly funded child care that was provided by providers pursuant to contract prior to the date that the county department received notice under this section and the state department implemented in that county the priorities.	104925 104926 104927 104928 104929 104930 104931 104932 104933 104934 104935
(D) If after issuing an order under this section to suspend or limit enrollment of new participants or disenroll existing participants the department determines that available state and federal funds for publicly funded child care exceed the anticipated future expenditures of the county departments, the director may issue and implement another administrative order increasing income eligibility levels to a specified percentage of the federal poverty line. The order shall include instructions and procedures to be used by the county departments. Each county department shall comply with the order not later than thirty days after it is issued.	104936 104937 104938 104939 104940 104941 104942 104943 104944 104945 104946
(E) The department of job and family services shall do all of	104947

the following: 104948

(1) Conduct a quarterly evaluation of the program of publicly funded child care that is operated pursuant to sections 5104.30 to 5104.39 of the Revised Code; 104949
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(2) Prepare reports based upon the evaluations that specify for each county the number of participants and amount of expenditures; 104952
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(3) Provide copies of the reports to both houses of the general assembly and, on request, to interested parties. 104955
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Sec. 5104.42. The director of job and family services shall adopt rules pursuant to section 111.15 of the Revised Code establishing a payment procedure for publicly funded child care. The rules may provide that the department of job and family services will ~~either~~ reimburse county departments of job and family services for payments made to providers of publicly funded child care ~~or, make direct payments to providers pursuant to an agreement entered into with a county board of commissioners pursuant to section 5101.21 of the Revised Code, or establish another system for the payment of publicly funded child care.~~ 104957
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Alternately, the director, by rule adopted in accordance with section 111.15 of the Revised Code, may establish a methodology for allocating among the county departments the state and federal funds appropriated for all publicly funded child care services. If the department chooses to allocate funds for publicly funded child care, it may provide the funds to each county department, up to the limit of the county's allocation, by advancing the funds or reimbursing county care expenditures. The rules adopted under this section may prescribe procedures for making the advances or reimbursements. The rules may establish a method under which the department may determine which county expenditures for child care services are allowable for use of and federal funds. 104967
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The rules may establish procedures that a county department shall follow when the county department determines that its anticipated future expenditures for publicly funded child care services will exceed the amount of state and federal funds allocated by the state department. The procedures may include suspending or limiting enrollment of new participants.

Sec. 5107.05. The director of job and family services shall adopt rules to implement this chapter. The rules shall be consistent with Title IV-A, Title IV-D, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, amendments to the plan, and waivers granted by the United States secretary. Rules governing eligibility, program participation, and other applicant and participant requirements shall be adopted in accordance with Chapter 119. of the Revised Code. Rules governing financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code.

(A) The rules shall specify, establish, or govern all of the following:

(1) A payment standard for Ohio works first based on federal and state appropriations that is increased in accordance with section 5107.04 of the Revised Code;

(2) For the purpose of section 5107.04 of the Revised Code, the method of determining the amount of cash assistance an assistance group receives under Ohio works first;

(3) Requirements for initial and continued eligibility for Ohio works first, including requirements regarding income, citizenship, age, residence, and assistance group composition;

(4) For the purpose of section 5107.12 of the Revised Code, application and verification procedures, including the minimum information an application must contain;	105009 105010 105011
(5) The extent to which a participant of Ohio works first must notify, pursuant to section 5107.12 of the Revised Code, a county department of job and family services of additional income not previously reported to the county department;	105012 105013 105014 105015
(6) For the purpose of section 5107.16 of the Revised Code, <u>standards all of the following:</u>	105016 105017
(a) <u>Standards</u> for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract;	105018 105019 105020
(b) <u>The compliance form a member of an assistance group may complete to indicate willingness to come into full compliance with a provision of a self-sufficiency contract;</u>	105021 105022 105023
(c) <u>The manner by which the compliance form is to be completed and provided to a county department of job and family services.</u>	105024 105025 105026
(7) The department of job and family services providing written notice of a sanction under section 5107.161 of the Revised Code;	105027 105028 105029
(8) <u>For the purpose of division (A)(2) of section 5107.17 of the Revised Code, the period of time by which a county department of job and family services is to receive a compliance form established in rules adopted under division (A)(6)(b) of this section;</u>	105030 105031 105032 105033 105034
(9) Requirements for the collection and distribution of	105035

support payments owed participants of Ohio works first pursuant to section 5107.20 of the Revised Code;	105036 105037
~~(9)~~ <u>(10)</u> For the purpose of section 5107.22 of the Revised Code, what constitutes cooperating in establishing a minor child's paternity or establishing, modifying, or enforcing a child support order and good cause for failure or refusal to cooperate;	105038 105039 105040 105041 105042
~~(10)~~ <u>(11)</u> The requirements governing the LEAP program, including the definitions of "equivalent of a high school diploma" and "good cause," and the incentives provided under the LEAP program;	105043 105044 105045 105046
~~(11)~~ <u>(12)</u> If the director implements section 5107.301 of the Revised Code, the requirements governing the award provided under that section, including the form that the award is to take and requirements an individual must satisfy to receive the award;	105047 105048 105049 105050
~~(12)~~ <u>(13)</u> Circumstances under which a county department of job and family services may exempt a minor head of household or adult from participating in a work activity or developmental activity for all or some of the weekly hours otherwise required by section 5107.43 of the Revised Code.	105051 105052 105053 105054 105055
~~(13)~~ <u>(14)</u> The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code;	105056 105057 105058 105059
~~(14)~~ <u>(15)</u> The implementation of sections 5107.71 to 5107.717 of the Revised Code by county departments of job and family services;	105060 105061 105062
~~(15)~~ <u>(16)</u> A domestic violence screening process to be used for the purpose of division (A) of section 5107.71 of the Revised	105063 105064

Code;	105065
~~(16)~~ (17) The minimum frequency with which county departments of job and family services must redetermine a member of an assistance group's need for a waiver issued under section 5107.714 of the Revised Code.	105066 105067 105068 105069
(B) The rules adopted under division (A)(3) of this section regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 of the Revised Code.	105070 105071 105072 105073
The rules adopted under division (A) ~~(9)~~ (10) of this section shall be consistent with 42 U.S.C. 654(29).	105074 105075
The rules adopted under division (A) ~~(12)~~ (13) of this section shall specify that the circumstances include that a school or place of work is closed due to a holiday or weather or other emergency and that an employer grants the minor head of household or adult leave for illness or earned vacation.	105076 105077 105078 105079 105080
(C) The rules may provide that a county department of job and family services is not required to take action under section 5107.76 of the Revised Code to recover an erroneous payment that is below an amount the department specifies.	105081 105082 105083 105084
Sec. 5107.16. (A) If a member of an assistance group fails or refuses, without good cause, to comply in full with a provision of a self-sufficiency contract entered into under section 5107.14 of the Revised Code, a county department of job and family services shall sanction the assistance group as follows:	105085 105086 105087 105088 105089
(1) For a first failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for one payment month <u>or until the failure or refusal ceases, whichever is longer</u> ;	105090 105091 105092 105093

(2) For a second failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for three payment months <u>or until the failure or refusal ceases, whichever is longer</u> ;	105094 105095 105096 105097
(3) For a third or subsequent failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for six payment months <u>or until the failure or refusal ceases, whichever is longer</u> .	105098 105099 105100 105101 105102
(B) The director of job and family services shall establish standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract in rules adopted under section 5107.05 of the Revised Code.	105103 105104 105105 105106 105107
(C) <u>The director of job and family services shall provide a compliance form established in rules adopted under section 5107.05 of the Revised Code to an assistance group member who fails or refuses, without good cause, to comply in full with a provision of a self-sufficiency contract. The member's failure or refusal to comply in full with the provision shall be deemed to have ceased on the date a county department of job and family services receives the compliance form from the member if the compliance form is completed and provided to the county department in the manner specified in rules adopted under section 5107.05 of the Revised Code.</u>	105108 105109 105110 105111 105112 105113 105114 105115 105116 105117 105118
(D) After sanctioning an assistance group under division (A) of this section, a county department of job and family services shall continue to work with the assistance group.	105119 105120 105121
~~(D)~~ (E) An adult eligible for medicaid pursuant to division (A)(1)(a) of section 5111.01 of the Revised Code who is sanctioned	105122 105123

under division (A)(3) of this section for a failure or refusal, 105124
without good cause, to comply in full with a provision of a 105125
self-sufficiency contract related to work responsibilities under 105126
sections 5107.40 to 5107.69 of the Revised Code loses eligibility 105127
for medicaid unless the adult is otherwise eligible for medicaid 105128
pursuant to another division of section 5111.01 of the Revised 105129
Code. 105130

An assistance group that would be participating in Ohio 105131
works first if not for a sanction under this section shall 105132
continue to be eligible for all of the following: 105133

(1) Publicly funded child care in accordance with division 105134
(A)(3) of section 5104.30 of the Revised Code; 105135

(2) Support services in accordance with section 5107.66 of 105136
the Revised Code; 105137

(3) To the extent permitted by the "Fair Labor Standards Act 105138
of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended, to 105139
participate in work activities, developmental activities, and 105140
alternative work activities in accordance with sections 5107.40 to 105141
5107.69 of the Revised Code. 105142

Sec. 5107.17. An assistance group that resumes participation 105143
in Ohio works first following a sanction under section 5107.16 of 105144
the Revised Code is not required to do either of the following: 105145

(A) Reapply under section 5107.12 of the Revised Code, unless 105146
neither of the following applies: 105147

(1) It is the assistance group's regularly scheduled time for 105148
an eligibility redetermination; 105149

(2) The county department of job and family services does not 105150
receive the completed compliance form established in rules adopted 105151

under section 5107.05 of the Revised Code within the period of 105152
time specified in rules adopted under that section. 105153

(B) Enter into a new self-sufficiency contract under section 105154
5107.14 of the Revised Code, unless the county department of job 105155
and family services determines it is time for a new appraisal 105156
under section 5107.41 of the Revised Code or the assistance 105157
group's circumstances have changed in a manner necessitating an 105158
amendment to the self-sufficiency contract as determined using 105159
procedures included in the contract under division (B)(9) of 105160
section 5107.14 of the Revised Code. 105161

Sec. 5107.78. ~~The department of job and family services~~ 105162
~~shall include a notice with the following information with~~ 105163
each cash assistance payment provided under Ohio works first to an 105164
assistance group residing in a county in which the computer system 105165
known as support enforcement tracking system is in operation: 105166

~~(A) The number of months the assistance group has~~ 105167
~~participated in Ohio works first and the remaining number of~~ 105168
~~months the assistance group may participate in the program as~~ 105169
~~limited by section 5107.18 of the Revised Code;~~ 105170

~~(B) The~~ the department of job and family services shall 105171
include a notice of the amount of support payments due a member of 105172
the assistance group that a child support enforcement agency 105173
collected and paid to the department pursuant to section 5107.20 105174
of the Revised Code during the most recent month for which the 105175
department has this information. 105176

Sec. 5108.04. Each county department of job and family 105177
services shall adopt a written statement of policies governing the 105178
prevention, retention, and contingency program for the county. 105179
The statement of policies shall be adopted not later than October 105180
1, 2003, and shall be updated at least every two years thereafter. 105181
A county department may amend its statement of policies to modify, 105182

terminate, and establish new policies. A county department also 105183
may amend its statement of policies to suspend operation of its 105184
prevention, retention, and contingency program temporarily. The 105185
county director of job and family services shall sign and date the 105186
statement of policies and any amendment to it. Neither the 105187
statement of policies nor any amendment to it may have an 105188
effective date that is earlier than the date of the county 105189
director's signature. 105190

Each county department of job and family services shall 105191
provide the department of job and family services a written copy 105192
of the statement of policies and any amendments it adopts to the 105193
statement not later than ten calendar days after the statement or 105194
amendment's effective date. 105195

Sec. 5108.07. (A) Each statement of policies adopted under 105196
section 5108.04 of the Revised Code shall include the board of 105197
county commissioners' certification that the county department of 105198
job and family services complied with this chapter in adopting the 105199
statement of policies. 105200

(B) The board of county commissioners shall revise its 105201
certification under division (A) of this section if ~~an amendment~~ 105202
~~to the statement of policies that~~ the county department adopts an 105203
amendment under section 5108.04 of the Revised Code to suspend 105204
operation of its prevention, retention, and contingency program 105205
temporarily or any other amendment under that section the board 105206
considers to be significant ~~is adopted under section 5108.04 of~~ 105207
~~the Revised Code.~~ 105208

Sec. 5111.01. As used in this chapter, "medical assistance 105209
program" or "medicaid" means the program that is authorized by 105210
this chapter and provided by the department of job and family 105211
services under this chapter, Title XIX of the "Social Security 105212
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, and the 105213
waivers of Title XIX requirements granted to the department by the 105214

centers for medicare and medicaid services of the United States 105215
department of health and human services. 105216

The department of job and family services shall act as the 105217
single state agency to supervise the administration of the 105218
medicaid program. As the single state agency, the department shall 105219
comply with 42 C.F.R. 431.10(e). The department's rules governing 105220
medicaid are binding on other agencies that administer components 105221
of the medicaid program. No agency may establish, by rule or 105222
otherwise, a policy governing medicaid that is inconsistent with a 105223
medicaid policy established, in rule or otherwise, by the director 105224
of job and family services. 105225

(A) The department of job and family services may provide 105226
medical assistance under the medicaid program as long as federal 105227
funds are provided for such assistance, to the following: 105228

(1) Families with children that meet either of the following 105229
conditions: 105230

(a) The family meets the income, resource, and family 105231
composition requirements in effect on July 16, 1996, for the 105232
former aid to dependent children program as those requirements 105233
were established by Chapter 5107. of the Revised Code, federal 105234
waivers granted pursuant to requests made under former section 105235
5101.09 of the Revised Code, and rules adopted by the department 105236
or any changes the department makes to those requirements in 105237
accordance with paragraph (a)(2) of section 114 of the "Personal 105238
Responsibility and Work Opportunity Reconciliation Act of 1996," 105239
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 105240
implementing section ~~5111.01~~5111.0120 of the Revised Code. An 105241
adult loses eligibility for medicaid under division (A)(1)(a) of 105242
this section pursuant to division ~~(D)~~(E) of section 5107.16 of 105243
the Revised Code. 105244

(b) The family does not meet the requirements specified in 105245

division (A)(1)(a) of this section but is eligible for medicaid pursuant to section 5101.18 of the Revised Code.	105246 105247
(2) Aged, blind, and disabled persons who meet the following conditions:	105248 105249
(a) Receive federal aid under Title XVI of the "Social Security Act," or are eligible for but are not receiving such aid, provided that the income from all other sources for individuals with independent living arrangements shall not exceed one hundred seventy-five dollars per month. The income standards hereby established shall be adjusted annually at the rate that is used by the United States department of health and human services to adjust the amounts payable under Title XVI.	105250 105251 105252 105253 105254 105255 105256 105257
(b) Do not receive aid under Title XVI, but meet any of the following criteria:	105258 105259
(i) Would be eligible to receive such aid, except that their income, other than that excluded from consideration as income under Title XVI, exceeds the maximum under division (A)(2)(a) of this section, and incurred expenses for medical care, as determined under federal regulations applicable to section 209(b) of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which their income exceeds the maximum under division (A)(2)(a) of this section;	105260 105261 105262 105263 105264 105265 105266 105267 105268
(ii) Received aid for the aged, aid to the blind, or aid for the permanently and totally disabled prior to January 1, 1974, and continue to meet all the same eligibility requirements;	105269 105270 105271
(iii) Are eligible for medicaid pursuant to section 5101.18 of the Revised Code.	105272 105273
(3) Persons to whom federal law requires, as a condition of	105274

state participation in the medicaid program, that medicaid be
provided;

(4) Persons under age twenty-one who meet the income
requirements for the Ohio works first program established under
Chapter 5107. of the Revised Code but do not meet other
eligibility requirements for the program. The director shall
adopt rules in accordance with Chapter 119. of the Revised Code
specifying which Ohio works first requirements shall be waived for
the purpose of providing medicaid eligibility under division
(A)(4) of this section.

(B) If sufficient funds are appropriated for the medicaid
program, the department may provide medical assistance under the
medicaid program to persons in groups designated by federal law
as groups to which a state, at its option, may provide medical
assistance under the medicaid program.

(C) The department may expand eligibility for the medicaid
program to include individuals under age nineteen with family
incomes at or below one hundred fifty per cent of the federal
poverty guidelines, except that the eligibility expansion shall
not occur unless the department receives the approval of the
federal government. The department may implement the eligibility
expansion authorized under this division on any date selected by
the department, but not sooner than January 1, 1998.

(D) In addition to any other authority or requirement to
adopt rules under this chapter, the director may adopt rules in
accordance with section 111.15 of the Revised Code as the director
considers necessary to establish standards, procedures, and other
requirements regarding the provision of medical assistance under
the medicaid program. The rules may establish requirements to be
followed in applying for medicaid, making determinations of
eligibility for medicaid, and verifying eligibility for medicaid.
The rules may include special conditions as the department

determines appropriate for making applications, determining 105307
eligibility, and verifying eligibility for any medical assistance 105308
that the department may provide under the medicaid program 105309
pursuant to division (C) of this section and section 5111.014 or 105310
~~5111.019~~5111.0120 of the Revised Code. 105311

~~Sec. 5111.019.~~ Sec. 5111.0120. The director of job and family 105312
services shall submit to the United States secretary of health 105313
and human services an amendment to the state medicaid plan to make 105314
an individual eligible for medicaid who meets all of the 105315
following requirements: 105316

(A) The individual is the parent of a child under nineteen 105317
years of age and resides with the child; 105318

(B) The individual's family income does not exceed ninety 105319
per cent of the federal poverty guidelines; 105320

(C) The individual is not otherwise eligible for medicaid; 105321

(D) The individual satisfies all relevant requirements 105322
established by rules adopted under division (D) of section 5111.01 105323
of the Revised Code. 105324

Sec. 5111.0121. A parent eligible for the medicaid program 105325
pursuant to section 5111.0120 of the Revised Code shall not be 105326
required to undergo a redetermination of eligibility for the 105327
medicaid program more often than once every twelve months unless 105328
there are reasonable grounds to believe that circumstances have 105329
changed that may affect the parent's eligibility. 105330

Sec. 5111.028. (A) Pursuant to section 5111.02 of the 105331
Revised Code, the director of job and family services shall adopt 105332
rules establishing procedures for the use of time-limited 105333
provider agreements under the medicaid program. Except as 105334
provided in division (E) of this section, all provider agreements 105335

shall be time-limited in accordance with the procedures 105336
established in the rules. 105337

The department of job and family services shall phase-in the 105338
use of time-limited provider agreements pursuant to this section 105339
during a period commencing not later than January 1, 2008, and 105340
ending January 1, ~~2011~~2015. 105341

(B) In the use of time-limited provider agreements pursuant 105342
to this section, all of the following apply: 105343

(1) Each provider agreement shall expire not later than 105344
~~three~~seven years from the effective date of the agreement. 105345

(2) During the phase-in period specified in division (A) of 105346
this section, the department may provide for the conversion of a 105347
provider agreement without a time limit to a provider agreement 105348
with a time limit. The department may take an action to convert 105349
the provider agreement by sending a notice by regular mail to the 105350
address of the provider on record with the department advising the 105351
provider of the conversion. 105352

(3) The department may make the effective date of a provider 105353
agreement retroactive for a period not to exceed one year from the 105354
date of the provider's application for the agreement, as long as 105355
the provider met all medicaid program requirements during that 105356
period. 105357

(C) The rules for use of time-limited provider agreements 105358
pursuant to this section shall include a process for re-enrollment 105359
of providers. All of the following apply to the re-enrollment 105360
process: 105361

(1) The department of job and family services may terminate a 105362
time-limited provider agreement or deny re-enrollment when a 105363
provider fails to file an application for re-enrollment within 105364

the time and in the manner required under the re-enrollment process. 105365
105366

(2) If a provider files an application for re-enrollment 105367
within the time and in the manner required under the re-enrollment 105368
process, but the provider agreement expires before the department 105369
acts on the application or before the effective date of the 105370
department's decision on the application, the provider may 105371
continue operating under the terms of the expired provider 105372
agreement until the effective date of the department's decision. 105373

(3) A decision by the department to approve an application 105374
for re-enrollment becomes effective on the date of the 105375
department's decision. A decision by the department to deny 105376
re-enrollment shall take effect not sooner than thirty days after 105377
the date the department mails written notice of the decision to 105378
the provider. The department shall specify in the notice the date 105379
on which the provider is required to cease operating under the 105380
provider agreement. 105381

(D) Pursuant to section 5111.06 of the Revised Code, the 105382
department is not required to take the actions specified in 105383
division (C)(1) of this section by issuing an order pursuant to an 105384
adjudication conducted in accordance with Chapter 119. of the 105385
Revised Code. 105386

(E) The use of time-limited provider agreements pursuant to 105387
this section does not apply to provider agreements issued to the 105388
following, including any provider agreements issued to the 105389
following that are otherwise time-limited under the medicaid 105390
program: 105391

(1) A managed care organization under contract with the 105392
department pursuant to section 5111.17 of the Revised Code; 105393

(2) A nursing facility, as defined in section 5111.20 of the 105394

Revised Code;	105395
(3) An intermediate care facility for the mentally retarded, as defined in section 5111.20 of the Revised Code;	105396 105397
(4) <u>A hospital.</u>	105398
<u>Sec. 5111.0210.</u> As used in this section, "advanced <u>diagnostic imaging services</u> " means <u>magnetic resonance imaging</u> <u>services, computed tomography services, positron emission</u> <u>tomography services, cardiac nuclear medicine services, and</u> <u>similar imaging services.</u>	105399 105400 105401 105402 105403
<u>Not later than January 1, 2010, the department of job and</u> <u>family services shall implement evidence-based, best practice</u> <u>guidelines or protocols and decision support tools for advanced</u> <u>diagnostic imaging services available under the fee-for-service</u> <u>component of the medicaid program.</u>	105404 105405 105406 105407 105408
Sec. 5111.032. (A) As used in this section:	105409
(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	105410 105411
(2) "Department" includes a designee of the department of job and family services.	105412 105413
(3) "Owner" means a person who has an ownership interest in a provider in an amount designated by the department of job and family services in rules adopted under this section.	105414 105415 105416
(4) "Provider" means a person, institution, or entity that has a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 49 State. 620 (1965), 42 U.S.C. 1396, as amended.	105417 105418 105419 105420
(B)(1) Except as provided in division (B)(2) of this section,	105421

the department of job and family services may require that any 105422
provider, applicant to be a provider, employee or prospective 105423
employee of a provider, owner or prospective owner of a provider, 105424
officer or prospective officer of a provider, or board member or 105425
prospective board member of a provider submit to a criminal 105426
records check as a condition of obtaining a provider agreement, 105427
continuing to hold a provider agreement, being employed by a 105428
provider, having an ownership interest in a provider, or being an 105429
officer or board member of a provider. The department may 105430
designate the categories of persons who are subject to the 105431
criminal records check requirement. The department shall designate 105432
the times at which the criminal records checks must be conducted. 105433

(2) The section does not apply to providers, applicants to be 105434
providers, employees of a provider, or prospective employees of a 105435
provider who are subject to criminal records checks under section 105436
5111.033 or 5111.034 of the Revised Code. 105437

(C)(1) The department shall inform each provider or applicant 105438
to be a provider whether the provider or applicant is subject to a 105439
criminal records check requirement under division (B) of this 105440
section. For providers, the information shall be given at times 105441
designated in rules adopted under this section. For applicants to 105442
be providers, the information shall be given at the time of 105443
initial application. When the information is given, the department 105444
shall specify which of the provider's or applicant's employees or 105445
prospective employees, owners or prospective owners, officers or 105446
prospective officers, or board members or prospective board 105447
members are subject to the criminal records check requirement. 105448

(2) At times designated in rules adopted under this section, 105449
a provider that is subject to the criminal records check 105450
requirement shall inform each person specified by the department 105451
under division (C)(1) of this section that the person is required, 105452
as applicable, to submit to a criminal records check for final 105453

consideration for employment in a full-time, part-time, or 105454
temporary position; as a condition of continued employment; or as 105455
a condition of becoming or continuing to be an officer, board 105456
member or owner of a provider. 105457

(D)(1) If a provider or applicant to be a provider is 105458
subject to a criminal records check under this section, the 105459
department shall require the conduct of a criminal records check 105460
by the superintendent of the bureau of criminal identification 105461
and investigation. If a provider or applicant to be a provider 105462
for whom a criminal records check is required does not present 105463
proof of having been a resident of this state for the five-year 105464
period immediately prior to the date the criminal records check 105465
is requested or provide evidence that within that five-year 105466
period the superintendent has requested information about the 105467
individual from the federal bureau of investigation in a criminal 105468
records check, the department shall require the provider or 105469
applicant to request that the superintendent obtain information 105470
from the federal bureau of investigation as part of the criminal 105471
records check of the provider or applicant. Even if a provider or 105472
applicant for whom a criminal records check request is required 105473
presents proof of having been a resident of this state for the 105474
five-year period, the department may require that the provider or 105475
applicant request that the superintendent obtain information from 105476
the federal bureau of investigation and include it in the criminal 105477
records check of the provider or applicant. 105478

(2) A provider shall require the conduct of a criminal 105479
records check by the superintendent with respect to each of the 105480
persons specified by the department under division (C)(1) of this 105481
section. If the person for whom a criminal records check is 105482
required does not present proof of having been a resident of this 105483
state for the five-year period immediately prior to the date the 105484
criminal records check is requested or provide evidence that 105485
within that five-year period the superintendent of the bureau of 105486

criminal identification and investigation has requested 105487
information about the individual from the federal bureau of 105488
investigation in a criminal records check, the individual shall 105489
request that the superintendent obtain information from the 105490
federal bureau of investigation as part of the criminal records 105491
check of the individual. Even if an individual for whom a criminal 105492
records check request is required presents proof of having been a 105493
resident of this state for the five-year period, the department 105494
may require the provider to request that the superintendent obtain 105495
information from the federal bureau of investigation and include 105496
it in the criminal records check of the person. 105497

(E)(1) Criminal records checks required under this section 105498
for providers or applicants to be providers shall be obtained as 105499
follows: 105500

(a) The department shall provide each provider or applicant 105501
information about accessing and completing the form prescribed 105502
pursuant to division (C)(1) of section 109.572 of the Revised Code 105503
and the standard fingerprint impression sheet prescribed pursuant 105504
to division (C)(2) of that section. 105505

(b) The provider or applicant shall submit the required form 105506
and one complete set of fingerprint impressions directly to the 105507
superintendent for purposes of conducting the criminal records 105508
check using the applicable methods prescribed by division (C) of 105509
section 109.572 of the Revised Code. The applicant or provider 105510
shall pay all fees associated with obtaining the criminal records 105511
check. 105512

(c) The superintendent shall conduct the criminal records 105513
check in accordance with section 109.572 of the Revised Code. The 105514
provider or applicant shall instruct the superintendent to submit 105515
the report of the criminal records check directly to the director 105516
of job and family services. 105517

(2) Criminal records checks required under this section for persons specified by the department under division (C)(1) of this section shall be obtained as follows:

(a) The provider shall give to each person subject to criminal records check requirement information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section.

(b) The person shall submit the required form and one complete set of fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The person shall pay all fees associated with obtaining the criminal records check.

(c) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The person subject to the criminal records check shall instruct the superintendent to submit the report of the criminal records check directly to the provider. The department may require the provider to submit the report to the department.

(F) If a provider or applicant to be a provider is given the information specified in division (E)(1)(a) of this section but fails to obtain a criminal records check, the department shall, as applicable, terminate the provider agreement or deny the application to be a provider.

If a person is given the information specified in division (E)(2)(a) of this section but fails to obtain a criminal records check, the provider shall not, as applicable, permit the person to be an employee, owner, officer, or board member of the provider.

(G) Except as provided in rules adopted under division (J) of this section, the department shall terminate the provider agreement of a provider or the department shall not issue a provider agreement to an applicant if the provider or applicant is subject to a criminal records check under this section and the provider or applicant has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the applicant or provider was found eligible for intervention in lieu of conviction:

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;

(2) ~~Any~~ <u>A violation of an</u> existing or former <u>municipal ordinance or</u> law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (G)(1) of this section.	105581 105582 105583 105584
(H)(1)(a) Except as provided in rules adopted under division (J) of this section and subject to division (H)(2) of this section, no provider shall permit a person to be an employee, owner, officer, or board member of the provider if the person is subject to a criminal records check under this section and the person has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section.	105585 105586 105587 105588 105589 105590 105591 105592
(b) No provider shall employ a person who has been excluded from participating in the medicaid program, the medicare program operated pursuant to Title XVIII of the "Social Security Act," or any other federal health care program.	105593 105594 105595 105596
(2)(a) A provider may employ conditionally a person for whom a criminal records check is required under this section prior to obtaining the results of a criminal records check regarding the person, but only if the person submits a request for a criminal records check not later than five business days after the individual begins conditional employment.	105597 105598 105599 105600 105601 105602
(b) A provider that employs a person conditionally under authority of division (H)(2)(a) of this section shall terminate the person's employment if the results of the criminal records check request are not obtained within the period ending sixty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the individual has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section, the provider shall terminate the person's	105603 105604 105605 105606 105607 105608 105609 105610 105611 105612

employment unless the provider chooses to employ the individual pursuant to division (J) of this section.	105613 105614
(I) The report of a criminal records check conducted pursuant to this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:	105615 105616 105617 105618
(1) The person who is the subject of the criminal records check or the person's representative;	105619 105620
(2) The director of job and family services and the staff of the department in the administration of the medicaid program;	105621 105622
(3) A court, hearing officer, or other necessary individual involved in a case dealing with the denial or termination of a provider agreement;	105623 105624 105625
(4) A court, hearing officer, or other necessary individual involved in a case dealing with a person's denial of employment, termination of employment, or employment or unemployment benefits.	105626 105627 105628
(J) The department may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules may specify circumstances under which the department may continue a provider agreement or issue a provider agreement to an applicant when the provider or applicant has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section. The rules may also specify circumstances under which a provider may permit a person to be an employee, owner, officer, or board member of the provider, when the person has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section.	105629 105630 105631 105632 105633 105634 105635 105636 105637 105638 105639 105640 105641

Sec. 5111.033. (A) As used in this section: 105642

(1) "Applicant" means a person who is under final 105643
consideration for employment or, after September 26, 2003, an 105644
existing employee with a waiver agency in a full-time, part-time, 105645
or temporary position that involves providing home and 105646
community-based waiver services to a person with disabilities. 105647
"Applicant" also means an existing employee with a waiver agency 105648
in a full-time, part-time, or temporary position that involves 105649
providing home and community-based waiver services to a person 105650
with disabilities after September 26, 2003. 105651

(2) "Criminal records check" has the same meaning as in 105652
section 109.572 of the Revised Code. 105653

(3) "Waiver agency" means a person or government entity that 105654
is not certified under the medicare program and is accredited by 105655
the community health accreditation program or the joint commission 105656
on accreditation of health care organizations or a company that 105657
provides home and community-based waiver services to persons with 105658
disabilities through department of job and family services 105659
administered home and community-based waiver programs. 105660

(4) "Home and community-based waiver services" means services 105661
furnished under the provision of 42 C.F.R. 441, subpart G, that 105662
permit individuals to live in a home setting rather than a nursing 105663
facility or hospital. Home and community-based waiver services are 105664
approved by the centers for medicare and medicaid for specific 105665
populations and are not otherwise available under the medicaid 105666
state plan. 105667

(B)(1) The chief administrator of a waiver agency shall 105668
require each applicant to request that the superintendent of the 105669
bureau of criminal identification and investigation conduct a 105670
criminal records check with respect to the applicant. If an 105671
applicant for whom a criminal records check request is required 105672

under this division does not present proof of having been a
resident of this state for the five-year period immediately prior
to the date the criminal records check is requested or provide
evidence that within that five-year period the superintendent has
requested information about the applicant from the federal bureau
of investigation in a criminal records check, the chief
administrator shall require the applicant to request that the
superintendent obtain information from the federal bureau of
investigation as part of the criminal records check of the
applicant. Even if an applicant for whom a criminal records check
request is required under this division presents proof of having
been a resident of this state for the five-year period, the chief
administrator may require the applicant to request that the
superintendent include information from the federal bureau of
investigation in the criminal records check.

(2) The chief administrator shall provide the following to
each applicant for whom a criminal records check request is
required under division (B)(1) of this section:

(a) Information about accessing, completing, and forwarding
to the superintendent of the bureau of criminal identification and
investigation the form prescribed pursuant to division (C)(1) of
section 109.572 of the Revised Code and the standard fingerprint
impression sheet prescribed pursuant to division (C)(2) of that
section;

(b) Written notification that the applicant is to instruct
the superintendent to submit the completed report of the criminal
records check directly to the chief administrator.

(3) An applicant given information and notification under
divisions (B)(2)(a) and (b) of this section who fails to access,
complete, and forward to the superintendent the form or the
standard fingerprint impression sheet, or who fails to instruct
the superintendent to submit the completed report of the criminal

records check directly to the chief administrator, shall not be
employed in any position in a waiver agency for which a criminal
records check is required by this section.

(C)(1) Except as provided in rules adopted by the department
of job and family services in accordance with division (F) of this
section and subject to division (C)(2) of this section, no waiver
agency shall employ a person in a position that involves providing
home and community-based waiver services to persons with
disabilities if the person has been convicted of, has pleaded
guilty to, or has been found eligible for intervention in lieu of
conviction for any of the following, regardless of the date of the
conviction, the date of entry of the guilty plea, or the date the
person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03,
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16,
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05,
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06,
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24,
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01,
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04,
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41,
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47,
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11,
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02,
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03,
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22,
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious
sexual penetration in violation of former section 2907.12 of the
Revised Code, a violation of section 2905.04 of the Revised Code
as it existed prior to July 1, 1996, a violation of section
2919.23 of the Revised Code that would have been a violation of

section 2905.04 of the Revised Code as it existed prior to July	105738
1, 1996, had the violation been committed prior to that date;	105739
(b) ~~Any~~ <u>A violation of an</u> existing or former <u>municipal</u>	105740
<u>ordinance or</u> law of this state, any other state, or the United	105741
States that is substantially equivalent to any of the offenses	105742
listed in division (C)(1)(a) of this section.	105743
(2)(a) A waiver agency may employ conditionally an applicant	105744
for whom a criminal records check request is required under	105745
division (B) of this section prior to obtaining the results of a	105746
criminal records check regarding the individual, provided that the	105747
agency shall require the individual to request a criminal records	105748
check regarding the individual in accordance with division (B)(1)	105749
of this section not later than five business days after the	105750
individual begins conditional employment.	105751
(b) A waiver agency that employs an individual conditionally	105752
under authority of division (C)(2)(a) of this section shall	105753
terminate the individual's employment if the results of the	105754
criminal records check request under division (B) of this section,	105755
other than the results of any request for information from the	105756
federal bureau of investigation, are not obtained within the	105757
period ending sixty days after the date the request is made.	105758
Regardless of when the results of the criminal records check are	105759
obtained, if the results indicate that the individual has been	105760
convicted of, has pleaded guilty to, or has been found eligible	105761
for intervention in lieu of conviction for any of the offenses	105762
listed or described in division (C)(1) of this section, the agency	105763
shall terminate the individual's employment unless the agency	105764
chooses to employ the individual pursuant to division (F) of this	105765
section.	105766
(D)(1) The fee prescribed pursuant to division (C)(3) of	105767
section 109.572 of the Revised Code for each criminal records	105768
check conducted pursuant to a request made under division (B) of	105769

this section shall be paid to the bureau of criminal
identification and investigation by the applicant or the waiver
agency.

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(2) If a waiver agency pays the fee, it may charge the
applicant a fee not exceeding the amount the agency pays under
division (D)(1) of this section. An agency may collect a fee only
if the agency notifies the person at the time of initial
application for employment of the amount of the fee and that,
unless the fee is paid, the person will not be considered for
employment.

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(E) The report of any criminal records check conducted
pursuant to a request made under this section is not a public
record for the purposes of section 149.43 of the Revised Code and
shall not be made available to any person other than the
following:

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(1) The individual who is the subject of the criminal records
check or the individual's representative;

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(2) The chief administrator of the agency requesting the
criminal records check or the administrator's representative;

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(3) An administrator at the department;

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(4) A court, hearing officer, or other necessary individual
involved in a case dealing with a denial of employment of the
applicant or dealing with employment or unemployment benefits of
the applicant.

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(F) The department shall adopt rules in accordance with
Chapter 119. of the Revised Code to implement this section. The
rules shall specify circumstances under which a waiver agency may
employ a person who has been convicted of, has pleaded guilty to,
or has been found eligible for intervention in lieu of conviction

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for an offense listed or described in division (C)(1) of this section. 105799
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(G) The chief administrator of a waiver agency shall inform 105801
each person, at the time of initial application for a position 105802
that involves providing home and community-based waiver services 105803
to a person with a disability, that the person is required to 105804
provide a set of fingerprint impressions and that a criminal 105805
records check is required to be conducted if the person comes 105806
under final consideration for employment. 105807

(H)(1) A person who, on September 26, 2003, is an employee 105808
of a waiver agency in a full-time, part-time, or temporary 105809
position that involves providing home and community-based waiver 105810
services to a person with disabilities shall comply with this 105811
section within sixty days after September 26, 2003, unless 105812
division (H)(2) of this section applies. 105813

(2) This section shall not apply to a person to whom all of 105814
the following apply: 105815

(a) On September 26, 2003, the person is an employee of a 105816
waiver agency in a full-time, part-time, or temporary position 105817
that involves providing home and community-based waiver services 105818
to a person with disabilities. 105819

(b) The person previously had been the subject of a criminal 105820
background check relating to that position; 105821

(c) The person has been continuously employed in that 105822
position since that criminal background check had been conducted. 105823

Sec. 5111.034. (A) As used in this section: 105824

(1) "Anniversary date" means the later of the effective date 105825
of the provider agreement relating to the independent provider or 105826

sixty days after September 26, 2003.	105827
(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	105828 105829
(3) "Department" includes a designee of the department of job and family services.	105830 105831
(4) "Independent provider" means a person who is submitting an application for a provider agreement or who has a provider agreement as an independent provider in a department of job and family services administered home and community-based services program providing home and community-based waiver services to consumers with disabilities.	105832 105833 105834 105835 105836 105837
(5) "Home and community-based waiver services" has the same meaning as in section 5111.033 of the Revised Code.	105838 105839
(B)(1) The department of job and family services shall inform each independent provider, at the time of initial application for a provider agreement that involves providing home and community-based waiver services to consumers with disabilities, that the independent provider is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the person is to become an independent provider in a department administered home and community-based waiver program.	105840 105841 105842 105843 105844 105845 105846 105847 105848
(2) Beginning on September 26, 2003, the department shall inform each enrolled medicaid independent provider on or before time of the anniversary date of the provider agreement that involves providing home and community-based waiver services to consumers with disabilities that the independent provider is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted.	105849 105850 105851 105852 105853 105854 105855

(C)(1) The department shall require the independent provider to complete a criminal records check prior to entering into a provider agreement with the independent provider and at least annually thereafter. If an independent provider for whom a criminal records check is required under this division does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the independent provider from the federal bureau of investigation in a criminal records check, the department shall request that the independent provider obtain through the superintendent a criminal records request from the federal bureau of investigation as part of the criminal records check of the independent provider. Even if an independent provider for whom a criminal records check request is required under this division presents proof of having been a resident of this state for the five-year period, the department may request that the independent provider obtain information through the superintendent from the federal bureau of investigation in the criminal records check.

(2) The department shall provide the following to each independent provider for whom a criminal records check request is required under division (C)(1) of this section:

(a) Information about accessing, completing, and forwarding to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Written notification that the independent provider is to instruct the superintendent to submit the completed report of the

criminal records check directly to the department. 105888

(3) An independent provider given information and 105889
notification under divisions (C)(2)(a) and (b) of this section 105890
who fails to access, complete, and forward to the superintendent 105891
the form or the standard fingerprint impression sheet, or who 105892
fails to instruct the superintendent to submit the completed 105893
report of the criminal records check directly to the department, 105894
shall not be approved as an independent provider. 105895

(D) Except as provided in rules adopted by the department in 105896
accordance with division (G) of this section, the department shall 105897
not issue a new provider agreement to, and shall terminate an 105898
existing provider agreement of, an independent provider if the 105899
person has been convicted of, has pleaded guilty to, or has been 105900
found eligible for intervention in lieu of conviction for any of 105901
the following, regardless of the date of the conviction, the date 105902
of entry of the guilty plea, or the date the person was found 105903
eligible for intervention in lieu of conviction: 105904

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 105905
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 105906
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 105907
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 105908
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 105909
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 105910
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 105911
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 105912
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 105913
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 105914
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 105915
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 105916
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 105917
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 105918
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 105919

2925.23, <u>2927.12</u> , or 3716.11 of the Revised Code, felonious	105920
sexual penetration in violation of former section 2907.12 of the	105921
Revised Code, a violation of section 2905.04 of the Revised Code	105922
as it existed prior to July 1, 1996, a violation of section	105923
2919.23 of the Revised Code that would have been a violation of	105924
section 2905.04 of the Revised Code as it existed prior to July	105925
1, 1996, had the violation been committed prior to that date;	105926
 (2) ~~An~~ <u>A violation of an</u> existing or former <u>municipal</u>	105927
<u>ordinance or</u> law of this state, any other state, or the United	105928
States that is substantially equivalent to any of the offenses	105929
listed in division (D)(1) of this section.	105930
 (E) Each independent provider shall pay to the bureau of	105931
criminal identification and investigation the fee prescribed	105932
pursuant to division (C)(3) of section 109.572 of the Revised Code	105933
for each criminal records check conducted pursuant to a request	105934
made under division (C) of this section.	105935
 (F) The report of any criminal records check conducted by the	105936
bureau of criminal identification and investigation in accordance	105937
with section 109.572 of the Revised Code and pursuant to a request	105938
made under division (C) of this section is not a public record for	105939
the purposes of section 149.43 of the Revised Code and shall not	105940
be made available to any person other than the following:	105941
 (1) The person who is the subject of the criminal records	105942
check or the person's representative;	105943
 (2) An administrator at the department or the administrator's	105944
representative;	105945
 (3) A court, hearing officer, or other necessary individual	105946
involved in a case dealing with a denial or termination of a	105947
provider agreement related to the criminal records check.	105948

(G) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which the department may either issue a provider agreement to an independent provider or allow an independent provider to maintain an existing provider agreement when the independent provider has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for an offense listed or described in division ~~(C)(1)~~(D)(1) or (2) of this section.

Sec. 5111.06. (A)(1) As used in this section and in sections 5111.061 and 5111.062 of the Revised Code:

(a) "Provider" means any person, institution, or entity that furnishes medicaid services under a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.

(b) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.

(c) "Adjudication" has the same meaning as in division (D) of section 119.01 of the Revised Code.

(2) This section does not apply to any action taken by the department of job and family services under sections 5111.35 to 5111.62 of the Revised Code.

(B) Except as provided in division (D) of this section and section 5111.914 of the Revised Code, the department shall do either of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code:

(1) Enter into or refuse to enter into a provider agreement

with a provider, or suspend, terminate, renew, or refuse to renew	105978
an existing provider agreement with a provider;	105979
(2) Take any action based upon a final fiscal audit of a	105980
provider.	105981
(C) Any party who is adversely affected by the issuance of an	105982
adjudication order under division (B) of this section may appeal	105983
to the court of common pleas of Franklin county in accordance with	105984
section 119.12 of the Revised Code.	105985
(D) The department is not required to comply with division	105986
(B)(1) of this section whenever any of the following occur:	105987
(1) The terms of a provider agreement require the provider to	105988
hold a license, permit, or certificate or maintain a	105989
certification issued by an official, board, commission,	105990
department, division, bureau, or other agency of state or federal	105991
government other than the department of job and family services,	105992
and the license, permit, certificate, or certification has been	105993
denied, revoked, not renewed, suspended, or otherwise limited.	105994
(2) The terms of a provider agreement require the provider to	105995
hold a license, permit, or certificate or maintain certification	105996
issued by an official, board, commission, department, division,	105997
bureau, or other agency of state or federal government other than	105998
the department of job and family services, and the provider has	105999
not obtained the license, permit, certificate, or certification.	106000
(3) The provider agreement is denied, terminated, or not	106001
renewed due to the termination, refusal to renew, or denial of a	106002
license, permit, certificate, or certification by an official,	106003
board, commission, department, division, bureau, or other agency	106004
of this state other than the department of job and family	106005
services, notwithstanding the fact that the provider may hold a	106006
license, permit, certificate, or certification from an official,	106007

board, commission, department, division, bureau, or other agency of another state.	106008 106009
(4) The provider agreement is denied, terminated, or not renewed pursuant to division (C) or (F) of section 5111.03 of the Revised Code;	106010 106011 106012
(5) The provider agreement is denied, terminated, or not renewed due to the provider's termination, suspension, or exclusion from the medicare program established under Title XVIII of the "Social Security Act," and the termination, suspension, or exclusion is binding on the provider's participation in the medicaid program;	106013 106014 106015 106016 106017 106018
(6) The provider agreement is denied, terminated, or not renewed due to the provider's pleading guilty to or being convicted of a criminal activity materially related to either the medicare or medicaid program;	106019 106020 106021 106022
(7) The provider agreement is denied, terminated, or suspended as a result of action by the United States department of health and human services and that action is binding on the provider's participation in the medicaid program;	106023 106024 106025 106026
(8) The provider agreement is suspended pursuant to section 5111.031 of the Revised Code pending indictment of the provider.	106027 106028
(9) The provider agreement is denied, terminated, or not renewed because the provider <u>or its owner, officer, authorized agent, associate, manager, or employee</u> has been convicted of one of the offenses that caused the provider agreement to be suspended pursuant to section 5111.031 of the Revised Code.	106029 106030 106031 106032 106033
(10) The provider agreement is converted under section 5111.028 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited.	106034 106035 106036

(11) The provider agreement is terminated or an application for re-enrollment is denied because the provider has failed to apply for re-enrollment within the time or in the manner specified for re-enrollment pursuant to section 5111.028 of the Revised Code.

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(12) The provider agreement is terminated or not renewed because the provider has not billed or otherwise submitted a medicaid claim to the department for two years or longer, ~~and the department has determined that the provider has moved from the address on record with the department without leaving an active forwarding address with the department.~~

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(13) The provider agreement is denied, terminated, or not renewed because the provider fails to provide to the department the national provider identifier assigned the provider by the national provider system pursuant to 45 C.F.R. 162. 408.

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In the case of a provider described in division (D)(12) or (13) of this section, the department may ~~terminate or not renew~~ the take its proposed action against a provider agreement by sending a notice explaining the department's proposed action to the provider. The notice shall be sent to the provider's address on record with the department. TheIn the case of a provider described in division (D)(12) of this section, the notice may be sent by regular mail. In the case of a provider described in division (D)(13) of this section, the notice shall be sent by certified mail.

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(E) The department may withhold payments for services rendered by a medicaid provider under the ~~medical assistance~~ medicaid program during the pendency of proceedings initiated under division (B)(1) of this section. If the proceedings are initiated under division (B)(2) of this section, the department may withhold payments only to the extent that they equal amounts

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determined in a final fiscal audit as being due the state. This
division does not apply if the department fails to comply with
section 119.07 of the Revised Code, requests a continuance of the
hearing, or does not issue a decision within thirty days after the
hearing is completed. This division does not apply to nursing
facilities and intermediate care facilities for the mentally
retarded as defined in section 5111.20 of the Revised Code.

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Sec. 5111.084. (A) There is hereby established the pharmacy
and therapeutics committee of the department of job and family
services. The committee shall assist the department with
developing and maintaining a preferred drug list.

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The committee shall review and recommend to the director of
job and family services the drugs that should be included on the
preferred drug list. The recommendations shall be made based on
the evaluation of competent evidence regarding the relative
safety, efficacy, and effectiveness of prescription drugs within a
class or classes of prescription drugs.

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(B) The committee shall consist of ten members and shall be
appointed by the director of job and family services. The
director shall seek recommendations for membership from relevant
professional organizations. A candidate for membership recommended
by a professional organization shall have professional experience
working with medicaid recipients. The director shall not appoint a
member who is employed by the department.

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The membership of the committee shall include:

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~~(A)~~(1) Three pharmacists licensed under Chapter 4729. of the
Revised Code;

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~~(B)~~(2) Two doctors of medicine and two doctors of osteopathy
who hold certificates to practice issued under Chapter 4731. of
the Revised Code, one of whom is a family practice physician;

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~~(C)~~ (3) A registered nurse licensed under Chapter 4723. of the Revised Code;	106098 106099
~~(D)~~ (4) A pharmacologist who has a doctoral degree;	106100
~~(E)~~ (5) A psychiatrist who holds a certificate <u>to practice</u> issued under Chapter 4731. of the Revised Code and specializes in psychiatry.	106101 106102 106103
(C) The committee shall elect ~~one of~~ <u>from among</u> its members ~~as a~~ chairperson. <u>Five committee members constitute a quorum.</u>	106104 106105
<u>The committee shall establish guidelines necessary for the committee's operation.</u>	106106 106107
<u>The committee may establish one or more subcommittees to investigate and analyze issues consistent with the duties of the committee under this section. The subcommittees may submit proposals regarding the issues to the committee and the committee may adopt, reject, or modify the proposals.</u>	106108 106109 106110 106111 106112
<u>A vote by a majority of a quorum is necessary to make recommendations to the director. In the case of a tie, the chairperson shall decide the outcome.</u>	106113 106114 106115
<u>(D) The director shall act on the committee's recommendations not later than thirty days after the recommendation is posted on the department's web site under division (F) of this section. If the director does not accept a recommendation of the committee, the director shall present the basis for this determination not later than fourteen days after making the determination or at the next scheduled meeting of the committee, whichever is sooner.</u>	106116 106117 106118 106119 106120 106121 106122
<u>(E) An interested party may request, and shall be permitted, to make a presentation or submit written materials to the</u>	106123 106124

committee during a committee meeting. The presentation or other materials shall be relevant to an issue under consideration by the committee and any written material, including a transcript of testimony to be given on the day of the meeting, may be submitted to the committee in advance of the meeting.

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(F) The department shall post the following on the department's web site:

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(1) Guidelines established by the committee under division (C) of this section:

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(2) A detailed committee agenda not later than fourteen days prior to the date of a regularly scheduled meeting and not later than seventy-two hours prior to the date of a special meeting called by the committee:

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(3) Committee recommendations not later than seven days after the meeting at which the recommendation was approved:

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(4) The director's final determination as to the recommendations made by the committee under this section.

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Sec. 5111.092. (A) Not later than January 1, 2010, and each year thereafter, the department of job and family services shall prepare a report on the department's efforts to minimize fraud, waste, and abuse in the medicaid program.

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(B) Each report shall include at least both of the following with regard to minimizing fraud, waste, and abuse in the medicaid program:

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(1) Goals and objectives:

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(2) Performance measures for monitoring all state and local activities.

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(C) Each report shall be made available on the department's web site. The department shall submit a copy of each report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly. Copies of the report also shall be made available to the public on request.

Sec. 5111.16. (A) As part of the medicaid program, the department of job and family services shall establish a care management system. The department shall submit, if necessary, applications to the United States department of health and human services for waivers of federal medicaid requirements that would otherwise be violated in the implementation of the system.

(B) The department shall implement the care management system in some or all counties and shall designate the medicaid recipients who are required or permitted to participate in the system. In the department's implementation of the system and designation of participants, all of the following apply:

(1) In the case of individuals who receive medicaid on the basis of being included in the category identified by the department as covered families and children, the department shall implement the care management system in all counties. All individuals included in the category shall be designated for participation, except for ~~individuals~~ individuals included in one or more of the medicaid recipient groups specified in 42 C.F.R. 438.50(d). ~~The department shall designate the participants not later than January 1, 2006. Beginning not later than December 31, 2006,~~ the department shall ensure that all participants are enrolled in health insuring corporations under contract with the department pursuant to section 5111.17 of the Revised Code.

(2) In the case of individuals who receive medicaid on the basis of being aged, blind, or disabled, as specified in division (A)(2) of section 5111.01 of the Revised Code, the department shall implement the care management system in all counties. All

individuals included in the category shall be designated for 106184
participation, except for the individuals specified in divisions 106185
(B)(2)(a) to (e) of this section. ~~Beginning not later than~~ 106186
~~December 31, 2006, the~~The department shall ensure that all 106187
participants are enrolled in health insuring corporations under 106188
contract with the department pursuant to section 5111.17 of the 106189
Revised Code. 106190

In designating participants who receive medicaid on the basis 106191
of being aged, blind, or disabled, the department shall not 106192
include any of the following: 106193

(a) Individuals who are under twenty-one years of age; 106194

(b) Individuals who are institutionalized; 106195

(c) Individuals who become eligible for medicaid by spending 106196
down their income or resources to a level that meets the medicaid 106197
program's financial eligibility requirements; 106198

(d) Individuals who are dually eligible under the medicaid 106199
program and the medicare program established under Title XVIII of 106200
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as 106201
amended; 106202

(e) Individuals to the extent that they are receiving 106203
medicaid services through a medicaid waiver component, as defined 106204
in section 5111.85 of the Revised Code. 106205

(3) Alcohol, drug addiction, and mental health services 106206
covered by medicaid shall not be included in any component of the 106207
care management system when the nonfederal share of the cost of 106208
those services is provided by a board of alcohol, drug ~~addiction~~ 106209
addiction, and mental health services or a state agency other than 106210
the department of job and family services, but the recipients of 106211
those services may otherwise be designated for participation in 106212

the system.	106213
(C) Subject to division (B) of this section, the department	106214
may do both of the following under the care management system:	106215
(1) Require or permit participants in the system to obtain	106216
health care services from providers designated by the department;	106217
(2) Require or permit participants in the system to obtain	106218
health care services through managed care organizations under	106219
contract with the department pursuant to section 5111.17 of the	106220
Revised Code.	106221
(D)(1) The department shall prepare an annual report on the	106222
care management system. The report shall address the department's	106223
ability to implement the system, including all of the following	106224
components:	106225
(a) The required designation of participants included in the	106226
category identified by the department as covered families and	106227
children;	106228
(b) The required designation of participants included in the	106229
aged, blind, or disabled category of medicaid recipients;	106230
(c) ~~The conduct of the pilot program for chronically ill~~	106231
~~children established under section 5111.163 of the Revised Code;~~	106232
~~(d) The use of any programs for enhanced care management.~~	106233
(2) The department shall submit each annual report to the	106234
general assembly. The first report shall be submitted not later	106235
than October 1, 2007.	106236
(E) The director of job and family services may adopt rules	106237
in accordance with Chapter 119. of the Revised Code to implement	106238
this section.	106239

Sec. 5111.176. (A) As used in this section:	106240
(1) "Medicaid health insuring corporation" means a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code and has entered into a contract with the department of job and family services pursuant to section 5111.17 of the Revised Code.	106241 106242 106243 106244 106245
(2) "Managed care premium" means any premium payment, capitation payment, or other payment a medicaid health insuring corporation receives for providing, or arranging for the provision of, health care services to its members or enrollees residing in this state.	106246 106247 106248 106249 106250
(B) Except as provided in division (C) of this section, all of the following apply:	106251 106252
(1) Each medicaid health insuring corporation shall pay to the department of job and family services a franchise permit fee for the period December 1, 2005, through December 31, 2005, and each calendar quarter occurring ~~thereafter~~ <u>between January 1, 2006, and September 30, 2009.</u>	106253 106254 106255 106256 106257
(2) The fee to be paid is an amount that is equal to a percentage of the managed care premiums the medicaid health insuring corporation received in the period December 1, 2005, through December 31, 2005, and in the subsequent quarter to which the fee applies, excluding the amount of any managed care premiums the corporation returned or refunded to enrollees, members, or premium payers during the period December 1, 2005, through December 31, 2005, or the subsequent quarter to which the fee applies.	106258 106259 106260 106261 106262 106263 106264 106265 106266
(3) The percentage to be used in calculating the fee shall be four and one-half per cent, unless the department adopts rules	106267 106268

under division (L) of this section decreasing the percentage below 106269
four and one-half per cent or increasing the percentage to not 106270
more than six per cent. 106271

(C) The department shall reduce the franchise permit fee 106272
imposed under this section or terminate its collection of the fee 106273
if the department determines either of the following: 106274

(1) That the reduction or termination is required to comply 106275
with federal statutes or regulations; 106276

(2) That the fee does not qualify as a state share of 106277
medicaid expenditures eligible for federal financial 106278
participation. 106279

(D) The franchise permit fee shall be paid on or before the 106280
thirtieth day following the end of the period December 1, 2005, 106281
through December 31, 2005, or the calendar quarter to which the 106282
fee applies. At the time the fee is submitted, the medicaid health 106283
insuring corporation shall file with the department a report on a 106284
form prescribed by the department. The corporation shall provide 106285
on the form all information required by the department and shall 106286
include with the form any necessary supporting documentation. 106287

(E) The department may audit the records of any medicaid 106288
health insuring corporation to determine whether the corporation 106289
is in compliance with this section. The department may audit the 106290
records that pertain to the period December 1, 2005, through 106291
December 31, 2005, or a particular calendar quarter, at any time 106292
during the five years following the date the franchise permit fee 106293
payment for that period or quarter was due. 106294

(F)(1) A medicaid health insuring corporation that does not 106295
pay the franchise permit fee in full by the date the payment is 106296
due is subject to any or all of the following: 106297

(a) A monetary penalty in the amount of five hundred dollars for each day any part of the fee remains unpaid, except that the penalty shall not exceed an amount equal to five per cent of the total fee that was due;	106298 106299 106300 106301
(b) Withholdings from future managed care premiums pursuant to division (G) of this section;	106302 106303
(c) Termination of the corporation's medicaid provider agreement pursuant to division (H) of this section.	106304 106305
(2) Penalties imposed under division (F)(1)(a) of this section are in addition to and not in lieu of the franchise permit fee.	106306 106307 106308
(G) If a medicaid health insuring corporation fails to pay the full amount of its franchise permit fee when due, or the full amount of a penalty imposed under division (F)(1)(a) of this section, the department may withhold an amount equal to the remaining amount due from any future managed care premiums to be paid to the corporation under the medicaid program. The department may withhold amounts under this division without providing notice to the corporation. The amounts may be withheld until the amount due has been paid.	106309 106310 106311 106312 106313 106314 106315 106316 106317
(H) The department may commence actions to terminate a medicaid health insuring corporation's medicaid provider agreement, and may terminate the agreement subject to division (I) of this section, if the corporation does any of the following:	106318 106319 106320 106321
(1) Fails to pay its franchise permit fee or fails to pay the fee promptly;	106322 106323
(2) Fails to pay a penalty imposed under division (F)(1)(a) of this section or fails to pay the penalty promptly;	106324 106325

(3) Fails to cooperate with an audit conducted under division (E) of this section.	106326 106327
(I) At the request of a medicaid health insuring corporation, the department shall grant the corporation a hearing in accordance with Chapter 119. of the Revised Code, if either of the following is the case:	106328 106329 106330 106331
(1) The department has determined that the corporation owes an additional franchise permit fee or penalty as the result of an audit conducted under division (E) of this section.	106332 106333 106334
(2) The department is proposing to terminate the corporation's medicaid provider agreement and the provisions of section 5111.06 of the Revised Code requiring an adjudication in accordance with Chapter 119. of the Revised Code are applicable.	106335 106336 106337 106338
(J)(1) At the request of a medicaid corporation, the department shall grant the corporation a reconsideration of any issue that arises out of the provisions of this section and is not subject to division (I) of this section. The department's decision at the conclusion of the reconsideration is not subject to appeal under Chapter 119. of the Revised Code or any other provision of the Revised Code.	106339 106340 106341 106342 106343 106344 106345
(2) In conducting a reconsideration, the department shall do at least the following:	106346 106347
(a) Specify the time frames within which a corporation must act in order to exercise its opportunity for a reconsideration;	106348 106349
(b) Permit the corporation to present written arguments or other materials that support the corporation's position.	106350 106351
(K) There is hereby created in the state treasury the managed care assessment fund. Money collected from the franchise permit	106352 106353

fees and penalties imposed under this section shall be credited to the fund. The department shall use the money in the fund to pay for medicaid services, the department's administrative costs, and contracts with medicaid health insuring corporations.

(L) The director of job and family services may adopt rules to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5111.20. As used in sections 5111.20 to 5111.34 of the Revised Code:

(A) "Allowable costs" are those costs determined by the department of job and family services to be reasonable and do not include fines paid under sections 5111.35 to 5111.61 and section 5111.99 of the Revised Code.

(B) "Ancillary and support costs" means all reasonable costs incurred by a nursing facility other than direct care costs or capital costs. "Ancillary and support costs" includes, but is not limited to, costs of activities, social services, pharmacy consultants, habilitation supervisors, qualified mental retardation professionals, program directors, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, medical equipment, utilities, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, wheelchairs, resident transportation, maintenance and repairs, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules

adopted by the director of job and family services under section 106386
5111.02 of the Revised Code, for personnel listed in this 106387
division. "Ancillary and support costs" also means the cost of 106388
equipment, including vehicles, acquired by operating lease 106389
executed before December 1, 1992, if the costs are reported as 106390
administrative and general costs on the facility's cost report for 106391
the cost reporting period ending December 31, 1992. 106392

(C) "Capital costs" means costs of ownership and, in the case 106393
of an intermediate care facility for the mentally retarded, costs 106394
of nonextensive renovation. 106395

(1) "Cost of ownership" means the actual expense incurred for 106396
all of the following: 106397

(a) Depreciation and interest on any capital assets that cost 106398
five hundred dollars or more per item, including the following: 106399

(i) Buildings; 106400

(ii) Building improvements that are not approved as 106401
nonextensive renovations under section 5111.251 of the Revised 106402
Code; 106403

(iii) Except as provided in division (B) of this section, 106404
equipment; 106405

(iv) In the case of an intermediate care facility for the 106406
mentally retarded, extensive renovations; 106407

(v) Transportation equipment. 106408

(b) Amortization and interest on land improvements and 106409
leasehold improvements; 106410

(c) Amortization of financing costs; 106411

(d) Except as provided in division (K) of this section, lease and rent of land, building, and equipment. 106412
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The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice. 106414
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(2) "Costs of nonextensive renovation" means the actual expense incurred by an intermediate care facility for the mentally retarded for depreciation or amortization and interest on renovations that are not extensive renovations. 106417
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(D) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles. 106421
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(E) "Case-mix score" means the measure determined under section 5111.232 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a resident of a nursing facility or intermediate care facility for the mentally retarded. 106423
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(F)(1) "Date of licensure," for a facility originally licensed as a nursing home under Chapter 3721. of the Revised Code, means the date specific beds were originally licensed as nursing home beds under that chapter, regardless of whether they were subsequently licensed as residential facility beds under section 5123.19 of the Revised Code. For a facility originally licensed as a residential facility under section 5123.19 of the Revised Code, "date of licensure" means the date specific beds were originally licensed as residential facility beds under that section. 106428
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If nursing home beds licensed under Chapter 3721. of the Revised Code or residential facility beds licensed under section 5123.19 of the Revised Code were not required by law to be licensed when they were originally used to provide nursing home or 106438
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residential facility services, "date of licensure" means the date
the beds first were used to provide nursing home or residential
facility services, regardless of the date the present provider
obtained licensure.

If a facility adds nursing home beds or residential facility
beds or extensively renovates all or part of the facility after
its original date of licensure, it will have a different date of
licensure for the additional beds or extensively renovated portion
of the facility, unless the beds are added in a space that was
constructed at the same time as the previously licensed beds but
was not licensed under Chapter 3721. or section 5123.19 of the
Revised Code at that time.

(2) The definition of "date of licensure" in this section
applies in determinations of the medicaid reimbursement rate for a
nursing facility or intermediate care facility for the mentally
retarded but does not apply in determinations of the franchise
permit fee for a nursing facility or intermediate care facility
for the mentally retarded.

(G) "Desk-reviewed" means that costs as reported on a cost
report submitted under section 5111.26 of the Revised Code have
been subjected to a desk review under division (A) of section
5111.27 of the Revised Code and preliminarily determined to be
allowable costs.

(H) "Direct care costs" means all of the following:

(1)(a) Costs for registered nurses, licensed practical
nurses, and nurse aides employed by the facility;

(b) Costs for direct care staff, administrative nursing
staff, medical directors, respiratory therapists, and except as
provided in division (H)(2) of this section, other persons holding
degrees qualifying them to provide therapy;

(c) Costs of purchased nursing services;	106472
(d) Costs of quality assurance;	106473
(e) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted by the director of job and family services in accordance with Chapter 119. of the Revised Code, for personnel listed in divisions (H)(1)(a), (b), and (d) of this section;	106474 106475 106476 106477 106478 106479
(f) Costs of consulting and management fees related to direct care;	106480 106481
(g) Allocated direct care home office costs.	106482
(2) In addition to the costs specified in division (H)(1) of this section, for nursing facilities only, direct care costs include costs of habilitation staff (other than habilitation supervisors), medical supplies, ~~emergency~~ oxygen, <u>over-the-counter pharmacy products, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists</u> , habilitation supplies, and universal precautions supplies.	106483 106484 106485 106486 106487 106488 106489 106490
(3) In addition to the costs specified in division (H)(1) of this section, for intermediate care facilities for the mentally retarded only, direct care costs include both of the following:	106491 106492 106493
(a) Costs for physical therapists and physical therapy assistants, occupational therapists and occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified mental retardation professionals, program directors, social services staff, activities staff, off-site day programming, psychologists and	106494 106495 106496 106497 106498 106499

psychology assistants, and social workers and counselors;	106500
(b) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5111.02 of the Revised Code, for personnel listed in division (H)(3)(a) of this section.	106501 106502 106503 106504 106505
(4) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5111.02 of the Revised Code.	106506 106507 106508
(I) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.	106509 106510
(J) "Franchise permit fee" means the following:	106511
(1) In the context of nursing facilities, the fee imposed by sections 3721.50 to 3721.58 of the Revised Code;	106512 106513
(2) In the context of intermediate care facilities for the mentally retarded, the fee imposed by sections 5112.30 to 5112.39 of the Revised Code.	106514 106515 106516
(K) "Indirect care costs" means all reasonable costs incurred by an intermediate care facility for the mentally retarded other than direct care costs, other protected costs, or capital costs. "Indirect care costs" includes but is not limited to costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repairs, help-wanted	106517 106518 106519 106520 106521 106522 106523 106524 106525 106526 106527 106528

advertising, informational advertising, start-up costs, 106529
organizational expenses, other interest, property insurance, 106530
employee training and staff development, employee benefits, 106531
payroll taxes, and workers' compensation premiums or costs for 106532
self-insurance claims and related costs as specified in rules 106533
adopted under section 5111.02 of the Revised Code, for personnel 106534
listed in this division. Notwithstanding division (C)(1) of this 106535
section, "indirect care costs" also means the cost of equipment, 106536
including vehicles, acquired by operating lease executed before 106537
December 1, 1992, if the costs are reported as administrative and 106538
general costs on the facility's cost report for the cost reporting 106539
period ending December 31, 1992. 106540

(L) "Inpatient days" means all days during which a resident, 106541
regardless of payment source, occupies a bed in a nursing facility 106542
or intermediate care facility for the mentally retarded that is 106543
included in the facility's certified capacity under Title XIX. 106544
Therapeutic or hospital leave days for which payment is made under 106545
section 5111.33 of the Revised Code are considered inpatient days 106546
proportionate to the percentage of the facility's per resident per 106547
day rate paid for those days. 106548

(M) "Intermediate care facility for the mentally retarded" 106549
means an intermediate care facility for the mentally retarded 106550
certified as in compliance with applicable standards for the 106551
medicaid program by the director of health in accordance with 106552
Title XIX. 106553

(N) "Maintenance and repair expenses" means, except as 106554
provided in division (BB)(2) of this section, expenditures that 106555
are necessary and proper to maintain an asset in a normally 106556
efficient working condition and that do not extend the useful life 106557
of the asset two years or more. "Maintenance and repair expenses" 106558
includes but is not limited to the cost of ordinary repairs such 106559
as painting and wallpapering. 106560

(O) "Medicaid days" means all days during which a resident who is a Medicaid recipient eligible for nursing facility services occupies a bed in a nursing facility that is included in the nursing facility's certified capacity under Title XIX. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the nursing facility's per resident per day rate paid for those days.

(P) "Nursing facility" means a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health in accordance with Title XIX and is not an intermediate care facility for the mentally retarded. "Nursing facility" includes a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health in accordance with Title XIX and is certified as a skilled nursing facility by the director in accordance with Title XVIII.

(Q) "Operator" means the person or government entity responsible for the daily operating and management decisions for a nursing facility or intermediate care facility for the mentally retarded.

(R) "Other protected costs" means costs incurred by an intermediate care facility for the mentally retarded for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5111.02 of the Revised Code.

(S)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding a nursing facility or intermediate care facility for the

mentally retarded:	106592
(a) The land on which the facility is located;	106593
(b) The structure in which the facility is located;	106594
(c) Any mortgage, contract for deed, or other obligation	106595
secured in whole or in part by the land or structure on or in	106596
which the facility is located;	106597
(d) Any lease or sublease of the land or structure on or in	106598
which the facility is located.	106599
(2) "Owner" does not mean a holder of a debenture or bond	106600
related to the nursing facility or intermediate care facility for	106601
the mentally retarded and purchased at public issue or a regulated	106602
lender that has made a loan related to the facility unless the	106603
holder or lender operates the facility directly or through a	106604
subsidiary.	106605
(T) "Patient" includes "resident."	106606
(U) Except as provided in divisions (U)(1) and (2) of this	106607
section, "per diem" means a nursing facility's or intermediate	106608
care facility for the mentally retarded's actual, allowable costs	106609
in a given cost center in a cost reporting period, divided by the	106610
facility's inpatient days for that cost reporting period.	106611
(1) When calculating indirect care costs for the purpose of	106612
establishing rates under section 5111.241 of the Revised Code,	106613
"per diem" means an intermediate care facility for the mentally	106614
retarded's actual, allowable indirect care costs in a cost	106615
reporting period divided by the greater of the facility's	106616
inpatient days for that period or the number of inpatient days the	106617
facility would have had during that period if its occupancy rate	106618
had been eighty-five per cent.	106619

(2) When calculating capital costs for the purpose of establishing rates under section 5111.251 of the Revised Code, "per diem" means a facility's actual, allowable capital costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been ninety-five per cent.	106620 106621 106622 106623 106624 106625 106626
(V) "Provider" means an operator with a provider agreement.	106627
(W) "Provider agreement" means a contract between the department of job and family services and the operator of a nursing facility or intermediate care facility for the mentally retarded for the provision of nursing facility services or intermediate care facility services for the mentally retarded under the medicaid program.	106628 106629 106630 106631 106632 106633
(X) "Purchased nursing services" means services that are provided in a nursing facility by registered nurses, licensed practical nurses, or nurse aides who are not employees of the facility.	106634 106635 106636 106637
(Y) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of patient care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.	106638 106639 106640 106641 106642 106643
(Z) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, the provider.	106644 106645 106646 106647
(1) An individual who is a relative of an owner is a related	106648

party.	106649
(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property.	106650 106651 106652 106653 106654 106655 106656 106657 106658
(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.	106659 106660 106661
(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:	106662 106663 106664
(a) The supplier is a separate bona fide organization.	106665
(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes.	106666 106667 106668 106669
(c) The types of goods or services are commonly obtained by other nursing facilities or intermediate care facilities for the mentally retarded from outside organizations and are not a basic element of patient care ordinarily furnished directly to patients by the facilities.	106670 106671 106672 106673 106674
(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the	106675 106676 106677

supplier.	106678
(AA) "Relative of owner" means an individual who is related	106679
to an owner of a nursing facility or intermediate care facility	106680
for the mentally retarded by one of the following relationships:	106681
(1) Spouse;	106682
(2) Natural parent, child, or sibling;	106683
(3) Adopted parent, child, or sibling;	106684
(4) Stepparent, stepchild, stepbrother, or stepsister;	106685
(5) Father-in-law, mother-in-law, son-in-law,	106686
daughter-in-law, brother-in-law, or sister-in-law;	106687
(6) Grandparent or grandchild;	106688
(7) Foster caregiver, foster child, foster brother, or foster	106689
sister.	106690
(BB) "Renovation" and "extensive renovation" mean:	106691
(1) Any betterment, improvement, or restoration of an	106692
intermediate care facility for the mentally retarded started	106693
before July 1, 1993, that meets the definition of a renovation or	106694
extensive renovation established in rules adopted by the director	106695
of job and family services in effect on December 22, 1992.	106696
(2) In the case of betterments, improvements, and	106697
restorations of intermediate care facilities for the mentally	106698
retarded started on or after July 1, 1993:	106699
(a) "Renovation" means the betterment, improvement, or	106700
restoration of an intermediate care facility for the mentally	106701
retarded beyond its current functional capacity through a	106702

structural change that costs at least five hundred dollars per
bed. A renovation may include betterment, improvement,
restoration, or replacement of assets that are affixed to the
building and have a useful life of at least five years. A
renovation may include costs that otherwise would be considered
maintenance and repair expenses if they are an integral part of
the structural change that makes up the renovation project.
"Renovation" does not mean construction of additional space for
beds that will be added to a facility's licensed or certified
capacity.

(b) "Extensive renovation" means a renovation that costs more
than sixty-five per cent and no more than eighty-five per cent of
the cost of constructing a new bed and that extends the useful
life of the assets for at least ten years.

For the purposes of division (BB)(2) of this section, the
cost of constructing a new bed shall be considered to be forty
thousand dollars, adjusted for the estimated rate of inflation
from January 1, 1993, to the end of the calendar year during which
the renovation is completed, using the consumer price index for
shelter costs for all urban consumers for the north central
region, as published by the United States bureau of labor
statistics.

The department of job and family services may treat a
renovation that costs more than eighty-five per cent of the cost
of constructing new beds as an extensive renovation if the
department determines that the renovation is more prudent than
construction of new beds.

(CC) "Title XIX" means Title XIX of the "Social Security
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended.

(DD) "Title XVIII" means Title XVIII of the "Social Security
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.

Sec. 5111.21. (A) In order to be eligible for medicaid	106734
payments, the operator of a nursing facility or intermediate care	106735
facility for the mentally retarded shall do all of the following:	106736
(1) Enter into a provider agreement with the department as	106737
provided in section 5111.22, 5111.671, or 5111.672 of the Revised	106738
Code;	106739
(2) Apply for and maintain a valid license to operate if so	106740
required by law;	106741
(3) ~~Comply~~ <u>Subject to division (B) of this section, comply</u>	106742
with all applicable state and federal laws and rules.	106743
(B) <u>A state rule that requires the operator of an</u>	106744
<u>intermediate care facility for the mentally retarded to have</u>	106745
<u>received approval of a plan for the proposed facility pursuant to</u>	106746
<u>section 5123.042 of the Revised Code as a condition of the</u>	106747
<u>operator being eligible for medicaid payments for the facility</u>	106748
<u>does not apply if, under section 5123.193 or 5123.197 of the</u>	106749
<u>Revised Code, a residential facility license was obtained or</u>	106750
<u>modified for the facility without obtaining approval of such a</u>	106751
<u>plan.</u>	106752
(C)(1) Except as provided in division ~~(B)~~ (C)(2) of this	106753
section, the operator of a nursing facility that elects to obtain	106754
and maintain eligibility for payments under the medicaid program	106755
shall qualify all of the facility's medicaid-certified beds in the	106756
medicare program established by Title XVIII. The director of job	106757
and family services may adopt rules under section 5111.02 of the	106758
Revised Code to establish the time frame in which a nursing	106759
facility must comply with this requirement.	106760
(2) The Ohio veteran's home agency is not required to qualify	106761
all of the medicaid-certified beds in a nursing facility the	106762

agency maintains and operates under section 5907.01 of the Revised Code in the medicare program. 106763
106764

Sec. 5111.211. (A) ~~The~~Except as provided in division (C) 106765
of this section, the department of mental retardation and 106766
developmental disabilities is responsible for the nonfederal share 106767
of claims submitted for services that are covered by the medicaid 106768
program and provided to an eligible medicaid recipient by an 106769
intermediate care facility for the mentally retarded if all of the 106770
following are the case: 106771

(1) The services are provided on or after July 1, 2003; 106772

(2) The facility receives initial certification by the 106773
director of health as an intermediate care facility for the 106774
mentally retarded on or after June 1, 2003; 106775

(3) The facility, or a portion of the facility, is licensed 106776
by the director of mental retardation and developmental 106777
disabilities as a residential facility under section 5123.19 of 106778
the Revised Code; 106779

(4) There is a valid provider agreement for the facility. 106780

(B) Each month, the department of job and family services 106781
shall invoice the department of mental retardation and 106782
developmental disabilities by interagency transfer voucher for the 106783
claims for which the department of mental retardation and 106784
developmental disabilities is responsible pursuant to this 106785
section. 106786

(C) Division (A) of this section does not apply to claims 106787
submitted for an intermediate care facility for the mentally 106788
retarded if, under section 5123.193 or 5123.197 of the Revised 106789
Code, a residential facility license was obtained or modified for 106790
the facility without obtaining approval of a plan for the 106791

proposed residential facility pursuant to section 5123.042 of the 106792
Revised Code. 106793

Sec. 5111.231. (A) As used in this section, "applicable 106794
calendar year" means the following: 106795

(1) For the purpose of the department of job and family 106796
services' initial determination under division (D) of this 106797
section of each peer group's cost per case-mix unit, calendar 106798
year 2003; 106799

(2) For the purpose of the department's subsequent 106800
determinations under division (D) of this section of each peer 106801
group's cost per case-mix unit, the calendar year the department 106802
selects. 106803

(B) The department of job and family services shall pay a 106804
provider for each of the provider's eligible nursing facilities a 106805
per resident per day rate for direct care costs determined 106806
semiannually by multiplying the cost per case-mix unit determined 106807
under division (D) of this section for the facility's peer group 106808
by the facility's semiannual case-mix score determined under 106809
section 5111.232 of the Revised Code. 106810

(C) For the purpose of determining nursing facilities' rate 106811
for direct care costs, the department shall establish three peer 106812
groups. 106813

Each nursing facility located in any of the following 106814
counties shall be placed in peer group one: Brown, Butler, 106815
Clermont, Clinton, Hamilton, and Warren. 106816

Each nursing facility located in any of the following 106817
counties shall be placed in peer group two: Ashtabula, Champaign, 106818
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 106819
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 106820

Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa,
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union,
and Wood.

Each nursing facility located in any of the following
counties shall be placed in peer group three: Adams, Allen,
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana,
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin,
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson,
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe,
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland,
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton,
Washington, Wayne, Williams, and Wyandot.

(D)(1) At least once every ten years, the department shall
determine a cost per case-mix unit for each peer group
established under division (C) of this section. A cost per
case-mix unit determined under this division for a peer group
shall be used for subsequent years until the department
redetermines it. To determine a peer group's cost per case-mix
unit, the department shall do all of the following:

(a) Determine the cost per case-mix unit for each nursing
facility in the peer group for the applicable calendar year by
dividing each facility's desk-reviewed, actual, allowable, per
diem direct care costs for the applicable calendar year by the
facility's annual average case-mix score determined under section
5111.232 of the Revised Code for the applicable calendar year.

(b) Subject to division (D)(2) of this section, identify
which nursing facility in the peer group is at the twenty-fifth
percentile of the cost per case-mix units determined under
division (D)(1)(a) of this section.

(c) Calculate the amount that is seven per cent above the
cost per case-mix unit determined under division (D)(1)(a) of

this section for the nursing facility identified under division (D)(1)(b) of this section.	106852 106853
(d) Multiply the amount calculated under division (D)(1)(c) of this section by the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year using the following:	106854 106855 106856 106857 106858 106859
(i) <u>In the case of the initial calculation made under division (D)(1)(d) of this section, the employment cost index for total compensation, health services component, published by the United States bureau of labor statistics, as the index existed on July 1, 2005;</u>	106860 106861 106862 106863 106864
(ii) <u>In the case of subsequent calculations made under division (D)(1)(d) of this section and except as provided in division (D)(1)(d)(iii) of this section, the employment cost index for total compensation, nursing and residential care facilities occupational group, published by the United States bureau of labor statistics;</u>	106865 106866 106867 106868 106869 106870
(iii) <u>If the United States bureau of labor statistics ceases to publish the index specified in division (D)(1)(d)(ii) of this section, the index the bureau subsequently publishes that covers nursing facilities' staff costs.</u>	106871 106872 106873 106874
(2) In making the identification under division (D)(1)(b) of this section, the department shall exclude both of the following:	106875 106876
(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;	106877 106878 106879
(b) Nursing facilities whose cost per case-mix unit is more	106880

than one standard deviation from the mean cost per case-mix unit 106881
for all nursing facilities in the nursing facility's peer group 106882
for the applicable calendar year. 106883

(3) The department shall not redetermine a peer group's cost 106884
per case-mix unit under this division based on additional 106885
information that it receives after the peer group's per case-mix 106886
unit is determined. The department shall redetermine a peer 106887
group's cost per case-mix unit only if it made an error in 106888
determining the peer group's cost per case-mix unit based on 106889
information available to the department at the time of the 106890
original determination. 106891

Sec. 5111.232. (A)(1) The department of job and family 106892
services shall determine semiannual and annual average case-mix 106893
scores for nursing facilities by using all of the following: 106894

(a) Data from a resident assessment instrument specified in 106895
rules adopted under section 5111.02 of the Revised Code pursuant 106896
to section 1919(e)(5) of the "Social Security Act," 49 Stat. 620 106897
(1935), 42 U.S.C.A. 1396r(e)(5), as amended, for the following 106898
residents: 106899

(i) When determining ~~semi-annual~~semiannual case-mix scores, 106900
each resident who is a medicaid recipient; 106901

(ii) When determining annual average case-mix scores, each 106902
resident regardless of payment source. 106903

(b) Except as provided in rules authorized by ~~division~~ 106904
divisions (A)(2)(a) and (b) of this section, the case-mix values 106905
established by the United States department of health and human 106906
services; 106907

(c) Except as modified in rules authorized by division 106908
(A)(2)(c) of this section, the grouper methodology used on June 106909

30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program established by Title XVIII.	106910 106911 106912
(2) The director of job and family services may adopt rules under section 5111.02 of the Revised Code that do any of the following:	106913 106914 106915
(a) Adjust the case-mix values specified in division (A)(1)(b) of this section to reflect changes in relative wage differentials that are specific to this state;	106916 106917 106918
(b) Express all of those case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another;	106919 106920 106921 106922
(c) Modify the grouper methodology specified in division (A)(1)(c) of this section as follows:	106923 106924
(i) Establish a different hierarchy for assigning residents to case-mix categories under the methodology;	106925 106926
(ii) Prohibit the use of the index maximizer element of the methodology;	106927 106928
(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;	106929 106930 106931
(iv) Make other changes the department determines are necessary.	106932 106933
(B) The department shall determine case-mix scores for intermediate care facilities for the mentally retarded using data for each resident, regardless of payment source, from a resident	106934 106935 106936

assessment instrument and grouper methodology prescribed in rules 106937
adopted under section 5111.02 of the Revised Code and expressed in 106938
case-mix values established by the department in those rules. 106939

(C) Each calendar quarter, each provider shall compile 106940
complete assessment data, from the resident assessment instrument 106941
specified in rules authorized by division (A) or (B) of this 106942
section, for each resident of each of the provider's facilities, 106943
regardless of payment source, who was in the facility or on 106944
hospital or therapeutic leave from the facility on the last day of 106945
the quarter. Providers of a nursing facility shall submit the data 106946
to the department of health and, if required by rules, the 106947
department of job and family services. Providers of an 106948
intermediate care facility for the mentally retarded shall submit 106949
the data to the department of job and family services. The data 106950
shall be submitted not later than fifteen days after the end of 106951
the calendar quarter for which the data is compiled. 106952

Except as provided in division (D) of this section, the 106953
department, every six months and after the end of each calendar 106954
year, shall calculate a semiannual and annual average case-mix 106955
score for each nursing facility using the facility's quarterly 106956
case-mix scores for that six-month period or calendar year. Also 106957
except as provided in division (D) of this section, the 106958
department, after the end of each calendar year, shall calculate 106959
an annual average case-mix score for each intermediate care 106960
facility for the mentally retarded using the facility's quarterly 106961
case-mix scores for that calendar year. The department shall make 106962
the calculations pursuant to procedures specified in rules adopted 106963
under section 5111.02 of the Revised Code. 106964

(D)(1) If a provider does not timely submit information for a 106965
calendar quarter necessary to calculate a facility's case-mix 106966
score, or submits incomplete or inaccurate information for a 106967
calendar quarter, the department may assign the facility a 106968

quarterly average case-mix score that is five per cent less than 106969
the facility's quarterly average case-mix score for the preceding 106970
calendar quarter. If the facility was subject to an exception 106971
review under division (C) of section 5111.27 of the Revised Code 106972
for the preceding calendar quarter, the department may assign a 106973
quarterly average case-mix score that is five per cent less than 106974
the score determined by the exception review. If the facility was 106975
assigned a quarterly average case-mix score for the preceding 106976
quarter, the department may assign a quarterly average case-mix 106977
score that is five per cent less than that score assigned for the 106978
preceding quarter. 106979

The department may use a quarterly average case-mix score 106980
assigned under division (D)(1) of this section, instead of a 106981
quarterly average case-mix score calculated based on the 106982
provider's submitted information, to calculate the facility's rate 106983
for direct care costs being established under section 5111.23 or 106984
5111.231 of the Revised Code for one or more months, as specified 106985
in rules authorized by division (E) of this section, of the 106986
quarter for which the rate established under section 5111.23 or 106987
5111.231 of the Revised Code will be paid. 106988

Before taking action under division (D)(1) of this section, 106989
the department shall permit the provider a reasonable period of 106990
time, specified in rules authorized by division (E) of this 106991
section, to correct the information. In the case of an 106992
intermediate care facility for the mentally retarded, the 106993
department shall not assign a quarterly average case-mix score due 106994
to late submission of corrections to assessment information unless 106995
the provider fails to submit corrected information prior to the 106996
eighty-first day after the end of the calendar quarter to which 106997
the information pertains. In the case of a nursing facility, the 106998
department shall not assign a quarterly average case-mix score due 106999
to late submission of corrections to assessment information unless 107000
the provider fails to submit corrected information prior to the 107001

earlier of the ~~eighty-first~~forty-sixth day after the end of the 107002
calendar quarter to which the information pertains or the deadline 107003
for submission of such corrections established by regulations 107004
adopted by the United States department of health and human 107005
services under Titles XVIII and XIX. 107006

(2) If a provider is paid a rate for a facility calculated 107007
using a quarterly average case-mix score assigned under division 107008
(D)(1) of this section for more than six months in a calendar 107009
year, the department may assign the facility a cost per case-mix 107010
unit that is five per cent less than the facility's actual or 107011
assigned cost per case-mix unit for the preceding calendar year. 107012
The department may use the assigned cost per case-mix unit, 107013
instead of calculating the facility's actual cost per case-mix 107014
unit in accordance with section 5111.23 or 5111.231 of the Revised 107015
Code, to establish the facility's rate for direct care costs for 107016
the following fiscal year. 107017

(3) The department shall take action under division (D)(1) or 107018
(2) of this section only in accordance with rules authorized by 107019
division (E) of this section. The department shall not take an 107020
action that affects rates for prior payment periods except in 107021
accordance with sections 5111.27 and 5111.28 of the Revised Code. 107022

(E) The director shall adopt rules under section 5111.02 of 107023
the Revised Code that do all of the following: 107024

(1) Specify whether providers of a nursing facility must 107025
submit the assessment data to the department of job and family 107026
services; 107027

(2) Specify the medium or media through which the completed 107028
assessment data shall be submitted; 107029

(3) Establish procedures under which the assessment data 107030
shall be reviewed for accuracy and providers shall be notified of 107031

any data that requires correction;	107032
(4) Establish procedures for providers to correct assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections by providers of nursing facilities in the manner required by regulations adopted by the United States department of health and human services under Titles XVIII and XIX.	107033 107034 107035 107036 107037 107038
(5) Specify when and how the department will assign case-mix scores or costs per case-mix unit under division (D) of this section if information necessary to calculate the facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules. Notwithstanding any other provision of sections 5111.20 to 5111.33 of the Revised Code, the rules also may provide for the following:	107039 107040 107041 107042 107043 107044 107045
(a) Exclusion of case-mix scores assigned under division (D) of this section from calculation of an intermediate care facility for the mentally retarded's annual average case-mix score and the maximum cost per case-mix unit for the facility's peer group;	107046 107047 107048 107049
(b) Exclusion of case-mix scores assigned under division (D) of this section from calculation of a nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the facility's peer group.	107050 107051 107052 107053
<u>Sec. 5111.233.</u> The costs of day programming shall be part of the direct care costs of an intermediate care facility for the mentally retarded as off-site day programming if the area in which the day programming is provided is not certified by the director of health as an intermediate care facility for the mentally retarded under Title XIX and regardless of either of the following:	107054 107055 107056 107057 107058 107059 107060
(A) <u>Whether or not the area in which the day programming is</u>	107061

provided is less than two hundred feet away from the intermediate care facility for the mentally retarded; 107062
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(B) Whether or not the day programming is provided by an individual who, or organization that, is a related party to the provider of the intermediate care facility for the mentally retarded. 107064
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Sec. 5111.236. (A) As used in this section, "medically fragile child" means an individual under eighteen years of age who requires both of the following: 107068
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(1) The services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the individual's medical condition; 107071
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(2) The services of a registered nurse on a daily basis. 107074

(B) The medicaid program shall cover oxygen services that a medical supplier with a valid medicaid provider agreement provides to a medicaid recipient who is a medically fragile child and resides in an intermediate care facility for the mentally retarded. The medicaid program shall cover such oxygen services regardless of any of the following: 107075
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(1) The percentage of the medicaid recipient's arterial oxygen saturation at rest, exercise, or sleep; 107081
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(2) The type of system used in delivering the oxygen to the medicaid recipient; 107083
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(3) Whether the intermediate care facility for the mentally retarded in which the medicaid recipient resides purchases or rents the equipment used in the delivery of the oxygen to the recipient. 107085
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(C) A medical supplier of an oxygen service shall bill the department of job and family services directly for oxygen services the medicaid program covers under this section. The provider of an intermediate care facility for the mentally retarded may not include the cost of an oxygen service covered by the medicaid program under this section in the facility's cost report unless the facility is the medical supplier of the oxygen service.

Sec. 5111.24. (A) As used in this section, "applicable calendar year" means the following:

(1) For the purpose of the department of job and family services' initial determination under division (D) of this section of each peer group's rate for ancillary and support costs, calendar year 2003;

(2) For the purpose of the department's subsequent determinations under division (D) of this section of each peer group's rate for ancillary and support costs, the calendar year the department selects.

(B) The department of job and family services shall pay a provider for each of the provider's eligible nursing facilities a per resident per day rate for ancillary and support costs determined for the nursing facility's peer group under division (D) of this section.

(C) For the purpose of determining nursing facilities' rate for ancillary and support costs, the department shall establish six peer groups.

Each nursing facility located in any of the following counties shall be placed in peer group one or two: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group one. Each nursing facility

located in any of those counties that has one hundred or more beds 107119
shall be placed in peer group two. 107120

Each nursing facility located in any of the following 107121
counties shall be placed in peer group three or four: Ashtabula, 107122
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 107123
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 107124
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 107125
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 107126
Union, and Wood. Each nursing facility located in any of those 107127
counties that has fewer than one hundred beds shall be placed in 107128
peer group three. Each nursing facility located in any of those 107129
counties that has one hundred or more beds shall be placed in peer 107130
group four. 107131

Each nursing facility located in any of the following 107132
counties shall be placed in peer group five or six: Adams, Allen, 107133
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 107134
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 107135
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 107136
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 107137
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 107138
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 107139
Washington, Wayne, Williams, and Wyandot. Each nursing facility 107140
located in any of those counties that has fewer than one hundred 107141
beds shall be placed in peer group five. Each nursing facility 107142
located in any of those counties that has one hundred or more beds 107143
shall be placed in peer group six. 107144

(D)(1) At least once every ten years, the department shall 107145
determine the rate for ancillary and support costs for each peer 107146
group established under division (C) of this section. The rate for 107147
ancillary and support costs determined under this division for a 107148
peer group shall be used for subsequent years until the 107149
department redetermines it. To determine a peer group's rate for 107150

ancillary and support costs, the department shall do all of the following:

(a) Determine the rate for ancillary and support costs for each nursing facility in the peer group for the applicable calendar year by using the greater of the nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been ninety per cent. For the purpose of determining a nursing facility's occupancy rate under division (D)(1)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity unless the nursing facility also removes the beds from its licensed bed capacity.

(b) Subject to division (D)(2) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the rate for ancillary and support costs for the applicable calendar year determined under division (D)(1)(a) of this section.

(c) Calculate the amount that is three per cent above the rate for ancillary and support costs determined under division (D)(1)(a) of this section for the nursing facility identified under division (D)(1)(b) of this section.

(d) Multiply the amount calculated under division (D)(1)(c) of this section by the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year using the following:

(i) In the case of the initial calculation made under division (D)(1)(d) of this section, the consumer price index for all items for all urban consumers for the north central region,

published by the United States bureau of labor statistics, <u>as</u>	107182
<u>that index existed on July 1, 2005;</u>	107183
<u>(ii) In the case of subsequent calculations made under</u>	107184
<u>division (D)(1)(d) of this section and except as provided in</u>	107185
<u>division (D)(1)(d)(iii) of this section, the consumer price index</u>	107186
<u>for all items for all urban consumers for the midwest region,</u>	107187
<u>published by the United States bureau of labor statistics;</u>	107188
<u>(iii) If the United States bureau of labor statistics ceases</u>	107189
<u>to publish the index specified in division (D)(1)(d)(ii) of this</u>	107190
<u>section, the index the bureau subsequently publishes that covers</u>	107191
<u>urban consumers' prices for items for the region that includes</u>	107192
<u>this state.</u>	107193
(2) In making the identification under division (D)(1)(b) of	107194
this section, the department shall exclude both of the following:	107195
(a) Nursing facilities that participated in the medicaid	107196
program under the same provider for less than twelve months in the	107197
applicable calendar year;	107198
(b) Nursing facilities whose ancillary and support costs are	107199
more than one standard deviation from the mean desk-reviewed,	107200
actual, allowable, per diem ancillary and support cost for all	107201
nursing facilities in the nursing facility's peer group for the	107202
applicable calendar year.	107203
(3) The department shall not redetermine a peer group's rate	107204
for ancillary and support costs under this division based on	107205
additional information that it receives after the rate is	107206
determined. The department shall redetermine a peer group's rate	107207
for ancillary and support costs only if it made an error in	107208
determining the rate based on information available to the	107209
department at the time of the original determination.	107210

Sec. 5111.243. The department of job and family services shall pay a provider for each of the provider's eligible nursing facilities a per resident per day rate for the franchise permit fees paid for the nursing facility. The rate shall be equal to the franchise permit fee for the fiscal year for which the rate is paid six dollars and twenty-five cents.

Sec. 5111.25. (A) As used in this section, "applicable calendar year" means the following:

(1) For the purpose of the department of job and family services' initial determination under division (D) of this section of each peer group's median rate for capital costs, calendar year 2003;

(2) For the purpose of the department's subsequent determinations under division (D) of this section of each peer group's median rate for capital costs, the calendar year the department selects.

(B) The department of job and family services shall pay a provider for each of the provider's eligible nursing facilities a per resident per day rate for capital costs. A nursing facility's rate for capital costs shall be the median rate for capital costs for the nursing facilities in the nursing facility's peer group as determined under division (D) of this section.

(C) For the purpose of determining nursing facilities' rate for capital costs, the department shall establish six peer groups.

Each nursing facility located in any of the following counties shall be placed in peer group one or two: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group one. Each nursing facility located in any of those counties that has one hundred or more beds

shall be placed in peer group two. 107241

Each nursing facility located in any of the following 107242
counties shall be placed in peer group three or four: Ashtabula, 107243
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 107244
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 107245
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 107246
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 107247
Union, and Wood. Each nursing facility located in any of those 107248
counties that has fewer than one hundred beds shall be placed in 107249
peer group three. Each nursing facility located in any of those 107250
counties that has one hundred or more beds shall be placed in peer 107251
group four. 107252

Each nursing facility located in any of the following 107253
counties shall be placed in peer group five or six: Adams, Allen, 107254
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 107255
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 107256
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 107257
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 107258
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 107259
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 107260
Washington, Wayne, Williams, and Wyandot. Each nursing facility 107261
located in any of those counties that has fewer than one hundred 107262
beds shall be placed in peer group five. Each nursing facility 107263
located in any of those counties that has one hundred or more beds 107264
shall be placed in peer group six. 107265

(D)(1) At least once every ten years, the department shall 107266
determine the median rate for capital costs for each peer group 107267
established under division (C) of this section. The median rate 107268
for capital costs determined under this division for a peer group 107269
shall be used for subsequent years until the department 107270
redetermines it. To determine a peer group's median rate for 107271
capital costs, the department shall do both of the following: 107272

(a) Subject to division (D)(2) of this section, use the greater of each nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been one hundred per cent.	107273 107274 107275 107276 107277
(b) Exclude both of the following:	107278
(i) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;	107279 107280 107281
(ii) Nursing facilities whose capital costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem capital cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year.	107282 107283 107284 107285
(2) For the purpose of determining a nursing facility's occupancy rate under division (D)(1)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity after June 30, 2005, unless the nursing facility also removes the beds from its licensed bed capacity.	107286 107287 107288 107289 107290 107291
(E) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight-line method over a period designated in rules adopted under section 5111.02 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department. Any rules authorized by this division that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in capital costs unless that part of the payment under sections 5111.20 to 5111.33 of the	107292 107293 107294 107295 107296 107297 107298 107299 107300 107301 107302 107303

Revised Code is used to reimburse the government agency. 107304

(F) The capital cost basis of nursing facility assets shall 107305
be determined in the following manner: 107306

(1) Except as provided in division (F)(3) of this section, 107307
for purposes of calculating the rates to be paid for facilities 107308
with dates of licensure on or before June 30, 1993, the capital 107309
cost basis of each asset shall be equal to the desk-reviewed, 107310
actual, allowable, capital cost basis that is listed on the 107311
facility's cost report for the calendar year preceding the fiscal 107312
year during which the rate will be paid. 107313

(2) For facilities with dates of licensure after June 30, 107314
1993, the capital cost basis shall be determined in accordance 107315
with the principles of the medicare program established under 107316
Title XVIII, except as otherwise provided in sections 5111.20 to 107317
5111.33 of the Revised Code. 107318

(3) Except as provided in division (F)(4) of this section, if 107319
a provider transfers an interest in a facility to another provider 107320
after June 30, 1993, there shall be no increase in the capital 107321
cost basis of the asset if the providers are related parties or 107322
the provider to which the interest is transferred authorizes the 107323
provider that transferred the interest to continue to operate the 107324
facility under a lease, management agreement, or other 107325
arrangement. If the previous sentence does not prohibit the 107326
adjustment of the capital cost basis under this division, the 107327
basis of the asset shall be adjusted by the lesser of the 107328
following: 107329

(a) One-half of the change in construction costs during the 107330
time that the transferor held the asset, as calculated by the 107331
department of job and family services using the "Dodge building 107332
cost indexes, northeastern and north central states," published by 107333
Marshall and Swift; 107334

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time that the transferor held the asset.	107335 107336 107337 107338
(4) If a provider transfers an interest in a facility to another provider who is a related party, the capital cost basis of the asset shall be adjusted as specified in division (F)(3) of this section if all of the following conditions are met:	107339 107340 107341 107342
(a) The related party is a relative of owner;	107343
(b) Except as provided in division (F)(4)(c)(ii) of this section, the provider making the transfer retains no ownership interest in the facility;	107344 107345 107346
(c) The department of job and family services determines that the transfer is an arm's length transaction pursuant to rules adopted under section 5111.02 of the Revised Code. The rules shall provide that a transfer is an arm's length transaction if all of the following apply:	107347 107348 107349 107350 107351
(i) Once the transfer goes into effect, the provider that made the transfer has no direct or indirect interest in the provider that acquires the facility or the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a creditor.	107352 107353 107354 107355 107356 107357
(ii) The provider that made the transfer does not reacquire an interest in the facility except through the exercise of a creditor's rights in the event of a default. If the provider reacquires an interest in the facility in this manner, the department shall treat the facility as if the transfer never occurred when the department calculates its reimbursement rates	107358 107359 107360 107361 107362 107363

for capital costs.	107364
(iii) The transfer satisfies any other criteria specified in the rules.	107365 107366
(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a provider making the transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (F)(4) of this section or actual, allowable cost of ownership was determined most recently under division (G)(9) of this section.	107367 107368 107369 107370 107371 107372 107373 107374
(G) As used in this division:	107375
"Imputed interest" means the lesser of the prime rate plus two per cent or ten per cent.	107376 107377
"Lease expense" means lease payments in the case of an operating lease and depreciation expense and interest expense in the case of a capital lease.	107378 107379 107380
"New lease" means a lease, to a different lessee, of a nursing facility that previously was operated under a lease.	107381 107382
(1) Subject to division (B) of this section, for a lease of a facility that was effective on May 27, 1992, the entire lease expense is an actual, allowable capital cost during the term of the existing lease. The entire lease expense also is an actual, allowable capital cost if a lease in existence on May 27, 1992, is renewed under either of the following circumstances:	107383 107384 107385 107386 107387 107388
(a) The renewal is pursuant to a renewal option that was in existence on May 27, 1992;	107389 107390

(b) The renewal is for the same lease payment amount and
between the same parties as the lease in existence on May 27,
1992.

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(2) Subject to division (B) of this section, for a lease of a
facility that was in existence but not operated under a lease on
May 27, 1992, actual, allowable capital costs shall include the
lesser of the annual lease expense or the annual depreciation
expense and imputed interest expense that would be calculated at
the inception of the lease using the lessor's entire historical
capital asset cost basis, adjusted by the lesser of the following
amounts:

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(a) One-half of the change in construction costs during the
time the lessor held each asset until the beginning of the lease,
as calculated by the department using the "Dodge building cost
indexes, northeastern and north central states," published by
Marshall and Swift;

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(b) One-half of the change in the consumer price index for
all items for all urban consumers, as published by the United
States bureau of labor statistics, during the time the lessor held
each asset until the beginning of the lease.

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(3) Subject to division (B) of this section, for a lease of a
facility with a date of licensure on or after May 27, 1992, that
is initially operated under a lease, actual, allowable capital
costs shall include the annual lease expense if there was a
substantial commitment of money for construction of the facility
after December 22, 1992, and before July 1, 1993. If there was not
a substantial commitment of money after December 22, 1992, and
before July 1, 1993, actual, allowable capital costs shall include
the lesser of the annual lease expense or the sum of the
following:

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(a) The annual depreciation expense that would be calculated

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at the inception of the lease using the lessor's entire historical
capital asset cost basis;

(b) The greater of the lessor's actual annual amortization of
financing costs and interest expense at the inception of the lease
or the imputed interest expense calculated at the inception of the
lease using seventy per cent of the lessor's historical capital
asset cost basis.

(4) Subject to division (B) of this section, for a lease of a
facility with a date of licensure on or after May 27, 1992, that
was not initially operated under a lease and has been in existence
for ten years, actual, allowable capital costs shall include the
lesser of the annual lease expense or the annual depreciation
expense and imputed interest expense that would be calculated at
the inception of the lease using the entire historical capital
asset cost basis of the lessor, adjusted by the lesser of the
following:

(a) One-half of the change in construction costs during the
time the lessor held each asset until the beginning of the lease,
as calculated by the department using the "Dodge building cost
indexes, northeastern and north central states," published by
Marshall and Swift;

(b) One-half of the change in the consumer price index for
all items for all urban consumers, as published by the United
States bureau of labor statistics, during the time the lessor held
each asset until the beginning of the lease.

(5) Subject to division (B) of this section, for a new lease
of a facility that was operated under a lease on May 27, 1992,
actual, allowable capital costs shall include the lesser of the
annual new lease expense or the annual old lease payment. If the
old lease was in effect for ten years or longer, the old lease
payment from the beginning of the old lease shall be adjusted by

the lesser of the following:	107453
(a) One-half of the change in construction costs from the beginning of the old lease to the beginning of the new lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;	107454 107455 107456 107457 107458
(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.	107459 107460 107461 107462
(6) Subject to division (B) of this section, for a new lease of a facility that was not in existence or that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of annual new lease expense or the annual amount calculated for the old lease under division (G)(2), (3), (4), or (6) of this section, as applicable. If the old lease was in effect for ten years or longer, the lessor's historical capital asset cost basis shall be adjusted by the lesser of the following for purposes of calculating the annual amount under division (G)(2), (3), (4), or (6) of this section:	107463 107464 107465 107466 107467 107468 107469 107470 107471 107472
(a) One-half of the change in construction costs from the beginning of the old lease to the beginning of the new lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;	107473 107474 107475 107476 107477
(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.	107478 107479 107480 107481
In the case of a lease under division (G)(3) of this section	107482

of a facility for which a substantial commitment of money was made 107483
after December 22, 1992, and before July 1, 1993, the old lease 107484
payment shall be adjusted for the purpose of determining the 107485
annual amount. 107486

(7) For any revision of a lease described in division (G)(1), 107487
(2), (3), (4), (5), or (6) of this section, or for any subsequent 107488
lease of a facility operated under such a lease, other than 107489
execution of a new lease, the portion of actual, allowable capital 107490
costs attributable to the lease shall be the same as before the 107491
revision or subsequent lease. 107492

(8) Except as provided in division (G)(9) of this section, if 107493
a provider leases an interest in a facility to another provider 107494
who is a related party or previously operated the facility, the 107495
related party's or previous operator's actual, allowable capital 107496
costs shall include the lesser of the annual lease expense or the 107497
reasonable cost to the lessor. 107498

(9) If a provider leases an interest in a facility to another 107499
provider who is a related party, regardless of the date of the 107500
lease, the related party's actual, allowable capital costs shall 107501
include the annual lease expense, subject to the limitations 107502
specified in divisions (G)(1) to (7) of this section, if all of 107503
the following conditions are met: 107504

(a) The related party is a relative of owner; 107505

(b) If the lessor retains an ownership interest, it is, 107506
except as provided in division (G)(9)(c)(ii) of this section, in 107507
only the real property and any improvements on the real property; 107508

(c) The department of job and family services determines that 107509
the lease is an arm's length transaction pursuant to rules adopted 107510
under section 5111.02 of the Revised Code. The rules shall provide 107511
that a lease is an arm's length transaction if all of the 107512

following apply:	107513
(i) Once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (G)(9)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a lessor.	107514 107515 107516 107517 107518
(ii) The lessor does not reacquire an interest in the facility except through the exercise of a lessor's rights in the event of a default. If the lessor reacquires an interest in the facility in this manner, the department shall treat the facility as if the lease never occurred when the department calculates its reimbursement rates for capital costs.	107519 107520 107521 107522 107523 107524
(iii) The lease satisfies any other criteria specified in the rules.	107525 107526
(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (F)(4) of this section or actual, allowable capital costs were determined most recently under division (G)(9) of this section.	107527 107528 107529 107530 107531 107532 107533
(10) This division does not apply to leases of specific items of equipment.	107534 107535
~~(H) After the date on which a transaction of sale is closed, the provider shall refund to the department the amount of excess depreciation paid to the provider for the facility by the department for each year the provider has operated the facility under a provider agreement and prorated according to the number of medicaid patient days for which the provider has received payment for the facility. The provider of a facility that is sold or that~~	107536 107537 107538 107539 107540 107541 107542

~~voluntarily terminates participation in the medicaid program also~~ 107543
~~shall refund any other amount that the department properly finds~~ 107544
~~to be due after the audit conducted under this division. For the~~ 107545
~~purposes of this division, "depreciation paid to the provider for~~ 107546
~~the facility" means the amount paid to the provider for the~~ 107547
~~nursing facility for capital costs pursuant to this section less~~ 107548
~~any amount paid for interest costs, amortization of financing~~ 107549
~~costs, and lease expenses. For the purposes of this division,~~ 107550
~~"excess depreciation" is the nursing facility's depreciated basis,~~ 107551
~~which is the provider's cost less accumulated depreciation,~~ 107552
~~subtracted from the purchase price net of selling costs but not~~ 107553
~~exceeding the amount of depreciation paid to the provider for the~~ 107554
~~facility.~~ 107555

Sec. 5111.261. Except as otherwise provided in section 107556
5111.264 of the Revised Code, the department of job and family 107557
services, in determining whether an intermediate care facility for 107558
the mentally retarded's direct care costs and indirect care costs 107559
are allowable, shall place no limit on specific categories of 107560
reasonable costs other than compensation of owners, compensation 107561
of relatives of owners, and compensation of administrators ~~and~~ 107562
~~costs for resident meals that are prepared and consumed outside~~ 107563
~~the facility.~~ 107564

Compensation cost limits for owners and relatives of owners 107565
shall be based on compensation costs for individuals who hold 107566
comparable positions but who are not owners or relatives of 107567
owners, as reported on facility cost reports. As used in this 107568
section, "comparable position" means the position that is held by 107569
the owner or the owner's relative, if that position is listed 107570
separately on the cost report form, or if the position is not 107571
listed separately, the group of positions that is listed on the 107572
cost report form and that includes the position held by the owner 107573
or the owner's relative. In the case of an owner or owner's 107574
relative who serves the facility in a capacity such as corporate 107575

officer, proprietor, or partner for which no comparable position
or group of positions is listed on the cost report form, the
compensation cost limit shall be based on civil service
equivalents and shall be specified in rules adopted under section
5111.02 of the Revised Code.

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Compensation cost limits for administrators shall be based on
compensation costs for administrators who are not owners or
relatives of owners, as reported on facility cost reports.
Compensation cost limits for administrators of four or more
intermediate care facilities for the mentally retarded shall be
the same as the limits for administrators of intermediate care
facilities for the mentally retarded with one hundred fifty or
more beds.

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Sec. 5111.262. No person, other than the provider of a
nursing facility, shall submit a claim for medicaid reimbursement
for a service provided to a nursing facility resident if the
service is included in a medicaid payment made to the provider of
a nursing facility under sections 5111.20 to 5111.33 of the
Revised Code or in the reimbursable expenses reported on a
provider's cost report for a nursing facility. No provider of a
nursing facility shall submit a separate claim for medicaid
reimbursement for a service provided to a resident of the nursing
facility if the service is included in a medicaid payment made to
the provider under sections 5111.20 to 5111.33 of the Revised Code
or in the reimbursable expenses on the provider's cost report for
the nursing facility.

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Sec. 5111.65. As used in sections 5111.65 to ~~5111.688~~
5111.689 of the Revised Code:

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(A) "Change of operator" means an entering operator becoming
the operator of a nursing facility or intermediate care facility
for the mentally retarded in the place of the exiting operator.

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(1) Actions that constitute a change of operator include the following:	107607 107608
(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;	107609 107610 107611
(b) A transfer of all the exiting operator's ownership interest in the operation of the facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the facility is also transferred;	107612 107613 107614 107615 107616
(c) A lease of the facility to the entering operator or the exiting operator's termination of the exiting operator's lease;	107617 107618
(d) If the exiting operator is a partnership, dissolution of the partnership;	107619 107620
(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:	107621 107622
(i) The change in composition does not cause the partnership's dissolution under state law.	107623 107624
(ii) The partners agree that the change in composition does not constitute a change in operator.	107625 107626
(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.	107627 107628 107629 107630
(2) The following, alone, do not constitute a change of operator:	107631 107632
(a) A contract for an entity to manage a nursing facility or	107633

intermediate care facility for the mentally retarded as the	107634
operator's agent, subject to the operator's approval of daily	107635
operating and management decisions;	107636
(b) A change of ownership, lease, or termination of a lease	107637
of real property or personal property associated with a nursing	107638
facility or intermediate care facility for the mentally retarded	107639
if an entering operator does not become the operator in place of	107640
an exiting operator;	107641
(c) If the operator is a corporation, a change of one or more	107642
members of the corporation's governing body or transfer of	107643
ownership of one or more shares of the corporation's stock, if the	107644
same corporation continues to be the operator.	107645
(B) "Effective date of a change of operator" means the day	107646
the entering operator becomes the operator of the nursing facility	107647
or intermediate care facility for the mentally retarded.	107648
(C) "Effective date of a facility closure" means the last day	107649
that the last of the residents of the nursing facility or	107650
intermediate care facility for the mentally retarded resides in	107651
the facility.	107652
(D) "Effective date of a voluntary termination" means the day	107653
the intermediate care facility for the mentally retarded ceases to	107654
accept medicaid patients.	107655
(E) "Effective date of a voluntary withdrawal of	107656
participation" means the day the nursing facility ceases to accept	107657
new medicaid patients other than the individuals who reside in the	107658
nursing facility on the day before the effective date of the	107659
voluntary withdrawal of participation.	107660
(F) "Entering operator" means the person or government entity	107661
that will become the operator of a nursing facility or	107662

intermediate care facility for the mentally retarded when a change of operator occurs.	107663 107664
(G) "Exiting operator" means any of the following:	107665
(1) An operator that will cease to be the operator of a nursing facility or intermediate care facility for the mentally retarded on the effective date of a change of operator;	107666 107667 107668
(2) An operator that will cease to be the operator of a nursing facility or intermediate care facility for the mentally retarded on the effective date of a facility closure;	107669 107670 107671
(3) An operator of an intermediate care facility for the mentally retarded that is undergoing or has undergone a voluntary termination;	107672 107673 107674
(4) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation.	107675 107676
(H)(1) "Facility closure" means discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility or intermediate care facility for the mentally retarded that results in the relocation of all of the facility's residents. A facility closure occurs regardless of any of the following:	107677 107678 107679 107680 107681 107682
(a) The operator completely or partially replacing the facility by constructing a new facility or transferring the facility's license to another facility;	107683 107684 107685
(b) The facility's residents relocating to another of the operator's facilities;	107686 107687
(c) Any action the department of health takes regarding the facility's certification under Title XIX of the "Social Security	107688 107689

Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, that may	107690
result in the transfer of part of the facility's survey findings	107691
to another of the operator's facilities;	107692
 (d) Any action the department of health takes regarding the	107693
facility's license under Chapter 3721. of the Revised Code;	107694
 (e) Any action the department of mental retardation and	107695
developmental disabilities takes regarding the facility's license	107696
under section 5123.19 of the Revised Code.	107697
 (2) A facility closure does not occur if all of the	107698
facility's residents are relocated due to an emergency evacuation	107699
and one or more of the residents return to a medicaid-certified	107700
bed in the facility not later than thirty days after the	107701
evacuation occurs.	107702
 (I) "Fiscal year," " <u>franchise permit fee</u> ," "intermediate care	107703
facility for the mentally retarded," "nursing facility,"	107704
"operator," "owner," and "provider agreement" have the same	107705
meanings as in section 5111.20 of the Revised Code.	107706
 (J) " <u>Qualified affiliated operator</u> " means an operator to whom	107707
<u>all of the following apply:</u>	107708
 <u>(1) The operator is affiliated with either of the following:</u>	107709
 <u>(a) The exiting operator for whom the affiliated operator is</u>	107710
<u>to assume liability for the entire amount of the exiting</u>	107711
<u>operator's debt under the medicaid program or the portion of the</u>	107712
<u>debt that represents the franchise permit fee the exiting operator</u>	107713
<u>owes;</u>	107714
 <u>(b) The entering operator involved in the change of operator</u>	107715
<u>with the exiting operator specified in division (J)(1)(a) of this</u>	107716
<u>section.</u>	107717

<u>(2) The operator has one or more valid provider agreements.</u>	107718
<u>(3) During the twelve-month period preceding the month in which the department of job and family services receives the notice of the facility closure, voluntary termination, or voluntary withdrawal of participation under section 5111.66 of the Revised Code or the notice of the change of operator under section 5111.67 of the Revised Code, the average monthly medicaid payment made to the operator pursuant to the operator's one or more provider agreements equals at least ninety per cent of the average monthly medicaid payment made to the exiting operator pursuant to the exiting operator's provider agreement.</u>	107719 107720 107721 107722 107723 107724 107725 107726 107727 107728
<u>(K)</u> "Voluntary termination" means an operator's voluntary election to terminate the participation of an intermediate care facility for the mentally retarded in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code.	107729 107730 107731 107732 107733
~~(K)~~ <u>(L)</u> "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility.	107734 107735 107736 107737
Sec. 5111.651. Sections 5111.65 to ~~5111.688~~ <u>5111.689</u> of the Revised Code do not apply to a nursing facility or intermediate care facility for the mentally retarded that undergoes a facility closure, voluntary termination, voluntary withdrawal of participation, or change of operator on or before September 30, 2005, if the exiting operator provided written notice of the facility closure, voluntary termination, voluntary withdrawal of participation, or change of operator to the department of job and family services on or before June 30, 2005.	107738 107739 107740 107741 107742 107743 107744 107745 107746
Sec. 5111.68. (A) On receipt of a written notice under	107747

section 5111.66 of the Revised Code of a facility closure, 107748
voluntary termination, or voluntary withdrawal of participation or 107749
a written notice under section 5111.67 of the Revised Code of a 107750
change of operator, the department of job and family services 107751
shall ~~determine~~estimate the amount of any overpayments made under 107752
the medicaid program to the exiting operator, including 107753
overpayments the exiting operator disputes, and other actual and 107754
potential debts the exiting operator owes or may owe to the 107755
department and United States centers for medicare and medicaid 107756
services under the medicaid program, including a franchise permit 107757
fee. ~~In determining~~ 107758

(B) In estimating the exiting operator's other actual and 107759
potential debts to the department and the United States centers 107760
for medicare and medicaid services under the medicaid program, 107761
the department shall ~~include~~use a debt estimation methodology 107762
the director of job and family services shall establish in rules 107763
adopted under section 5111.689 of the Revised Code. The 107764
methodology shall provide for estimating all of the following that 107765
the department determines ~~is~~are applicable: 107766

(1) Refunds due the department under section 5111.27 of the 107767
Revised Code; 107768

(2) Interest owed to the department and United States centers 107769
for medicare and medicaid services; 107770

(3) Final civil monetary and other penalties for which all 107771
right of appeal has been exhausted; 107772

(4) Money owed the department and United States centers for 107773
medicare and medicaid services from any outstanding final fiscal 107774
audit, including a final fiscal audit for the last fiscal year or 107775
portion thereof in which the exiting operator participated in the 107776
medicaid program; 107777

<u>(5) Other amounts the department determines are applicable.</u>	107778
~~(B) If the department is unable to determine the amount of the overpayments and other debts for any period before the effective date of the entering operator's provider agreement or the effective date of the facility closure, voluntary termination, or voluntary withdrawal of participation, the department shall make a reasonable estimate of the overpayments and other debts for the period. The department shall make the estimate using information available to the department, including prior determinations of overpayments and other debts.~~	107779 107780 107781 107782 107783 107784 107785 107786 107787
<u>(C) The department shall provide the exiting operator written notice of the department's estimate under division (A) of this section not later than thirty days after the department receives the notice under section 5111.66 of the Revised Code of the facility closure, voluntary termination, or voluntary withdrawal of participation or the notice under section 5111.67 of the Revised Code of the change of operator. The department's written notice shall include the basis for the estimate.</u>	107788 107789 107790 107791 107792 107793 107794 107795
Sec. 5111.681. (A) Except as provided in ~~division~~ <u>divisions</u> (B) and (C) of this section, the department of job and family services ~~shall~~ <u>may</u> withhold ~~the greater of the following~~ from payment due an exiting operator under the medicaid program:	107796 107797 107798 107799
~~(1) The~~ <u>the total amount of any overpayments made under the medicaid program to the exiting operator, including overpayments the exiting operator disputes, and other actual and potential debts, including any unpaid penalties, specified in the notice provided under division (C) of section 5111.68 of the Revised Code that the exiting operator owes or may owe to the department and United States centers for medicare and medicaid services under the medicaid program;</u>	107800 107801 107802 107803 107804 107805 107806 107807
~~(2) An amount equal to the average amount of monthly payments~~	107808

to the exiting operator under the medicaid program for the 107809
twelve month period immediately preceding the month that includes 107810
the last day the exiting operator's provider agreement is in 107811
effect or, in the case of a voluntary withdrawal of participation, 107812
the effective date of the voluntary withdrawal of participation. 107813

(B) ~~The~~In the case of a change of operator, the following 107814
shall apply regarding a withholding under division (A) of this 107815
section if the entering operator or a qualified affiliated 107816
operator executes a successor liability agreement in a manner 107817
prescribed by the department to assume liability for the entire 107818
amount specified in the notice provided under division (C) of 107819
section 5111.68 of the Revised Code or the portion of that amount 107820
that represents the franchise permit fee the exiting operator 107821
owes: 107822

(1) If the entering operator or a qualified affiliated 107823
operator assumes liability for the entire amount specified in 107824
the notice, the department may choose~~shall~~ not to make the 107825
withholding under division (A) of this section if an entering 107826
operator does both of the following: 107827

~~(1) Enters into a nontransferable, unconditional, written~~ 107828
~~agreement with the department to pay the department any debt the~~ 107829
~~exiting operator owes the department under the medicaid program;~~ 107830

~~(2) Provides the department a copy of the entering operator's~~ 107831
~~balance sheet that assists the department in determining whether~~ 107832
~~to make the withholding under division (A) of this section.~~ 107833

(2) If the entering operator or qualified affiliated operator 107834
assumes liability for only the portion of the amount specified in 107835
the notice that represents the franchise permit fee the exiting 107836
operator owes, the department shall exclude from the withholding 107837
the amount for which the entering operator or qualified 107838
affiliated operator assumes liability. 107839

(C) In the case of a voluntary termination, voluntary withdrawal of participation, or facility closure, the following shall apply regarding a withholding under division (A) of this section if the exiting operator or a qualified affiliated operator executes a successor liability agreement in a manner prescribed by the department to assume liability for the entire amount specified in the notice provided under division (C) of section 5111.68 of the Revised Code or the portion of that amount that represents the franchise permit fee the exiting operator owes:

(1) If the exiting operator or qualified affiliated operator assumes liability for the entire amount specified in the notice, the department shall not make the withholding.

(2) If the exiting operator or qualified affiliated operator assumes liability for only the portion of the amount specified in the notice that represents the franchise permit fee the exiting operator owes, the department shall exclude from the withholding the amount for which the exiting operator or qualified affiliated operator assumes liability.

(D) Execution of a successor liability agreement does not waive an exiting operator's right to contest the amount specified in the notice the department provides the exiting operator under division (C) of section 5111.68 of the Revised Code.

Sec. 5111.685. The department of job and family services shall determine the actual amount of debt an exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program by completing all final fiscal audits not already completed and performing all other appropriate actions the department determines to be

necessary. The department shall issue ~~an~~ initial debt summary 107869
report on this matter not later than ~~ninety~~sixty days after the 107870
date the exiting operator files the properly completed cost 107871
report required by section 5111.682 of the Revised Code with the 107872
department or, if the department waives the cost report 107873
requirement for the exiting operator, ~~ninety~~sixty days after the 107874
date the department waives the cost report requirement. The 107875
report shall include the department's findings and the amount of 107876
debt the department determines the exiting operator owes the 107877
department and United States centers for medicare and medicaid 107878
services under the medicaid program. ~~Only the parts~~ 107879

The exiting operator and a qualified affiliated operator who 107880
executes a successor liability agreement under section 5111.681 107881
of the Revised Code, if any, may request an informal settlement 107882
conference to contest any of the department's findings included in 107883
the initial debt summary report. The request for the conference 107884
must be submitted to the department not later than thirty days 107885
after the date the department issues the initial debt summary 107886
report. If the department has withheld money from payment due the 107887
exiting operator under division (A) of section 5111.681 of the 107888
Revised Code, the department shall conclude the conference not 107889
later than sixty days after the date the department receives the 107890
timely request for the conference unless the department and 107891
exiting operator or qualified affiliated operator agree to a later 107892
conclusion date. The exiting operator or qualified affiliated 107893
operator may submit information to the department explaining 107894
what the operator contests before and during the conference, 107895
including documentation of the amount of any debt the department 107896
owes the operator. The department shall issue a revised debt 107897
summary report after the conference's conclusion. If the 107898
department has withheld money from payment due the exiting 107899
operator under division (A) of section 5111.681 of the Revised 107900
Code, the department shall issue the revised debt summary report 107901
not later than sixty days after the conference's conclusion. The 107902

revised debt summary report shall include the department's findings and the amount of debt the department determines the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program. The department shall explain its findings and determination in the revised debt summary report.

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The exiting operator and a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, may request an adjudication regarding any part of the report that are subject to an adjudication as specified in section 5111.30 of the Revised Code are subject to an adjudication conducted initial and revised debt summary reports in accordance with Chapter 119. of the Revised Code. However, an initial debt summary report is not subject to the adjudication if a revised debt summary report is issued following an informal conference settlement conducted regarding it; the revised debt summary report is subject to the adjudication instead. The adjudication shall be consolidated with any other uncompleted adjudication that concerns a matter addressed in the initial or revised debt summary report. If the department has withheld money from payment due the exiting operator under division (A) of section 5111.681 of the Revised Code, the department shall complete the adjudication not later than sixty days after the department receives a request for the adjudication.

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Sec. 5111.686. The department of job and family services shall release the actual amount withheld under division (A) of section 5111.681 of the Revised Code, less any amount the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program, as follows:

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(A) ~~Ninety one days after the date the exiting operator files~~

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~~a properly completed cost report required by section 5111.682 of the Revised Code unless~~Unless the department issues the initial debt summary report required by section 5111.685 of the Revised Code not later than ~~ninety~~sixty days after the date the exiting operator files the properly completed cost report required by section 5111.682 of the Revised Code, sixty-one days after the date the exiting operator files the properly completed cost report;

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(B) ~~Not later than thirty days after the exiting operator agrees to a final fiscal audit resulting from the report required by section 5111.685 of the Revised Code if~~If the department issues the initial debt summary report required by section 5111.685 of the Revised Code not later than ~~ninety~~sixty days after the date the exiting operator files a properly completed cost report required by section 5111.682 of the Revised Code, not later than the following:

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(1) Thirty days after the later of the deadline for requesting an informal settlement conference under section 5111.685 of the Revised Code and the deadline for requesting an adjudication under that section regarding the initial debt summary report if the exiting operator and a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, fail to request both the conference and the adjudication on or before the deadline;

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(2) Thirty days after the deadline for requesting an adjudication under section 5111.685 of the Revised Code regarding a revised debt summary report issued under that section if the exiting operator or a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, requests an informal settlement conference under that section on or before the deadline for requesting the conference but fails to request an adjudication regarding the

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revised debt summary report on or before the deadline for 107967
requesting the adjudication; 107968

(3) Thirty days after the completion of an adjudication of 107969
the initial or revised debt summary report if the exiting operator 107970
or a qualified affiliated operator who executes a successor 107971
liability agreement under section 5111.681 of the Revised Code, 107972
if any, requests the adjudication on or before the deadline for 107973
requesting the adjudication. 107974

~~(C) Ninety-one days after the date the department waives the~~ 107975
~~cost report requirement of section 5111.682 of the Revised Code~~ 107976
~~unless~~Unless the department issues the initial debt summary 107977
report required by section 5111.685 of the Revised Code not later 107978
than ~~ninety~~sixty days after the date the department waives the 107979
cost report requirement of section 5111.682 of the Revised Code, 107980
sixty-one days after the date the department waives the cost 107981
report requirement; 107982

~~(D) Not later than thirty days after the exiting operator~~ 107983
~~agrees to a final fiscal audit resulting from the report required~~ 107984
~~by section 5111.685 of the Revised Code if~~If the department 107985
issues the initial debt summary report required by section 107986
5111.685 of the Revised Code not later than ~~ninety~~sixty days 107987
after the date the department waives the cost report requirement 107988
of section 5111.682 of the Revised Code, not later than the 107989
following; 107990

(1) Thirty days after the later of the deadline for 107991
requesting an informal settlement conference under section 107992
5111.685 of the Revised Code and the deadline for requesting an 107993
adjudication under that section regarding the initial debt summary 107994
report if the exiting operator and a qualified affiliated operator 107995
who executes a successor liability agreement under section 107996
5111.681 of the Revised Code, if any, fail to request both the 107997
conference and the adjudication on or before the deadline; 107998

(2) Thirty days after the deadline for requesting an adjudication under section 5111.685 of the Revised Code regarding a revised debt summary report issued under that section if the exiting operator or a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, requests an informal settlement conference under that section on or before the deadline for requesting the conference but fails to request an adjudication regarding the revised debt summary report on or before the deadline for requesting the adjudication;

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(3) Thirty days after the completion of an adjudication of the initial or revised debt summary report if the exiting operator or a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, requests the adjudication on or before the deadline for requesting the adjudication.

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Sec. 5111.688. (A) All amounts withheld under section 5111.681 of the Revised Code from payment due an exiting operator under the medicaid program shall be deposited into the medicaid payment withholding fund created by the controlling board pursuant to section 131.35 of the Revised Code. Money in the fund shall be used as follows:

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(1) To pay an exiting operator when a withholding is released to the exiting operator under section 5111.686 or 5111.687 of the Revised Code;

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(2) To pay the department of job and family services and United States centers for medicare and medicaid services the amount an exiting operator owes the department and United States centers under the medicaid program.

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(B) Amounts paid from the medicaid payment withholding fund

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pursuant to division (A)(2) of this section shall be deposited 108029
into the appropriate department fund. 108030

~~Sec. 5111.688.~~ **Sec. 5111.689.** The director of job and family 108031
services ~~may~~shall adopt rules under section 5111.02 of the 108032
Revised Code to implement sections 5111.65 to ~~5111.688~~5111.689 108033
of the Revised Code, including rules applicable to an exiting 108034
operator that provides written notification under section 5111.66 108035
of the Revised Code of a voluntary withdrawal of participation. 108036
Rules adopted under this section shall comply with section 108037
1919(c)(2)(F) of the "Social Security Act," 79 Stat. 286 (1965), 108038
42 U.S.C. 1396r(c)(2)(F), regarding restrictions on transfers or 108039
discharges of nursing facility residents in the case of a 108040
voluntary withdrawal of participation. The rules may prescribe a 108041
medicaid reimbursement methodology and other procedures that are 108042
applicable after the effective date of a voluntary withdrawal of 108043
participation that differ from the reimbursement methodology and 108044
other procedures that would otherwise apply. 108045

Sec. 5111.705. No individual shall be denied eligibility for 108046
the medicaid buy-in for workers with disabilities program on the 108047
basis that the individual receives services under a home and 108048
community-based services medicaid waiver component as defined in 108049
section ~~5111.85~~5111.85 of the Revised Code. 108050

Sec. 5111.85. (A) As used in this section and sections 108051
5111.851 to 5111.856 of the Revised Code, ~~"medicaid;~~ 108052

"Home and community-based services medicaid waiver component" 108053
means a medicaid waiver component under which home and 108054
community-based services are provided as an alternative to 108055
hospital, nursing facility, or intermediate care facility for the 108056
mentally retarded services. 108057

"Hospital" has the same meaning as in section 3727.01 of the 108058
Revised Code. 108059

<u>"Intermediate care facility for the mentally retarded" has</u>	108060
<u>the same meaning as in section 5111.20 of the Revised Code.</u>	108061
<u>"Medicaid waiver component" means a component of the medicaid</u>	108062
<u>program authorized by a waiver granted by the United States</u>	108063
<u>department of health and human services under section 1115 or 1915</u>	108064
<u>of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.</u>	108065
<u>1315 or 1396n. "Medicaid waiver component" does not include a</u>	108066
<u>care management system established under section 5111.16 of the</u>	108067
<u>Revised Code.</u>	108068
<u>"Nursing facility" has the same meaning as in section 5111.20</u>	108069
<u>of the Revised Code.</u>	108070
(B) The director of job and family services may adopt rules	108071
under Chapter 119. of the Revised Code governing medicaid waiver	108072
components that establish all of the following:	108073
(1) Eligibility requirements for the medicaid waiver	108074
components;	108075
(2) The type, amount, duration, and scope of services the	108076
medicaid waiver components provide;	108077
(3) The conditions under which the medicaid waiver components	108078
cover services;	108079
(4) The amount the medicaid waiver components pay for	108080
services or the method by which the amount is determined;	108081
(5) The manner in which the medicaid waiver components pay	108082
for services;	108083
(6) Safeguards for the health and welfare of medicaid	108084
recipients receiving services under a medicaid waiver component;	108085

(7) <u>Procedures for both of the following:</u>	108086
(a) <u>Identifying individuals who meet all of the following requirements:</u>	108087
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(i) <u>Are eligible for a home and community-based services medicaid waiver component and on a waiting list for the component;</u>	108089
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(ii) <u>Are receiving inpatient hospital services or residing in an intermediate care facility for the mentally retarded or nursing facility (as appropriate for the component);</u>	108091
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(iii) <u>Choose to be enrolled in the component.</u>	108094
(b) <u>Approving the enrollment of individuals identified under the procedures established under division (B)(7)(a) of this section into the home and community-based services medicaid waiver component.</u>	108095
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(8) Procedures for enforcing the rules, including	108099
establishing corrective action plans for, and imposing financial	108100
and administrative sanctions on, persons and government entities	108101
that violate the rules. Sanctions shall include terminating	108102
medicaid provider agreements. The procedures shall include due	108103
process protections.	108104
~~(8)~~ (9) Other policies necessary for the efficient	108105
administration of the medicaid waiver components.	108106
(C) The director of job and family services may adopt	108107
different rules for the different medicaid waiver components. The	108108
rules shall be consistent with the terms of the waiver authorizing	108109
the medicaid waiver component.	108110
(D) <u>Any procedures established under division (B)(7) of this section for the PASSPORT program shall be consistent with section</u>	108111
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173.401 of the Revised Code. Any procedures established under 108113
division (B)(7) of this section for the assisted living program 108114
shall be consistent with section 5111.894 of the Revised Code. 108115

Sec. 5111.851. (A) As used in sections 5111.851 to 5111.855 108116
of the Revised Code: 108117

"Administrative agency" means, with respect to a home and 108118
community-based services medicaid waiver component, the department 108119
of job and family services or, if a state agency or political 108120
subdivision contracts with the department under section 5111.91 of 108121
the Revised Code to administer the component, that state agency or 108122
political subdivision. 108123

~~"Home and community-based services medicaid waiver component"~~ 108124
~~means a medicaid waiver component under which home and~~ 108125
~~community-based services are provided as an alternative to~~ 108126
~~hospital, nursing facility, or intermediate care facility for the~~ 108127
~~mentally retarded services.~~ 108128

~~"Hospital" has the same meaning as in section 3727.01 of the~~ 108129
~~Revised Code.~~ 108130

~~"Intermediate care facility for the mentally retarded" has~~ 108131
~~the same meaning as in section 5111.20 of the Revised Code.~~ 108132

"Level of care determination" means a determination of 108133
whether an individual needs the level of care provided by a 108134
hospital, nursing facility, or intermediate care facility for the 108135
mentally retarded and whether the individual, if determined to 108136
need that level of care, would receive hospital, nursing facility, 108137
or intermediate care facility for the mentally retarded services 108138
if not for a home and community-based services medicaid waiver 108139
component. 108140

"Medicaid buy-in for workers with disabilities program" means 108141

the component of the medicaid program established under sections 5111.70 to 5111.7011 of the Revised Code.	108142 108143
~~"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~	108144 108145
"Skilled nursing facility" means a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.	108146 108147 108148
(B) The following requirements apply to each home and community-based services medicaid waiver component:	108149 108150
(1) Only an individual who qualifies for a component shall receive that component's services.	108151 108152
(2) A level of care determination shall be made as part of the process of determining whether an individual qualifies for a component and shall be made each year after the initial determination if, during such a subsequent year, the administrative agency determines there is a reasonable indication that the individual's needs have changed.	108153 108154 108155 108156 108157 108158
(3) A written plan of care or individual service plan based on an individual assessment of the services that an individual needs to avoid needing admission to a hospital, nursing facility, or intermediate care facility for the mentally retarded shall be created for each individual determined eligible for a component.	108159 108160 108161 108162 108163
(4) Each individual determined eligible for a component shall receive that component's services in accordance with the individual's level of care determination and written plan of care or individual service plan.	108164 108165 108166 108167
(5) No individual may receive services under a component while the individual is a hospital inpatient or resident of a	108168 108169

skilled nursing facility, nursing facility, or intermediate care
facility for the mentally retarded.

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(6) No individual may receive prevocational, educational, or
supported employment services under a component if the individual
is eligible for such services that are funded with federal funds
provided under 29 U.S.C. 730 or the "Individuals with Disabilities
Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended.

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(7) Safeguards shall be taken to protect the health and
welfare of individuals receiving services under a component,
including safeguards established in rules adopted under section
5111.85 of the Revised Code and safeguards established by
licensing and certification requirements that are applicable to
the providers of that component's services.

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(8) No services may be provided under a component by a
provider that is subject to standards that 42 U.S.C. 1382e(e)(1)
requires be established if the provider fails to comply with the
standards applicable to the provider.

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(9) Individuals determined to be eligible for a component, or
such individuals' representatives, shall be informed of that
component's services, including any choices that the individual or
representative may make regarding the component's services, and
given the choice of either receiving services under that component
or, as appropriate, hospital, nursing facility, or intermediate
care facility for the mentally retarded services.

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(10) No individual shall lose eligibility for services under
a component, or have the services reduced or otherwise disrupted,
on the basis that the individual also receives services under the
medicaid buy-in for workers with disabilities program.

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(11) No individual shall lose eligibility for services under
a component, or have the services reduced or otherwise disrupted,

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on the basis that the individual's income or resources increase to 108200
an amount above the eligibility limit for the component if the 108201
individual is participating in the medicaid buy-in for workers 108202
with disabilities program and the amount of the individual's 108203
income or resources does not exceed the eligibility limit for the 108204
medicaid buy-in for workers with disabilities program. 108205

(12) No individual receiving services under a component shall 108206
be required to pay any cost sharing expenses for the services for 108207
any period during which the individual also participates in the 108208
medicaid buy-in for workers with disabilities program. 108209

Sec. 5111.861. (A) As used in this section: 108210

(1) "Assisted living program" means the medicaid waiver 108211
component created under section 5111.89 of the Revised Code. 108212

(2) "Choices program" means the medicaid waiver component 108213
created under section 173.403 of the Revised Code. 108214

(3) "Medicaid waiver component" has the same meaning as in 108215
section 5111.85 of the Revised Code. 108216

(4) "PASSPORT program" means the medicaid waiver component 108217
created under section 173.40 of the Revised Code. 108218

(B) The director of job and family services shall submit a 108219
request to the United States secretary of health and human 108220
services pursuant to 42 U.S.C. 1396n to obtain a federal medicaid 108221
waiver that consolidates the following medicaid waiver components 108222
into one medicaid waiver component: 108223

(1) The assisted living program; 108224

(2) The choices program; 108225

(3) The PASSPORT program. 108226

<u>(C) In seeking a consolidated federal medicaid waiver under</u>	108227
<u>this section, the director of job and family services shall work</u>	108228
<u>with the director of aging and provide for the waiver to do all of</u>	108229
<u>the following:</u>	108230
<u>(1) For the part of the waiver that concerns the assisted</u>	108231
<u>living program, include the provisions that sections 5111.89 to</u>	108232
<u>5111.894 of the Revised Code establish for the assisted living</u>	108233
<u>program;</u>	108234
<u>(2) For the part of the waiver that concerns the choices</u>	108235
<u>program, include the provisions that section 173.403 of the</u>	108236
<u>Revised Code establish for the choices program;</u>	108237
<u>(3) For the part of the waiver that concerns the PASSPORT</u>	108238
<u>program, include the provisions that sections 173.40 to 173.402 of</u>	108239
<u>the Revised Code establish for the PASSPORT program;</u>	108240
<u>(4) For each part of the waiver, including the part that</u>	108241
<u>concerns the choices program, be available statewide.</u>	108242
<u>(D) If the United States secretary approves the consolidated</u>	108243
<u>federal medicaid waiver sought under this section, all of the</u>	108244
<u>following shall apply:</u>	108245
<u>(1) The department of job and family services shall enter</u>	108246
<u>into a contract with the department of aging under section 5111.91</u>	108247
<u>of the Revised Code for the department of aging to administer the</u>	108248
<u>consolidated federal medicaid waiver, except that the department</u>	108249
<u>of job and family services, rather than the department of aging,</u>	108250
<u>shall administer the part of the waiver that concerns the assisted</u>	108251
<u>living program if the director of budget and management does not</u>	108252
<u>approve the contract;</u>	108253
<u>(2) The director of job and family services shall adopt rules</u>	108254

under section 5111.85 of the Revised Code to authorize the 108255
director of aging to adopt rules in accordance with Chapter 119. 108256
of the Revised Code that are needed to implement the consolidated 108257
federal medicaid waiver, except that the director of job and 108258
family services shall adopt rules under section 5111.85 of the 108259
Revised Code that are needed to implement the part of the waiver 108260
that concerns the assisted living program if the director of 108261
budget and management does not approve the contract the 108262
departments of job and family services and aging enter into under 108263
division (D)(1) of this section; 108264

(3) Any statutory reference to the assisted living program 108265
shall mean the part of the consolidated federal medicaid waiver 108266
that concerns the assisted living program; 108267

(4) Any statutory reference to the choices program shall mean 108268
the part of the consolidated federal medicaid waiver that concerns 108269
the choices program; 108270

(5) Any statutory references to the PASSPORT program shall 108271
mean the part of the consolidated federal medicaid waiver that 108272
concerns the PASSPORT program. 108273

Sec. 5111.874. (A) As used in sections 5111.874 to 5111.8710 108274
of the Revised Code: 108275

"Home and community-based services" has the same meaning as 108276
in section 5123.01 of the Revised Code. 108277

"ICF/MR services" means intermediate care facility for the 108278
mentally retarded services covered by the medicaid program that an 108279
intermediate care facility for the mentally retarded provides to a 108280
resident of the facility who is a medicaid recipient eligible for 108281
medicaid-covered intermediate care facility for the mentally 108282
retarded services. 108283

"Intermediate care facility for the mentally retarded" means
an intermediate care facility for the mentally retarded that is
certified as in compliance with applicable standards for the
medicaid program by the director of health in accordance with
Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42
U.S.C. 1396, as amended, and licensed as a residential facility
under section 5123.19 of the Revised Code.

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"Residential facility" has the same meaning as in section
5123.19 of the Revised Code.

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(B) For the purpose of increasing the number of slots
available for home and community-based services and subject to
sections 5111.877 and 5111.878 of the Revised Code, the operator
of an intermediate care facility for the mentally retarded may
convert all of the beds in the facility from providing ICF/MR
services to providing home and community-based services if all
of the following requirements are met:

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(1) The operator provides the directors of health, job and
family services, and mental retardation and developmental
disabilities at least ninety days' notice of the operator's intent
to relinquish the facility's certification as an intermediate care
facility for the mentally retarded and to begin providing home and
community-based services.

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(2) The operator complies with the requirements of sections
5111.65 to ~~5111.688~~5111.689 of the Revised Code regarding a
voluntary termination as defined in section 5111.65 of the
Revised Code if those requirements are applicable.

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(3) The operator notifies each of the facility's residents
that the facility is to cease providing ICF/MR services and inform
each resident that the resident may do either of the following:

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(a) Continue to receive ICF/MR services by transferring to

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another facility that is an intermediate care facility for the	108314
mentally retarded willing and able to accept the resident if the	108315
resident continues to qualify for ICF/MR services;	108316
(b) Begin to receive home and community-based services	108317
instead of ICF/MR services from any provider of home and	108318
community-based services that is willing and able to provide the	108319
services to the resident if the resident is eligible for the	108320
services and a slot for the services is available to the resident.	108321
(4) The operator meets the requirements for providing home	108322
and community-based services, including the following:	108323
(a) Such requirements applicable to a residential facility if	108324
the operator maintains the facility's license as a residential	108325
facility;	108326
(b) Such requirements applicable to a facility that is not	108327
licensed as a residential facility if the operator surrenders the	108328
facility's residential facility license under section 5123.19 of	108329
the Revised Code.	108330
(5) The director of mental retardation and developmental	108331
disabilities approves the conversion.	108332
(C) The notice to the director of mental retardation and	108333
developmental disabilities under division (B)(1) of this section	108334
shall specify whether the operator wishes to surrender the	108335
facility's license as a residential facility under section 5123.19	108336
of the Revised Code.	108337
(D) If the director of mental retardation and developmental	108338
disabilities approves a conversion under division (B) of this	108339
section, the director of health shall terminate the certification	108340
of the intermediate care facility for the mentally retarded to be	108341
converted. The director of health shall notify the director of	108342

job and family services of the termination. On receipt of the 108343
director of health's notice, the director of job and family 108344
services shall terminate the operator's medicaid provider 108345
agreement that authorizes the operator to provide ICF/MR services 108346
at the facility. The operator is not entitled to notice or a 108347
hearing under Chapter 119. of the Revised Code before the 108348
director of job and family services terminates the medicaid 108349
provider agreement. 108350

Sec. 5111.875. (A) For the purpose of increasing the number 108351
of slots available for home and community-based services and 108352
subject to sections 5111.877 and 5111.878 of the Revised Code, a 108353
person who acquires, through a request for proposals issued by 108354
the director of mental retardation and developmental 108355
disabilities, a residential facility that is an intermediate care 108356
facility for the mentally retarded and for which the license as a 108357
residential facility was previously surrendered or revoked may 108358
convert some or all of the facility's beds from providing ICF/MR 108359
services to providing home and community-based services if all 108360
of the following requirements are met: 108361

(1) The person provides the directors of health, job and 108362
family services, and mental retardation and developmental 108363
disabilities at least ninety days' notice of the person's intent 108364
to make the conversion. 108365

(2) The person complies with the requirements of sections 108366
5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a 108367
voluntary termination as defined in section 5111.65 of the 108368
Revised Code if those requirements are applicable. 108369

(3) If the person intends to convert all of the facility's 108370
beds, the person notifies each of the facility's residents that 108371
the facility is to cease providing ICF/MR services and informs 108372
each resident that the resident may do either of the following: 108373

(a) Continue to receive ICF/MR services by transferring to another facility that is an intermediate care facility for the mentally retarded willing and able to accept the resident if the resident continues to qualify for ICF/MR services;	108374 108375 108376 108377
(b) Begin to receive home and community-based services instead of ICF/MR services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident.	108378 108379 108380 108381 108382
(4) If the person intends to convert some but not all of the facility's beds, the person notifies each of the facility's residents that the facility is to convert some of its beds from providing ICF/MR services to providing home and community-based services and inform each resident that the resident may do either of the following:	108383 108384 108385 108386 108387 108388
(a) Continue to receive ICF/MR services from any provider of ICF/MR services that is willing and able to provide the services to the resident if the resident continues to qualify for ICF/MR services;	108389 108390 108391 108392
(b) Begin to receive home and community-based services instead of ICF/MR services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident.	108393 108394 108395 108396 108397
(5) The person meets the requirements for providing home and community-based services at a residential facility.	108398 108399
(B) The notice provided to the directors under division (A)(1) of this section shall specify whether some or all of the facility's beds are to be converted. If some but not all of the beds are to be converted, the notice shall specify how many of	108400 108401 108402 108403

the facility's beds are to be converted and how many of the beds	108404
are to continue to provide ICF/MR services.	108405
(C) On receipt of a notice under division (A)(1) of this	108406
section, the director of health shall do the following:	108407
(1) Terminate the certification of the intermediate care	108408
facility for the mentally retarded if the notice specifies that	108409
all of the facility's beds are to be converted;	108410
(2) Reduce the facility's certified capacity by the number of	108411
beds being converted if the notice specifies that some but not all	108412
of the beds are to be converted.	108413
(D) The director of health shall notify the director of job	108414
and family services of the termination or reduction under division	108415
(C) of this section. On receipt of the director of health's	108416
notice, the director of job and family services shall do the	108417
following:	108418
(1) Terminate the person's medicaid provider agreement that	108419
authorizes the person to provide ICF/MR services at the facility	108420
if the facility's certification was terminated;	108421
(2) Amend the person's medicaid provider agreement to reflect	108422
the facility's reduced certified capacity if the facility's	108423
certified capacity is reduced.	108424
The person is not entitled to notice or a hearing under	108425
Chapter 119. of the Revised Code before the director of job and	108426
family services terminates or amends the medicaid provider	108427
agreement.	108428
<u>Sec. 5111.88.</u> (A) As used in sections 5111.88 to 5111.8811	108429
<u>of the Revised Code:</u>	108430

<u>(1) "Adult" means an individual at least eighteen years of age.</u>	108431 108432
<u>(2) "Authorized representative" means the following:</u>	108433
<u>(a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian;</u>	108434 108435
<u>(b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5111.8810 of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services.</u>	108436 108437 108438 108439
<u>(3) "Authorizing health care professional" means a health care professional who, pursuant to section 5111.887 of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.</u>	108440 108441 108442 108443
<u>(4) "Consumer" means an individual to whom all of the following apply:</u>	108444 108445
<u>(a) The individual is enrolled in a participating medicaid waiver component.</u>	108446 108447
<u>(b) The individual has a medically determinable physical impairment to which both of the following apply:</u>	108448 108449
<u>(i) It is expected to last for a continuous period of not less than twelve months.</u>	108450 108451
<u>(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both.</u>	108452 108453 108454 108455
<u>(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized</u>	108456 108457

<u>representative who is, capable of selecting, directing the</u>	108458
<u>actions of, and dismissing a home care attendant.</u>	108459
<u>(d) In the case of an individual who is a minor, the</u>	108460
<u>individual has an authorized representative who is capable of</u>	108461
<u>selecting, directing the actions of, and dismissing a home care</u>	108462
<u>attendant.</u>	108463
<u>(5) "Controlled substance" has the same meaning as in section</u>	108464
<u>3719.01 of the Revised Code.</u>	108465
<u>(6) "Custodian" has the same meaning as in section 2151.011</u>	108466
<u>of the Revised Code.</u>	108467
<u>(7) "Gastrostomy tube" means a percutaneously inserted</u>	108468
<u>catheter that terminates in the stomach.</u>	108469
<u>(8) "Guardian" has the same meaning as in section 2111.01 of</u>	108470
<u>the Revised Code.</u>	108471
<u>(9) "Health care professional" means a physician or</u>	108472
<u>registered nurse.</u>	108473
<u>(10) "Home care attendant" means an individual holding a</u>	108474
<u>valid medicaid provider agreement in accordance with section</u>	108475
<u>5111.881 of the Revised Code that authorizes the individual to</u>	108476
<u>provide home care attendant services to consumers.</u>	108477
<u>(11) "Home care attendant services" means all of the</u>	108478
<u>following as provided by a home care attendant:</u>	108479
<u>(a) Personal care aide services;</u>	108480
<u>(b) Assistance with the self-administration of medication;</u>	108481
<u>(c) Assistance with nursing tasks.</u>	108482

<u>(12) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.</u>	108483 108484
<u>(13) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.</u>	108485 108486
<u>(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.</u>	108487 108488
<u>(15) "Minor" means an individual under eighteen years of age.</u>	108489
<u>(16) "Participating medicaid waiver component" means both of the following:</u>	108490 108491
<u>(a) The medicaid waiver component known as Ohio home care that the department of job and family services administers;</u>	108492 108493
<u>(b) The medicaid waiver component known as Ohio transitions II aging carve-out that the department of job and family services administers.</u>	108494 108495 108496
<u>(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.</u>	108497 108498 108499
<u>(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. "Registered nurse" includes an advanced practice nurse, as defined in section 4723.01 of the Revised Code.</u>	108500 108501 108502 108503 108504
<u>(19) "Schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code.</u>	108505 108506 108507
<u>(B) The director of job and family services may submit requests to the United States secretary of health and human</u>	108508 108509

services to amend the federal medicaid waivers authorizing the 108510
participating medicaid waiver components to have those components 108511
cover home care attendant services in accordance with sections 108512
5111.88 to 5111.8810 and rules adopted under section 5111.8811 of 108513
the Revised Code. Notwithstanding sections 5111.881 to 5111.8811 108514
of the Revised Code, those sections shall be implemented regarding 108515
a participating medicaid waiver component only if the secretary 108516
approves a waiver amendment for the component. 108517

Sec. 5111.881. The director of job and family services shall 108518
enter into a medicaid provider agreement with an individual to 108519
authorize the individual to provide home care attendant services 108520
to consumers if the individual does both of the following: 108521

(A) Agrees to comply with the requirements of sections 108522
5111.88 to 5111.8810 and rules adopted under section 5111.8811 of 108523
the Revised Code; 108524

(B) Provides the director evidence satisfactory to the 108525
director of all of the following: 108526

(1) That the individual either meets the personnel 108527
qualifications specified in 42 C.F.R. 484.4 for home health aides 108528
or has successfully completed at least one of the following: 108529

(a) A competency evaluation program or training and 108530
competency evaluation program approved or conducted by the 108531
director of health under section 3721.31 of the Revised Code; 108532

(b) A training program approved by the department of job and 108533
family services that includes training in at least all of the 108534
following and provides training equivalent to a training and 108535
competency evaluation program specified in division (B)(1)(a) of 108536
this section or meets the requirements of 42 C.F.R. 484.36(a): 108537

(i) Basic home safety; 108538

<u>(ii) Universal precautions for the prevention of disease</u>	108539
<u>transmission, including hand-washing and proper disposal of bodily</u>	108540
<u>waste and medical instruments that are sharp or may produce sharp</u>	108541
<u>pieces if broken;</u>	108542
 <u>(iii) Personal care aide services;</u>	108543
 <u>(iv) The labeling, counting, and storage requirements for</u>	108544
<u>schedule II, III, IV, and V medications.</u>	108545
 <u>(2) That the individual has obtained a certificate of</u>	108546
<u>completion of a course in first aid from a first aid course to</u>	108547
<u>which all of the following apply:</u>	108548
 <u>(a) It is not provided solely through the internet.</u>	108549
 <u>(b) It includes hands-on training provided by a first aid</u>	108550
<u>instructor who is qualified to provide such training according to</u>	108551
<u>standards set in rules adopted under section 5111.8811 of the</u>	108552
<u>Revised Code.</u>	108553
 <u>(c) It requires the individual to demonstrate successfully</u>	108554
<u>that the individual has learned the first aid taught in the</u>	108555
<u>course.</u>	108556
 <u>(3) That the individual meets any other requirements for the</u>	108557
<u>medicaid provider agreement specified in rules adopted under</u>	108558
<u>section 5111.8811 of the Revised Code.</u>	108559
 <u>Sec. 5111.882.</u> A home care attendant shall complete not less	108560
<u>than twelve hours of in-service continuing education regarding</u>	108561
<u>home care attendant services each year and provide the director</u>	108562
<u>of job and family services evidence satisfactory to the director</u>	108563
<u>that the attendant satisfied this requirement. The evidence shall</u>	108564
<u>be submitted to the director not later than the annual anniversary</u>	108565

of the issuance of the home care attendant's initial medicaid 108566
provider agreement. 108567

Sec. 5111.883. A home care attendant shall do all of the 108568
following: 108569

(A) Maintain a clinical record for each consumer to whom the 108570
attendant provides home care attendant services in a manner that 108571
protects the consumer's privacy; 108572

(B) Participate in a face-to-face visit every ninety days 108573
with all of the following to monitor the health and welfare of 108574
each of the consumers to whom the attendant provides home care 108575
attendant services: 108576

(1) The consumer; 108577

(2) The consumer's authorized representative, if any; 108578

(3) A registered nurse who agrees to answer any questions 108579
that the attendant, consumer, or authorized representative has 108580
about consumer care needs, medications, and other issues. 108581

(C) Document the activities of each visit required by 108582
division (B) of this section in the consumer's clinical record 108583
with the assistance of the registered nurse. 108584

Sec. 5111.884. (A) A home care attendant may assist a 108585
consumer with nursing tasks or self-administration of medication 108586
only after the attendant does both of the following: 108587

(1) Subject to division (B) of this section, completes 108588
consumer-specific training in how to provide the assistance that 108589
the authorizing health care professional authorizes the attendant 108590
to provide to the consumer; 108591

(2) At the request of the consumer, consumer's authorized 108592

<u>representative, or authorizing health care professional,</u>	108593
<u>successfully demonstrates that the attendant has learned how to</u>	108594
<u>provide the authorized assistance to the consumer.</u>	108595
<u>(B) The training required by division (A)(1) of this section</u>	108596
<u>shall be provided by either of the following:</u>	108597
<u>(1) The authorizing health care professional:</u>	108598
<u>(2) The consumer or consumer's authorized representative in</u>	108599
<u>cooperation with the authorizing health care professional.</u>	108600
<u>Sec. 5111.885. A home care attendant shall comply with both</u>	108601
<u>of the following when assisting a consumer with nursing tasks or</u>	108602
<u>self-administration of medication:</u>	108603
<u>(A) The written consent of the consumer or consumer's</u>	108604
<u>authorized representative provided to the director of job and</u>	108605
<u>family services under section 5111.886 of the Revised Code;</u>	108606
<u>(B) The authorizing health care professional's written</u>	108607
<u>authorization provided to the director under section 5111.887 of</u>	108608
<u>the Revised Code.</u>	108609
<u>Sec. 5111.886. To consent to a home care attendant assisting</u>	108610
<u>a consumer with nursing tasks or self-administration of</u>	108611
<u>medication, the consumer or consumer's authorized representative</u>	108612
<u>shall provide the director of job and family services a written</u>	108613
<u>statement signed by the consumer or authorized representative</u>	108614
<u>under which the consumer or authorized representative consents to</u>	108615
<u>both of the following:</u>	108616
<u>(A) Having the attendant assist the consumer with nursing</u>	108617
<u>tasks or self-administration of medication;</u>	108618
<u>(B) Assuming responsibility for directing the attendant when</u>	108619

the attendant assists the consumer with nursing tasks or 108620
self-administration of medication. 108621

Sec. 5111.887. To authorize a home care attendant to assist 108622
a consumer with nursing tasks or self-administration of 108623
medication, a health care professional shall provide the director 108624
of job and family services a written statement signed by the 108625
health care professional that includes all of the following: 108626

(A) The consumer's name and address; 108627

(B) A description of the nursing tasks or self-administration 108628
of medication with which the attendant is to assist the consumer, 108629
including, in the case of assistance with self-administration of 108630
medication, the name and dosage of the medication; 108631

(C) The times or intervals when the attendant is to assist 108632
the consumer with the self-administration of each dosage of the 108633
medication or nursing tasks; 108634

(D) The dates the attendant is to begin and cease providing 108635
the assistance; 108636

(E) A list of severe adverse reactions the attendant must 108637
report to the health care professional should the consumer 108638
experience one or more of the reactions; 108639

(F) At least one telephone number at which the attendant can 108640
reach the health care professional in an emergency; 108641

(G) Instructions the attendant is to follow when assisting 108642
the consumer with nursing tasks or self-administration of 108643
medication, including instructions for maintaining sterile 108644
conditions and for storage of task-related equipment and supplies; 108645

(H) The health care professional's attestation of both of the 108646

<u>following:</u>	108647
<u>(1) That the consumer or consumer's authorized representative</u>	108648
<u>has demonstrated to the health care professional the ability to</u>	108649
<u>direct the attendant;</u>	108650
<u>(2) That the attendant has demonstrated to the health care</u>	108651
<u>professional the ability to provide the consumer assistance with</u>	108652
<u>nursing tasks or self-administration of medication that the health</u>	108653
<u>care professional has specifically authorized the attendant to</u>	108654
<u>provide and that the consumer or consumer's authorized</u>	108655
<u>representative has indicated to the health care professional that</u>	108656
<u>the consumer or authorized representative is satisfied with the</u>	108657
<u>attendant's demonstration.</u>	108658
<u>Sec. 5111.888.</u> <u>When authorizing a home care attendant to</u>	108659
<u>assist a consumer with nursing tasks or self-administration of</u>	108660
<u>medication a health care professional may not authorize a home</u>	108661
<u>care attendant to do any of the following:</u>	108662
<u>(A) Perform a task that is outside of the health care</u>	108663
<u>professional's scope of practice;</u>	108664
<u>(B) Assist the consumer with the self-administration of a</u>	108665
<u>medication, including a schedule II, schedule III, schedule IV, or</u>	108666
<u>schedule V drug unless both of the following apply:</u>	108667
<u>(1) The medication is administered orally, topically, or via</u>	108668
<u>a gastrostomy tube or jejunostomy tube, including through any of</u>	108669
<u>the following:</u>	108670
<u>(a) In the case of an oral medication, a metered dose</u>	108671
<u>inhaler;</u>	108672
<u>(b) In the case of a topical medication, including a</u>	108673
<u>transdermal medication, either of the following:</u>	108674

<u>(i) An eye, ear, or nose drop or spray;</u>	108675
<u>(ii) A vaginal or rectal suppository.</u>	108676
<u>(c) In the case of a gastrostomy tube or jejunostomy tube,</u>	108677
<u>only through a pre-programmed pump.</u>	108678
<u>(2) The medication is in its original container and the</u>	108679
<u>label attached to the container displays all of the following:</u>	108680
<u>(a) The consumer's full name in print;</u>	108681
<u>(b) The medication's dispensing date, which must not be more</u>	108682
<u>than twelve months before the date the attendant assists the</u>	108683
<u>consumer with self-administration of the medication;</u>	108684
<u>(c) The exact dosage and means of administration that match</u>	108685
<u>the health care professional's authorization to the attendant.</u>	108686
<u>(C) Assist the consumer with the self-administration of a</u>	108687
<u>schedule II, schedule III, schedule IV, or schedule V medication</u>	108688
<u>unless, in addition to meeting the requirements of division (B) of</u>	108689
<u>this section, all of the following apply:</u>	108690
<u>(1) The medication has a warning label on its container.</u>	108691
<u>(2) The attendant counts the medication in the consumer's or</u>	108692
<u>authorized representative's presence when the medication is</u>	108693
<u>administered to the consumer and records the count on a form used</u>	108694
<u>for the count as specified in rules adopted under section</u>	108695
<u>5111.8811 of the Revised Code.</u>	108696
<u>(3) The attendant recounts the medication in the consumer's</u>	108697
<u>or authorized representative's presence at least monthly and</u>	108698
<u>reconciles the recount on a log located in the consumer's</u>	108699
<u>clinical record.</u>	108700

<u>(4) The medication is stored separately from all other</u>	108701
<u>medications and is secured and locked at all times when not being</u>	108702
<u>administered to the consumer to prevent unauthorized access.</u>	108703
<u>(D) Perform an intramuscular injection;</u>	108704
<u>(E) Perform a subcutaneous injection unless it is for a</u>	108705
<u>routine dose of insulin;</u>	108706
<u>(F) Program a pump used to deliver a medication unless the</u>	108707
<u>pump is used to deliver a routine dose of insulin;</u>	108708
<u>(G) Insert, remove, or discontinue an intravenous access</u>	108709
<u>device;</u>	108710
<u>(H) Engage in intravenous medication administration;</u>	108711
<u>(I) Insert or initiate an infusion therapy;</u>	108712
<u>(J) Perform a central line dressing change.</u>	108713
<u>Sec. 5111.889. A home care attendant who provides home care</u>	108714
<u>attendant services to a consumer in accordance with the</u>	108715
<u>authorizing health care professional's authorization does not</u>	108716
<u>engage in the practice of nursing as a registered nurse or in the</u>	108717
<u>practice of nursing as a licensed practical nurse in violation of</u>	108718
<u>section 4723.03 of the Revised Code.</u>	108719
<u>A consumer or the consumer's authorized representative shall</u>	108720
<u>report to the director of job and family services if a home care</u>	108721
<u>attendant engages in the practice of nursing as a registered nurse</u>	108722
<u>or the practice of nursing as a licensed practical nurse beyond</u>	108723
<u>the authorizing health care professional's authorization. The</u>	108724
<u>director shall forward a copy of each report to the board of</u>	108725
<u>nursing.</u>	108726

Sec. 5111.8810. A consumer who is an adult may select an individual to act on the consumer's behalf for purposes regarding home care attendant services by submitting a written notice of the consumer's selection of an authorized representative to the director of job and family services. The notice shall specifically identify the individual the consumer selects as authorized representative and may limit what the authorized representative may do on the consumer's behalf regarding home care attendant services. A consumer may not select the consumer's home care attendant to be the consumer's authorized representative. 108727
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Sec. 5111.8811. The director of job and family services shall adopt rules under section 5111.85 of the Revised Code as necessary for the implementation of sections 5111.88 to 5111.8810 of the Revised Code. The rules shall be consistent with federal and state law. 108738
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Sec. 5111.89. (A) As used in sections 5111.89 to 5111.894 of the Revised Code: 108743
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"Area agency on aging" has the same meaning as in section 173.14 of the Revised Code. 108745
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"Assisted living program" means the ~~medicaid waiver component for which the director of job and family services is authorized by program created under this section to request a medicaid waiver.~~ 108747
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"Assisted living services" means the following home and community-based services: personal care, homemaker, chore, attendant care, companion, medication oversight, and therapeutic social and recreational programming. 108750
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"County or district home" means a county or district home operated under Chapter 5155. of the Revised Code. 108754
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"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code.

"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity.

"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.

"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.

"State administrative agency" means the department of job and family services if the department of job and family services administers the assisted living program or the department of aging if the department of aging administers the assisted living program.

~~(B) The director of job and family services may submit a request to the United States secretary of health and human services under 42 U.S.C. 1396n to obtain a waiver of federal medicaid requirements that would otherwise be violated in the creation and implementation of a program under which~~
There is hereby created the assisted living program. The program shall provide assisted living services are provided to not more than one thousand eight hundred individuals who meet the program's eligibility requirements established under section 5111.891 of the Revised Code. The program may not serve more individuals than the number that is set by the United States secretary of

health and human services when the medicaid waiver authorizing the 108786
program is approved. The program shall be operated as a separate 108787
medicaid waiver component until the United States secretary 108788
approves the consolidated federal medicaid waiver sought under 108789
section 5111.861 of the Revised Code. The program shall be part of 108790
the consolidated federal medicaid waiver sought under that section 108791
if the United States secretary approves the waiver. 108792

If the ~~secretary approves the medicaid waiver requested under~~ 108793
~~this section and the~~ director of budget and management approves 108794
the contract, the department of job and family services shall 108795
enter into a contract with the department of aging under section 108796
5111.91 of the Revised Code that provides for the department of 108797
aging to administer the assisted living program. The contract 108798
shall include an estimate of the program's costs. 108799

The director of job and family services may adopt rules under 108800
section 5111.85 of the Revised Code regarding the assisted living 108801
program. The director of aging may adopt rules under Chapter 119. 108802
of the Revised Code regarding the program that the rules adopted 108803
by the director of job and family services authorize the director 108804
of aging to adopt. 108805

Sec. 5111.891. To be eligible for the assisted living 108806
program, an individual must meet all of the following 108807
requirements: 108808

(A) Need an intermediate level of care as determined under 108809
rule 5101:3-3-06 of the Administrative Code; 108810

(B) At the time the individual applies for the assisted 108811
living program, be one of the following: 108812

(1) A nursing facility resident who is seeking to move to a 108813
residential care facility and would remain in a nursing facility 108814
for long term care if not for the assisted living program; 108815

(2) A participant of any of the following medicaid waiver components who would move to a nursing facility if not for the assisted living program:	108816 108817 108818
(a) The PASSPORT program created under section 173.40 of the Revised Code;	108819 108820
(b) The ~~medicaid waiver component called the~~ choices program ~~that the department of aging administers~~ <u>created under section 173.403 of the Revised Code;</u>	108821 108822 108823
(c) A medicaid waiver component that the department of job and family services administers.	108824 108825
(3) A resident of a residential care facility who has resided in a residential care facility for at least six months immediately before the date the individual applies for the assisted living program.	108826 108827 108828 108829
(C) At the time the individual receives assisted living services under the assisted living program, reside in a residential care facility that is authorized by a valid medicaid provider agreement to participate in the assisted living program, including both of the following:	108830 108831 108832 108833 108834
(1) A residential care facility that is owned or operated by a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility;	108835 108836 108837 108838 108839
(2) A county or district home licensed as a residential care facility.	108840 108841
(D) Meet all other eligibility requirements for the assisted	108842

living program established in rules adopted under section 5111.85
of the Revised Code.

Sec. 5111.894. The state administrative agency may
establish one or more waiting lists for the assisted living
program. Only individuals eligible for the medicaid program may be
placed on a waiting list.

Each month, each area agency on aging shall determine
whether any individual who resides in the area that the area
agency on aging serves and is on a waiting list for the assisted
living program has been admitted to a nursing facility. If an
area agency on aging determines that such an individual has been
admitted to a nursing facility and that there is a vacancy in a
residential care facility participating in the assisted living
program that is acceptable to the individual, the agency shall
notify the long-term care consultation program administrator
serving the area in which the individual resides about the
determination. The administrator shall determine whether the
assisted living program is appropriate for the individual and
whether the individual would rather participate in the assisted
living program than continue residing in the nursing facility.
If the administrator determines that the assisted living program
is appropriate for the individual and the individual would
rather participate in the assisted living program than continue
residing in the nursing facility, the administrator shall so
notify the state administrative agency.

On receipt of the notice from the administrator, the state
administrative agency shall approve the individual's enrollment in
the assisted living program regardless of any waiting list for the
assisted living program, unless the enrollment would cause the
assisted living program to exceed ~~the~~any limit on the number of
individuals who may participate in the program as set by ~~section~~
~~5111.89 of the Revised Code~~the United States secretary of

health and human services when the medicaid waiver authorizing the program is approved. Each quarter, the state administrative agency shall certify to the director of budget and management the estimated increase in costs of the assisted living program resulting from enrollment of individuals in the assisted living program pursuant to this section.

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~~Not later than the last day of each calendar year, the director of job and family services shall submit to the general assembly a report regarding the number of individuals enrolled in the assisted living program pursuant to this section and the costs incurred and savings achieved as a result of the enrollments.~~

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Sec. 5111.971. (A) As used in this section, "long-term care medicaid waiver component" means any of the following:

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(1) The PASSPORT program created under section 173.40 of the Revised Code;

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(2) The ~~medicaid waiver component called the choices program that the department of aging administers~~created under section 173.403 of the Revised Code;

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(3) A medicaid waiver component that the department of job and family services administers.

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(B) The director of job and family services shall submit a request to the United States secretary of health and human services for a waiver of federal medicaid requirements that would be otherwise violated in the creation of a pilot program under which not more than two hundred individuals who meet the pilot program's eligibility requirements specified in division (D) of this section receive a spending authorization to pay for the cost of medically necessary home and community-based services that the pilot program covers. The spending authorization shall be in an amount not exceeding seventy per cent of the average cost under

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the medicaid program for providing nursing facility services to an individual. An individual participating in the pilot program shall also receive necessary support services, including fiscal intermediary and other case management services, that the pilot program covers.

(C) If the United States secretary of health and human services approves the waiver submitted under division (B) of this section, the department of job and family services shall enter into a contract with the department of aging under section 5111.91 of the Revised Code that provides for the department of aging to administer the pilot program that the waiver authorizes.

(D) To be eligible to participate in the pilot program created under division (B) of this section, an individual must meet all of the following requirements:

(1) Need an intermediate level of care as determined under rule 5101:3-3-06 of the Administrative Code or a skilled level of care as determined under rule 5101:3-3-05 of the Administrative Code;

(2) At the time the individual applies to participate in the pilot program, be one of the following:

(a) A nursing facility resident who would remain in a nursing facility if not for the pilot program;

(b) A participant of any long-term care medicaid waiver component who would move to a nursing facility if not for the pilot program.

(3) Meet all other eligibility requirements for the pilot program established in rules adopted under section 5111.85 of the Revised Code.

(E) The director of job and family services may adopt rules under section 5111.85 of the Revised Code as the director considers necessary to implement the pilot program created under division (B) of this section. The director of aging may adopt rules under Chapter 119. of the Revised Code as the director considers necessary for the pilot program's implementation. The rules may establish a list of medicaid-covered services not covered by the pilot program that an individual participating in the pilot program may not receive if the individual also receives medicaid-covered services outside of the pilot program.

Sec. 5112.03. (A) The director of job and family services shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code for the purpose of administering sections 5112.01 to 5112.21 of the Revised Code, including rules that do all of the following:

(1) Define as a "disproportionate share hospital" any hospital included under subsection (b) of section 1923 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r-4(b), as amended, and any other hospital the director determines appropriate;

(2) Prescribe the form for submission of cost reports under section 5112.04 of the Revised Code;

(3) Establish, in accordance with division (A) of section 5112.06 of the Revised Code, the assessment rate or rates to be applied to hospitals under that section;

(4) Establish schedules for hospitals to pay installments on their assessments under section 5112.06 of the Revised Code and for governmental hospitals to pay installments on their intergovernmental transfers under section 5112.07 of the Revised Code;

(5) Establish procedures to notify hospitals of adjustments made under division (B)(2)(b) of section 5112.06 of the Revised Code in the amount of installments on their assessment;	108963 108964 108965
(6) Establish procedures to notify hospitals of adjustments made under division (D) of section 5112.09 of the Revised Code in the total amount of their assessment and to adjust for the remainder of the program year the amount of the installments on the assessments;	108966 108967 108968 108969 108970
(7) Establish, in accordance with section 5112.08 of the Revised Code, the methodology for paying hospitals under that section.	108971 108972 108973
The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties.	108974 108975 108976
(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following:	108977 108978 108979
(1) Recipients of the medical assistance program;	108980
(2) Recipients of financial assistance provided under Chapter 5115. of the Revised Code;	108981 108982
(3) ~~Recipients of medical assistance provided under Chapter 5115. of the Revised Code;~~	108983 108984
(4) Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code;	108985 108986
~~(5)~~ (4) Recipients of the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended:	108987 108988 108989

~~(6)~~ (5) Recipients of Title V of the "Social Security Act";	108990
~~(7)~~ (6) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act" and the rules adopted under that title.	108991 108992 108993
Sec. 5112.08. The director of job and family services shall adopt rules under section 5112.03 of the Revised Code establishing a methodology to pay hospitals that is sufficient to expend all money in the indigent care pool. Under the rules:	108994 108995 108996 108997
(A) The department of job and family services may classify similar hospitals into groups and allocate funds for distribution within each group.	108998 108999 109000
(B) The department shall establish a method of allocating funds to hospitals, taking into consideration the relative amount of indigent care provided by each hospital or group of hospitals. The amount to be allocated shall be based on any combination of the following indicators of indigent care that the director considers appropriate:	109001 109002 109003 109004 109005 109006
(1) Total costs, volume, or proportion of services to recipients of the medical assistance program, including recipients enrolled in health insuring corporations;	109007 109008 109009
(2) Total costs, volume, or proportion of services to low-income patients in addition to recipients of the medical assistance program, which may include recipients of Title V of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and recipients of financial ~~or medical~~ assistance provided under Chapter 5115. of the Revised Code;	109010 109011 109012 109013 109014 109015
(3) The amount of uncompensated care provided by the hospital or group of hospitals;	109016 109017

(4) Other factors that the director considers to be 109018
appropriate indicators of indigent care. 109019

(C) The department shall distribute funds to each hospital or 109020
group of hospitals in a manner that first may provide for an 109021
additional distribution to individual hospitals that provide a 109022
high proportion of indigent care in relation to the total care 109023
provided by the hospital or in relation to other hospitals. The 109024
department shall establish a formula to distribute the remainder 109025
of the funds. The formula shall be consistent with section 1923 of 109026
the "Social Security Act," 42 U.S.C.A. 1396r-4, as amended, shall 109027
be based on any combination of the indicators of indigent care 109028
listed in division (B) of this section that the director considers 109029
appropriate. 109030

(D) The department shall distribute funds to each hospital in 109031
installments not later than ten working days after the deadline 109032
established in rules for each hospital to pay an installment on 109033
its assessment under section 5112.06 of the Revised Code. In the 109034
case of a governmental hospital that makes intergovernmental 109035
transfers, the department shall pay an installment under this 109036
section not later than ten working days after the earlier of that 109037
deadline or the deadline established in rules for the governmental 109038
hospital to pay an installment on its intergovernmental transfer. 109039
If the amount in the hospital care assurance program fund created 109040
under section 5112.18 of the Revised Code and the portion of the 109041
health care - federal fund created under section 5111.943 of the 109042
Revised Code that is credited to that fund pursuant to division 109043
(B) of section 5112.18 of the Revised Code are insufficient to 109044
make the total distributions for which hospitals are eligible to 109045
receive in any period, the department shall reduce the amount of 109046
each distribution by the percentage by which the amount and 109047
portion are insufficient. The department shall distribute to 109048
hospitals any amounts not distributed in the period in which they 109049
are due as soon as moneys are available in the funds. 109050

Sec. 5112.17. (A) As used in this section:	109051
(1) "Federal poverty guideline" means the official poverty guideline as revised annually by the United States secretary of health and human services in accordance with section 673 of the "Community Service Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	109052 109053 109054 109055 109056 109057
(2) "Third-party payer" means any private or public entity or program that may be liable by law or contract to make payment to or on behalf of an individual for health care services.	109058 109059 109060
"Third-party payer" does not include a hospital.	109061
(B) Each hospital that receives funds distributed under sections 5112.01 to 5112.21 of the Revised Code shall provide, without charge to the individual, basic, medically necessary hospital-level services to individuals who are residents of this state, are not recipients of the medical assistance program, and whose income is at or below the federal poverty guideline. Recipients of disability financial assistance ~~and recipients of disability medical assistance~~ provided under Chapter 5115. of the Revised Code qualify for services under this section. The director of job and family services shall adopt rules under section 5112.03 of the Revised Code specifying the hospital services to be provided under this section.	109062 109063 109064 109065 109066 109067 109068 109069 109070 109071 109072 109073
(C) Nothing in this section shall be construed to prevent a hospital from requiring an individual to apply for eligibility under the medical assistance program before the hospital processes an application under this section. Hospitals may bill any third-party payer for services rendered under this section. Hospitals may bill the medical assistance program, in accordance with Chapter 5111. of the Revised Code and the rules adopted under that chapter, for services rendered under this section if the	109074 109075 109076 109077 109078 109079 109080 109081

individual becomes a recipient of the program. Hospitals may bill	109082
individuals for services under this section if all of the	109083
following apply:	109084
(1) The hospital has an established post-billing procedure	109085
for determining the individual's income and canceling the charges	109086
if the individual is found to qualify for services under this	109087
section.	109088
(2) The initial bill, and at least the first follow-up bill,	109089
is accompanied by a written statement that does all of the	109090
following:	109091
(a) Explains that individuals with income at or below the	109092
federal poverty guideline are eligible for services without	109093
charge;	109094
(b) Specifies the federal poverty guideline for individuals	109095
and families of various sizes at the time the bill is sent;	109096
(c) Describes the procedure required by division (C)(1) of	109097
this section.	109098
(3) The hospital complies with any additional rules the	109099
department adopts under section 5112.03 of the Revised Code.	109100
Notwithstanding division (B) of this section, a hospital	109101
providing care to an individual under this section is subrogated	109102
to the rights of any individual to receive compensation or	109103
benefits from any person or governmental entity for the hospital	109104
goods and services rendered.	109105
(D) Each hospital shall collect and report to the department,	109106
in the form and manner prescribed by the department, information	109107
on the number and identity of patients served pursuant to this	109108
section.	109109

(E) This section applies beginning May 22, 1992, regardless of whether the department has adopted rules specifying the services to be provided. Nothing in this section alters the scope or limits the obligation of any governmental entity or program, including the program awarding reparations to victims of crime under sections 2743.51 to 2743.72 of the Revised Code and the program for medically handicapped children established under section 3701.023 of the Revised Code, to pay for hospital services in accordance with state or local law.

Sec. 5112.30. As used in sections 5112.30 to 5112.39 of the Revised Code:

(A) "Franchise permit fee rate" means the following:

(1) Until August 1, 2009, eleven dollars and ninety-eight cents;

(2) For the period beginning August 1, 2009, and ending June 30, 2010, fourteen dollars and seventy-five cents;

(3) For fiscal year 2011, thirteen dollars and fifty-five cents;

(4) For fiscal year 2012 and each fiscal year thereafter, the rate used for the immediately preceding fiscal year as adjusted in accordance with the composite inflation factor established in rules adopted under section 5112.39 of the Revised Code.

(B) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code, except that, until August 1, 2009, it does not include any such facility operated by the department of mental retardation and developmental disabilities.

(B)(C) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code. 109137
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Sec. 5112.31. The department of job and family services shall do all of the following: 109139
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(A) ~~For~~ Subject to division (B) of this section and for the 109141
purposes specified in sections 5112.37 and 5112.371 of the 109142
Revised Code, annually assess for each fiscal year each 109143
intermediate care facility for the mentally retarded a franchise 109144
permit fee equal to ~~eleven dollars and ninety-eight cents~~ the 109145
franchise permit fee rate multiplied by the product of the 109146
following: 109147

(1) The number of beds certified under Title XIX of the 109148
"Social Security Act" on the first day of May of the calendar year 109149
in which the assessment is determined pursuant to division (A) of 109150
section 5112.33 of the Revised Code; 109151

(2) The following number of days: 109152

(a) For fiscal year 2010, the following: 109153

(i) For the part of fiscal year 2010 during which the 109154
franchise permit fee rate is eleven dollars and ninety-eight 109155
cents, the number of days during fiscal year 2010 during which the 109156
franchise permit fee rate is that amount; 109157

(ii) For the part of fiscal year 2010 during which the 109158
franchise permit fee rate is fourteen dollars and seventy-five 109159
cents, the number of days during fiscal year 2010 during which the 109160
franchise permit fee is that amount; 109161

(iii) For fiscal year 2011 and each fiscal year thereafter, 109162
the number of days in the fiscal year ~~beginning on the first day~~ 109163
of July of the same calendar year. 109164

(B) ~~Beginning July 1, 2009, and the first day of each July thereafter, adjust fees determined under division (A) of this section in accordance with the composite inflation factor established in rules adopted under section 5112.39 of the Revised Code~~
If the total amount of the franchise permit fee assessed under division (A) of this section for a fiscal year exceeds five and one-half per cent of the actual net patient revenue for all intermediate care facilities for the mentally retarded for that fiscal year, do both of the following:

(1) Recalculate the assessments under division (A) of this section using a per bed per day rate equal to five and one-half per cent of actual net patient revenue for all intermediate care facilities for the mentally retarded for that fiscal year;

(2) Refund the difference between the amount of the franchise permit fee assessed for that fiscal year under division (A) of this section and the amount recalculated under division (B)(1) of this section as a credit against the assessments imposed under division (A) of this section for the subsequent fiscal year.

(C) If the United States secretary of health and human services determines that the franchise permit fee established by sections 5112.30 to 5112.39 of the Revised Code would be an impermissible health care-related tax under section 1903(w) of the "Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all necessary actions to cease implementation of those sections in accordance with rules adopted under section 5112.39 of the Revised Code.

Sec. 5112.37. There is hereby created in the state treasury the home and community-based services for the mentally retarded and developmentally disabled fund. ~~Ninety-four~~Eighty-four and ~~twenty-eight hundredths~~two tenths per cent of all installment payments and penalties paid by an intermediate care facility

for the mentally retarded under sections 5112.33 and 5112.34 of
the Revised Code for state fiscal year 2010 shall be deposited
into the fund. Seventy-nine and twelve hundredths per cent of all
installment payments and penalties paid by an intermediate care
facility for the mentally retarded under sections 5112.33 and
5112.34 of the Revised Code for state fiscal year 2011 and
thereafter shall be deposited into the fund. The department of
job and family services shall distribute the money in the fund
in accordance with rules adopted under section 5112.39 of the
Revised Code. The departments of job and family services and
mental retardation and developmental disabilities shall use the
money for the medicaid program established under Chapter 5111.
of the Revised Code and home and community-based services to
mentally retarded and developmentally disabled persons.

Sec. 5112.371. There is hereby created in the state treasury
the department of developmental disabilities operating and
services fund. Fifteen and eight tenths per cent of all
installment payments and penalties paid by an intermediate care
facility for the mentally retarded under sections 5112.33 and
5112.34 of the Revised Code for state fiscal year 2010 shall be
deposited into the fund. Twenty and eighty-eight hundredths per
cent of all installment payments and penalties paid by an
intermediate care facility for the mentally retarded under
sections 5112.33 and 5112.34 of the Revised Code for state fiscal
year 2011 and thereafter shall be deposited into the fund. The
money in the fund shall be used for the expenses of the programs
that the department of mental retardation and developmental
disabilities administers and the department's administrative
expenses.

Sec. 5112.39. The director of job and family services shall
adopt rules in accordance with Chapter 119. of the Revised Code to
do all of the following:

(A) Establish a composite inflation factor ~~with which to~~	109228
~~adjust franchise permit fees under~~ <u>for the purpose of division</u>	109229
<u>(A)(4) of section 5112.31-5112.30</u> of the Revised Code;	109230
(B) Prescribe the actions the department will take to cease	109231
implementation of sections 5112.30 to 5112.39 of the Revised Code	109232
if the United States secretary of health and human services	109233
determines that the franchise permit fee imposed under section	109234
5112.31 of the Revised Code is an impermissible health	109235
care-related tax under section 1903(w) of the "Social Security	109236
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396b(w), as amended;	109237
(C) Establish the method of distributing the money in the	109238
home and community-based services for the mentally retarded and	109239
developmentally disabled fund created by section 5112.37 of the	109240
Revised Code;	109241
(D) Establish any other requirements or procedures the	109242
director considers necessary to implement sections 5112.30 to	109243
5112.39 of the Revised Code.	109244
<u>Sec. 5112.40.</u> As used in sections 5112.40 to 5112.48 of the	109245
<u>Revised Code:</u>	109246
<u>(A) "Assessment program year" means the twelve-month period</u>	109247
<u>beginning the first day of October of a calendar year and ending</u>	109248
<u>the last day of September of the following calendar year.</u>	109249
<u>(B) "Cost reporting period" means the period of time used by</u>	109250
<u>a hospital in reporting costs for purposes of the medicare</u>	109251
<u>program.</u>	109252
<u>(C) "Federal fiscal year" means the twelve-month period</u>	109253
<u>beginning the first day of October of a calendar year and ending</u>	109254
<u>the last day of September of the following calendar year.</u>	109255

<u>(D)(1) Except as provided in division (D)(2) of this section,</u>	109256
<u>"hospital" means a hospital to which any of the following</u>	109257
<u>applies:</u>	109258
<u>(a) The hospital is registered under section 3701.07 of the</u>	109259
<u>Revised Code as a general medical and surgical hospital or a</u>	109260
<u>pediatric general hospital and provides inpatient hospital</u>	109261
<u>services, as defined in 42 C.F.R. 440.10.</u>	109262
<u>(b) The hospital is recognized under the medicare program as</u>	109263
<u>a cancer hospital and is exempt from the medicare prospective</u>	109264
<u>payment system.</u>	109265
<u>(c) The hospital is a psychiatric hospital licensed under</u>	109266
<u>section 5119.20 of the Revised Code.</u>	109267
<u>(2) "Hospital" does not include either of the following:</u>	109268
<u>(a) A federal hospital:</u>	109269
<u>(b) A hospital that does not charge any of its patients for</u>	109270
<u>its services.</u>	109271
<u>(E) "Hospital care assurance program" means the program</u>	109272
<u>established under sections 5112.01 to 5112.21 of the Revised Code.</u>	109273
<u>(F) "Medicaid" has the same meaning as in section 5111.01 of</u>	109274
<u>the Revised Code.</u>	109275
<u>(G) "Medicare" means the program established under Title</u>	109276
<u>XVIII of the Social Security Act.</u>	109277
<u>(H) "State fiscal year" means the twelve-month period</u>	109278
<u>beginning the first day of July of a calendar year and ending the</u>	109279
<u>last day of June of the following calendar year.</u>	109280
<u>(I)(1) Except as provided in divisions (I)(2) and (3) of this</u>	109281

section, "total facility costs" means the total costs to a 109282
hospital for all care provided to all patients, including the 109283
direct, indirect, and overhead costs to the hospital of all 109284
services, supplies, equipment, and capital related to the care of 109285
patients, regardless of whether patients are enrolled in a health 109286
insuring corporation. 109287

(2) "Total facility costs" excludes all of the following of a 109288
hospital's costs as shown on the cost-reporting data used for 109289
purposes of determining the hospital's assessment under section 109290
5112.41 of the Revised Code: 109291

(a) Skilled nursing services provided in distinct-part 109292
nursing facility units; 109293

(b) Home health services; 109294

(c) Hospice services; 109295

(d) Ambulance services; 109296

(e) Renting durable medical equipment; 109297

(f) Selling durable medical equipment. 109298

(3) "Total facility costs" excludes any costs excluded from a 109299
hospital's total facility costs pursuant to rules, if any, adopted 109300
under division (B) of section 5112.46 of the Revised Code. 109301

Sec. 5112.41. (A) For the purposes specified in section 109302
5112.45 of the Revised Code and subject to section 5112.48 of the 109303
Revised Code, there is hereby imposed an assessment on all 109304
hospitals each assessment program year. The amount of a hospital's 109305
assessment for an assessment program year shall equal, except as 109306
provided in division (D) of this section, the percentage 109307
specified in division (B) of this section of the hospital's total 109308

facility costs for the period of time specified in division (C) 109309
of this section. The amount of a hospital's total facility costs 109310
shall be derived from cost-reporting data for the hospital 109311
submitted to the department of job and family services for 109312
purposes of the hospital care assurance program. The 109313
cost-reporting data used to determine a hospital's assessment is 109314
subject to the same type of adjustments made to the data under the 109315
hospital care assurance program. 109316

(B) The percentage specified in this division is the 109317
following: 109318

(1) For the first assessment program year beginning after the 109319
effective date of this section, one and fifty-two hundredths per 109320
cent; 109321

(2) Subject to division (D) of this section, for the second 109322
assessment program year after the effective date of this section 109323
and each successive assessment program year, one and sixty-one 109324
hundredths per cent. 109325

(C) The period of time specified in this division is the 109326
hospital's cost reporting period that ends in the state fiscal 109327
year that ends in the federal fiscal year that precedes the 109328
federal fiscal year that precedes the assessment program year for 109329
which the assessment is imposed. 109330

(D) The department of job and family services shall apply to 109331
the United States secretary of health and human services for a 109332
waiver under 42 U.S.C. 1396b(w)(3)(E) to establish, for the second 109333
assessment program year after the effective date of this section 109334
and each successive assessment program year, a tiered assessment 109335
on hospitals' total facility costs instead of applying the 109336
percentage specified in division (B)(2) of this section. If the 109337
United States secretary denies the waiver, the department shall 109338
apply the percentage specified in division (B)(2) of this section 109339

for the second assessment program year after the effective date of 109340
this section and each successive assessment program year. 109341

(E) The assessment imposed by this section on a hospital is 109342
in addition to the assessment imposed by section 5112.06 of the 109343
Revised Code. 109344

Sec. 5112.42. (A) Before or during each assessment program 109345
year, the department of job and family services shall mail to each 109346
hospital by certified mail, return receipt requested, the 109347
preliminary determination of the amount that the hospital is 109348
assessed under section 5112.41 of the Revised Code for the 109349
assessment program year. Except as provided in division (B) of 109350
this section, the preliminary determination becomes the final 109351
determination for the assessment program year fifteen days after 109352
the preliminary determination is mailed to the hospital. 109353

(B) A hospital may request that the department reconsider the 109354
preliminary determination mailed to the hospital under division 109355
(A) of this section by submitting to the department a written 109356
request for a reconsideration not later than fourteen days after 109357
the hospital's preliminary determination is mailed to the 109358
hospital. The request must be accompanied by written materials 109359
setting forth the basis for the reconsideration. On receipt of the 109360
timely request, the department shall reconsider the preliminary 109361
determination and may adjust the preliminary determination on the 109362
basis of the written materials accompanying the request. The 109363
result of the reconsideration is the final determination of the 109364
hospital's assessment under section 5112.41 of the Revised Code 109365
for the assessment program year. 109366

(C) The department shall mail to each hospital a written 109367
notice of the final determination of its assessment for the 109368
assessment program year. A hospital may appeal the final 109369
determination to the court of common pleas of Franklin county. 109370
While a judicial appeal is pending, the hospital shall pay, in 109371

accordance with section 5112.43 of the Revised Code, any amount of 109372
its assessment that is not in dispute. 109373

Sec. 5112.43. Unless rules adopted under section 5112.46 of 109374
the Revised Code establish a different payment schedule, each 109375
hospital shall pay the amount it is assessed under section 109376
5112.41 of the Revised Code in accordance with the following 109377
payment schedule: 109378

(A) Twenty-eight per cent of a hospital's assessment is due 109379
on the last business day of October of each assessment program 109380
year. 109381

(B) Thirty-one per cent of a hospital's assessment is due on 109382
the last business day of February of each assessment program year. 109383

(C) Forty-one per cent of a hospital's assessment is due on 109384
the last business day of May of each assessment program year. 109385

Sec. 5112.44. The department of job and family services may 109386
audit a hospital to ensure that the hospital properly pays the 109387
amount it is assessed under section 5112.41 of the Revised Code. 109388
The department shall take action to recover from a hospital any 109389
amount the audit reveals that the hospital should have paid but 109390
did not pay. 109391

Sec. 5112.45. There is hereby created in the state treasury 109392
the hospital assessment fund. All installment payments made by 109393
hospitals under section 5112.43 of the Revised Code and all 109394
recoveries the department of job and family services makes under 109395
section 5112.44 of the Revised Code shall be deposited into the 109396
fund. All investment earnings of the fund shall be credited to the 109397
fund. The department shall use money in the fund to pay for the 109398
costs of the medicaid program, including the program's 109399
administrative costs. 109400

<u>Sec. 5112.46. (A) The director of job and family services</u>	109402
<u>may adopt, amend, and rescind rules in accordance with Chapter</u>	109403
<u>119. of the Revised Code as necessary to implement sections</u>	109404
<u>5112.40 to 5112.48 of the Revised Code.</u>	109405
<u>(B) The rules adopted under this section may provide that a</u>	109406
<u>hospital's total facility costs for the purpose of the assessment</u>	109407
<u>under section 5112.41 of the Revised Code exclude any of the</u>	109408
<u>following:</u>	109409
<u>(1) A hospital's costs associated with providing care to</u>	109410
<u>recipients of any of the following:</u>	109411
<u>(a) The medicaid program;</u>	109412
<u>(b) The medicare program;</u>	109413
<u>(c) The disability financial assistance program established</u>	109414
<u>under Chapter 5115. of the Revised Code;</u>	109415
<u>(d) The program for medically handicapped children</u>	109416
<u>established under section 3701.023 of the Revised Code;</u>	109417
<u>(e) Services provided under the maternal and child health</u>	109418
<u>services block grant established under Title V of the Social</u>	109419
<u>Security Act.</u>	109420
<u>(2) Any other category of hospital costs the director deems</u>	109421
<u>appropriate under federal law and regulations governing the</u>	109422
<u>medicaid program.</u>	109423
<u>Sec. 5112.47. The director of job and family services shall</u>	109424
<u>implement the assessment imposed by section 5112.41 of the Revised</u>	109425
<u>Code in a manner that does not cause a reduction in federal</u>	109426
<u>financial participation for the medicaid program under 42 U.S.C.</u>	109427
<u>1396b(w).</u>	109428

Sec. 5112.48. If the United States secretary of health and human services determines that the assessment imposed by section 5112.41 of the Revised Code is an impermissible health care-related tax under 42 U.S.C. 1396b(w), the director of job and family services shall take all necessary actions to cease implementation of sections 5112.40 to 5112.47 of the Revised Code and shall promptly refund to each hospital the amount of money in the hospital assessment fund at the time the refund is to be made that the hospital paid under section 5112.43 of the Revised Code, plus any corresponding investment earnings on that amount.

Sec. 5115.20. (A) The department of job and family services shall establish a disability advocacy program and each county department of job and family services shall establish a disability advocacy program unit or join with other county departments of job and family services to establish a joint county disability advocacy program unit. Through the program the department and county departments shall cooperate in efforts to assist applicants for and recipients of assistance under the disability financial assistance program ~~and the disability medical assistance program~~, who might be eligible for supplemental security income benefits under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, in applying for those benefits.

As part of their disability advocacy programs, the state department and county departments may enter into contracts for the services of persons and government entities that in the judgment of the department or county department have demonstrated expertise in representing persons seeking supplemental security income benefits. Each contract shall require the person or entity with which a department contracts to assess each person referred to it by the department to determine whether the person appears to be eligible for supplemental security income benefits, and, if the person appears to be eligible, assist the person in applying and

represent the person in any proceeding of the social security
administration, including any appeal or reconsideration of a
denial of benefits. The department or county department shall
provide to the person or entity with which it contracts all
records in its possession relevant to the application for
supplemental security income benefits. The department shall
require a county department with relevant records to submit them
to the person or entity.

(B) Each applicant for or recipient of disability financial
assistance ~~or disability medical assistance~~ who, in the judgment
of the department or a county department might be eligible for
supplemental security benefits, shall, as a condition of
eligibility for assistance, apply for such benefits if directed to
do so by the department or county department.

(C) With regard to applicants for and recipients of
disability financial assistance ~~or disability medical assistance~~,
each county department of job and family services shall do all of
the following:

(1) Identify applicants and recipients who might be eligible
for supplemental security income benefits;

(2) Assist applicants and recipients in securing
documentation of disabling conditions or refer them for such
assistance to a person or government entity with which the
department or county department has contracted under division (A)
of this section;

(3) Inform applicants and recipients of available sources of
representation, which may include a person or government entity
with which the department or county department has contracted
under division (A) of this section, and of their right to
represent themselves in reconsiderations and appeals of social
security administration decisions that deny them supplemental

security income benefits. The county department may require the
applicants and recipients, as a condition of eligibility for
assistance, to pursue reconsiderations and appeals of social
security administration decisions that deny them supplemental
security income benefits, and shall assist applicants and
recipients as necessary to obtain such benefits or refer them to a
person or government entity with which the department or county
department has contracted under division (A) of this section.

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(4) Require applicants and recipients who, in the judgment
of the county department, are or may be aged, blind, or disabled,
to apply for medical assistance under Chapter 5111. of the Revised
Code, make determinations when appropriate as to eligibility for
medical assistance, and refer their applications when necessary to
the disability determination unit established in accordance with
division (F) of this section for expedited review;

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(5) Require each applicant and recipient who in the judgment
of the department or the county department might be eligible for
supplemental security income benefits, as a condition of
eligibility for disability financial assistance ~~or disability~~
~~medical assistance~~, to execute a written authorization for the
secretary of health and human services to withhold benefits due
that individual and pay to the director of job and family services
or the director's designee an amount sufficient to reimburse the
state and county shares of interim assistance furnished to the
individual. For the purposes of division (C)(5) of this section,
"benefits" and "interim assistance" have the meanings given in
Title XVI of the "Social Security Act."

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(D) The director of job and family services shall adopt rules
in accordance with section 111.15 of the Revised Code for the
effective administration of the disability advocacy program. The
rules shall include all of the following:

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(1) Methods to be used in collecting information from and

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disseminating it to county departments, including the following:	109525
(a) The number of individuals in the county who are disabled	109526
recipients of disability financial assistance ~~or disability~~	109527
~~medical assistance~~ ;	109528
(b) The final decision made either by the social security	109529
administration or by a court for each application or	109530
reconsideration in which an individual was assisted pursuant to	109531
this section.	109532
(2) The type and process of training to be provided by the	109533
department of job and family services to the employees of the	109534
county department of job and family services who perform duties	109535
under this section;	109536
(3) Requirements for the written authorization required by	109537
division (C)(5) of this section.	109538
(E) The department shall provide basic and continuing	109539
training to employees of the county department of job and family	109540
services who perform duties under this section. Training shall	109541
include but not be limited to all processes necessary to obtain	109542
federal disability benefits, and methods of advocacy.	109543
(F) The department shall establish a disability determination	109544
unit and develop guidelines for expediting reviews of applications	109545
for medical assistance under Chapter 5111. of the Revised Code for	109546
persons who have been referred to the unit under division (C)(4)	109547
of this section. The department shall make determinations of	109548
eligibility for medical assistance for any such person within the	109549
time prescribed by federal regulations.	109550
(G) The department may, under rules the director of job and	109551
family services adopts in accordance with section 111.15 of the	109552
Revised Code, pay a portion of the federal reimbursement described	109553

in division (C)(5) of this section to persons or government 109554
entities that assist or represent assistance recipients in 109555
reconsiderations and appeals of social security administration 109556
decisions denying them supplemental security income benefits. 109557

(H) The director shall conduct investigations to determine 109558
whether disability advocacy programs are being administered in 109559
compliance with the Revised Code and the rules adopted by the 109560
director pursuant to this section. 109561

Sec. 5115.22. (A) If a recipient of disability financial 109562
assistance ~~or disability medical assistance~~, or an individual 109563
whose income and resources are included in determining the 109564
recipient's eligibility for the assistance, becomes possessed of 109565
resources or income in excess of the amount allowed to retain 109566
eligibility, or if other changes occur that affect the recipient's 109567
eligibility or need for assistance, the recipient shall notify the 109568
state or county department of job and family services within the 109569
time limits specified in rules adopted by the director of job and 109570
family services in accordance with section 111.15 of the Revised 109571
Code. Failure of a recipient to report possession of excess 109572
resources or income or a change affecting eligibility or need 109573
within those time limits shall be considered prima-facie evidence 109574
of intent to defraud under section 5115.23 of the Revised Code. 109575

(B) As a condition of eligibility for disability financial 109576
assistance ~~or disability medical assistance~~, and as a means of 109577
preventing or reducing the provision of assistance at public 109578
expense, each applicant for or recipient of the assistance shall 109579
make reasonable efforts to secure support from persons responsible 109580
for the applicant's or recipient's support, and from other 109581
sources, including any federal program designed to provide 109582
assistance to individuals with disabilities. The state or county 109583
department of job and family services may provide assistance to 109584
the applicant or recipient in securing other forms of financial 109585

assistance. 109586

Sec. 5115.23. As used in this section, "erroneous payments" 109587
means disability financial assistance payments ~~or disability~~ 109588
~~medical assistance payments~~ made to persons who are not entitled 109589
to receive them, including payments made as a result of 109590
misrepresentation or fraud, and payments made due to an error by 109591
the recipient or by the county department of job and family 109592
services that made the payment. 109593

The department of job and family services shall adopt rules 109594
in accordance with section 111.15 of the Revised Code specifying 109595
the circumstances under which action is to be taken under this 109596
section to recover erroneous payments. The department, or a county 109597
department of job and family services at the request of the 109598
department, shall take action to recover erroneous payments in the 109599
circumstances specified in the rules. The department or county 109600
department may institute a civil action to recover erroneous 109601
payments. 109602

Whenever disability financial assistance ~~or disability~~ 109603
~~medical assistance~~ has been furnished to a recipient for whose 109604
support another person is responsible, the other person shall, in 109605
addition to the liability otherwise imposed, as a consequence of 109606
failure to support the recipient, be liable for all assistance 109607
furnished the recipient. The value of the assistance so furnished 109608
may be recovered in a civil action brought by the county 109609
department of job and family services. 109610

Each county department of job and family services shall 109611
retain fifty per cent of the erroneous payments it recovers under 109612
this section. The department of job and family services shall 109613
receive the remaining fifty per cent. 109614

Sec. 5119.16. As used in this section, "free clinic" has the 109615
same meaning as in section 2305.2341 of the Revised Code. 109616

(A) The department of mental health ~~is hereby designated to~~ 109617
may provide certain goods and services for the department of 109618
mental health, the department of mental retardation and 109619
developmental disabilities, the department of rehabilitation and 109620
correction, the department of youth services, and other state, 109621
county, or municipal agencies requesting such goods and services 109622
when the department of mental health determines that it is in the 109623
public interest, and considers it advisable, to provide these 109624
goods and services. The department of mental health also may 109625
provide goods and services to agencies operated by the United 109626
States government and to public or private nonprofit agencies, 109627
other than free clinics, that are funded in whole or in part by 109628
the state if the public or private nonprofit agencies are 109629
designated for participation in this program by the director of 109630
mental health for community mental health agencies, the director 109631
of mental retardation and developmental disabilities for community 109632
mental retardation and developmental disabilities agencies, the 109633
director of rehabilitation and correction for community 109634
rehabilitation and correction agencies, or the director of youth 109635
services for community youth services agencies. 109636

Designated community agencies shall receive goods and 109637
services through the department of mental health only in those 109638
cases where the designating state agency certifies that providing 109639
such goods and services to the agency will conserve public 109640
resources to the benefit of the public and where the provision of 109641
such goods and services is considered feasible by the department 109642
of mental health. 109643

(B) The department of mental health may permit free clinics 109644
to purchase certain goods and services to the extent the purchases 109645
fall within the exemption to the Robinson-Patman Act, 15 U.S.C. 13 109646
et seq., applicable to ~~non-profit~~nonprofit institutions, in 15 109647
U.S.C. 13c, as amended. 109648

(C) The goods and services ~~to that~~ <u>may</u> be provided by the department of mental health under divisions (A) and (B) of this section may include:	109649 109650 109651
(1) Procurement, storage, processing, and distribution of food and professional consultation on food operations;	109652 109653
(2) Procurement, storage, and distribution of medical and laboratory supplies, dental supplies, medical records, forms, optical supplies, and sundries, subject to section 5120.135 of the Revised Code;	109654 109655 109656 109657
(3) Procurement, storage, repackaging, distribution, and dispensing of drugs, the provision of professional pharmacy consultation, and drug information services;	109658 109659 109660
(4) Other goods and services ~~as may be agreed to.~~	109661
(D) The department of mental health ~~shall~~ <u>may</u> provide the goods and services designated in division (C) of this section to its institutions and to state-operated community-based mental health services.	109662 109663 109664 109665
(E) After consultation with and advice from the director of mental retardation and developmental disabilities, the director of rehabilitation and correction, and the director of youth services, the department of mental health ~~shall~~ <u>may</u> provide the goods and services designated in division (C) of this section to the department of mental retardation and developmental disabilities, the department of rehabilitation and correction, and the department of youth services.	109666 109667 109668 109669 109670 109671 109672 109673
(F) The cost of administration of this section shall be determined by the department of mental health and paid by the agencies or free clinics receiving the goods and services to the department for deposit in the state treasury to the credit of the	109674 109675 109676 109677

mental health fund, which is hereby created. The fund shall be 109678
used to pay the cost of administration of this section to the 109679
department. 109680

(G) ~~If the goods or services designated in division (C) of 109681
this section are not provided in a satisfactory manner by the 109682
department of mental health to the agencies described in division 109683
(A) of this section, the director of mental retardation and 109684
developmental disabilities, the director of rehabilitation and 109685
correction, the director of youth services, or the managing 109686
officer of a department of mental health institution shall attempt 109687
to resolve unsatisfactory service with the director of mental 109688
health. If, after such attempt, the provision of goods or services 109689
continues to be unsatisfactory, the director or officer shall 109690
notify the director of mental health. If within thirty days of 109691
such notice the department of mental health does not provide the 109692
specified goods and services in a satisfactory manner, the 109693
director of mental retardation and developmental disabilities, the 109694
director of rehabilitation and correction, the director of youth 109695
services, or the managing officer of the department of mental 109696
health institution shall notify the director of mental health of 109697
the director's or managing officer's intent to cease purchasing 109698
goods and services from the department. Following a sixty-day 109699
cancellation period from the date of such notice, the department 109700
of mental retardation, department of rehabilitation and 109701
correction, department of youth services, or the department of 109702
mental health institution may obtain the goods and services from a 109703
source other than the department of mental health, if the 109704
department certifies to the department of administrative services 109705
that the requirements of this division have been met. 109706~~

(H) Whenever a state agency fails to make a payment for goods 109707
and services provided under this section within thirty-one days 109708
after the date the payment was due, the office of budget and 109709
management may transfer moneys from the state agency to the 109710

department of mental health. The amount transferred shall not	109711
exceed the amount of overdue payments. Prior to making a transfer	109712
under this division, the office of budget and management shall	109713
apply any credits the state agency has accumulated in payments for	109714
goods and services provided under this section.	109715
~~(H)~~ (H) Purchases of goods and services under this section are	109716
not subject to section 307.86 of the Revised Code.	109717
Sec. 5119.61. Any provision in this chapter that refers to a	109718
board of alcohol, drug addiction, and mental health services also	109719
refers to the community mental health board in an alcohol, drug	109720
addiction, and mental health service district that has a community	109721
mental health board.	109722
The director of mental health with respect to all facilities	109723
and programs established and operated under Chapter 340. of the	109724
Revised Code for mentally ill and emotionally disturbed persons,	109725
shall do all of the following:	109726
(A) Adopt rules pursuant to Chapter 119. of the Revised Code	109727
that may be necessary to carry out the purposes of Chapter 340.	109728
and sections 5119.61 to 5119.63 of the Revised Code.	109729
(1) The rules shall include all of the following:	109730
(a) Rules governing a community mental health agency's	109731
services under section 340.091 of the Revised Code to an	109732
individual referred to the agency under division (C)(2) of section	109733
173.35 of the Revised Code;	109734
(b) For the purpose of division (A)(16) of section 340.03 of	109735
the Revised Code, rules governing the duties of mental health	109736
agencies and boards of alcohol, drug addiction, and mental health	109737
services under section 3722.18 of the Revised Code regarding	109738
referrals of individuals with mental illness or severe mental	109739

disability to adult care facilities and effective arrangements for 109740
ongoing mental health services for the individuals. The rules 109741
shall do at least the following: 109742

(i) Provide for agencies and boards to participate fully in 109743
the procedures owners and managers of adult care facilities must 109744
follow under division (A)(2) of section 3722.18 of the Revised 109745
Code; 109746

(ii) Specify the manner in which boards are accountable for 109747
ensuring that ongoing mental health services are effectively 109748
arranged for individuals with mental illness or severe mental 109749
disability who are referred by the board or mental health agency 109750
under contract with the board to an adult care facility. 109751

(c) Rules governing a board of alcohol, drug addiction, and 109752
mental health services when making a report to the director of 109753
health under section 3722.17 of the Revised Code regarding the 109754
quality of care and services provided by an adult care facility to 109755
a person with mental illness or a severe mental disability. 109756

(2) Rules may be adopted to govern the method of paying a 109757
community mental health facility, as defined in section 5111.023 109758
of the Revised Code, for providing services listed in division (B) 109759
of that section. Such rules must be consistent with the contract 109760
entered into between the departments of job and family services 109761
and mental health under section 5111.91 of the Revised Code and 109762
include requirements ensuring appropriate service utilization. 109763

(B) Review and evaluate, and, taking into account the 109764
findings and recommendations of the board of alcohol, drug 109765
addiction, and mental health services of the district served by 109766
the program and the requirements and priorities of the state 109767
mental health plan, including the needs of residents of the 109768
district now residing in state mental institutions, approve and 109769
allocate funds to support community programs, and make 109770

recommendations for needed improvements to boards of alcohol, drug
addiction, and mental health services; 109771
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(C) Withhold state and federal funds for any program, in 109773
whole or in part, from a board of alcohol, drug addiction, and 109774
mental health services in the event of failure of that program to 109775
comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, 109776
or 5119.62 of the Revised Code or rules of the department of 109777
mental health. The director shall identify the areas of 109778
noncompliance and the action necessary to achieve compliance. The 109779
director shall offer technical assistance to the board to achieve 109780
compliance. The director shall give the board a reasonable time 109781
within which to comply or to present its position that it is in 109782
compliance. Before withholding funds, a hearing shall be conducted 109783
to determine if there are continuing violations and that either 109784
assistance is rejected or the board is unable to achieve 109785
compliance. Subsequent to the hearing process, if it is determined 109786
that compliance has not been achieved, the director may allocate 109787
all or part of the withheld funds to a public or private agency to 109788
provide the services not in compliance until the time that there 109789
is compliance. The director shall establish rules pursuant to 109790
Chapter 119. of the Revised Code to implement this division. 109791

(D) Withhold state or federal funds from a board of alcohol, 109792
drug addiction, and mental health services that denies available 109793
service on the basis of religion, race, color, creed, sex, 109794
national origin, age, disability as defined in section 4112.01 of 109795
the Revised Code, developmental disability, or the inability to 109796
pay; 109797

(E) Provide consultative services to community mental health 109798
agencies with the knowledge and cooperation of the board of 109799
alcohol, drug addiction, and mental health services; 109800

(F) Provide to boards of alcohol, drug addiction, and mental 109801
health services state or federal funds, in addition to those 109802

allocated under section 5119.62 of the Revised Code, for special 109803
programs or projects the director considers necessary but for 109804
which local funds are not available; 109805

(G) Establish criteria by which a board of alcohol, drug 109806
addiction, and mental health services reviews and evaluates the 109807
quality, effectiveness, and efficiency of services provided 109808
through its community mental health plan. The criteria shall 109809
include requirements ensuring appropriate service utilization. The 109810
department shall assess a board's evaluation of services and the 109811
compliance of each board with this section, Chapter 340. or 109812
section 5119.62 of the Revised Code, and other state or federal 109813
law and regulations. The department, in cooperation with the 109814
board, periodically shall review and evaluate the quality, 109815
effectiveness, and efficiency of services provided through each 109816
board. The department shall collect information that is necessary 109817
to perform these functions. 109818

(H) Develop and operate a community mental health information 109819
system or systems. 109820

Boards of alcohol, drug abuse, and mental health services 109821
shall submit information requested by the department in the form 109822
and manner prescribed by the department. Information collected by 109823
the department shall include, but not be limited to, all of the 109824
following: 109825

(1) Information regarding units of services provided in whole 109826
or in part under contract with a board, including diagnosis and 109827
special needs, demographic information, the number of units of 109828
service provided, past treatment, financial status, and service 109829
dates in accordance with rules adopted by the department in 109830
accordance with Chapter 119. of the Revised Code; 109831

(2) Financial information other than price or price-related 109832
data regarding expenditures of boards and community mental health 109833

agencies, including units of service provided, budgeted and actual
expenses by type, and sources of funds.

Boards shall submit the information specified in division
(H)(1) of this section no less frequently than annually for each
client, and each time the client's case is opened or closed. The
department shall not collect any personal information ~~for the~~
~~purpose of identifying by name any person who receives a service~~
~~through a board of alcohol, drug addiction, and mental health~~
~~services, from the boards~~ except as required or permitted by state
or federal law ~~to validate appropriate reimbursement. For the~~
~~purposes of division (H)(1) of this section, the department shall~~
~~use an identification system that is consistent with applicable~~
~~nationally recognized standards for purposes related to payment,~~
health care operations, program and service evaluation, reporting
activities, research, system administration, and oversight.

(I) Review each board's community mental health plan
submitted pursuant to section 340.03 of the Revised Code and
approve or disapprove it in whole or in part. Periodically, in
consultation with representatives of boards and after considering
the recommendations of the medical director, the director shall
issue criteria for determining when a plan is complete, criteria
for plan approval or disapproval, and provisions for conditional
approval. The factors that the director considers may include, but
are not limited to, the following:

(1) The mental health needs of all persons residing within
the board's service district, especially severely mentally
disabled children, adolescents, and adults;

(2) The demonstrated quality, effectiveness, efficiency, and
cultural relevance of the services provided in each service
district, the extent to which any services are duplicative of
other available services, and whether the services meet the needs
identified above;

(3) The adequacy of the board's accounting for the expenditure of funds. 109866
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If the director disapproves all or part of any plan, the director shall provide the board an opportunity to present its position. The director shall inform the board of the reasons for the disapproval and of the criteria that must be met before the plan may be approved. The director shall give the board a reasonable time within which to meet the criteria, and shall offer technical assistance to the board to help it meet the criteria. 109868
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If the approval of a plan remains in dispute thirty days prior to the conclusion of the fiscal year in which the board's current plan is scheduled to expire, the board or the director may request that the dispute be submitted to a mutually agreed upon third-party mediator with the cost to be shared by the board and the department. The mediator shall issue to the board and the department recommendations for resolution of the dispute. Prior to the conclusion of the fiscal year in which the current plan is scheduled to expire, the director, taking into consideration the recommendations of the mediator, shall make a final determination and approve or disapprove the plan, in whole or in part. 109875
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Sec. 5119.613. For purposes of Chapter 3722. of the Revised Code, the director of mental health shall approve a standardized form to be used in all areas of this state by adult care facilities and boards of alcohol, drug addiction, and mental health services when entering into mental health resident program participation agreements. As part of approving the form, the director shall specify the requirements that adult care facilities must meet in order to be authorized to admit residents who are receiving or are eligible for publicly funded mental health services. 109886
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Sec. 5119.621. (A) As used in this section, "administrative 109896

<u>function" means a function related to one or more of the</u>	109897
<u>following:</u>	109898
<u>(1) Continuous quality improvement;</u>	109899
<u>(2) Utilization review;</u>	109900
<u>(3) Resource development;</u>	109901
<u>(4) Fiscal administration;</u>	109902
<u>(5) General administration;</u>	109903
<u>(6) Any other function related to administration that is</u>	109904
<u>required by Chapter 340. of the Revised Code.</u>	109905
<u>(B) Each board of alcohol, drug addiction, and mental health</u>	109906
<u>services shall submit an annual report to the department of mental</u>	109907
<u>health specifying how the board used state and federal funds</u>	109908
<u>allocated to the board, according to the formula the director of</u>	109909
<u>mental health establishes under section 5119.62 of the Revised</u>	109910
<u>Code, for administrative functions in the year preceding the</u>	109911
<u>report's submission. The director of mental health shall establish</u>	109912
<u>the date by which the report must be submitted each year.</u>	109913
Sec. 5120.032. (A) No later than January 1, 1998, the	109914
department of rehabilitation and correction ~~shall~~ <u>may</u> develop and	109915
implement intensive program prisons for male and female prisoners	109916
other than prisoners described in division (B)(2) of this section.	109917
The intensive program prisons, <u>if developed and implemented,</u> shall	109918
include institutions at which imprisonment of the type described	109919
in division (B)(2)(a) of section 5120.031 of the Revised Code is	109920
provided and prisons that focus on educational achievement,	109921
vocational training, alcohol and other drug abuse treatment,	109922
community service and conservation work, and other intensive	109923
regimens or combinations of intensive regimens.	109924

(B)(1)(a) Except as provided in division (B)(2) of this section, if one or more intensive program prisons are established under this section, if an offender is sentenced to a term of imprisonment under the custody of the department, if the sentencing court either recommends the prisoner for placement in ~~the an~~ intensive program prison under this section or makes no recommendation on placement of the prisoner, and if the department determines that the prisoner is eligible for placement in an intensive program prison under this section, the department may place the prisoner in an intensive program prison established pursuant to division (A) of this section. If the sentencing court disapproves placement of the prisoner in an intensive program prison, the department shall not place the prisoner in any intensive program prison.

If the sentencing court recommends a prisoner for placement in an intensive program prison and if the department subsequently places the prisoner in the recommended prison, the department shall notify the court of the prisoner's placement in the recommended intensive program prison and shall include with the notice a brief description of the placement.

If the sentencing court recommends placement of a prisoner in an intensive program prison and the department for any reason does not subsequently place the prisoner in the recommended prison, the department shall send a notice to the court indicating why the prisoner was not placed in the recommended prison.

If the sentencing court does not make a recommendation on the placement of a prisoner in an intensive program prison and if the department determines that the prisoner is eligible for placement in a prison of that nature, the department shall screen the prisoner and determine if the prisoner is suited for the prison. If the prisoner is suited for ~~the an~~ intensive program prison, at least three weeks prior to placing the prisoner in the prison, the

department shall notify the sentencing court of the proposed placement of the prisoner in the intensive program prison and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement. If the sentencing court disapproves the placement, the department shall not proceed with it. If the sentencing court does not timely disapprove of the placement, the department may proceed with plans for it.

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If the department determines that a prisoner is not eligible for placement in an intensive program prison, the department shall not place the prisoner in any intensive program prison.

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(b) The department may reduce the stated prison term of a prisoner upon the prisoner's successful completion of a ninety-day period in an intensive program prison. A prisoner whose term has been so reduced shall be required to serve an intermediate, transitional type of detention followed by a release under post-release control sanctions or, in the alternative, shall be placed under post-release control sanctions, as described in division (B)(2)(b)(ii) of section 5120.031 of the Revised Code. In either case, the placement under post-release control sanctions shall be under terms set by the parole board in accordance with section 2967.28 of the Revised Code and shall be subject to the provisions of that section and section 2929.141 of the Revised Code with respect to a violation of any post-release control sanction.

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(2) A prisoner who is in any of the following categories is not eligible to participate in an intensive program prison established pursuant to division (A) of this section:

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(a) The prisoner is serving a prison term for aggravated murder, murder, or a felony of the first or second degree or a comparable offense under the law in effect prior to July 1, 1996, or the prisoner previously has been imprisoned for aggravated

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murder, murder, or a felony of the first or second degree or a comparable offense under the law in effect prior to July 1, 1996.	109989 109990
(b) The prisoner is serving a mandatory prison term, as defined in section 2929.01 of the Revised Code.	109991 109992
(c) The prisoner is serving a prison term for a felony of the third, fourth, or fifth degree that either is a sex offense, an offense betraying public trust, or an offense in which the prisoner caused or attempted to cause actual physical harm to a person, the prisoner is serving a prison term for a comparable offense under the law in effect prior to July 1, 1996, or the prisoner previously has been imprisoned for an offense of that type or a comparable offense under the law in effect prior to July 1, 1996.	109993 109994 109995 109996 109997 109998 109999 110000 110001
(d) The prisoner is serving a mandatory prison term in prison for a third or fourth degree felony OVI offense, as defined in section 2929.01 of the Revised Code, that was imposed pursuant to division (G)(2) of section 2929.13 of the Revised Code.	110002 110003 110004 110005
(C) Upon the implementation of intensive program prisons pursuant to division (A) of this section, the department at all times shall maintain intensive program prisons sufficient in number to reduce the prison terms of at least three hundred fifty prisoners who are eligible for reduction of their stated prison terms as a result of their completion of a regimen in an intensive program prison under this section.	110006 110007 110008 110009 110010 110011 110012
Sec. 5120.033. (A) As used in this section, "third degree felony OVI offense" and "fourth degree felony OVI offense" have the same meanings as in section 2929.01 of the Revised Code.	110013 110014 110015
(B) Within eighteen months after October 17, 1996, the department of rehabilitation and correction ~~shall~~ <u>may</u> develop and implement intensive program prisons for male and female prisoners	110016 110017 110018

who are sentenced pursuant to division (G)(2) of section 2929.13 110019
of the Revised Code to a mandatory prison term for a third or 110020
fourth degree felony OVI offense. ~~The~~If one or more intensive 110021
program prisons are established under this section, the department 110022
~~shall~~may contract pursuant to section 9.06 of the Revised Code 110023
for the private operation and management of the initial intensive 110024
program prison established under this section and may contract 110025
pursuant to that section for the private operation and management 110026
of any other intensive program prison established under this 110027
section. The intensive program prisons, if established under this 110028
section, shall include prisons that focus on educational 110029
achievement, vocational training, alcohol and other drug abuse 110030
treatment, community service and conservation work, and other 110031
intensive regimens or combinations of intensive regimens. 110032

(C) Except as provided in division (D) of this section, the 110033
department may place a prisoner who is sentenced to a mandatory 110034
prison term for a third or fourth degree felony OVI offense in an 110035
intensive program prison established pursuant to division (B) of 110036
this section if the sentencing judge, upon notification by the 110037
department of its intent to place the prisoner in an intensive 110038
program prison, does not notify the department that the judge 110039
disapproves the placement. If the stated prison term imposed on a 110040
prisoner who is so placed is longer than the mandatory prison term 110041
that is required to be imposed on the prisoner, the department may 110042
reduce the stated prison term upon the prisoner's successful 110043
completion of the prisoner's mandatory prison term in an intensive 110044
program prison. A prisoner whose term has been so reduced shall be 110045
required to serve an intermediate, transitional type of detention 110046
followed by a release under post-release control sanctions or, in 110047
the alternative, shall be placed under post-release control 110048
sanctions, as described in division (B)(2)(b)(ii) of section 110049
5120.031 of the Revised Code. In either case, the placement under 110050
post-release control sanctions shall be under terms set by the 110051
parole board in accordance with section 2967.28 of the Revised 110052

Code and shall be subject to the provisions of that section and 110053
section 2929.141 of the Revised Code with respect to a violation 110054
of any post-release control sanction. ~~Upon the establishment of~~ 110055
~~the initial~~ If one or more intensive program prisons are 110056
established pursuant to division (B) of this section ~~that is and~~ 110057
if as described in that division the initial intensive program 110058
prison is to be privately operated and managed by a contractor 110059
pursuant to a contract the department entered into under section 110060
9.06 of the Revised Code, upon the establishment of that initial 110061
intensive program prison the department shall comply with 110062
divisions (G)(2)(a) and (b) of section 2929.13 of the Revised Code 110063
in placing prisoners in intensive program prisons under this 110064
section. 110065

(D) A prisoner who is sentenced to a mandatory prison term 110066
for a third or fourth degree felony OVI offense is not eligible to 110067
participate in an intensive program prison established under 110068
division (B) of this section if any of the following applies 110069
regarding the prisoner: 110070

(1) In addition to the mandatory prison term for the third or 110071
fourth degree felony OVI offense, the prisoner also is serving a 110072
prison term of a type described in division (B)(2)(a), (b), or (c) 110073
of section 5120.032 of the Revised Code. 110074

(2) The prisoner previously has been imprisoned for an 110075
offense of a type described in division (B)(2)(a) or (c) of 110076
section 5120.032 of the Revised Code or a comparable offense under 110077
the law in effect prior to July 1, 1996. 110078

(E) Intensive program prisons established under division (B) 110079
of this section are not subject to section 5120.032 of the Revised 110080
Code. 110081

Sec. 5120.09. Under the supervision and control of the 110082
director of rehabilitation and correction, the division of 110083

business administration shall do all of the following: 110084

(A) Submit the budgets for the several divisions of the 110085
department of rehabilitation and correction, as prepared by the 110086
respective chiefs of those divisions, to the director. The 110087
director, with the assistance of the chief of the division of 110088
business administration, shall compile a departmental budget that 110089
contains all proposals submitted by the chiefs of the divisions 110090
and shall forward the departmental budget to the governor with 110091
comments and recommendations that the director considers 110092
necessary. 110093

(B) Maintain accounts and records and compile statistics that 110094
the director prescribes; 110095

(C) Under the control of the director, coordinate and make 110096
the necessary purchases and requisitions for the department and 110097
its divisions, ~~except as provided under~~ when goods and services 110098
are provided to the department as described in section 5119.16 of 110099
the Revised Code; 110100

(D) Administer within this state federal criminal justice 110101
acts that the governor requires the department to administer. In 110102
order to improve the criminal justice system of this state, the 110103
division of business administration shall apply for, allocate, 110104
disburse, and account for grants that are made available pursuant 110105
to those federal criminal justice acts and grants that are made 110106
available from other federal government sources, state government 110107
sources, or private sources. As used in this division, "criminal 110108
justice system" and "federal criminal justice acts" have the same 110109
meanings as in section 5502.61 of the Revised Code. 110110

(E) Audit the activities of governmental entities, persons as 110111
defined in section 1.59 of the Revised Code, and other types of 110112
nongovernmental entities that are financed in whole or in part by 110113
funds that the department allocates or disburses and that are 110114

derived from grants described in division (D) of this section;	110115
(F) Enter into contracts, including contracts with federal,	110116
state, or local governmental entities, persons as defined in	110117
section 1.59 of the Revised Code, foundations, and other types of	110118
nongovernmental entities, that are necessary for the department to	110119
carry out its duties and that neither the director nor another	110120
section of the Revised Code authorizes another division of the	110121
department to enter;	110122
(G) Exercise other powers and perform other duties that the	110123
director may assign to the division of business administration.	110124
Sec. 5122.31. (A) All certificates, applications, records,	110125
and reports made for the purpose of this chapter and sections	110126
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised	110127
Code, other than court journal entries or court docket entries,	110128
and directly or indirectly identifying a patient or former patient	110129
or person whose hospitalization has been sought under this	110130
chapter, shall be kept confidential and shall not be disclosed by	110131
any person except:	110132
(1) If the person identified, or the person's legal guardian,	110133
if any, or if the person is a minor, the person's parent or legal	110134
guardian, consents, and if the disclosure is in the best interests	110135
of the person, as may be determined by the court for judicial	110136
records and by the chief clinical officer for medical records;	110137
(2) When disclosure is provided for in this chapter or	110138
section 5123.60 of the Revised Code;	110139
(3) That hospitals, boards of alcohol, drug addiction, and	110140
mental health services, and community mental health agencies may	110141
release necessary medical information to insurers and other	110142
third-party payers, including government entities responsible for	110143
processing and authorizing payment, to obtain payment for goods	110144

and services furnished to the patient; 110145

(4) Pursuant to a court order signed by a judge; 110146

(5) That a patient shall be granted access to the patient's 110147
own psychiatric and medical records, unless access specifically is 110148
restricted in a patient's treatment plan for clear treatment 110149
reasons; 110150

(6) That hospitals and other institutions and facilities 110151
within the department of mental health may exchange psychiatric 110152
records and other pertinent information with other hospitals, 110153
institutions, and facilities of the department, and with community 110154
mental health agencies and boards of alcohol, drug addiction, and 110155
mental health services with which the department has a current 110156
agreement for patient care or services. Records and information 110157
that may be released pursuant to this division shall be limited to 110158
medication history, physical health status and history, financial 110159
status, summary of course of treatment in the hospital, summary of 110160
treatment needs, and a discharge summary, if any. 110161

(7) That hospitals within the department, other institutions 110162
and facilities within the department, and community mental health 110163
agencies may exchange psychiatric records and other pertinent 110164
information with other providers of treatment and health services 110165
if the purpose of the exchange is to facilitate continuity of care 110166
for a patient; 110167

(8) That a patient's family member who is involved in the 110168
provision, planning, and monitoring of services to the patient may 110169
receive medication information, a summary of the patient's 110170
diagnosis and prognosis, and a list of the services and personnel 110171
available to assist the patient and the patient's family, if the 110172
patient's treating physician determines that the disclosure would 110173
be in the best interests of the patient. No such disclosure shall 110174
be made unless the patient is notified first and receives the 110175

information and does not object to the disclosure. 110176

~~(8)~~(9) That community mental health agencies may exchange 110177
psychiatric records and certain other information with the board 110178
of alcohol, drug addiction, and mental health services and other 110179
agencies in order to provide services to a person involuntarily 110180
committed to a board. Release of records under this division shall 110181
be limited to medication history, physical health status and 110182
history, financial status, summary of course of treatment, summary 110183
of treatment needs, and discharge summary, if any. 110184

~~(9)~~(10) That information may be disclosed to the executor or 110185
the administrator of an estate of a deceased patient when the 110186
information is necessary to administer the estate; 110187

~~(10)~~(11) That records in the possession of the Ohio 110188
historical society may be released to the closest living relative 110189
of a deceased patient upon request of that relative; 110190

~~(11)~~(12) That information may be disclosed to staff members 110191
of the appropriate board or to staff members designated by the 110192
director of mental health for the purpose of evaluating the 110193
quality, effectiveness, and efficiency of services and determining 110194
if the services meet minimum standards. Information obtained 110195
during such evaluations shall not be retained with the name of any 110196
patient. 110197

~~(12)~~(13) That records pertaining to the patient's diagnosis, 110198
course of treatment, treatment needs, and prognosis shall be 110199
disclosed and released to the appropriate prosecuting attorney if 110200
the patient was committed pursuant to section 2945.38, 2945.39, 110201
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 110202
attorney designated by the board for proceedings pursuant to 110203
involuntary commitment under this chapter. 110204

~~(13)~~(14) That the department of mental health may exchange 110205

psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction to ensure continuity of care for inmates who are receiving mental health services in an institution of the department of rehabilitation and correction. The department shall not disclose those records unless the inmate is notified, receives the information, and does not object to the disclosure. The release of records under this division is limited to records regarding an inmate's medication history, physical health status and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any.

~~(14)~~(15) That a community mental health agency that ceases to operate may transfer to either a community mental health agency that assumes its caseload or to the board of alcohol, drug addiction, and mental health services of the service district in which the patient resided at the time services were most recently provided any treatment records that have not been transferred elsewhere at the patient's request.

(B) Before records are disclosed pursuant to divisions (A)(3), (6), (7), and ~~(8)~~(9) of this section, the custodian of the records shall attempt to obtain the patient's consent for the disclosure. No person shall reveal the contents of a medical record of a patient except as authorized by law.

(C) The managing officer of a hospital who releases necessary medical information under division (A)(3) of this section to allow an insurance carrier or other third party payor to comply with section 5121.43 of the Revised Code shall neither be subject to criminal nor civil liability.

Sec. 5123.049. The director of mental retardation and developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing the authorization and payment of home and community-based services and medicaid case

management services. The rules shall provide for private providers 110238
of the services to receive one hundred per cent of the medicaid 110239
allowable payment amount and for government providers of the 110240
services to receive the federal share of the medicaid allowable 110241
payment, less the amount withheld as a fee under section 5123.0412 110242
of the Revised Code ~~and any amount that may be required by rules~~ 110243
~~adopted under section 5123.0413 of the Revised Code to be~~ 110244
~~deposited into the state MR/DD risk fund.~~ The rules shall 110245
establish the process by which county boards of mental retardation 110246
and developmental disabilities shall certify and provide the 110247
nonfederal share of medicaid expenditures that the county board is 110248
required by sections 5126.059 and 5126.0510 of the Revised Code 110249
to pay. The process shall require a county board to certify that 110250
the county board has funding available at one time for two months 110251
costs for those expenditures. The process may permit a county 110252
board to certify that the county board has funding available at 110253
one time for more than two months costs for those expenditures. 110254

Sec. 5123.0412. (A) The department of mental retardation and 110255
developmental disabilities shall charge each county board of 110256
mental retardation and developmental disabilities an annual fee 110257
equal to one and one-half per cent of the total value of all 110258
medicaid paid claims for home and community-based services 110259
provided during the year to an individual eligible for services 110260
from the county board. No county board shall pass the cost of a 110261
fee charged to the county board under this section on to another 110262
provider of these services. 110263

(B) The fees collected under this section shall be deposited 110264
into the ODMR/DD administration and oversight fund and the ODJFS 110265
administration and oversight fund, both of which are hereby 110266
created in the state treasury. The portion of the fees to be 110267
deposited into the ODMR/DD administration and oversight fund and 110268
the portion of the fees to be deposited into the ODJFS 110269
administration and oversight fund shall be the portion specified 110270

in an interagency agreement entered into under division (C) of
this section. The department of mental retardation and
developmental disabilities shall use the money in the ODMR/DD
administration and oversight fund and the department of job and
family services shall use the money in the ODJFS administration
and oversight fund for both of the following purposes:

(1) ~~The~~ Medicaid administrative costs, including
administrative and oversight costs of medicaid case management
services and home and community-based services. The
administrative and oversight costs of medicaid case management
services and home and community-based services shall include costs
for staff, systems, and other resources the departments need and
dedicate solely to the following duties associated with the
services:

(a) Eligibility determinations;

(b) Training;

(c) Fiscal management;

(d) Claims processing;

(e) Quality assurance oversight;

(f) Other duties the departments identify.

(2) Providing technical support to county boards' local
administrative authority under section 5126.055 of the Revised
Code for the services.

(C) The departments of mental retardation and developmental
disabilities and job and family services shall enter into an
interagency agreement to do both of the following:

(1) Specify which portion of the fees collected under this

section is to be deposited into the ODMR/DD administration and	110298
oversight fund and which portion is to be deposited into the ODJFS	110299
administration and oversight fund;	110300
(2) Provide for the departments to coordinate the staff whose	110301
costs are paid for with money in the ODMR/DD administration and	110302
oversight fund and the ODJFS administration and oversight fund.	110303
(D) The departments shall submit an annual report to the	110304
director of budget and management certifying how the departments	110305
spent the money in the ODMR/DD administration and oversight fund	110306
and the ODJFS administration and oversight fund for the purposes	110307
specified in division (B) of this section.	110308
Sec. 5123.0413. ~~(A) The department of mental retardation and~~	110309
developmental disabilities, in consultation with the department of	110310
job and family services, office of budget and management, and	110311
county boards of mental retardation and developmental	110312
disabilities, shall adopt rules in accordance with Chapter 119. of	110313
the Revised Code ~~no later than January 1, 2002, establishing a~~	110314
~~method of paying for extraordinary costs, including extraordinary~~	110315
~~costs for services to individuals with mental retardation or other~~	110316
~~developmental disability, and ensure the availability of adequate~~	110317
~~funds to establish both of the following~~ in the event a county	110318
property tax levy for services for individuals with mental	110319
retardation or other developmental disability fails. ~~The rules may~~	110320
~~provide for using and managing either or both of the following:~~	110321
~~(1) A state MR/DD risk fund, which is hereby created in the~~	110322
~~state treasury;~~	110323
~~(2) A state insurance against MR/DD risk fund, which is~~	110324
~~hereby created in the state treasury.~~	110325
~~(B) Beginning January 1, 2002, the department of job and~~	110326
~~family services may not request approval from the United States~~	110327

~~secretary of health and human services to increase the number of~~	110328
~~slots for home and community-based services until the rules~~	110329
~~required by division (A) of this section are in effect;~~	110330
 <u>(A) A method of paying for home and community-based services;</u>	110331
 <u>(B) A method of reducing the number of individuals a county</u>	110332
<u>board would otherwise be required by section 5126.0512 of the</u>	110333
<u>Revised Code to ensure are enrolled in a medicaid waiver component</u>	110334
<u>under which home and community-based services are provided.</u>	110335
 Sec. 5123.0417. ~~(A) Using funds available under section~~	110336
~~5112.371 of the Revised Code, the~~ <u>The</u> director of mental	110337
retardation and developmental disabilities shall establish one or	110338
more programs for individuals under twenty-one years of age who	110339
have intensive behavioral needs, including such individuals with	110340
a primary diagnosis of autism spectrum disorder. The programs may	110341
include one or more medicaid waiver components that the director	110342
administers pursuant to section 5111.871 of the Revised Code. The	110343
programs may do one or more of the following:	110344
 (1) Establish models that incorporate elements common to	110345
effective intervention programs and evidence-based practices in	110346
services for children with intensive behavioral needs;	110347
 (2) Design a template for individualized education plans and	110348
individual service plans that provide consistent intervention	110349
programs and evidence-based practices for the care and treatment	110350
of children with intensive behavioral needs;	110351
 (3) Disseminate best practice guidelines for use by families	110352
of children with intensive behavioral needs and professionals	110353
working with such families;	110354
 (4) Develop a transition planning model for effectively	110355
mainstreaming school-age children with intensive behavioral needs	110356

to their public school district;	110357
(5) Contribute to the field of early and effective	110358
identification and intervention programs for children with	110359
intensive behavioral needs by providing financial support for	110360
scholarly research and publication of clinical findings.	110361
(B) The director of mental retardation and developmental	110362
disabilities shall collaborate with the director of job and family	110363
services and consult with the executive director of the Ohio	110364
center for autism and low incidence and university-based programs	110365
that specialize in services for individuals with developmental	110366
disabilities when establishing programs under this section.	110367
Sec. 5123.19. (A) As used in this section and in sections	110368
5123.191, <u>5123.193</u> , 5123.194, 5123.196, <u>5123.197</u> , 5123.198, and	110369
5123.20 of the Revised Code:	110370
(1)(a) "Residential facility" means a home or facility in	110371
which a mentally retarded or developmentally disabled person	110372
resides, except the home of a relative or legal guardian in which	110373
a mentally retarded or developmentally disabled person resides, a	110374
respite care home certified under section 5126.05 of the Revised	110375
Code, a county home or district home operated pursuant to Chapter	110376
5155. of the Revised Code, or a dwelling in which the only	110377
mentally retarded or developmentally disabled residents are in an	110378
independent living arrangement or are being provided supported	110379
living.	110380
(b) "Intermediate care facility for the mentally retarded"	110381
means a residential facility that is considered an intermediate	110382
care facility for the mentally retarded for the purposes of	110383
Chapter 5111. of the Revised Code.	110384
(2) "Political subdivision" means a municipal corporation,	110385
county, or township.	110386

(3) "Independent living arrangement" means an arrangement in which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.

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(4) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.

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(5) "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the definition of "related party" means a person or government entity that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living.

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(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of mental retardation and developmental disabilities unless the residential facility is subject to section 3721.02, 3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding Chapter 3721. of the Revised Code, a nursing home that is certified as an intermediate care facility for the mentally retarded under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for licensure of the portion of the home that is certified as an intermediate care facility for the mentally retarded.

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(C) Subject to section 5123.196 of the Revised Code, the director of mental retardation and developmental disabilities shall license the operation of residential facilities. An initial

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license shall be issued for a period that does not exceed one 110418
year, unless the director denies the license under division (D) of 110419
this section. A license shall be renewed for a period that does 110420
not exceed three years, unless the director refuses to renew the 110421
license under division (D) of this section. The director, when 110422
issuing or renewing a license, shall specify the period for which 110423
the license is being issued or renewed. A license remains valid 110424
for the length of the licensing period specified by the director, 110425
unless the license is terminated, revoked, or voluntarily 110426
surrendered. 110427

(D) If it is determined that an applicant or licensee is not 110428
in compliance with a provision of this chapter that applies to 110429
residential facilities or the rules adopted under such a 110430
provision, the director may deny issuance of a license, refuse to 110431
renew a license, terminate a license, revoke a license, issue an 110432
order for the suspension of admissions to a facility, issue an 110433
order for the placement of a monitor at a facility, issue an order 110434
for the immediate removal of residents, or take any other action 110435
the director considers necessary consistent with the director's 110436
authority under this chapter regarding residential facilities. In 110437
the director's selection and administration of the sanction to be 110438
imposed, all of the following apply: 110439

(1) The director may deny, refuse to renew, or revoke a 110440
license, if the director determines that the applicant or licensee 110441
has demonstrated a pattern of serious noncompliance or that a 110442
violation creates a substantial risk to the health and safety of 110443
residents of a residential facility. 110444

(2) The director may terminate a license if more than twelve 110445
consecutive months have elapsed since the residential facility was 110446
last occupied by a resident or a notice required by division (K) 110447
of this section is not given. 110448

(3) The director may issue an order for the suspension of 110449

admissions to a facility for any violation that may result in 110450
sanctions under division (D)(1) of this section and for any other 110451
violation specified in rules adopted under division (H)(2) of 110452
this section. If the suspension of admissions is imposed for a 110453
violation that may result in sanctions under division (D)(1) of 110454
this section, the director may impose the suspension before 110455
providing an opportunity for an adjudication under Chapter 119. of 110456
the Revised Code. The director shall lift an order for the 110457
suspension of admissions when the director determines that the 110458
violation that formed the basis for the order has been corrected. 110459

(4) The director may order the placement of a monitor at a 110460
residential facility for any violation specified in rules adopted 110461
under division (H)(2) of this section. The director shall lift the 110462
order when the director determines that the violation that formed 110463
the basis for the order has been corrected. 110464

(5) If the director determines that two or more residential 110465
facilities owned or operated by the same person or government 110466
entity are not being operated in compliance with a provision of 110467
this chapter that applies to residential facilities or the rules 110468
adopted under such a provision, and the director's findings are 110469
based on the same or a substantially similar action, practice, 110470
circumstance, or incident that creates a substantial risk to the 110471
health and safety of the residents, the director shall conduct a 110472
survey as soon as practicable at each residential facility owned 110473
or operated by that person or government entity. The director may 110474
take any action authorized by this section with respect to any 110475
facility found to be operating in violation of a provision of this 110476
chapter that applies to residential facilities or the rules 110477
adopted under such a provision. 110478

(6) When the director initiates license revocation 110479
proceedings, no opportunity for submitting a plan of correction 110480
shall be given. The director shall notify the licensee by letter 110481

of the initiation of the proceedings. The letter shall list the	110482
deficiencies of the residential facility and inform the licensee	110483
that no plan of correction will be accepted. The director shall	110484
also send a copy of the letter to the county board of mental	110485
retardation and developmental disabilities. The county board shall	110486
send a copy of the letter to each of the following:	110487
(a) Each resident who receives services from the licensee;	110488
(b) The guardian of each resident who receives services from	110489
the licensee if the resident has a guardian;	110490
(c) The parent or guardian of each resident who receives	110491
services from the licensee if the resident is a minor.	110492
(7) Pursuant to rules which shall be adopted in accordance	110493
with Chapter 119. of the Revised Code, the director may order the	110494
immediate removal of residents from a residential facility	110495
whenever conditions at the facility present an immediate danger of	110496
physical or psychological harm to the residents.	110497
(8) In determining whether a residential facility is being	110498
operated in compliance with a provision of this chapter that	110499
applies to residential facilities or the rules adopted under such	110500
a provision, or whether conditions at a residential facility	110501
present an immediate danger of physical or psychological harm to	110502
the residents, the director may rely on information obtained by a	110503
county board of mental retardation and developmental disabilities	110504
or other governmental agencies.	110505
(9) In proceedings initiated to deny, refuse to renew, or	110506
revoke licenses, the director may deny, refuse to renew, or revoke	110507
a license regardless of whether some or all of the deficiencies	110508
that prompted the proceedings have been corrected at the time of	110509
the hearing.	110510

(E) The director shall establish a program under which public notification may be made when the director has initiated license revocation proceedings or has issued an order for the suspension of admissions, placement of a monitor, or removal of residents. The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this division. The rules shall establish the procedures by which the public notification will be made and specify the circumstances for which the notification must be made. The rules shall require that public notification be made if the director has taken action against the facility in the eighteen-month period immediately preceding the director's latest action against the facility and the latest action is being taken for the same or a substantially similar violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision. The rules shall specify a method for removing or amending the public notification if the director's action is found to have been unjustified or the violation at the residential facility has been corrected.

(F)(1) Except as provided in division (F)(2) of this section, appeals from proceedings initiated to impose a sanction under division (D) of this section shall be conducted in accordance with Chapter 119. of the Revised Code.

(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not

later than thirty days after the department receives the request.	110543
(c) After commencing, the hearing shall continue	110544
uninterrupted, except for Saturdays, Sundays, and legal holidays,	110545
unless other interruptions are agreed to by the licensee and the	110546
director.	110547
(d) If the hearing is conducted by a hearing examiner, the	110548
hearing examiner shall file a report and recommendations not later	110549
than ten days after the last of the following:	110550
(i) The close of the hearing;	110551
(ii) If a transcript of the proceedings is ordered, the	110552
hearing examiner receives the transcript;	110553
(iii) If post-hearing briefs are timely filed, the hearing	110554
examiner receives the briefs.	110555
(e) A copy of the written report and recommendation of the	110556
hearing examiner shall be sent, by certified mail, to the licensee	110557
and the licensee's attorney, if applicable, not later than five	110558
days after the report is filed.	110559
(f) Not later than five days after the hearing examiner files	110560
the report and recommendations, the licensee may file objections	110561
to the report and recommendations.	110562
(g) Not later than fifteen days after the hearing examiner	110563
files the report and recommendations, the director shall issue an	110564
order approving, modifying, or disapproving the report and	110565
recommendations.	110566
(h) Notwithstanding the pendency of the hearing, the director	110567
shall lift the order for the suspension of admissions when the	110568
director determines that the violation that formed the basis for	110569

the order has been corrected. 110570

(G) Neither a person or government agency whose application 110571
for a license to operate a residential facility is denied nor a 110572
related party of the person or government agency may apply for a 110573
license to operate a residential facility before the date that is 110574
one year after the date of the denial. Neither a licensee whose 110575
residential facility license is revoked nor a related party of the 110576
licensee may apply for a residential facility license before the 110577
date that is five years after the date of the revocation. 110578

(H) In accordance with Chapter 119. of the Revised Code, the 110579
director shall adopt and may amend and rescind rules for licensing 110580
and regulating the operation of residential facilities, including 110581
intermediate care facilities for the mentally retarded. The rules 110582
for intermediate care facilities for the mentally retarded may 110583
differ from those for other residential facilities. The rules 110584
shall establish and specify the following: 110585

(1) Procedures and criteria for issuing and renewing 110586
licenses, including procedures and criteria for determining the 110587
length of the licensing period that the director must specify for 110588
each license when it is issued or renewed; 110589

(2) Procedures and criteria for denying, refusing to renew, 110590
terminating, and revoking licenses and for ordering the suspension 110591
of admissions to a facility, placement of a monitor at a facility, 110592
and the immediate removal of residents from a facility; 110593

(3) Fees for issuing and renewing licenses, which shall be 110594
deposited into the program fee fund created under section 5123.033 110595
of the Revised Code; 110596

(4) Procedures for surveying residential facilities; 110597

(5) Requirements for the training of residential facility 110598

personnel;	110599
(6) Classifications for the various types of residential facilities;	110600 110601
(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;	110602 110603 110604 110605
(8) The maximum number of persons who may be served in a particular type of residential facility;	110606 110607
(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	110608 110609
(10) Other standards for the operation of residential facilities and the services provided at residential facilities;	110610 110611
(11) Procedures for waiving any provision of any rule adopted under this section.	110612 110613
(I) Before issuing a license, the director of the department or the director's designee shall conduct a survey of the residential facility for which application is made. The director or the director's designee shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there.	110614 110615 110616 110617 110618 110619 110620 110621 110622
In conducting surveys, the director or the director's designee shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the	110623 110624 110625 110626

facility; and all persons acting on behalf of, under the control 110627
of, or in connection with the licensee. The licensee and all 110628
persons on behalf of, under the control of, or in connection with 110629
the licensee shall cooperate with the director or the director's 110630
designee in conducting the survey. 110631

Following each survey, unless the director initiates a 110632
license revocation proceeding, the director or the director's 110633
designee shall provide the licensee with a report listing any 110634
deficiencies, specifying a timetable within which the licensee 110635
shall submit a plan of correction describing how the deficiencies 110636
will be corrected, and, when appropriate, specifying a timetable 110637
within which the licensee must correct the deficiencies. After a 110638
plan of correction is submitted, the director or the director's 110639
designee shall approve or disapprove the plan. A copy of the 110640
report and any approved plan of correction shall be provided to 110641
any person who requests it. 110642

The director shall initiate disciplinary action against any 110643
department employee who notifies or causes the notification to any 110644
unauthorized person of an unannounced survey of a residential 110645
facility by an authorized representative of the department. 110646

(J) In addition to any other information which may be 110647
required of applicants for a license pursuant to this section, the 110648
director shall require each applicant to provide a copy of an 110649
approved plan for a proposed residential facility pursuant to 110650
section 5123.042 of the Revised Code. This division does not apply 110651
to renewal of a license or to an applicant for an initial or 110652
modified license who meets the requirements of section 5123.193 110653
or 5123.197 of the Revised Code. 110654

(K) A licensee shall notify the owner of the building in 110655
which the licensee's residential facility is located of any 110656
significant change in the identity of the licensee or management 110657
contractor before the effective date of the change if the licensee 110658

is not the owner of the building. 110659

Pursuant to rules which shall be adopted in accordance with 110660
Chapter 119. of the Revised Code, the director may require 110661
notification to the department of any significant change in the 110662
ownership of a residential facility or in the identity of the 110663
licensee or management contractor. If the director determines that 110664
a significant change of ownership is proposed, the director shall 110665
consider the proposed change to be an application for development 110666
by a new operator pursuant to section 5123.042 of the Revised Code 110667
and shall advise the applicant within sixty days of the 110668
notification that the current license shall continue in effect or 110669
a new license will be required pursuant to this section. If the 110670
director requires a new license, the director shall permit the 110671
facility to continue to operate under the current license until 110672
the new license is issued, unless the current license is revoked, 110673
refused to be renewed, or terminated in accordance with Chapter 110674
119. of the Revised Code. 110675

(L) A county board of mental retardation and developmental 110676
disabilities, the legal rights service, and any interested person 110677
may file complaints alleging violations of statute or department 110678
rule relating to residential facilities with the department. All 110679
complaints shall be in writing and shall state the facts 110680
constituting the basis of the allegation. The department shall not 110681
reveal the source of any complaint unless the complainant agrees 110682
in writing to waive the right to confidentiality or until so 110683
ordered by a court of competent jurisdiction. 110684

The department shall adopt rules in accordance with Chapter 110685
119. of the Revised Code establishing procedures for the receipt, 110686
referral, investigation, and disposition of complaints filed with 110687
the department under this division. 110688

(M) The department shall establish procedures for the 110689
notification of interested parties of the transfer or interim care 110690

of residents from residential facilities that are closing or are	110691
losing their license.	110692
(N) Before issuing a license under this section to a	110693
residential facility that will accommodate at any time more than	110694
one mentally retarded or developmentally disabled individual, the	110695
director shall, by first class mail, notify the following:	110696
(1) If the facility will be located in a municipal	110697
corporation, the clerk of the legislative authority of the	110698
municipal corporation;	110699
(2) If the facility will be located in unincorporated	110700
territory, the clerk of the appropriate board of county	110701
commissioners and the fiscal officer of the appropriate board of	110702
township trustees.	110703
The director shall not issue the license for ten days after	110704
mailing the notice, excluding Saturdays, Sundays, and legal	110705
holidays, in order to give the notified local officials time in	110706
which to comment on the proposed issuance.	110707
Any legislative authority of a municipal corporation, board	110708
of county commissioners, or board of township trustees that	110709
receives notice under this division of the proposed issuance of a	110710
license for a residential facility may comment on it in writing to	110711
the director within ten days after the director mailed the notice,	110712
excluding Saturdays, Sundays, and legal holidays. If the director	110713
receives written comments from any notified officials within the	110714
specified time, the director shall make written findings	110715
concerning the comments and the director's decision on the	110716
issuance of the license. If the director does not receive written	110717
comments from any notified local officials within the specified	110718
time, the director shall continue the process for issuance of the	110719
license.	110720

(O) Any person may operate a licensed residential facility	110721
that provides room and board, personal care, habilitation	110722
services, and supervision in a family setting for at least six but	110723
not more than eight persons with mental retardation or a	110724
developmental disability as a permitted use in any residential	110725
district or zone, including any single-family residential district	110726
or zone, of any political subdivision. These residential	110727
facilities may be required to comply with area, height, yard, and	110728
architectural compatibility requirements that are uniformly	110729
imposed upon all single-family residences within the district or	110730
zone.	110731

(P) Any person may operate a licensed residential facility	110732
that provides room and board, personal care, habilitation	110733
services, and supervision in a family setting for at least nine	110734
but not more than sixteen persons with mental retardation or a	110735
developmental disability as a permitted use in any multiple-family	110736
residential district or zone of any political subdivision, except	110737
that a political subdivision that has enacted a zoning ordinance	110738
or resolution establishing planned unit development districts may	110739
exclude these residential facilities from those districts, and a	110740
political subdivision that has enacted a zoning ordinance or	110741
resolution may regulate these residential facilities in	110742
multiple-family residential districts or zones as a conditionally	110743
permitted use or special exception, in either case, under	110744
reasonable and specific standards and conditions set out in the	110745
zoning ordinance or resolution to:	110746

(1) Require the architectural design and site layout of the	110747
residential facility and the location, nature, and height of any	110748
walls, screens, and fences to be compatible with adjoining land	110749
uses and the residential character of the neighborhood;	110750

(2) Require compliance with yard, parking, and sign	110751
regulation;	110752

(3) Limit excessive concentration of these residential facilities.	110753 110754
(Q) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations.	110755 110756 110757 110758
(R) Divisions (O) and (P) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification.	110759 110760 110761 110762 110763 110764
(S)(1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case:	110765 110766 110767
(a) The director determines that an emergency exists requiring immediate placement of persons in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license.	110768 110769 110770 110771 110772 110773
(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility.	110774 110775 110776
(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license.	110777 110778 110779 110780 110781

(3) An interim license shall be valid for thirty days and may
be renewed by the director for a period not to exceed one hundred
fifty days.

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(4) The director shall adopt rules in accordance with Chapter
119. of the Revised Code as the director considers necessary to
administer the issuance of interim licenses.

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(T) Notwithstanding rules adopted pursuant to this section
establishing the maximum number of persons who may be served in a
particular type of residential facility, a residential facility
shall be permitted to serve the same number of persons being
served by the facility on the effective date of the rules or the
number of persons for which the facility is authorized pursuant to
a current application for a certificate of need with a letter of
support from the department of mental retardation and
developmental disabilities and which is in the review process
prior to April 4, 1986.

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(U) The director or the director's designee may enter at any
time, for purposes of investigation, any home, facility, or other
structure that has been reported to the director or that the
director has reasonable cause to believe is being operated as a
residential facility without a license issued under this section.

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The director may petition the court of common pleas of the
county in which an unlicensed residential facility is located for
an order enjoining the person or governmental agency operating the
facility from continuing to operate without a license. The court
may grant the injunction on a showing that the person or
governmental agency named in the petition is operating a
residential facility without a license. The court may grant the
injunction, regardless of whether the residential facility meets
the requirements for receiving a license under this section.

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Sec. 5123.193. An applicant for a residential facility

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<u>license under section 5123.19 of the Revised Code is not required</u>	110813
<u>to obtain approval of a plan for the proposed residential facility</u>	110814
<u>pursuant to section 5123.042 of the Revised Code if all of the</u>	110815
<u>following apply:</u>	110816
<u>(A) All of the following apply to the facility for which the</u>	110817
<u>residential facility license is sought:</u>	110818
<u>(1) It is licensed as a nursing home under section 3721.02 of</u>	110819
<u>the Revised Code on the effective date of this section and the</u>	110820
<u>nursing home license authorizes the facility to have fifty nursing</u>	110821
<u>home beds.</u>	110822
<u>(2) It was previously certified as an intermediate care</u>	110823
<u>facility for the mentally retarded before July 1, 1992.</u>	110824
<u>(3) It is operated as a nonprofit organization exempt from</u>	110825
<u>federal income tax under section 501(c)(3) of the Internal Revenue</u>	110826
<u>Code.</u>	110827
<u>(4) Its governing board has passed a resolution to close the</u>	110828
<u>facility unless a residential facility license is obtained for the</u>	110829
<u>facility.</u>	110830
<u>(B) The license application seeks authorization to operate a</u>	110831
<u>residential facility with not more than twenty-five beds on the</u>	110832
<u>same site on which the facility is operated under its nursing home</u>	110833
<u>license on the effective date of this section.</u>	110834
<u>(C) The applicant applies to the director of health to have</u>	110835
<u>the facility certified as an intermediate care facility for the</u>	110836
<u>mentally retarded.</u>	110837
<u>(D) The applicant agrees to have the nursing home's licensed</u>	110838
<u>capacity reduced to not more than twenty-five nursing home beds</u>	110839
<u>effective on the date the director of developmental disabilities</u>	110840

issues the residential facility license and agrees to surrender 110841
the nursing home license, ending the applicant's right to have 110842
any nursing home beds in the facility, effective on the date the 110843
director of health certifies the facility as an intermediate care 110844
facility for the mentally retarded. 110845

(E) The applicant provides the director of developmental 110846
disabilities assurances that the applicant will cooperate with 110847
the department of job and family services in having each resident 110848
of the facility who needs a greater or lesser level of care than 110849
intermediate care facilities for the mentally retarded provide 110850
relocated to another facility or residence that is authorized to 110851
provide the level of care the resident needs and is willing to 110852
accept the resident's placement in the facility or residence. 110853

(F) The applicant submits the application for the residential 110854
facility license to the director of developmental disabilities not 110855
later than one hundred twenty days after the effective date of 110856
this section. 110857

Sec. 5123.197. Neither an applicant for an initial 110858
residential facility license under section 5123.19 of the Revised 110859
Code nor an applicant for a modification of an existing 110860
residential facility license under that section is required to 110861
obtain approval of a plan for the proposed new residential 110862
facility or modification to the existing residential facility 110863
pursuant to section 5123.042 of the Revised Code if all of the 110864
following apply: 110865

(A) The new residential facility or modification to the 110866
existing residential facility is to serve individuals who have 110867
diagnoses or special care needs for which a medicaid reimbursement 110868
rate is set pursuant to section 5111.258 of the Revised Code; 110869

(B) The directors of job and family services and 110870
developmental disabilities determine that there is a need under 110871

the medicaid program for the proposed new residential facility or 110872
modification to the existing residential facility and that 110873
approving the application for the initial residential facility 110874
license or modification to the existing residential facility 110875
license is fiscally prudent for the medicaid program: 110876

(C) The director of budget and management notifies the 110877
directors of job and family services and developmental 110878
disabilities that the director of budget and management agrees 110879
with the directors' determination under division (B) of this 110880
section. 110881

Sec. 5126.044. (A) As used in this section, "eligible:" 110882

(1) "Eligible person" has the same meaning as in section 110883
5126.03 of the Revised Code. 110884

(2) "Treatment" means the provision, coordination, or 110885
management of services provided to an eligible person. 110886

(3) "Payment" means activities undertaken by a service 110887
provider or governmental entity to obtain or provide reimbursement 110888
for services to an eligible person. 110889

(B) Except as provided in division ~~(D)~~(C) of this section, no 110890
person shall disclose the identity of an individual who requests 110891
programs or services under this chapter or release a record or 110892
report regarding an eligible person that is maintained by a county 110893
board of mental retardation and developmental disabilities or an 110894
entity under contract with a county board unless one of the 110895
following circumstances exists: 110896

(1) The individual, eligible person, or the individual's 110897
guardian, or, if the individual is a minor, the individual's 110898
parent or guardian, makes a written request to the county board or 110899
entity for or approves in writing disclosure of the individual's 110900

identity or release of the record or report regarding the eligible person. 110901
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(2) Disclosure of the identity of an individual is needed for 110903
approval of a direct services contract under section 5126.032 or 110904
5126.033 of the Revised Code. The county board shall release only 110905
the individual's name and the general nature of the services to be 110906
provided. 110907

(3) Disclosure of the identity of the individual is needed to 110908
ascertain that the county board's waiting lists for programs or 110909
services are being maintained in accordance with section 5126.042 110910
of the Revised Code and the rules adopted under that section. The 110911
county board shall release only the individual's name, the general 110912
nature of the programs or services to be provided the individual, 110913
the individual's rank on each waiting list that includes the 110914
individual, and any circumstances under which the individual was 110915
given priority when placed on a waiting list. 110916

(4) Disclosure of the identity of an individual who is an 110917
eligible person is needed for treatment of or payment for services 110918
provided to the individual. 110919

~~(C) A board or entity that discloses an individual's identity 110920~~
~~or releases a record or report regarding an eligible person shall 110921~~
~~maintain a record of when and to whom the disclosure or release 110922~~
~~was made.~~ 110923

~~(D)~~(1) At the request of an eligible person or the person's 110924
guardian or, if the eligible person is a minor, the person's 110925
parent or guardian, a county board or entity under contract with a 110926
county board shall provide the person who made the request access 110927
to records and reports regarding the eligible person. On written 110928
request, the county board or entity shall provide copies of the 110929
records and reports to the eligible person, guardian, or parent. 110930
The county board or entity may charge a reasonable fee to cover 110931

the costs of copying. The county board or entity may waive the fee 110932
in cases of hardship. 110933

(2) A county board shall provide access to any waiting list 110934
or record or report regarding an eligible person maintained by the 110935
board to any state agency responsible for monitoring and reviewing 110936
programs and services provided or arranged by the county board, 110937
any state agency involved in the coordination of services for an 110938
eligible person, and any agency under contract with the department 110939
of mental retardation and developmental disabilities for the 110940
provision of protective service pursuant to section 5123.56 of the 110941
Revised Code. 110942

(3) When an eligible person who requests programs or services 110943
under this chapter dies, the county board or entity under contract 110944
with the county board, shall, on written request, provide to both 110945
of the following persons any reports and records in the board or 110946
entity's possession concerning the eligible person: 110947

(a) If the report or records are necessary to administer the 110948
estate of the person who is the subject of the reports or records, 110949
to the executor or administrator of the person's estate; 110950

(b) To the guardian of the person who is the subject of the 110951
reports or records or, if the individual had no guardian at the 110952
time of death, to a person in the first applicable of the 110953
following categories: 110954

(i) The person's spouse; 110955

(ii) The person's children; 110956

(iii) The person's parents; 110957

(iv) The person's brothers or sisters; 110958

(v) The person's uncles or aunts;	110959
(vi) The person's closest relative by blood or adoption;	110960
(vii) The person's closest relative by marriage.	110961
The county board or entity shall provide the reports and	110962
records as required by division ~~(D)~~ (C)(3) of this section not	110963
later than thirty days after receipt of the request.	110964
~~(E)~~ (D) A county board shall notify an eligible person, the	110965
person's guardian, or, if the eligible person is a minor, the	110966
person's parent or guardian, prior to destroying any record or	110967
report regarding the eligible person.	110968
Sec. 5126.05. (A) Subject to the rules established by the	110969
director of mental retardation and developmental disabilities	110970
pursuant to Chapter 119. of the Revised Code for programs and	110971
services offered pursuant to this chapter, and subject to the	110972
rules established by the state board of education pursuant to	110973
Chapter 119. of the Revised Code for programs and services offered	110974
pursuant to Chapter 3323. of the Revised Code, the county board of	110975
mental retardation and developmental disabilities shall:	110976
(1) Administer and operate facilities, programs, and services	110977
as provided by this chapter and Chapter 3323. of the Revised Code	110978
and establish policies for their administration and operation;	110979
(2) Coordinate, monitor, and evaluate existing services and	110980
facilities available to individuals with mental retardation and	110981
developmental disabilities;	110982
(3) Provide early childhood services, supportive home	110983
services, and adult services, according to the plan and priorities	110984
developed under section 5126.04 of the Revised Code;	110985

(4) Provide or contract for special education services	110986
pursuant to Chapters <u>3306.</u> , 3317., and 3323. of the Revised Code	110987
and ensure that related services, as defined in section 3323.01 of	110988
the Revised Code, are available according to the plan and	110989
priorities developed under section 5126.04 of the Revised Code;	110990
(5) Adopt a budget, authorize expenditures for the purposes	110991
specified in this chapter and do so in accordance with section	110992
319.16 of the Revised Code, approve attendance of board members	110993
and employees at professional meetings and approve expenditures	110994
for attendance, and exercise such powers and duties as are	110995
prescribed by the director;	110996
(6) Submit annual reports of its work and expenditures,	110997
pursuant to sections 3323.09 and 5126.12 of the Revised Code, to	110998
the director, the superintendent of public instruction, and the	110999
board of county commissioners at the close of the fiscal year and	111000
at such other times as may reasonably be requested;	111001
(7) Authorize all positions of employment, establish	111002
compensation, including but not limited to salary schedules and	111003
fringe benefits for all board employees, approve contracts of	111004
employment for management employees that are for a term of more	111005
than one year, employ legal counsel under section 309.10 of the	111006
Revised Code, and contract for employee benefits;	111007
(8) Provide service and support administration in accordance	111008
with section 5126.15 of the Revised Code;	111009
(9) Certify respite care homes pursuant to rules adopted	111010
under section 5123.171 of the Revised Code by the director of	111011
mental retardation and developmental disabilities.	111012
(B) To the extent that rules adopted under this section apply	111013
to the identification and placement of children with disabilities	111014
under Chapter 3323. of the Revised Code, they shall be consistent	111015

with the standards and procedures established under sections 111016
3323.03 to 3323.05 of the Revised Code. 111017

(C) Any county board may enter into contracts with other such 111018
boards and with public or private, nonprofit, or profit-making 111019
agencies or organizations of the same or another county, to 111020
provide the facilities, programs, and services authorized or 111021
required, upon such terms as may be agreeable, and in accordance 111022
with this chapter and Chapter 3323. of the Revised Code and rules 111023
adopted thereunder and in accordance with sections 307.86 and 111024
5126.071 of the Revised Code. 111025

(D) A county board may combine transportation for children 111026
and adults enrolled in programs and services offered under section 111027
5126.12 with transportation for children enrolled in classes 111028
funded under section 3317.20 or units approved under section 111029
3317.05 of the Revised Code. 111030

(E) A county board may purchase all necessary insurance 111031
policies, may purchase equipment and supplies through the 111032
department of administrative services or from other sources, and 111033
may enter into agreements with public agencies or nonprofit 111034
organizations for cooperative purchasing arrangements. 111035

(F) A county board may receive by gift, grant, devise, or 111036
bequest any moneys, lands, or property for the benefit of the 111037
purposes for which the board is established and hold, apply, and 111038
dispose of the moneys, lands, and property according to the terms 111039
of the gift, grant, devise, or bequest. All money received by 111040
gift, grant, bequest, or disposition of lands or property received 111041
by gift, grant, devise, or bequest shall be deposited in the 111042
county treasury to the credit of such board and shall be available 111043
for use by the board for purposes determined or stated by the 111044
donor or grantor, but may not be used for personal expenses of the 111045
board members. Any interest or earnings accruing from such gift, 111046
grant, devise, or bequest shall be treated in the same manner and 111047

subject to the same provisions as such gift, grant, devise, or bequest.

(G) The board of county commissioners shall levy taxes and make appropriations sufficient to enable the county board of mental retardation and developmental disabilities to perform its functions and duties, and may utilize any available local, state, and federal funds for such purpose.

Sec. 5126.054. (A) Each county board of mental retardation and developmental disabilities shall, by resolution, develop a three-calendar year plan that includes the following three components:

(1) An assessment component that includes all of the following:

(a) The number of individuals with mental retardation or other developmental disability residing in the county who need the level of care provided by an intermediate care facility for the mentally retarded, may seek home and community-based services, are given priority for the services pursuant to division (D) of section 5126.042 of the Revised Code; the service needs of those individuals; and the projected annualized cost for services;

(b) The source of funds available to the county board to pay the nonfederal share of medicaid expenditures that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay;

(c) Any other applicable information or conditions that the department of mental retardation and developmental disabilities requires as a condition of approving the component under section 5123.046 of the Revised Code.

(2) (A preliminary implementation component that specifies

the number of individuals to be provided, during the first year	111077
that the plan is in effect, home and community-based services	111078
pursuant to the priority given to them under divisions (D)(1) and	111079
(2) of section 5126.042 of the Revised Code and the types of home	111080
and community-based services the individuals are to receive;	111081
 (3) A component that provides for the implementation of	111082
medicaid case management services and home and community-based	111083
services for individuals who begin to receive the services on or	111084
after the date the plan is approved under section 5123.046 of the	111085
Revised Code. A county board shall include all of the following in	111086
the component:	111087
 (a) If the department of mental retardation and developmental	111088
disabilities or department of job and family services requires, an	111089
agreement to pay the nonfederal share of medicaid expenditures	111090
that the county board is required by sections 5126.059 and	111091
5126.0510 of the Revised Code to pay;	111092
 (b) How the services are to be phased in over the period the	111093
plan covers, including how the county board will serve individuals	111094
on a waiting list established under division (C) of section	111095
5126.042 who are given priority status under division (D)(1) of	111096
that section;	111097
 (c) Any agreement or commitment regarding the county board's	111098
funding of home and community-based services that the county board	111099
has with the department at the time the county board develops the	111100
component;	111101
 (d) Assurances adequate to the department that the county	111102
board will comply with all of the following requirements:	111103
 (i) To provide the types of home and community-based services	111104
specified in the preliminary implementation component required by	111105
division (A)(2) of this section to at least the number of	111106

individuals specified in that component;	111107
(ii) To use any additional funds the county board receives	111108
for the services to improve the county board's resource	111109
capabilities for supporting such services available in the county	111110
at the time the component is developed and to expand the services	111111
to accommodate the unmet need for those services in the county;	111112
(iii) To employ <u>or contract with</u> a business manager ~~who is~~	111113
~~either a new employee who has earned at least a bachelor's degree~~	111114
~~in business administration or a current employee who has the~~	111115
~~equivalent experience of a bachelor's degree in business~~	111116
~~administration~~ <u>or enter into an agreement with another county</u>	111117
<u>board of developmental disabilities that employs or contracts</u>	111118
<u>with a business manager to have the business manager serve both</u>	111119
<u>county boards. If the county board will employ a new employee,</u>	111120
<u>the county board shall include in the component a timeline for</u>	111121
<u>employing the employee. No superintendent of a county board may</u>	111122
<u>serve as the county board's business manager.</u>	111123
(iv) To employ or contract with a medicaid services manager	111124
~~who is either a new employee who has earned at least a bachelor's~~	111125
~~degree or a current employee who has the equivalent experience of~~	111126
~~a bachelor's degree~~ <u>or enter into an agreement with another county</u>	111127
<u>board of developmental disabilities that employs or contracts</u>	111128
<u>with a medicaid services manager to have the medicaid services</u>	111129
<u>manager serve both county boards. If the county board will employ</u>	111130
<u>a new employee, the county board shall include in the component a</u>	111131
<u>timeline for employing the employee. Two or three county boards</u>	111132
<u>that have a combined total enrollment in county board services</u>	111133
<u>not exceeding one thousand individuals as determined pursuant to</u>	111134
<u>certifications made under division (B) of section 5126.12 of the</u>	111135
<u>Revised Code may satisfy this requirement by sharing the services</u>	111136
<u>of a medicaid services manager or using the services of a medicaid</u>	111137
<u>services manager employed by or under contract with a regional</u>	111138

~~council that the county boards establish under section 5126.13 of~~	111139
~~the Revised Code. No superintendent of a county board may serve~~	111140
~~as the county board's medicaid services manager.~~	111141
(e) Programmatic and financial accountability measures and	111142
projected outcomes expected from the implementation of the plan;	111143
(f) Any other applicable information or conditions that the	111144
department requires as a condition of approving the component	111145
under section 5123.046 of the Revised Code.	111146
(B) A county board whose plan developed under division (A) of	111147
this section is approved by the department under section 5123.046	111148
of the Revised Code shall update and renew the plan in accordance	111149
with a schedule the department shall develop.	111150
Sec. 5126.055. (A) Except as provided in section 5126.056	111151
of the Revised Code, a county board of mental retardation and	111152
developmental disabilities has medicaid local administrative	111153
authority to, and shall, do all of the following for an individual	111154
with mental retardation or other developmental disability who	111155
resides in the county that the county board serves and seeks or	111156
receives home and community-based services:	111157
(1) Perform assessments and evaluations of the individual. As	111158
part of the assessment and evaluation process, the county board	111159
shall do all of the following:	111160
(a) Make a recommendation to the department of mental	111161
retardation and developmental disabilities on whether the	111162
department should approve or deny the individual's application for	111163
the services, including on the basis of whether the individual	111164
needs the level of care an intermediate care facility for the	111165
mentally retarded provides;	111166
(b) If the individual's application is denied because of the	111167

county board's recommendation and the individual requests a 111168
hearing under section 5101.35 of the Revised Code, present, with 111169
the department of mental retardation and developmental 111170
disabilities or department of job and family services, whichever 111171
denies the application, the reasons for the recommendation and 111172
denial at the hearing; 111173

(c) If the individual's application is approved, recommend to 111174
the departments of mental retardation and developmental 111175
disabilities and job and family services the services that should 111176
be included in the individual's individualized service plan and, 111177
if either department approves, reduces, denies, or terminates a 111178
service included in the individual's individualized service plan 111179
under section 5111.871 of the Revised Code because of the county 111180
board's recommendation, present, with the department that made the 111181
approval, reduction, denial, or termination, the reasons for the 111182
recommendation and approval, reduction, denial, or termination at 111183
a hearing under section 5101.35 of the Revised Code. 111184

(2) In accordance with the rules adopted under section 111185
5126.046 of the Revised Code, perform the county board's duties 111186
under that section regarding assisting the individual's right to 111187
choose a qualified and willing provider of the services and, at a 111188
hearing under section 5101.35 of the Revised Code, present 111189
evidence of the process for appropriate assistance in choosing 111190
providers; 111191

(3) If the county board is certified under section 5123.161 111192
of the Revised Code to provide the services and agrees to 111193
provide the services to the individual and the individual 111194
chooses the county board to provide the services, furnish, in 111195
accordance with the county board's medicaid provider agreement 111196
and for the authorized reimbursement rate, the services the 111197
individual requires; 111198

(4) Monitor the services provided to the individual and 111199

ensure the individual's health, safety, and welfare. The 111200
monitoring shall include quality assurance activities. If the 111201
county board provides the services, the department of mental 111202
retardation and developmental disabilities shall also monitor the 111203
services. 111204

(5) Develop, with the individual and the provider of the 111205
individual's services, an effective individualized service plan 111206
that includes coordination of services, recommend that the 111207
departments of mental retardation and developmental disabilities 111208
and job and family services approve the plan, and implement the 111209
plan unless either department disapproves it; The individualized 111210
service plan shall include a summary page, agreed to by the county 111211
board, provider, and individual receiving services, that clearly 111212
outlines the amount, duration, and scope of services to be 111213
provided under the plan. 111214

(6) Have an investigative agent conduct investigations under 111215
section 5126.313 of the Revised Code that concern the individual; 111216

(7) Have a service and support administrator perform the 111217
duties under division (B)(9) of section 5126.15 of the Revised 111218
Code that concern the individual. 111219

(B) A county board shall perform its medicaid local 111220
administrative authority under this section in accordance with all 111221
of the following: 111222

(1) The county board's plan that the department of mental 111223
retardation and developmental disabilities approves under section 111224
5123.046 of the Revised Code; 111225

(2) All applicable federal and state laws; 111226

(3) All applicable policies of the departments of mental 111227
retardation and developmental disabilities and job and family 111228

services and the United States department of health and human services;	111229 111230
(4) The department of job and family services' supervision under its authority under section 5111.01 of the Revised Code to act as the single state medicaid agency;	111231 111232 111233
(5) The department of mental retardation and developmental disabilities' oversight.	111234 111235
(C) The departments of mental retardation and developmental disabilities and job and family services shall communicate with and provide training to county boards regarding medicaid local administrative authority granted by this section. The communication and training shall include issues regarding audit protocols and other standards established by the United States department of health and human services that the departments determine appropriate for communication and training. County boards shall participate in the training. The departments shall assess the county board's compliance against uniform standards that the departments shall establish.	111236 111237 111238 111239 111240 111241 111242 111243 111244 111245 111246
(D) A county board may not delegate its medicaid local administrative authority granted under this section but may contract with a person or government entity, including a council of governments, for assistance with its medicaid local administrative authority. A county board that enters into such a contract shall notify the director of mental retardation and developmental disabilities. The notice shall include the tasks and responsibilities that the contract gives to the person or government entity. The person or government entity shall comply in full with all requirements to which the county board is subject regarding the person or government entity's tasks and responsibilities under the contract. The county board remains ultimately responsible for the tasks and responsibilities.	111247 111248 111249 111250 111251 111252 111253 111254 111255 111256 111257 111258 111259

(E) A county board that has medicaid local administrative authority under this section shall, through the departments of mental retardation and developmental disabilities and job and family services, reply to, and cooperate in arranging compliance with, a program or fiscal audit or program violation exception that a state or federal audit or review discovers. The department of job and family services shall timely notify the department of mental retardation and developmental disabilities and the county board of any adverse findings. After receiving the notice, the county board, in conjunction with the department of mental retardation and developmental disabilities, shall cooperate fully with the department of job and family services and timely prepare and send to the department a written plan of correction or response to the adverse findings. The county board is liable for any adverse findings that result from an action it takes or fails to take in its implementation of medicaid local administrative authority.

(F) If the department of mental retardation and developmental disabilities or department of job and family services determines that a county board's implementation of its medicaid local administrative authority under this section is deficient, the department that makes the determination shall require that county board do the following:

(1) If the deficiency affects the health, safety, or welfare of an individual with mental retardation or other developmental disability, correct the deficiency within twenty-four hours;

(2) If the deficiency does not affect the health, safety, or welfare of an individual with mental retardation or other developmental disability, receive technical assistance from the department or submit a plan of correction to the department that is acceptable to the department within sixty days and correct the deficiency within the time required by the plan of correction.

Sec. 5126.0512. (A) As used in this section, "medicaid	111292
waiver component" means a medicaid waiver component as defined in	111293
section 5111.85 of the Revised Code under which home and	111294
community-based services are provided.	111295
 (B) Effective July 1, 2007, <u>and except as provided in rules</u>	111296
<u>adopted under section 5123.0413 of the Revised Code</u> , each county	111297
board of mental retardation and developmental disabilities shall	111298
ensure, for each medicaid waiver component, that the number of	111299
individuals eligible under section 5126.041 of the Revised Code	111300
for services from the county board who are enrolled in a medicaid	111301
waiver component is no less than the sum of the following:	111302
 (1) The number of individuals eligible for services from the	111303
county board who are enrolled in the medicaid waiver component on	111304
June 30, 2007;	111305
 (2) The number of medicaid waiver component slots the county	111306
board requested before July 1, 2007, that were assigned to the	111307
county board before that date but in which no individual was	111308
enrolled before that date.	111309
 (C) An individual enrolled in a medicaid waiver component	111310
after March 1, 2007, due to an emergency reserve capacity waiver	111311
assignment shall not be counted in determining the number of	111312
individuals a county board must ensure under division (B) of this	111313
section are enrolled in a medicaid waiver component.	111314
 (D) An individual who is enrolled in a medicaid waiver	111315
component to comply with the terms of the consent order filed	111316
March 5, 2007, in <i>Martin v. Strickland</i> , Case No. 89-CV-00362, in	111317
the United States district court for the southern district of	111318
Ohio, eastern division, shall be excluded in determining whether a	111319
county board has complied with division (B) of this section.	111320
 (E) A county board shall make as many requests for	111321

individuals to be enrolled in a medicaid waiver component as 111322
necessary for the county board to comply with division (B) of this 111323
section. 111324

Sec. 5126.19. (A) The director of mental retardation and 111325
developmental disabilities may grant temporary funding from the 111326
community mental retardation and developmental disabilities trust 111327
fund based on allocations to county boards of mental retardation 111328
and developmental disabilities. The director may distribute all or 111329
part of the funding directly to a county board, the persons who 111330
provide the services for which the funding is granted, or persons 111331
with mental retardation or developmental disabilities who are to 111332
receive those services. 111333

(B) Funding granted under division (A) of this section shall 111334
be granted according to the availability of moneys in the fund and 111335
priorities established by the director. Funding may be granted for 111336
any of the following purposes: 111337

(1) Behavioral or short-term interventions for persons with 111338
mental retardation or developmental disabilities that assist them 111339
in remaining in the community by preventing institutionalization; 111340

(2) Emergency respite care services, as defined in section 111341
5126.11 of the Revised Code; 111342

(3) Family support services provided under section 5126.11 of 111343
the Revised Code; 111344

(4) Supported living, as defined in section 5126.01 of the 111345
Revised Code; 111346

(5) Staff training for county board employees, employees of 111347
providers of residential services as defined in section 5126.01 of 111348
the Revised Code, and other personnel under contract with a county 111349
board, to provide the staff with necessary training in serving 111350

mentally retarded or developmentally disabled persons in the community; 111351
111352

(6) Short-term provision of early childhood services provided 111353
under section 5126.05, adult services provided under sections 111354
5126.05 and 5126.051, and service and support administration 111355
provided under section 5126.15 of the Revised Code, when local 111356
moneys are insufficient to meet the need for such services due to 111357
the successive failure within a two-year period of three or more 111358
proposed levies for the services; 111359

(7) Contracts with providers of residential services to 111360
maintain persons with mental retardation and developmental 111361
disabilities in their programs and avoid institutionalization. 111362

(C) If the trust fund contains more than ten million dollars 111363
on the first day of July the director shall use one million 111364
dollars for payments under section 5126.18 of the Revised Code, 111365
two million dollars for subsidies to county boards for supported 111366
living, and one million dollars for subsidies to county boards 111367
for early childhood services and adult services provided under 111368
section 5126.05 of the Revised Code. Distributions of funds under 111369
this division shall be made prior to August 31 of the state fiscal 111370
year in which the funds are available. The funds shall be 111371
allocated to a county board in an amount equal to the same 111372
percentage of the total amount allocated to the county board the 111373
immediately preceding state fiscal year. 111374

~~(D) In addition to making grants under division (A) of this 111375
section, the director may use money available in the trust fund 111376
for the same purposes that rules adopted under section 5123.0413 111377
of the Revised Code provide for money in the state MR/DD risk fund 111378
and the state insurance against MR/DD risk fund, both created 111379
under that section, to be used. 111380~~

Sec. 5126.24. (A) As used in this section: 111381

(1) "License" means an educator license issued by the state board of education under section 3319.22 of the Revised Code or a certificate issued by the department of mental retardation and developmental disabilities.	111382 111383 111384 111385
(2) "Teacher" means a person employed by a county board of mental retardation and developmental disabilities in a position that requires a license.	111386 111387 111388
(3) "Nonteaching employee" means a person employed by a county board of mental retardation and developmental disabilities in a position that does not require a license.	111389 111390 111391
(4) "Years of service" includes all service described in division (A) of section 3317.13 of the Revised Code.	111392 111393
(B) Subject to rules established by the director of mental retardation and developmental disabilities pursuant to Chapter 119. of the Revised Code, each county board of mental retardation and developmental disabilities shall annually adopt separate salary schedules for teachers and nonteaching employees.	111394 111395 111396 111397 111398
(C) The teachers' salary schedule shall provide for increments based on training and years of service. The board may establish its own service requirements provided no teacher receives less than the salary the teacher would be paid under section 3317.13 of the Revised Code if the teacher were employed by a school district board of education and provided full credit for a minimum of five years of actual teaching and military experience as defined in division (A) of such section is given to each teacher.	111399 111400 111401 111402 111403 111404 111405 111406 111407
Each teacher who has completed training that would qualify the teacher for a higher salary bracket pursuant to this section shall file by the fifteenth day of September with the fiscal	111408 111409 111410

officer of the board, satisfactory evidence of the completion of 111411
such additional training. The fiscal officer shall then 111412
immediately place the teacher, pursuant to this section, in the 111413
proper salary bracket in accordance with training and years of 111414
service. No teacher shall be paid less than the salary to which 111415
the teacher would be entitled under section 3317.13 of the Revised 111416
Code if the teacher were employed by a school district board of 111417
education. 111418

The superintendent of each county board, on or before the 111419
fifteenth day of October of each year, shall certify to the state 111420
board of education the name of each teacher employed, on an annual 111421
salary, in each special education program operated pursuant to 111422
section 3323.09 of the Revised Code during the first full school 111423
week of October. The superintendent further shall certify, for 111424
each teacher, the number of years of training completed at a 111425
recognized college, the degrees earned from a college recognized 111426
by the state board, the type of license held, the number of months 111427
employed by the board, the annual salary, and other information 111428
that the state board may request. 111429

(D) The nonteaching employees' salary schedule established by 111430
the board shall be based on training, experience, and 111431
qualifications with initial salaries no less than salaries in 111432
effect on July 1, 1985. Each board shall prepare and may amend 111433
from time to time, specifications descriptive of duties, 111434
responsibilities, requirements, and desirable qualifications of 111435
the classifications of employees required to perform the duties 111436
specified in the salary schedule. All nonteaching employees shall 111437
be notified of the position classification to which they are 111438
assigned and the salary for the classification. The compensation 111439
of all nonteaching employees working for a particular board shall 111440
be uniform for like positions except as compensation would be 111441
affected by salary increments based upon length of service. 111442

On the fifteenth day of October of each year the nonteaching employees' salary schedule and list of job classifications and salaries in effect on that date shall be filed by each board with the superintendent of public instruction. If such salary schedule and classification plan is not filed, the superintendent of public instruction shall order the board to file such schedule and list forthwith. If this condition is not corrected within ten days after receipt of the order from the superintendent, no money shall be distributed to the district under Chapter 3306. or 3317. of the Revised Code until the superintendent has satisfactory evidence of the board's full compliance with such order.

Sec. 5139.43. (A) The department of youth services shall operate a felony delinquent care and custody program that shall be operated in accordance with the formula developed pursuant to section 5139.41 of the Revised Code, subject to the conditions specified in this section.

(B)(1) Each juvenile court shall use the moneys disbursed to it by the department of youth services pursuant to division (B) of section 5139.41 of the Revised Code in accordance with the applicable provisions of division (B)(2) of this section and shall transmit the moneys to the county treasurer for deposit in accordance with this division. The county treasurer shall create in the county treasury a fund that shall be known as the felony delinquent care and custody fund and shall deposit in that fund the moneys disbursed to the juvenile court pursuant to division (B) of section 5139.41 of the Revised Code. The county treasurer also shall deposit into that fund the state subsidy funds granted to the county pursuant to section 5139.34 of the Revised Code. The moneys disbursed to the juvenile court pursuant to division (B) of section 5139.41 of the Revised Code and deposited pursuant to this division in the felony delinquent care and custody fund shall not be commingled with any other county funds except state subsidy funds granted to the county pursuant to section 5139.34 of the

Revised Code; shall not be used for any capital construction 111476
projects; upon an order of the juvenile court and subject to 111477
appropriation by the board of county commissioners, shall be 111478
disbursed to the juvenile court for use in accordance with the 111479
applicable provisions of division (B)(2) of this section; shall 111480
not revert to the county general fund at the end of any fiscal 111481
year; and shall carry over in the felony delinquent care and 111482
custody fund from the end of any fiscal year to the next fiscal 111483
year. ~~At~~The maximum balance carry-over at the end of each 111484
respective fiscal year, beginning June 30, 2008, the balance in 111485
the felony delinquent care and custody fund in any county shall 111486
not exceed the total moneys from funds allocated to the county 111487
pursuant to sections 5139.34 and 5139.41 of the Revised Code 111488
during in the previous fiscal year shall not exceed an amount to 111489
be calculated as provided in the formula set forth in this 111490
division, unless that county has applied for and been granted an 111491
exemption by the director of youth services. Beginning June 30, 111492
2008, the maximum balance carry-over at the end of each respective 111493
fiscal year shall be determined by the following formula: for 111494
fiscal year 2008, the maximum balance carry-over shall be one 111495
hundred per cent of the allocation for fiscal year 2007, to be 111496
applied in determining the fiscal year 2009 allocation; for fiscal 111497
year 2009, it shall be fifty per cent of the allocation for fiscal 111498
year 2008, to be applied in determining the fiscal year 2010 111499
allocation; for fiscal year 2010, it shall be twenty-five per cent 111500
of the allocation for fiscal year 2009, to be applied in 111501
determining the fiscal year 2011 allocation; and for each fiscal 111502
year subsequent to fiscal year 2010, it shall be twenty-five per 111503
cent of the allocation for the immediately preceding fiscal year, 111504
to be applied in determining the allocation for the next immediate 111505
fiscal year. The department shall withhold from future payments to 111506
a county an amount equal to any moneys in the felony delinquent 111507
care and custody fund of the county that exceed the total ~~moneys~~ 111508
~~allocated pursuant to those sections to the county during the~~ 111509
~~preceding fiscal year~~maximum balance carry-over that applies for 111510

that county for the fiscal year in which the payments are being 111511
made and shall reallocate the withheld amount. The department 111512
shall adopt rules for the withholding and reallocation of moneys 111513
disbursed under sections 5139.34 and 5139.41 of the Revised Code 111514
and for the criteria and process for a county to obtain an 111515
exemption from the withholding requirement. The moneys disbursed 111516
to the juvenile court pursuant to division (B) of section 5139.41 111517
of the Revised Code and deposited pursuant to this division in 111518
the felony delinquent care and custody fund shall be in addition 111519
to, and shall not be used to reduce, any usual annual increase in 111520
county funding that the juvenile court is eligible to receive or 111521
the current level of county funding of the juvenile court and of 111522
any programs or services for delinquent children, unruly 111523
children, or juvenile traffic offenders. 111524

(2)(a) A county and the juvenile court that serves the county 111525
shall use the moneys in its felony delinquent care and custody 111526
fund in accordance with rules that the department of youth 111527
services adopts pursuant to division (D) of section 5139.04 of the 111528
Revised Code and as follows: 111529

(i) The moneys in the fund that represent state subsidy funds 111530
granted to the county pursuant to section 5139.34 of the Revised 111531
Code shall be used to aid in the support of prevention, early 111532
intervention, diversion, treatment, and rehabilitation programs 111533
that are provided for alleged or adjudicated unruly children or 111534
delinquent children or for children who are at risk of becoming 111535
unruly children or delinquent children. The county shall not use 111536
for capital improvements more than fifteen per cent of the moneys 111537
in the fund that represent the applicable annual grant of those 111538
state subsidy funds. 111539

(ii) The moneys in the fund that were disbursed to the 111540
juvenile court pursuant to division (B) of section 5139.41 of the 111541
Revised Code and deposited pursuant to division (B)(1) of this 111542

section in the fund shall be used to provide programs and services 111543
for the training, treatment, or rehabilitation of felony 111544
delinquents that are alternatives to their commitment to the 111545
department, including, but not limited to, community residential 111546
programs, day treatment centers, services within the home, and 111547
electronic monitoring, and shall be used in connection with 111548
training, treatment, rehabilitation, early intervention, or other 111549
programs or services for any delinquent child, unruly child, or 111550
juvenile traffic offender who is under the jurisdiction of the 111551
juvenile court. 111552

The fund also may be used for prevention, early intervention, 111553
diversion, treatment, and rehabilitation programs that are 111554
provided for alleged or adjudicated unruly children, delinquent 111555
children, or juvenile traffic offenders or for children who are at 111556
risk of becoming unruly children, delinquent children, or juvenile 111557
traffic offenders. Consistent with division (B)(1) of this 111558
section, a county and the juvenile court of a county shall not use 111559
any of those moneys for capital construction projects. 111560

(iii) Moneys in the fund shall not be used to support 111561
programs or services that do not comply with federal juvenile 111562
justice and delinquency prevention core requirements or to support 111563
programs or services that research has shown to be ineffective. 111564

(iv) The county and the juvenile court that serves the 111565
county may use moneys in the fund to provide out-of-home 111566
placement of children only in detention centers, community 111567
rehabilitation centers, or community corrections facilities 111568
approved by the department pursuant to standards adopted by the 111569
department, licensed by an authorized state agency, or accredited 111570
by the American correctional association or another national 111571
organization recognized by the department. 111572

(b) Each juvenile court shall comply with division (B)(3)(d) 111573
of this section as implemented by the department. If a juvenile 111574

court fails to comply with division (B)(3)(d) of this section, the 111575
department shall not be required to make any disbursements in 111576
accordance with division (C) or (D) of section 5139.41 or division 111577
(C)(2) of section 5139.34 of the Revised Code. 111578

(3) In accordance with rules adopted by the department 111579
pursuant to division (D) of section 5139.04 of the Revised Code, 111580
each juvenile court and the county served by that juvenile court 111581
shall do all of the following that apply: 111582

(a) The juvenile court shall prepare an annual grant 111583
agreement and application for funding that satisfies the 111584
requirements of this section and section 5139.34 of the Revised 111585
Code and that pertains to the use, upon an order of the juvenile 111586
court and subject to appropriation by the board of county 111587
commissioners, of the moneys in its felony delinquent care and 111588
custody fund for specified programs, care, and services as 111589
described in division (B)(2)(a) of this section, shall submit that 111590
agreement and application to the county family and children first 111591
council, the regional family and children first council, or the 111592
local intersystem services to children cluster as described in 111593
sections 121.37 and 121.38 of the Revised Code, whichever is 111594
applicable, and shall file that agreement and application with the 111595
department for its approval. The annual grant agreement and 111596
application for funding shall include a method of ensuring equal 111597
access for minority youth to the programs, care, and services 111598
specified in it. 111599

The department may approve an annual grant agreement and 111600
application for funding only if the juvenile court involved has 111601
complied with the preparation, submission, and filing requirements 111602
described in division (B)(3)(a) of this section. If the juvenile 111603
court complies with those requirements and the department approves 111604
that agreement and application, the juvenile court and the county 111605
served by the juvenile court may expend the state subsidy funds 111606

granted to the county pursuant to section 5139.34 of the Revised Code only in accordance with division (B)(2)(a) of this section, the rules pertaining to state subsidy funds that the department adopts pursuant to division (D) of section 5139.04 of the Revised Code, and the approved agreement and application.

(b) By the thirty-first day of August of each year, the juvenile court shall file with the department a report that contains all of the statistical and other information for each month of the prior state fiscal year. If the juvenile court fails to file the report required by division (B)(3)(b) of this section by the thirty-first day of August of any year, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant to section 5139.34 of the Revised Code and shall not disburse pursuant to division (B) of section 5139.41 of the Revised Code the applicable allocation until the juvenile court fully complies with division (B)(3)(b) of this section.

(c) If the department requires the juvenile court to prepare monthly statistical reports and to submit the reports on forms provided by the department, the juvenile court shall file those reports with the department on the forms so provided. If the juvenile court fails to prepare and submit those monthly statistical reports within the department's timelines, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant to section 5139.34 of the Revised Code and shall not disburse pursuant to division (B) of section 5139.41 of the Revised Code the applicable allocation until the juvenile court fully complies with division (B)(3)(c) of this section. If the juvenile court fails to prepare and submit those monthly statistical reports within one hundred eighty days of the date the department establishes for their submission, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant

to section 5139.34 of the Revised Code and shall not disburse 111640
pursuant to division (B) of section 5139.41 of the Revised Code 111641
the applicable allocation, and the state subsidy funds and the 111642
remainder of the applicable allocation shall revert to the 111643
department. If a juvenile court states in a monthly statistical 111644
report that the juvenile court adjudicated within a state fiscal 111645
year five hundred or more children to be delinquent children for 111646
committing acts that would be felonies if committed by adults and 111647
if the department determines that the data in the report may be 111648
inaccurate, the juvenile court shall have an independent auditor 111649
or other qualified entity certify the accuracy of the data on a 111650
date determined by the department. 111651

(d) If the department requires the juvenile court and the 111652
county to participate in a fiscal monitoring program or another 111653
monitoring program that is conducted by the department to ensure 111654
compliance by the juvenile court and the county with division (B) 111655
of this section, the juvenile court and the county shall 111656
participate in the program and fully comply with any guidelines 111657
for the performance of audits adopted by the department pursuant 111658
to that program and all requests made by the department pursuant 111659
to that program for information necessary to reconcile fiscal 111660
accounting. If an audit that is performed pursuant to a fiscal 111661
monitoring program or another monitoring program described in this 111662
division determines that the juvenile court or the county used 111663
moneys in the county's felony delinquent care and custody fund for 111664
expenses that are not authorized under division (B) of this 111665
section, within forty-five days after the department notifies the 111666
county of the unauthorized expenditures, the county either shall 111667
repay the amount of the unauthorized expenditures from the county 111668
general revenue fund to the state's general revenue fund or shall 111669
file a written appeal with the department. If an appeal is timely 111670
filed, the director of the department shall render a decision on 111671
the appeal and shall notify the appellant county or its juvenile 111672
court of that decision within forty-five days after the date that 111673

the appeal is filed. If the director denies an appeal, the
county's fiscal agent shall repay the amount of the unauthorized
expenditures from the county general revenue fund to the state's
general revenue fund within thirty days after receiving the
director's notification of the appeal decision.

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(C) The determination of which county a reduction of the
care and custody allocation will be charged against for a
particular youth shall be made as outlined below for all youths
who do not qualify as public safety beds. The determination of
which county a reduction of the care and custody allocation will
be charged against shall be made as follows until each youth is
released:

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(1) In the event of a commitment, the reduction shall be
charged against the committing county.

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(2) In the event of a recommitment, the reduction shall be
charged against the original committing county until the
expiration of the minimum period of institutionalization under the
original order of commitment or until the date on which the youth
is admitted to the department of youth services pursuant to the
order of recommitment, whichever is later. Reductions of the
allocation shall be charged against the county that recommitted
the youth after the minimum expiration date of the original
commitment.

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(3) In the event of a revocation of a release on parole, the
reduction shall be charged against the county that revokes the
youth's parole.

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(D) A juvenile court is not precluded by its allocation
amount for the care and custody of felony delinquents from
committing a felony delinquent to the department of youth services
for care and custody in an institution or a community corrections
facility when the juvenile court determines that the commitment is

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appropriate. 111705

Sec. 5153.163. (A) As used in this section, "adoptive 111706
parent" means, as the context requires, a prospective adoptive 111707
parent or an adoptive parent. 111708

(B)(1) Before a child's adoption is finalized, a public 111709
children services agency ~~shall~~may enter into an agreement with 111710
the child's adoptive parent under which the agency ~~shall~~, to the 111711
extent state funds are available, may make state adoption 111712
maintenance subsidy payments as needed on behalf of the child when 111713
all of the following apply: 111714

(a) The child is a child with special needs. 111715

(b) The child was placed in the adoptive home by a public 111716
children services agency or a private child placing agency and may 111717
legally be adopted. 111718

(c) The adoptive parent has the capability of providing the 111719
permanent family relationships needed by the child. 111720

(d) The needs of the child are beyond the economic resources 111721
of the adoptive parent. 111722

(e) Acceptance of the child as a member of the adoptive 111723
parent's family would not be in the child's best interest without 111724
payments on the child's behalf under this section. 111725

(f) The gross income of the adoptive parent's family does not 111726
exceed one hundred twenty per cent of the median income of a 111727
family of the same size, including the child, as most recently 111728
determined for this state by the secretary of health and human 111729
services under Title XX of the "Social Security Act," 88 Stat. 111730
2337, 42 U.S.C.A. 1397, as amended. 111731

(g) The child is not eligible for adoption assistance 111732
payments under Title IV-E of the "Social Security Act," 94 Stat. 111733
501 (1980), 42 U.S.C.A. 671, as amended. 111734

(2) State adoption maintenance subsidy payment agreements 111735
must be made by either the public children services agency that 111736
has permanent custody of the child or the public children services 111737
agency of the county in which the private child placing agency 111738
that has permanent custody of the child is located. 111739

(3) State adoption maintenance subsidy payments shall be made 111740
in accordance with the agreement between the public children 111741
services agency and the adoptive parent and are subject to an 111742
annual redetermination of need. 111743

(4) Payments under this division may begin either before or 111744
after issuance of the final adoption decree, except that payments 111745
made before issuance of the final adoption decree may be made only 111746
while the child is living in the adoptive parent's home. 111747
Preadoption payments may be made for not more than twelve months, 111748
unless the final adoption decree is not issued within that time 111749
because of a delay in court proceedings. Payments that begin 111750
before issuance of the final adoption decree may continue after 111751
its issuance. 111752

(C)(1) If, after the child's adoption is finalized, a public 111753
children services agency considers a child residing in the county 111754
served by the agency to be in need of public care or protective 111755
services, the agency may, to the extent state funds are 111756
~~appropriated~~available for this purpose, enter into an agreement 111757
with the child's adoptive parent under which the agency ~~shall~~may 111758
make post adoption special services subsidy payments on behalf of 111759
the child as needed when both of the following apply: 111760

(a) The child has a physical or developmental handicap or 111761
mental or emotional condition that either: 111762

(i) Existed before the adoption petition was filed; or	111763
(ii) Developed after the adoption petition was filed and can be directly attributed to factors in the child's preadoption background, medical history, or biological family's background or medical history.	111764 111765 111766 111767
(b) The agency determines the expenses necessitated by the child's handicap or condition are beyond the adoptive parent's economic resources.	111768 111769 111770
(2) Services for which a public children services agency may make post adoption special services subsidy payments on behalf of a child under this division shall include medical, surgical, psychiatric, psychological, and counseling services, including residential treatment.	111771 111772 111773 111774 111775
(3) The department of job and family services shall establish clinical standards to evaluate a child's physical or developmental handicap or mental or emotional condition and assess the child's need for services.	111776 111777 111778 111779
(4) The total dollar value of post adoption special services subsidy payments made on a child's behalf shall not exceed ten thousand dollars in any fiscal year, unless the department determines that extraordinary circumstances exist that necessitate further funding of services for the child. Under such extraordinary circumstances, the value of the payments made on the child's behalf shall not exceed fifteen thousand dollars in any fiscal year.	111780 111781 111782 111783 111784 111785 111786 111787
(5) The adoptive parent or parents of a child who receives post adoption special services subsidy payments shall pay at least five per cent of the total cost of all services provided to the child; except that a public children services agency may waive	111788 111789 111790 111791

this requirement if the gross annual income of the child's	111792
adoptive family is not more than two hundred per cent of the	111793
federal poverty guideline.	111794
(6) A public children services agency may use other sources	111795
of revenue to make post adoption special services subsidy	111796
payments, in addition to any state funds appropriated for that	111797
purpose.	111798
(D) No payment shall be made under division (B) or (C) of	111799
this section on behalf of any person eighteen years of age or	111800
older beyond the end of the school year during which the person	111801
attains the age of eighteen or on behalf of a mentally or	111802
physically handicapped person twenty-one years of age or older.	111803
(E) The director of job and family services shall adopt rules	111804
in accordance with Chapter 119. of the Revised Code that are	111805
needed to implement this section. The rules shall establish all of	111806
the following:	111807
(1) The application process for all forms of assistance	111808
provided under this section;	111809
(2) The method to determine the amount of assistance payable	111810
under division (B) of this section;	111811
(3) The definition of "child with special needs" for this	111812
section;	111813
(4) The process whereby a child's continuing need for	111814
services provided under division (B) of this section is annually	111815
redetermined;	111816
(5) The method of determining the amount, duration, and scope	111817
of services provided to a child under division (C) of this	111818
section;	111819

(6) Any other rule, requirement, or procedure the department
considers appropriate for the implementation of this section.

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(F) The state adoption special services subsidy program
ceases to exist on July 1, 2004, except that, subject to the
findings of the annual redetermination process established under
division (E) of this section and the child's individual need for
services, a public children services agency may continue to
provide state adoption special services subsidy payments on behalf
of a child for whom payments were being made prior to July 1,
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(G) No public children services agency shall, pursuant to
either section 2151.353 or 5103.15 of the Revised Code, place or
maintain a child with special needs who is in the permanent
custody of an institution or association certified by the
department of job and family services under section 5103.03 of the
Revised Code in a setting other than with a person seeking to
adopt the child, unless the agency has determined and redetermined
at intervals of not more than six months the impossibility of
adoption by a person ~~listed pursuant to division (B), (C), or (D)~~
~~of section 5103.154 of the Revised Code~~ who wishes to adopt
children, and is approved by an agency so empowered under Chapter
5103. of the Revised Code, or by a person who wishes to adopt a
child with special needs as defined in rules adopted under this
section, and who is approved by an agency so empowered under
Chapter 5103. of the Revised Code, including the impossibility of
entering into a payment agreement with such a person. The agency
so maintaining such a child shall report its reasons for doing so
to the department of job and family services.

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The department may take any action permitted under section
5101.24 of the Revised Code for an agency's failure to determine,
redetermine, and report on a child's status.

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Sec. 5155.38. As used in this section, "long-term care bed" 111851
has the same meaning as in section 3702.51 of the Revised Code. 111852

The operator of each county home and each county nursing home 111853
shall, not later than November 1, 2009, certify to the director of 111854
health the number of long-term care beds that were in operation in 111855
the home on July 1, 1993. The certification shall be accompanied 111856
by any documentation requested by the director. 111857

Sec. 5501.04. The following divisions are hereby established 111858
in the department of transportation: 111859

(A) The division of business services; 111860

(B) The division of engineering policy; 111861

(C) The division of finance; 111862

(D) The division of human resources; 111863

(E) The division of information technology; 111864

(F) The division of multi-modal planning and programs; 111865

(G) The division of project management; 111866

(H) The division of equal opportunity. 111867

The director of transportation shall distribute the duties, 111868
powers, and functions of the department among the divisions of the 111869
department. 111870

Each division shall be headed by a deputy director, whose 111871
title shall be designated by the director, and shall include those 111872
other officers and employees as may be necessary to carry out the 111873
work of the division. The director shall appoint the deputy 111874
director of each division, who shall be in the unclassified civil 111875

service of the state and shall serve at the pleasure of the 111876
director. The director shall supervise the work of each division 111877
and shall be responsible for the determination of general policies 111878
in the performance of the duties, powers, and functions of the 111879
department and of each division. The director shall have complete 111880
executive charge of the department, shall be responsible for the 111881
organization, direction, and supervision of the work of the 111882
department and the performance of the duties, powers, and 111883
functions assigned to each division, and may establish necessary 111884
administrative units therein. The deputy director of each 111885
division, with the approval of the director and subject to Chapter 111886
124. of the Revised Code, shall appoint the necessary employees of 111887
the division and may remove such employees for cause. 111888

The division of equal opportunity shall ensure that minority 111889
groups and all groups protected by state and federal civil rights 111890
laws are afforded equal opportunity to be recruited, trained, and 111891
work in the employment of or on projects of the department of 111892
transportation, and to participate in contracts awarded by the 111893
department. The director of transportation each year shall report 111894
to the governor and the general assembly on the division's 111895
activities and accomplishments. 111896

Sec. 5502.01. (A) The department of public safety shall 111897
administer and enforce the laws relating to the registration, 111898
licensing, sale, and operation of motor vehicles and the laws 111899
pertaining to the licensing of drivers of motor vehicles. 111900

The department shall compile, analyze, and publish statistics 111901
relative to motor vehicle accidents and the causes of them, 111902
prepare and conduct educational programs for the purpose of 111903
promoting safety in the operation of motor vehicles on the 111904
highways, and conduct research and studies for the purpose of 111905
promoting safety on the highways of this state. 111906

(B) The department shall administer the laws and rules 111907

relative to trauma and emergency medical services specified in Chapter 4765. of the Revised Code.	111908 111909
(C) The department shall administer and enforce the laws contained in Chapters 4301. and 4303. of the Revised Code and enforce the rules and orders of the liquor control commission pertaining to retail liquor permit holders.	111910 111911 111912 111913
(D) The department shall administer the laws governing the state emergency management agency and shall enforce all additional duties and responsibilities as prescribed in the Revised Code related to emergency management services.	111914 111915 111916 111917
(E) The department shall conduct investigations pursuant to Chapter 5101. of the Revised Code in support of the duty of the department of job and family services to administer ~~food stamp programs~~ <u>the supplemental nutrition assistance program</u> throughout this state. The department of public safety shall conduct investigations necessary to protect the state's property rights and interests in the ~~food stamp~~ <u>supplemental nutrition assistance</u> program.	111918 111919 111920 111921 111922 111923 111924 111925
(F) The department of public safety shall enforce compliance with orders and rules of the public utilities commission and applicable laws in accordance with Chapters 4919., 4921., and 4923. of the Revised Code regarding commercial motor vehicle transportation safety, economic, and hazardous materials requirements.	111926 111927 111928 111929 111930 111931
(G) Notwithstanding Chapter 4117. of the Revised Code, the department of public safety may establish requirements for its enforcement personnel, including its enforcement agents described in section 5502.14 of the Revised Code, that include standards of conduct, work rules and procedures, and criteria for eligibility as law enforcement personnel.	111932 111933 111934 111935 111936 111937

(H) The department shall administer, maintain, and operate the Ohio criminal justice network. The Ohio criminal justice network shall be a computer network that supports state and local criminal justice activities. The network shall be an electronic repository for various data, which may include arrest warrants, notices of persons wanted by law enforcement agencies, criminal records, prison inmate records, stolen vehicle records, vehicle operator's licenses, and vehicle registrations and titles.

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(I) The department shall coordinate all homeland security activities of all state agencies and shall be a liaison between state agencies and local entities for those activities and related purposes.

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(J) Beginning July 1, 2004, the department shall administer and enforce the laws relative to private investigators and security service providers specified in Chapter 4749. of the Revised Code.

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(K) The department shall administer criminal justice services in accordance with sections 5502.61 to 5502.66 of the Revised Code.

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Sec. 5502.12. (A) The accident reports submitted pursuant to section 5502.11 of the Revised Code shall be for the use of the director of public safety for purposes of statistical, safety, and other studies. The law enforcement agency that submitted a report shall furnish a copy of such report and associated documents to any person claiming an interest arising out of a motor vehicle accident, or to the person's attorney, upon the payment of a nonrefundable fee ~~that shall not exceed~~ of four dollars or the amount approved by the board of county commissioners of the county in which the law enforcement agency is located as provided in division (B) of this section. With respect to accidents investigated by the state highway patrol, the director of public safety shall furnish to such person all related reports and

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statements upon the payment of a nonrefundable fee of four 111970
dollars. The cost of photographs or any other electronic format 111971
shall be a four-dollar fee in addition to the nonrefundable 111972
four-dollar fee for the accident report, whether the report was 111973
submitted by the state highway patrol or another law enforcement 111974
agency. A law enforcement agency may charge a fee that is in 111975
excess of four dollars for photographs and other electronic 111976
formats if such a fee is approved by a board of county 111977
commissioners of the county in which the law enforcement agency is 111978
located as provided in division (B) of this section. 111979

Such state highway patrol reports, statements, and 111980
photographs, in the discretion of the director of public safety, 111981
may be withheld until all criminal prosecution has been concluded; 111982
the director of public safety may require proof, satisfactory to 111983
the director, of the right of any applicant to be furnished such 111984
documents. 111985

(B) If, after the effective date of this amendment, the state 111986
highway patrol is authorized to charge a nonrefundable fee in 111987
excess of four dollars for an accident report relating to an 111988
accident investigated by the state highway patrol and all related 111989
reports and statements or a fee in excess of four dollars for 111990
photographs or other electronic formats related to an accident 111991
report, a law enforcement agency described in section 5502.11 of 111992
the Revised Code shall be authorized to charge that same fee for 111993
an accident report relating to an accident investigated by that 111994
law enforcement agency and all related reports and statements or 111995
for photographs or other electronic formats related to an accident 111996
report investigated by that law enforcement agency upon approval 111997
of the board of county commissioners of the county in which that 111998
law enforcement agency is located. 111999

Sec. 5502.14. (A) As used in this section, "felony" has the 112000
same meaning as in section 109.511 of the Revised Code. 112001

(B)(1) Any person who is employed by the department of public safety and designated by the director of public safety to enforce Title XLIII of the Revised Code, the rules adopted under it, and the laws and rules regulating the use of ~~food stamps~~supplemental nutrition assistance program benefits shall be known as an enforcement agent. The employment by the department of public safety and the designation by the director of public safety of a person as an enforcement agent shall be subject to division (D) of this section. An enforcement agent has the authority vested in peace officers pursuant to section 2935.03 of the Revised Code to keep the peace, to enforce all applicable laws and rules on any retail liquor permit premises, or on any other premises of public or private property, where a violation of Title XLIII of the Revised Code or any rule adopted under it is occurring, and to enforce all laws and rules governing the use of ~~food stamp coupons~~supplemental nutrition assistance program benefits, women, infants, and children's coupons, electronically transferred benefits, or any other access device that is used alone or in conjunction with another access device to obtain payments, allotments, benefits, money, goods, or other things of value, or that can be used to initiate a transfer of funds, pursuant to the ~~food stamps~~supplemental nutrition assistance program established under the "~~Food Stamp and Nutrition Act of 1977," 91 Stat. 958, 2008 (7 U.S.C.A. 2011, as amended, et seq.)~~ or any supplemental food program administered by any department of this state pursuant to the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing compliance with the laws and rules described in this division, may keep the peace and make arrests for violations of those laws and rules.

(2) In addition to the authority conferred by division (B)(1) of this section, an enforcement agent also may execute search warrants and seize and take into custody any contraband, as defined in section 2901.01 of the Revised Code, or any property that is otherwise necessary for evidentiary purposes related to

any violations of the laws or rules described in division (B)(1) 112036
of this section. An enforcement agent may enter public or private 112037
premises where activity alleged to violate the laws or rules 112038
described in division (B)(1) of this section is occurring. 112039

(3) Enforcement agents who are on, immediately adjacent to, 112040
or across from retail liquor permit premises and who are 112041
performing investigative duties relating to that premises, 112042
enforcement agents who are on premises that are not liquor permit 112043
premises but on which a violation of Title XLIII of the Revised 112044
Code or any rule adopted under it allegedly is occurring, and 112045
enforcement agents who view a suspected violation of Title XLIII 112046
of the Revised Code, of a rule adopted under it, or of another law 112047
or rule described in division (B)(1) of this section have the 112048
authority to enforce the laws and rules described in division 112049
(B)(1) of this section, authority to enforce any section in Title 112050
XXIX of the Revised Code or any other section of the Revised Code 112051
listed in section 5502.13 of the Revised Code if they witness a 112052
violation of the section under any of the circumstances described 112053
in this division, and authority to make arrests for violations of 112054
the laws and rules described in division (B)(1) of this section 112055
and violations of any of those sections. 112056

(4) The jurisdiction of an enforcement agent under division 112057
(B) of this section shall be concurrent with that of the peace 112058
officers of the county, township, or municipal corporation in 112059
which the violation occurs. 112060

(C) Enforcement agents of the department of public safety who 112061
are engaged in the enforcement of the laws and rules described in 112062
division (B)(1) of this section may carry concealed weapons when 112063
conducting undercover investigations pursuant to their authority 112064
as law enforcement officers and while acting within the scope of 112065
their authority pursuant to this chapter. 112066

(D)(1) The department of public safety shall not employ, and 112067

the director of public safety shall not designate, a person as an enforcement agent on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the person previously has been convicted of or has pleaded guilty to a felony.

(2)(a) The department of public safety shall terminate the employment of a person who is designated as an enforcement agent and who does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the enforcement agent agrees to surrender the certificate awarded to that agent under section 109.77 of the Revised Code.

(b) The department shall suspend the employment of a person who is designated as an enforcement agent if the person is convicted, after trial, of a felony. If the enforcement agent files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if no timely appeal is filed, the department shall terminate the employment of that agent. If the enforcement agent files an appeal that results in that agent's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against the agent, the department shall reinstate the agent. An enforcement agent who is reinstated under division (D)(2)(b) of this section shall not receive any back pay unless the conviction of that agent of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the agent of the felony.

(3) Division (D) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension or termination of the employment of a person designated as an enforcement agent under division (D)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

Sec. 5502.15. Any funding provided or made available by the United States or by any agency designated and authorized by the United States government for the purposes of enforcing compliance with ~~food stamp~~supplemental nutrition assistance program laws shall be expended by the department of public safety for those purposes.

Sec. 5505.15. (A)(1) A member of the state highway patrol retirement system shall contribute ten per cent of the member's annual salary to the state highway patrol retirement fund. The amount shall be deducted by the employer from the employee's salary for each payroll period.

(2) The total contributions arising from deductions made prior to January 1, 1966, from the salaries of members in the employ of the state highway patrol and standing to the credit of their individual accounts in the retirement fund shall be transferred and credited to their respective individual accounts in the employees' savings fund.

(B) The state shall annually pay into the employer accumulation fund, in monthly or less frequent installments as the state highway patrol retirement board requires, ~~an amount that shall be a certain percentage of the total salaries paid contributing members and shall be known as the "employer contribution."~~The employer contribution shall be an amount equal to twenty-six and one-half per cent of the total salaries paid contributing members. If a member severs connection with the patrol or is dismissed, the employer contribution shall remain in the retirement system.

The rate percentage of the employer contribution shall be certified by the board to the director of budget and management and shall not be lower than nine per cent of the total salaries paid contributing members and shall not exceed three times the rate percentage being deducted from the annual salaries of contributing members. The board shall prepare and submit to the director, on or before the first day of November of each even-numbered year, an estimate of the amounts necessary to pay the state's obligations accruing during the biennium beginning the first day of July of the following year. Such amounts shall be included in the budget and allocated as certified by the board.

Sec. 5505.152. (A) As used in this section, "entry age normal actuarial cost method" means an actuarial cost method under which the actuarial present value of the projected benefits of each individual included in the valuation is allocated on a level basis over the earnings or service of the individual between the entry age and the assumed exit age, with the portion of the actuarial present value that is allocated to the valuation year to be the normal cost and the portion of the actuarial present value not provided for at the valuation date by the actuarial present value of future normal costs to be the actuarial accrued liability. Under this method, the actuarial gains or losses are reflected as they occur in a decrease or increase in the unfunded actuarial accrued liability.

(B) The Ohio retirement study council shall annually review the adequacy of the contribution rates provided under divisions (A) and (B) of section 5505.15 of the Revised Code and the contribution rates recommended in a report by the actuary of the state highway patrol retirement system for the forthcoming year.

The actuarial calculations used by the actuary shall be based on the entry age normal actuarial cost method, and the adequacy of the contribution rates shall be reported on the basis of that

method. The Ohio retirement study council shall make 112162
recommendations to the general assembly that it finds necessary 112163
for the proper financing of the benefits of the state highway 112164
patrol retirement system. 112165

Sec. 5525.26. Except as provided in federal law, if a 112166
project for the construction, reconstruction, or other improvement 112167
to a road or highway is administered by the department of 112168
transportation or any local public authority authorized under 112169
division (C) of section 5501.03 of the Revised Code, if the 112170
project is located in a municipal corporation with a population of 112171
at least four hundred thousand that is in a county with a 112172
population of at least one million two hundred thousand, and if 112173
the project is funded with at least one hundred thousand dollars 112174
from a political subdivision, then a contractor for the project 112175
shall comply with regulations or ordinances of the political 112176
subdivision that are in effect before July 1, 2009, and that 112177
specifically relate to the employment of residents and local 112178
businesses of the political subdivision in the performance of the 112179
work of the project, and such ordinances or regulations shall be 112180
included by reference unambiguously in the contract between the 112181
department of transportation or public authority and the 112182
contractor for the project. 112183

Sec. 5537.051. (A)(1) In any county that as of January 1, 112184
2009, had closed one or more roads as a result of grade separation 112185
failure at intersections of a turnpike project with a county or 112186
township road, the Ohio turnpike commission is responsible for 112187
the major maintenance and repair and replacement of such failed 112188
grade separations. The governmental entity with jurisdiction over 112189
the county or township road is responsible for routine 112190
maintenance of such failed grade separations. 112191

(2) This section does not apply to any grade separation at 112192
intersections of a turnpike project with a county or township road 112193

except as described in division (A)(1) of this section. 112194

(B) As used in this section: 112195

(1) "Major maintenance and repair and replacement" relates to 112196
all elements constructed as part of or required for a grade 112197
separation, including box culverts, bridges, pile, foundations, 112198
substructures, abutments, piers, superstructures, approach slabs, 112199
slopes, approaches, embankments, railing, guardrails, drainage 112200
facilities including headwalls, and underdrains, inlets, catch 112201
basins and grates, fences, and appurtenances. Major maintenance 112202
and repair includes the painting and the repair of deteriorated or 112203
damaged elements to restore the structural integrity of any grade 112204
separation including embankments. 112205

(2) "Routine maintenance" includes, without limitation, 112206
clearing debris, sweeping, snow and ice removal, wearing surface 112207
improvements, marking for traffic control, minor and emergency 112208
repairs to railing and appurtenances, and emergency patching. 112209

Sec. 5701.11. The effective date to which this section 112210
refers is the effective date of this section as amended by ~~Sub.~~ 112211
H.B. 4581 of the ~~127th~~128th general assembly. 112212

(A)(1) Except as provided under division (A)(2) or (B) of 112213
this section, any reference in Title LVII of the Revised Code to 112214
the Internal Revenue Code, to the Internal Revenue Code "as 112215
amended," to other laws of the United States, or to other laws of 112216
the United States, "as amended," means the Internal Revenue Code 112217
or other laws of the United States as they exist on the effective 112218
date. 112219

(2) This section does not apply to any reference in Title 112220
LVII of the Revised Code to the Internal Revenue Code as of a date 112221
certain specifying the day, month, and year, or to other laws of 112222
the United States as of a date certain specifying the day, month, 112223

and year. 112224

(B)(1) For purposes of applying section 5733.04, 5745.01, or 112225
5747.01 of the Revised Code to a taxpayer's taxable year ending 112226
after December ~~21, 2007~~30, 2008, and before the effective date, 112227
a taxpayer may irrevocably elect to incorporate the provisions 112228
of the Internal Revenue Code or other laws of the United States 112229
that are in effect for federal income tax purposes for that 112230
taxable year if those provisions differ from the provisions 112231
that, under division (A) of this section, would otherwise apply. 112232
The filing by the taxpayer for that taxable year of a report or 112233
return that incorporates the provisions of the Internal Revenue 112234
Code or other laws of the United States applicable for federal 112235
income tax purposes for that taxable year, and that does not 112236
include any adjustments to reverse the effects of any 112237
differences between those provisions and the provisions that 112238
would otherwise apply, constitutes the making of an irrevocable 112239
election under this division for that taxable year. 112240

(2) Elections under prior versions of division (B)(1) of this 112241
section remain in effect for the taxable years to which they 112242
apply. 112243

Sec. 5703.21. (A) Except as provided in divisions (B) and 112244
(C) of this section, no agent of the department of taxation, 112245
except in the agent's report to the department or when called on 112246
to testify in any court or proceeding, shall divulge any 112247
information acquired by the agent as to the transactions, 112248
property, or business of any person while acting or claiming to 112249
act under orders of the department. Whoever violates this 112250
provision shall thereafter be disqualified from acting as an 112251
officer or employee or in any other capacity under appointment or 112252
employment of the department. 112253

(B)(1) For purposes of an audit pursuant to section 117.15 of 112254
the Revised Code, or an audit of the department pursuant to 112255

Chapter 117. of the Revised Code, or an audit, pursuant to that 112256
chapter, the objective of which is to express an opinion on a 112257
financial report or statement prepared or issued pursuant to 112258
division (A)(7) or (9) of section 126.21 of the Revised Code, the 112259
officers and employees of the auditor of state charged with 112260
conducting the audit shall have access to and the right to examine 112261
any state tax returns and state tax return information in the 112262
possession of the department to the extent that the access and 112263
examination are necessary for purposes of the audit. Any 112264
information acquired as the result of that access and examination 112265
shall not be divulged for any purpose other than as required for 112266
the audit or unless the officers and employees are required to 112267
testify in a court or proceeding under compulsion of legal 112268
process. Whoever violates this provision shall thereafter be 112269
disqualified from acting as an officer or employee or in any other 112270
capacity under appointment or employment of the auditor of state. 112271

(2) For purposes of an internal audit pursuant to section 112272
126.45 of the Revised Code, the officers and employees of the 112273
office of internal auditing in the office of budget and management 112274
charged with conducting the internal audit shall have access to 112275
and the right to examine any state tax returns and state tax 112276
return information in the possession of the department to the 112277
extent that the access and examination are necessary for purposes 112278
of the internal audit. Any information acquired as the result of 112279
that access and examination shall not be divulged for any purpose 112280
other than as required for the internal audit or unless the 112281
officers and employees are required to testify in a court or 112282
proceeding under compulsion of legal process. Whoever violates 112283
this provision shall thereafter be disqualified from acting as an 112284
officer or employee or in any other capacity under appointment or 112285
employment of the office of internal auditing. 112286

(3) As provided by section 6103(d)(2) of the Internal Revenue 112287
Code, any federal tax returns or federal tax information that the 112288

department has acquired from the internal revenue service, through 112289
federal and state statutory authority, may be disclosed to the 112290
auditor of state or the office of internal auditing solely for 112291
purposes of an audit of the department. 112292

(4) For purposes of Chapter 3739. of the Revised Code, an 112293
agent of the department of taxation may share information with the 112294
division of state fire marshal that the agent finds during the 112295
course of an investigation. 112296

(C) Division (A) of this section does not prohibit any of the 112297
following: 112298

(1) Divulging information contained in applications, 112299
complaints, and related documents filed with the department under 112300
section 5715.27 of the Revised Code or in applications filed with 112301
the department under section 5715.39 of the Revised Code; 112302

(2) Providing information to the office of child support 112303
within the department of job and family services pursuant to 112304
section 3125.43 of the Revised Code; 112305

(3) Disclosing to the board of motor vehicle collision repair 112306
registration any information in the possession of the department 112307
that is necessary for the board to verify the existence of an 112308
applicant's valid vendor's license and current state tax 112309
identification number under section 4775.07 of the Revised Code; 112310

(4) Providing information to the administrator of workers' 112311
compensation pursuant to sections 4123.271 and 4123.591 of the 112312
Revised Code; 112313

(5) Providing to the attorney general information the 112314
department obtains under division (J) of section 1346.01 of the 112315
Revised Code; 112316

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5745.16 of the Revised Code;	112317 112318 112319 112320
(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;	112321 112322 112323 112324 112325 112326 112327 112328
(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;	112329 112330
(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;	112331 112332 112333 112334 112335
(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;	112336 112337
(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;	112338 112339 112340 112341 112342
(12) Disclosing to the department of natural resources information in the possession of the department that is necessary to verify the taxpayer's compliance with division (A)(1), (8), or (9) of section 5749.02 of the Revised Code;	112343 112344 112345 112346

(13) Disclosing to the department of job and family services,
industrial commission, and bureau of workers' compensation
information in the possession of the department of taxation solely
for the purpose of identifying employers that misclassify
employees as independent contractors or that fail to properly
report and pay employer tax liabilities. The department of
taxation shall disclose only such information that is necessary
to verify employer compliance with law administered by those
agencies.

Sec. 5703.37. ~~Whenever~~(A)(1) Except as provided in division
(B) of this section, whenever service of a notice or order is
required in the manner provided in this section, a ~~certified~~ copy
of the ~~order or notice or order~~ shall be served upon the person
affected thereby either by personal service or by certified mail.
~~Within the time specified in an order of the department of~~
~~taxation, every person upon whom it is served, if required by the~~
~~order, shall notify the department, by personal service, certified~~
~~mail, or a delivery service authorized under section 5703.056 of~~
~~the Revised Code, whether the terms of the order are accepted and~~
~~will be obeyed~~that notifies the tax commissioner of the date of
delivery.

(2) With the permission of the person affected by the notice
or order, the commissioner may enter into a written agreement to
deliver a notice or order by alternative means as provided in this
section, including, but not limited to, delivery by secure
electronic mail. Delivery by such means satisfies the requirements
for delivery under this section.

(B)(1)(a) If certified mail is returned because of an
undeliverable address, the commissioner shall first utilize
reasonable means to ascertain a new last known address, including
the use of a change of address service offered by the United
States postal service. If, after using reasonable means, the

commissioner is unable to ascertain a new last known address, the 112379
assessment is final for purposes of section 131.02 of the Revised 112380
Code sixty days after the notice or order sent by certified mail 112381
is first returned to the commissioner, and the commissioner shall 112382
certify the notice or order, if applicable, to the attorney 112383
general for collection under section 131.02 of the Revised Code. 112384

(b) Notwithstanding certification to the attorney general 112385
under division (B)(1)(a) of this section, once the commissioner or 112386
attorney general, or the designee of either, makes an initial 112387
contact with the person to whom the notice or order is directed, 112388
the person may protest an assessment by filing a petition for 112389
reassessment within sixty days after the initial contact. The 112390
certification of an assessment under division (B)(1)(a) of this 112391
section is prima-facie evidence that delivery is complete and that 112392
the notice or order is served. 112393

(2) If mailing of a notice or order by certified mail is 112394
returned for some cause other than an undeliverable address, the 112395
tax commissioner shall resend the notice or order by ordinary 112396
mail. The notice or order shall show the date the commissioner 112397
sends the notice or order and include the following statement: 112398

"This notice or order is deemed to be served on the addressee 112399
under applicable law ten days from the date this notice or order 112400
was mailed by the commissioner as shown on the notice or order, 112401
and all periods within which an appeal may be filed apply from and 112402
after that date." 112403

Unless the mailing is returned because of an undeliverable 112404
address, the mailing of that information is prima-facie evidence 112405
that delivery of the notice or order was completed ten days after 112406
the commissioner sent the notice or order by ordinary mail and 112407
that the notice or order was served. 112408

If the ordinary mail is subsequently returned because of an 112409

undeliverable address, the commissioner shall proceed under 112410
division (B)(1)(a) of this section. A person may challenge the 112411
presumption of delivery and service under this division in 112412
accordance with division (C) of this section. 112413

(C)(1) A person disputing the presumption of delivery and 112414
service under division (B) of this section bears the burden of 112415
proving by a preponderance of the evidence that the address to 112416
which the notice or order was sent was not an address with which 112417
the person was associated at the time the commissioner originally 112418
mailed the notice or order by certified mail. For the purposes of 112419
this section, a person is associated with an address at the time 112420
the commissioner originally mailed the notice or order if, at that 112421
time, the person was residing, receiving legal documents, or 112422
conducting business at the address; or if, before that time, the 112423
person had conducted business at the address and, when the notice 112424
or order was mailed, the person's agent or the person's affiliate 112425
was conducting business at the address. For the purposes of this 112426
section, a person's affiliate is any other person that, at the 112427
time the notice or order was mailed, owned or controlled at least 112428
twenty per cent, as determined by voting rights, of the 112429
addressee's business. 112430

(2) If the person elects to protest an assessment certified 112431
to the attorney general for collection, the person must do so 112432
within sixty days after the attorney general's initial contact 112433
with the person. The attorney general may enter into a compromise 112434
with the person under sections 131.02 and 5703.06 of the Revised 112435
Code if the person does not file a petition for reassessment with 112436
the tax commissioner. 112437

(D) Nothing in this section prohibits the tax commissioner or 112438
the commissioner's designee from delivering a notice or order by 112439
personal service. 112440

(E) Collection actions taken pursuant to section 131.02 of 112441

the Revised Code upon any assessment being challenged under 112442
division (B)(1)(b) of this section shall be stayed upon the 112443
pendency of an appeal under this section. If a petition for 112444
reassessment is filed pursuant to this section on a claim that has 112445
been certified to the attorney general for collection, the claim 112446
shall be uncertified. 112447

(F) As used in this section: 112448

(1) "Last known address" means the address the department has 112449
at the time the document is originally sent by certified mail, or 112450
any address the department can ascertain using reasonable means 112451
such as the use of a change of address service offered by the 112452
United States postal service. 112453

(2) "Undeliverable address" means an address to which the 112454
United States postal service is not able to deliver a notice or 112455
order, except when the reason for nondelivery is because the 112456
addressee fails to acknowledge or accept the notice or order. 112457

Sec. 5703.80. There is hereby created in the state treasury 112458
the property tax administration fund. All money to the credit of 112459
the fund shall be used to defray the costs incurred by the 112460
department of taxation in administering the taxation of property 112461
and the equalization of real property valuation. 112462

Each fiscal year between the first and fifteenth days of 112463
July, the tax commissioner shall compute the following amounts for 112464
the property in each taxing district in each county, and certify 112465
to the director of budget and management the sum of those amounts 112466
for all taxing districts in all counties: 112467

(A) For fiscal year ~~2006~~2010, ~~thirty-three~~forty-two 112468
hundredths of one per cent of the total amount by which taxes 112469
charged against real property on the general tax list of real and 112470
public utility property were reduced under section 319.302 of the 112471

Revised Code for the preceding tax year;	112472
(B) For fiscal year ~~2007~~ 2011 and thereafter, ~~thirty-five~~ <u>forty-eight</u> hundredths of one per cent of the total amount by	112473 112474
which taxes charged against real property on the general tax list	112475
of real and public utility property were reduced under section	112476
319.302 of the Revised Code for the preceding tax year;	112477
(C) For fiscal year ~~2006~~ 2010, ~~one-half~~ <u>eight-tenths</u> of one	112478
per cent of the total amount of taxes charged and payable against	112479
public utility personal property on the general tax list of real	112480
and public utility property for the preceding tax year and of the	112481
total amount of taxes charged and payable against tangible	112482
personal property on the general tax list of personal property of	112483
the preceding tax year and for which returns were filed with the	112484
tax commissioner under section 5711.13 of the Revised Code;	112485
(D) For fiscal year ~~2007~~ 2011 and thereafter, ~~fifty-six~~ <u>nine hundred fifty-one thousandths</u> of one per cent of	112486 112487
the total amount of taxes charged and payable against public	112488
utility personal property on the general tax list of real and	112489
public utility property for the preceding tax year and of the	112490
total amount of taxes charged and payable against tangible	112491
personal property on the general tax list of personal property of	112492
the preceding tax year and for which returns were filed with the	112493
tax commissioner under section 5711.13 of the Revised Code;	112494
(E) ~~For fiscal year 2008, six-tenths of one per cent of the~~	112495
~~total amount of taxes charged and payable against public utility~~	112496
~~personal property on the general tax list of real and public~~	112497
~~utility property for the preceding tax year and of the total~~	112498
~~amount of taxes charged and payable against tangible personal~~	112499
~~property on the general tax list of personal property of the~~	112500
~~preceding tax year and for which returns were filed with the tax~~	112501
~~commissioner under section 5711.13 of the Revised Code;~~	112502

~~(F) For fiscal year 2009 and thereafter, seven hundred
twenty five one thousandths of one per cent of the total amount of
taxes charged and payable against public utility personal property
on the general tax list of real and public utility property for
the preceding tax year and of the total amount of taxes charged
and payable against tangible personal property on the general tax
list of personal property of the preceding tax year and for which
returns were filed with the tax commissioner under section 5711.13
of the Revised Code.~~

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After receiving the tax commissioner's certification, the
director of budget and management shall transfer from the general
revenue fund to the property tax administration fund one-fourth of
the amount certified on or before each of the following days: the
first days of August, November, February, and May.

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On or before the thirtieth day of June of the fiscal year,
the tax commissioner shall certify to the director of budget and
management the sum of the amounts by which the amounts computed
for a taxing district under this section exceeded the
distributions to the taxing district under division (F) of section
321.24 of the Revised Code, and the director shall transfer that
sum from the property tax administration fund to the general
revenue fund.

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Sec. 5705.01. As used in this chapter:

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(A) "Subdivision" means any county; municipal corporation;
township; township police district; township fire district; joint
fire district; joint ambulance district; joint emergency medical
services district; fire and ambulance district; joint recreation
district; township waste disposal district; township road
district; community college district; technical college district;
detention facility district; a district organized under section
2151.65 of the Revised Code; a combined district organized under
sections 2152.41 and 2151.65 of the Revised Code; a joint-county

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alcohol, drug addiction, and mental health service district; a 112535
drainage improvement district created under section 6131.52 of the 112536
Revised Code; a union cemetery district; a county school financing 112537
district; ~~or~~ a city, local, exempted village, cooperative 112538
education, or joint vocational school district; or a regional 112539
student education district created under section 3313.83 of the 112540
Revised Code. 112541

(B) "Municipal corporation" means all municipal corporations, 112542
including those that have adopted a charter under Article XVIII, 112543
Ohio Constitution. 112544

(C) "Taxing authority" or "bond issuing authority" means, in 112545
the case of any county, the board of county commissioners; in the 112546
case of a municipal corporation, the council or other legislative 112547
authority of the municipal corporation; in the case of a city, 112548
local, exempted village, cooperative education, or joint 112549
vocational school district, the board of education; in the case of 112550
a community college district, the board of trustees of the 112551
district; in the case of a technical college district, the board 112552
of trustees of the district; in the case of a detention facility 112553
district, a district organized under section 2151.65 of the 112554
Revised Code, or a combined district organized under sections 112555
2152.41 and 2151.65 of the Revised Code, the joint board of county 112556
commissioners of the district; in the case of a township, the 112557
board of township trustees; in the case of a joint fire district, 112558
the board of fire district trustees; in the case of a joint 112559
recreation district, the joint recreation district board of 112560
trustees; in the case of a joint-county alcohol, drug addiction, 112561
and mental health service district, the district's board of 112562
alcohol, drug addiction, and mental health services; in the case 112563
of a joint ambulance district or a fire and ambulance district, 112564
the board of trustees of the district; in the case of a union 112565
cemetery district, the legislative authority of the municipal 112566
corporation and the board of township trustees, acting jointly as 112567

described in section 759.341 of the Revised Code; in the case of a drainage improvement district, the board of county commissioners of the county in which the drainage district is located; in the case of a joint emergency medical services district, the joint board of county commissioners of all counties in which all or any part of the district lies; and in the case of a township police district, a township fire district, a township road district, or a township waste disposal district, the board of township trustees of the township in which the district is located. "Taxing authority" also means the educational service center governing board that serves as the taxing authority of a county school financing district as provided in section 3311.50 of the Revised Code, and the board of directors of a regional student education district created under section 3313.83 of the Revised Code.

(D) "Fiscal officer" in the case of a county, means the county auditor; in the case of a municipal corporation, the city auditor or village clerk, or an officer who, by virtue of the charter, has the duties and functions of the city auditor or village clerk, except that in the case of a municipal university the board of directors of which have assumed, in the manner provided by law, the custody and control of the funds of the university, the chief accounting officer of the university shall perform, with respect to the funds, the duties vested in the fiscal officer of the subdivision by sections 5705.41 and 5705.44 of the Revised Code; in the case of a school district, the treasurer of the board of education; in the case of a county school financing district, the treasurer of the educational service center governing board that serves as the taxing authority; in the case of a township, the township fiscal officer; in the case of a joint fire district, the clerk of the board of fire district trustees; in the case of a joint ambulance district, the clerk of the board of trustees of the district; in the case of a joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of

the Revised Code; in the case of a fire and ambulance district,	112602
the person appointed as fiscal officer pursuant to division (B) of	112603
section 505.375 of the Revised Code; in the case of a joint	112604
recreation district, the person designated pursuant to section	112605
755.15 of the Revised Code; in the case of a union cemetery	112606
district, the clerk of the municipal corporation designated in	112607
section 759.34 of the Revised Code; in the case of a children's	112608
home district, educational service center, general health	112609
district, joint-county alcohol, drug addiction, and mental health	112610
service district, county library district, detention facility	112611
district, district organized under section 2151.65 of the Revised	112612
Code, a combined district organized under sections 2152.41 and	112613
2151.65 of the Revised Code, or a metropolitan park district for	112614
which no treasurer has been appointed pursuant to section 1545.07	112615
of the Revised Code, the county auditor of the county designated	112616
by law to act as the auditor of the district; in the case of a	112617
metropolitan park district which has appointed a treasurer	112618
pursuant to section 1545.07 of the Revised Code, that treasurer;	112619
in the case of a drainage improvement district, the auditor of the	112620
county in which the drainage improvement district is located; <u>in</u>	112621
<u>the case of a regional student education district, the fiscal</u>	112622
<u>officer appointed pursuant to section 3313.83 of the Revised Code;</u>	112623
and in all other cases, the officer responsible for keeping the	112624
appropriation accounts and drawing warrants for the expenditure of	112625
the moneys of the district or taxing unit.	112626

(E) "Permanent improvement" or "improvement" means any	112627
property, asset, or improvement with an estimated life or	112628
usefulness of five years or more, including land and interests	112629
therein, and reconstructions, enlargements, and extensions thereof	112630
having an estimated life or usefulness of five years or more.	112631

(F) "Current operating expenses" and "current expenses" mean	112632
the lawful expenditures of a subdivision, except those for	112633
permanent improvements, and except payments for interest, sinking	112634

fund, and retirement of bonds, notes, and certificates of 112635
indebtedness of the subdivision. 112636

(G) "Debt charges" means interest, sinking fund, and 112637
retirement charges on bonds, notes, or certificates of 112638
indebtedness. 112639

(H) "Taxing unit" means any subdivision or other governmental 112640
district having authority to levy taxes on the property in the 112641
district or issue bonds that constitute a charge against the 112642
property of the district, including conservancy districts, 112643
metropolitan park districts, sanitary districts, road districts, 112644
and other districts. 112645

(I) "District authority" means any board of directors, 112646
trustees, commissioners, or other officers controlling a district 112647
institution or activity that derives its income or funds from two 112648
or more subdivisions, such as the educational service center, the 112649
trustees of district children's homes, the district board of 112650
health, a joint-county alcohol, drug addiction, and mental health 112651
service district's board of alcohol, drug addiction, and mental 112652
health services, detention facility districts, a joint recreation 112653
district board of trustees, districts organized under section 112654
2151.65 of the Revised Code, combined districts organized under 112655
sections 2152.41 and 2151.65 of the Revised Code, and other such 112656
boards. 112657

(J) "Tax list" and "tax duplicate" mean the general tax lists 112658
and duplicates prescribed by sections 319.28 and 319.29 of the 112659
Revised Code. 112660

(K) "Property" as applied to a tax levy means taxable 112661
property listed on general tax lists and duplicates. 112662

(L) "School library district" means a school district in 112663
which a free public library has been established that is under the 112664

control and management of a board of library trustees as provided 112665
in section 3375.15 of the Revised Code. 112666

Sec. 5705.211. (A) As used in this section: 112667

(1) "Adjusted charge-off increase" for a tax year means two 112668
~~and three-tenths~~ per cent of the cumulative carryover property 112669
value increase. If the cumulative carryover property value 112670
increase is computed on the basis of a school district's 112671
recognized valuation for a fiscal year before fiscal year 2014, 112672
the adjusted charge-off increase shall be adjusted to account for 112673
the greater charge-off rates prescribed for such fiscal years 112674
under sections 3317.022 and 3306.13 of the Revised Code. 112675

(2) "Cumulative carryover property value increase" means the 112676
sum of the increases in carryover value certified under division 112677
(B)(2) of section 3317.015 of the Revised Code and included in a 112678
school district's total taxable value in the computation of 112679
recognized valuation under division (B) of that section for all 112680
fiscal years from the fiscal year that ends in the first tax year 112681
a levy under this section is extended on the tax list of real and 112682
public utility property until and including the fiscal year that 112683
ends in the current tax year. 112684

(3) "Taxes charged and payable" means the taxes charged and 112685
payable from a tax levy extended on the real and public utility 112686
property tax list and the general list of personal property before 112687
any reduction under section 319.302, 323.152, or 323.158 of the 112688
Revised Code. 112689

(B) The board of education of a city, local, or exempted 112690
village school district may adopt a resolution proposing the levy 112691
of a tax in excess of the ten-mill limitation for the purpose of 112692
paying the current operating expenses of the district. If the 112693
resolution is approved as provided in division (D) of this 112694
section, the tax may be levied at such a rate each tax year that 112695

the total taxes charged and payable from the levy equals the
adjusted charge-off increase for the tax year or equals a lesser
amount as prescribed under division (C) of this section. The tax
may be levied for a continuing period of time or for a specific
number of years, but not fewer than five years, as provided in the
resolution. The tax may not be placed on the tax list for a tax
year beginning before the first day of January following adoption
of the resolution. A board of education may not adopt a resolution
under this section proposing to levy a tax under this section
concurrently with any other tax levied by the board under this
section.

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(C) After the first year a tax is levied under this section,
the rate of the tax in any year shall not exceed the rate,
estimated by the county auditor, that would cause the sums levied
from the tax against carryover property to exceed one hundred four
per cent of the sums levied from the tax against carryover
property in the preceding year. A board of education imposing a
tax under this section may specify in the resolution imposing the
tax that the percentage shall be less than one hundred four per
cent, but the percentage shall not be less than one hundred per
cent. At any time after a resolution adopted under this section is
approved by a majority of electors as provided in division (D) of
this section, the board of education, by resolution, may decrease
the percentage specified in the resolution levying the tax.

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(D) A resolution adopted under this section shall state that
the purpose of the tax is to pay current operating expenses of the
district, and shall specify the first year in which the tax is to
be levied, the number of years the tax will be levied or that it
will be levied for a continuing period of time, and the election
at which the question of the tax is to appear on the ballot, which
shall be a general or special election consistent with the
requirements of section 3501.01 of the Revised Code. If the board
of education specifies a percentage less than one hundred four per

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cent pursuant to division (C) of this section, the percentage
shall be specified in the resolution.

Upon adoption of the resolution, the board of education may
certify a copy of the resolution to the proper county board of
elections. The copy of the resolution shall be certified to the
board of elections not later than seventy-five days before the day
of the election at which the question of the tax is to appear on
the ballot. Upon receiving a timely certified copy of such a
resolution, the board of elections shall make the necessary
arrangements for the submission of the question to the electors of
the school district, and the election shall be conducted,
canvassed, and certified in the same manner as regular elections
in the school district for the election of members of the board of
education. Notice of the election shall be published in one or
more newspapers of general circulation in the school district once
per week for four consecutive weeks. The notice shall state that
the purpose of the tax is for the current operating expenses of
the school district, the first year the tax is to be levied, the
number of years the tax is to be levied or that it is to be levied
for a continuing period of time, that the tax is to be levied each
year in an amount estimated to offset decreases in state base cost
funding caused by appreciation in real estate values, and that the
estimated additional tax in any year shall not exceed the previous
year's by more than four per cent, or a lesser percentage
specified in the resolution levying the tax, except for increases
caused by the addition of new taxable property.

The question shall be submitted as a separate proposition but
may be printed on the same ballot with any other proposition
submitted at the same election other than the election of
officers.

The form of the ballot shall be substantially as follows:

"An additional tax for the benefit of (name of school

The board of education shall certify the sum authorized to be levied to the county auditor, and, for the purpose of the county auditor determining the rate at which the tax is to be levied in the tax year, the sum so certified shall be the sum to be raised by the tax unless the sum exceeds the limitation imposed by division (C) of this section. A tax levied pursuant to this section shall not be levied at a rate in excess of the rate estimated by the county auditor to produce the sum certified by the board of education before the reductions under sections 319.302, 323.152, and 323.158 of the Revised Code. Notwithstanding section 5705.34 of the Revised Code, a board of education authorized to levy a tax under this section shall certify the tax to the county auditor before the first day of October of the tax year in which the tax is to be levied, or at a later date as approved by the tax commissioner.

Sec. 5705.214. Not more than three elections during any calendar year shall include the questions by a school district of tax levies proposed under any one or any combination of the following sections: sections 5705.194, 5705.199, 5705.21, 5705.212, 5705.213, 5705.217, ~~and 5705.218,~~ and 5705.219 of the Revised Code.

Sec. 5705.219. (A) As used in this section:

(1) "Eligible school district" means a city, local, or exempted village school district in which the taxes charged and payable for current expenses on residential/agricultural real property in the tax year preceding the year in which the levy authorized by this section will be submitted for elector approval or rejection are greater than two per cent of the taxable value of the residential/agricultural real property.

(2) "Residential/agricultural real property" and "nonresidential/agricultural real property" means the property

classified as such under section 5713.041 of the Revised Code. 112823

(3) "Effective tax rate" and "taxes charged and payable" have 112824
the same meanings as in division (B) of section 319.301 of the 112825
Revised Code. 112826

(B) On or after January 1, 2010, but before January 1, 2015, 112827
the board of education of an eligible school district, by a vote 112828
of two-thirds of all its members, may adopt a resolution 112829
proposing to convert existing levies imposed for the purpose of 112830
current expenses into a levy raising a specified amount of tax 112831
money by repealing all or a portion of one or more of those 112832
existing levies and imposing a levy in excess of the ten-mill 112833
limitation that will raise a specified amount of money for 112834
current expenses of the district. 112835

The board of education shall certify a copy of the resolution 112836
to the tax commissioner not later than ninety days before the 112837
election upon which the repeal and levy authorized by this section 112838
will be proposed to the electors. Within ten days after receiving 112839
the copy of the resolution, the tax commissioner shall determine 112840
each of the following and certify the determinations to the board 112841
of education: 112842

(1) The dollar amount to be raised by the proposed levy, 112843
which shall be the product of: 112844

(a) The difference between the aggregate effective tax rate 112845
for residential/agricultural real property for the tax year 112846
preceding the year in which the repeal and levy will be proposed 112847
to the electors and twenty mills per dollar of taxable value; 112848

(b) The total taxable value of all property on the tax list 112849
of real and public utility property for the tax year preceding the 112850
year in which the repeal and levy will be proposed to the 112851
electors. 112852

<u>(2) The estimated tax rate of the proposed levy.</u>	112853
<u>(3) The existing levies and any portion of an existing levy</u>	112854
<u>to be repealed upon approval of the question. Levies shall be</u>	112855
<u>repealed in reverse chronological order from most recently imposed</u>	112856
<u>to least recently imposed until the sum of the effective tax rates</u>	112857
<u>repealed for residential/agricultural real property is equal to</u>	112858
<u>the difference calculated in division (B)(1)(a) of this section.</u>	112859
<u>(4) The sum of the following:</u>	112860
<u>(a) The total taxable value of nonresidential/agricultural</u>	112861
<u>real property for the tax year preceding the year in which the</u>	112862
<u>repeal and levy will be proposed to the electors multiplied by the</u>	112863
<u>difference between (i) the aggregate effective tax rate for</u>	112864
<u>nonresidential/agricultural real property for the existing levies</u>	112865
<u>and any portion of an existing levy to be repealed and (ii) the</u>	112866
<u>amount determined under division (B)(1)(a) of this section, but</u>	112867
<u>not less than zero;</u>	112868
<u>(b) The total taxable value of public utility tangible</u>	112869
<u>personal property for the tax year preceding the year in which the</u>	112870
<u>repeal and levy will be proposed to the electors multiplied by the</u>	112871
<u>difference between (i) the aggregate voted tax rate for the</u>	112872
<u>existing levies and any portion of an existing levy to be repealed</u>	112873
<u>and (ii) the amount determined under division (B)(1)(a) of this</u>	112874
<u>section, but not less than zero.</u>	112875
<u>(C) Upon receipt of the certification from the tax</u>	112876
<u>commissioner under division (B) of this section, a majority of the</u>	112877
<u>members of the board of education may adopt a resolution proposing</u>	112878
<u>the repeal of the existing levies as identified in the</u>	112879
<u>certification and the imposition of a levy in excess of the</u>	112880
<u>ten-mill limitation that will raise annually the amount certified</u>	112881
<u>by the commissioner. If the board determines that the tax should</u>	112882

be for an amount less than that certified by the commissioner, the 112883
board may request that the commissioner redetermine the rate 112884
under division (B)(2) of this section on the basis of the 112885
lesser amount the levy is to raise as specified by the board. The 112886
amount certified under division (B)(4) and the levies to be 112887
repealed as certified under division (B)(3) of this section shall 112888
not be redetermined. Within ten days after receiving a timely 112889
request specifying the lesser amount to be raised by the levy, 112890
the commissioner shall redetermine the rate and recertify it to 112891
the board as otherwise provided in division (B) of this section. 112892
Only one such request may be made by the board of education of 112893
an eligible school district. 112894

The resolution shall state the first calendar year in which 112895
the levy will be due; the existing levies and any portion of an 112896
existing levy that will be repealed, as certified by the 112897
commissioner; the term of the levy expressed in years, which may 112898
be any number not exceeding ten, or that it will be levied for a 112899
continuing period of time; and the date of the election, which 112900
shall be the date of a primary or general election. 112901

Immediately upon its passage, the resolution shall go into 112902
effect and shall be certified by the board of education to the 112903
county auditor of the proper county. The county auditor and the 112904
board of education shall proceed as required under section 112905
5705.195 of the Revised Code. No publication of the resolution is 112906
necessary other than that provided for in the notice of election. 112907
Section 5705.196 of the Revised Code shall govern the matters 112908
concerning the election. The submission of a question to the 112909
electors under this section is subject to the limitation on the 112910
number of election dates established by section 5705.214 of the 112911
Revised Code. 112912

(D) The form of the ballot to be used at the election 112913
provided for in this section shall be as follows: 112914

"Shall the existing levy of . . . (insert the voted millage
rate of the levy to be repealed), currently being charged against
residential and agricultural property by the . . . (insert the
name of school district) at a rate of . . . (insert the
residential/agricultural real property effective tax rate of the
levy being repealed) for the purpose of . . . (insert the purpose
of the existing levy) be repealed, and shall a levy be imposed by
the . . . (insert the name of school district) in excess of the
ten-mill limitation for the necessary requirements of the school
district in the sum of . . . (insert the annual amount the levy is
to produce), estimated by the tax commissioner to require . . .
(insert the number of mills) mills for each one dollar of
valuation, which amounts to . . . (insert the rate expressed in
dollars and cents) for each one hundred dollars of valuation for
the initial year of the tax, for a period of . . . (insert the
number of years the levy is to be imposed, or that it will be
levied for a continuing period of time), commencing in . . .
(insert the first year the tax is to be levied), first due in
calendar year . . . (insert the first calendar year in which the
tax shall be due)?

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FOR THE REPEAL AND
TAX

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AGAINST THE REPEAL
AND TAX

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If the question submitted is a proposal to repeal all or a
portion of more than one existing levy, the form of the ballot
shall be modified by substituting the statement "shall the
existing levy of" with "shall existing levies of" and inserting
the aggregate voted and aggregate effective tax rates to be
repealed.

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(E) If a majority of the electors voting on the question 112945
submitted in an election vote in favor of the repeal and levy, the 112946
result shall be certified immediately after the canvass by the 112947
board of elections to the board of education. The board of 112948
education may make the levy necessary to raise the amount 112949
specified in the resolution for the purpose stated in the 112950
resolution and shall certify it to the county auditor, who shall 112951
extend it on the current year tax lists for collection. After the 112952
first year, the levy shall be included in the annual tax budget 112953
that is certified to the county budget commission. 112954

(F) A levy imposed under this section for a continuing period 112955
of time may be decreased or repealed pursuant to section 5705.261 112956
of the Revised Code. If a levy imposed under this section is 112957
decreased, the amount calculated under division (B)(4) of this 112958
section and paid under section 5705.2110 of the Revised Code 112959
shall be decreased by the same proportion as the levy is 112960
decreased. If the levy is repealed, no further payments shall be 112961
made to the district under that section. 112962

(G) At any time, the board of education, by a vote of 112963
two-thirds of all of its members, may adopt a resolution to renew 112964
a tax levied under this section. The resolution shall provide for 112965
levying the tax and specifically all of the following: 112966

(1) That the tax shall be called, and designated on the 112967
ballot as, a renewal levy; 112968

(2) The amount of the renewal tax, which shall be no more 112969
than the amount of tax previously collected; 112970

(3) The number of years, not to exceed ten, that the renewal 112971
tax will be levied, or that it will be levied for a continuing 112972
period of time; 112973

(4) That the purpose of the renewal tax is for current expenses. 112974
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The board shall certify a copy of the resolution to the board of elections not later than seventy-five days before the date of the election at which the question is to be submitted, which shall be the date of a primary or general election. 112976
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(H) The form of the ballot to be used at the election on the question of renewing a levy under this section shall be as follows: 112980
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"Shall a tax levy renewing an existing levy of . . . (insert the annual dollar amount the levy is to produce each year), estimated to require . . . (insert the number of mills) mills for each one dollar of valuation be imposed by the . . . (insert the name of school district) for the purpose of current expenses for a period of . . . (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), commencing in . . . (insert the first year the tax is to be levied), first due in calendar year . . . (insert the first calendar year in which the tax shall be due)? 112983
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FOR THE RENEWAL OF THE TAX LEVY 112994

AGAINST THE RENEWAL OF THE TAX LEVY " 112995
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If the levy submitted is to be for less than the amount of money previously collected, the form of the ballot shall be modified to add "and reducing" after "renewing" and to add before "estimated to require" the statement "be approved at a tax rate necessary to produce . . . (insert the lower annual dollar amount 112997
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the levy is to produce each year)." 113002

Sec. 5705.2110. (A) For purposes of this section: 113003

(1) "Carryover property" has the same meaning as in section 319.301 of the Revised Code. 113004
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(2) "Residential/agricultural real property" has the same meaning as in section 5705.219 of the Revised Code. 113006
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(B) For each city, local, or exempted village school district in which the tax authorized by section 5705.219 of the Revised Code has been approved by electors in the preceding year, the tax commissioner, not later than the twenty-eighth day of February, shall certify to the department of education the amount determined in division (B)(4) of section 5705.219 of the Revised Code. Not later than the twenty-eighth day of February of each year thereafter for twelve years, the commissioner shall certify an amount equal to the difference between the amount certified in the preceding year under this division and the product of ten mills per dollar multiplied by the excess, if any, of the value of carryover property for residential/agricultural real property for the preceding tax year over the value of carryover property for residential/agricultural real property in the second preceding tax year. If the amount to be certified in any year is zero, in the commissioner's certification the commissioner shall state that no further certifications shall be forthcoming. 113008
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(C) Not later than the last day of April and of October beginning in the first year in which a certification under division (B) of this section is received, the department of education shall pay to the school district for which the certification is made one-half of the amount most recently certified by the tax commissioner. 113025
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Sec. 5705.2111. (A) If the board of directors of a regional 113031

student education district created under section 3313.83 of the 113032
Revised Code desires to levy a tax in excess of the ten-mill 113033
limitation throughout the district for the purpose of funding the 113034
services to be provided by the district to students enrolled in 113035
the school districts of which the district is composed and their 113036
immediate family members, the board shall propose the levy to each 113037
of the boards of education of those school districts. The proposal 113038
shall specify the rate or amount of the tax, the number of years 113039
the tax will be levied or that it will be levied for a continuing 113040
period of time, and that the aggregate rate of the tax shall not 113041
exceed three mills per dollar of taxable value in the regional 113042
student education district. 113043

(B)(1) If a majority of the boards of education of the school 113044
districts of which the regional student education district is 113045
composed approves the proposal for the tax levy, the board of 113046
directors of the regional student education district may adopt a 113047
resolution approved by a majority of the board's full membership 113048
declaring the necessity of levying the proposed tax in excess of 113049
the ten-mill limitation throughout the district for the purpose of 113050
funding the services to be provided by the district to students 113051
enrolled in the school districts of which the district is composed 113052
and their immediate family members. The resolution shall provide 113053
for the question of the tax to be submitted to the electors of the 113054
district at a general, primary, or special election on a day to be 113055
specified in the resolution that is consistent with the 113056
requirements of section 3501.01 of the Revised Code and that 113057
occurs at least seventy-five days after the resolution is 113058
certified to the board of elections. The resolution shall specify 113059
the rate or amount of the tax and the number of years the tax will 113060
be levied or that the tax will be levied for a continuing period 113061
of time. The aggregate rate of tax levied by a regional student 113062
education district under this section at any time shall not exceed 113063
three mills per dollar of taxable value in the district. A tax 113064
levied under this section may be renewed, subject to section 113065

5705.25 of the Revised Code, or replaced as provided in section 113066
5705.192 of the Revised Code. 113067

(2) The resolution shall take effect immediately upon 113068
passage, and no publication of the resolution is necessary other 113069
than that provided in the notice of election. The resolution shall 113070
be certified and submitted in the manner provided under section 113071
5705.25 of the Revised Code, and that section governs the 113072
arrangements governing submission of the question and other 113073
matters concerning the election. 113074

Sec. 5705.25. (A) A copy of any resolution adopted as 113075
provided in section 5705.19 or 5705.2111 of the Revised Code shall 113076
be certified by the taxing authority to the board of elections of 113077
the proper county not less than seventy-five days before the 113078
general election in any year, and the board shall submit the 113079
proposal to the electors of the subdivision at the succeeding 113080
November election. Except as otherwise provided in this division, 113081
a resolution to renew an existing levy, regardless of the section 113082
of the Revised Code under which the tax was imposed, shall not be 113083
placed on the ballot unless the question is submitted at the 113084
general election held during the last year the tax to be renewed 113085
or replaced may be extended on the real and public utility 113086
property tax list and duplicate, or at any election held in the 113087
ensuing year. The limitation of the foregoing sentence does not 113088
apply to a resolution to renew and increase or to renew part of an 113089
existing levy that was imposed under section 5705.191 of the 113090
Revised Code to supplement the general fund for the purpose of 113091
making appropriations for one or more of the following purposes: 113092
for public assistance, human or social services, relief, welfare, 113093
hospitalization, health, and support of general hospitals. The 113094
limitation of the second preceding sentence also does not apply to 113095
a resolution that proposes to renew two or more existing levies 113096
imposed under section 5705.21 of the Revised Code, in which case 113097
the question shall be submitted on the date of the general or 113098

primary election held during the last year at least one of the
levies to be renewed may be extended on the real and public
utility property tax list and duplicate, or at any election held
during the ensuing year. For purposes of this section, a levy
shall be considered to be an "existing levy" through the year
following the last year it can be placed on that tax list and
duplicate.

The board shall make the necessary arrangements for the
submission of such questions to the electors of such subdivision,
and the election shall be conducted, canvassed, and certified in
the same manner as regular elections in such subdivision for the
election of county officers. Notice of the election shall be
published in a newspaper of general circulation in the subdivision
once a week for two consecutive weeks prior to the election, and,
if the board of elections operates and maintains a web site, the
board of elections shall post notice of the election on its web
site for thirty days prior to the election. The notice shall state
the purpose, the proposed increase in rate expressed in dollars
and cents for each one hundred dollars of valuation as well as in
mills for each one dollar of valuation, the number of years during
which the increase will be in effect, the first month and year in
which the tax will be levied, and the time and place of the
election.

(B) The form of the ballots cast at an election held pursuant
to division (A) of this section shall be as follows:

"An additional tax for the benefit of (name of subdivision or
public library) for the purpose of (purpose stated in
the resolution) at a rate not exceeding mills
for each one dollar of valuation, which amounts to (rate expressed
in dollars and cents) for each one hundred dollars of
valuation, for (life of indebtedness or number of years the
levy is to run).

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For the Tax Levy	113132
Against the Tax Levy "	113133
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(C) If the levy is to be in effect for a continuing period of	113135
time, the notice of election and the form of ballot shall so state	113136
instead of setting forth a specified number of years for the levy.	113137
If the tax is to be placed on the current tax list, the form	113138
of the ballot shall be modified by adding, after the statement of	113139
the number of years the levy is to run, the phrase ", commencing	113140
in (first year the tax is to be levied), first due in	113141
calendar year (first calendar year in which the tax	113142
shall be due)."	113143
If the levy submitted is a proposal to renew, increase, or	113144
decrease an existing levy, the form of the ballot specified in	113145
division (B) of this section may be changed by substituting for	113146
the words "An additional" at the beginning of the form, the words	113147
"A renewal of a" in case of a proposal to renew an existing levy	113148
in the same amount; the words "A renewal of mills and an	113149
increase of mills to constitute a" in the case of an	113150
increase; or the words "A renewal of part of an existing levy,	113151
being a reduction of mills, to constitute a" in the case of	113152
a decrease in the proposed levy.	113153
If the levy submitted is a proposal to renew two or more	113154
existing levies imposed under section 5705.21 of the Revised Code,	113155
the form of the ballot specified in division (B) of this section	113156
shall be modified by substituting for the words "an additional	113157
tax" the words "a renewal of ....(insert the number of levies to	113158
be renewed) existing taxes."	113159

The question covered by such resolution shall be submitted as
a separate proposition but may be printed on the same ballot with
any other proposition submitted at the same election, other than
the election of officers. More than one such question may be
submitted at the same election.

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(D) A levy voted in excess of the ten-mill limitation under
this section shall be certified to the tax commissioner. In the
first year of the levy, it shall be extended on the tax lists
after the February settlement succeeding the election. If the
additional tax is to be placed upon the tax list of the current
year, as specified in the resolution providing for its submission,
the result of the election shall be certified immediately after
the canvass by the board of elections to the taxing authority, who
shall make the necessary levy and certify it to the county
auditor, who shall extend it on the tax lists for collection.
After the first year, the tax levy shall be included in the annual
tax budget that is certified to the county budget commission.

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Sec. 5705.29. This section does not apply to a subdivision or
taxing unit for which the county budget commission has waived the
requirement to adopt a tax budget pursuant to section 5705.281 of
the Revised Code. The tax budget shall present the following
information in such detail as is prescribed by the auditor of
state:

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(A)(1) A statement of the necessary current operating
expenses for the ensuing fiscal year for each department and
division of the subdivision, classified as to personal services
and other expenses, and the fund from which such expenditures are
to be made. Except in the case of a school district, this estimate
may include a contingent expense not designated for any particular
purpose, and not to exceed three per cent of the total amount of
appropriations for current expenses. In the case of a school
district, this estimate may include a contingent expense not

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designated for any particular purpose and not to exceed thirteen	113192
per cent of the total amount of appropriations for current	113193
expenses.	113194
(2) A statement of the expenditures for the ensuing fiscal	113195
year necessary for permanent improvements, exclusive of any	113196
expense to be paid from bond issues, classified as to the	113197
improvements contemplated by the subdivision and the fund from	113198
which such expenditures are to be made;	113199
(3) The amounts required for the payment of final judgments;	113200
(4) A statement of expenditures for the ensuing fiscal year	113201
necessary for any purpose for which a special levy is authorized,	113202
and the fund from which such expenditures are to be made;	113203
(5) Comparative statements, so far as possible, in parallel	113204
columns of corresponding items of expenditures for the current	113205
fiscal year and the two preceding fiscal years.	113206
(B)(1) An estimate of receipts from other sources than the	113207
general property tax during the ensuing fiscal year, which shall	113208
include an estimate of unencumbered balances at the end of the	113209
current fiscal year, and the funds to which such estimated	113210
receipts are credited;	113211
(2) The amount each fund requires from the general property	113212
tax, which shall be the difference between the contemplated	113213
expenditure from the fund and the estimated receipts, as provided	113214
in this section. The section of the Revised Code under which the	113215
tax is authorized shall be set forth.	113216
(3) Comparative statements, so far as possible, in parallel	113217
columns of taxes and other revenues for the current fiscal year	113218
and the two preceding fiscal years.	113219

(C)(1) The amount required for debt charges;	113220
(2) The estimated receipts from sources other than the tax	113221
levy for payment of such debt charges, including the proceeds of	113222
refunding bonds to be issued to refund bonds maturing in the next	113223
succeeding fiscal year;	113224
(3) The net amount for which a tax levy shall be made,	113225
classified as to bonds authorized and issued prior to January 1,	113226
1922, and those authorized and issued subsequent to such date, and	113227
as to what portion of the levy will be within and what in excess	113228
of the ten-mill limitation.	113229
(D) An estimate of amounts from taxes authorized to be levied	113230
in excess of the ten-mill limitation on the tax rate, and the fund	113231
to which such amounts will be credited, together with the sections	113232
of the Revised Code under which each such tax is exempted from all	113233
limitations on the tax rate.	113234
(E)(1) A board of education may include in its budget for the	113235
fiscal year in which a levy proposed under section 5705.194,	113236
5705.199, 5705.21, ~~or 5705.213~~ , <u>or 5705.219</u> , or the original levy	113237
under section 5705.212 of the Revised Code is first extended on	113238
the tax list and duplicate an estimate of expenditures to be known	113239
as a voluntary contingency reserve balance, which shall not be	113240
greater than twenty-five per cent of the total amount of the levy	113241
estimated to be available for appropriation in such year.	113242
(2) A board of education may include in its budget for the	113243
fiscal year following the year in which a levy proposed under	113244
section 5705.194, 5705.199, 5705.21, ~~or 5705.213~~ , <u>or 5705.219</u> , or	113245
the original levy under section 5705.212 of the Revised Code is	113246
first extended on the tax list and duplicate an estimate of	113247
expenditures to be known as a voluntary contingency reserve	113248
balance, which shall not be greater than twenty per cent of the	113249
amount of the levy estimated to be available for appropriation in	113250

such year. 113251

(3) Except as provided in division (E)(4) of this section, 113252
the full amount of any reserve balance the board includes in its 113253
budget shall be retained by the county auditor and county 113254
treasurer out of the first semiannual settlement of taxes until 113255
the beginning of the next succeeding fiscal year, and thereupon, 113256
with the depository interest apportioned thereto, it shall be 113257
turned over to the board of education, to be used for the purposes 113258
of such fiscal year. 113259

(4) A board of education, by a two-thirds vote of all members 113260
of the board, may appropriate any amount withheld as a voluntary 113261
contingency reserve balance during the fiscal year for any lawful 113262
purpose, provided that prior to such appropriation the board of 113263
education has authorized the expenditure of all amounts 113264
appropriated for contingencies under section 5705.40 of the 113265
Revised Code. Upon request by the board of education, the county 113266
auditor shall draw a warrant on the district's account in the 113267
county treasury payable to the district in the amount requested. 113268

(F)(1) A board of education may include a spending reserve in 113269
its budget for fiscal years ending on or before June 30, 2002. The 113270
spending reserve shall consist of an estimate of expenditures not 113271
to exceed the district's spending reserve balance. A district's 113272
spending reserve balance is the amount by which the designated 113273
percentage of the district's estimated personal property taxes to 113274
be settled during the calendar year in which the fiscal year ends 113275
exceeds the estimated amount of personal property taxes to be so 113276
settled and received by the district during that fiscal year. 113277
Moneys from a spending reserve shall be appropriated in accordance 113278
with section 133.301 of the Revised Code. 113279

(2) For the purposes of computing a school district's 113280
spending reserve balance for a fiscal year, the designated 113281
percentage shall be as follows: 113282

Fiscal year ending in:	Designated percentage	113283
1998	50%	113284
1999	40%	113285
2000	30%	113286
2001	20%	113287
2002	10%	113288

(G) Except as otherwise provided in this division, the county budget commission shall not reduce the taxing authority of a subdivision as a result of the creation of a reserve balance account. Except as otherwise provided in this division, the county budget commission shall not consider the amount in a reserve balance account of a township, county, or municipal corporation as an unencumbered balance or as revenue for the purposes of division (E)(3) or (4) of section 5747.51 of the Revised Code. The county budget commission may require documentation of the reasonableness of the reserve balance held in any reserve balance account. The commission shall consider any amount in a reserve balance account that it determines to be unreasonable as unencumbered and as revenue for the purposes of section 5747.51 of the Revised Code and may take such amounts into consideration when determining whether to reduce the taxing authority of a subdivision.

Sec. 5705.341. Any person required to pay taxes on real, public utility, or tangible personal property in any taxing district or other political subdivision of this state may appeal to the board of tax appeals from the action of the county budget commission of any county which relates to the fixing of uniform rates of taxation and the rate necessary to be levied by each taxing authority within its subdivision or taxing unit and which action has been certified by the county budget commission to the taxing authority of any political subdivision or other taxing district within the county.

Such appeal shall be in writing and shall set forth the tax

rate complained of and the reason that such a tax rate is not 113315
necessary to produce the revenue needed by the taxing district or 113316
political subdivision for the ensuing fiscal year as those needs 113317
are set out in the tax budget of said taxing unit or, if adoption 113318
of a tax budget was waived under section 5705.281 of the Revised 113319
Code, as set out in such other information the district or 113320
subdivision was required to provide under that section, or that 113321
the action of the budget commission appealed from does not 113322
otherwise comply with sections 5705.01 to 5705.47 of the Revised 113323
Code. The notice of appeal shall be filed with the board of tax 113324
appeals, and a true copy thereof shall be filed with the tax 113325
commissioner, the county auditor, and with the fiscal officer of 113326
each taxing district or political subdivision authorized to levy 113327
the tax complained of, and such notice of appeal and copies 113328
thereof must be filed within thirty days after the budget 113329
commission has certified its action as provided by section 5705.34 113330
of the Revised Code. Such notice of appeal and the copies thereof 113331
may be filed either in person or by certified mail. If filed by 113332
certified mail, the date of the United States postmark placed on 113333
the sender's receipt by the postal employee to whom the notice of 113334
appeal is presented shall be treated as the date of filing. 113335

Prior to filing the appeal provided by this section, the 113336
appellant shall deposit with the county auditor of the county or, 113337
in the event the appeal concerns joint taxing districts in two or 113338
more counties, with the county auditor of the county with the 113339
greatest valuation of taxable property the sum of five hundred 113340
dollars to cover the costs of the proceeding. The county auditor 113341
shall forthwith issue a pay-in order and pay such money into the 113342
county treasury to the credit of the general fund. The appellant 113343
shall produce the receipt of the county treasurer for such deposit 113344
and shall file such receipt with the notice of appeal. 113345

The board of tax appeals shall forthwith consider the matter 113346
presented on appeal from the action of the county budget 113347

commission and may modify any action of the commission with 113348
reference to the fixing of tax rates, to the end that no tax rate 113349
shall be levied above that necessary to produce the revenue needed 113350
by the taxing district or political subdivision for the ensuing 113351
fiscal year and to the end that the action of the budget 113352
commission appealed from shall otherwise be in conformity with 113353
sections 5705.01 to 5705.47 of the Revised Code. The findings of 113354
the board of tax appeals shall be substituted for the findings of 113355
the budget commission and shall be ~~certified~~sent to the county 113356
auditor and the taxing authority of the taxing district or 113357
political subdivision affected as the action of such budget 113358
commission under sections 5705.01 to 5705.47 of the Revised Code 113359
and to the tax commissioner. At the request of an appellant, the 113360
findings of the board of tax appeals shall be sent by certified 113361
mail at the appellant's expense. 113362

The board of tax appeals shall promptly prepare a cost bill 113363
listing the expenses incurred by the board in conducting any 113364
hearing on the appeal and certify the cost bill to the county 113365
auditor of the county receiving the deposit for costs, who shall 113366
forthwith draw a warrant on the general fund of the county in 113367
favor of the person or persons named in the bill of costs 113368
certified by the board of tax appeals. 113369

In the event the appellant prevails, the board of tax appeals 113370
promptly shall direct the county auditor to refund the deposit to 113371
the appellant and the costs shall be taxed to the taxing district 113372
or political subdivision involved in the appeal. The county 113373
auditor shall withhold from any funds then or thereafter in the 113374
auditor's possession belonging to the taxing district or political 113375
subdivision named in the order of the board of tax appeals and 113376
shall reimburse the general fund of the county. 113377

If the appellant fails, the costs shall be deducted from the 113378
deposit provided for in this section and any balance which remains 113379

shall be refunded promptly to the appellant by warrant of the 113380
county auditor drawn on the general fund of the county. 113381

Nothing in this section or any section of the Revised Code 113382
shall permit or require the levying of any rate of taxation, 113383
whether within the ten-mill limitation or whether the levy has 113384
been approved by the electors of the taxing district, the 113385
political subdivision, or the charter of a municipal corporation 113386
in excess of such ten-mill limitation, unless such rate of 113387
taxation for the ensuing fiscal year is clearly required by a 113388
budget of the taxing district or political subdivision properly 113389
and lawfully adopted under this chapter, or by other information 113390
that must be provided under section 5705.281 of the Revised Code 113391
if a tax budget was waived. 113392

In the event more than one appeal is filed involving the same 113393
taxing district or political subdivision, all such appeals may be 113394
consolidated by the board of tax appeals and heard at the same 113395
time. 113396

Nothing herein contained shall be construed to bar or 113397
prohibit the tax commissioner from initiating an investigation or 113398
hearing on the commissioner's own motion. 113399

The tax commissioner shall adopt and issue such orders, 113400
rules, and instructions, not inconsistent with law, as the 113401
commissioner deems necessary, as to the exercise of the powers and 113402
the discharge of the duties of any particular county budget 113403
commission, county auditor, or other officer which relate to the 113404
budget, the assessment of property, or the levy and collection of 113405
taxes. The commissioner shall cause the orders and instructions 113406
issued by the commissioner to be obeyed. 113407

Sec. 5705.37. The taxing authority of any subdivision, or 113408
the board of trustees of any public library, nonprofit 113409
corporation, or library association maintaining a free public 113410

library that has adopted and certified rules under section 5705.28 113411
of the Revised Code, that is dissatisfied with any action of the 113412
county budget commission may, through its fiscal officer, appeal 113413
to the board of tax appeals within thirty days after the receipt 113414
by the subdivision of the official certificate or notice of the 113415
commission's action. In like manner, but through its clerk, any 113416
park district may appeal to the board of tax appeals. An appeal 113417
under this section shall be taken by the filing of a notice of 113418
appeal, either in person or by certified mail, express mail, or 113419
authorized delivery service as provided in section 5703.056 of 113420
the Revised Code, with the board and with the commission. If 113421
notice of appeal is filed by certified mail, express mail, or 113422
authorized delivery service, date of the United States postmark 113423
placed on the sender's receipt by the postal service or the date 113424
of receipt recorded by the authorized delivery service shall be 113425
treated as the date of filing. Upon receipt of the notice of 113426
appeal, the commission, by certified mail, shall notify all 113427
persons who were parties to the proceeding before the commission 113428
of the filing of the notice of appeal and shall file proof of 113429
notice with the board of tax appeals. The secretary of the 113430
commission shall forthwith certify to the board a transcript of 113431
the full and accurate record of all proceedings before the 113432
commission, together with all evidence presented in the 113433
proceedings or considered by the commission, pertaining to the 113434
action from which the appeal is taken. The secretary of the 113435
commission also shall certify to the board any additional 113436
information that the board may request. 113437

The board of tax appeals, in a de novo proceeding, shall 113438
forthwith consider the matter presented to the commission, and may 113439
modify any action of the commission with reference to the budget, 113440
the estimate of revenues and balances, the allocation of the 113441
public library fund, or the fixing of tax rates. The finding of 113442
the board of tax appeals shall be substituted for the findings of 113443
the commission, and shall be ~~certified~~sent to the tax 113444

commissioner, the county auditor, and the taxing authority of the
subdivision affected, or to the board of public library trustees
affected, as the action of the commission under sections 5705.01
to 5705.47 of the Revised Code. At the request of the taxing
authority, board of trustees, or park district that appealed an
action of the county budget commission under this section, the
findings of the board of tax appeals shall be sent by certified
mail at the requestor's expense.

This section does not give the board of tax appeals any
authority to place any tax levy authorized by law within the
ten-mill limitation outside of that limitation, or to reduce any
levy below any minimum fixed by law.

Sec. 5709.62. (A) In any municipal corporation that is
defined by the United States office of management and budget as a
principal city of a metropolitan statistical area, the legislative
authority of the municipal corporation may designate one or more
areas within its municipal corporation as proposed enterprise
zones. Upon designating an area, the legislative authority shall
petition the director of development for certification of the area
as having the characteristics set forth in division (A)(1) of
section 5709.61 of the Revised Code as amended by Substitute
Senate Bill No. 19 of the 120th general assembly. Except as
otherwise provided in division (E) of this section, on and after
July 1, 1994, legislative authorities shall not enter into
agreements under this section unless the legislative authority has
petitioned the director and the director has certified the zone
under this section as amended by that act; however, all agreements
entered into under this section as it existed prior to July 1,
1994, and the incentives granted under those agreements shall
remain in effect for the period agreed to under those agreements.
Within sixty days after receiving such a petition, the director
shall determine whether the area has the characteristics set forth
in division (A)(1) of section 5709.61 of the Revised Code, and

shall forward the findings to the legislative authority of the 113478
municipal corporation. If the director certifies the area as 113479
having those characteristics, and thereby certifies it as a zone, 113480
the legislative authority may enter into an agreement with an 113481
enterprise under division (C) of this section. 113482

(B) Any enterprise that wishes to enter into an agreement 113483
with a municipal corporation under division (C) of this section 113484
shall submit a proposal to the legislative authority of the 113485
municipal corporation on a form prescribed by the director of 113486
development, together with the application fee established under 113487
section 5709.68 of the Revised Code. The form shall require the 113488
following information: 113489

(1) An estimate of the number of new employees whom the 113490
enterprise intends to hire, or of the number of employees whom the 113491
enterprise intends to retain, within the zone at a facility that 113492
is a project site, and an estimate of the amount of payroll of the 113493
enterprise attributable to these employees; 113494

(2) An estimate of the amount to be invested by the 113495
enterprise to establish, expand, renovate, or occupy a facility, 113496
including investment in new buildings, additions or improvements 113497
to existing buildings, machinery, equipment, furniture, fixtures, 113498
and inventory; 113499

(3) A listing of the enterprise's current investment, if any, 113500
in a facility as of the date of the proposal's submission. 113501

The enterprise shall review and update the listings required 113502
under this division to reflect material changes, and any agreement 113503
entered into under division (C) of this section shall set forth 113504
final estimates and listings as of the time the agreement is 113505
entered into. The legislative authority may, on a separate form 113506
and at any time, require any additional information necessary to 113507
determine whether an enterprise is in compliance with an agreement 113508

and to collect the information required to be reported under 113509
section 5709.68 of the Revised Code. 113510

(C) Upon receipt and investigation of a proposal under 113511
division (B) of this section, if the legislative authority finds 113512
that the enterprise submitting the proposal is qualified by 113513
financial responsibility and business experience to create and 113514
preserve employment opportunities in the zone and improve the 113515
economic climate of the municipal corporation, the legislative 113516
authority, on or before October 15, ~~2009~~2010, may do one of the 113517
following: 113518

(1) Enter into an agreement with the enterprise under which 113519
the enterprise agrees to establish, expand, renovate, or occupy a 113520
facility and hire new employees, or preserve employment 113521
opportunities for existing employees, in return for one or more of 113522
the following incentives: 113523

(a) Exemption for a specified number of years, not to exceed 113524
fifteen, of a specified portion, up to seventy-five per cent, of 113525
the assessed value of tangible personal property first used in 113526
business at the project site as a result of the agreement. If an 113527
exemption for inventory is specifically granted in the agreement 113528
pursuant to this division, the exemption applies to inventory 113529
required to be listed pursuant to sections 5711.15 and 5711.16 of 113530
the Revised Code, except that, in the instance of an expansion or 113531
other situations in which an enterprise was in business at the 113532
facility prior to the establishment of the zone, the inventory 113533
that is exempt is that amount or value of inventory in excess of 113534
the amount or value of inventory required to be listed in the 113535
personal property tax return of the enterprise in the return for 113536
the tax year in which the agreement is entered into. 113537

(b) Exemption for a specified number of years, not to exceed 113538
fifteen, of a specified portion, up to seventy-five per cent, of 113539
the increase in the assessed valuation of real property 113540

constituting the project site subsequent to formal approval of the agreement by the legislative authority;	113541 113542
(c) Provision for a specified number of years, not to exceed fifteen, of any optional services or assistance that the municipal corporation is authorized to provide with regard to the project site.	113543 113544 113545 113546
(2) Enter into an agreement under which the enterprise agrees to remediate an environmentally contaminated facility, to spend an amount equal to at least two hundred fifty per cent of the true value in money of the real property of the facility prior to remediation as determined for the purposes of property taxation to establish, expand, renovate, or occupy the remediated facility, and to hire new employees or preserve employment opportunities for existing employees at the remediated facility, in return for one or more of the following incentives:	113547 113548 113549 113550 113551 113552 113553 113554 113555
(a) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, not to exceed fifty per cent, of the assessed valuation of the real property of the facility prior to remediation;	113556 113557 113558 113559
(b) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, not to exceed one hundred per cent, of the increase in the assessed valuation of the real property of the facility during or after remediation;	113560 113561 113562 113563
(c) The incentive under division (C)(1)(a) of this section, except that the percentage of the assessed value of such property exempted from taxation shall not exceed one hundred per cent;	113564 113565 113566
(d) The incentive under division (C)(1)(c) of this section.	113567
(3) Enter into an agreement with an enterprise that plans to purchase and operate a large manufacturing facility that has	113568 113569

ceased operation or announced its intention to cease operation, in 113570
return for exemption for a specified number of years, not to 113571
exceed fifteen, of a specified portion, up to one hundred per 113572
cent, of the assessed value of tangible personal property used in 113573
business at the project site as a result of the agreement, or of 113574
the assessed valuation of real property constituting the project 113575
site, or both. 113576

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 113577
section, the portion of the assessed value of tangible personal 113578
property or of the increase in the assessed valuation of real 113579
property exempted from taxation under those divisions may exceed 113580
seventy-five per cent in any year for which that portion is 113581
exempted if the average percentage exempted for all years in which 113582
the agreement is in effect does not exceed sixty per cent, or if 113583
the board of education of the city, local, or exempted village 113584
school district within the territory of which the property is or 113585
will be located approves a percentage in excess of seventy-five 113586
per cent. 113587

(2) Notwithstanding any provision of the Revised Code to the 113588
contrary, the exemptions described in divisions (C)(1)(a), (b), 113589
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 113590
be for up to fifteen years if the board of education of the city, 113591
local, or exempted village school district within the territory of 113592
which the property is or will be located approves a number of 113593
years in excess of ten. 113594

(3) For the purpose of obtaining the approval of a city, 113595
local, or exempted village school district under division (D)(1) 113596
or (2) of this section, the legislative authority shall deliver to 113597
the board of education a notice not later than forty-five days 113598
prior to approving the agreement, excluding Saturdays, Sundays, 113599
and legal holidays as defined in section 1.14 of the Revised Code. 113600
The notice shall state the percentage to be exempted, an estimate 113601

of the true value of the property to be exempted, and the number 113602
of years the property is to be exempted. The board of education, 113603
by resolution adopted by a majority of the board, shall approve or 113604
disapprove the agreement and certify a copy of the resolution to 113605
the legislative authority not later than fourteen days prior to 113606
the date stipulated by the legislative authority as the date upon 113607
which approval of the agreement is to be formally considered by 113608
the legislative authority. The board of education may include in 113609
the resolution conditions under which the board would approve the 113610
agreement, including the execution of an agreement to compensate 113611
the school district under division (B) of section 5709.82 of the 113612
Revised Code. The legislative authority may approve the agreement 113613
at any time after the board of education certifies its resolution 113614
approving the agreement to the legislative authority, or, if the 113615
board approves the agreement conditionally, at any time after the 113616
conditions are agreed to by the board and the legislative 113617
authority. 113618

If a board of education has adopted a resolution waiving its 113619
right to approve agreements and the resolution remains in effect, 113620
approval of an agreement by the board is not required under this 113621
division. If a board of education has adopted a resolution 113622
allowing a legislative authority to deliver the notice required 113623
under this division fewer than forty-five business days prior to 113624
the legislative authority's approval of the agreement, the 113625
legislative authority shall deliver the notice to the board not 113626
later than the number of days prior to such approval as prescribed 113627
by the board in its resolution. If a board of education adopts a 113628
resolution waiving its right to approve agreements or shortening 113629
the notification period, the board shall certify a copy of the 113630
resolution to the legislative authority. If the board of education 113631
rescinds such a resolution, it shall certify notice of the 113632
rescission to the legislative authority. 113633

(4) The legislative authority shall comply with section 113634

5709.83 of the Revised Code unless the board of education has
adopted a resolution under that section waiving its right to
receive such notice.

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(E) This division applies to zones certified by the director
of development under this section prior to July 22, 1994.

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On or before October 15, ~~2009~~2010, the legislative authority
that designated a zone to which this division applies may enter
into an agreement with an enterprise if the legislative authority
finds that the enterprise satisfies one of the criteria described
in divisions (E)(1) to (5) of this section:

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(1) The enterprise currently has no operations in this state
and, subject to approval of the agreement, intends to establish
operations in the zone;

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(2) The enterprise currently has operations in this state
and, subject to approval of the agreement, intends to establish
operations at a new location in the zone that would not result in
a reduction in the number of employee positions at any of the
enterprise's other locations in this state;

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(3) The enterprise, subject to approval of the agreement,
intends to relocate operations, currently located in another
state, to the zone;

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(4) The enterprise, subject to approval of the agreement,
intends to expand operations at an existing site in the zone that
the enterprise currently operates;

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(5) The enterprise, subject to approval of the agreement,
intends to relocate operations, currently located in this state,
to the zone, and the director of development has issued a waiver
for the enterprise under division (B) of section 5709.633 of the
Revised Code.

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The agreement shall require the enterprise to agree to
establish, expand, renovate, or occupy a facility in the zone and
hire new employees, or preserve employment opportunities for
existing employees, in return for one or more of the incentives
described in division (C) of this section.

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(F) All agreements entered into under this section shall be
in the form prescribed under section 5709.631 of the Revised Code.
After an agreement is entered into under this section, if the
legislative authority revokes its designation of a zone, or if the
director of development revokes a zone's certification, any
entitlements granted under the agreement shall continue for the
number of years specified in the agreement.

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(G) Except as otherwise provided in this division, an
agreement entered into under this section shall require that the
enterprise pay an annual fee equal to the greater of one per cent
of the dollar value of incentives offered under the agreement or
five hundred dollars; provided, however, that if the value of the
incentives exceeds two hundred fifty thousand dollars, the fee
shall not exceed two thousand five hundred dollars. The fee shall
be payable to the legislative authority once per year for each
year the agreement is effective on the days and in the form
specified in the agreement. Fees paid shall be deposited in a
special fund created for such purpose by the legislative authority
and shall be used by the legislative authority exclusively for the
purpose of complying with section 5709.68 of the Revised Code and
by the tax incentive review council created under section 5709.85
of the Revised Code exclusively for the purposes of performing the
duties prescribed under that section. The legislative authority
may waive or reduce the amount of the fee charged against an
enterprise, but such a waiver or reduction does not affect the
obligations of the legislative authority or the tax incentive
review council to comply with section 5709.68 or 5709.85 of the

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Revised Code. 113696

(H) When an agreement is entered into pursuant to this 113697
section, the legislative authority authorizing the agreement shall 113698
forward a copy of the agreement to the director of development and 113699
to the tax commissioner within fifteen days after the agreement is 113700
entered into. If any agreement includes terms not provided for in 113701
section 5709.631 of the Revised Code affecting the revenue of a 113702
city, local, or exempted village school district or causing 113703
revenue to be foregone by the district, including any compensation 113704
to be paid to the school district pursuant to section 5709.82 of 113705
the Revised Code, those terms also shall be forwarded in writing 113706
to the director of development along with the copy of the 113707
agreement forwarded under this division. 113708

(I) After an agreement is entered into, the enterprise shall 113709
file with each personal property tax return required to be filed, 113710
or annual report required to be filed under section 5727.08 of the 113711
Revised Code, while the agreement is in effect, an informational 113712
return, on a form prescribed by the tax commissioner for that 113713
purpose, setting forth separately the property, and related costs 113714
and values, exempted from taxation under the agreement. 113715

(J) Enterprises may agree to give preference to residents of 113716
the zone within which the agreement applies relative to residents 113717
of this state who do not reside in the zone when hiring new 113718
employees under the agreement. 113719

(K) An agreement entered into under this section may include 113720
a provision requiring the enterprise to create one or more 113721
temporary internship positions for students enrolled in a course 113722
of study at a school or other educational institution in the 113723
vicinity, and to create a scholarship or provide another form of 113724
educational financial assistance for students holding such a 113725
position in exchange for the student's commitment to work for the 113726
enterprise at the completion of the internship. 113727

(L) The tax commissioner's authority in determining the accuracy of any exemption granted by an agreement entered into under this section is limited to divisions (C)(1)(a) and (b), (C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and divisions (B)(1) to (10) of section 5709.631 of the Revised Code and, as authorized by law, to enforcing any modification to, or revocation of, that agreement by the legislative authority of a municipal corporation or the director of development.

Sec. 5709.63. (A) With the consent of the legislative authority of each affected municipal corporation or of a board of township trustees, a board of county commissioners may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in one or more municipal corporations or in unincorporated areas of the county as proposed enterprise zones. A board of county commissioners may designate no more than one area within a township, or within adjacent townships, as a proposed enterprise zone. The board shall petition the director of development for certification of the area as having the characteristics set forth in division (A)(1) or (2) of section 5709.61 of the Revised Code as amended by Substitute Senate Bill No. 19 of the 120th general assembly. Except as otherwise provided in division (D) of this section, on and after July 1, 1994, boards of county commissioners shall not enter into agreements under this section unless the board has petitioned the director and the director has certified the zone under this section as amended by that act; however, all agreements entered into under this section as it existed prior to July 1, 1994, and the incentives granted under those agreements shall remain in effect for the period agreed to under those agreements. The director shall make the determination in the manner provided under section 5709.62 of the Revised Code.

Any enterprise wishing to enter into an agreement with the

board under division (B) or (D) of this section shall submit a
proposal to the board on the form and accompanied by the
application fee prescribed under division (B) of section 5709.62
of the Revised Code. The enterprise shall review and update the
estimates and listings required by the form in the manner required
under that division. The board may, on a separate form and at any
time, require any additional information necessary to determine
whether an enterprise is in compliance with an agreement and to
collect the information required to be reported under section
5709.68 of the Revised Code.

(B) If the board of county commissioners finds that an
enterprise submitting a proposal is qualified by financial
responsibility and business experience to create and preserve
employment opportunities in the zone and to improve the economic
climate of the municipal corporation or municipal corporations or
the unincorporated areas in which the zone is located and to which
the proposal applies, the board, on or before October 15, ~~2009~~
2010, and with the consent of the legislative authority of each
affected municipal corporation or of the board of township
trustees may do either of the following:

(1) Enter into an agreement with the enterprise under which
the enterprise agrees to establish, expand, renovate, or occupy a
facility in the zone and hire new employees, or preserve
employment opportunities for existing employees, in return for the
following incentives:

(a) When the facility is located in a municipal corporation,
the board may enter into an agreement for one or more of the
incentives provided in division (C) of section 5709.62 of the
Revised Code, subject to division (D) of that section;

(b) When the facility is located in an unincorporated area,
the board may enter into an agreement for one or more of the
following incentives:

(i) Exemption for a specified number of years, not to exceed 113792
fifteen, of a specified portion, up to sixty per cent, of the 113793
assessed value of tangible personal property first used in 113794
business at a project site as a result of the agreement. If an 113795
exemption for inventory is specifically granted in the agreement 113796
pursuant to this division, the exemption applies to inventory 113797
required to be listed pursuant to sections 5711.15 and 5711.16 of 113798
the Revised Code, except, in the instance of an expansion or other 113799
situations in which an enterprise was in business at the facility 113800
prior to the establishment of the zone, the inventory that is 113801
exempt is that amount or value of inventory in excess of the 113802
amount or value of inventory required to be listed in the personal 113803
property tax return of the enterprise in the return for the tax 113804
year in which the agreement is entered into. 113805

(ii) Exemption for a specified number of years, not to exceed 113806
fifteen, of a specified portion, up to sixty per cent, of the 113807
increase in the assessed valuation of real property constituting 113808
the project site subsequent to formal approval of the agreement by 113809
the board; 113810

(iii) Provision for a specified number of years, not to 113811
exceed fifteen, of any optional services or assistance the board 113812
is authorized to provide with regard to the project site; 113813

(iv) The incentive described in division (C)(2) of section 113814
5709.62 of the Revised Code. 113815

(2) Enter into an agreement with an enterprise that plans to 113816
purchase and operate a large manufacturing facility that has 113817
ceased operation or has announced its intention to cease 113818
operation, in return for exemption for a specified number of 113819
years, not to exceed fifteen, of a specified portion, up to one 113820
hundred per cent, of tangible personal property used in business 113821
at the project site as a result of the agreement, or of real 113822

property constituting the project site, or both. 113823

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 113824
this section, the portion of the assessed value of tangible 113825
personal property or of the increase in the assessed valuation of 113826
real property exempted from taxation under those divisions may 113827
exceed sixty per cent in any year for which that portion is 113828
exempted if the average percentage exempted for all years in which 113829
the agreement is in effect does not exceed fifty per cent, or if 113830
the board of education of the city, local, or exempted village 113831
school district within the territory of which the property is or 113832
will be located approves a percentage in excess of sixty per cent. 113833

(b) Notwithstanding any provision of the Revised Code to the 113834
contrary, the exemptions described in divisions (B)(1)(b)(i), 113835
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 113836
fifteen years if the board of education of the city, local, or 113837
exempted village school district within the territory of which the 113838
property is or will be located approves a number of years in 113839
excess of ten. 113840

(c) For the purpose of obtaining the approval of a city, 113841
local, or exempted village school district under division 113842
(C)(1)(a) or (b) of this section, the board of county 113843
commissioners shall deliver to the board of education a notice not 113844
later than forty-five days prior to approving the agreement, 113845
excluding Saturdays, Sundays, and legal holidays as defined in 113846
section 1.14 of the Revised Code. The notice shall state the 113847
percentage to be exempted, an estimate of the true value of the 113848
property to be exempted, and the number of years the property is 113849
to be exempted. The board of education, by resolution adopted by a 113850
majority of the board, shall approve or disapprove the agreement 113851
and certify a copy of the resolution to the board of county 113852
commissioners not later than fourteen days prior to the date 113853
stipulated by the board of county commissioners as the date upon 113854

which approval of the agreement is to be formally considered by 113855
the board of county commissioners. The board of education may 113856
include in the resolution conditions under which the board would 113857
approve the agreement, including the execution of an agreement to 113858
compensate the school district under division (B) of section 113859
5709.82 of the Revised Code. The board of county commissioners may 113860
approve the agreement at any time after the board of education 113861
certifies its resolution approving the agreement to the board of 113862
county commissioners, or, if the board of education approves the 113863
agreement conditionally, at any time after the conditions are 113864
agreed to by the board of education and the board of county 113865
commissioners. 113866

If a board of education has adopted a resolution waiving its 113867
right to approve agreements and the resolution remains in effect, 113868
approval of an agreement by the board of education is not required 113869
under division (C) of this section. If a board of education has 113870
adopted a resolution allowing a board of county commissioners to 113871
deliver the notice required under this division fewer than 113872
forty-five business days prior to approval of the agreement by the 113873
board of county commissioners, the board of county commissioners 113874
shall deliver the notice to the board of education not later than 113875
the number of days prior to such approval as prescribed by the 113876
board of education in its resolution. If a board of education 113877
adopts a resolution waiving its right to approve agreements or 113878
shortening the notification period, the board of education shall 113879
certify a copy of the resolution to the board of county 113880
commissioners. If the board of education rescinds such a 113881
resolution, it shall certify notice of the rescission to the board 113882
of county commissioners. 113883

(2) The board of county commissioners shall comply with 113884
section 5709.83 of the Revised Code unless the board of education 113885
has adopted a resolution under that section waiving its right to 113886
receive such notice. 113887

(D) This division applies to zones certified by the director
of development under this section prior to July 22, 1994.

On or before October 15, ~~2009~~2010, and with the consent of
the legislative authority of each affected municipal corporation
or board of township trustees of each affected township, the board
of county commissioners that designated a zone to which this
division applies may enter into an agreement with an enterprise if
the board finds that the enterprise satisfies one of the criteria
described in divisions (D)(1) to (5) of this section:

(1) The enterprise currently has no operations in this state
and, subject to approval of the agreement, intends to establish
operations in the zone;

(2) The enterprise currently has operations in this state
and, subject to approval of the agreement, intends to establish
operations at a new location in the zone that would not result in
a reduction in the number of employee positions at any of the
enterprise's other locations in this state;

(3) The enterprise, subject to approval of the agreement,
intends to relocate operations, currently located in another
state, to the zone;

(4) The enterprise, subject to approval of the agreement,
intends to expand operations at an existing site in the zone that
the enterprise currently operates;

(5) The enterprise, subject to approval of the agreement,
intends to relocate operations, currently located in this state,
to the zone, and the director of development has issued a waiver
for the enterprise under division (B) of section 5709.633 of the
Revised Code.

The agreement shall require the enterprise to agree to
establish, expand, renovate, or occupy a facility in the zone and
hire new employees, or preserve employment opportunities for
existing employees, in return for one or more of the incentives
described in division (B) of this section.

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(E) All agreements entered into under this section shall be
in the form prescribed under section 5709.631 of the Revised Code.
After an agreement under this section is entered into, if the
board of county commissioners revokes its designation of a zone,
or if the director of development revokes a zone's certification,
any entitlements granted under the agreement shall continue for
the number of years specified in the agreement.

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(F) Except as otherwise provided in this division, an
agreement entered into under this section shall require that the
enterprise pay an annual fee equal to the greater of one per cent
of the dollar value of incentives offered under the agreement or
five hundred dollars; provided, however, that if the value of the
incentives exceeds two hundred fifty thousand dollars, the fee
shall not exceed two thousand five hundred dollars. The fee shall
be payable to the board of county commissioners once per year for
each year the agreement is effective on the days and in the form
specified in the agreement. Fees paid shall be deposited in a
special fund created for such purpose by the board and shall be
used by the board exclusively for the purpose of complying with
section 5709.68 of the Revised Code and by the tax incentive
review council created under section 5709.85 of the Revised Code
exclusively for the purposes of performing the duties prescribed
under that section. The board may waive or reduce the amount of
the fee charged against an enterprise, but such waiver or
reduction does not affect the obligations of the board or the tax
incentive review council to comply with section 5709.68 or 5709.85
of the Revised Code, respectively.

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(G) With the approval of the legislative authority of a 113948
municipal corporation or the board of township trustees of a 113949
township in which a zone is designated under division (A) of this 113950
section, the board of county commissioners may delegate to that 113951
legislative authority or board any powers and duties of the board 113952
of county commissioners to negotiate and administer agreements 113953
with regard to that zone under this section. 113954

(H) When an agreement is entered into pursuant to this 113955
section, the board of county commissioners authorizing the 113956
agreement or the legislative authority or board of township 113957
trustees that negotiates and administers the agreement shall 113958
forward a copy of the agreement to the director of development and 113959
to the tax commissioner within fifteen days after the agreement is 113960
entered into. If any agreement includes terms not provided for in 113961
section 5709.631 of the Revised Code affecting the revenue of a 113962
city, local, or exempted village school district or causing 113963
revenue to be foregone by the district, including any compensation 113964
to be paid to the school district pursuant to section 5709.82 of 113965
the Revised Code, those terms also shall be forwarded in writing 113966
to the director of development along with the copy of the 113967
agreement forwarded under this division. 113968

(I) After an agreement is entered into, the enterprise shall 113969
file with each personal property tax return required to be filed, 113970
or annual report that is required to be filed under section 113971
5727.08 of the Revised Code, while the agreement is in effect, an 113972
informational return, on a form prescribed by the tax commissioner 113973
for that purpose, setting forth separately the property, and 113974
related costs and values, exempted from taxation under the 113975
agreement. 113976

(J) Enterprises may agree to give preference to residents of 113977
the zone within which the agreement applies relative to residents 113978
of this state who do not reside in the zone when hiring new 113979

employees under the agreement. 113980

(K) An agreement entered into under this section may include 113981
a provision requiring the enterprise to create one or more 113982
temporary internship positions for students enrolled in a course 113983
of study at a school or other educational institution in the 113984
vicinity, and to create a scholarship or provide another form of 113985
educational financial assistance for students holding such a 113986
position in exchange for the student's commitment to work for the 113987
enterprise at the completion of the internship. 113988

(L) The tax commissioner's authority in determining the 113989
accuracy of any exemption granted by an agreement entered into 113990
under this section is limited to divisions (B)(1)(b)(i) and (ii), 113991
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 113992
this section as it pertains to divisions (C)(2)(a), (b), and (c) 113993
of section 5709.62 of the Revised Code, and divisions (B)(1) to 113994
(10) of section 5709.631 of the Revised Code and, as authorized by 113995
law, to enforcing any modification to, or revocation of, that 113996
agreement by the board of county commissioners or the director of 113997
development or, if the board's powers and duties are delegated 113998
under division (G) of this section, by the legislative authority 113999
of a municipal corporation or board of township trustees. 114000

Sec. 5709.632. (A)(1) The legislative authority of a 114001
municipal corporation defined by the United States office of 114002
management and budget as a principal city of a metropolitan 114003
statistical area may, in the manner set forth in section 5709.62 114004
of the Revised Code, designate one or more areas in the municipal 114005
corporation as a proposed enterprise zone. 114006

(2) With the consent of the legislative authority of each 114007
affected municipal corporation or of a board of township trustees, 114008
a board of county commissioners may, in the manner set forth in 114009
section 5709.62 of the Revised Code, designate one or more areas 114010
in one or more municipal corporations or in unincorporated areas 114011

of the county as proposed urban jobs and enterprise zones, except 114012
that a board of county commissioners may designate no more than 114013
one area within a township, or within adjacent townships, as a 114014
proposed urban jobs and enterprise zone. 114015

(3) The legislative authority or board of county 114016
commissioners may petition the director of development for 114017
certification of the area as having the characteristics set forth 114018
in division (A)(3) of section 5709.61 of the Revised Code. Within 114019
sixty days after receiving such a petition, the director shall 114020
determine whether the area has the characteristics set forth in 114021
that division and forward the findings to the legislative 114022
authority or board of county commissioners. If the director 114023
certifies the area as having those characteristics and thereby 114024
certifies it as a zone, the legislative authority or board may 114025
enter into agreements with enterprises under division (B) of this 114026
section. Any enterprise wishing to enter into an agreement with a 114027
legislative authority or board of county commissioners under this 114028
section and satisfying one of the criteria described in divisions 114029
(B)(1) to (5) of this section shall submit a proposal to the 114030
legislative authority or board on the form prescribed under 114031
division (B) of section 5709.62 of the Revised Code and shall 114032
review and update the estimates and listings required by the form 114033
in the manner required under that division. The legislative 114034
authority or board may, on a separate form and at any time, 114035
require any additional information necessary to determine whether 114036
an enterprise is in compliance with an agreement and to collect 114037
the information required to be reported under section 5709.68 of 114038
the Revised Code. 114039

(B) Prior to entering into an agreement with an enterprise, 114040
the legislative authority or board of county commissioners shall 114041
determine whether the enterprise submitting the proposal is 114042
qualified by financial responsibility and business experience to 114043
create and preserve employment opportunities in the zone and to 114044

improve the economic climate of the municipal corporation or	114045
municipal corporations or the unincorporated areas in which the	114046
zone is located and to which the proposal applies, and whether the	114047
enterprise satisfies one of the following criteria:	114048
(1) The enterprise currently has no operations in this state	114049
and, subject to approval of the agreement, intends to establish	114050
operations in the zone;	114051
(2) The enterprise currently has operations in this state	114052
and, subject to approval of the agreement, intends to establish	114053
operations at a new location in the zone that would not result in	114054
a reduction in the number of employee positions at any of the	114055
enterprise's other locations in this state;	114056
(3) The enterprise, subject to approval of the agreement,	114057
intends to relocate operations, currently located in another	114058
state, to the zone;	114059
(4) The enterprise, subject to approval of the agreement,	114060
intends to expand operations at an existing site in the zone that	114061
the enterprise currently operates;	114062
(5) The enterprise, subject to approval of the agreement,	114063
intends to relocate operations, currently located in this state,	114064
to the zone, and the director of development has issued a waiver	114065
for the enterprise under division (B) of section 5709.633 of the	114066
Revised Code.	114067
(C) If the legislative authority or board determines that the	114068
enterprise is so qualified and satisfies one of the criteria	114069
described in divisions (B)(1) to (5) of this section, the	114070
legislative authority or board may, after complying with section	114071
5709.83 of the Revised Code and on or before October 15, ~~2009~~	114072
<u>2010</u> , and, in the case of a board of commissioners, with the	114073
consent of the legislative authority of each affected municipal	114074

corporation or of the board of township trustees, enter into an	114075
agreement with the enterprise under which the enterprise agrees to	114076
establish, expand, renovate, or occupy a facility in the zone and	114077
hire new employees, or preserve employment opportunities for	114078
existing employees, in return for the following incentives:	114079
 (1) When the facility is located in a municipal corporation,	114080
a legislative authority or board of commissioners may enter into	114081
an agreement for one or more of the incentives provided in	114082
division (C) of section 5709.62 of the Revised Code, subject to	114083
division (D) of that section;	114084
 (2) When the facility is located in an unincorporated area, a	114085
board of commissioners may enter into an agreement for one or more	114086
of the incentives provided in divisions (B)(1)(b), (B)(2), and	114087
(B)(3) of section 5709.63 of the Revised Code, subject to division	114088
(C) of that section.	114089
 (D) All agreements entered into under this section shall be	114090
in the form prescribed under section 5709.631 of the Revised Code.	114091
After an agreement under this section is entered into, if the	114092
legislative authority or board of county commissioners revokes its	114093
designation of the zone, or if the director of development revokes	114094
the zone's certification, any entitlements granted under the	114095
agreement shall continue for the number of years specified in the	114096
agreement.	114097
 (E) Except as otherwise provided in this division, an	114098
agreement entered into under this section shall require that the	114099
enterprise pay an annual fee equal to the greater of one per cent	114100
of the dollar value of incentives offered under the agreement or	114101
five hundred dollars; provided, however, that if the value of the	114102
incentives exceeds two hundred fifty thousand dollars, the fee	114103
shall not exceed two thousand five hundred dollars. The fee shall	114104
be payable to the legislative authority or board of commissioners	114105
once per year for each year the agreement is effective on the days	114106

and in the form specified in the agreement. Fees paid shall be 114107
deposited in a special fund created for such purpose by the 114108
legislative authority or board and shall be used by the 114109
legislative authority or board exclusively for the purpose of 114110
complying with section 5709.68 of the Revised Code and by the tax 114111
incentive review council created under section 5709.85 of the 114112
Revised Code exclusively for the purposes of performing the duties 114113
prescribed under that section. The legislative authority or board 114114
may waive or reduce the amount of the fee charged against an 114115
enterprise, but such waiver or reduction does not affect the 114116
obligations of the legislative authority or board or the tax 114117
incentive review council to comply with section 5709.68 or 5709.85 114118
of the Revised Code, respectively. 114119

(F) With the approval of the legislative authority of a 114120
municipal corporation or the board of township trustees of a 114121
township in which a zone is designated under division (A)(2) of 114122
this section, the board of county commissioners may delegate to 114123
that legislative authority or board any powers and duties of the 114124
board to negotiate and administer agreements with regard to that 114125
zone under this section. 114126

(G) When an agreement is entered into pursuant to this 114127
section, the legislative authority or board of commissioners 114128
authorizing the agreement shall forward a copy of the agreement to 114129
the director of development and to the tax commissioner within 114130
fifteen days after the agreement is entered into. If any 114131
agreement includes terms not provided for in section 5709.631 of 114132
the Revised Code affecting the revenue of a city, local, or 114133
exempted village school district or causing revenue to be foregone 114134
by the district, including any compensation to be paid to the 114135
school district pursuant to section 5709.82 of the Revised Code, 114136
those terms also shall be forwarded in writing to the director of 114137
development along with the copy of the agreement forwarded under 114138
this division. 114139

(H) After an agreement is entered into, the enterprise shall
file with each personal property tax return required to be filed
while the agreement is in effect, an informational return, on a
form prescribed by the tax commissioner for that purpose, setting
forth separately the property, and related costs and values,
exempted from taxation under the agreement.

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(I) An agreement entered into under this section may include
a provision requiring the enterprise to create one or more
temporary internship positions for students enrolled in a course
of study at a school or other educational institution in the
vicinity, and to create a scholarship or provide another form of
educational financial assistance for students holding such a
position in exchange for the student's commitment to work for the
enterprise at the completion of the internship.

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Sec. 5711.33. (A)(1) When a county treasurer receives a
certificate from a county auditor pursuant to division (A) of
section 5711.32 of the Revised Code charging the treasurer with
the collection of an amount of taxes due as the result of a
deficiency assessment, the treasurer shall immediately prepare and
mail a tax bill to the taxpayer owing such tax. The tax bill shall
contain the name of the taxpayer; the taxable value, tax rate, and
taxes charged for each year being assessed; the total amount of
taxes due; the final date payment may be made without additional
penalty; and any other information the treasurer considers
pertinent or necessary. Taxes due and payable as a result of a
deficiency assessment, less any amount specifically excepted from
collection under division (B) of section 5711.32 of the Revised
Code, shall be paid with interest thereon as prescribed by section
5719.041 of the Revised Code on or before the sixtieth day
following the date of issuance of the certificate by the county
auditor. The balance of taxes found due and payable after a final
determination by the tax commissioner or a final judgment of the

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board of tax appeals or any court to which such final judgment may
be appealed shall be paid with interest thereon as prescribed by
section 5719.041 of the Revised Code on or before the sixtieth day
following the date of certification by the auditor to the
treasurer pursuant to division (C) of section 5711.32 of the
Revised Code of such final determination or judgment. Such final
dates for payment shall be determined and exhibited on the tax
bill by the treasurer.

(2) If, on or before the sixtieth day following the date of a
certification of a deficiency assessment under division (A) of
section 5711.32 of the Revised Code or of a certification of a
final determination or judgment under division (C) of section
5711.32 of the Revised Code, the taxpayer pays the full amount of
taxes and interest due at the time of the receipt of certification
with respect to that assessment, determination, or judgment, no
interest shall accrue or be charged with respect to that
assessment, determination, or judgment for the period that begins
on the first day of the month in which the certification is made
and that ends on the last day of the month preceding the month in
which such sixtieth day occurs.

(B) When the taxes charged, as mentioned in division (A) of
this section, are not paid within the time prescribed by such
division, a penalty of ten per cent of the amount due and unpaid
and interest for the period described in division (A)(2) of this
section shall accrue at the time the treasurer closes the
treasurer's office for business on the last day so prescribed, but
if the taxes are paid within ten days subsequent to the last day
prescribed, the treasurer shall waive the collection of and the
auditor shall remit one-half of the penalty. The treasurer shall
not thereafter accept less than the full amount of taxes and
penalty except as otherwise authorized by law. Such penalty shall
be distributed in the same manner and at the same time as the tax
upon which it has accrued. The whole amount collected shall be

included in the next succeeding settlement of appropriate taxes. 114205

(C) When the taxes charged, as mentioned in division (A) of 114206
this section, remain unpaid after the final date for payment 114207
prescribed by such division, such charges shall be deemed to be 114208
delinquent taxes. The county auditor shall cause such charges, 114209
including the penalty that has accrued pursuant to this section, 114210
to be added to the delinquent tax duplicate in accordance with 114211
section 5719.04 of the Revised Code. 114212

(D) The county auditor, upon consultation with the county 114213
treasurer, shall remit a penalty imposed under division (B) of 114214
this section or division ~~(C)~~(D) of section 5719.03 of the Revised 114215
Code for the late payment of taxes when: 114216

(1) The taxpayer could not make timely payment of the tax 114217
because of the negligence or error of the county auditor or county 114218
treasurer in the performance of a statutory duty relating to the 114219
levy or collection of such tax. 114220

(2) In cases other than those described in division ~~(D)~~(1) of 114221
this section, the taxpayer failed to receive a tax bill or a 114222
correct tax bill, and the taxpayer made a good faith effort to 114223
obtain such bill within thirty days after the last day for payment 114224
of the tax. 114225

(3) The tax was not timely paid because of the death or 114226
serious injury of the taxpayer, or the taxpayer's confinement in a 114227
hospital within sixty days preceding the last day for payment of 114228
the tax if, in any case, the tax was subsequently paid within 114229
sixty days after the last day for payment of such tax. 114230

(4) The taxpayer demonstrates that the full payment was 114231
properly deposited in the mail in sufficient time for the envelope 114232
to be postmarked by the United States postal service on or before 114233
the last day for payment of such tax. A private meter postmark on 114234

an envelope is not a valid postmark for purposes of establishing
the date of payment of such tax.

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(5) In cases other than those described in divisions (D)(1)
to (4) of this section, the taxpayer's failure to make timely
payment of the tax is due to reasonable cause and not willful
neglect.

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(E) The taxpayer, upon application within sixty days after
the mailing of the county auditor's decision, may request the tax
commissioner to review the denial of the remission of a penalty by
the county auditor. The application may be filed in person or by
certified mail. If the application is filed by certified mail, the
date of the United States postmark placed on the sender's receipt
by the postal service shall be treated as the date of filing. The
commissioner shall consider the application, determine whether the
penalty should be remitted, and certify the determination to the
taxpayer and to the county treasurer and county auditor, who shall
correct the tax list and duplicate accordingly. The commissioner
may issue orders and instructions for the uniform implementation
of this section by all county auditors and county treasurers, and
such orders and instructions shall be followed by such officers.

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Sec. 5715.02. The county treasurer, county auditor, and ~~the~~
~~president of a member of the board of county commissioners~~
selected by the board of county commissioners shall constitute the
county board of revision, or they may provide for one or more
hearing boards when they deem the creation of such to be necessary
to the expeditious hearing of valuation complaints. Each such
official may; appoint one qualified employee from ~~his~~the
official's office to serve in ~~his~~the official's place and stead
on each such board for the purpose of hearing complaints as to the
value of real property only, each such hearing board has the same
authority to hear and decide complaints and sign the journal as
the board of revision, and shall proceed in the manner provided

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for the board of revision by sections 5715.08 to 5715.20,
~~inclusive~~, of the Revised Code. Any decision by a hearing board
shall be the decision of the board of revision.

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A majority of a county board of revision or hearing board
shall constitute a quorum to hear and determine any complaint, and
any vacancy shall not impair the right of the remaining members of
such board, whether elected officials or appointees, to exercise
all the powers thereof so long as a majority remains.

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Each member of a county board of revision or hearing board
may administer oaths.

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Sec. 5715.251. The county auditor may appeal to the board of
tax appeals any determination of change in the abstract of real
property of a taxing district in ~~his~~the auditor's county that is
made by the tax commissioner under section 5715.24 of the Revised
Code. The appeal shall be taken within thirty days after receipt
of the statement by the county auditor of the commissioner's
determination by the filing by the county auditor of a notice of
appeal with the board and the commissioner. Such notice of appeal
shall set forth the determination of the commissioner appealed
from and the errors therein complained of. Proof of the filing of
such notice with the commissioner shall be filed with the board.
The board shall have exclusive jurisdiction of the appeal.

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In all such appeals the commissioner shall be made appellee.
Unless waived, notice of the appeal shall be served upon the
commissioner by certified mail. The prosecuting attorney shall
represent the county auditor in such an appeal.

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The commissioner, upon written demand filed by the county
auditor, shall within thirty days after the filing of such demand
file with the board a certified transcript of the record of the
commissioner's proceedings pertaining to the determination
complained of and the evidence ~~he~~the commissioner considered in

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making such determination. 114298

If upon hearing and consideration of such record and evidence 114299
the board decides that the determination appealed from is 114300
reasonable and lawful, it shall affirm the same, but if the board 114301
decides that such determination is unreasonable or unlawful, the 114302
board shall reverse and vacate the determination or modify it and 114303
enter final order in accordance with such modification. 114304

The secretary of the board shall ~~certify~~send the order of 114305
the board to the county auditor and to the commissioner, and they 114306
shall take such action in connection therewith as is required to 114307
give effect to the order of the board. At the request of the 114308
county auditor, the board of tax appeal's order shall be sent by 114309
certified mail at the county auditor's expense. 114310

Sec. 5715.26. (A)(1) Upon receiving the statement required 114311
by section 5715.25 of the Revised Code, the county auditor shall 114312
forthwith add to or deduct from each tract, lot, or parcel of real 114313
property or class of real property the required percentage or 114314
amount of the valuation thereof, adding or deducting any sum less 114315
than five dollars so that the value of any separate tract, lot, or 114316
parcel of real property shall be ten dollars or some multiple 114317
thereof. 114318

(2) ~~When he has made~~After making the additions or deductions 114319
required by this section, the auditor shall transmit to the tax 114320
commissioner the appropriate adjusted abstract of the real 114321
property of each taxing district in ~~his~~the auditor's county in 114322
which an adjustment was required. 114323

(3) If the commissioner increases or decreases the aggregate 114324
value of the real property or any class thereof in any county or 114325
taxing district thereof and does not receive within ninety days 114326
thereafter an adjusted abstract conforming to its statement for 114327
such county or taxing district therein, ~~he~~the commissioner shall 114328

withhold from such county or taxing district therein fifty per cent of its share in the distribution of state revenues to local governments pursuant to sections 5747.50 to 5747.55 of the Revised Code and shall direct the department of education to withhold therefrom fifty per cent of state revenues to school districts pursuant to ~~Chapter~~ Chapter ~~3306.~~ and 3317. of the Revised Code. The commissioner shall withhold the distribution of such funds until such county auditor has complied with this division, and the department shall withhold the distribution of such funds until the commissioner has notified the department that such county auditor has complied with this division.

(B)(1) If the commissioner's determination is appealed under section 5715.251 of the Revised Code, the county auditor, treasurer, and all other officers shall forthwith proceed with the levy and collection of the current year's taxes in the manner prescribed by law. The taxes shall be determined and collected as if the commissioner had determined under section 5715.24 of the Revised Code that the real property and the various classes thereof in the county as shown in the auditor's abstract were assessed for taxation and the true and agricultural use values were recorded on the agricultural land tax list as required by law.

(2) If as a result of the appeal to the board it is finally determined either that all real property and the various classes thereof have not been assessed as required by law or that the values set forth in the agricultural land tax list do not correctly reflect the true and agricultural use values of the lands contained therein, the county auditor shall forthwith add to or deduct from each tract, lot, or parcel of real property or class of real property the required percentage or amount of the valuation in accordance with the order of the board or judgment of the court to which the board's order was appealed, and the taxes on each tract, lot, or parcel and the percentages required by

section 319.301 of the Revised Code shall be recomputed using the valuation as finally determined. The order or judgment making the final determination shall prescribe the time and manner for collecting, crediting, or refunding the resultant increases or decreases in taxes.

Sec. 5717.03. (A) A decision of the board of tax appeals on an appeal filed with it pursuant to section 5717.01, 5717.011, or 5717.02 of the Revised Code shall be entered of record on the journal together with the date when the order is filed with the secretary for journalization.

(B) In case of an appeal from a decision of a county board of revision, the board of tax appeals shall determine the taxable value of the property whose valuation or assessment by the county board of revision is complained of, or in the event the complaint and appeal is against a discriminatory valuation, shall determine a valuation which shall correct such discrimination, and shall determine the liability of the property for taxation, if that question is in issue, and the board of tax ~~appeals'~~appeals' decision and the date when it was filed with the secretary for journalization shall be ~~certified~~sent by the board by ~~certified mail~~ to all persons who were parties to the appeal before the board, to the person in whose name the property is listed, or sought to be listed, if such person is not a party to the appeal, to the county auditor of the county in which the property involved in the appeal is located, and to the tax commissioner.

In correcting a discriminatory valuation, the board of tax appeals shall increase or decrease the value of the property whose valuation or assessment by the county board of revision is complained of by a per cent or amount which will cause such property to be listed and valued for taxation by an equal and uniform rule.

(C) In the case of an appeal from a review, redetermination,

or correction of a tax assessment, valuation, determination, 114394
finding, computation, or order of the tax commissioner, the order 114395
of the board of tax appeals and the date of the entry thereof upon 114396
its journal shall be ~~certified~~sent by the board ~~by certified mail~~ 114397
to all persons who were parties to the appeal before the board, 114398
the person in whose name the property is listed or sought to be 114399
listed, if the decision determines the valuation or liability of 114400
property for taxation and if such person is not a party to the 114401
appeal, the taxpayer or other person to whom notice of the tax 114402
assessment, valuation, determination, finding, computation, or 114403
order, or correction or redetermination thereof, by the tax 114404
commissioner was by law required to be given, the director of 114405
budget and management, if the revenues affected by such decision 114406
would accrue primarily to the state treasury, and the county 114407
auditors of the counties to the undivided general tax funds of 114408
which the revenues affected by such decision would primarily 114409
accrue. 114410

(D) In the case of an appeal from a municipal board of appeal 114411
created under section 718.11 of the Revised Code, the order of the 114412
board of tax appeals and the date of the entry thereof upon the 114413
board's journal shall be ~~certified~~sent by the board ~~by certified~~ 114414
~~mail~~ to all persons who were parties to the appeal before the 114415
board. 114416

(E) In the case of all other appeals or applications filed 114417
with and determined by the board, the board's order and the date 114418
when the order was filed by the secretary for journalization shall 114419
be ~~certified~~sent by the board ~~by certified mail~~ to the person who 114420
is a party to such appeal or application, to such persons as the 114421
law requires, and to such other persons as the board deems proper. 114422

(F) The orders of the board may affirm, reverse, vacate, 114423
modify, or remand the tax assessments, valuations, determinations, 114424
findings, computations, or orders complained of in the appeals 114425

determined by the board, and the board's decision shall become
final and conclusive for the current year unless reversed,
vacated, or modified as provided in section 5717.04 of the Revised
Code. When an order of the board becomes final the tax
commissioner and all officers to whom such decision has been
~~certified~~sent shall make the changes in their tax lists or other
records which the decision requires.

(G) If the board finds that issues not raised on the appeal
are important to a determination of a controversy, the board may
remand the cause for an administrative determination and the
issuance of a new tax assessment, valuation, determination,
finding, computation, or order, unless the parties stipulate to
the determination of such other issues without remand. An order
remanding the cause is a final order. If the order relates to any
issue other than a municipal income tax matter appealed under
sections 718.11 and 5717.011 of the Revised Code, the order may be
appealed to the court of appeals in Franklin county. If the order
relates to a municipal income tax matter appealed under sections
718.11 and 5717.011 of the Revised Code, the order may be appealed
to the court of appeals for the county in which the municipal
corporation in which the dispute arose is primarily situated.

(H) At the request of any person that filed an appeal subject
to this section, the decision or order of the board of tax appeals
issued pursuant to division (B), (C), (D), or (E) of this section
shall be sent by certified mail at the requestor's expense.

Sec. 5717.04. The proceeding to obtain a reversal, vacation,
or modification of a decision of the board of tax appeals shall be
by appeal to the supreme court or the court of appeals for the
county in which the property taxed is situate or in which the
taxpayer resides. If the taxpayer is a corporation, then the
proceeding to obtain such reversal, vacation, or modification
shall be by appeal to the supreme court or to the court of appeals

for the county in which the property taxed is situate, or the
county of residence of the agent for service of process, tax
notices, or demands, or the county in which the corporation has
its principal place of business. In all other instances, the
proceeding to obtain such reversal, vacation, or modification
shall be by appeal to the court of appeals for Franklin county.

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Appeals from decisions of the board determining appeals from
decisions of county boards of revision may be instituted by any of
the persons who were parties to the appeal before the board of tax
appeals, by the person in whose name the property involved in the
appeal is listed or sought to be listed, if such person was not a
party to the appeal before the board of tax appeals, or by the
county auditor of the county in which the property involved in the
appeal is located.

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Appeals from decisions of the board of tax appeals
determining appeals from final determinations by the tax
commissioner of any preliminary, amended, or final tax
assessments, reassessments, valuations, determinations, findings,
computations, or orders made by the commissioner may be instituted
by any of the persons who were parties to the appeal or
application before the board, by the person in whose name the
property is listed or sought to be listed, if the decision
appealed from determines the valuation or liability of property
for taxation and if any such person was not a party to the appeal
or application before the board, by the taxpayer or any other
person to whom the decision of the board appealed from was by law
required to be ~~certified~~certified, by the director of budget and
management; if the revenue affected by the decision of the board
appealed from would accrue primarily to the state treasury, by the
county auditor of the county to the undivided general tax funds of
which the revenues affected by the decision of the board appealed
from would primarily accrue, or by the tax commissioner.

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Appeals from decisions of the board upon all other appeals or
applications filed with and determined by the board may be
instituted by any of the persons who were parties to such appeal
or application before the board, by any persons to whom the
decision of the board appealed from was by law required to be
~~certified~~sent, or by any other person to whom the board ~~certified~~
sent the decision appealed from, as authorized by section 5717.03
of the Revised Code.

Such appeals shall be taken within thirty days after the date
of the entry of the decision of the board on the journal of its
proceedings, as provided by such section, by the filing by
appellant of a notice of appeal with the court to which the appeal
is taken and the board. If a timely notice of appeal is filed by a
party, any other party may file a notice of appeal within ten days
of the date on which the first notice of appeal was filed or
within the time otherwise prescribed in this section, whichever is
later. A notice of appeal shall set forth the decision of the
board appealed from and the errors therein complained of. Proof of
the filing of such notice with the board shall be filed with the
court to which the appeal is being taken. The court in which
notice of appeal is first filed shall have exclusive jurisdiction
of the appeal.

In all such appeals the tax commissioner or all persons to
whom the decision of the board appealed from is required by such
section to be ~~certified~~sent, other than the appellant, shall be
made appellees. Unless waived, notice of the appeal shall be
served upon all appellees by certified mail. The prosecuting
attorney shall represent the county auditor in any such appeal in
which the auditor is a party.

The board, upon written demand filed by an appellant, shall
within thirty days after the filing of such demand file with the
court to which the appeal is being taken a certified transcript of

the record of the proceedings of the board pertaining to the 114522
decision complained of and the evidence considered by the board in 114523
making such decision. 114524

If upon hearing and consideration of such record and evidence 114525
the court decides that the decision of the board appealed from is 114526
reasonable and lawful it shall affirm the same, but if the court 114527
decides that such decision of the board is unreasonable or 114528
unlawful, the court shall reverse and vacate the decision or 114529
modify it and enter final judgment in accordance with such 114530
modification. 114531

The clerk of the court shall certify the judgment of the 114532
court to the board, which shall certify such judgment to such 114533
public officials or take such other action in connection therewith 114534
as is required to give effect to the decision. The "taxpayer" 114535
includes any person required to return any property for taxation. 114536

Any party to the appeal shall have the right to appeal from 114537
the judgment of the court of appeals on questions of law, as in 114538
other cases. 114539

Sec. 5721.01. (A) As used in this chapter: 114540

(1) "Delinquent lands" means all lands upon which delinquent 114541
taxes, as defined in section 323.01 of the Revised Code, remain 114542
unpaid at the time a settlement is made between the county 114543
treasurer and auditor pursuant to division (C) of section 321.24 114544
of the Revised Code. 114545

(2) "Delinquent vacant lands" means all lands that have been 114546
delinquent lands for at least one year and that are unimproved by 114547
any dwelling. 114548

(3) "County land reutilization corporation" means a county 114549
land reutilization corporation organized under Chapter 1724. of 114550

the Revised Code. 114551

(B) As used in sections 5719.04, 5721.03, and 5721.31 of the Revised Code and in any other sections of the Revised Code to which those sections are applicable, a newspaper or newspaper of general circulation shall be a publication bearing a title or name, regularly issued as frequently as once a week ~~for a definite price or consideration paid for by not less than fifty per cent of those to whom distribution is made, having a second class mailing privilege,~~ being not less than four pages, published continuously during the immediately preceding one-year period, and circulated generally in the political subdivision in which it is published. Such publication shall be of a type to which the general public resorts for passing events of a political, religious, commercial, and social nature, current happenings, announcements, miscellaneous reading matter, advertisements, and other notices, that has at least twenty-five per cent editorial, nonadvertising content, exclusive of inserts, measured relative to total publication space, and an audited circulation to at least fifty per cent of the households in the newspaper's retail trade zone as defined by the audit. 114552
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Sec. 5721.32. (A) The sale of tax certificates by public auction may be conducted at any time after completion of the advertising of the sale under section 5721.31 of the Revised Code, on the date and at the time and place designated in the advertisements, and may be continued from time to time as the county treasurer directs. The county treasurer may offer the tax certificates for sale in blocks of tax certificates, consisting of any number of tax certificates as determined by the county treasurer. 114571
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(B)(1) The sale of tax certificates under this section shall be conducted at a public auction by the county treasurer or a designee of the county treasurer. 114580
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(2) No person shall be permitted to bid without completing a bidder registration form, in the form prescribed by the tax commissioner, and without filing the form with the county treasurer prior to the start of the auction, together with remittance of a registration fee, in cash, of five hundred dollars. The bidder registration form shall include a tax identification number of the registrant. The registration fee is refundable at the end of bidding on the day of the auction, unless the registrant is the winning bidder for one or more tax certificates or one or more blocks of tax certificates, in which case the fee may be applied toward the deposit required by this section.

(3) The county treasurer may require a person who wishes to bid on one or more parcels to submit a letter from a financial institution stating that the bidder has sufficient funds available to pay the purchase price of the parcels and a written authorization for the treasurer to verify such information with the financial institution. The county treasurer may require submission of the letter and authorization sufficiently in advance of the auction to allow for verification. No person who fails to submit the required letter and authorization, or whose financial institution fails to provide the requested verification, shall be permitted to bid.

(C) At the public auction, the county treasurer or the treasurer's designee or agent shall begin the bidding at eighteen per cent per year simple interest, and accept lower bids in even increments of one-fourth of one per cent to the rate of zero per cent. The county treasurer, designee, or agent shall award the tax certificate to the person bidding the lowest certificate rate of interest. The county treasurer shall decide which person is the winning bidder in the event of a tie for the lowest bid offered, or if a person contests the lowest bid offered. The county treasurer's decision is not appealable.

(D)(1) The winning bidder shall pay the county treasurer a cash deposit of at least ten per cent of the certificate purchase price not later than the close of business on the day of the sale. The winning bidder shall pay the balance and the fee required under division (H) of this section not later than five business days after the day on which the certificate is sold. Except as provided under division (D)(2) of this section, if the winning bidder fails to pay the balance and fee within the prescribed time, the bidder forfeits the deposit, and the county treasurer shall retain the tax certificate and may attempt to sell it at any auction conducted at a later date.

(2) At the request of a winning bidder, the county treasurer may release the bidder from the bidder's tax certificate purchase obligation. The county treasurer may retain all or any portion of the deposit of a bidder granted a release. After granting a release under this division, the county treasurer may award the tax certificate to the person that submitted the second lowest bid at the auction.

(3) The county treasurer shall deposit the deposit forfeited or retained under divisions (D)(1) or (2) of this section in the county treasury to the credit of the tax certificate administration fund.

(E) Upon receipt of the full payment of the certificate purchase price from the purchaser, the county treasurer shall issue the tax certificate and record the tax certificate sale by entering into a tax certificate register the certificate purchase price, the certificate rate of interest, the date the certificate was sold, the name and address of the certificate holder, and any other information the county treasurer considers necessary. The county treasurer may keep the tax certificate register in a hard-copy format or in an electronic format. The name and address of the certificate holder may be, upon receipt of instructions

from the purchaser, that of the secured party of the actual 114648
purchaser, or an agent or custodian for the purchaser or secured 114649
party. The county treasurer also shall transfer the tax 114650
certificate to the certificate holder. The county treasurer shall 114651
apportion the part of the proceeds from the sale representing 114652
taxes, penalties, and interest among the several taxing districts 114653
in the same proportion that the amount of taxes levied by each 114654
district against the certificate parcel in the preceding tax year 114655
bears to the taxes levied by all such districts against the 114656
certificate parcel in the preceding tax year, and credit the part 114657
of the proceeds representing assessments and other charges to the 114658
items of assessments and charges in the order in which those 114659
items became due. Upon issuing a tax certificate, the delinquent 114660
taxes that make up the certificate purchase price are 114661
transferred, and the superior lien of the state and its taxing 114662
districts for those delinquent taxes is conveyed intact to the 114663
certificate holder. 114664

(F) If a tax certificate is offered for sale under this 114665
section but is not sold, the county treasurer may strike the 114666
corresponding certificate parcel from the list of parcels selected 114667
for tax certificate sales. The lien for taxes, assessments, 114668
charges, penalties, and interest against a parcel stricken from 114669
the list thereafter may be foreclosed in the manner prescribed by 114670
section 323.25, sections 323.65 to 323.79, or section 5721.14 or 114671
5721.18 of the Revised Code unless, prior to the institution of 114672
such proceedings against the parcel, the county treasurer restores 114673
the parcel to the list of parcels selected for tax certificate 114674
sales. 114675

(G) A certificate holder shall not be liable for damages 114676
arising from a violation of sections 3737.87 to 3737.891 or 114677
Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6109., or 114678
6111. of the Revised Code, or a rule adopted or order, permit, 114679
license, variance, or plan approval issued under any of those 114680

chapters, that is or was committed by another person in connection 114681
with the parcel for which the tax certificate is held. 114682

(H) When selling a tax certificate under this section, the 114683
county treasurer shall charge a fee to the purchaser of the 114684
certificate. The county treasurer shall set the fee at a 114685
reasonable amount that covers the treasurer's costs of 114686
administering the sale of the tax certificate. The county 114687
treasurer shall deposit the fee in the county treasury to the 114688
credit of the tax certificate administration fund. 114689

(I) After selling a tax certificate under this section, the 114690
county treasurer shall send written notice by certified mail to 114691
the owner of the certificate parcel at the owner's last known 114692
tax-mailing address. The notice shall inform the owner that the 114693
tax certificate was sold, shall describe the owner's options to 114694
redeem the parcel, including entering into a redemption payment 114695
plan under division (C)(1) of section 5721.38 of the Revised Code, 114696
and shall name the certificate holder and its secured party, if 114697
any. However, the county treasurer is not required to send a 114698
notice under this division if the treasurer previously has 114699
attempted to send a notice to the owner of the parcel at the 114700
owner's last known tax-mailing address, and the postal service 114701
has returned the notice as undeliverable. 114702

(J) A tax certificate shall not be sold to the owner of the 114703
certificate parcel. ~~A tax certificate shall not be sold to a~~ 114704
~~county land reutilization corporation after two years following~~ 114705
~~the filing of its articles of incorporation by the secretary of~~ 114706
~~state.~~ 114707

Sec. 5721.33. (A) A county treasurer may, in the treasurer's 114708
discretion, negotiate the sale or transfer of any number of tax 114709
certificates with one or more persons, including a county land 114710
reutilization corporation. ~~No tax certificate shall be sold or~~ 114711
~~transferred to a county land reutilization corporation after two~~ 114712

~~years following the filing of its articles of incorporation by the~~	114713
~~secretary of state.~~ Terms that may be negotiated include,	114714
without limitation, any of the following:	114715
(1) A premium to be added to or discount to be subtracted	114716
from the certificate purchase price for the tax certificates;	114717
(2) Different time frames under which the certificate holder	114718
may initiate a foreclosure action than are otherwise allowed under	114719
sections 5721.30 to 5721.43 of the Revised Code, not to exceed six	114720
years after the date the tax certificate was sold or transferred;	114721
(3) The amount to be paid in private attorney's fees related	114722
to tax certificate foreclosures, subject to section 5721.371 of	114723
the Revised Code;	114724
(4) Any other terms of the sale or transfer that the county	114725
treasurer, in the treasurer's discretion, determines appropriate	114726
or necessary for the sale or transfer.	114727
(B) The sale or transfer of tax certificates under this	114728
section shall be governed by the criteria established by the	114729
county treasurer pursuant to division (E) of this section.	114730
(C) The county treasurer may execute a tax certificate	114731
sale/purchase agreement and other necessary agreements with a	114732
designated purchaser or purchasers to complete a negotiated sale	114733
or transfer of tax certificates.	114734
(D) The tax certificate may be sold at a premium to or	114735
discount from the certificate purchase price. The county treasurer	114736
may establish as one of the terms of the negotiated sale the	114737
portion of the certificate purchase price, plus any applicable	114738
premium or less any applicable discount, that the purchaser or	114739
purchasers shall pay in cash on the date the tax certificates are	114740
sold and the portion, if any, of the certificate purchase price,	114741

plus any applicable premium or less any applicable discount, that 114742
the purchaser or purchasers shall pay in noncash consideration and 114743
the nature of that consideration. 114744

The county treasurer shall sell such tax certificates at a 114745
certificate purchase price, plus any applicable premium and less 114746
any applicable discount, and at a certificate rate of interest 114747
that, in the treasurer's determination, are in the best interests 114748
of the county. 114749

(E)(1) The county treasurer shall adopt rules governing the 114750
eligibility of persons to purchase tax certificates or to 114751
otherwise participate in a negotiated sale under this section. The 114752
rules may provide for precertification of such persons, including 114753
a requirement for disclosure of income, assets, and any other 114754
financial information the county treasurer determines appropriate. 114755
The rules also may prohibit any person that is delinquent in the 114756
payment of any tax to the county or to the state, or that is in 114757
default in or on any other obligation to the county or to the 114758
state, from purchasing a tax certificate or otherwise 114759
participating in a negotiated sale of tax certificates under this 114760
section. The rules may also authorize the purchase of certificates 114761
by a county land reutilization corporation, and authorize the 114762
county treasurer to receive notes in lieu of cash, with such 114763
notes being payable to the treasurer upon the receipt or 114764
enforcement of such taxes, assessments, charges, costs, 114765
penalties, and interest, and as otherwise further agreed between 114766
the corporation and the treasurer. ~~A county land reutilization 114767~~
~~corporation may not purchase any such certificate after two years 114768~~
~~following the filing of its articles of incorporation by the 114769~~
~~secretary of state.~~ The eligibility information required shall 114770
include the tax identification number of the purchaser and may 114771
include the tax identification number of the participant. The 114772
county treasurer, upon request, shall provide a copy of the 114773
rules adopted under this section. 114774

(2) Any person that intends to purchase a tax certificate in a negotiated sale shall submit an affidavit to the county treasurer that establishes compliance with the applicable eligibility criteria and includes any other information required by the treasurer. Any person that fails to submit such an affidavit is ineligible to purchase a tax certificate. Any person that knowingly submits a false or misleading affidavit shall forfeit any tax certificate or certificates purchased by the person at a sale for which the affidavit was submitted, shall be liable for payment of the full certificate purchase price, plus any applicable premium and less any applicable discount, of the tax certificate or certificates, and shall be disqualified from participating in any tax certificate sale conducted in the county during the next five years.

(3) A tax certificate shall not be sold to the owner of the certificate parcel or to any corporation, partnership, or association in which such owner has an interest. No person that purchases a tax certificate in a negotiated sale shall assign or transfer the tax certificate to the owner of the certificate parcel or to any corporation, partnership, or association in which the owner has an interest. Any person that knowingly or negligently transfers or assigns a tax certificate to the owner of the certificate parcel or to any corporation, partnership, or association in which such owner has an interest shall be liable for payment of the full certificate purchase price, plus any applicable premium and less any applicable discount, and shall not be entitled to a refund of any amount paid. Such tax certificate shall be deemed void and the tax lien sold under the tax certificate shall revert to the county as if no sale of the tax certificate had occurred.

(F) The purchaser in a negotiated sale under this section shall deliver the certificate purchase price or other

consideration, plus any applicable premium and less any applicable discount and including any noncash consideration, to the county treasurer not later than the close of business on the date the tax certificates are delivered to the purchaser. The certificate purchase price, less any applicable discount, or portion of the price, that is paid in cash shall be deposited in the county's general fund to the credit of the account to which ad valorem real property taxes are credited and further credited as provided in division (G) of this section. Any applicable premium that is paid shall be, at the discretion of the county treasurer, apportioned to and deposited in any authorized county fund. The purchaser also shall pay on the date the tax certificates are delivered to the purchaser the fee, if any, negotiated under division (J) of this section. If the purchaser fails to pay the certificate purchase price, plus any applicable premium and less any applicable discount, and any such fee, within the time periods required by this section, the county treasurer shall retain the tax certificate and may attempt to sell it at any auction or negotiated sale conducted at a later date.

(G) Upon receipt of the full payment from the purchaser of the certificate purchase price or other agreed-upon consideration, plus any applicable premium and less any applicable discount, and the negotiated fee, if any, the county treasurer, or a qualified trustee whom the treasurer has engaged for such purpose, shall issue the tax certificate and record the tax certificate sale by entering into a tax certificate register the certificate purchase price, any premium paid or discount taken, the certificate rate of interest, the date the certificates were sold, the name and address of the certificate holder or, in the case of issuance of the tax certificates in a book-entry system, the name and address of the nominee, and any other information the county treasurer considers necessary. The county treasurer may keep the tax certificate register in a hard-copy format or an electronic format. The name and address of the certificate holder or nominee

may be, upon receipt of instructions from the purchaser, that of 114841
the secured party of the actual purchaser, or an agent or 114842
custodian for the purchaser or secured party. The county treasurer 114843
also shall transfer the tax certificates to the certificate 114844
holder. The county treasurer shall apportion the part of the cash 114845
proceeds from the sale representing taxes, penalties, and interest 114846
among the several taxing districts in the same proportion that 114847
the amount of taxes levied by each district against the 114848
certificate parcels in the preceding tax year bears to the taxes 114849
levied by all such districts against the certificate parcels in 114850
the preceding tax year, and credit the part of the proceeds 114851
representing assessments and other charges to the items of 114852
assessments and charges in the order in which those items became 114853
due. If the cash proceeds from the sale are not sufficient to 114854
fully satisfy the items of taxes, assessments, penalties, 114855
interest, and charges on the certificate parcels against which 114856
tax certificates were sold, the county treasurer shall credit 114857
the cash proceeds to such items pro rata based upon the 114858
proportion that each item of taxes, assessments, penalties, 114859
interest, and charges bears to the aggregate of all such items, 114860
or by any other method that the county treasurer, in the 114861
treasurer's sole discretion, determines is equitable. Upon 114862
issuing the tax certificates, the delinquent taxes that make up 114863
the certificate purchase price are transferred, and the superior 114864
lien of the state and its taxing districts for those delinquent 114865
taxes is conveyed intact to the certificate holder or holders. 114866

(H) If a tax certificate is offered for sale under this 114867
section but is not sold, the county treasurer may strike the 114868
corresponding certificate parcel from the list of parcels selected 114869
for tax certificate sales. The lien for taxes, assessments, 114870
charges, penalties, and interest against a parcel stricken from 114871
the list thereafter may be foreclosed in the manner prescribed by 114872
section 323.25, 5721.14, or 5721.18 of the Revised Code unless, 114873
prior to the institution of such proceedings against the parcel, 114874

the county treasurer restores the parcel to the list of parcels 114875
selected for tax certificate sales. 114876

(I) Neither a certificate holder nor its secured party, if 114877
any, shall be liable for damages arising from a violation of 114878
sections 3737.87 to 3737.891 or Chapter 3704., 3734., 3745., 114879
3746., 3750., 3751., 3752., 6109., or 6111. of the Revised Code, 114880
or a rule adopted or order, permit, license, variance, or plan 114881
approval issued under any of those chapters, that is or was 114882
committed by another person in connection with the parcel for 114883
which the tax certificate is held. 114884

(J) When selling or transferring a tax certificate under this 114885
section, the county treasurer may negotiate with the purchaser of 114886
the certificate for fees paid by the purchaser to the county 114887
treasurer to reimburse the treasurer for any part or all of the 114888
treasurer's costs of preparing for and administering the sale of 114889
the tax certificate and any fees set forth by the county treasurer 114890
in the tax certificate sale/purchase agreement. Such fees, if 114891
any, shall be added to the certificate purchase price and shall be 114892
paid by the purchaser on the date of delivery of the tax 114893
certificate. The county treasurer shall deposit the fees in the 114894
county treasury to the credit of the tax certificate 114895
administration fund. 114896

(K) After selling tax certificates under this section, the 114897
county treasurer shall send written notice by certified mail to 114898
the last known tax-mailing address of the owner of the 114899
certificate parcel. The notice shall inform the owner that a tax 114900
certificate with respect to such owner's parcel was sold or 114901
transferred and shall describe the owner's options to redeem the 114902
parcel, including entering into a redemption payment plan under 114903
division (C)(2) of section 5721.38 of the Revised Code. However, 114904
the county treasurer is not required to send a notice under this 114905
division if the treasurer previously has attempted to send a 114906

notice to the owner of the parcel at the owner's last known 114907
tax-mailing address and the postal service has returned the 114908
notice as undeliverable. 114909

Sec. 5722.02. (A) Any municipal corporation, county, or 114910
township may elect to adopt and implement the procedures set 114911
forth in sections 5722.02 to 5722.15 of the Revised Code to 114912
facilitate the effective reutilization of nonproductive land 114913
situated within its boundaries. Such election shall be made by 114914
ordinance in the case of a municipal corporation, and by 114915
resolution in the case of a county or township. The ordinance or 114916
resolution shall state that the existence of nonproductive land 114917
within its boundaries is such as to necessitate the 114918
implementation of a land reutilization program to foster either 114919
the return of such nonproductive land to tax revenue generating 114920
status or the devotion thereof to public use. 114921

(B) Any county adopting a resolution under division (A) of 114922
this section may direct in the resolution that a county land 114923
reutilization corporation be organized under Chapter 1724. of the 114924
Revised Code to act on behalf of and cooperate with the county in 114925
exercising the powers and performing the duties of the county 114926
under this chapter. The powers extended to a county land 114927
reutilization corporation shall not be construed as a limitation 114928
on the powers granted to a county land reutilization corporation 114929
under Chapter 1724. of the Revised Code, but shall be construed as 114930
additional powers, ~~except that a county land reutilization~~ 114931
~~corporation may not acquire any interest in real property under~~ 114932
~~this chapter after two years following the filing of its articles~~ 114933
~~of incorporation by the secretary of state.~~ 114934

(C) An electing subdivision shall promptly deliver certified 114935
copies of such ordinance or resolution to the auditor, treasurer, 114936
and the prosecutor of each county in which the electing 114937
subdivision is situated. On and after the effective date of such 114938

ordinance or resolution, the foreclosure, sale, management, and
disposition of all nonproductive land situated within the electing
subdivision's boundaries shall be governed by the procedures set
forth in sections 5722.02 to 5722.15 of the Revised Code, and, in
the case of a county land reutilization corporation, as authorized
under Chapter 1724. of the Revised Code. When a county adopts a
resolution organizing a county land reutilization corporation
pursuant to this chapter, the county shall deliver a copy of the
resolution to the county auditor, county treasurer, and county
prosecuting attorney.

(D) A county, a county land reutilization corporation, and a
municipal corporation or township may enter into an agreement to
implement the procedures in sections 5722.02 to 5722.15 of the
Revised Code within the boundaries of the municipal corporation
or township if the county and the township or municipal
corporation are electing subdivisions and the county has, by
resolution, designated a county land reutilization corporation to
act on its behalf under this chapter.

Any property acquired by a county land reutilization
corporation in a transaction other than the tax foreclosure
procedures in Chapter 323., 5721., or 5723. of the Revised Code
shall be subject to a priority right of acquisition by a municipal
corporation or township in which the property is located for a
period of thirty days after the county land reutilization
corporation first records the deed evidencing acquisition of such
property with the county recorder. A municipal corporation or
township claiming a priority right of acquisition shall file, and
the county recorder shall record, an instrument evidencing such
right within the thirty-day period. The instrument shall include
the name and address of the applicable municipal corporation or
township, the parcel or other identifying number and an
affirmative statement by the municipal corporation or township
that it intends to acquire the property. If the municipal

corporation or township records such an instrument within the 114972
thirty-day period, then the priority right of acquisition shall be 114973
effective for a period of ninety days after the instrument is 114974
recorded. If the municipal corporation or township does not record 114975
the instrument expressing its intent to acquire the property or, 114976
if having timely recorded such instrument does not thereafter 114977
acquire and record a deed within the ninety-day period following 114978
the recording of its intent to acquire the property, then the 114979
county land reutilization corporation may dispose of such property 114980
free and clear of any claim or interest of such municipal 114981
corporation or township. If a municipal corporation or township 114982
does not record an instrument of intent to acquire property within 114983
the thirty-day period, or if a municipal corporation or township, 114984
after timely recording an instrument of intent to acquire a 114985
parcel, does not thereafter acquire the parcel within ninety days 114986
and record a deed thereto with the county recorder, the municipal 114987
corporation or township has no statutory, legal, or equitable 114988
claim or estate in property acquired by the county land 114989
reutilization corporation. This section shall not be construed to 114990
constitute an exception to free and clear title to the property 114991
held by a county land reutilization corporation or any of its 114992
subsequent transferees, or to preclude a county land reutilization 114993
corporation and any municipal corporation or township from 114994
entering into an agreement that disposes of property on terms to 114995
which they may thereafter mutually agree. 114996

Sec. 5722.04. (A) Upon receipt of an ordinance or resolution 114997
adopted pursuant to section 5722.02 of the Revised Code, the 114998
county auditor shall deliver to the electing subdivision a list of 114999
all delinquent lands within an electing subdivision's boundaries 115000
that have been forfeited to the state pursuant to section 5723.01 115001
of the Revised Code and thereafter shall notify the electing 115002
subdivision of any additions to or deletions from such list. 115003

The electing subdivision shall select from such lists the 115004

forfeited lands that constitute nonproductive lands that the
subdivision wishes to acquire, and shall notify the county auditor
of its selection prior to the advertisement and sale of such
lands. Notwithstanding the sales price provisions of division
(A)(1) of section 5723.06 of the Revised Code, the selected
nonproductive lands shall be advertised for sale and be sold to
the highest bidder for an amount at least sufficient to pay the
amount determined under division (A)(2) of section 5721.16 of the
Revised Code. All nonproductive lands forfeited to the state and
selected by an electing subdivision, when advertised for sale
pursuant to the relevant procedures set forth in Chapter 5723. of
the Revised Code, shall be advertised separately from the
advertisement applicable to other forfeited lands. The
advertisement relating to the selected nonproductive lands also
shall include a statement that the lands have been selected by the
electing subdivision as nonproductive lands that it wishes to
acquire and that, if at the forfeiture sale no bid for the sum of
the taxes, assessments, charges, penalties, interest, and costs
due on the parcel as determined under division (A)(1)(a) of
section 5723.06 of the Revised Code is received, the lands shall
be sold to the electing subdivision.

(B) If any nonproductive land that has been forfeited to the
state and selected by an electing subdivision is advertised and
offered for sale by the auditor pursuant to Chapter 5723. of the
Revised Code, but no minimum bid is received, the electing
subdivision shall be deemed to have submitted the winning bid, and
the land is deemed sold to the electing subdivision for no
consideration other than the fee charged under division (C) of
this section. If both a county and a township in that county have
adopted a resolution pursuant to section 5722.02 of the Revised
Code and both subdivisions select the same parcel or parcels of
land, the electing subdivision deemed to have submitted the
winning bid under this division shall be determined pursuant to
division (D) of section 5722.03 of the Revised Code.

The auditor shall announce the bid at the sale and shall
declare the selected nonproductive land to be sold to the electing
subdivision. The auditor shall deliver to the electing subdivision
a certificate of sale.

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(C) On the returning of the certificate of sale to the
auditor, the auditor shall execute and file for recording a deed
conveying title to the selected nonproductive land and, once the
deed has been recorded, deliver it to the electing subdivision.
Thereupon, all previous title is extinguished, and the title in
the electing subdivision is incontestable and free and clear from
all liens and encumbrances, except taxes and special assessments
that are not due at the time of the sale and any easements and
covenants of record running with the land and created prior to the
time at which the taxes or assessments, for the nonpayment of
which the nonproductive land was forfeited, became due and
payable. At the time of the sale, the auditor shall collect and
the electing subdivision shall pay the fee required by law for
transferring and recording of deeds.

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Upon delivery of a deed conveying any nonproductive land to
an electing subdivision, the county auditor shall charge all costs
incurred in any proceeding instituted under section 5721.14 or
5721.18 of the Revised Code or incurred as a result of the
forfeiture and sale of the nonproductive land to the taxing
districts, including the electing subdivision, in direct
proportion to their interest in the taxes, assessments, charges,
interest, and penalties on the nonproductive land due and payable
at the time the land was sold at the forfeiture sale. The interest
of each taxing district in the taxes, assessments, charges,
penalties, and interest on the nonproductive land shall bear the
same proportion to the amount of those taxes, assessments,
charges, penalties, and interest that the amount of taxes levied
by each district against the nonproductive land in the preceding

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tax year bears to the taxes levied by all such districts against 115071
the nonproductive land in the preceding tax year. For the purposes 115072
of this division, a county land reutilization corporation shall be 115073
deemed to have the proportionate interest as the county 115074
designating or organizing such corporation in the taxes, 115075
assessments, charges, penalties, and interest on the nonproductive 115076
land in the county. In making a semiannual apportionment of 115077
funds, the auditor shall retain at the next apportionment the 115078
amount charged to each such taxing district, except for a county 115079
land reutilization corporation acting on behalf of a county, the 115080
auditor shall invoice the corporation the amount charged to it. 115081

(D) Where no political subdivision has requested to purchase 115082
a parcel of land at a foreclosure sale, any lands otherwise 115083
forfeited to the state for want of a bid at the foreclosure sale 115084
may, upon the request of a county land reutilization corporation, 115085
be transferred directly to the corporation without appraisal or 115086
public bidding, ~~except that no interest in real property may be~~ 115087
~~transferred to a county land reutilization corporation under this~~ 115088
~~section after two years following the filing of its articles of~~ 115089
~~incorporation by the secretary of state.~~ 115090

Sec. 5722.21. (A) As used in this section: 115091

(1) "Eligible delinquent land" means delinquent land or 115092
delinquent vacant land, as defined in section 5721.01 of the 115093
Revised Code, included in a delinquent tax list or delinquent 115094
vacant land tax list that has been certified delinquent within the 115095
meaning of section 5721.03 of the Revised Code, excluding any 115096
certificate parcel as defined in section 5721.30 of the Revised 115097
Code. 115098

(2) "Delinquent taxes" means the cumulative amount of unpaid 115099
taxes, assessments, recoupment charges, penalties, and interest 115100
charged against eligible delinquent land that became delinquent 115101
before transfer of title to a county, municipal corporation, 115102

township, or county land reutilization corporation under this 115103
section. 115104

(3) "Foreclosure costs" means the sum of all costs or other 115105
charges of publication, service of notice, prosecution, or other 115106
proceedings against the land under sections 323.25 to 323.28, 115107
323.65 to 323.79, or Chapter 5721. of the Revised Code as may 115108
pertain to delinquent land or be fairly apportioned to it by the 115109
county treasurer. 115110

(4) "Tax foreclosure sale" means a sale of delinquent land 115111
pursuant to foreclosure proceedings under sections 323.25 to 115112
323.28, 323.65 to 323.79, or section 5721.14 or 5721.18 of the 115113
Revised Code. 115114

(5) "Taxing authority" means the legislative authority of any 115115
taxing unit, as defined in section 5705.01 of the Revised Code, in 115116
which is located a parcel of eligible delinquent land acquired or 115117
to be acquired by a county, municipal corporation, township, or 115118
county land reutilization corporation in which a declaration 115119
under division (B) of this section is in effect. 115120

(B) The legislative authority of a municipal corporation may 115121
declare by ordinance, or a board of county commissioners, a board 115122
of township trustees, or the board of directors of a county land 115123
reutilization corporation may declare by resolution, that it is 115124
in the public interest for the county, municipal corporation, 115125
township, or county land reutilization corporation to acquire 115126
tax-delinquent real property within the county, municipal 115127
corporation, or township for the public purpose of redeveloping 115128
the property or otherwise rendering it suitable for productive, 115129
tax-paying use. In any county, municipal corporation, or township 115130
in which such a declaration is in effect, the county, municipal 115131
corporation, township, or county land reutilization corporation 115132
may purchase or otherwise acquire title to eligible delinquent 115133
land, other than by appropriation, and the title shall pass free 115134

and clear of the lien for delinquent taxes as provided in 115135
division (D) of this section. The authority granted by this 115136
section is supplemental to the authority granted under sections 115137
5722.01 to 5722.15 of the Revised Code. ~~A county land 115138~~
~~reutilization corporation may not acquire an interest in real 115139~~
~~property under this section after two years following the filing 115140~~
~~of its articles of incorporation by the secretary of state. 115141~~

(C) With respect to any parcel of eligible delinquent land 115142
purchased or acquired by a county, municipal corporation, 115143
township, or county land reutilization corporation in which a 115144
declaration is in effect under this section, the county, 115145
municipal corporation, or township may obtain the consent of 115146
each taxing authority for release of any claim on the delinquent 115147
taxes and associated costs attaching to that property at the 115148
time of conveyance to the county, municipal corporation, or 115149
township. Consent shall be obtained in writing, and shall be 115150
certified by the taxing authority granting consent or by the 115151
fiscal officer or other person authorized by the taxing 115152
authority to provide such consent. Consent may be obtained before 115153
or after title to the eligible delinquent land is transferred to 115154
the county, municipal corporation, or township. A county that has 115155
organized and designated a county land reutilization corporation 115156
for purposes of this chapter is not required to obtain such 115157
consent. Upon conveyance to a county land reutilization 115158
corporation, the consent shall be deemed to have been given to the 115159
extent that the corporation requires consent. 115160

The taxing authority of a taxing unit and a county, municipal 115161
corporation, or township in which a declaration is in effect 115162
under this section may enter into an agreement whereby the 115163
taxing authority consents in advance to release of the taxing 115164
authority's claim on delinquent taxes and associated costs with 115165
respect to all or a specified number of parcels of eligible 115166
delinquent land that may be purchased or acquired by the county, 115167

municipal corporation, or township for the purposes of this section. The agreement shall provide for any terms and conditions on the release of such claim as are mutually agreeable to the taxing authority and county, municipal corporation, or township, including any notice to be provided by the county, municipal corporation, or township to the taxing authority of the purchase or acquisition of eligible delinquent land situated in the taxing unit; any option vesting in the taxing authority to revoke its release with respect to any parcel of eligible delinquent land before the release becomes effective; and the manner in which notice of such revocation shall be effected. Nothing in this section or in such an agreement shall be construed to bar a taxing authority from revoking its advance consent with respect to any parcels of eligible delinquent land purchased or acquired by the county, municipal corporation, or township before the county, municipal corporation, or township enters into a purchase or other agreement for acquisition of the parcels.

A county that has organized and designated a county land reutilization corporation is not required to enter into such an agreement with a taxing authority.

(D) The lien for the delinquent taxes and associated costs for which all of the taxing authorities have consented to release their claims under this section is hereby extinguished, and the transfer of title to such delinquent land to the county, municipal corporation, or township shall be transferred free and clear of the lien for such taxes and costs. If a taxing authority does not consent to the release of its claim on delinquent taxes and associated costs, the entire amount of the lien for such taxes and costs shall continue as otherwise provided by law until paid or otherwise discharged according to law. If a county land reutilization corporation acquires title to eligible delinquent land under this section, the lien for delinquent taxes and costs

with respect to land acquired by the corporation shall be 115201
extinguished simultaneously with the transfer of title to the 115202
corporation, notwithstanding that the taxing authorities have not 115203
consented to release their claims under this section. 115204

(E) All eligible delinquent land acquired by a county, 115205
municipal corporation, township, or county land reutilization 115206
corporation under this section is real property held for a public 115207
purpose and is exempted from taxation until the county, municipal 115208
corporation, township, or county land reutilization corporation 115209
sells or otherwise disposes of property. 115210

(F) If a county, municipal corporation, township, or county 115211
land reutilization corporation sells or otherwise disposes of 115212
delinquent land it purchased or acquired and for which all or a 115213
portion of a taxing authority's claim for delinquent taxes was 115214
released under this section, whether by consent of the taxing 115215
authority or pursuant to division (D) of this section, the net 115216
proceeds from such sale or disposition shall be used for such 115217
redevelopment purposes the board of county commissioners, the 115218
legislative authority of the municipal corporation, the board of 115219
township trustees, or the board of directors of the county land 115220
reutilization corporation considers necessary or appropriate. 115221

Sec. 5723.04. (A) The county auditor shall maintain a list 115222
of forfeited lands and shall offer such lands for sale annually, 115223
or more frequently if the auditor determines that more frequent 115224
sales are necessary. 115225

(B) Notwithstanding division (A) of this section, upon the 115226
request of a county land reutilization corporation organized under 115227
Chapter 1724. of the Revised Code, the county auditor shall 115228
promptly transfer to such corporation, by auditor's deed, the fee 115229
simple title to a parcel on the list of forfeited lands, which 115230
shall pass to such corporation free and clear of all taxes, 115231
assessments, charges, penalties, interest, and costs. Any 115232

subordinate liens shall be deemed fully and forever satisfied and 115233
discharged. Upon such request, the land is deemed sold by the 115234
state for no consideration. The county land reutilization 115235
corporation shall file the deed for recording. ~~A county land~~ 115236
~~reutilization corporation may not acquire an interest in a parcel~~ 115237
~~under this section after two years following the filing of its~~ 115238
~~articles of incorporation by the secretary of state.~~ 115239

Sec. 5725.18. (A) An annual franchise tax on the privilege 115240
of being an insurance company is hereby levied on each domestic 115241
insurance company. In the month of May, annually, the treasurer of 115242
state shall charge for collection from each domestic insurance 115243
company a franchise tax in the amount computed in accordance with 115244
the following, as applicable: 115245

(1) With respect to a domestic insurance company that is a 115246
health insuring corporation, one per cent of all premium rate 115247
payments received, exclusive of payments received under the 115248
medicare program established under Title XVIII of the "Social 115249
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 115250
~~or~~ and exclusive of payments received pursuant to the medical 115251
assistance program established under Chapter 5111. of the Revised 115252
Code for the period ending September 30, 2009, as reflected in its 115253
annual report for the preceding calendar year; 115254

(2) With respect to a domestic insurance company that is not 115255
a health insuring corporation, one and four-tenths per cent of the 115256
gross amount of premiums received from policies covering risks 115257
within this state, exclusive of premiums received under the 115258
medicare program established under Title XVIII of the "Social 115259
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 115260
~~or~~ and exclusive of payments received pursuant to the medical 115261
assistance program established under Chapter 5111. of the Revised 115262
Code for the period ending September 30, 2009, as reflected in its 115263
annual statement for the preceding calendar year, and, if the 115264

company operates a health insuring corporation as a line of
business, one per cent of all premium rate payments received from
that line of business, exclusive of payments received under the
medicare program established under Title XVIII of the "Social
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,
~~or pursuant to the medical assistance program established under~~
~~Chapter 5111. of the Revised Code~~, as reflected in its annual
statement for the preceding calendar year.

Domestic insurance companies, including health insuring
corporations, receiving payments pursuant to the medical
assistance program established under Chapter 5111. of the Revised
Code during the period beginning October 1, 2009, and ending
December 31, 2009, shall file with the 2009 annual statement to
the superintendent a schedule that reflects those payments
received pursuant to the medical assistance program for that
period. The payments reflected in the schedule, plus all other
taxable premiums, are subject to the annual franchise tax due to
be paid in 2010.

(B) The gross amount of premium rate payments or premiums
used to compute the applicable tax in accordance with division (A)
of this section is subject to the deductions prescribed by section
5729.03 of the Revised Code for foreign insurance companies. The
objects of such tax are those declared in section 5725.24 of the
Revised Code, to which only such tax shall be applied.

(C) In no case shall such tax be less than two hundred fifty
dollars.

Sec. 5725.33. (A) Except as otherwise provided in this
section, terms used in this section have the same meaning as
section 45D of the Internal Revenue Code, any related proposed,
temporary or final regulations promulgated under the Internal
Revenue Code, any rules or guidance of the internal revenue
service or the United States department of the treasury, and any

related rules or guidance issued by the community development 115297
financial institutions fund of the United States department of the 115298
treasury, as such law, regulations, rules, and guidance exist on 115299
the effective date of the enactment of this section by H.B. 1 of 115300
the 128th general assembly. 115301

As used in this section: 115302

(1) "Adjusted purchase price" means the amount paid for 115303
qualified equity investments multiplied by the qualified 115304
low-income community investments made by the issuer in projects 115305
located in this state as a percentage of the total amount of 115306
qualified low-income community investments made by the issuer in 115307
projects located in all states on the credit allowance date 115308
during the applicable tax year, subject to divisions (B)(1) and 115309
(2) of this section. 115310

(2) "Applicable percentage" means zero per cent for each of 115311
the first two credit allowance dates, seven per cent for the third 115312
credit allowance date, and eight per cent for the four following 115313
credit allowance dates. 115314

(3) "Credit allowance date" means the date, on or after 115315
January 1, 2010, a qualified equity investment is made and each 115316
of the six anniversary dates thereafter. For qualified equity 115317
investments made after the effective date of this section but 115318
before January 1, 2010, the initial credit allowance date is 115319
January 1, 2010, and each of the six anniversary dates thereafter 115320
is on the first day of January of each year. 115321

(4) "Qualified active low-income community business" excludes 115322
any business that derives or projects to derive fifteen per cent 115323
or more of annual revenue from the rental or sale of real 115324
property, except any business that is a special purpose entity 115325
principally owned by a principal user of that property formed 115326
solely for the purpose of renting, either directly or indirectly, 115327

<u>or selling real property back to such principal user if such</u>	115328
<u>principal user does not derive fifteen per cent or more of its</u>	115329
<u>gross annual revenue from the rental or sale of real property.</u>	115330
 <u>(5) "Qualified community development entity" includes only</u>	115331
<u>entities:</u>	115332
 <u>(a) That have entered into an allocation agreement with the</u>	115333
<u>community development financial institutions fund of the United</u>	115334
<u>States department of the treasury with respect to credits</u>	115335
<u>authorized by section 45D of the Internal Revenue Code;</u>	115336
 <u>(b) Whose service area includes any portion of this state;</u>	115337
<u>and</u>	115338
 <u>(c) That will designate an equity investment in such entities</u>	115339
<u>as a qualified equity investment for purposes of both section 45D</u>	115340
<u>of the Internal Revenue Code and this section.</u>	115341
 <u>(6) "Qualified equity investment" is limited to an equity</u>	115342
<u>investment in a qualified community development entity that:</u>	115343
 <u>(a) Is acquired after the effective date of the enactment of</u>	115344
<u>this section at its original issuance solely in exchange for</u>	115345
<u>cash;</u>	115346
 <u>(b) Has at least eighty-five per cent of its cash purchase</u>	115347
<u>price used by the qualified community development entity to make</u>	115348
<u>qualified low-income community investments, provided that in the</u>	115349
<u>seventh year after a qualified equity investment is made, only</u>	115350
<u>seventy-five per cent of such cash purchase price must be used by</u>	115351
<u>the qualified community development entity to make qualified</u>	115352
<u>low-income community investments; and</u>	115353
 <u>(c) Is designated by the issuer as a qualified equity</u>	115354
<u>investment.</u>	115355

"Qualified equity investment" includes any equity investment that would, but for division (A)(6)(a) of this section, be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.

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(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall equal the applicable percentage of the adjusted purchase price of qualified low-income community investments, subject to divisions (B)(1) and (2) of this section:

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(1) For the purpose of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid, provided that, at any time before the seventh anniversary of the issuance of the qualified equity investment, the qualified community development entity reinvests an amount equal to the capital returned to or received or recovered by the qualified community development entity from the original investment, exclusive of any profits realized and costs incurred in the sale or repayment, in another qualified low-income community investment within twelve months of the receipt of such capital. If the qualified low-income community investment is sold or repaid after the sixth anniversary of the issuance of the qualified equity investment, the qualified low-income community investment shall be considered held by the qualified community development entity through the seventh anniversary of the qualified equity investment's issuance.

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(2) The qualified low-income community investment made in this state shall equal the sum of the qualified low-income

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community investments in each qualified active low-income 115388
community business in this state, not to exceed two million five 115389
hundred sixty-four thousand dollars, in which the qualified 115390
community development entity invests, including such investments 115391
in any such businesses in this state related to that qualified 115392
active low-income community business through majority ownership 115393
or control. 115394

The credit shall be claimed in the order prescribed by 115395
section 5725.98 of the Revised Code. If the amount of the credit 115396
exceeds the amount of tax otherwise due after deducting all other 115397
credits in that order, the excess may be carried forward and 115398
applied to the tax due for not more than four ensuing years. 115399

By claiming a tax credit under this section, an insurance 115400
company waives its rights under section 5725.222 of the Revised 115401
Code with respect to the time limitation for the assessment of 115402
taxes as it relates to credits claimed that later become subject 115403
to recapture under division (E) of this section. 115404

(C) The amount of qualified equity investments on the basis 115405
of which credits may be claimed under this section and sections 115406
5729.16 and 5733.58 of the Revised Code shall not exceed the 115407
amount, estimated by the director of development, that would 115408
cause the total amount of credits allowed each fiscal year to 115409
exceed ten million dollars, computed without regard to the 115410
potential for taxpayers to carry tax credits forward to later 115411
years. 115412

(D) If any amount of the federal tax credit allowed for a 115413
qualified equity investment for which a credit was received under 115414
this section is recaptured under section 45D of the Internal 115415
Revenue Code, or if the director of development determines that an 115416
investment for which a tax credit is claimed under this section is 115417
not a qualified equity investment or that the proceeds of an 115418
investment for which a tax credit is claimed under this section 115419

are used to make qualified low-income community investments other 115420
than in a qualified active low-income community business, all or a 115421
portion of the credit received on account of that investment 115422
shall be paid by the insurance company that received the credit 115423
to the superintendent of insurance. The amount to be recovered 115424
shall be determined by the director of development pursuant to 115425
rules adopted under division (E) of this section. The director 115426
shall certify any amount due under this division to the 115427
superintendent of insurance, and the superintendent shall notify 115428
the treasurer of state of the amount due. Upon notification, the 115429
treasurer shall invoice the insurance company for the amount due. 115430
The amount due is payable not later than thirty days after the 115431
date the treasurer invoices the insurance company. The amount due 115432
shall be considered to be tax due under section 5725.18 of the 115433
Revised Code, and may be collected by assessment without regard 115434
to the time limitations imposed under section 5725.222 of the 115435
Revised Code for the assessment of taxes by the superintendent. 115436
All amounts collected under this division shall be credited as 115437
revenue from the tax levied under section 5725.18 of the Revised 115438
Code. 115439

(E) The tax credits authorized under this section and 115440
sections 5729.16 and 5733.58 of the Revised Code shall be 115441
administered by the department of development. The director of 115442
development, in consultation with the tax commissioner and the 115443
superintendent of insurance, pursuant to Chapter 119. of the 115444
Revised Code, shall adopt rules for the administration of this 115445
section and sections 5729.16 and 5733.58 of the Revised Code. The 115446
rules shall provide for determining the recovery of credits under 115447
division (D) of this section, division (D) of section 5729.16, 115448
and section 5733.58 of the Revised Code, including prorating the 115449
amount of the credit to be recovered on any reasonable basis, the 115450
manner in which credits may be allocated among claimants, and the 115451
amount of any application or other fees to be charged in 115452
connection with a recovery. 115453

(F) There is hereby created in the state treasury the new 115454
markets tax credit operating fund. The director of development is 115455
authorized to charge reasonable application and other fees in 115456
connection with the administration of tax credits authorized by 115457
this section and sections 5729.16 and 5733.58 of the Revised Code. 115458
Any such fees collected shall be credited to the fund. The 115459
director of development shall use money in the fund to pay 115460
expenses related to the administration of tax credits authorized 115461
under sections 5725.33, 5729.16, and 5733.58 of the Revised Code. 115462

Sec. 5725.98. (A) To provide a uniform procedure for 115463
calculating the amount of tax imposed by section 5725.18 of the 115464
Revised Code that is due under this chapter, a taxpayer shall 115465
claim any credits and offsets against tax liability to which it is 115466
entitled in the following order: 115467

(1) The credit for an insurance company or insurance company 115468
group under section 5729.031 of the Revised Code. 115469

(2) The credit for eligible employee training costs under 115470
section 5725.31 of the Revised Code. 115471

(3) The credit for purchasers of qualified low-income 115472
community investments under section 5725.33 of the Revised Code; 115473

(4) The job retention credit under section 122.171 of the 115474
Revised Code; 115475

(5) The offset of assessments by the Ohio life and health 115476
insurance guaranty association permitted by section 3956.20 of the 115477
Revised Code. 115478

~~(4)~~(6) The refundable credit for Ohio job creation under 115479
section 5725.32 of the Revised Code. 115480

~~(5)(7)~~ The refundable credit under section ~~5729.08~~5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.

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(B) For any credit except the credits enumerated in divisions (A)~~(4)(6)~~ and ~~(5)(7)~~ of this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

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Sec. 5727.81. (A) For the purpose of raising revenue for public education and state and local government operations, an excise tax is hereby levied and imposed on an electric distribution company for all electricity distributed by such company at the following rates per kilowatt hour of electricity distributed in a thirty-day period by the company through a meter of an end user in this state:

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KILOWATT HOURS DISTRIBUTED	RATE PER	115501
TO AN END USER	KILOWATT HOUR	115502
For the first 2,000	\$.00465	115503
For the next 2,001 to 15,000	\$.00419	115504
For 15,001 and above	\$.00363	115505

If no meter is used to measure the kilowatt hours of electricity distributed by the company, the rates shall apply to the estimated kilowatt hours of electricity distributed to an unmetered location in this state.

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The electric distribution company shall base the monthly tax on the kilowatt hours of electricity distributed to an end user

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through the meter of the end user that is not measured for a 115512
thirty-day period by dividing the days in the measurement period 115513
into the total kilowatt hours measured during the measurement 115514
period to obtain a daily average usage. The tax shall be 115515
determined by obtaining the sum of divisions (A)(1), (2), and (3) 115516
of this section and multiplying that amount by the number of days 115517
in the measurement period: 115518

(1) Multiplying \$0.00465 per kilowatt hour for the first 115519
sixty-seven kilowatt hours distributed using a daily average; 115520

(2) Multiplying \$0.00419 for the next sixty-eight to five 115521
hundred kilowatt hours distributed using a daily average; 115522

(3) Multiplying \$0.00363 for the remaining kilowatt hours 115523
distributed using a daily average. 115524

Except as provided in division (C) of this section, the 115525
electric distribution company shall pay the tax to the tax 115526
commissioner in accordance with section 5727.82 of the Revised 115527
Code, unless required to remit each tax payment by electronic 115528
funds transfer to the treasurer of state in accordance with 115529
section 5727.83 of the Revised Code. 115530

Only the distribution of electricity through a meter of an 115531
end user in this state shall be used by the electric distribution 115532
company to compute the amount or estimated amount of tax due. In 115533
the event a meter is not actually read for a measurement period, 115534
the estimated kilowatt hours distributed by an electric 115535
distribution company to bill for its distribution charges shall be 115536
used. 115537

(B) Except as provided in division (C) of this section, each 115538
electric distribution company shall pay the tax imposed by this 115539
section in all of the following circumstances: 115540

(1) The electricity is distributed by the company through a meter of an end user in this state;	115541 115542
(2) The company is distributing electricity through a meter located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner;	115543 115544 115545
(3) The company is distributing electricity in this state without the use of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax commissioner.	115546 115547 115548 115549
(C)(1) As used in division (C) of this section:	115550
(a) "Total price of electricity" means the aggregate value in money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition costs as described in Chapter 4928. of the Revised Code.	115551 115552 115553 115554 115555 115556
(b) "Package" means the provision or the acquisition, at a combined price, of electricity with other services or products, or any combination thereof, such as natural gas or other fuels; energy management products, software, and services; machinery and equipment acquisition; and financing agreements.	115557 115558 115559 115560 115561
(c) "Single location" means a facility located on contiguous property separated only by a roadway, railway, or waterway.	115562 115563
(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course of the preceding calendar year, or any commercial or industrial	115564 115565 115566 115567 115568 115569

purchaser that will consume more than forty-five million kilowatt 115570
hours of electricity over the course of the succeeding twelve 115571
months as estimated by the tax commissioner. The tax commissioner 115572
shall make such an estimate upon the written request by an 115573
applicant for registration as a self-assessing purchaser under 115574
this division. ~~Such~~For the meter reading period including July 1, 115575
2008, through the meter reading period including December 31, 115576
2010, such a purchaser may elect to self-assess the excise tax 115577
imposed by this section at the rate of \$.00075 per kilowatt hour 115578
on the first five hundred four million kilowatt hours distributed 115579
to that meter or location during the registration year, and a 115580
percentage of the total price of all electricity distributed to 115581
that meter or location equal to ~~four per cent through the meter~~ 115582
~~reading period that includes June 30, 2008, and~~ three and 115583
one-half per cent ~~beginning for the meter reading period~~ 115584
~~including July 1, 2008, and thereafter.~~ For the meter reading 115585
period including January 1, 2011, and thereafter, such a purchaser 115586
may elect to self-assess the excise tax imposed by this section at 115587
the rate of \$.00257 per kilowatt hour for the first five hundred 115588
million kilowatt hours, and \$.001832 per kilowatt hour for each 115589
kilowatt hour in excess of five hundred million kilowatt hours, 115590
distributed to that meter or location during the registration 115591
year. 115592

A qualified end user that receives electricity through a 115593
meter of an end user in this state or through more than one 115594
meter at a single location in this state and that consumes, over 115595
the course of the previous calendar year, more than forty-five 115596
million kilowatt hours in other than its qualifying manufacturing 115597
process, may elect to self-assess the tax as allowed by this 115598
division with respect to the electricity used in other than its 115599
qualifying manufacturing process. 115600

Payment of the tax shall be made directly to the tax 115601
commissioner in accordance with divisions (A)(4) and (5) of 115602

section 5727.82 of the Revised Code, or the treasurer of state in 115603
accordance with section 5727.83 of the Revised Code. If the 115604
electric distribution company serving the self-assessing purchaser 115605
is a municipal electric utility and the purchaser is within the 115606
municipal corporation's corporate limits, payment shall be made to 115607
such municipal corporation's general fund and reports shall be 115608
filed in accordance with divisions (A)(4) and (5) of section 115609
5727.82 of the Revised Code, except that "municipal corporation" 115610
shall be substituted for "treasurer of state" and "tax 115611
commissioner." A self-assessing purchaser that pays the excise tax 115612
as provided in this division shall not be required to pay the tax 115613
to the electric distribution company from which its electricity is 115614
distributed. If a self-assessing purchaser's receipt of 115615
electricity is not subject to the tax as measured under this 115616
division, the tax on the receipt of such electricity shall be 115617
measured and paid as provided in division (A) of this section. 115618

(3) In the case of the acquisition of a package, unless the 115619
elements of the package are separately stated isolating the total 115620
price of electricity from the price of the remaining elements of 115621
the package, the tax imposed under this section applies to the 115622
entire price of the package. If the elements of the package are 115623
separately stated, the tax imposed under this section applies to 115624
the total price of the electricity. 115625

(4) Any electric supplier that sells electricity as part of a 115626
package shall separately state to the purchaser the total price of 115627
the electricity and, upon request by the tax commissioner, the 115628
total price of each of the other elements of the package. 115629

(5) The tax commissioner may adopt rules relating to the 115630
computation of the total price of electricity with respect to 115631
self-assessing purchasers, which may include rules to establish 115632
the total price of electricity purchased as part of a package. 115633

(6) An annual application for registration as a 115634

self-assessing purchaser shall be made for each qualifying meter	115635
or location on a form prescribed by the tax commissioner. The	115636
registration year begins on the first day of May and ends on the	115637
following thirtieth day of April. Persons may apply after the	115638
first day of May for the remainder of the registration year. In	115639
the case of an applicant applying on the basis of an estimated	115640
consumption of forty-five million kilowatt hours over the course	115641
of the succeeding twelve months, the applicant shall provide such	115642
information as the tax commissioner considers to be necessary to	115643
estimate such consumption. At the time of making the application	115644
and by the first day of May of each year, a self-assessing	115645
purchaser shall pay a fee of five hundred dollars to the tax	115646
commissioner, or to the treasurer of state as provided in section	115647
5727.83 of the Revised Code, for each qualifying meter or	115648
location. The tax commissioner shall immediately pay to the	115649
treasurer of state all amounts that the tax commissioner receives	115650
under this section. The treasurer of state shall deposit such	115651
amounts into the kilowatt hour excise tax administration fund,	115652
which is hereby created in the state treasury. Money in the fund	115653
shall be used to defray the tax commissioner's cost in	115654
administering the tax owed under section 5727.81 of the Revised	115655
Code by self-assessing purchasers. After the application is	115656
approved by the tax commissioner, the registration shall remain in	115657
effect for the current registration year, or until canceled by the	115658
registrant upon written notification to the commissioner of the	115659
election to pay the tax in accordance with division (A) of this	115660
section, or until canceled by the tax commissioner for not paying	115661
the tax or fee under division (C) of this section or for not	115662
meeting the qualifications in division (C)(2) of this section. The	115663
tax commissioner shall give written notice to the electric	115664
distribution company from which electricity is delivered to a	115665
self-assessing purchaser of the purchaser's self-assessing status,	115666
and the electric distribution company is relieved of the	115667
obligation to pay the tax imposed by division (A) of this section	115668
for electricity distributed to that self-assessing purchaser until	115669

it is notified by the tax commissioner that the self-assessing purchaser's registration is canceled. Within fifteen days of notification of the canceled registration, the electric distribution company shall be responsible for payment of the tax imposed by division (A) of this section on electricity distributed to a purchaser that is no longer registered as a self-assessing purchaser. A self-assessing purchaser with a canceled registration must file a report and remit the tax imposed by division (A) of this section on all electricity it receives for any measurement period prior to the tax being reported and paid by the electric distribution company. A self-assessing purchaser whose registration is canceled by the tax commissioner is not eligible to register as a self-assessing purchaser for two years after the registration is canceled.

(7) If the tax commissioner cancels the self-assessing registration of a purchaser registered on the basis of its estimated consumption because the purchaser does not consume at least forty-five million kilowatt hours of electricity over the course of the twelve-month period for which the estimate was made, the tax commissioner shall assess and collect from the purchaser the difference between (a) the amount of tax that would have been payable under division (A) of this section on the electricity distributed to the purchaser during that period and (b) the amount of tax paid by the purchaser on such electricity pursuant to division (C)(2)(a) of this section. The assessment shall be paid within sixty days after the tax commissioner issues it, regardless of whether the purchaser files a petition for reassessment under section 5727.89 of the Revised Code covering that period. If the purchaser does not pay the assessment within the time prescribed, the amount assessed is subject to the additional charge and the interest prescribed by divisions (B) and (C) of section 5727.82 of the Revised Code, and is subject to assessment under section 5727.89 of the Revised Code. If the purchaser is a qualified end user, division (C)(7) of this section applies only to electricity

it consumes in other than its qualifying manufacturing process. 115704

(D) The tax imposed by this section does not apply to the 115705
distribution of any kilowatt hours of electricity to the federal 115706
government, to an end user located at a federal facility that uses 115707
electricity for the enrichment of uranium, to a qualified 115708
regeneration meter, or to an end user for any day the end user is 115709
a qualified end user. The exemption under this division for a 115710
qualified end user only applies to the manufacturing location 115711
where the qualified end user uses more than three million kilowatt 115712
hours per day in a qualifying manufacturing process. 115713

Sec. 5727.811. (A) For the purpose of raising revenue for 115714
public education and state and local government operations, an 115715
excise tax is hereby levied on every natural gas distribution 115716
company for all natural gas volumes billed by, or on behalf of, 115717
the company beginning with the measurement period that includes 115718
July 1, 2001. Except as provided in divisions (C) or (D) of this 115719
section, the tax shall be levied at the following rates per MCF of 115720
natural gas distributed by the company through a meter of an end 115721
user in this state: 115722

MCF DISTRIBUTED TO AN END USER	RATE PER MCF	
For the first 100 MCF per month	\$.1593	115723
For the next 101 to 2000 MCF per month	\$.0877	115724
For 2001 and above MCF per month	\$.0411	115725

If no meter is used to measure the MCF of natural gas 115727
distributed by the company, the rates shall apply to the estimated 115728
MCF of natural gas distributed to an unmetered location in this 115729
state. 115730

(B) A natural gas distribution company shall base the tax on 115731
the MCF of natural gas distributed to an end user through the 115732
meter of the end user in this state that is estimated to be 115733
consumed by the end user as reflected on the end user's customer 115734

statement from the natural gas distribution company. Until January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the treasurer of state in accordance with section 5727.82 of the Revised Code. Beginning January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the tax commissioner in accordance with section 5727.82 of the Revised Code unless required to remit payment to the treasurer of state in accordance with section 5727.83 of the Revised Code.

(C) A natural gas distribution company with ~~fifty~~seventy thousand customers or less may elect to apply the rates specified in division (A) of this section to the aggregate of the natural gas distributed by the company through the meter of all its customers in this state, and upon such election, this method shall be used to determine the amount of tax to be paid by such company.

(D) A natural gas distribution company shall pay the tax imposed by this section at the rate of \$.02 per MCF of natural gas distributed by the company through the meter of a flex customer. The natural gas distribution company correspondingly shall reduce the per MCF rate that it charges the flex customer for natural gas distribution services by \$.02 per MCF of natural gas distributed to the flex customer.

(E) Except as provided in division (F) of this section, each natural gas distribution company shall pay the tax imposed by this section in all of the following circumstances:

(1) The natural gas is distributed by the company through a meter of an end user in this state;

(2) The natural gas distribution company is distributing natural gas through a meter located in another state, but the natural gas is consumed in this state in the manner prescribed by the tax commissioner;

(3) The natural gas distribution company is distributing natural gas in this state without the use of a meter, but the natural gas is consumed in this state as estimated and in the manner prescribed by the tax commissioner.

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(F) The tax levied by this section does not apply to the distribution of natural gas to the federal government, or natural gas produced by an end user in this state that is consumed by that end user or its affiliates and is not distributed through the facilities of a natural gas company.

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Sec. 5727.84. (A) As used in this section and sections 5727.85, 5727.86, and 5727.87 of the Revised Code:

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(1) "School district" means a city, local, or exempted village school district.

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(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.

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(3) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts.

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(4) "State education aid," for a school district, means the following:

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(a) For fiscal years prior to fiscal year 2010, the sum of

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state aid amounts computed for the district under divisions (A), 115794
(C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions 115795
(B), (C), and (D) of section 3317.023; divisions (G), (L), and 115796
(N) of section 3317.024; and sections 3317.029, 3317.0216, 115797
3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the 115798
Revised Code; and the adjustments required by: division (C) of 115799
section 3310.08; division (C)(2) of section 3310.41; division 115800
(C) of section 3314.08; division (D)(2) of section 3314.091; 115801
division (D) of section 3314.13; divisions (E), (K), (L), (M), 115802
and (N) of section 3317.023; division (C) of section 3317.20; 115803
and sections 3313.979 and 3313.981 of the Revised Code. 115804
However, when calculating state education aid for a school 115805
district for fiscal years 2008 and 2009, include the amount 115806
computed for the district under Section 269.20.80 of H.B. 115807
119 of the 127th general assembly, as subsequently amended, 115808
instead of division (D) of section 3317.022 of the Revised 115809
Code; and include amounts calculated under Section 269.30.80 115810
of this act, as subsequently amended; ~~and account for~~ 115811
~~adjustments under division (C)(2) of section 3310.41 of the~~ 115812
~~Revised Code.~~ 115813

(b) For fiscal year 2010 and for each fiscal year 115814
thereafter, the sum of the amounts computed for the district 115815
under sections 3306.052, 3306.12, 3306.13, 3306.19, 3306.191, and 115816
3306.192; division (G) of section 3317.024; sections 3317.05, 115817
3317.052, and 3317.053 of the Revised Code; and the 115818
adjustments required by division (C) of section 3310.08; division 115819
(C)(2) of section 3310.41; division (C) of section 3314.08; 115820
division (D)(2) of section 3314.091; division (D) of section 115821
3314.13; divisions (E), (K), (L), (M), and (N) of section 115822
3317.023; division (C) of section 3317.20; and sections 115823
3313.979 and 3313.981 of the Revised Code. 115824

(5) "State education aid," for a joint vocational school 115825
district, means the following: 115826

<u>(a) For fiscal years prior to fiscal year 2010, the sum of</u>	115827
the state aid amounts computed for the district under division	115828
(N) of section 3317.024 and section 3317.16 of the Revised Code.	115829
However, when calculating state education aid for a joint	115830
vocational school district for fiscal years 2008 and 2009,	115831
include the amount computed for the district under Section	115832
269.30.90 of H.B. 119 of the 127th general assembly, as	115833
subsequently amended.	115834
<u>(b) For fiscal years 2010 and 2011, the amount computed for</u>	115835
<u>the district in accordance with the section of this act entitled</u>	115836
<u>"FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS".</u>	115837
(6) "State education aid offset" means the amount determined	115838
for each school district or joint vocational school district under	115839
division (A)(1) of section 5727.85 of the Revised Code.	115840
(7) "Recognized valuation" has the same meaning as in section	115841
3317.02 of the Revised Code.	115842
(8) "Electric company tax value loss" means the amount	115843
determined under division (D) of this section.	115844
(9) "Natural gas company tax value loss" means the amount	115845
determined under division (E) of this section.	115846
(10) "Tax value loss" means the sum of the electric company	115847
tax value loss and the natural gas company tax value loss.	115848
(11) "Fixed-rate levy" means any tax levied on property other	115849
than a fixed-sum levy.	115850
(12) "Fixed-rate levy loss" means the amount determined under	115851
division (G) of this section.	115852
(13) "Fixed-sum levy" means a tax levied on property at	115853

whatever rate is required to produce a specified amount of tax	115854
money or levied in excess of the ten-mill limitation to pay debt	115855
charges, and includes school district emergency levies imposed	115856
pursuant to section 5705.194 of the Revised Code.	115857
 (14) "Fixed-sum levy loss" means the amount determined under	115858
division (H) of this section.	115859
 (15) "Consumer price index" means the consumer price index	115860
(all items, all urban consumers) prepared by the bureau of labor	115861
statistics of the United States department of labor.	115862
 (B) The kilowatt-hour tax receipts fund is hereby created in	115863
the state treasury and shall consist of money arising from the tax	115864
imposed by section 5727.81 of the Revised Code. All money in the	115865
kilowatt-hour tax receipts fund shall be credited as follows:	115866
 (1) Sixty-three per cent shall be credited to the general	115867
revenue fund.	115868
 (2) Twenty-five and four-tenths per cent shall be credited to	115869
the school district property tax replacement fund, which is hereby	115870
created in the state treasury for the purpose of making the	115871
payments described in section 5727.85 of the Revised Code.	115872
 (3) Eleven and six-tenths per cent shall be credited to the	115873
local government property tax replacement fund, which is hereby	115874
created in the state treasury for the purpose of making the	115875
payments described in section 5727.86 of the Revised Code.	115876
 (C) The natural gas tax receipts fund is hereby created in	115877
the state treasury and shall consist of money arising from the tax	115878
imposed by section 5727.811 of the Revised Code. All money in the	115879
fund shall be credited as follows:	115880
 (1) Sixty-eight and seven-tenths per cent shall be credited	115881

to the school district property tax replacement fund for the	115882
purpose of making the payments described in section 5727.85 of the	115883
Revised Code.	115884
(2) Thirty-one and three-tenths per cent shall be credited to	115885
the local government property tax replacement fund for the purpose	115886
of making the payments described in section 5727.86 of the Revised	115887
Code.	115888
(D) Not later than January 1, 2002, the tax commissioner	115889
shall determine for each taxing district its electric company tax	115890
value loss, which is the sum of the applicable amounts described	115891
in divisions (D)(1) to (4) of this section:	115892
(1) The difference obtained by subtracting the amount	115893
described in division (D)(1)(b) from the amount described in	115894
division (D)(1)(a) of this section.	115895
(a) The value of electric company and rural electric company	115896
tangible personal property as assessed by the tax commissioner for	115897
tax year 1998 on a preliminary assessment, or an amended	115898
preliminary assessment if issued prior to March 1, 1999, and as	115899
apportioned to the taxing district for tax year 1998;	115900
(b) The value of electric company and rural electric company	115901
tangible personal property as assessed by the tax commissioner for	115902
tax year 1998 had the property been apportioned to the taxing	115903
district for tax year 2001, and assessed at the rates in effect	115904
for tax year 2001.	115905
(2) The difference obtained by subtracting the amount	115906
described in division (D)(2)(b) from the amount described in	115907
division (D)(2)(a) of this section.	115908
(a) The three-year average for tax years 1996, 1997, and 1998	115909
of the assessed value from nuclear fuel materials and assemblies	115910

assessed against a person under Chapter 5711. of the Revised Code 115911
from the leasing of them to an electric company for those 115912
respective tax years, as reflected in the preliminary assessments; 115913

(b) The three-year average assessed value from nuclear fuel 115914
materials and assemblies assessed under division (D)(2)(a) of this 115915
section for tax years 1996, 1997, and 1998, as reflected in the 115916
preliminary assessments, using an assessment rate of twenty-five 115917
per cent. 115918

(3) In the case of a taxing district having a nuclear power 115919
plant within its territory, any amount, resulting in an electric 115920
company tax value loss, obtained by subtracting the amount 115921
described in division (D)(1) of this section from the difference 115922
obtained by subtracting the amount described in division (D)(3)(b) 115923
of this section from the amount described in division (D)(3)(a) of 115924
this section. 115925

(a) The value of electric company tangible personal property 115926
as assessed by the tax commissioner for tax year 2000 on a 115927
preliminary assessment, or an amended preliminary assessment if 115928
issued prior to March 1, 2001, and as apportioned to the taxing 115929
district for tax year 2000; 115930

(b) The value of electric company tangible personal property 115931
as assessed by the tax commissioner for tax year 2001 on a 115932
preliminary assessment, or an amended preliminary assessment if 115933
issued prior to March 1, 2002, and as apportioned to the taxing 115934
district for tax year 2001. 115935

(4) In the case of a taxing district having a nuclear power 115936
plant within its territory, the difference obtained by subtracting 115937
the amount described in division (D)(4)(b) of this section from 115938
the amount described in division (D)(4)(a) of this section, 115939
provided that such difference is greater than ten per cent of the 115940
amount described in division (D)(4)(a) of this section. 115941

(a) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2005 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2006, and as apportioned to the taxing district for tax year 2005;	115942 115943 115944 115945 115946
(b) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2006 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2007, and as apportioned to the taxing district for tax year 2006.	115947 115948 115949 115950 115951
(E) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its natural gas company tax value loss, which is the sum of the amounts described in divisions (E)(1) and (2) of this section:	115952 115953 115954 115955
(1) The difference obtained by subtracting the amount described in division (E)(1)(b) from the amount described in division (E)(1)(a) of this section.	115956 115957 115958
(a) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2000, and apportioned to the taxing district for tax year 1999;	115959 115960 115961 115962 115963 115964
(b) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.	115965 115966 115967 115968 115969
(2) The difference in the value of current gas obtained by	115970

subtracting the amount described in division (E)(2)(b) from the 115971
amount described in division (E)(2)(a) of this section. 115972

(a) The three-year average assessed value of current gas as 115973
assessed by the tax commissioner for tax years 1997, 1998, and 115974
1999 on a preliminary assessment, or an amended preliminary 115975
assessment if issued prior to March 1, 2001, and as apportioned in 115976
the taxing district for those respective years; 115977

(b) The three-year average assessed value from current gas 115978
under division (E)(2)(a) of this section for tax years 1997, 1998, 115979
and 1999, as reflected in the preliminary assessment, using an 115980
assessment rate of twenty-five per cent. 115981

(F) The tax commissioner may request that natural gas 115982
companies, electric companies, and rural electric companies file a 115983
report to help determine the tax value loss under divisions (D) 115984
and (E) of this section. The report shall be filed within thirty 115985
days of the commissioner's request. A company that fails to file 115986
the report or does not timely file the report is subject to the 115987
penalty in section 5727.60 of the Revised Code. 115988

(G) Not later than January 1, 2002, the tax commissioner 115989
shall determine for each school district, joint vocational school 115990
district, and local taxing unit its fixed-rate levy loss, which is 115991
the sum of its electric company tax value loss multiplied by the 115992
tax rate in effect in tax year 1998 for fixed-rate levies and its 115993
natural gas company tax value loss multiplied by the tax rate in 115994
effect in tax year 1999 for fixed-rate levies. 115995

(H) Not later than January 1, 2002, the tax commissioner 115996
shall determine for each school district, joint vocational school 115997
district, and local taxing unit its fixed-sum levy loss, which is 115998
the amount obtained by subtracting the amount described in 115999
division (H)(2) of this section from the amount described in 116000
division (H)(1) of this section: 116001

(1) The sum of the electric company tax value loss multiplied 116002
by the tax rate in effect in tax year 1998, and the natural gas 116003
company tax value loss multiplied by the tax rate in effect in tax 116004
year 1999, for fixed-sum levies for all taxing districts within 116005
each school district, joint vocational school district, and local 116006
taxing unit. For the years 2002 through 2006, this computation 116007
shall include school district emergency levies that existed in 116008
1998 in the case of the electric company tax value loss, and 1999 116009
in the case of the natural gas company tax value loss, and all 116010
other fixed-sum levies that existed in 1998 in the case of the 116011
electric company tax value loss and 1999 in the case of the 116012
natural gas company tax value loss and continue to be charged in 116013
the tax year preceding the distribution year. For the years 2007 116014
through 2016 in the case of school district emergency levies, and 116015
for all years after 2006 in the case of all other fixed-sum 116016
levies, this computation shall exclude all fixed-sum levies that 116017
existed in 1998 in the case of the electric company tax value loss 116018
and 1999 in the case of the natural gas company tax value loss, 116019
but are no longer in effect in the tax year preceding the 116020
distribution year. For the purposes of this section, an emergency 116021
levy that existed in 1998 in the case of the electric company tax 116022
value loss, and 1999 in the case of the natural gas company tax 116023
value loss, continues to exist in a year beginning on or after 116024
January 1, 2007, but before January 1, 2017, if, in that year, the 116025
board of education levies a school district emergency levy for an 116026
annual sum at least equal to the annual sum levied by the board in 116027
tax year 1998 or 1999, respectively, less the amount of the 116028
payment certified under this division for 2002. 116029

(2) The total taxable value in tax year 1999 less the tax 116030
value loss in each school district, joint vocational school 116031
district, and local taxing unit multiplied by one-fourth of one 116032
mill. 116033

If the amount computed under division (H) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the fixed-sum levy loss reimbursed pursuant to division (E) of section 5727.85 of the Revised Code or division (A)(2) of section 5727.86 of the Revised Code, and the one-fourth of one mill that is subtracted under division (H)(2) of this section shall be apportioned among all contributing fixed-sum levies in the proportion of each levy to the sum of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit.

(I) Notwithstanding divisions (D), (E), (G), and (H) of this section, in computing the tax value loss, fixed-rate levy loss, and fixed-sum levy loss, the tax commissioner shall use the greater of the 1998 tax rate or the 1999 tax rate in the case of levy losses associated with the electric company tax value loss, but the 1999 tax rate shall not include for this purpose any tax levy approved by the voters after June 30, 1999, and the tax commissioner shall use the greater of the 1999 or the 2000 tax rate in the case of levy losses associated with the natural gas company tax value loss.

(J) Not later than January 1, 2002, the tax commissioner shall certify to the department of education the tax value loss determined under divisions (D) and (E) of this section for each taxing district, the fixed-rate levy loss calculated under division (G) of this section, and the fixed-sum levy loss calculated under division (H) of this section. The calculations under divisions (G) and (H) of this section shall separately display the levy loss for each levy eligible for reimbursement.

(K) Not later than September 1, 2001, the tax commissioner shall certify the amount of the fixed-sum levy loss to the county auditor of each county in which a school district with a fixed-sum

levy loss has territory. 116066

Sec. 5728.12. Any non-resident of this state who accepts the 116067
privilege extended by the laws of this state to non-residents of 116068
operating a commercial car or commercial tractor, which is subject 116069
to the tax levied in section 5728.06 of the Revised Code, or of 116070
having the same operated within this state, and any resident of 116071
this state who operates a commercial car or commercial tractor, 116072
which is subject to the tax levied in section 5728.06 of the 116073
Revised Code, or has the same operated within this state and 116074
subsequently becomes a non-resident or conceals ~~his~~the person's 116075
whereabouts, makes the secretary of state of the state of Ohio ~~his~~
the person's agent for the service of process or notice in any 116077
assessment, action or proceeding instituted in this state against 116078
such person out of the failure to pay the taxes imposed ~~upon him~~ 116079
by the provisions of section 5728.06 of the Revised Code. 116080

Such process or notice shall be served, ~~by the officer to~~ 116081
~~whom the same is directed or by the tax commissioner, or by the~~ 116082
~~sheriff of Franklin county, who may be deputized for such purpose~~ 116083
~~by the officer to whom the service is directed, upon the secretary~~ 116084
~~of state by leaving at the office of the secretary of state, at~~ 116085
~~least fifteen days before the return day of such process or~~ 116086
~~notice, a true and attested copy thereof, and by sending to the~~ 116087
~~defendant by registered or certified mail, postage prepaid, a like~~ 116088
~~and true attested copy, with an endorsement thereon of the service~~ 116089
~~upon said secretary of state, addressed to such defendant at his~~ 116090
~~last known address. The registered or certified mail return~~ 116091
~~receipt of such defendant shall be attached to and made a part of~~ 116092
~~the return of such service of process~~as provided under section 116093
5703.37 of the Revised Code. 116094

Sec. 5729.03. (A) If the superintendent of insurance finds 116095
the annual statement required by section 5729.02 of the Revised 116096
Code to be correct, the superintendent shall compute the following 116097

amount, as applicable, of the balance of such gross amount, after 116098
deducting such return premiums and considerations received for 116099
reinsurance, and charge such amount to such company as a tax upon 116100
the business done by it in this state for the period covered by 116101
such annual statement: 116102

(1) If the company is a health insuring corporation, one per 116103
cent of the balance of premium rate payments received, exclusive 116104
of payments received under the medicare program established under 116105
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 116106
U.S.C.A. 301, as amended, ~~or~~ and exclusive of payments received 116107
pursuant to the medical assistance program established under 116108
Chapter 5111. of the Revised Code for the period ending September 116109
30, 2009, as reflected in its annual report; 116110

(2) If the company is not a health insuring corporation, one 116111
and four-tenths per cent of the balance of premiums received, 116112
exclusive of premiums received under the medicare program 116113
established under Title XVIII of the "Social Security Act," 49 116114
Stat. 620 (1935), 42 U.S.C.A. 301, as amended, ~~or~~ and exclusive of 116115
payments received pursuant to the medical assistance program 116116
established under Chapter 5111. of the Revised Code for the period 116117
ending September 30, 2009, as reflected in its annual statement, 116118
and, if the company operates a health insuring corporation as a 116119
line of business, one per cent of the balance of premium rate 116120
payments received from that line of business, exclusive of 116121
payments received under the medicare program established under 116122
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 116123
U.S.C.A. 301, as amended, ~~or~~ and exclusive of payments received 116124
pursuant to the medical assistance program established under 116125
Chapter 5111. of the Revised Code for the period ending September 116126
30, 2009, as reflected in its annual statement. 116127

Each foreign insurance company, including health insuring 116128
corporations, receiving payments pursuant to the medical 116129

assistance program established under Chapter 5111. of the Revised Code during the period beginning October 1, 2009, and ending December 31, 2009, shall file with the 2009 annual statement to the superintendent a schedule that reflects those payments received pursuant to the medical assistance program for that period. The payments reflected in the schedule, plus all other taxable premiums, are subject to the annual franchise tax due to be paid in 2010.

(B) Any insurance policies that were not issued in violation of Title XXXIX of the Revised Code and that were issued prior to April 15, 1967, by a life insurance company organized and operated without profit to any private shareholder or individual, exclusively for the purpose of aiding educational or scientific institutions organized and operated without profit to any private shareholder or individual, are not subject to the tax imposed by this section. All taxes collected pursuant to this section shall be credited to the general revenue fund.

(C) In no case shall the tax imposed under this section be less than two hundred fifty dollars.

Sec. 5729.16. (A) Terms used in this section have the same meaning as in section 5725.33 of the Revised Code.

(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5729.03 of the Revised Code for a foreign insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall be computed in the same manner prescribed for the computation of credits allowed under section 5725.33 of the Revised Code.

The credit shall be claimed in the order prescribed by section 5729.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other

credits in that order, the excess may be carried forward and 116161
applied to the tax due for not more than four ensuing years. 116162

By claiming a tax credit under this section, an insurance 116163
company waives its rights under section 5729.102 of the Revised 116164
Code with respect to the time limitation for the assessment of 116165
taxes as it relates to credits claimed that later become subject 116166
to recapture under division (D) of this section. 116167

(C) The total amount of qualified equity investments on the 116168
basis of which credits may be claimed under this section, section 116169
5725.33, and section 5733.58 of the Revised Code is subject to the 116170
limitation of division (C) of section 5725.33 of the Revised 116171
Code. 116172

(D) If any amount of the federal tax credit allowed for a 116173
qualified equity investment for which a credit was received under 116174
this section is recaptured under section 45D of the Internal 116175
Revenue Code, or if the director of development determines that an 116176
investment for which a tax credit is claimed under this section is 116177
not a qualified equity investment or that the proceeds of an 116178
investment for which a tax credit is claimed under this section 116179
are used to make qualified low-income community investments other 116180
than in a qualified active low-income community business, all or a 116181
portion of the credit received on account of that investment 116182
shall be paid by the insurance company that received the credit 116183
to the superintendent of insurance. The amount to be recovered 116184
shall be determined by the director of development pursuant to 116185
rules adopted under section 5725.33 of the Revised Code. The 116186
director shall certify any amount due under this division to the 116187
superintendent of insurance, and the superintendent shall notify 116188
the treasurer of state of the amount due. Upon notification, the 116189
treasurer shall invoice the insurance company for the amount due. 116190
The amount due is payable not later than thirty days after the 116191
date the treasurer invoices the insurance company. The amount due 116192

shall be considered to be tax due under section 5729.03 of the 116193
Revised Code, and may be collected by assessment without regard 116194
to the time limitations imposed under section 5729.102 of the 116195
Revised Code for the assessment of taxes by the superintendent. 116196
All amounts collected under this division shall be credited as 116197
revenue from the tax levied under section 5729.03 of the Revised 116198
Code. 116199

Sec. 5729.98. (A) To provide a uniform procedure for 116200
calculating the amount of tax due under this chapter, a taxpayer 116201
shall claim any credits and offsets against tax liability to which 116202
it is entitled in the following order: 116203

(1) The credit for an insurance company or insurance company 116204
group under section 5729.031 of the Revised Code. 116205

(2) The credit for eligible employee training costs under 116206
section 5729.07 of the Revised Code. 116207

(3) The credit for purchases of qualified low-income 116208
community investments under section 5729.16 of the Revised Code; 116209

(4) The job retention credit under section 122.171 of the 116210
Revised Code. 116211

(5) The offset of assessments by the Ohio life and health 116212
insurance guaranty association against tax liability permitted by 116213
section 3956.20 of the Revised Code. 116214

~~(4)~~(6) The refundable credit for Ohio job creation under 116215
section 5729.032 of the Revised Code. 116216

~~(5)~~(7) The refundable credit under section 5729.08 of the 116217
Revised Code for losses on loans made under the Ohio venture 116218
capital program under sections 150.01 to 150.10 of the Revised 116219
Code. 116220

(B) For any credit except the credits enumerated in divisions 116221
(A)(4)(6) and ~~(5)(7)~~ of this section, the amount of the credit for 116222
a taxable year shall not exceed the tax due after allowing for any 116223
other credit that precedes it in the order required under this 116224
section. Any excess amount of a particular credit may be carried 116225
forward if authorized under the section creating that credit. 116226
Nothing in this chapter shall be construed to allow a taxpayer to 116227
claim, directly or indirectly, a credit more than once for a 116228
taxable year. 116229

Sec. 5733.01. (A) The tax provided by this chapter for 116230
domestic corporations shall be the amount charged against each 116231
corporation organized for profit under the laws of this state and 116232
each nonprofit corporation organized pursuant to Chapter 1729. of 116233
the Revised Code, except as provided in sections 5733.09 and 116234
5733.10 of the Revised Code, for the privilege of exercising its 116235
franchise during the calendar year in which that amount is 116236
payable, and the tax provided by this chapter for foreign 116237
corporations shall be the amount charged against each corporation 116238
organized for profit and each nonprofit corporation organized or 116239
operating in the same or similar manner as nonprofit corporations 116240
organized under Chapter 1729. of the Revised Code, under the laws 116241
of any state or country other than this state, except as provided 116242
in sections 5733.09 and 5733.10 of the Revised Code, for the 116243
privilege of doing business in this state, owning or using a part 116244
or all of its capital or property in this state, holding a 116245
certificate of compliance with the laws of this state authorizing 116246
it to do business in this state, or otherwise having nexus in or 116247
with this state under the Constitution of the United States, 116248
during the calendar year in which that amount is payable. 116249

(B) A corporation is subject to the tax imposed by section 116250
5733.06 of the Revised Code for each calendar year that it is so 116251
organized, doing business, owning or using a part or all of its 116252

capital or property, holding a certificate of compliance, or 116253
otherwise having nexus in or with this state under the 116254
Constitution of the United States, on the first day of January of 116255
that calendar year. 116256

(C) Any corporation subject to this chapter that is not 116257
subject to the federal income tax shall file its returns and 116258
compute its tax liability as required by this chapter in the same 116259
manner as if that corporation were subject to the federal income 116260
tax. 116261

(D) For purposes of this chapter, a federally chartered 116262
financial institution shall be deemed to be organized under the 116263
laws of the state within which its principal office is located. 116264

(E) For purposes of this chapter, any person, as defined in 116265
section 5701.01 of the Revised Code, shall be treated as a 116266
corporation if the person is classified for federal income tax 116267
purposes as an association taxable as a corporation, and an equity 116268
interest in the person shall be treated as capital stock of the 116269
person. 116270

(F) For the purposes of this chapter, "disregarded entity" 116271
has the same meaning as in division (D) of section 5745.01 of the 116272
Revised Code. 116273

(1) A person's interest in a disregarded entity, whether held 116274
directly or indirectly, shall be treated as the person's ownership 116275
of the assets and liabilities of the disregarded entity, and the 116276
income, including gain or loss, shall be included in the person's 116277
net income under this chapter. 116278

(2) Any sale, exchange, or other disposition of the person's 116279
interest in the disregarded entity, whether held directly or 116280
indirectly, shall be treated as a sale, exchange, or other 116281
disposition of the person's share of the disregarded entity's 116282

underlying assets or liabilities, and the gain or loss from such sale, exchange, or disposition shall be included in the person's net income under this chapter.

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(3) The disregarded entity's payroll, property, and sales factors shall be included in the person's factors.

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(G) The tax a corporation is required to pay under this chapter shall be as follows:

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(1)(a) For financial institutions, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the financial institution under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

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(b) A corporation satisfying the description in division (E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised Code that is not a financial institution, insurance company, or dealer in intangibles is subject to the taxes imposed under this chapter as a corporation and not subject to tax as a financial institution, and shall pay the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all the taxes charged under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

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(2) For all corporations other than those persons described in division (G)(1)(a) or (b) of this section, the amount under division (G)(2)(a) of this section applicable to the tax year specified less the amount under division (G)(2)(b) of this section:

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(a)(i) For tax year 2005, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code

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or the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax;	116313 116314
(ii) For tax year 2006, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or four-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A) ~~(29)~~ <u>(30)</u> and the refundable credits described in divisions (A) ~~(30)~~ <u>(31)</u> to ~~(34)~~ <u>(35)</u> of section 5733.98 of the Revised Code;	116315 116316 116317 116318 116319 116320 116321 116322
(iii) For tax year 2007, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or three-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A) ~~(29)~~ <u>(30)</u> and the refundable credits described in divisions (A) ~~(30)~~ <u>(31)</u> to ~~(34)~~ <u>(35)</u> of section 5733.98 of the Revised Code;	116323 116324 116325 116326 116327 116328 116329 116330
(iv) For tax year 2008, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or two-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A) ~~(29)~~ <u>(30)</u> and the refundable credits described in divisions (A) ~~(30)~~ <u>(31)</u> to ~~(34)~~ <u>(35)</u> of section 5733.98 of the Revised Code;	116331 116332 116333 116334 116335 116336 116337 116338
(v) For tax year 2009, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or one-fifth of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A) ~~(29)~~ <u>(30)</u> and the refundable credits	116339 116340 116341 116342 116343 116344

described in divisions (A)~~(30)~~, (31), (32), ~~and (33)~~, and (34) of
section 5733.98 of the Revised Code;

(vi) For tax year 2010 and each tax year thereafter, no tax.

(b) A corporation shall subtract from the amount calculated
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section
any qualifying pass-through entity tax credit described in
division (A)~~(29)~~(30) and any refundable credits described in
divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 of the
Revised Code to which the corporation is entitled. Any unused
qualifying pass-through entity tax credit is not refundable.

(c) For the purposes of computing the amount of a credit that
may be carried forward to a subsequent tax year under division
(G)(2) of this section, a credit is utilized against the tax for a
tax year to the extent the credit applies against the tax for that
tax year, even if the difference is then multiplied by the
applicable fraction under division (G)(2)(a) of this section.

(3) Nothing in division (G) of this section eliminates or
reduces the tax imposed by section 5733.41 of the Revised Code on
a qualifying pass-through entity.

Sec. 5733.04. As used in this chapter:

(A) "Issued and outstanding shares of stock" applies to
nonprofit corporations, as provided in section 5733.01 of the
Revised Code, and includes, but is not limited to, membership
certificates and other instruments evidencing ownership of an
interest in such nonprofit corporations, and with respect to a
financial institution that does not have capital stock, "issued
and outstanding shares of stock" includes, but is not limited to,
ownership interests of depositors in the capital employed in such
an institution.

(B) "Taxpayer" means a corporation subject to the tax imposed by section 5733.06 of the Revised Code.	116374 116375
(C) "Resident" means a corporation organized under the laws of this state.	116376 116377
(D) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.	116378 116379 116380
(E) "Taxable year" means the period prescribed by division (A) of section 5733.031 of the Revised Code upon the net income of which the value of the taxpayer's issued and outstanding shares of stock is determined under division (B) of section 5733.05 of the Revised Code or the period prescribed by division (A) of section 5733.031 of the Revised Code that immediately precedes the date as of which the total value of the corporation is determined under division (A) or (C) of section 5733.05 of the Revised Code.	116381 116382 116383 116384 116385 116386 116387 116388
(F) "Tax year" means the calendar year in and for which the tax imposed by section 5733.06 of the Revised Code is required to be paid.	116389 116390 116391
(G) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	116392 116393
(H) "Federal income tax" means the income tax imposed by the Internal Revenue Code.	116394 116395
(I) Except as provided in section 5733.058 of the Revised Code, "net income" means the taxpayer's taxable income before operating loss deduction and special deductions, as required to be reported for the taxpayer's taxable year under the Internal Revenue Code, subject to the following adjustments:	116396 116397 116398 116399 116400
(1)(a) Deduct any net operating loss incurred in any taxable	116401

years ending in 1971 or thereafter, but exclusive of any net
operating loss incurred in taxable years ending prior to January
1, 1971. This deduction shall not be allowed in any tax year
commencing before December 31, 1973, but shall be carried over and
allowed in tax years commencing after December 31, 1973, until
fully utilized in the next succeeding taxable year or years in
which the taxpayer has net income, but in no case for more than
the designated carryover period as described in division (I)(1)(b)
of this section. The amount of such net operating loss, as
determined under the allocation and apportionment provisions of
section 5733.051 and division (B) of section 5733.05 of the
Revised Code for the year in which the net operating loss occurs,
shall be deducted from net income, as determined under the
allocation and apportionment provisions of section 5733.051 and
division (B) of section 5733.05 of the Revised Code, to the extent
necessary to reduce net income to zero with the remaining unused
portion of the deduction, if any, carried forward to the remaining
years of the designated carryover period as described in division
(I)(1)(b) of this section, or until fully utilized, whichever
occurs first.

(b) For losses incurred in taxable years ending on or before
December 31, 1981, the designated carryover period shall be the
five consecutive taxable years after the taxable year in which the
net operating loss occurred. For losses incurred in taxable years
ending on or after January 1, 1982, and beginning before August 6,
1997, the designated carryover period shall be the fifteen
consecutive taxable years after the taxable year in which the net
operating loss occurs. For losses incurred in taxable years
beginning on or after August 6, 1997, the designated carryover
period shall be the twenty consecutive taxable years after the
taxable year in which the net operating loss occurs.

(c) The tax commissioner may require a taxpayer to furnish
any information necessary to support a claim for deduction under

division (I)(1)(a) of this section and no deduction shall be 116435
allowed unless the information is furnished. 116436

(2) Deduct any amount included in net income by application 116437
of section 78 or 951 of the Internal Revenue Code, amounts 116438
received for royalties, technical or other services derived from 116439
sources outside the United States, and dividends received from a 116440
subsidiary, associate, or affiliated corporation that neither 116441
transacts any substantial portion of its business nor regularly 116442
maintains any substantial portion of its assets within the United 116443
States. For purposes of determining net foreign source income 116444
deductible under division (I)(2) of this section, the amount of 116445
gross income from all such sources other than dividend income and 116446
income derived by application of section 78 or 951 of the Internal 116447
Revenue Code shall be reduced by: 116448

(a) The amount of any reimbursed expenses for personal 116449
services performed by employees of the taxpayer for the 116450
subsidiary, associate, or affiliated corporation; 116451

(b) Ten per cent of the amount of royalty income and 116452
technical assistance fees; 116453

(c) Fifteen per cent of the amount of all other income. 116454

The amounts described in divisions (I)(2)(a) to (c) of this 116455
section are deemed to be the expenses attributable to the 116456
production of deductible foreign source income unless the taxpayer 116457
shows, by clear and convincing evidence, less actual expenses, or 116458
the tax commissioner shows, by clear and convincing evidence, more 116459
actual expenses. 116460

(3) Add any loss or deduct any gain resulting from the sale, 116461
exchange, or other disposition of a capital asset, or an asset 116462
described in section 1231 of the Internal Revenue Code, to the 116463
extent that such loss or gain occurred prior to the first taxable 116464

year on which the tax provided for in section 5733.06 of the Revised Code is computed on the corporation's net income. For purposes of division (I)(3) of this section, the amount of the prior loss or gain shall be measured by the difference between the original cost or other basis of the asset and the fair market value as of the beginning of the first taxable year on which the tax provided for in section 5733.06 of the Revised Code is computed on the corporation's net income. At the option of the taxpayer, the amount of the prior loss or gain may be a percentage of the gain or loss, which percentage shall be determined by multiplying the gain or loss by a fraction, the numerator of which is the number of months from the acquisition of the asset to the beginning of the first taxable year on which the fee provided in section 5733.06 of the Revised Code is computed on the corporation's net income, and the denominator of which is the number of months from the acquisition of the asset to the sale, exchange, or other disposition of the asset. The adjustments described in this division do not apply to any gain or loss where the gain or loss is recognized by a qualifying taxpayer, as defined in section 5733.0510 of the Revised Code, with respect to a qualifying taxable event, as defined in that section.

(4) Deduct the dividend received deduction provided by section 243 of the Internal Revenue Code.

(5) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent included in federal taxable income. As used in divisions (I)(5) and (6) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(6) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of public obligations to the extent included in federal taxable income.

(7) To the extent not otherwise allowed, deduct any dividends
or distributions received by a taxpayer from a public utility,
excluding an electric company and a combined company, and, for tax
years 2005 and thereafter, a telephone company, if the taxpayer
owns at least eighty per cent of the issued and outstanding common
stock of the public utility. As used in division (I)(7) of this
section, "public utility" means a public utility as defined in
Chapter 5727. of the Revised Code, whether or not the public
utility is doing business in the state.

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(8) To the extent not otherwise allowed, deduct any dividends
received by a taxpayer from an insurance company, if the taxpayer
owns at least eighty per cent of the issued and outstanding common
stock of the insurance company. As used in division (I)(8) of this
section, "insurance company" means an insurance company that is
taxable under Chapter 5725. or 5729. of the Revised Code.

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(9) Deduct expenditures for modifying existing buildings or
structures to meet American national standards institute standard
A-117.1-1961 (R-1971), as amended; provided, that no deduction
shall be allowed to the extent that such deduction is not
permitted under federal law or under rules of the tax
commissioner. Those deductions as are allowed may be taken over a
period of five years. The tax commissioner shall adopt rules under
Chapter 119. of the Revised Code establishing reasonable
limitations on the extent that expenditures for modifying existing
buildings or structures are attributable to the purpose of making
the buildings or structures accessible to and usable by physically
handicapped persons.

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(10) Deduct the amount of wages and salaries, if any, not
otherwise allowable as a deduction but that would have been
allowable as a deduction in computing federal taxable income
before operating loss deduction and special deductions for the
taxable year, had the targeted jobs credit allowed and determined

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under sections 38, 51, and 52 of the Internal Revenue Code not
been in effect.

(11) Deduct net interest income on obligations of the United
States and its territories and possessions or of any authority,
commission, or instrumentality of the United States to the extent
the laws of the United States prohibit inclusion of the net
interest for purposes of determining the value of the taxpayer's
issued and outstanding shares of stock under division (B) of
section 5733.05 of the Revised Code. As used in division (I)(11)
of this section, "net interest" means interest net of any expenses
taken on the federal income tax return that would not have been
allowed under section 265 of the Internal Revenue Code if the
interest were exempt from federal income tax.

(12)(a) Except as set forth in division (I)(12)(d) of this
section, to the extent not included in computing the taxpayer's
federal taxable income before operating loss deduction and special
deductions, add gains and deduct losses from direct or indirect
sales, exchanges, or other dispositions, made by a related entity
who is not a taxpayer, of the taxpayer's indirect, beneficial, or
constructive investment in the stock or debt of another entity,
unless the gain or loss has been included in computing the federal
taxable income before operating loss deduction and special
deductions of another taxpayer with a more closely related
investment in the stock or debt of the other entity. The amount of
gain added or loss deducted shall not exceed the product obtained
by multiplying such gain or loss by the taxpayer's proportionate
share, directly, indirectly, beneficially, or constructively, of
the outstanding stock of the related entity immediately prior to
the direct or indirect sale, exchange, or other disposition.

(b) Except as set forth in division (I)(12)(e) of this
section, to the extent not included in computing the taxpayer's
federal taxable income before operating loss deduction and special

deductions, add gains and deduct losses from direct or indirect 116561
sales, exchanges, or other dispositions made by a related entity 116562
who is not a taxpayer, of intangible property other than stock, 116563
securities, and debt, if such property was owned, or used in whole 116564
or in part, at any time prior to or at the time of the sale, 116565
exchange, or disposition by either the taxpayer or by a related 116566
entity that was a taxpayer at any time during the related entity's 116567
ownership or use of such property, unless the gain or loss has 116568
been included in computing the federal taxable income before 116569
operating loss deduction and special deductions of another 116570
taxpayer with a more closely related ownership or use of such 116571
intangible property. The amount of gain added or loss deducted 116572
shall not exceed the product obtained by multiplying such gain or 116573
loss by the taxpayer's proportionate share, directly, indirectly, 116574
beneficially, or constructively, of the outstanding stock of the 116575
related entity immediately prior to the direct or indirect sale, 116576
exchange, or other disposition. 116577

(c) As used in division (I)(12) of this section, "related 116578
entity" means those entities described in divisions (I)(12)(c)(i) 116579
to (iii) of this section: 116580

(i) An individual stockholder, or a member of the 116581
stockholder's family enumerated in section 318 of the Internal 116582
Revenue Code, if the stockholder and the members of the 116583
stockholder's family own, directly, indirectly, beneficially, or 116584
constructively, in the aggregate, at least fifty per cent of the 116585
value of the taxpayer's outstanding stock; 116586

(ii) A stockholder, or a stockholder's partnership, estate, 116587
trust, or corporation, if the stockholder and the stockholder's 116588
partnerships, estates, trusts, and corporations own directly, 116589
indirectly, beneficially, or constructively, in the aggregate, at 116590
least fifty per cent of the value of the taxpayer's outstanding 116591
stock; 116592

(iii) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (I)(12)(c)(iv) of this section, if the taxpayer owns, directly, indirectly, beneficially, or constructively, at least fifty per cent of the value of the corporation's outstanding stock.	116593 116594 116595 116596 116597 116598 116599
(iv) The attribution rules of section 318 of the Internal Revenue Code apply for purposes of determining whether the ownership requirements in divisions (I)(12)(c)(i) to (iii) of this section have been met.	116600 116601 116602 116603
(d) For purposes of the adjustments required by division (I)(12)(a) of this section, the term "investment in the stock or debt of another entity" means only those investments where the taxpayer and the taxpayer's related entities directly, indirectly, beneficially, or constructively own, in the aggregate, at any time during the twenty-four month period commencing one year prior to the direct or indirect sale, exchange, or other disposition of such investment at least fifty per cent or more of the value of either the outstanding stock or such debt of such other entity.	116604 116605 116606 116607 116608 116609 116610 116611 116612
(e) For purposes of the adjustments required by division (I)(12)(b) of this section, the term "related entity" excludes all of the following:	116613 116614 116615
(i) Foreign corporations as defined in section 7701 of the Internal Revenue Code;	116616 116617
(ii) Foreign partnerships as defined in section 7701 of the Internal Revenue Code;	116618 116619
(iii) Corporations, partnerships, estates, and trusts created or organized in or under the laws of the Commonwealth of Puerto Rico or any possession of the United States;	116620 116621 116622

(iv) Foreign estates and foreign trusts as defined in section 7701 of the Internal Revenue Code.	116623 116624
The exclusions described in divisions (I)(12)(e)(i) to (iv) of this section do not apply if the corporation, partnership, estate, or trust is described in any one of divisions (C)(1) to (5) of section 5733.042 of the Revised Code.	116625 116626 116627 116628
(f) Nothing in division (I)(12) of this section shall require or permit a taxpayer to add any gains or deduct any losses described in divisions (I)(12)(f)(i) and (ii) of this section:	116629 116630 116631
(i) Gains or losses recognized for federal income tax purposes by an individual, estate, or trust without regard to the attribution rules described in division (I)(12)(c) of this section;	116632 116633 116634 116635
(ii) A related entity's gains or losses described in division (I)(12)(b) of this section if the taxpayer's ownership of or use of such intangible property was limited to a period not exceeding nine months and was attributable to a transaction or a series of transactions executed in accordance with the election or elections made by the taxpayer or a related entity pursuant to section 338 of the Internal Revenue Code.	116636 116637 116638 116639 116640 116641 116642
(13) Any adjustment required by section 5733.042 of the Revised Code.	116643 116644
(14) Add any amount claimed as a credit under section 5733.0611 of the Revised Code to the extent that such amount satisfies either of the following:	116645 116646 116647
(a) It was deducted or excluded from the computation of the corporation's taxable income before operating loss deduction and special deductions as required to be reported for the	116648 116649 116650

corporation's taxable year under the Internal Revenue Code; 116651

(b) It resulted in a reduction of the corporation's taxable 116652
income before operating loss deduction and special deductions as 116653
required to be reported for any of the corporation's taxable years 116654
under the Internal Revenue Code. 116655

(15) Deduct the amount contributed by the taxpayer to an 116656
individual development account program established by a county 116657
department of job and family services pursuant to sections 329.11 116658
to 329.14 of the Revised Code for the purpose of matching funds 116659
deposited by program participants. On request of the tax 116660
commissioner, the taxpayer shall provide any information that, in 116661
the tax commissioner's opinion, is necessary to establish the 116662
amount deducted under division (I)(15) of this section. 116663

(16) Any adjustment required by section 5733.0510 or 116664
5733.0511 of the Revised Code. 116665

(17)(a)(i) Add five-sixths of the amount of depreciation 116666
expense allowed under subsection (k) of section 168 of the 116667
Internal Revenue Code, including a person's proportionate or 116668
distributive share of the amount of depreciation expense allowed 116669
by that subsection to any pass-through entity in which the person 116670
has direct or indirect ownership. 116671

(ii) Add five-sixths of the amount of qualifying section 179 116672
depreciation expense, including a person's proportionate or 116673
distributive share of the amount of qualifying section 179 116674
depreciation expense allowed to any pass-through entity in which 116675
the person has a direct or indirect ownership. For the purposes of 116676
this division, "qualifying section 179 depreciation expense" means 116677
the difference between (I) the amount of depreciation expense 116678
directly or indirectly allowed to the taxpayer under section 179 116679
of the Internal Revenue Code, and (II) the amount of depreciation 116680
expense directly or indirectly allowed to the taxpayer under 116681

section 179 of the Internal Revenue Code as that section existed 116682
on December 31, 2002. 116683

The tax commissioner, under procedures established by the 116684
commissioner, may waive the add-backs related to a pass-through 116685
entity if the person owns, directly or indirectly, less than five 116686
per cent of the pass-through entity. 116687

(b) Nothing in division (I)(17) of this section shall be 116688
construed to adjust or modify the adjusted basis of any asset. 116689

(c) To the extent the add-back is attributable to property 116690
generating income or loss allocable under section 5733.051 of the 116691
Revised Code, the add-back shall be allocated to the same location 116692
as the income or loss generated by that property. Otherwise, the 116693
add-back shall be apportioned, subject to division (B)(2)(d) of 116694
section 5733.05 of the Revised Code. 116695

(18)(a) If a person is required to make the add-back under 116696
division (I)(17)(a) of this section for a tax year, the person 116697
shall deduct one-fifth of the amount added back for each of the 116698
succeeding five tax years. 116699

(b) If the amount deducted under division (I)(18)(a) of this 116700
section is attributable to an add-back allocated under division 116701
(I)(17)(c) of this section, the amount deducted shall be allocated 116702
to the same location. Otherwise, the amount shall be apportioned 116703
using the apportionment factors for the taxable year in which the 116704
deduction is taken, subject to division (B)(2)(d) of section 116705
5733.05 of the Revised Code. 116706

(J) Except as otherwise expressly provided or clearly 116707
appearing from the context, any term used in this chapter has the 116708
same meaning as when used in a comparable context in the laws of 116709
the United States relating to federal income taxes. Any reference 116710
in this chapter to the Internal Revenue Code includes other laws 116711

of the United States relating to federal income taxes.	116712
(K) "Financial institution" has the meaning given by section	116713
5725.01 of the Revised Code but does not include a production	116714
credit association as described in 85 Stat. 597, 12 U.S.C.A. 2091.	116715
(L)(1) A "qualifying holding company" is any corporation	116716
satisfying all of the following requirements:	116717
(a) Subject to divisions (L)(2) and (3) of this section, the	116718
net book value of the corporation's intangible assets is greater	116719
than or equal to ninety per cent of the net book value of all of	116720
its assets and at least fifty per cent of the net book value of	116721
all of its assets represents direct or indirect investments in the	116722
equity of, loans and advances to, and accounts receivable due from	116723
related members;	116724
(b) At least ninety per cent of the corporation's gross	116725
income for the taxable year is attributable to the following:	116726
(i) The maintenance, management, ownership, acquisition, use,	116727
and disposition of its intangible property, its aircraft the use	116728
of which is not subject to regulation under 14 C.F.R. part 121 or	116729
part 135, and any real property described in division (L)(2)(c) of	116730
this section;	116731
(ii) The collection and distribution of income from such	116732
property.	116733
(c) The corporation is not a financial institution on the	116734
last day of the taxable year ending prior to the first day of the	116735
tax year;	116736
(d) The corporation's related members make a good faith and	116737
reasonable effort to make timely and fully the adjustments	116738
required by division ~~(C)(2)~~ (D) of section 5733.05 of the Revised	116739

Code and to pay timely and fully all uncontested taxes, interest,	116740
penalties, and other fees and charges imposed under this chapter;	116741
 (e) Subject to division (L)(4) of this section, the	116742
corporation elects to be treated as a qualifying holding company	116743
for the tax year.	116744
 A corporation otherwise satisfying divisions (L)(1)(a) to (e)	116745
of this section that does not elect to be a qualifying holding	116746
company is not a qualifying holding company for the purposes of	116747
this chapter.	116748
 (2)(a)(i) For purposes of making the ninety per cent	116749
computation under division (L)(1)(a) of this section, the net book	116750
value of the corporation's assets shall not include the net book	116751
value of aircraft or real property described in division	116752
(L)(1)(b)(i) of this section.	116753
 (ii) For purposes of making the fifty per cent computation	116754
under division (L)(1)(a) of this section, the net book value of	116755
assets shall include the net book value of aircraft or real	116756
property described in division (L)(1)(b)(i) of this section.	116757
 (b)(i) As used in division (L) of this section, "intangible	116758
asset" includes, but is not limited to, the corporation's direct	116759
interest in each pass-through entity only if at all times during	116760
the corporation's taxable year ending prior to the first day of	116761
the tax year the corporation's and the corporation's related	116762
members' combined direct and indirect interests in the capital or	116763
profits of such pass-through entity do not exceed fifty per cent.	116764
If the corporation's interest in the pass-through entity is an	116765
intangible asset for that taxable year, then the distributive	116766
share of any income from the pass-through entity shall be income	116767
from an intangible asset for that taxable year.	116768
 (ii) If a corporation's and the corporation's related	116769

members' combined direct and indirect interests in the capital or profits of a pass-through entity exceed fifty per cent at any time during the corporation's taxable year ending prior to the first day of the tax year, "intangible asset" does not include the corporation's direct interest in the pass-through entity, and the corporation shall include in its assets its proportionate share of the assets of any such pass-through entity and shall include in its gross income its distributive share of the gross income of such pass-through entity in the same form as was earned by the pass-through entity.

(iii) A pass-through entity's direct or indirect proportionate share of any other pass-through entity's assets shall be included for the purpose of computing the corporation's proportionate share of the pass-through entity's assets under division (L)(2)(b)(ii) of this section, and such pass-through entity's distributive share of any other pass-through entity's gross income shall be included for purposes of computing the corporation's distributive share of the pass-through entity's gross income under division (L)(2)(b)(ii) of this section.

(c) For the purposes of divisions (L)(1)(b)(i), (1)(b)(ii), (2)(a)(i), and (2)(a)(ii) of this section, real property is described in division (L)(2)(c) of this section only if all of the following conditions are present at all times during the taxable year ending prior to the first day of the tax year:

(i) The real property serves as the headquarters of the corporation's trade or business, or is the place from which the corporation's trade or business is principally managed or directed;

(ii) Not more than ten per cent of the value of the real property and not more than ten per cent of the square footage of the building or buildings that are part of the real property is used, made available, or occupied for the purpose of providing,

acquiring, transferring, selling, or disposing of tangible	116802
property or services in the normal course of business to persons	116803
other than related members, the corporation's employees and their	116804
families, and such related members' employees and their families.	116805
 (d) As used in division (L) of this section, "related member"	116806
has the same meaning as in division (A)(6) of section 5733.042 of	116807
the Revised Code without regard to division (B) of that section.	116808
 (3) The percentages described in division (L)(1)(a) of this	116809
section shall be equal to the quarterly average of those	116810
percentages as calculated during the corporation's taxable year	116811
ending prior to the first day of the tax year.	116812
 (4) With respect to the election described in division	116813
(L)(1)(e) of this section:	116814
 (a) The election need not accompany a timely filed report;	116815
 (b) The election need not accompany the report; rather, the	116816
election may accompany a subsequently filed but timely application	116817
for refund and timely amended report, or a subsequently filed but	116818
timely petition for reassessment;	116819
 (c) The election is not irrevocable;	116820
 (d) The election applies only to the tax year specified by	116821
the corporation;	116822
 (e) The corporation's related members comply with division	116823
(L)(1)(d) of this section.	116824
 Nothing in division (L)(4) of this section shall be construed	116825
to extend any statute of limitations set forth in this chapter.	116826
 (M) "Qualifying controlled group" means two or more	116827
corporations that satisfy the ownership and control requirements	116828

of division (A) of section 5733.052 of the Revised Code. 116829

(N) "Limited liability company" means any limited liability 116830
company formed under Chapter 1705. of the Revised Code or under 116831
the laws of any other state. 116832

(O) "Pass-through entity" means a corporation that has made 116833
an election under subchapter S of Chapter 1 of Subtitle A of the 116834
Internal Revenue Code for its taxable year under that code, or a 116835
partnership, limited liability company, or any other person, other 116836
than an individual, trust, or estate, if the partnership, limited 116837
liability company, or other person is not classified for federal 116838
income tax purposes as an association taxed as a corporation. 116839

(P) "Electric company," "combined company," and "telephone 116840
company" have the same meanings as in section 5727.01 of the 116841
Revised Code. 116842

(Q) "Business income" means income arising from transactions, 116843
activities, and sources in the regular course of a trade or 116844
business and includes income from real property, tangible personal 116845
property, and intangible personal property if the acquisition, 116846
rental, management, and disposition of the property constitute 116847
integral parts of the regular course of a trade or business 116848
operation. "Business income" includes income, including gain or 116849
loss, from a partial or complete liquidation of a business, 116850
including, but not limited to, gain or loss from the sale or other 116851
disposition of goodwill. 116852

(R) "Nonbusiness income" means all income other than business 116853
income. 116854

Sec. 5733.47. (A) As used in this section, "certificate 116855
owner" has the same meaning as in section 149.311 of the Revised 116856
Code. 116857

(B) There is allowed a refundable credit against the tax
imposed under section 5733.06 of the Revised Code for a taxpayer
that is a certificate owner of a rehabilitation tax credit
certificate issued under section 149.311 of the Revised Code. The
credit shall equal twenty-five per cent of the dollar amount
indicated on the certificate, but shall not exceed five million
dollars. The credit shall be claimed for the tax year specified
in the certificate and in the order required under section
5733.98 of the Revised Code. For purposes of making tax payments
under this chapter, taxes equal to the amount of the refundable
credit shall be considered to be paid to the state on the first
day of the tax year.

(C) A taxpayer claiming a credit under this section shall
retain the rehabilitation tax credit certificate for four years
following the end of the tax year to which the credit was applied,
and shall make the certificate available for inspection by the tax
commissioner upon the request of the tax commissioner during that
period.

(D) If, pursuant to division (G) of section 5733.01 of the
Revised Code, a taxpayer no longer pays a tax under this chapter,
the taxpayer may nonetheless file an annual report under section
5733.02 of the Revised Code and claim the refundable credit
authorized by this section. Nothing in this division allows a
taxpayer to claim the credit under this section more than once.

(E) Nothing in this section limits or disallows pass-through
treatment of the credit if the certificate owner is a pass-through
entity. If the certificate owner is a pass-through entity, the
amount of the credit allowed for the entity shall not exceed five
million dollars, and the credit may be allocated among the
entity's equity owners in proportion to their ownership interests
or in such proportions or amounts as the equity owners mutually
agree.

Sec. 5733.58. (A) Terms used in this section have the same meaning as in section 5725.33 of the Revised Code.

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(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5733.06 of the Revised Code for a financial institution holding a qualified equity investment on the credit allowance date occurring in the calendar year immediately preceding the tax year for which the tax is due. The credit shall be computed in the same manner prescribed for the computation of credits allowed under section 5725.33 of the Revised Code.

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By claiming a tax credit under this section, a financial institution waives its rights under section 5733.11 of the Revised Code with respect to the time limitation for the assessment of taxes as it relates to credits claimed that later become subject to recapture under division (D) of this section.

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The credit shall be claimed in the order prescribed by section 5733.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other credits in that order, the excess may be carried forward and applied to the tax due for not more than four ensuing tax years.

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(C) The total amount of qualified equity investments on the basis of which credits may be claimed under this section and sections 5725.33 and 5729.16 of the Revised Code is subject to the limitation of division (C) of section 5725.33 of the Revised Code.

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(D) If any amount of the federal tax credit allowed for a qualified equity investment for which a credit was received under this section is recaptured under section 45D of the Internal Revenue Code, or if the director of development determines that an investment for which a tax credit is claimed under this section is not a qualified equity investment or that the proceeds of an investment for which a tax credit is claimed under this section are used to make qualified low-income community investments other

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than in a qualified active low-income community business, all or a 116921
portion of the credit received on account of that investment 116922
shall be paid by the financial institution that received the 116923
credit to the tax commissioner. The amount to be recovered shall 116924
be determined by the director of development pursuant to rules 116925
adopted under section 5725.33 of the Revised Code. The director 116926
shall certify any amount due under this division to the tax 116927
commissioner, and the commissioner shall notify the financial 116928
institution of the amount due. The amount due is payable not 116929
later than thirty days after the day the commissioner issues the 116930
notice. The amount due shall be considered to be tax due under 116931
section 5733.06 of the Revised Code, and may be collected by 116932
assessment without regard to the limitations imposed under section 116933
5733.11 of the Revised Code for the assessment of taxes by the 116934
commissioner. All amounts collected under this division shall be 116935
credited as revenue from the tax levied under section 5733.06 of 116936
the Revised Code. 116937

Sec. 5733.59. (A) Any term used in this section has the same 116938
meaning as in section 122.85 of the Revised Code. 116939

(B) There is allowed a credit against the tax imposed by 116940
section 5733.06 of the Revised Code for any corporation that is 116941
the certificate owner of a tax credit certificate issued under 116942
section 122.85 of the Revised Code. The credit shall be claimed 116943
for the taxable year in which the certificate is issued by the 116944
director of development. The credit amount equals the amount 116945
stated in the certificate. The credit shall be claimed in the 116946
order required under section 5733.98 of the Revised Code. If the 116947
credit amount exceeds the tax otherwise due under section 5733.06 116948
of the Revised Code after deducting all other credits in that 116949
order, the excess shall be refunded. 116950

(C) If, pursuant to division (G) of section 5733.01 of the 116951
Revised Code, the corporation is not required to pay tax under 116952

this chapter, the corporation may file an annual report under 116953
section 5733.02 of the Revised Code and claim the credit 116954
authorized by this section. Nothing in this section allows a 116955
corporation to claim more than one credit per tax credit-eligible 116956
production. 116957

Sec. 5733.98. (A) To provide a uniform procedure for 116958
calculating the amount of tax imposed by section 5733.06 of the 116959
Revised Code that is due under this chapter, a taxpayer shall 116960
claim any credits to which it is entitled in the following order, 116961
except as otherwise provided in section 5733.058 of the Revised 116962
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(1) For tax year 2005, the credit for taxes paid by a 116964
qualifying pass-through entity allowed under section 5733.0611 of 116965
the Revised Code; 116966

(2) The credit allowed for financial institutions under 116967
section 5733.45 of the Revised Code; 116968

(3) The credit for qualifying affiliated groups under section 116969
5733.068 of the Revised Code; 116970

(4) The subsidiary corporation credit under section 5733.067 116971
of the Revised Code; 116972

(5) The savings and loan assessment credit under section 116973
5733.063 of the Revised Code; 116974

(6) The credit for recycling and litter prevention donations 116975
under section 5733.064 of the Revised Code; 116976

(7) The credit for employers that enter into agreements with 116977
child day-care centers under section 5733.36 of the Revised Code; 116978

(8) The credit for employers that reimburse employee child 116979

care expenses under section 5733.38 of the Revised Code;	116980
(9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;	116981 116982
(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	116983 116984
(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	116985 116986
(12) The credit for tax years 2008 and 2009 for selling alternative fuel under section 5733.48 of the Revised Code;	116987 116988
(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	116989 116990
(14) The job training credit under section 5733.42 of the Revised Code;	116991 116992
(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;	116993 116994
(16) The enterprise zone credit under section 5709.66 of the Revised Code;	116995 116996
(17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	116997 116998
(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	116999 117000
(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;	117001 117002
(20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	117003 117004

(21) The export sales credit under section 5733.069 of the Revised Code;	117005 117006
(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	117007 117008
(23) The enterprise zone credits under section 5709.65 of the Revised Code;	117009 117010
(24) The credit for using Ohio coal under section 5733.39 of the Revised Code;	117011 117012
(25) <u>The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;</u>	117013 117014
(26) The credit for small telephone companies under section 5733.57 of the Revised Code;	117015 117016
~~(26)~~ (27) The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	117017 117018
~~(27)~~ (28) For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;	117019 117020 117021
~~(28)~~ (29) The research and development credit under section 5733.352 of the Revised Code;	117022 117023
~~(29)~~ (30) For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	117024 117025 117026
~~(30)~~ (31) The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	117027 117028
~~(31)~~ (32) The refundable jobs creation credit under division	117029

(A) of section 5733.0610 of the Revised Code;	117030
~~(32)~~ (33) The refundable credit for tax withheld under	117031
division (B)(2) of section 5747.062 of the Revised Code;	117032
~~(33)~~ (34) The refundable credit under section 5733.49 of the	117033
Revised Code for losses on loans made to the Ohio venture capital	117034
program under sections 150.01 to 150.10 of the Revised Code;	117035
~~(34)~~ (35) For tax years 2006, 2007, and 2008, the refundable	117036
credit allowable under division (B) of section 5733.56 of the	117037
Revised Code;	117038
<u>(36) The refundable motion picture production credit under</u>	117039
<u>section 5733.59 of the Revised Code.</u>	117040
(B) For any credit except the credits enumerated in divisions	117041
(A) ~~(30)~~ (31) to ~~(34)~~ (36) of this section, the amount of the credit	117042
for a tax year shall not exceed the tax due after allowing for	117043
any other credit that precedes it in the order required under	117044
this section. Any excess amount of a particular credit may be	117045
carried forward if authorized under the section creating that	117046
credit.	117047
Sec. 5735.142. (A)(1) Any person who uses any motor fuel, on	117048
which the tax imposed by sections 5735.05, 5735.25, and 5735.29 of	117049
the Revised Code has been paid, for the purpose of operating a	117050
transit bus shall be reimbursed in the amount of ~~the~~ <u>such</u> tax paid	117051
on motor fuel used by public transportation systems providing	117052
transit or paratransit service on a regular and continuing basis	117053
within the state;	117054
(2) A city, exempted village, joint vocational, or local	117055
school district or educational service center that purchases any	117056
motor fuel for school district or service center operations, on	117057
which any tax imposed by section 5735.29 of the Revised Code that	117058

became effective on or after July 1, 2003, has been paid, may, if
an application is filed under this section, be reimbursed in the
amount of all but two cents per gallon of the total tax imposed by
such section and paid on motor fuel.

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(3) A county board of mental retardation and developmental
disabilities that, on or after July 1, 2005, purchases any motor
fuel for county board operations, on which any tax imposed by
section 5735.29 of the Revised Code has been paid may, if an
application is filed under this section, be reimbursed in the
amount of all but two cents per gallon of the total tax imposed by
such section and paid on motor fuel purchased on or after July 1,
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(B) Such person, school district, educational service center,
or county board shall file with the tax commissioner an
application for refund within one year from the date of purchase,
stating the quantity of fuel used for operating transit buses used
by local transit systems in furnishing scheduled common carrier,
public passenger land transportation service along regular routes
primarily in one or more municipal corporations or for operating
vehicles used for school district, service center, or county board
operations. However, no claim shall be made for the tax on fewer
than one hundred gallons of motor fuel. A school district,
educational service center, or county board shall not apply for a
refund for any tax paid on motor fuel that is sold by the
district, service center, or county board. The application shall
be accompanied by the statement described in section 5735.15 of
the Revised Code showing the purchase, together with evidence of
payment thereof.

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(C) After consideration of the application and statement, the
commissioner shall determine the amount of refund to which the
applicant is entitled. If the amount is not less than that
claimed, the commissioner shall certify the amount to the director

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of budget and management and treasurer of state for payment from 117091
the tax refund fund created by section 5703.052 of the Revised 117092
Code. If the amount is less than that claimed, the commissioner 117093
shall proceed in accordance with section 5703.70 of the Revised 117094
Code. 117095

The commissioner may require that the application be 117096
supported by the affidavit of the claimant. No refund shall be 117097
authorized or ordered for any single claim for the tax on fewer 117098
than one hundred gallons of motor fuel. No refund shall be 117099
authorized or ordered on motor fuel that is sold by a school 117100
district, educational service center, or county board. 117101

(D) The refund authorized by this section or section 5703.70 117102
of the Revised Code shall be reduced by the cents per gallon 117103
amount of any qualified fuel credit received under section 117104
5735.145 of the Revised Code, as determined by the commissioner, 117105
for each gallon of qualified fuel included in the total gallonage 117106
of motor fuel upon which the refund is computed. 117107

(E) The right to receive any refund under this section or 117108
section 5703.70 of the Revised Code is not assignable. The payment 117109
of this refund shall not be made to any person or entity other 117110
than the person or entity originally entitled thereto who used the 117111
motor fuel upon which the claim for refund is based, except that 117112
the refund when allowed and certified, as provided in this 117113
section, may be paid to the executor, the administrator, the 117114
receiver, the trustee in bankruptcy, or the assignee in insolvency 117115
proceedings of the person. 117116

Sec. 5739.01. As used in this chapter: 117117

(A) "Person" includes individuals, receivers, assignees, 117118
trustees in bankruptcy, estates, firms, partnerships, 117119
associations, joint-stock companies, joint ventures, clubs, 117120
societies, corporations, the state and its political subdivisions, 117121

and combinations of individuals of any form.	117122
(B) "Sale" and "selling" include all of the following	117123
transactions for a consideration in any manner, whether absolutely	117124
or conditionally, whether for a price or rental, in money or by	117125
exchange, and by any means whatsoever:	117126
(1) All transactions by which title or possession, or both,	117127
of tangible personal property, is or is to be transferred, or a	117128
license to use or consume tangible personal property is or is to	117129
be granted;	117130
(2) All transactions by which lodging by a hotel is or is to	117131
be furnished to transient guests;	117132
(3) All transactions by which:	117133
(a) An item of tangible personal property is or is to be	117134
repaired, except property, the purchase of which would not be	117135
subject to the tax imposed by section 5739.02 of the Revised Code;	117136
(b) An item of tangible personal property is or is to be	117137
installed, except property, the purchase of which would not be	117138
subject to the tax imposed by section 5739.02 of the Revised Code	117139
or property that is or is to be incorporated into and will become	117140
a part of a production, transmission, transportation, or	117141
distribution system for the delivery of a public utility service;	117142
(c) The service of washing, cleaning, waxing, polishing, or	117143
painting a motor vehicle is or is to be furnished;	117144
(d) Until August 1, 2003, industrial laundry cleaning	117145
services are or are to be provided and, on and after August 1,	117146
2003, laundry and dry cleaning services are or are to be provided;	117147
(e) Automatic data processing, computer services, or	117148

electronic information services are or are to be provided for use 117149
in business when the true object of the transaction is the receipt 117150
by the consumer of automatic data processing, computer services, 117151
or electronic information services rather than the receipt of 117152
personal or professional services to which automatic data 117153
processing, computer services, or electronic information services 117154
are incidental or supplemental. Notwithstanding any other 117155
provision of this chapter, such transactions that occur between 117156
members of an affiliated group are not sales. An "affiliated 117157
group" means two or more persons related in such a way that one 117158
person owns or controls the business operation of another member 117159
of the group. In the case of corporations with stock, one 117160
corporation owns or controls another if it owns more than fifty 117161
per cent of the other corporation's common stock with voting 117162
rights. 117163

(f) Telecommunications service, including prepaid calling 117164
service, prepaid wireless calling service, or ancillary service, 117165
is or is to be provided, but not including coin-operated telephone 117166
service; 117167

(g) Landscaping and lawn care service is or is to be 117168
provided; 117169

(h) Private investigation and security service is or is to be 117170
provided; 117171

(i) Information services or tangible personal property is 117172
provided or ordered by means of a nine hundred telephone call; 117173

(j) Building maintenance and janitorial service is or is to 117174
be provided; 117175

(k) Employment service is or is to be provided; 117176

(l) Employment placement service is or is to be provided; 117177

(m) Exterminating service is or is to be provided;	117178
(n) Physical fitness facility service is or is to be provided;	117179 117180
(o) Recreation and sports club service is or is to be provided;	117181 117182
(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;	117183 117184
(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.	117185 117186 117187 117188 117189 117190 117191 117192
(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;	117193 117194 117195 117196 117197 117198 117199 117200
(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.	117201 117202 117203 117204
(t) On and after August 1, 2003, snow removal service is or	117205

is to be provided. As used in this division, "snow removal
service" means the removal of snow by any mechanized means, but
does not include the providing of such service by a person that
has less than five thousand dollars in sales of such service
during the calendar year.

(u) Electronic publishing service is or is to be provided to
a consumer for use in business, except that such transactions
occurring between members of an affiliated group, as defined in
division (B)(3)(e) of this section, are not sales.

(4) All transactions by which printed, imprinted,
overprinted, lithographic, multilithic, blueprinted, photostatic,
or other productions or reproductions of written or graphic matter
are or are to be furnished or transferred;

(5) The production or fabrication of tangible personal
property for a consideration for consumers who furnish either
directly or indirectly the materials used in the production of
fabrication work; and include the furnishing, preparing, or
serving for a consideration of any tangible personal property
consumed on the premises of the person furnishing, preparing, or
serving such tangible personal property. Except as provided in
section 5739.03 of the Revised Code, a construction contract
pursuant to which tangible personal property is or is to be
incorporated into a structure or improvement on and becoming a
part of real property is not a sale of such tangible personal
property. The construction contractor is the consumer of such
tangible personal property, provided that the sale and
installation of carpeting, the sale and installation of
agricultural land tile, the sale and erection or installation of
portable grain bins, or the provision of landscaping and lawn care
service and the transfer of property as part of such service is
never a construction contract.

As used in division (B)(5) of this section:

(a) "Agricultural land tile" means fired clay or concrete	117238
tile, or flexible or rigid perforated plastic pipe or tubing,	117239
incorporated or to be incorporated into a subsurface drainage	117240
system appurtenant to land used or to be used directly in	117241
production by farming, agriculture, horticulture, or floriculture.	117242
The term does not include such materials when they are or are to	117243
be incorporated into a drainage system appurtenant to a building	117244
or structure even if the building or structure is used or to be	117245
used in such production.	117246
(b) "Portable grain bin" means a structure that is used or to	117247
be used by a person engaged in farming or agriculture to shelter	117248
the person's grain and that is designed to be disassembled without	117249
significant damage to its component parts.	117250
(6) All transactions in which all of the shares of stock of a	117251
closely held corporation are transferred, if the corporation is	117252
not engaging in business and its entire assets consist of boats,	117253
planes, motor vehicles, or other tangible personal property	117254
operated primarily for the use and enjoyment of the shareholders;	117255
(7) All transactions in which a warranty, maintenance or	117256
service contract, or similar agreement by which the vendor of the	117257
warranty, contract, or agreement agrees to repair or maintain the	117258
tangible personal property of the consumer is or is to be	117259
provided;	117260
(8) The transfer of copyrighted motion picture films used	117261
solely for advertising purposes, except that the transfer of such	117262
films for exhibition purposes is not a sale;	117263
(9) On and after August 1, 2003, all transactions by which	117264
tangible personal property is or is to be stored, except such	117265
property that the consumer of the storage holds for sale in the	117266
regular course of business;	117267

(10) All transactions in which "guaranteed auto protection" is provided whereby a person promises to pay to the consumer the difference between the amount the consumer receives from motor vehicle insurance and the amount the consumer owes to a person holding title to or a lien on the consumer's motor vehicle in the event the consumer's motor vehicle suffers a total loss under the terms of the motor vehicle insurance policy or is stolen and not recovered, if the protection and its price are included in the purchase or lease agreement;

(11)(a) Except as provided in division (B)(11)(b) of this section, on and after October 1, 2009, all transactions by which health care services are paid for, reimbursed, provided, delivered, arranged for, or otherwise made available by a medicaid health insuring corporation pursuant to the corporation's contract with the state.

(b) If the centers for medicare and medicaid services of the United States department of health and human services determines that the taxation of transactions described in division (B)(11)(a) of this section constitutes an impermissible health care-related tax under section 1903(w) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as amended, and regulations adopted thereunder, the director of job and family services shall notify the tax commissioner of that determination. Beginning with the first day of the month following that notification, the transactions described in division (B)(11)(a) of this section are not sales for the purposes of this chapter or Chapter 5741. of the Revised Code. The tax commissioner shall order that the collection of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code shall cease for transactions occurring on or after that date.

Except as provided in this section, "sale" and "selling" do not include transfers of interest in leased property where the

original lessee and the terms of the original lease agreement 117300
remain unchanged, or professional, insurance, or personal service 117301
transactions that involve the transfer of tangible personal 117302
property as an inconsequential element, for which no separate 117303
charges are made. 117304

(C) "Vendor" means the person providing the service or by 117305
whom the transfer effected or license given by a sale is or is to 117306
be made or given and, for sales described in division (B)(3)(i) of 117307
this section, the telecommunications service vendor that provides 117308
the nine hundred telephone service; if two or more persons are 117309
engaged in business at the same place of business under a single 117310
trade name in which all collections on account of sales by each 117311
are made, such persons shall constitute a single vendor. 117312

Physicians, dentists, hospitals, and veterinarians who are 117313
engaged in selling tangible personal property as received from 117314
others, such as eyeglasses, mouthwashes, dentifrices, or similar 117315
articles, are vendors. Veterinarians who are engaged in 117316
transferring to others for a consideration drugs, the dispensing 117317
of which does not require an order of a licensed veterinarian or 117318
physician under federal law, are vendors. 117319

(D)(1) "Consumer" means the person for whom the service is 117320
provided, to whom the transfer effected or license given by a sale 117321
is or is to be made or given, to whom the service described in 117322
division (B)(3)(f) or (i) of this section is charged, or to whom 117323
the admission is granted. 117324

(2) Physicians, dentists, hospitals, and blood banks operated 117325
by nonprofit institutions and persons licensed to practice 117326
veterinary medicine, surgery, and dentistry are consumers of all 117327
tangible personal property and services purchased by them in 117328
connection with the practice of medicine, dentistry, the rendition 117329
of hospital or blood bank service, or the practice of veterinary 117330
medicine, surgery, and dentistry. In addition to being consumers 117331

of drugs administered by them or by their assistants according to 117332
their direction, veterinarians also are consumers of drugs that 117333
under federal law may be dispensed only by or upon the order of a 117334
licensed veterinarian or physician, when transferred by them to 117335
others for a consideration to provide treatment to animals as 117336
directed by the veterinarian. 117337

(3) A person who performs a facility management, or similar 117338
service contract for a contractee is a consumer of all tangible 117339
personal property and services purchased for use in connection 117340
with the performance of such contract, regardless of whether title 117341
to any such property vests in the contractee. The purchase of such 117342
property and services is not subject to the exception for resale 117343
under division (E)(1) of this section. 117344

(4)(a) In the case of a person who purchases printed matter 117345
for the purpose of distributing it or having it distributed to the 117346
public or to a designated segment of the public, free of charge, 117347
that person is the consumer of that printed matter, and the 117348
purchase of that printed matter for that purpose is a sale. 117349

(b) In the case of a person who produces, rather than 117350
purchases, printed matter for the purpose of distributing it or 117351
having it distributed to the public or to a designated segment of 117352
the public, free of charge, that person is the consumer of all 117353
tangible personal property and services purchased for use or 117354
consumption in the production of that printed matter. That person 117355
is not entitled to claim exemption under division (B)(42)(f) of 117356
section 5739.02 of the Revised Code for any material incorporated 117357
into the printed matter or any equipment, supplies, or services 117358
primarily used to produce the printed matter. 117359

(c) The distribution of printed matter to the public or to a 117360
designated segment of the public, free of charge, is not a sale to 117361
the members of the public to whom the printed matter is 117362
distributed or to any persons who purchase space in the printed 117363

matter for advertising or other purposes. 117364

(5) A person who makes sales of any of the services listed in 117365
division (B)(3) of this section is the consumer of any tangible 117366
personal property used in performing the service. The purchase of 117367
that property is not subject to the resale exception under 117368
division (E)(1) of this section. 117369

(6) A person who engages in highway transportation for hire 117370
is the consumer of all packaging materials purchased by that 117371
person and used in performing the service, except for packaging 117372
materials sold by such person in a transaction separate from the 117373
service. 117374

(7) In the case of a transaction for health care services 117375
under division (B)(11) of this section, a medicaid health insuring 117376
corporation is the consumer of such services. The purchase of such 117377
services by a medicaid health insuring corporation is not subject 117378
to the exception for resale under division (E)(1) of this section 117379
or to the exemptions provided under divisions (B)(12), (18), (19), 117380
and (22) of section 5739.02 of the Revised Code. 117381

(E) "Retail sale" and "sales at retail" include all sales, 117382
except those in which the purpose of the consumer is to resell the 117383
thing transferred or benefit of the service provided, by a person 117384
engaging in business, in the form in which the same is, or is to 117385
be, received by the person. 117386

(F) "Business" includes any activity engaged in by any person 117387
with the object of gain, benefit, or advantage, either direct or 117388
indirect. "Business" does not include the activity of a person in 117389
managing and investing the person's own funds. 117390

(G) "Engaging in business" means commencing, conducting, or 117391
continuing in business, and liquidating a business when the 117392
liquidator thereof holds itself out to the public as conducting 117393

such business. Making a casual sale is not engaging in business.	117394
(H)(1)(a) "Price," except as provided in divisions (H)(2)	117395
~~and~~ , (3), and (4) of this section, means the total amount of	117396
consideration, including cash, credit, property, and services,	117397
for which tangible personal property or services are sold,	117398
leased, or rented, valued in money, whether received in money or	117399
otherwise, without any deduction for any of the following:	117400
(i) The vendor's cost of the property sold;	117401
(ii) The cost of materials used, labor or service costs,	117402
interest, losses, all costs of transportation to the vendor, all	117403
taxes imposed on the vendor, including the tax imposed under	117404
Chapter 5751. of the Revised Code, and any other expense of the	117405
vendor;	117406
(iii) Charges by the vendor for any services necessary to	117407
complete the sale;	117408
(iv) On and after August 1, 2003, delivery charges. As used	117409
in this division, "delivery charges" means charges by the vendor	117410
for preparation and delivery to a location designated by the	117411
consumer of tangible personal property or a service, including	117412
transportation, shipping, postage, handling, crating, and packing.	117413
(v) Installation charges;	117414
(vi) Credit for any trade-in.	117415
(b) "Price" includes consideration received by the vendor	117416
from a third party, if the vendor actually receives the	117417
consideration from a party other than the consumer, and the	117418
consideration is directly related to a price reduction or discount	117419
on the sale; the vendor has an obligation to pass the price	117420
reduction or discount through to the consumer; the amount of the	117421

consideration attributable to the sale is fixed and determinable	117422
by the vendor at the time of the sale of the item to the consumer;	117423
and one of the following criteria is met:	117424
(i) The consumer presents a coupon, certificate, or other	117425
document to the vendor to claim a price reduction or discount	117426
where the coupon, certificate, or document is authorized,	117427
distributed, or granted by a third party with the understanding	117428
that the third party will reimburse any vendor to whom the coupon,	117429
certificate, or document is presented;	117430
(ii) The consumer identifies the consumer's self to the	117431
seller as a member of a group or organization entitled to a price	117432
reduction or discount. A preferred customer card that is available	117433
to any patron does not constitute membership in such a group or	117434
organization.	117435
(iii) The price reduction or discount is identified as a	117436
third party price reduction or discount on the invoice received by	117437
the consumer, or on a coupon, certificate, or other document	117438
presented by the consumer.	117439
(c) "Price" does not include any of the following:	117440
(i) Discounts, including cash, term, or coupons that are not	117441
reimbursed by a third party that are allowed by a vendor and taken	117442
by a consumer on a sale;	117443
(ii) Interest, financing, and carrying charges from credit	117444
extended on the sale of tangible personal property or services, if	117445
the amount is separately stated on the invoice, bill of sale, or	117446
similar document given to the purchaser;	117447
(iii) Any taxes legally imposed directly on the consumer that	117448
are separately stated on the invoice, bill of sale, or similar	117449
document given to the consumer. For the purpose of this division,	117450

the tax imposed under Chapter 5751. of the Revised Code is not a 117451
tax directly on the consumer, even if the tax or a portion thereof 117452
is separately stated. 117453

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 117454
section, any discount allowed by an automobile manufacturer to its 117455
employee, or to the employee of a supplier, on the purchase of a 117456
new motor vehicle from a new motor vehicle dealer in this state. 117457

(2) In the case of a sale of any new motor vehicle by a new 117458
motor vehicle dealer, as defined in section 4517.01 of the Revised 117459
Code, in which another motor vehicle is accepted by the dealer as 117460
part of the consideration received, "price" has the same meaning 117461
as in division (H)(1) of this section, reduced by the credit 117462
afforded the consumer by the dealer for the motor vehicle received 117463
in trade. 117464

(3) In the case of a sale of any watercraft or outboard motor 117465
by a watercraft dealer licensed in accordance with section 117466
1547.543 of the Revised Code, in which another watercraft, 117467
watercraft and trailer, or outboard motor is accepted by the 117468
dealer as part of the consideration received, "price" has the same 117469
meaning as in division (H)(1) of this section, reduced by the 117470
credit afforded the consumer by the dealer for the watercraft, 117471
watercraft and trailer, or outboard motor received in trade. As 117472
used in this division, "watercraft" includes an outdrive unit 117473
attached to the watercraft. 117474

(4) In the case of transactions for health care services 117475
under division (B)(11) of this section, "price" means the amount 117476
of managed care premiums received each month by a medicaid health 117477
insuring corporation. 117478

(I) "Receipts" means the total amount of the prices of the 117479
sales of vendors, provided that cash discounts allowed and taken 117480
on sales at the time they are consummated are not included, minus 117481

any amount deducted as a bad debt pursuant to section 5739.121 of the Revised Code. "Receipts" does not include the sale price of property returned or services rejected by consumers when the full sale price and tax are refunded either in cash or by credit.

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(J) "Place of business" means any location at which a person engages in business.

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(K) "Premises" includes any real property or portion thereof upon which any person engages in selling tangible personal property at retail or making retail sales and also includes any real property or portion thereof designated for, or devoted to, use in conjunction with the business engaged in by such person.

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(L) "Casual sale" means a sale of an item of tangible personal property that was obtained by the person making the sale, through purchase or otherwise, for the person's own use and was previously subject to any state's taxing jurisdiction on its sale or use, and includes such items acquired for the seller's use that are sold by an auctioneer employed directly by the person for such purpose, provided the location of such sales is not the auctioneer's permanent place of business. As used in this division, "permanent place of business" includes any location where such auctioneer has conducted more than two auctions during the year.

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(M) "Hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether the rooms are in one or several structures, except as otherwise provided in division (G) of section 5739.09 of the Revised Code.

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(N) "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.

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(O) "Making retail sales" means the effecting of transactions wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold. "Making retail sales" does not include the preliminary acts of promoting or soliciting the retail sales, other than the distribution of printed matter which displays or describes and prices the item offered for sale, nor does it include delivery of a predetermined quantity of tangible personal property or transportation of property or personnel to or from a place where a service is performed, regardless of whether the vendor is a delivery vendor.

(P) "Used directly in the rendition of a public utility service" means that property that is to be incorporated into and will become a part of the consumer's production, transmission, transportation, or distribution system and that retains its classification as tangible personal property after such incorporation; fuel or power used in the production, transmission, transportation, or distribution system; and tangible personal property used in the repair and maintenance of the production, transmission, transportation, or distribution system, including only such motor vehicles as are specially designed and equipped for such use. Tangible personal property and services used primarily in providing highway transportation for hire are not used directly in the rendition of a public utility service. In this definition, "public utility" includes a citizen of the United States holding, and required to hold, a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a

product. 117545

(S) "Manufacturing operation" means a process in which 117546
materials are changed, converted, or transformed into a different 117547
state or form from which they previously existed and includes 117548
refining materials, assembling parts, and preparing raw materials 117549
and parts by mixing, measuring, blending, or otherwise committing 117550
such materials or parts to the manufacturing process. 117551
"Manufacturing operation" does not include packaging. 117552

(T) "Fiscal officer" means, with respect to a regional 117553
transit authority, the secretary-treasurer thereof, and with 117554
respect to a county that is a transit authority, the fiscal 117555
officer of the county transit board if one is appointed pursuant 117556
to section 306.03 of the Revised Code or the county auditor if the 117557
board of county commissioners operates the county transit system. 117558

(U) "Transit authority" means a regional transit authority 117559
created pursuant to section 306.31 of the Revised Code or a county 117560
in which a county transit system is created pursuant to section 117561
306.01 of the Revised Code. For the purposes of this chapter, a 117562
transit authority must extend to at least the entire area of a 117563
single county. A transit authority that includes territory in more 117564
than one county must include all the area of the most populous 117565
county that is a part of such transit authority. County population 117566
shall be measured by the most recent census taken by the United 117567
States census bureau. 117568

(V) "Legislative authority" means, with respect to a regional 117569
transit authority, the board of trustees thereof, and with respect 117570
to a county that is a transit authority, the board of county 117571
commissioners. 117572

(W) "Territory of the transit authority" means all of the 117573
area included within the territorial boundaries of a transit 117574
authority as they from time to time exist. Such territorial 117575

boundaries must at all times include all the area of a single 117576
county or all the area of the most populous county that is a part 117577
of such transit authority. County population shall be measured by 117578
the most recent census taken by the United States census bureau. 117579

(X) "Providing a service" means providing or furnishing 117580
anything described in division (B)(3) of this section for 117581
consideration. 117582

(Y)(1)(a) "Automatic data processing" means processing of 117583
others' data, including keypunching or similar data entry services 117584
together with verification thereof, or providing access to 117585
computer equipment for the purpose of processing data. 117586

(b) "Computer services" means providing services consisting 117587
of specifying computer hardware configurations and evaluating 117588
technical processing characteristics, computer programming, and 117589
training of computer programmers and operators, provided in 117590
conjunction with and to support the sale, lease, or operation of 117591
taxable computer equipment or systems. 117592

(c) "Electronic information services" means providing access 117593
to computer equipment by means of telecommunications equipment for 117594
the purpose of either of the following: 117595

(i) Examining or acquiring data stored in or accessible to 117596
the computer equipment; 117597

(ii) Placing data into the computer equipment to be retrieved 117598
by designated recipients with access to the computer equipment. 117599

For transactions occurring on or after the effective date of 117600
the amendment of this section by H.B. 157 of the 127th general 117601
assembly, December 21, 2007, "electronic information services" 117602
does not include electronic publishing as defined in division 117603
(LLL) of this section. 117604

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.	117605 117606 117607
(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:	117608 117609 117610 117611
(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;	117612 117613 117614 117615 117616
(b) Analyzing business policies and procedures;	117617
(c) Identifying management information needs;	117618
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	117619 117620 117621
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	117622 117623 117624 117625
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	117626 117627 117628
(g) Testing of business procedures;	117629
(h) Training personnel in business procedure applications;	117630

(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	117631 117632 117633 117634 117635 117636
(j) Providing debt collection services by any oral, written, graphic, or electronic means.	117637 117638
The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.	117639 117640
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	117641 117642 117643
(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;	117644 117645 117646 117647 117648
(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;	117649 117650 117651 117652 117653 117654 117655
(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.	117656 117657
(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video,	117658 117659

or any other information or signals to a point, or between or 117660
among points. "Telecommunications service" includes such 117661
transmission, conveyance, or routing in which computer processing 117662
applications are used to act on the form, code, or protocol of the 117663
content for purposes of transmission, conveyance, or routing 117664
without regard to whether the service is referred to as voice-over 117665
internet protocol service or is classified by the federal 117666
communications commission as enhanced or value-added. 117667
"Telecommunications service" does not include any of the 117668
following: 117669

(a) Data processing and information services that allow data 117670
to be generated, acquired, stored, processed, or retrieved and 117671
delivered by an electronic transmission to a consumer where the 117672
consumer's primary purpose for the underlying transaction is the 117673
processed data or information; 117674

(b) Installation or maintenance of wiring or equipment on a 117675
customer's premises; 117676

(c) Tangible personal property; 117677

(d) Advertising, including directory advertising; 117678

(e) Billing and collection services provided to third 117679
parties; 117680

(f) Internet access service; 117681

(g) Radio and television audio and video programming 117682
services, regardless of the medium, including the furnishing of 117683
transmission, conveyance, and routing of such services by the 117684
programming service provider. Radio and television audio and video 117685
programming services include, but are not limited to, cable 117686
service, as defined in 47 U.S.C. 522(6), and audio and video 117687
programming services delivered by commercial mobile radio service 117688

providers, as defined in 47 C.F.R. 20.3;	117689
(h) Ancillary service;	117690
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	117691 117692
(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:	117693 117694 117695 117696 117697
(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.	117698 117699 117700 117701 117702
(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.	117703 117704 117705
(c) "Directory assistance" means an ancillary service of providing telephone number or address information.	117706 117707
(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service.	117708 117709 117710 117711 117712
(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice	117713 117714 117715 117716

mail service. 117717

(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900" service and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer. 117718
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(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units of dollars of which the number declines with use in a known amount. 117727
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(5) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile telecommunications service as well as other non-telecommunications services, including the download of digital products delivered electronically, and content and ancillary services, that must be paid for in advance and that is sold in predetermined units of dollars of which the number declines with use in a known amount. 117733
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(6) "Value-added non-voice data service" means a telecommunications service in which computer processing applications are used to act on the form, content, code, or protocol of the information or data primarily for a purpose other than transmission, conveyance, or routing. 117741
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(7) "Coin-operated telephone service" means a telecommunications service paid for by inserting money into a 117746
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telephone accepting direct deposits of money to operate. 117748

(8) "Customer" has the same meaning as in section 5739.034 of 117749
the Revised Code. 117750

(BB) "Laundry and dry cleaning services" means removing soil 117751
or dirt from towels, linens, articles of clothing, or other fabric 117752
items that belong to others and supplying towels, linens, articles 117753
of clothing, or other fabric items. "Laundry and dry cleaning 117754
services" does not include the provision of self-service 117755
facilities for use by consumers to remove soil or dirt from 117756
towels, linens, articles of clothing, or other fabric items. 117757

(CC) "Magazines distributed as controlled circulation 117758
publications" means magazines containing at least twenty-four 117759
pages, at least twenty-five per cent editorial content, issued at 117760
regular intervals four or more times a year, and circulated 117761
without charge to the recipient, provided that such magazines are 117762
not owned or controlled by individuals or business concerns which 117763
conduct such publications as an auxiliary to, and essentially for 117764
the advancement of the main business or calling of, those who own 117765
or control them. 117766

(DD) "Landscaping and lawn care service" means the services 117767
of planting, seeding, sodding, removing, cutting, trimming, 117768
pruning, mulching, aerating, applying chemicals, watering, 117769
fertilizing, and providing similar services to establish, promote, 117770
or control the growth of trees, shrubs, flowers, grass, ground 117771
cover, and other flora, or otherwise maintaining a lawn or 117772
landscape grown or maintained by the owner for ornamentation or 117773
other nonagricultural purpose. However, "landscaping and lawn care 117774
service" does not include the providing of such services by a 117775
person who has less than five thousand dollars in sales of such 117776
services during the calendar year. 117777

(EE) "Private investigation and security service" means the 117778

performance of any activity for which the provider of such service 117779
is required to be licensed pursuant to Chapter 4749. of the 117780
Revised Code, or would be required to be so licensed in performing 117781
such services in this state, and also includes the services of 117782
conducting polygraph examinations and of monitoring or overseeing 117783
the activities on or in, or the condition of, the consumer's home, 117784
business, or other facility by means of electronic or similar 117785
monitoring devices. "Private investigation and security service" 117786
does not include special duty services provided by off-duty police 117787
officers, deputy sheriffs, and other peace officers regularly 117788
employed by the state or a political subdivision. 117789

(FF) "Information services" means providing conversation, 117790
giving consultation or advice, playing or making a voice or other 117791
recording, making or keeping a record of the number of callers, 117792
and any other service provided to a consumer by means of a nine 117793
hundred telephone call, except when the nine hundred telephone 117794
call is the means by which the consumer makes a contribution to a 117795
recognized charity. 117796

(GG) "Research and development" means designing, creating, or 117797
formulating new or enhanced products, equipment, or manufacturing 117798
processes, and also means conducting scientific or technological 117799
inquiry and experimentation in the physical sciences with the goal 117800
of increasing scientific knowledge which may reveal the bases for 117801
new or enhanced products, equipment, or manufacturing processes. 117802

(HH) "Qualified research and development equipment" means 117803
capitalized tangible personal property, and leased personal 117804
property that would be capitalized if purchased, used by a person 117805
primarily to perform research and development. Tangible personal 117806
property primarily used in testing, as defined in division (A)(4) 117807
of section 5739.011 of the Revised Code, or used for recording or 117808
storing test results, is not qualified research and development 117809
equipment unless such property is primarily used by the consumer 117810

in testing the product, equipment, or manufacturing process being
created, designed, or formulated by the consumer in the research
and development activity or in recording or storing such test
results.

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(II) "Building maintenance and janitorial service" means
cleaning the interior or exterior of a building and any tangible
personal property located therein or thereon, including any
services incidental to such cleaning for which no separate charge
is made. However, "building maintenance and janitorial service"
does not include the providing of such service by a person who has
less than five thousand dollars in sales of such service during
the calendar year.

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(JJ) "Employment service" means providing or supplying
personnel, on a temporary or long-term basis, to perform work or
labor under the supervision or control of another, when the
personnel so provided or supplied receive their wages, salary, or
other compensation from the provider or supplier of the employment
service or from a third party that provided or supplied the
personnel to the provider or supplier. "Employment service" does
not include:

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(1) Acting as a contractor or subcontractor, where the
personnel performing the work are not under the direct control of
the purchaser.

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(2) Medical and health care services.

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(3) Supplying personnel to a purchaser pursuant to a contract
of at least one year between the service provider and the
purchaser that specifies that each employee covered under the
contract is assigned to the purchaser on a permanent basis.

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(4) Transactions between members of an affiliated group, as
defined in division (B)(3)(e) of this section.

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(5) Transactions where the personnel so provided or supplied 117841
by a provider or supplier to a purchaser of an employment service 117842
are then provided or supplied by that purchaser to a third party 117843
as an employment service, except "employment service" does include 117844
the transaction between that purchaser and the third party. 117845

(KK) "Employment placement service" means locating or finding 117846
employment for a person or finding or locating an employee to fill 117847
an available position. 117848

(LL) "Exterminating service" means eradicating or attempting 117849
to eradicate vermin infestations from a building or structure, or 117850
the area surrounding a building or structure, and includes 117851
activities to inspect, detect, or prevent vermin infestation of a 117852
building or structure. 117853

(MM) "Physical fitness facility service" means all 117854
transactions by which a membership is granted, maintained, or 117855
renewed, including initiation fees, membership dues, renewal fees, 117856
monthly minimum fees, and other similar fees and dues, by a 117857
physical fitness facility such as an athletic club, health spa, or 117858
gymnasium, which entitles the member to use the facility for 117859
physical exercise. 117860

(NN) "Recreation and sports club service" means all 117861
transactions by which a membership is granted, maintained, or 117862
renewed, including initiation fees, membership dues, renewal fees, 117863
monthly minimum fees, and other similar fees and dues, by a 117864
recreation and sports club, which entitles the member to use the 117865
facilities of the organization. "Recreation and sports club" means 117866
an organization that has ownership of, or controls or leases on a 117867
continuing, long-term basis, the facilities used by its members 117868
and includes an aviation club, gun or shooting club, yacht club, 117869
card club, swimming club, tennis club, golf club, country club, 117870
riding club, amateur sports club, or similar organization. 117871

(OO) "Livestock" means farm animals commonly raised for food or food production, and includes but is not limited to cattle, sheep, goats, swine, and poultry. "Livestock" does not include invertebrates, fish, amphibians, reptiles, horses, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.	117872 117873 117874 117875 117876 117877
(PP) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling.	117878 117879 117880 117881
(QQ) "Horticulture" means the growing, cultivation, and production of flowers, fruits, herbs, vegetables, sod, mushrooms, and nursery stock. As used in this division, "nursery stock" has the same meaning as in section 927.51 of the Revised Code.	117882 117883 117884 117885
(RR) "Horticulture structure" means a building or structure used exclusively for the commercial growing, raising, or overwintering of horticultural products, and includes the area used for stocking, storing, and packing horticultural products when done in conjunction with the production of those products.	117886 117887 117888 117889 117890
(SS) "Newspaper" means an unbound publication bearing a title or name that is regularly published, at least as frequently as biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.	117891 117892 117893 117894 117895 117896
(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing	117897 117898 117899 117900 117901

events each year that comprise all or part of a motor racing
series sanctioned by one or more motor racing sanctioning
organizations. A "motor racing vehicle" means a vehicle for which
the chassis, engine, and parts are designed exclusively for motor
racing, and does not include a stock or production model vehicle
that may be modified for use in racing. For the purposes of this
division:

(1) A "competitive professional racing event" is a motor
vehicle racing event sanctioned by one or more motor racing
sanctioning organizations, at which aggregate cash prizes in
excess of eight hundred thousand dollars are awarded to the
competitors.

(2) "Full-time employee" means an individual who is employed
for consideration for thirty-five or more hours a week, or who
renders any other standard of service generally accepted by custom
or specified by contract as full-time employment.

(UU)(1) "Lease" or "rental" means any transfer of the
possession or control of tangible personal property for a fixed or
indefinite term, for consideration. "Lease" or "rental" includes
future options to purchase or extend, and agreements described in
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where
the amount of consideration may be increased or decreased by
reference to the amount realized upon the sale or disposition of
the property. "Lease" or "rental" does not include:

(a) A transfer of possession or control of tangible personal
property under a security agreement or a deferred payment plan
that requires the transfer of title upon completion of the
required payments;

(b) A transfer of possession or control of tangible personal
property under an agreement that requires the transfer of title
upon completion of required payments and payment of an option

price that does not exceed the greater of one hundred dollars or
one per cent of the total required payments;

(c) Providing tangible personal property along with an
operator for a fixed or indefinite period of time, if the operator
is necessary for the property to perform as designed. For purposes
of this division, the operator must do more than maintain,
inspect, or set-up the tangible personal property.

(2) "Lease" and "rental," as defined in division (UU) of this
section, shall not apply to leases or rentals that exist before
June 26, 2003.

(3) "Lease" and "rental" have the same meaning as in division
(UU)(1) of this section regardless of whether a transaction is
characterized as a lease or rental under generally accepted
accounting principles, the Internal Revenue Code, Title XIII of
the Revised Code, or other federal, state, or local laws.

(VV) "Mobile telecommunications service" has the same meaning
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No.
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and,
on and after August 1, 2003, includes related fees and ancillary
services, including universal service fees, detailed billing
service, directory assistance, service initiation, voice mail
service, and vertical services, such as caller ID and three-way
calling.

(WW) "Certified service provider" has the same meaning as in
section 5740.01 of the Revised Code.

(XX) "Satellite broadcasting service" means the distribution
or broadcasting of programming or services by satellite directly
to the subscriber's receiving equipment without the use of ground
receiving or distribution equipment, except the subscriber's
receiving equipment or equipment used in the uplink process to the

satellite, and includes all service and rental charges, premium
channels or other special services, installation and repair
service charges, and any other charges having any connection with
the provision of the satellite broadcasting service.

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(YY) "Tangible personal property" means personal property
that can be seen, weighed, measured, felt, or touched, or that is
in any other manner perceptible to the senses. For purposes of
this chapter and Chapter 5741. of the Revised Code, "tangible
personal property" includes motor vehicles, electricity, water,
gas, steam, and prewritten computer software.

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(ZZ) "Direct mail" means printed material delivered or
distributed by United States mail or other delivery service to a
mass audience or to addressees on a mailing list provided by the
consumer or at the direction of the consumer when the cost of the
items are not billed directly to the recipients. "Direct mail"
includes tangible personal property supplied directly or
indirectly by the consumer to the direct mail vendor for inclusion
in the package containing the printed material. "Direct mail" does
not include multiple items of printed material delivered to a
single address.

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(AAA) "Computer" means an electronic device that accepts
information in digital or similar form and manipulates it for a
result based on a sequence of instructions.

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(BBB) "Computer software" means a set of coded instructions
designed to cause a computer or automatic data processing
equipment to perform a task.

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(CCC) "Delivered electronically" means delivery of computer
software from the seller to the purchaser by means other than
tangible storage media.

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(DDD) "Prewritten computer software" means computer software,

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including prewritten upgrades, that is not designed and developed 117993
by the author or other creator to the specifications of a specific 117994
purchaser. The combining of two or more prewritten computer 117995
software programs or prewritten portions thereof does not cause 117996
the combination to be other than prewritten computer software. 117997
"Prewritten computer software" includes software designed and 117998
developed by the author or other creator to the specifications of 117999
a specific purchaser when it is sold to a person other than the 118000
purchaser. If a person modifies or enhances computer software of 118001
which the person is not the author or creator, the person shall be 118002
deemed to be the author or creator only of such person's 118003
modifications or enhancements. Prewritten computer software or a 118004
prewritten portion thereof that is modified or enhanced to any 118005
degree, where such modification or enhancement is designed and 118006
developed to the specifications of a specific purchaser, remains 118007
prewritten computer software; provided, however, that where there 118008
is a reasonable, separately stated charge or an invoice or other 118009
statement of the price given to the purchaser for the modification 118010
or enhancement, the modification or enhancement shall not 118011
constitute prewritten computer software. 118012

(EEE)(1) "Food" means substances, whether in liquid, 118013
concentrated, solid, frozen, dried, or dehydrated form, that are 118014
sold for ingestion or chewing by humans and are consumed for their 118015
taste or nutritional value. "Food" does not include alcoholic 118016
beverages, dietary supplements, soft drinks, or tobacco. 118017

(2) As used in division (EEE)(1) of this section: 118018

(a) "Alcoholic beverages" means beverages that are suitable 118019
for human consumption and contain one-half of one per cent or more 118020
of alcohol by volume. 118021

(b) "Dietary supplements" means any product, other than 118022
tobacco, that is intended to supplement the diet and that is 118023
intended for ingestion in tablet, capsule, powder, softgel, 118024

gelcap, or liquid form, or, if not intended for ingestion in such	118025
a form, is not represented as conventional food for use as a sole	118026
item of a meal or of the diet; that is required to be labeled as a	118027
dietary supplement, identifiable by the "supplement facts" box	118028
found on the label, as required by 21 C.F.R. 101.36; and that	118029
contains one or more of the following dietary ingredients:	118030
(i) A vitamin;	118031
(ii) A mineral;	118032
(iii) An herb or other botanical;	118033
(iv) An amino acid;	118034
(v) A dietary substance for use by humans to supplement the	118035
diet by increasing the total dietary intake;	118036
(vi) A concentrate, metabolite, constituent, extract, or	118037
combination of any ingredient described in divisions	118038
(EEE)(2)(b)(i) to (v) of this section.	118039
(c) "Soft drinks" means nonalcoholic beverages that contain	118040
natural or artificial sweeteners. "Soft drinks" does not include	118041
beverages that contain milk or milk products, soy, rice, or	118042
similar milk substitutes, or that contains greater than fifty per	118043
cent vegetable or fruit juice by volume.	118044
(d) "Tobacco" means cigarettes, cigars, chewing or pipe	118045
tobacco, or any other item that contains tobacco.	118046
(FFF) "Drug" means a compound, substance, or preparation, and	118047
any component of a compound, substance, or preparation, other than	118048
food, dietary supplements, or alcoholic beverages that is	118049
recognized in the official United States pharmacopoeia, official	118050
homeopathic pharmacopoeia of the United States, or official	118051

national formulary, and supplements to them; is intended for use
in the diagnosis, cure, mitigation, treatment, or prevention of
disease; or is intended to affect the structure or any function of
the body.

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(GGG) "Prescription" means an order, formula, or recipe
issued in any form of oral, written, electronic, or other means of
transmission by a duly licensed practitioner authorized by the
laws of this state to issue a prescription.

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(HHH) "Durable medical equipment" means equipment, including
repair and replacement parts for such equipment, that can
withstand repeated use, is primarily and customarily used to serve
a medical purpose, generally is not useful to a person in the
absence of illness or injury, and is not worn in or on the body.
"Durable medical equipment" does not include mobility enhancing
equipment.

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(III) "Mobility enhancing equipment" means equipment,
including repair and replacement parts for such equipment, that is
primarily and customarily used to provide or increase the ability
to move from one place to another and is appropriate for use
either in a home or a motor vehicle, that is not generally used by
persons with normal mobility, and that does not include any motor
vehicle or equipment on a motor vehicle normally provided by a
motor vehicle manufacturer. "Mobility enhancing equipment" does
not include durable medical equipment.

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(JJJ) "Prosthetic device" means a replacement, corrective, or
supportive device, including repair and replacement parts for the
device, worn on or in the human body to artificially replace a
missing portion of the body, prevent or correct physical deformity
or malfunction, or support a weak or deformed portion of the body.
As used in this division, "prosthetic device" does not include
corrective eyeglasses, contact lenses, or dental prosthesis.

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(KKK)(1) "Fractional aircraft ownership program" means a program in which persons within an affiliated group sell and manage fractional ownership program aircraft, provided that at least one hundred airworthy aircraft are operated in the program and the program meets all of the following criteria:	118083 118084 118085 118086 118087
(a) Management services are provided by at least one program manager within an affiliated group on behalf of the fractional owners.	118088 118089 118090
(b) Each program aircraft is owned or possessed by at least one fractional owner.	118091 118092
(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft.	118093 118094 118095
(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners.	118096 118097
(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program.	118098 118099 118100
(2) As used in division (KKK)(1) of this section:	118101
(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section.	118102 118103
(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (KKK)(1)(e) of this section.	118104 118105 118106 118107
(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by	118108 118109

a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.

(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.

(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (KKK)(1)(e) of this section.

(LLL) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary materials; or other similar information which has been gathered and made available by the provider to the consumer in an

electronic format. Providing electronic publishing includes the functions necessary for the acquisition, formatting, editing, storage, and dissemination of data or information that is the subject of a sale.

(MMM) "Medicaid health insuring corporation" means a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code and is under contract with the department of job and family services pursuant to section 5111.17 of the Revised Code.

(NNN) "Managed care premium" means any premium, capitation, or other payment a medicaid health insuring corporation receives for providing or arranging for the provision of health care services to its members or enrollees residing in this state.

Sec. 5739.02. For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state.

(A)(1) The tax shall be collected as provided in section 5739.025 of the Revised Code. The rate of the tax shall be five and one-half per cent. The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.

(2) In the case of the lease or rental, with a fixed term of more than thirty days or an indefinite term with a minimum period of more than thirty days, of any motor vehicles designed by the

manufacturer to carry a load of not more than one ton, watercraft, 118173
outboard motor, or aircraft, or of any tangible personal property, 118174
other than motor vehicles designed by the manufacturer to carry a 118175
load of more than one ton, to be used by the lessee or renter 118176
primarily for business purposes, the tax shall be collected by the 118177
vendor at the time the lease or rental is consummated and shall be 118178
calculated by the vendor on the basis of the total amount to be 118179
paid by the lessee or renter under the lease agreement. If the 118180
total amount of the consideration for the lease or rental includes 118181
amounts that are not calculated at the time the lease or rental is 118182
executed, the tax shall be calculated and collected by the vendor 118183
at the time such amounts are billed to the lessee or renter. In 118184
the case of an open-end lease or rental, the tax shall be 118185
calculated by the vendor on the basis of the total amount to be 118186
paid during the initial fixed term of the lease or rental, and for 118187
each subsequent renewal period as it comes due. As used in this 118188
division, "motor vehicle" has the same meaning as in section 118189
4501.01 of the Revised Code, and "watercraft" includes an outdrive 118190
unit attached to the watercraft. 118191

A lease with a renewal clause and a termination penalty or 118192
similar provision that applies if the renewal clause is not 118193
exercised is presumed to be a sham transaction. In such a case, 118194
the tax shall be calculated and paid on the basis of the entire 118195
length of the lease period, including any renewal periods, until 118196
the termination penalty or similar provision no longer applies. 118197
The taxpayer shall bear the burden, by a preponderance of the 118198
evidence, that the transaction or series of transactions is not a 118199
sham transaction. 118200

(3) Except as provided in division (A)(2) of this section, in 118201
the case of a sale, the price of which consists in whole or in 118202
part of the lease or rental of tangible personal property, the tax 118203
shall be measured by the installments of that lease or rental. 118204

(4) In the case of a sale of a physical fitness facility	118205
service or recreation and sports club service, the price of which	118206
consists in whole or in part of a membership for the receipt of	118207
the benefit of the service, the tax applicable to the sale shall	118208
be measured by the installments thereof.	118209
 (B) The tax does not apply to the following:	 118210
 (1) Sales to the state or any of its political subdivisions,	 118211
or to any other state or its political subdivisions if the laws of	118212
that state exempt from taxation sales made to this state and its	118213
political subdivisions;	118214
 (2) Sales of food for human consumption off the premises	 118215
where sold;	118216
 (3) Sales of food sold to students only in a cafeteria,	 118217
dormitory, fraternity, or sorority maintained in a private,	118218
public, or parochial school, college, or university;	118219
 (4) Sales of newspapers and of magazine subscriptions and	 118220
sales or transfers of magazines distributed as controlled	118221
circulation publications;	118222
 (5) The furnishing, preparing, or serving of meals without	 118223
charge by an employer to an employee provided the employer records	118224
the meals as part compensation for services performed or work	118225
done;	118226
 (6) Sales of motor fuel upon receipt, use, distribution, or	 118227
sale of which in this state a tax is imposed by the law of this	118228
state, but this exemption shall not apply to the sale of motor	118229
fuel on which a refund of the tax is allowable under division (A)	118230
of section 5735.14 of the Revised Code; and the tax commissioner	118231
may deduct the amount of tax levied by this section applicable to	118232
the price of motor fuel when granting a refund of motor fuel tax	118233

pursuant to division (A) of section 5735.14 of the Revised Code 118234
and shall cause the amount deducted to be paid into the general 118235
revenue fund of this state; 118236

(7) Sales of natural gas by a natural gas company, of water 118237
by a water-works company, or of steam by a heating company, if in 118238
each case the thing sold is delivered to consumers through pipes 118239
or conduits, and all sales of communications services by a 118240
telegraph company, all terms as defined in section 5727.01 of the 118241
Revised Code, and sales of electricity delivered through wires; 118242

(8) Casual sales by a person, or auctioneer employed directly 118243
by the person to conduct such sales, except as to such sales of 118244
motor vehicles, watercraft or outboard motors required to be 118245
titled under section 1548.06 of the Revised Code, watercraft 118246
documented with the United States coast guard, snowmobiles, and 118247
all-purpose vehicles as defined in section 4519.01 of the Revised 118248
Code; 118249

(9)(a) Sales of services or tangible personal property, other 118250
than motor vehicles, mobile homes, and manufactured homes, by 118251
churches, organizations exempt from taxation under section 118252
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 118253
organizations operated exclusively for charitable purposes as 118254
defined in division (B)(12) of this section, provided that the 118255
number of days on which such tangible personal property or 118256
services, other than items never subject to the tax, are sold does 118257
not exceed six in any calendar year, except as otherwise provided 118258
in division (B)(9)(b) of this section. If the number of days on 118259
which such sales are made exceeds six in any calendar year, the 118260
church or organization shall be considered to be engaged in 118261
business and all subsequent sales by it shall be subject to the 118262
tax. In counting the number of days, all sales by groups within a 118263
church or within an organization shall be considered to be sales 118264
of that church or organization. 118265

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.	118266 118267 118268 118269 118270 118271 118272
(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.	118273 118274 118275
(10) Sales not within the taxing power of this state under the Constitution of the United States;	118276 118277
(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;	118278 118279 118280 118281
(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.	118282 118283 118284 118285 118286 118287 118288 118289 118290 118291 118292 118293
"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the	118294 118295 118296

provision of professional, laundry, printing, and purchasing	118297
services to hospitals or charitable institutions; the operation of	118298
a home for the aged, as defined in section 5701.13 of the Revised	118299
Code; the operation of a radio or television broadcasting station	118300
that is licensed by the federal communications commission as a	118301
noncommercial educational radio or television station; the	118302
operation of a nonprofit animal adoption service or a county	118303
humane society; the promotion of education by an institution of	118304
learning that maintains a faculty of qualified instructors,	118305
teaches regular continuous courses of study, and confers a	118306
recognized diploma upon completion of a specific curriculum; the	118307
operation of a parent-teacher association, booster group, or	118308
similar organization primarily engaged in the promotion and	118309
support of the curricular or extracurricular activities of a	118310
primary or secondary school; the operation of a community or area	118311
center in which presentations in music, dramatics, the arts, and	118312
related fields are made in order to foster public interest and	118313
education therein; the production of performances in music,	118314
dramatics, and the arts; or the promotion of education by an	118315
organization engaged in carrying on research in, or the	118316
dissemination of, scientific and technological knowledge and	118317
information primarily for the public.	118318

Nothing in this division shall be deemed to exempt sales to	118319
any organization for use in the operation or carrying on of a	118320
trade or business, or sales to a home for the aged for use in the	118321
operation of independent living facilities as defined in division	118322
(A) of section 5709.12 of the Revised Code.	118323

(13) Building and construction materials and services sold to	118324
construction contractors for incorporation into a structure or	118325
improvement to real property under a construction contract with	118326
this state or a political subdivision of this state, or with the	118327
United States government or any of its agencies; building and	118328
construction materials and services sold to construction	118329

contractors for incorporation into a structure or improvement to	118330
real property that are accepted for ownership by this state or any	118331
of its political subdivisions, or by the United States government	118332
or any of its agencies at the time of completion of the structures	118333
or improvements; building and construction materials sold to	118334
construction contractors for incorporation into a horticulture	118335
structure or livestock structure for a person engaged in the	118336
business of horticulture or producing livestock; building	118337
materials and services sold to a construction contractor for	118338
incorporation into a house of public worship or religious	118339
education, or a building used exclusively for charitable purposes	118340
under a construction contract with an organization whose purpose	118341
is as described in division (B)(12) of this section; building	118342
materials and services sold to a construction contractor for	118343
incorporation into a building under a construction contract with	118344
an organization exempt from taxation under section 501(c)(3) of	118345
the Internal Revenue Code of 1986 when the building is to be used	118346
exclusively for the organization's exempt purposes; building and	118347
construction materials sold for incorporation into the original	118348
construction of a sports facility under section 307.696 of the	118349
Revised Code; and building and construction materials and services	118350
sold to a construction contractor for incorporation into real	118351
property outside this state if such materials and services, when	118352
sold to a construction contractor in the state in which the real	118353
property is located for incorporation into real property in that	118354
state, would be exempt from a tax on sales levied by that state;	118355
 (14) Sales of ships or vessels or rail rolling stock used or	118356
to be used principally in interstate or foreign commerce, and	118357
repairs, alterations, fuel, and lubricants for such ships or	118358
vessels or rail rolling stock;	118359
 (15) Sales to persons primarily engaged in any of the	118360
activities mentioned in division (B)(42)(a) or (g) of this	118361
section, to persons engaged in making retail sales, or to persons	118362

who purchase for sale from a manufacturer tangible personal 118363
property that was produced by the manufacturer in accordance with 118364
specific designs provided by the purchaser, of packages, including 118365
material, labels, and parts for packages, and of machinery, 118366
equipment, and material for use primarily in packaging tangible 118367
personal property produced for sale, including any machinery, 118368
equipment, and supplies used to make labels or packages, to 118369
prepare packages or products for labeling, or to label packages or 118370
products, by or on the order of the person doing the packaging, or 118371
sold at retail. "Packages" includes bags, baskets, cartons, 118372
crates, boxes, cans, bottles, bindings, wrappings, and other 118373
similar devices and containers, but does not include motor 118374
vehicles or bulk tanks, trailers, or similar devices attached to 118375
motor vehicles. "Packaging" means placing in a package. Division 118376
(B)(15) of this section does not apply to persons engaged in 118377
highway transportation for hire. 118378

(16) Sales of food to persons using ~~food stamps~~supplemental 118379
nutrition assistance program benefits to purchase the food. As 118380
used in this division, "food" has the same meaning as in ~~the~~ 118381
~~"Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 2012, as~~ 118382
~~amended,~~ and federal regulations adopted pursuant to ~~that act~~the 118383
Food and Nutrition Act of 2008. 118384

(17) Sales to persons engaged in farming, agriculture, 118385
horticulture, or floriculture, of tangible personal property for 118386
use or consumption directly in the production by farming, 118387
agriculture, horticulture, or floriculture of other tangible 118388
personal property for use or consumption directly in the 118389
production of tangible personal property for sale by farming, 118390
agriculture, horticulture, or floriculture; or material and parts 118391
for incorporation into any such tangible personal property for use 118392
or consumption in production; and of tangible personal property 118393
for such use or consumption in the conditioning or holding of 118394
products produced by and for such use, consumption, or sale by 118395

persons engaged in farming, agriculture, horticulture, or	118396
floriculture, except where such property is incorporated into real	118397
property;	118398

(18) Sales of drugs for a human being that may be dispensed	118399
only pursuant to a prescription; insulin as recognized in the	118400
official United States pharmacopoeia; urine and blood testing	118401
materials when used by diabetics or persons with hypoglycemia to	118402
test for glucose or acetone; hypodermic syringes and needles when	118403
used by diabetics for insulin injections; epoetin alfa when	118404
purchased for use in the treatment of persons with medical	118405
disease; hospital beds when purchased by hospitals, nursing homes,	118406
or other medical facilities; and medical oxygen and medical	118407
oxygen-dispensing equipment when purchased by hospitals, nursing	118408
homes, or other medical facilities;	118409

(19) Sales of prosthetic devices, durable medical equipment	118410
for home use, or mobility enhancing equipment, when made pursuant	118411
to a prescription and when such devices or equipment are for use	118412
by a human being.	118413

(20) Sales of emergency and fire protection vehicles and	118414
equipment to nonprofit organizations for use solely in providing	118415
fire protection and emergency services, including trauma care and	118416
emergency medical services, for political subdivisions of the	118417
state;	118418

(21) Sales of tangible personal property manufactured in this	118419
state, if sold by the manufacturer in this state to a retailer for	118420
use in the retail business of the retailer outside of this state	118421
and if possession is taken from the manufacturer by the purchaser	118422
within this state for the sole purpose of immediately removing the	118423
same from this state in a vehicle owned by the purchaser;	118424

(22) Sales of services provided by the state or any of its	118425
political subdivisions, agencies, instrumentalities, institutions,	118426

or authorities, or by governmental entities of the state or any of	118427
its political subdivisions, agencies, instrumentalities,	118428
institutions, or authorities;	118429
 (23) Sales of motor vehicles to nonresidents of this state	118430
under the circumstances described in division (B) of section	118431
5739.029 of the Revised Code;	118432
 (24) Sales to persons engaged in the preparation of eggs for	118433
sale of tangible personal property used or consumed directly in	118434
such preparation, including such tangible personal property used	118435
for cleaning, sanitizing, preserving, grading, sorting, and	118436
classifying by size; packages, including material and parts for	118437
packages, and machinery, equipment, and material for use in	118438
packaging eggs for sale; and handling and transportation equipment	118439
and parts therefor, except motor vehicles licensed to operate on	118440
public highways, used in intraplant or interplant transfers or	118441
shipment of eggs in the process of preparation for sale, when the	118442
plant or plants within or between which such transfers or	118443
shipments occur are operated by the same person. "Packages"	118444
includes containers, cases, baskets, flats, fillers, filler flats,	118445
cartons, closure materials, labels, and labeling materials, and	118446
"packaging" means placing therein.	118447
 (25)(a) Sales of water to a consumer for residential use,	118448
except the sale of bottled water, distilled water, mineral water,	118449
carbonated water, or ice;	118450
 (b) Sales of water by a nonprofit corporation engaged	118451
exclusively in the treatment, distribution, and sale of water to	118452
consumers, if such water is delivered to consumers through pipes	118453
or tubing.	118454
 (26) Fees charged for inspection or reinspection of motor	118455
vehicles under section 3704.14 of the Revised Code;	118456

(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	118457 118458 118459 118460
(a) To prepare food for human consumption for sale;	118461
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	118462 118463 118464 118465
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	118466 118467
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	118468 118469
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	118470 118471 118472 118473
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	118474 118475 118476
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	118477 118478 118479
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the	118480 118481 118482 118483 118484

transportation of tangible personal property;	118485
(33) Sales to the state headquarters of any veterans'	118486
organization in this state that is either incorporated and issued	118487
a charter by the congress of the United States or is recognized by	118488
the United States veterans administration, for use by the	118489
headquarters;	118490
(34) Sales to a telecommunications service vendor, mobile	118491
telecommunications service vendor, or satellite broadcasting	118492
service vendor of tangible personal property and services used	118493
directly and primarily in transmitting, receiving, switching, or	118494
recording any interactive, one- or two-way electromagnetic	118495
communications, including voice, image, data, and information,	118496
through the use of any medium, including, but not limited to,	118497
poles, wires, cables, switching equipment, computers, and record	118498
storage devices and media, and component parts for the tangible	118499
personal property. The exemption provided in this division shall	118500
be in lieu of all other exemptions under division (B)(42)(a) of	118501
this section to which the vendor may otherwise be entitled, based	118502
upon the use of the thing purchased in providing the	118503
telecommunications, mobile telecommunications, or satellite	118504
broadcasting service.	118505
(35)(a) Sales where the purpose of the consumer is to use or	118506
consume the things transferred in making retail sales and	118507
consisting of newspaper inserts, catalogues, coupons, flyers, gift	118508
certificates, or other advertising material that prices and	118509
describes tangible personal property offered for retail sale.	118510
(b) Sales to direct marketing vendors of preliminary	118511
materials such as photographs, artwork, and typesetting that will	118512
be used in printing advertising material; of printed matter that	118513
offers free merchandise or chances to win sweepstake prizes and	118514
that is mailed to potential customers with advertising material	118515
described in division (B)(35)(a) of this section; and of equipment	118516

such as telephones, computers, facsimile machines, and similar	118517
tangible personal property primarily used to accept orders for	118518
direct marketing retail sales.	118519
(c) Sales of automatic food vending machines that preserve	118520
food with a shelf life of forty-five days or less by refrigeration	118521
and dispense it to the consumer.	118522
For purposes of division (B)(35) of this section, "direct	118523
marketing" means the method of selling where consumers order	118524
tangible personal property by United States mail, delivery	118525
service, or telecommunication and the vendor delivers or ships the	118526
tangible personal property sold to the consumer from a warehouse,	118527
catalogue distribution center, or similar fulfillment facility by	118528
means of the United States mail, delivery service, or common	118529
carrier.	118530
(36) Sales to a person engaged in the business of	118531
horticulture or producing livestock of materials to be	118532
incorporated into a horticulture structure or livestock structure;	118533
(37) Sales of personal computers, computer monitors, computer	118534
keyboards, modems, and other peripheral computer equipment to an	118535
individual who is licensed or certified to teach in an elementary	118536
or a secondary school in this state for use by that individual in	118537
preparation for teaching elementary or secondary school students;	118538
(38) Sales to a professional racing team of any of the	118539
following:	118540
(a) Motor racing vehicles;	118541
(b) Repair services for motor racing vehicles;	118542
(c) Items of property that are attached to or incorporated in	118543
motor racing vehicles, including engines, chassis, and all other	118544

components of the vehicles, and all spare, replacement, and 118545
rebuilt parts or components of the vehicles; except not including 118546
tires, consumable fluids, paint, and accessories consisting of 118547
instrumentation sensors and related items added to the vehicle to 118548
collect and transmit data by means of telemetry and other forms of 118549
communication. 118550

(39) Sales of used manufactured homes and used mobile homes, 118551
as defined in section 5739.0210 of the Revised Code, made on or 118552
after January 1, 2000; 118553

(40) Sales of tangible personal property and services to a 118554
provider of electricity used or consumed directly and primarily in 118555
generating, transmitting, or distributing electricity for use by 118556
others, including property that is or is to be incorporated into 118557
and will become a part of the consumer's production, transmission, 118558
or distribution system and that retains its classification as 118559
tangible personal property after incorporation; fuel or power used 118560
in the production, transmission, or distribution of electricity; 118561
and tangible personal property and services used in the repair and 118562
maintenance of the production, transmission, or distribution 118563
system, including only those motor vehicles as are specially 118564
designed and equipped for such use. The exemption provided in this 118565
division shall be in lieu of all other exemptions in division 118566
(B)(42)(a) of this section to which a provider of electricity may 118567
otherwise be entitled based on the use of the tangible personal 118568
property or service purchased in generating, transmitting, or 118569
distributing electricity. 118570

(41) Sales to a person providing services under division 118571
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 118572
personal property and services used directly and primarily in 118573
providing taxable services under that section. 118574

(42) Sales where the purpose of the purchaser is to do any of 118575
the following: 118576

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, production of crude oil and natural gas, farming, agriculture, horticulture, or floriculture, or directly in the rendition of a public utility service, except that the sales tax levied by this section shall be collected upon all meals, drinks, and food for human consumption sold when transporting persons. Persons engaged in rendering farming, agricultural, horticultural, or floricultural services, and services in the exploration for, and production of, crude oil and natural gas, for others are deemed engaged directly in farming, agriculture, horticulture, and floriculture, or exploration for, and production of, crude oil and natural gas. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.	118577 118578 118579 118580 118581 118582 118583 118584 118585 118586 118587 118588 118589 118590 118591 118592 118593 118594 118595 118596
(b) To hold the thing transferred as security for the performance of an obligation of the vendor;	118597 118598
(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;	118599 118600
(d) To use or consume the thing directly in commercial fishing;	118601 118602
(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;	118603 118604 118605 118606

(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	118607 118608 118609 118610 118611
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	118612 118613 118614
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	118615 118616 118617 118618 118619 118620
(i) To use the thing transferred as qualified research and development equipment;	118621 118622
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(35) of this section.	118623 118624 118625 118626 118627 118628 118629 118630 118631 118632 118633 118634 118635
(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a	118636 118637

warranty provided as a part of the price of the tangible personal	118638
property sold or by a vendor of a warranty, maintenance or service	118639
contract, or similar agreement the provision of which is defined	118640
as a sale under division (B)(7) of section 5739.01 of the Revised	118641
Code;	118642
 (l) To use or consume the thing transferred in the production	118643
of a newspaper for distribution to the public;	118644
 (m) To use tangible personal property to perform a service	118645
listed in division (B)(3) of section 5739.01 of the Revised Code,	118646
if the property is or is to be permanently transferred to the	118647
consumer of the service as an integral part of the performance of	118648
the service;	118649
 (n) To use or consume the thing transferred in acquiring,	118650
formatting, editing, storing, and disseminating data or	118651
information by electronic publishing.	118652
 As used in division (B)(42) of this section, "thing" includes	118653
all transactions included in divisions (B)(3)(a), (b), and (e) of	118654
section 5739.01 of the Revised Code.	118655
 (43) Sales conducted through a coin operated device that	118656
activates vacuum equipment or equipment that dispenses water,	118657
whether or not in combination with soap or other cleaning agents	118658
or wax, to the consumer for the consumer's use on the premises in	118659
washing, cleaning, or waxing a motor vehicle, provided no other	118660
personal property or personal service is provided as part of the	118661
transaction.	118662
 (44) Sales of replacement and modification parts for engines,	118663
airframes, instruments, and interiors in, and paint for, aircraft	118664
used primarily in a fractional aircraft ownership program, and	118665
sales of services for the repair, modification, and maintenance of	118666
such aircraft, and machinery, equipment, and supplies primarily	118667

used to provide those services. 118668

(45) Sales of telecommunications service that is used 118669
directly and primarily to perform the functions of a call center. 118670
As used in this division, "call center" means any physical 118671
location where telephone calls are placed or received in high 118672
volume for the purpose of making sales, marketing, customer 118673
service, technical support, or other specialized business 118674
activity, and that employs at least fifty individuals that engage 118675
in call center activities on a full-time basis, or sufficient 118676
individuals to fill fifty full-time equivalent positions. 118677

(46) Sales by a telecommunications service vendor of 900 118678
service to a subscriber. This division does not apply to 118679
information services, as defined in division (FF) of section 118680
5739.01 of the Revised Code. 118681

(47) Sales of value-added non-voice data service. This 118682
division does not apply to any similar service that is not 118683
otherwise a telecommunications service. 118684

(48)(a) Sales of machinery, equipment, and software to a 118685
qualified direct selling entity for use in a warehouse or 118686
distribution center primarily for storing, transporting, or 118687
otherwise handling inventory that is held for sale to independent 118688
salespersons who operate as direct sellers and that is held 118689
primarily for distribution outside this state; 118690

(b) As used in division (B)(48)(a) of this section: 118691

(i) "Direct seller" means a person selling consumer products 118692
to individuals for personal or household use and not from a fixed 118693
retail location, including selling such product at in-home product 118694
demonstrations, parties, and other one-on-one selling. 118695

(ii) "Qualified direct selling entity" means an entity 118696

selling to direct sellers at the time the entity enters into a tax
credit agreement with the tax credit authority pursuant to section
122.17 of the Revised Code, provided that the agreement was
entered into on or after January 1, 2007. Neither contingencies
relevant to the granting of, nor later developments with respect
to, the tax credit shall impair the status of the qualified direct
selling entity under division (B)(48) of this section after
execution of the tax credit agreement by the tax credit authority.

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(c) Division (B)(48) of this section is limited to machinery,
equipment, and software first stored, used, or consumed in this
state within the period commencing June 24, 2008, and ending on
the date that is five years after that date.

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(49) Sales of materials, parts, equipment, or engines used
in the repair or maintenance of aircraft or avionics systems of
such aircraft, and sales of repair, remodeling, replacement, or
maintenance services in this state performed on aircraft or on
an aircraft's avionics, engine, or component materials or parts.
As used in division (B)(49) of this section, "aircraft" means
aircraft of more than six thousand pounds maximum certified
takeoff weight or used exclusively in general aviation.

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(50) Sales of full flight simulators that are used for pilot
or flight-crew training, sales of repair or replacement parts or
components, and sales of repair or maintenance services for such
full flight simulators. "Full flight simulator" means a replica
of a specific type, or make, model, and series of aircraft
cockpit. It includes the assemblage of equipment and computer
programs necessary to represent aircraft operations in ground and
flight conditions, a visual system providing an
out-of-the-cockpit view, and a system that provides cues at
least equivalent to those of a three-degree-of-freedom motion
system, and has the full range of capabilities of the systems
installed in the device as described in appendices A and B of

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part 60 of chapter 1 of title 14 of the Code of Federal Regulations. 118729
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(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established. 118731
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(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues. 118735
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(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code. 118739
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Sec. 5739.03. (A) Except as provided in section 5739.05 or section 5739.051 of the Revised Code, the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code shall be paid by the consumer to the vendor, and each vendor shall collect from the consumer, as a trustee for the state of Ohio, the full and exact amount of the tax payable on each taxable sale, in the manner and at the times provided as follows: 118751
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(1) If the price is, at or prior to the provision of the 118759

service or the delivery of possession of the thing sold to the 118760
consumer, paid in currency passed from hand to hand by the 118761
consumer or the consumer's agent to the vendor or the vendor's 118762
agent, the vendor or the vendor's agent shall collect the tax with 118763
and at the same time as the price; 118764

(2) If the price is otherwise paid or to be paid, the vendor 118765
or the vendor's agent shall, at or prior to the provision of the 118766
service or the delivery of possession of the thing sold to the 118767
consumer, charge the tax imposed by or pursuant to section 118768
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to 118769
the account of the consumer, which amount shall be collected by 118770
the vendor from the consumer in addition to the price. Such sale 118771
shall be reported on and the amount of the tax applicable thereto 118772
shall be remitted with the return for the period in which the sale 118773
is made, and the amount of the tax shall become a legal charge in 118774
favor of the vendor and against the consumer. 118775

(B)(1)(a) If any sale is claimed to be exempt under division 118776
(E) of section 5739.01 of the Revised Code or under section 118777
5739.02 of the Revised Code, with the exception of divisions 118778
(B)(1) to (11) or (28) of section 5739.02 of the Revised Code, the 118779
consumer must provide to the vendor, and the vendor must obtain 118780
from the consumer, a certificate specifying the reason that the 118781
sale is not legally subject to the tax. The certificate shall be 118782
in such form, and shall be provided either in a hard copy form or 118783
electronic form, as the tax commissioner prescribes. 118784

(b) A vendor that obtains a fully completed exemption 118785
certificate from a consumer is relieved of liability for 118786
collecting and remitting tax on any sale covered by that 118787
certificate. If it is determined the exemption was improperly 118788
claimed, the consumer shall be liable for any tax due on that sale 118789
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 118790
5741. of the Revised Code. Relief under this division from 118791

liability does not apply to any of the following:	118792
(i) A vendor that fraudulently fails to collect tax;	118793
(ii) A vendor that solicits consumers to participate in the unlawful claim of an exemption;	118794 118795
(iii) A vendor that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the vendor in this state, and this state has posted to its web site an exemption certificate form that clearly and affirmatively indicates that the claimed exemption is not available in this state;	118796 118797 118798 118799 118800 118801 118802 118803
(iv) A vendor that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (D) of section 5739.033 of the Revised Code, if the item purchased is tangible personal property, other than prewritten computer software.	118804 118805 118806 118807 118808
(2) The vendor shall maintain records, including exemption certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request.	118809 118810 118811
(3) The tax commissioner may establish an identification system whereby the commissioner issues an identification number to a consumer that is exempt from payment of the tax. The consumer must present the number to the vendor, if any sale is claimed to be exempt as provided in this section.	118812 118813 118814 118815 118816
(4) If no certificate is provided or obtained within ninety days after the date on which such sale is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not preclude a vendor, within one	118817 118818 118819 118820

hundred twenty days after the tax commissioner gives written
notice of intent to levy an assessment, from either establishing
that the sale is not subject to the tax, or obtaining, in good
faith, a fully completed exemption certificate.

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(5) Certificates need not be obtained nor provided where the
identity of the consumer is such that the transaction is never
subject to the tax imposed or where the item of tangible personal
property sold or the service provided is never subject to the tax
imposed, regardless of use, or when the sale is in interstate
commerce.

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(6) If a transaction is claimed to be exempt under division
(B)(13) of section 5739.02 of the Revised Code, the contractor
shall obtain certification of the claimed exemption from the
contractee. This certification shall be in addition to an
exemption certificate provided by the contractor to the vendor. A
contractee that provides a certification under this division shall
be deemed to be the consumer of all items purchased by the
contractor under the claim of exemption, if it is subsequently
determined that the exemption is not properly claimed. The
certification shall be in such form as the tax commissioner
prescribes.

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(C) As used in this division, "contractee" means a person who
seeks to enter or enters into a contract or agreement with a
contractor or vendor for the construction of real property or for
the sale and installation onto real property of tangible personal
property.

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Any contractor or vendor may request from any contractee a
certification of what portion of the property to be transferred
under such contract or agreement is to be incorporated into the
realty and what portion will retain its status as tangible
personal property after installation is completed. The contractor
or vendor shall request the certification by certified mail

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delivered to the contractee, return receipt requested. Upon 118853
receipt of such request and prior to entering into the contract or 118854
agreement, the contractee shall provide to the contractor or 118855
vendor a certification sufficiently detailed to enable the 118856
contractor or vendor to ascertain the resulting classification of 118857
all materials purchased or fabricated by the contractor or vendor 118858
and transferred to the contractee. This requirement applies to a 118859
contractee regardless of whether the contractee holds a direct 118860
payment permit under section 5739.031 of the Revised Code or 118861
provides to the contractor or vendor an exemption certificate as 118862
provided under this section. 118863

For the purposes of the taxes levied by this chapter and 118864
Chapter 5741. of the Revised Code, the contractor or vendor may in 118865
good faith rely on the contractee's certification. Notwithstanding 118866
division (B) of section 5739.01 of the Revised Code, if the tax 118867
commissioner determines that certain property certified by the 118868
contractee as tangible personal property pursuant to this division 118869
is, in fact, real property, the contractee shall be considered to 118870
be the consumer of all materials so incorporated into that real 118871
property and shall be liable for the applicable tax, and the 118872
contractor or vendor shall be excused from any liability on those 118873
materials. 118874

If a contractee fails to provide such certification upon the 118875
request of the contractor or vendor, the contractor or vendor 118876
shall comply with the provisions of this chapter and Chapter 5741. 118877
of the Revised Code without the certification. If the tax 118878
commissioner determines that such compliance has been performed in 118879
good faith and that certain property treated as tangible personal 118880
property by the contractor or vendor is, in fact, real property, 118881
the contractee shall be considered to be the consumer of all 118882
materials so incorporated into that real property and shall be 118883
liable for the applicable tax, and the construction contractor or 118884
vendor shall be excused from any liability on those materials. 118885

This division does not apply to any contract or agreement 118886
where the tax commissioner determines as a fact that a 118887
certification under this division was made solely on the decision 118888
or advice of the contractor or vendor. 118889

(D) Notwithstanding division (B) of section 5739.01 of the 118890
Revised Code, whenever the total rate of tax imposed under this 118891
chapter is increased after the date after a construction contract 118892
is entered into, the contractee shall reimburse the construction 118893
contractor for any additional tax paid on tangible property 118894
consumed or services received pursuant to the contract. 118895

(E) A vendor who files a petition for reassessment contesting 118896
the assessment of tax on sales for which the vendor obtained no 118897
valid exemption certificates and for which the vendor failed to 118898
establish that the sales were properly not subject to the tax 118899
during the one-hundred-twenty-day period allowed under division 118900
(B) of this section, may present to the tax commissioner 118901
additional evidence to prove that the sales were properly subject 118902
to a claim of exception or exemption. The vendor shall file such 118903
evidence within ninety days of the receipt by the vendor of the 118904
notice of assessment, except that, upon application and for 118905
reasonable cause, the period for submitting such evidence shall be 118906
extended thirty days. 118907

The commissioner shall consider such additional evidence in 118908
reaching the final determination on the assessment and petition 118909
for reassessment. 118910

(F) Whenever a vendor refunds the price, minus any 118911
separately stated delivery charge, of an item of tangible 118912
personal property on which the tax imposed under this chapter has 118913
been paid, the vendor shall also refund the amount of tax paid, 118914
minus the amount of tax attributable to the delivery charge. 118915

Sec. 5739.033. (A) Except as provided in division (B) of this section, divisions (C) to (I) of this section apply to sales made on and after January 1, 2008. Any vendor previously required to comply with divisions (C) to (I) of this section and any vendor that irrevocably elects to comply with divisions (C) to (I) of this section for all of the vendor's sales and places of business in this state shall continue to source its sales under those divisions.

The amount of tax due pursuant to sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is the sum of the taxes imposed pursuant to those sections at the sourcing location of the sale as determined under this section or, if applicable, under division (C) of section 5739.031 or section 5739.034 of the Revised Code, or at the situs of the sale as determined under section 5739.035 of the Revised Code. This section applies only to a vendor's or seller's obligation to collect and remit sales taxes under section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code or use taxes under section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code. Division (A) of this section does not apply in determining the jurisdiction for which sellers are required to collect the use tax under section 5741.05 of the Revised Code. This section does not affect the obligation of a consumer to remit use taxes on the storage, use, or other consumption of tangible personal property or on the benefit realized of any service provided, to the jurisdiction of that storage, use, or consumption, or benefit realized.

(B)(1) As used in this division:

(a) "Delivery sale" means the taxable sale of tangible personal property or a service that is received by a consumer, or a donee designated by the consumer, in a taxing jurisdiction that is not the taxing jurisdiction in which the vendor has a fixed place of business.

(b) "Agreement" has the same meaning as in section 5740.01 of the Revised Code.	118948 118949
(c) "Governing board" has the same meaning as in section 5740.02 of the Revised Code.	118950 118951
(2) If the tax commissioner does not make the certification under section 5740.10 of the Revised Code, a vendor that is not required by division (A) of this section to situs sales under divisions (C) to (I) of this section on the date of the commissioner's certification may continue after that date to situs its sales under section 5739.035 of the Revised Code unless it is required, under division (B)(5) of this section, to situs its sales under divisions (C) to (I) of this section.	118952 118953 118954 118955 118956 118957 118958 118959
(3) Except as otherwise provided in divisions (B)(4) and (5) of this section, a vendor with total delivery sales within this state in prior calendar years, beginning with calendar year 2007, of less than five hundred thousand dollars may situs its sales under section 5739.035 of the Revised Code.	118960 118961 118962 118963 118964
(4) Once a vendor has total delivery sales in this state of five hundred thousand dollars or more for a prior calendar year, the vendor shall source its sales under divisions (C) to (I) of this section and shall continue to source its sales under those divisions regardless of the amount of the vendor's total delivery sales in future years.	118965 118966 118967 118968 118969 118970
(5) A vendor permitted under division (B)(3) of this section to situs its sales under section 5739.035 of the Revised Code that fails to provide, absent a clerical error, the notices required under division (I)(1) of section 5739.035 of the Revised Code shall situs all subsequent sales as required under divisions (C) to (I) of this section.	118971 118972 118973 118974 118975 118976
(C) Except for sales, other than leases, of titled motor	118977

vehicles, titled watercraft, or titled outboard motors as provided 118978
in section 5741.05 of the Revised Code, or as otherwise provided 118979
in this section and section 5739.034 of the Revised Code, all 118980
sales shall be sourced as follows: 118981

(1) If the consumer or a donee designated by the consumer 118982
receives tangible personal property or a service at a vendor's 118983
place of business, the sale shall be sourced to that place of 118984
business. 118985

(2) When the tangible personal property or service is not 118986
received at a vendor's place of business, the sale shall be 118987
sourced to the location known to the vendor where the consumer or 118988
the donee designated by the consumer receives the tangible 118989
personal property or service, including the location indicated by 118990
instructions for delivery to the consumer or the consumer's donee. 118991

(3) If divisions (C)(1) and (2) of this section do not apply, 118992
the sale shall be sourced to the location indicated by an address 118993
for the consumer that is available from the vendor's business 118994
records that are maintained in the ordinary course of the 118995
vendor's business, when use of that address does not constitute 118996
bad faith. 118997

(4) If divisions (C)(1), (2), and (3) of this section do not 118998
apply, the sale shall be sourced to the location indicated by an 118999
address for the consumer obtained during the consummation of the 119000
sale, including the address associated with the consumer's payment 119001
instrument, if no other address is available, when use of that 119002
address does not constitute bad faith. 119003

(5) If divisions (C)(1), (2), (3), and (4) of this section do 119004
not apply, including in the circumstance where the vendor is 119005
without sufficient information to apply any of those divisions, 119006
the sale shall be sourced to the address from which tangible 119007
personal property was shipped, or from which the service was 119008

provided, disregarding any location that merely provided the 119009
electronic transfer of the property sold or service provided. 119010

(6) As used in division (C) of this section, "receive" means 119011
taking possession of tangible personal property or making first 119012
use of a service. "Receive" does not include possession by a 119013
shipping company on behalf of a consumer. 119014

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 119015
section, a business consumer that is not a holder of a direct 119016
payment permit granted under section 5739.031 of the Revised Code, 119017
that purchases a digital good, computer software, except computer 119018
software received in person by a business consumer at a vendor's 119019
place of business, or a service, and that knows at the time of 119020
purchase that such digital good, software, or service will be 119021
concurrently available for use in more than one taxing 119022
jurisdiction shall deliver to the vendor in conjunction with its 119023
purchase an exemption certificate claiming multiple points of use, 119024
or shall meet the requirements of division (D)(2) of this section. 119025
On receipt of the exemption certificate claiming multiple points 119026
of use, the vendor is relieved of its obligation to collect, pay, 119027
or remit the tax due, and the business consumer must pay the tax 119028
directly to the state. 119029

(b) A business consumer that delivers the exemption 119030
certificate claiming multiple points of use to a vendor may use 119031
any reasonable, consistent, and uniform method of apportioning the 119032
tax due on the digital good, computer software, or service that is 119033
supported by the consumer's business records as they existed at 119034
the time of the sale. The business consumer shall report and pay 119035
the appropriate tax to each jurisdiction where concurrent use 119036
occurs. The tax due shall be calculated as if the apportioned 119037
amount of the digital good, computer software, or service had been 119038
delivered to each jurisdiction to which the sale is apportioned 119039
under this division. 119040

(c) The exemption certificate claiming multiple points of use shall remain in effect for all future sales by the vendor to the business consumer until it is revoked in writing by the business consumer, except as to the business consumer's specific apportionment of a subsequent sale under division (D)(1)(b) of this section and the facts existing at the time of the sale.

(2) When the vendor knows that a digital good, computer software, or service sold will be concurrently available for use by the business consumer in more than one jurisdiction, but the business consumer does not provide an exemption certificate claiming multiple points of use as required by division (D)(1) of this section, the vendor may work with the business consumer to produce the correct apportionment. Governed by the principles of division (D)(1)(b) of this section, the vendor and business consumer may use any reasonable, but consistent and uniform, method of apportionment that is supported by the vendor's and business consumer's books and records as they exist at the time the sale is reported for purposes of the taxes levied under this chapter. If the business consumer certifies to the accuracy of the apportionment and the vendor accepts the certification, the vendor shall collect and remit the tax accordingly. In the absence of bad faith, the vendor is relieved of any further obligation to collect tax on any transaction where the vendor has collected tax pursuant to the information certified by the business consumer.

(3) When the vendor knows that the digital good, computer software, or service will be concurrently available for use in more than one jurisdiction, and the business consumer does not have a direct pay permit and does not provide to the vendor an exemption certificate claiming multiple points of use as required in division (D)(1) of this section, or certification pursuant to division (D)(2) of this section, the vendor shall collect and remit the tax based on division (C) of this section.

(4) Nothing in this section shall limit a person's obligation
for sales or use tax to any state in which a digital good,
computer software, or service is concurrently available for use,
nor limit a person's ability under local, state, or federal law,
to claim a credit for sales or use taxes legally due and paid to
other jurisdictions.

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(E) A person who holds a direct payment permit issued under
section 5739.031 of the Revised Code is not required to deliver an
exemption certificate claiming multiple points of use to a vendor.
But such permit holder shall comply with division (D)(2) of this
section in apportioning the tax due on a digital good, computer
software, or a service for use in business that will be
concurrently available for use in more than one taxing
jurisdiction.

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(F)(1) Notwithstanding divisions (C)(1) to (5) of this
section, the consumer of direct mail that is not a holder of a
direct payment permit shall provide to the vendor in conjunction
with the sale either an exemption certificate claiming direct mail
prescribed by the tax commissioner, or information to show the
jurisdictions to which the direct mail is delivered to recipients.

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(2) Upon receipt of such exemption certificate, the vendor is
relieved of all obligations to collect, pay, or remit the
applicable tax and the consumer is obligated to pay that tax on a
direct pay basis. An exemption certificate claiming direct mail
shall remain in effect for all future sales of direct mail by the
vendor to the consumer until it is revoked in writing.

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(3) Upon receipt of information from the consumer showing the
jurisdictions to which the direct mail is delivered to recipients,
the vendor shall collect the tax according to the delivery
information provided by the consumer. In the absence of bad faith,
the vendor is relieved of any further obligation to collect tax on
any transaction where the vendor has collected tax pursuant to the

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delivery information provided by the consumer.	119105
(4) If the consumer of direct mail does not have a direct	119106
payment permit and does not provide the vendor with either an	119107
exemption certificate claiming direct mail or delivery information	119108
as required by division (F)(1) of this section, the vendor shall	119109
collect the tax according to division (C)(5) of this section.	119110
Nothing in division (F)(4) of this section shall limit a	119111
consumer's obligation to pay sales or use tax to any state to	119112
which the direct mail is delivered.	119113
(5) If a consumer of direct mail provides the vendor with	119114
documentation of direct payment authority, the consumer shall not	119115
be required to provide an exemption certificate claiming direct	119116
mail or delivery information to the vendor.	119117
(G) If the vendor provides lodging to transient guests as	119118
specified in division (B)(2) of section 5739.01 of the Revised	119119
Code, the sale shall be sourced to the location where the lodging	119120
is located.	119121
(H)(1) As used in this division and division (I) of this	119122
section, "transportation equipment" means any of the following:	119123
(a) Locomotives and railcars that are utilized for the	119124
carriage of persons or property in interstate commerce.	119125
(b) Trucks and truck-tractors with a gross vehicle weight	119126
rating of greater than ten thousand pounds, trailers,	119127
semi-trailers, or passenger buses that are registered through the	119128
international registration plan and are operated under authority	119129
of a carrier authorized and certificated by the United States	119130
department of transportation or another federal authority to	119131
engage in the carriage of persons or property in interstate	119132
commerce.	119133

(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce.	119134 119135 119136 119137
(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section.	119138 119139 119140
(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (C) of this section.	119141 119142
(I)(1) A lease or rental of tangible personal property that does not require recurring periodic payments shall be sourced pursuant to division (C) of this section.	119143 119144 119145
(2) A lease or rental of tangible personal property that requires recurring periodic payments shall be sourced as follows:	119146 119147
(a) In the case of a motor vehicle, other than a motor vehicle that is transportation equipment, or an aircraft, other than an aircraft that is transportation equipment, such lease or rental shall be sourced as follows:	119148 119149 119150 119151
(i) An accelerated tax payment on a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced to the primary property location at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.	119152 119153 119154 119155 119156 119157
(ii) For a lease or rental taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, each lease or rental installment shall be sourced to the primary property location for the period covered by the installment.	119158 119159 119160 119161

(b) In the case of a lease or rental of all other tangible personal property, other than transportation equipment, such lease or rental shall be sourced as follows:

(i) An accelerated tax payment on a lease or rental that is taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced pursuant to division (C) of this section at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.

(ii) For a lease or rental that is taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, the initial lease or rental installment shall be sourced pursuant to division (C) of this section. Each subsequent installment shall be sourced to the primary property location for the period covered by the installment.

(3) As used in division (I) of this section, "primary property location" means an address for tangible personal property provided by the lessee or renter that is available to the lessor or owner from its records maintained in the ordinary course of business, when use of that address does not constitute bad faith.

(J) Sales described in division (B)(11) of section 5739.01 of the Revised Code shall be sourced to the location of the enrollee for whom a medicaid health insuring corporation receives managed care premiums. Such sales shall be sourced to the locations of the enrollees in the same proportion as the managed care premiums received by the medicaid health insuring corporation on behalf of enrollees located in a particular taxing jurisdiction in Ohio as compared to all managed care premiums received by the medicaid health insuring corporation.

Sec. 5739.051. (A) The tax commissioner shall issue a direct

payment permit to a medicaid health insuring corporation that 119193
authorizes the medicaid health insuring corporation to pay all 119194
taxes due on sales described in division (B)(11) of section 119195
5739.01 of the Revised Code directly to the state. Each medicaid 119196
health insuring corporation shall pay pursuant to such direct 119197
payment authority all sales tax levied on such sales by sections 119198
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code and 119199
all use tax levied on such sales pursuant to sections 5741.02, 119200
5741.021, 5741.022, and 5741.023 of the Revised Code, unless 119201
division (B)(11)(b) of section 5739.01 of the Revised Code 119202
applies. 119203

(B) Each medicaid health insuring corporation shall, on or 119204
before the twenty-third day of each month, file a return for the 119205
preceding month on a form prescribed by the tax commissioner and 119206
shall pay the tax shown on the return to be due, unless division 119207
(B)(11)(b) of section 5739.01 of the Revised Code applies. The 119208
return shall show the amount of tax due from the medicaid health 119209
care insuring corporation for the period covered by the return 119210
and other such information as the commissioner deems necessary. 119211
Upon written request, the commissioner may extend the time for 119212
filing the return and paying the tax. The commissioner may 119213
require each medicaid health insuring corporation to file returns 119214
and remit payment by electronic means as provided in section 119215
5739.032 of the Revised Code. 119216

Sec. 5739.09. (A)(1) A board of county commissioners may, by 119217
resolution adopted by a majority of the members of the board, levy 119218
an excise tax not to exceed three per cent on transactions by 119219
which lodging by a hotel is or is to be furnished to transient 119220
guests. The board shall establish all regulations necessary to 119221
provide for the administration and allocation of the tax. The 119222
regulations may prescribe the time for payment of the tax, and may 119223
provide for the imposition of a penalty or interest, or both, for 119224
late payments, provided that the penalty does not exceed ten per 119225

cent of the amount of tax due, and the rate at which interest	119226
accrues does not exceed the rate per annum prescribed pursuant to	119227
section 5703.47 of the Revised Code. Except as provided in	119228
divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the	119229
regulations shall provide, after deducting the real and actual	119230
costs of administering the tax, for the return to each municipal	119231
corporation or township that does not levy an excise tax on the	119232
transactions, a uniform percentage of the tax collected in the	119233
municipal corporation or in the unincorporated portion of the	119234
township from each transaction, not to exceed thirty-three and	119235
one-third per cent. The remainder of the revenue arising from the	119236
tax shall be deposited in a separate fund and shall be spent	119237
solely to make contributions to the convention and visitors'	119238
bureau operating within the county, including a pledge and	119239
contribution of any portion of the remainder pursuant to an	119240
agreement authorized by section 307.695 of the Revised Code,	119241
provided that if the board of county commissioners of an eligible	119242
county as defined in section 307.695 of the Revised Code adopts a	119243
resolution amending a resolution levying a tax under this division	119244
to provide that the revenue from the tax shall be used by the	119245
board as described in division (H) of section 307.695 of the	119246
Revised Code, the remainder of the revenue shall be used as	119247
described in the resolution making that amendment. Except as	119248
provided in division (A)(2), (3), (4), (5), (6), or (7) or (H) of	119249
this section, on and after May 10, 1994, a board of county	119250
commissioners may not levy an excise tax pursuant to this division	119251
in any municipal corporation or township located wholly or partly	119252
within the county that has in effect an ordinance or resolution	119253
levying an excise tax pursuant to division (B) of this section.	119254
The board of a county that has levied a tax under division (C) of	119255
this section may, by resolution adopted within ninety days after	119256
July 15, 1985, by a majority of the members of the board, amend	119257
the resolution levying a tax under this division to provide for a	119258
portion of that tax to be pledged and contributed in accordance	119259
with an agreement entered into under section 307.695 of the	119260

Revised Code. A tax, any revenue from which is pledged pursuant to such an agreement, shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue from the tax has been so pledged.

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The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend a resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, in which case the tax shall remain in effect at the rate at which it was imposed for the duration of any agreement entered into by the board under section 307.695 of the Revised Code, the duration during which any securities issued by the board under that section are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

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(2) A board of county commissioners that levies an excise tax under division (A)(1) of this section on June 30, 1997, at a rate of three per cent, and that has pledged revenue from the tax to an agreement entered into under section 307.695 of the Revised Code or, in the case of the board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code, has amended a resolution levying a tax under division (C) of this section to provide that proceeds from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, may, at any time by a resolution adopted by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax up to seven per cent on each transaction; to provide that revenue from the increase in the rate shall be used as described in division (H) of section 307.695 of the Revised Code or be spent solely to make contributions to the

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convention and visitors' bureau operating within the county to be 119294
used specifically for promotion, advertising, and marketing of the 119295
region in which the county is located; and to provide that the 119296
rate in excess of the three per cent levied under division (A)(1) 119297
of this section shall remain in effect at the rate at which it is 119298
imposed for the duration of the period during which any agreement 119299
is in effect that was entered into under section 307.695 of the 119300
Revised Code by the board of county commissioners levying a tax 119301
under division (A)(1) of this section, the duration of the period 119302
during which any securities issued by the board under division (I) 119303
of section 307.695 of the Revised Code are outstanding, or the 119304
duration of the period during which the board owns a project as 119305
defined in section 307.695 of the Revised Code, whichever duration 119306
is longest. The amendment also shall provide that no portion of 119307
that revenue need be returned to townships or municipal 119308
corporations as would otherwise be required under division (A)(1) 119309
of this section. 119310

(3) A board of county commissioners that levies a tax under 119311
division (A)(1) of this section on March 18, 1999, at a rate of 119312
three per cent may, by resolution adopted not later than 119313
forty-five days after March 18, 1999, amend the resolution levying 119314
the tax to provide for all of the following: 119315

(a) That the rate of the tax shall be increased by not more 119316
than an additional four per cent on each transaction; 119317

(b) That all of the revenue from the increase in the rate 119318
shall be pledged and contributed to a convention facilities 119319
authority established by the board of county commissioners under 119320
Chapter 351. of the Revised Code on or before November 15, 1998, 119321
and used to pay costs of constructing, maintaining, operating, and 119322
promoting a facility in the county, including paying bonds, or 119323
notes issued in anticipation of bonds, as provided by that 119324
chapter; 119325

(c) That no portion of the revenue arising from the increase
in rate need be returned to municipal corporations or townships as
otherwise required under division (A)(1) of this section;

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(d) That the increase in rate shall not be subject to
diminution by initiative or referendum or by law while any bonds,
or notes in anticipation of bonds, issued by the authority under
Chapter 351. of the Revised Code to which the revenue is pledged,
remain outstanding in accordance with their terms, unless
provision is made by law or by the board of county commissioners
for an adequate substitute therefor that is satisfactory to the
trustee if a trust agreement secures the bonds.

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Division (A)(3) of this section does not apply to the board
of county commissioners of any county in which a convention center
or facility exists or is being constructed on November 15, 1998,
or of any county in which a convention facilities authority levies
a tax pursuant to section 351.021 of the Revised Code on that
date.

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As used in division (A)(3) of this section, "cost" and
"facility" have the same meanings as in section 351.01 of the
Revised Code, and "convention center" has the same meaning as in
section 307.695 of the Revised Code.

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(4)(a) A board of county commissioners that levies a tax
under division (A)(1) of this section on June 30, 2002, at a rate
of three per cent may, by resolution adopted not later than
September 30, 2002, amend the resolution levying the tax to
provide for all of the following:

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(i) That the rate of the tax shall be increased by not more
than an additional three and one-half per cent on each
transaction;

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(ii) That all of the revenue from the increase in rate shall

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be pledged and contributed to a convention facilities authority 119356
established by the board of county commissioners under Chapter 119357
351. of the Revised Code on or before May 15, 2002, and be used 119358
to pay costs of constructing, expanding, maintaining, operating, 119359
or promoting a convention center in the county, including paying 119360
bonds, or notes issued in anticipation of bonds, as provided by 119361
that chapter; 119362

(iii) That no portion of the revenue arising from the 119363
increase in rate need be returned to municipal corporations or 119364
townships as otherwise required under division (A)(1) of this 119365
section; 119366

(iv) That the increase in rate shall not be subject to 119367
diminution by initiative or referendum or by law while any bonds, 119368
or notes in anticipation of bonds, issued by the authority under 119369
Chapter 351. of the Revised Code to which the revenue is pledged, 119370
remain outstanding in accordance with their terms, unless 119371
provision is made by law or by the board of county commissioners 119372
for an adequate substitute therefor that is satisfactory to the 119373
trustee if a trust agreement secures the bonds. 119374

(b) Any board of county commissioners that, pursuant to 119375
division (A)(4)(a) of this section, has amended a resolution 119376
levying the tax authorized by division (A)(1) of this section may 119377
further amend the resolution to provide that the revenue referred 119378
to in division (A)(4)(a)(ii) of this section shall be pledged and 119379
contributed both to a convention facilities authority to pay the 119380
costs of constructing, expanding, maintaining, or operating one or 119381
more convention centers in the county, including paying bonds, or 119382
notes issued in anticipation of bonds, as provided in Chapter 351. 119383
of the Revised Code, and to a convention and visitors' bureau to 119384
pay the costs of promoting one or more convention centers in the 119385
county. 119386

As used in division (A)(4) of this section, "cost" has the 119387

same meaning as in section 351.01 of the Revised Code, and	119388
"convention center" has the same meaning as in section 307.695 of	119389
the Revised Code.	119390
 (5)(a) As used in division (A)(5) of this section:	 119391
 (i) "Port authority" means a port authority created under	 119392
Chapter 4582. of the Revised Code.	119393
 (ii) "Port authority military-use facility" means port	 119394
authority facilities on which or adjacent to which is located an	119395
installation of the armed forces of the United States, a reserve	119396
component thereof, or the national guard and at least part of	119397
which is made available for use, for consideration, by the armed	119398
forces of the United States, a reserve component thereof, or the	119399
national guard.	119400
 (b) For the purpose of contributing revenue to pay operating	 119401
expenses of a port authority that operates a port authority	119402
military-use facility, the board of county commissioners of a	119403
county that created, participated in the creation of, or has	119404
joined such a port authority may do one or both of the following:	119405
 (i) Amend a resolution previously adopted under division	 119406
(A)(1) of this section to designate some or all of the revenue	119407
from the tax levied under the resolution to be used for that	119408
purpose, notwithstanding that division;	119409
 (ii) Amend a resolution previously adopted under division	 119410
(A)(1) of this section to increase the rate of the tax by not more	119411
than an additional two per cent and use the revenue from the	119412
increase exclusively for that purpose.	119413
 (c) If a board of county commissioners amends a resolution to	 119414
increase the rate of a tax as authorized in division (A)(5)(b)(ii)	119415
of this section, the board also may amend the resolution to	119416

specify that the increase in rate of the tax does not apply to 119417
"hotels," as otherwise defined in section 5739.01 of the Revised 119418
Code, having fewer rooms used for the accommodation of guests than 119419
a number of rooms specified by the board. 119420

(6) A board of county commissioners of a county organized 119421
under a county charter adopted pursuant to Article X, Section 3, 119422
Ohio Constitution, and that levies an excise tax under division 119423
(A)(1) of this section at a rate of three per cent and levies an 119424
additional excise tax under division (E) of this section at a rate 119425
of one and one-half per cent may, by resolution adopted not later 119426
than January 1, 2008, by a majority of the members of the board, 119427
amend the resolution levying a tax under division (A)(1) of this 119428
section to provide for an increase in the rate of that tax by not 119429
more than an additional one per cent on transactions by which 119430
lodging by a hotel is or is to be furnished to transient guests. 119431
Notwithstanding divisions (A)(1) and (E) of this section, the 119432
resolution shall provide that all of the revenue from the increase 119433
in rate, after deducting the real and actual costs of 119434
administering the tax, shall be used to pay the costs of 119435
improving, expanding, equipping, financing, or operating a 119436
convention center by a convention and visitors' bureau in the 119437
county. The increase in rate shall remain in effect for the 119438
period specified in the resolution, not to exceed ten years. The 119439
increase in rate shall be subject to the regulations adopted 119440
under division (A)(1) of this section, except that the 119441
resolution may provide that no portion of the revenue from the 119442
increase in the rate shall be returned to townships or municipal 119443
corporations as would otherwise be required under that division. 119444

(7) Division (A)(7) of this section applies only to a county 119445
with a population greater than sixty-five thousand and less than 119446
seventy thousand according to the most recent federal decennial 119447
census and in which, on December 31, 2006, an excise tax is levied 119448
under division (A)(1) of this section at a rate not less than and 119449

not greater than three per cent, and in which the most recent
increase in the rate of that tax was enacted or took effect in
November 1984.

The board of county commissioners of a county to which this
division applies, by resolution adopted by a majority of the
members of the board, may increase the rate of the tax by not more
than one per cent on transactions by which lodging by a hotel is
or is to be furnished to transient guests. The increase in rate
shall be for the purpose of paying expenses deemed necessary by
the convention and visitors' bureau operating in the county to
promote travel and tourism. The increase in rate shall remain in
effect for the period specified in the resolution, not to exceed
twenty years, provided that the increase in rate may not continue
beyond the time when the purpose for which the increase is levied
ceases to exist. If revenue from the increase in rate is pledged
to the payment of debt charges on securities, the increase in rate
is not subject to diminution by initiative or referendum or by law
for so long as the securities are outstanding, unless provision is
made by law or by the board of county commissioners for an
adequate substitute for that revenue that is satisfactory to the
trustee if a trust agreement secures payment of the debt charges.
The increase in rate shall be subject to the regulations adopted
under division (A)(1) of this section, except that the resolution
may provide that no portion of the revenue from the increase in
the rate shall be returned to townships or municipal corporations
as would otherwise be required under division (A)(1) of this
section. A resolution adopted under division (A)(7) of this
section is subject to referendum under sections 305.31 to 305.99
of the Revised Code.

(B)(1) The legislative authority of a municipal corporation
or the board of trustees of a township that is not wholly or
partly located in a county that has in effect a resolution levying
an excise tax pursuant to division (A)(1) of this section may, by

ordinance or resolution, levy an excise tax not to exceed three 119483
per cent on transactions by which lodging by a hotel is or is to 119484
be furnished to transient guests. The legislative authority of the 119485
municipal corporation or the board of trustees of the township 119486
shall deposit at least fifty per cent of the revenue from the tax 119487
levied pursuant to this division into a separate fund, which shall 119488
be spent solely to make contributions to convention and visitors' 119489
bureaus operating within the county in which the municipal 119490
corporation or township is wholly or partly located, and the 119491
balance of that revenue shall be deposited in the general fund. 119492
The municipal corporation or township shall establish all 119493
regulations necessary to provide for the administration and 119494
allocation of the tax. The regulations may prescribe the time for 119495
payment of the tax, and may provide for the imposition of a 119496
penalty or interest, or both, for late payments, provided that the 119497
penalty does not exceed ten per cent of the amount of tax due, and 119498
the rate at which interest accrues does not exceed the rate per 119499
annum prescribed pursuant to section 5703.47 of the Revised Code. 119500
The levy of a tax under this division is in addition to any tax 119501
imposed on the same transaction by a municipal corporation or a 119502
township as authorized by division (A) of section 5739.08 of the 119503
Revised Code. 119504

(2)(a) The legislative authority of the most populous 119505
municipal corporation located wholly or partly in a county in 119506
which the board of county commissioners has levied a tax under 119507
division (A)(4) of this section may amend, on or before September 119508
30, 2002, that municipal corporation's ordinance or resolution 119509
that levies an excise tax on transactions by which lodging by a 119510
hotel is or is to be furnished to transient guests, to provide for 119511
all of the following: 119512

(i) That the rate of the tax shall be increased by not more 119513
than an additional one per cent on each transaction; 119514

(ii) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(iii) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law, by the board of county commissioners, or by the legislative authority, for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(b) The legislative authority of a municipal corporation that, pursuant to division (B)(2)(a) of this section, has amended its ordinance or resolution to increase the rate of the tax authorized by division (B)(1) of this section may further amend the ordinance or resolution to provide that the revenue referred to in division (B)(2)(a)(ii) of this section shall be pledged and contributed both to a convention facilities authority to pay the costs of constructing, expanding, maintaining, or operating one or more convention centers in the county, including paying bonds, or notes issued in anticipation of bonds, as provided in Chapter 351. of the Revised Code, and to a convention and visitors' bureau to pay the costs of promoting one or more convention centers in the county.

As used in division (B)(2) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and

"convention center" has the same meaning as in section 307.695 of
the Revised Code. 119547
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(C) For the purposes described in section 307.695 of the 119549
Revised Code and to cover the costs of administering the tax, a 119550
board of county commissioners of a county where a tax imposed 119551
under division (A)(1) of this section is in effect may, by 119552
resolution adopted within ninety days after July 15, 1985, by a 119553
majority of the members of the board, levy an additional excise 119554
tax not to exceed three per cent on transactions by which lodging 119555
by a hotel is or is to be furnished to transient guests. The tax 119556
authorized by this division shall be in addition to any tax that 119557
is levied pursuant to division (A) of this section, but it shall 119558
not apply to transactions subject to a tax levied by a municipal 119559
corporation or township pursuant to the authorization granted by 119560
division (A) of section 5739.08 of the Revised Code. The board 119561
shall establish all regulations necessary to provide for the 119562
administration and allocation of the tax. The regulations may 119563
prescribe the time for payment of the tax, and may provide for the 119564
imposition of a penalty or interest, or both, for late payments, 119565
provided that the penalty does not exceed ten per cent of the 119566
amount of tax due, and the rate at which interest accrues does not 119567
exceed the rate per annum prescribed pursuant to section 5703.47 119568
of the Revised Code. All revenues arising from the tax shall be 119569
expended in accordance with section 307.695 of the Revised Code. 119570
The board of county commissioners of an eligible county as defined 119571
in section 307.695 of the Revised Code may, by resolution adopted 119572
by a majority of the members of the board, amend the resolution 119573
levying a tax under this division to provide that the revenue from 119574
the tax shall be used by the board as described in division (H) of 119575
section 307.695 of the Revised Code. A tax imposed under this 119576
division shall remain in effect at the rate at which it is imposed 119577
for the duration of the period during which any agreement entered 119578
into by the board under section 307.695 of the Revised Code is in 119579
effect, the duration of the period during which any securities 119580

issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

(D) For the purpose of providing contributions under division (B)(1) of section 307.671 of the Revised Code to enable the acquisition, construction, and equipping of a port authority educational and cultural facility in the county and, to the extent provided for in the cooperative agreement authorized by that section, for the purpose of paying debt service charges on bonds, or notes in anticipation of bonds, described in division (B)(1)(b) of that section, a board of county commissioners, by resolution adopted within ninety days after December 22, 1992, by a majority of the members of the board, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by this division shall be in addition to any tax that is levied pursuant to divisions (A), (B), and (C) of this section, to any excise tax levied pursuant to section 5739.08 of the Revised Code, and to any excise tax levied pursuant to section 351.021 of the Revised Code. The board of county commissioners shall establish all regulations necessary to provide for the administration and allocation of the tax that are not inconsistent with this section or section 307.671 of the Revised Code. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.671 of the Revised Code and division (D) of this section. The levy of a tax imposed under this division may not commence prior to the first day of the month next following the

execution of the cooperative agreement authorized by section 119615
307.671 of the Revised Code by all parties to that agreement. The 119616
tax shall remain in effect at the rate at which it is imposed for 119617
the period of time described in division (C) of section 307.671 of 119618
the Revised Code for which the revenue from the tax has been 119619
pledged by the county to the corporation pursuant to that section, 119620
but, to any extent provided for in the cooperative agreement, for 119621
no lesser period than the period of time required for payment of 119622
the debt service charges on bonds, or notes in anticipation of 119623
bonds, described in division (B)(1)(b) of that section. 119624

(E) For the purpose of paying the costs of acquiring, 119625
constructing, equipping, and improving a municipal educational and 119626
cultural facility, including debt service charges on bonds 119627
provided for in division (B) of section 307.672 of the Revised 119628
Code, and for any additional purposes determined by the county in 119629
the resolution levying the tax or amendments to the resolution, 119630
including subsequent amendments providing for paying costs of 119631
acquiring, constructing, renovating, rehabilitating, equipping, 119632
and improving a port authority educational and cultural performing 119633
arts facility, as defined in section 307.674 of the Revised Code, 119634
and including debt service charges on bonds provided for in 119635
division (B) of section 307.674 of the Revised Code, the 119636
legislative authority of a county, by resolution adopted within 119637
ninety days after June 30, 1993, by a majority of the members of 119638
the legislative authority, may levy an additional excise tax not 119639
to exceed one and one-half per cent on transactions by which 119640
lodging by a hotel is or is to be furnished to transient guests. 119641
The excise tax authorized by this division shall be in addition to 119642
any tax that is levied pursuant to divisions (A), (B), (C), and 119643
(D) of this section, to any excise tax levied pursuant to section 119644
5739.08 of the Revised Code, and to any excise tax levied pursuant 119645
to section 351.021 of the Revised Code. The legislative authority 119646
of the county shall establish all regulations necessary to provide 119647
for the administration and allocation of the tax. The regulations 119648

may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.672 of the Revised Code and this division. The levy of a tax imposed under this division shall not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.672 of the Revised Code by all parties to that agreement. The tax shall remain in effect at the rate at which it is imposed for the period of time determined by the legislative authority of the county. That period of time shall not exceed fifteen years, except that the legislative authority of a county with a population of less than two hundred fifty thousand according to the most recent federal decennial census, by resolution adopted by a majority of its members before the original tax expires, may extend the duration of the tax for an additional period of time. The additional period of time by which a legislative authority extends a tax levied under this division shall not exceed fifteen years.

(F) The legislative authority of a county that has levied a tax under division (E) of this section may, by resolution adopted within one hundred eighty days after January 4, 2001, by a majority of the members of the legislative authority, amend the resolution levying a tax under that division to provide for the use of the proceeds of that tax, to the extent that it is no longer needed for its original purpose as determined by the parties to a cooperative agreement amendment pursuant to division (D) of section 307.672 of the Revised Code, to pay costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, including debt service charges on bonds provided

for in division (B) of section 307.674 of the Revised Code, and to 119683
pay all obligations under any guaranty agreements, reimbursement 119684
agreements, or other credit enhancement agreements described in 119685
division (C) of section 307.674 of the Revised Code. The 119686
resolution may also provide for the extension of the tax at the 119687
same rate for the longer of the period of time determined by the 119688
legislative authority of the county, but not to exceed an 119689
additional twenty-five years, or the period of time required to 119690
pay all debt service charges on bonds provided for in division (B) 119691
of section 307.672 of the Revised Code and on port authority 119692
revenue bonds provided for in division (B) of section 307.674 of 119693
the Revised Code. All revenues arising from the amendment and 119694
extension of the tax shall be expended in accordance with section 119695
307.674 of the Revised Code, this division, and division (E) of 119696
this section. 119697

(G) For purposes of a tax levied by a county, township, or 119698
municipal corporation under this section or section 5739.08 of the 119699
Revised Code, a board of county commissioners, board of township 119700
trustees, or the legislative authority of a municipal corporation 119701
may adopt a resolution or ordinance at any time specifying that 119702
"hotel," as otherwise defined in section 5739.01 of the Revised 119703
Code, includes ~~establishments~~ the following: 119704

(1) Establishments in which fewer than five rooms are used 119705
for the accommodation of guests. ~~The~~ 119706

(2) Establishments at which rooms are used for the 119707
accommodation of guests regardless of whether each room is 119708
accessible through its own keyed entry or several rooms are 119709
accessible through the same keyed entry; and, in determining the 119710
number of rooms, all rooms are included regardless of the number 119711
of structures in which the rooms are situated or the number of 119712
parcels of land on which the structures are located if the 119713
structures are under the same ownership and the structures are not 119714

identified in advertisements of the accommodations as distinct 119715
establishments. For the purposes of division (G)(2) of this 119716
section, two or more structures are under the same ownership if 119717
they are owned by the same person, or if they are owned by two or 119718
more persons the majority of the ownership interests of which are 119719
owned by the same person. 119720

The resolution or ordinance may apply to a tax imposed 119721
pursuant to this section prior to the adoption of the resolution 119722
or ordinance if the resolution or ordinance so states, but the tax 119723
shall not apply to transactions by which lodging by such an 119724
establishment is provided to transient guests prior to the 119725
adoption of the resolution or ordinance. 119726

(H)(1) As used in this division: 119727

(a) "Convention facilities authority" has the same meaning as 119728
in section 351.01 of the Revised Code. 119729

(b) "Convention center" has the same meaning as in section 119730
307.695 of the Revised Code. 119731

(2) Notwithstanding any contrary provision of division (D) of 119732
this section, the legislative authority of a county with a 119733
population of one million or more according to the most recent 119734
federal decennial census that has levied a tax under division (D) 119735
of this section may, by resolution adopted by a majority of the 119736
members of the legislative authority, provide for the extension of 119737
such levy and may provide that the proceeds of that tax, to the 119738
extent that they are no longer needed for their original purpose 119739
as defined by a cooperative agreement entered into under section 119740
307.671 of the Revised Code, shall be deposited into the county 119741
general revenue fund. The resolution shall provide for the 119742
extension of the tax at a rate not to exceed the rate specified in 119743
division (D) of this section for a period of time determined by 119744
the legislative authority of the county, but not to exceed an 119745

additional forty years. 119746

(3) The legislative authority of a county with a population 119747
of one million or more that has levied a tax under division (A)(1) 119748
of this section may, by resolution adopted by a majority of the 119749
members of the legislative authority, increase the rate of the tax 119750
levied by such county under division (A)(1) of this section to a 119751
rate not to exceed five per cent on transactions by which lodging 119752
by a hotel is or is to be furnished to transient guests. 119753
Notwithstanding any contrary provision of division (A)(1) of this 119754
section, the resolution may provide that all collections resulting 119755
from the rate levied in excess of three per cent, after deducting 119756
the real and actual costs of administering the tax, shall be 119757
deposited in the county general fund. 119758

(4) The legislative authority of a county with a population 119759
of one million or more that has levied a tax under division (A)(1) 119760
of this section may, by resolution adopted on or before August 30, 119761
2004, by a majority of the members of the legislative authority, 119762
provide that all or a portion of the proceeds of the tax levied 119763
under division (A)(1) of this section, after deducting the real 119764
and actual costs of administering the tax and the amounts required 119765
to be returned to townships and municipal corporations with 119766
respect to the first three per cent levied under division (A)(1) 119767
of this section, shall be deposited in the county general fund, 119768
provided that such proceeds shall be used to satisfy any pledges 119769
made in connection with an agreement entered into under section 119770
307.695 of the Revised Code. 119771

(5) No amount collected from a tax levied, extended, or 119772
required to be deposited in the county general fund under division 119773
(H) of this section shall be contributed to a convention 119774
facilities authority, corporation, or other entity created after 119775
July 1, 2003, for the principal purpose of constructing, 119776
improving, expanding, equipping, financing, or operating a 119777

convention center unless the mayor of the municipal corporation 119778
in which the convention center is to be operated by that 119779
convention facilities authority, corporation, or other entity 119780
has consented to the creation of that convention facilities 119781
authority, corporation, or entity. Notwithstanding any contrary 119782
provision of section 351.04 of the Revised Code, if a tax is 119783
levied by a county under division (H) of this section, the board 119784
of county commissioners of that county may determine the manner 119785
of selection, the qualifications, the number, and terms of 119786
office of the members of the board of directors of any convention 119787
facilities authority, corporation, or other entity described in 119788
division (H)(5) of this section. 119789

(6)(a) No amount collected from a tax levied, extended, or 119790
required to be deposited in the county general fund under division 119791
(H) of this section may be used for any purpose other than paying 119792
the direct and indirect costs of constructing, improving, 119793
expanding, equipping, financing, or operating a convention center 119794
and for the real and actual costs of administering the tax, 119795
unless, prior to the adoption of the resolution of the 119796
legislative authority of the county authorizing the levy, 119797
extension, increase, or deposit, the county and the mayor of the 119798
most populous municipal corporation in that county have entered 119799
into an agreement as to the use of such amounts, provided that 119800
such agreement has been approved by a majority of the mayors of 119801
the other municipal corporations in that county. The agreement 119802
shall provide that the amounts to be used for purposes other 119803
than paying the convention center or administrative costs 119804
described in division (H)(6)(a) of this section be used only for 119805
the direct and indirect costs of capital improvements, including 119806
the financing of capital improvements. 119807

(b) If the county in which the tax is levied has an 119808
association of mayors and city managers, the approval of that 119809
association of an agreement described in division (H)(6)(a) of 119810

this section shall be considered to be the approval of the 119811
majority of the mayors of the other municipal corporations for 119812
purposes of that division. 119813

(7) Each year, the auditor of state shall conduct an audit of 119814
the uses of any amounts collected from taxes levied, extended, or 119815
deposited under division (H) of this section and shall prepare a 119816
report of the auditor of state's findings. The auditor of state 119817
shall submit the report to the legislative authority of the county 119818
that has levied, extended, or deposited the tax, the speaker of 119819
the house of representatives, the president of the senate, and the 119820
leaders of the minority parties of the house of representatives 119821
and the senate. 119822

(I)(1) As used in this division: 119823

(a) "Convention facilities authority" has the same meaning as 119824
in section 351.01 of the Revised Code. 119825

(b) "Convention center" has the same meaning as in section 119826
307.695 of the Revised Code. 119827

(2) Notwithstanding any contrary provision of division (D) of 119828
this section, the legislative authority of a county with a 119829
population of one million two hundred thousand or more according 119830
to the most recent federal decennial census or the most recent 119831
annual population estimate published or released by the United 119832
States census bureau at the time the resolution is adopted placing 119833
the levy on the ballot, that has levied a tax under division (D) 119834
of this section may, by resolution adopted by a majority of the 119835
members of the legislative authority, provide for the extension of 119836
such levy and may provide that the proceeds of that tax, to the 119837
extent that the proceeds are no longer needed for their original 119838
purpose as defined by a cooperative agreement entered into under 119839
section 307.671 of the Revised Code and after deducting the real 119840
and actual costs of administering the tax, shall be used for 119841

paying the direct and indirect costs of constructing, improving, 119842
expanding, equipping, financing, or operating a convention center. 119843
The resolution shall provide for the extension of the tax at a 119844
rate not to exceed the rate specified in division (D) of this 119845
section for a period of time determined by the legislative 119846
authority of the county, but not to exceed an additional forty 119847
years. 119848

(3) The legislative authority of a county with a population 119849
of one million two hundred thousand or more that has levied a tax 119850
under division (A)(1) of this section may, by resolution adopted 119851
by a majority of the members of the legislative authority, 119852
increase the rate of the tax levied by such county under division 119853
(A)(1) of this section to a rate not to exceed five per cent on 119854
transactions by which lodging by a hotel is or is to be furnished 119855
to transient guests. Notwithstanding any contrary provision of 119856
division (A)(1) of this section, the resolution shall provide that 119857
all collections resulting from the rate levied in excess of three 119858
per cent, after deducting the real and actual costs of 119859
administering the tax, shall be used for paying the direct and 119860
indirect costs of constructing, improving, expanding, equipping, 119861
financing, or operating a convention center. 119862

(4) The legislative authority of a county with a population 119863
of one million two hundred thousand or more that has levied a tax 119864
under division (A)(1) of this section may, by resolution adopted 119865
on or before July 1, 2008, by a majority of the members of the 119866
legislative authority, provide that all or a portion of the 119867
proceeds of the tax levied under division (A)(1) of this section, 119868
after deducting the real and actual costs of administering the tax 119869
and the amounts required to be returned to townships and municipal 119870
corporations with respect to the first three per cent levied under 119871
division (A)(1) of this section, shall be used to satisfy any 119872
pledges made in connection with an agreement entered into under 119873
section 307.695 of the Revised Code or shall otherwise be used for 119874

paying the direct and indirect costs of constructing, improving, 119875
expanding, equipping, financing, or operating a convention center. 119876

(5) Any amount collected from a tax levied or extended under 119877
division (I) of this section may be contributed to a convention 119878
facilities authority created before July 1, 2005, but no amount 119879
collected from a tax levied or extended under division (I) of this 119880
section may be contributed to a convention facilities authority, 119881
corporation, or other entity created after July 1, 2005, unless 119882
the mayor of the municipal corporation in which the convention 119883
center is to be operated by that convention facilities authority, 119884
corporation, or other entity has consented to the creation of that 119885
convention facilities authority, corporation, or entity. 119886

Sec. 5739.131. Any nonresident of this state who accepts the 119887
privilege extended by the laws of this state to nonresidents of 119888
engaging in the business of selling in this state, as defined in 119889
section 5741.01 of the Revised Code, and any resident of this 119890
state who is required by sections 5739.17 and 5739.31 of the 119891
Revised Code to have a vendor's license and subsequently becomes a 119892
nonresident or conceals ~~his~~the person's whereabouts, makes the 119893
secretary of state ~~his~~the person's agent for the service of 119894
process or notice in any assessment, action, or proceedings 119895
instituted in this state against such person under sections 119896
5739.01 to 5739.31 and 5741.01 to 5741.22 of the Revised Code. 119897

Such process or notice shall be served, ~~by the officer to~~ 119898
~~whom the same is directed or by the tax commissioner, or by the~~ 119899
~~sheriff of Franklin county, who may be deputized for such purpose~~ 119900
~~by the officer to whom the service is directed, upon the secretary~~ 119901
~~of state by leaving at the office of the secretary of state, at~~ 119902
~~least fifteen days before the return day of such process or~~ 119903
~~notice, a true and attested copy thereof, and by sending to the~~ 119904
~~defendant by certified mail, postage prepaid, a like and true~~ 119905
~~attested copy, with an endorsement thereon of the service upon the~~ 119906

~~secretary of state, addressed to such defendant at his last known~~ 119907
~~address as provided under section 5703.37 of the Revised Code.~~ 119908

Sec. 5743.15. (A) ~~No~~ Except as otherwise provided in this 119909
division, no person shall engage in this state in the wholesale 119910
or retail business of trafficking in cigarettes or in the 119911
business of a manufacturer or importer of cigarettes without 119912
having a license to conduct each such activity issued by a county 119913
auditor under division (B) of this section or the tax 119914
commissioner under ~~division (E)~~ divisions (C) and (F) of this 119915
section, ~~except that on~~ On dissolution of a partnership by 119916
death, the surviving partner may operate under the license of the 119917
partnership until expiration of the license, and the heirs or 119918
legal representatives of deceased persons, and receivers and 119919
trustees in bankruptcy appointed by any competent authority, may 119920
operate under the license of the person succeeded in possession 119921
by such heir, representative, receiver, or trustee in bankruptcy 119922
if the partner or successor notifies the issuer of the license of 119923
the dissolution or succession within thirty days after the 119924
dissolution or succession. 119925

(B)(1) Each applicant for a license to engage in the 119926
~~wholesale or~~ retail business of trafficking in cigarettes under 119927
this section, annually, on or before the fourth Monday of May, 119928
shall make and deliver to the county auditor of the county in 119929
which the applicant desires to engage in the ~~wholesale or~~ retail 119930
business of trafficking in cigarettes, upon a blank form 119931
furnished by such auditor for that purpose, a statement showing 119932
the name of the applicant, each physical place in the county 119933
where the applicant's business is conducted, the nature of the 119934
business, and any other information the tax commissioner requires 119935
in the form of statement prescribed by the commissioner. If the 119936
applicant is a firm, partnership, or association other than a 119937
corporation, the application shall state the name and address of 119938
each of its members. If the applicant is a corporation, the 119939

application shall state the name and address of each of its
officers. At the time of making the application required by this
section, every person ~~desiring to engage in the wholesale~~
~~business of trafficking in cigarettes shall pay into the county~~
~~treasury a license tax in the sum of two hundred dollars, or if~~
desiring to engage in the retail business of trafficking in
cigarettes, ~~a license tax~~ shall pay an application fee in the sum
of ~~thirty one hundred twenty-five~~ dollars for each ~~of the first~~
~~five places~~ physical place where the person proposes to carry on
such business ~~and twenty-five dollars for each additional place.~~
Each place of business shall be deemed such space, under lease or
license to, or under the control of, or under the supervision of
the applicant, as is contained in one or more contiguous,
adjacent, or adjoining buildings constituting an industrial plant
or a place of business operated by, or under the control of, one
person, or under one roof and connected by doors, halls,
stairways, or elevators, which space may contain any number of
points at which cigarettes are offered for sale, provided that
each additional point at which cigarettes are offered for sale
shall be listed in the application.

(2) Upon receipt of the application and exhibition of the
county treasurer's receipt showing the payment of the ~~tax~~
application fee, the county auditor shall issue to the applicant
a license for each place of business designated in the
application, authorizing the applicant to engage in such business
at such place for one year commencing on the fourth Monday of
May. ~~Companies operating club or dining cars or other cars upon~~
~~which cigarettes are sold shall obtain licenses at railroad~~
~~terminals within the state, under such rules as are prescribed by~~
~~the commissioner.~~ The form of the license shall be prescribed by
the commissioner. A duplicate license may be obtained from the
county auditor upon payment of a ~~fifty-cent~~ five-dollar fee if
the original license is lost, destroyed, or defaced. When an
application is filed after the fourth Monday of May, the ~~license~~

~~tax~~application fee required to be paid shall be proportioned in
amount to the remainder of the license year, except that it shall
not be less than ~~one fifth of the whole amount~~twenty-five
dollars in any one year.

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(3) The holder of a ~~wholesale or~~ retail dealer's cigarette
license may transfer the license to a place of business within the
same county other than that designated on the license ~~or may~~
~~assign the license to another person for use in the same county on~~
condition that the ~~licensee or assignee, whichever is applicable,~~
~~make application~~licensee's ownership interest and business
structure remain unchanged, and that the licensee applies to the
county auditor therefor, upon forms approved by the commissioner
and the payment of a fee of ~~one dollar~~five dollars into the
county treasury.

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(C)(1) Each applicant for a license to engage in the
wholesale business of trafficking in cigarettes under this
section, annually, on or before the fourth Monday in May, shall
make and deliver to the tax commissioner, upon a blank form
furnished by the commissioner for that purpose, a statement
showing the name of the applicant, physical street address where
the applicant's business is conducted, the nature of the business,
and any other information required by the commissioner. If the
applicant is a firm, partnership, or association other than a
corporation, the applicant shall state the name and address of
each of its members. If the applicant is a corporation, the
applicant shall state the name and address of each of its
officers. At the time of making the application required by this
section, every person desiring to engage in the wholesale business
of trafficking in cigarettes shall pay an application fee of one
thousand dollars for each physical place where the person proposes
to carry on such business. Each place of business shall be deemed
such space, under lease or license to, or under the control of, or
under the supervision of the applicant, as is contained in one or

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more contiguous, adjacent, or adjoining buildings constituting an industrial plant or a place of business operated by, or under the control of, one person, or under one roof and connected by doors, halls, stairways, or elevators. A duplicate license may be obtained from the commissioner upon payment of a twenty-five-dollar fee if the original license is lost, destroyed, or defaced.

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(2) Upon receipt of the application and payment of any application fee required by this section, the commissioner shall verify that the applicant is in good standing under Chapter 1346, and Title LVII of the Revised Code. Upon approval, the commissioner shall issue to the applicant a license for each physical place of business designated in the application authorizing the applicant to engage in business at that location for one year commencing on the fourth Monday in May. For licenses issued after the fourth Monday in May, the application fee shall be reduced proportionately by the remainder of the twelve-month period for which the license is issued, except that the application fee required to be paid under this section shall be not less than two hundred dollars in any one year.

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(3) The holder of a wholesale dealer cigarette license may transfer the license to a place of business other than that designated on the license on condition that the licensee's ownership or business structure remains unchanged, and that the licensee applies to the commissioner for such a transfer upon a form promulgated by the commissioner and pays a fee of twenty-five dollars, which shall be deposited into the cigarette tax enforcement fund created in division (E) of this section.

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(D)(1) The wholesale cigarette license ~~tax revenue~~ application fees collected under this section shall be distributed as follows:

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(a) ~~Thirty seven and one half per cent shall be paid upon the~~

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warrant of the county auditor into the treasury of the municipal	120039
corporation or township in which the place of business for which	120040
the tax revenue was received is located;	120041
 (b) ~~Fifteen per cent shall be credited to the general fund of~~	120042
~~the county;~~	120043
 (c) ~~Forty-seven and one-half per cent shall be paid into the~~	120044
~~cigarette tax enforcement fund created by division (C) of this~~	120045
~~section.~~	120046
 (2) The ~~revenue~~ <u>retail cigarette license application fees</u>	120047
~~collected from the thirty dollar tax imposed upon the first five~~	120048
~~places of business of a person engaged in the retail business of~~	120049
~~trafficking in cigarettes~~ <u>under this section</u> shall be distributed	120050
as follows:	120051
 (a) ~~Sixty-two and one-half~~ <u>Thirty</u> per cent shall be paid upon	120052
the warrant of the county auditor into the treasury of the	120053
municipal corporation or township in which the places of business	120054
for which the tax revenue was received are located;	120055
 (b) ~~Twenty-two and one-half~~ <u>Ten</u> per cent shall be credited to	120056
the general fund of the county;	120057
 (c) ~~Fifteen~~ <u>Sixty</u> per cent shall be paid into the cigarette	120058
tax enforcement fund ~~created by division (C) of this section.~~	120059
 (3) The remainder of the revenues and fines collected under	120060
this section and the penal laws relating to cigarettes shall be	120061
distributed as follows:	120062
 (a) Three-fourths shall be paid upon the warrant of the	120063
county auditor into the treasury of the municipal corporation or	120064
township in which the place of business, on account of which the	120065
revenues and fines were received, is located;	120066

(b) One-fourth shall be credited to the general fund of the county. 120067
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~~(D)~~(E) There is hereby created within the state treasury the cigarette tax enforcement fund for the purpose of providing funds to assist in paying the costs of enforcing sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code. 120069
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The portion of cigarette license ~~tax revenues~~application fees received by a county auditor during the annual application period that ends ~~before~~on the fourth Monday in May ~~which and that~~ is required to be deposited in the cigarette tax enforcement fund shall be sent to the treasurer of state by the thirtieth day of June each year accompanied by the form prescribed by the tax commissioner. The portion of cigarette license tax money application fees received by each county auditor after the fourth Monday in May ~~which and that~~ is required to be deposited in the cigarette tax enforcement fund shall be sent to the treasurer of state by the ~~thirty-first day of December~~last day of the month following the month in which such fees were collected. 120073
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~~(E)~~(F)(1) Every person who desires to engage in the business of a manufacturer or importer of cigarettes shall, annually, on or before the fourth Monday of May, make and deliver to the tax commissioner, upon a blank form furnished by the commissioner for that purpose, a statement showing the name of the applicant, the nature of the applicant's business, and any other information required by the commissioner. If the applicant is a firm, partnership, or association other than a corporation, the applicant shall state the name and address of each of its members. If the applicant is a corporation, the applicant shall state the name and address of each of its officers. 120085
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(2) Upon receipt of the application required under this section, the commissioner shall verify that the applicant is in 120096
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<u>good standing under Chapter 1346. and Title LVII of the Revised</u>	120098
<u>Code. Upon approval,</u> the commissioner shall issue to the	120099
applicant a license authorizing the applicant to engage in the	120100
business of manufacturer or importer, whichever the case may be,	120101
for one year commencing on the fourth Monday of May.	120102
 (2)(3) The issuing of a license under division ~~(E)~~ (F)(1) of	120103
this section to a manufacturer does not excuse a manufacturer	120104
from the certification process required under section 1346.05 of	120105
the Revised Code. A manufacturer who is issued a license under	120106
division ~~(E)~~ (F)(1) of this section and who is not listed on the	120107
directory required under section 1346.05 of the Revised Code shall	120108
not be permitted to sell cigarettes in this state other than to a	120109
licensed cigarette wholesaler for sale outside this state. Such a	120110
manufacturer shall provide documentation to the commissioner	120111
evidencing that the cigarettes are legal for sale in another	120112
state.	120113
 (3)(G) The tax commissioner may adopt rules necessary to	120114
administer ~~division (E)~~ of this section.	120115
 Sec. 5743.61. (A) ~~No~~ <u>Except as otherwise provided in this</u>	120116
<u>division, no</u> distributor shall engage in the business of	120117
distributing tobacco products within this state without having a	120118
license issued by the department of taxation to engage in that	120119
business, ~~except that on~~ . <u>On the</u> dissolution of a partnership by	120120
death, the surviving partner may operate under the license of the	120121
partnership until the expiration of the license, and the heirs or	120122
legal representatives of deceased persons, and receivers and	120123
trustees in bankruptcy appointed by any competent authority, may	120124
operate under the license of the person succeeded in possession by	120125
the heir, representative, receiver, or trustee in bankruptcy <u>if</u>	120126
<u>the partner or successor notifies the department of taxation of</u>	120127
<u>the dissolution or succession within thirty days after the</u>	120128
<u>dissolution or succession.</u>	120129

(B)(1) Each applicant for a license to engage in the business of distributing tobacco products, annually, on or before the first day of February, shall make and deliver to the tax commissioner, upon a form furnished by the commissioner for that purpose, a statement showing the name of the applicant, each physical place from which the applicant distributes to distributors, retail dealers, or wholesale dealers, and any other information the commissioner considers necessary for the administration of sections 5743.51 to 5743.66 of the Revised Code.

(2) At the time of making the license application, the applicant shall pay ~~a license~~ an application fee of one ~~hundred thousand~~ dollars for each place listed ~~in~~ on the application where ~~he~~ the applicant proposes to carry on that business. The fee charged for the ~~license~~ application shall accompany the application and shall be made payable to the treasurer of state for deposit into the cigarette tax enforcement fund.

(3) Upon receipt of the application and payment of any licensing fee required by this section, the commissioner shall issue to the applicant a license for each place of distribution designated in the application authorizing the applicant to engage in business at that location for one year commencing on the first day of February. For licenses issued after the first day of February, the license application fee shall be reduced proportionately by the remainder of the twelve-month period for which the license is issued, except that the application fee required to be paid under this section shall be not less than two hundred dollars. If the original license is lost, destroyed, or defaced, a duplicate license may be obtained from the commissioner upon payment of a license replacement fee of twenty-five dollars.

(C) The holder of a tobacco products license may transfer the license to a place of business ~~or may assign the license to~~

~~another person for use~~, on condition that the licensee's ownership and business structure remains unchanged and the licensee or assignee applies to the commissioner for the transfer, ~~upon forms~~ on a form issued by the commissioner, and pays a transfer fee of twenty-five dollars.

(D) If a distributor fails to file ~~the returns~~forms as required under Chapter 1346. or section 5743.52 of the Revised Code; or pay the tax due ~~thereon, on~~for two consecutive ~~months~~ periods or three ~~months~~periods during any twelve-month period, the commissioner may suspend the license issued to the distributor under this section. The suspension is effective ten days after the commissioner notifies the distributor of the suspension in writing personally or by certified mail. The commissioner shall lift the suspension when the distributor files the delinquent ~~returns~~forms and pays the tax due, including any penalties, interest, and additional charges. The commissioner may refuse to issue the annual renewal of the license required by this section and may refuse to issue a new license for the same location until all delinquent ~~returns~~forms are filed and outstanding taxes are paid. This division does not apply to any unpaid or underpaid tax liability that is the subject of a ~~petition~~petition or appeal filed pursuant to section 5743.56, 5717.02, or 5717.04 of the Revised Code.

Sec. 5747.01. Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

As used in this chapter:	120194
(A) "Adjusted gross income" or "Ohio adjusted gross income"	120195
means federal adjusted gross income, as defined and used in the	120196
Internal Revenue Code, adjusted as provided in this section:	120197
(1) Add interest or dividends on obligations or securities of	120198
any state or of any political subdivision or authority of any	120199
state, other than this state and its subdivisions and authorities.	120200
(2) Add interest or dividends on obligations of any	120201
authority, commission, instrumentality, territory, or possession	120202
of the United States to the extent that the interest or dividends	120203
are exempt from federal income taxes but not from state income	120204
taxes.	120205
(3) Deduct interest or dividends on obligations of the United	120206
States and its territories and possessions or of any authority,	120207
commission, or instrumentality of the United States to the extent	120208
that the interest or dividends are included in federal adjusted	120209
gross income but exempt from state income taxes under the laws of	120210
the United States.	120211
(4) Deduct disability and survivor's benefits to the extent	120212
included in federal adjusted gross income.	120213
(5) Deduct benefits under Title II of the Social Security Act	120214
and tier 1 railroad retirement benefits to the extent included in	120215
federal adjusted gross income under section 86 of the Internal	120216
Revenue Code.	120217
(6) In the case of a taxpayer who is a beneficiary of a trust	120218
that makes an accumulation distribution as defined in section 665	120219
of the Internal Revenue Code, add, for the beneficiary's taxable	120220
years beginning before 2002, the portion, if any, of such	120221
distribution that does not exceed the undistributed net income of	120222

the trust for the three taxable years preceding the taxable year 120223
in which the distribution is made to the extent that the portion 120224
was not included in the trust's taxable income for any of the 120225
trust's taxable years beginning in 2002 or thereafter. 120226
"Undistributed net income of a trust" means the taxable income of 120227
the trust increased by (a)(i) the additions to adjusted gross 120228
income required under division (A) of this section and (ii) the 120229
personal exemptions allowed to the trust pursuant to section 120230
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 120231
deductions to adjusted gross income required under division (A) of 120232
this section, (ii) the amount of federal income taxes attributable 120233
to such income, and (iii) the amount of taxable income that has 120234
been included in the adjusted gross income of a beneficiary by 120235
reason of a prior accumulation distribution. Any undistributed net 120236
income included in the adjusted gross income of a beneficiary 120237
shall reduce the undistributed net income of the trust commencing 120238
with the earliest years of the accumulation period. 120239

(7) Deduct the amount of wages and salaries, if any, not 120240
otherwise allowable as a deduction but that would have been 120241
allowable as a deduction in computing federal adjusted gross 120242
income for the taxable year, had the targeted jobs credit allowed 120243
and determined under sections 38, 51, and 52 of the Internal 120244
Revenue Code not been in effect. 120245

(8) Deduct any interest or interest equivalent on public 120246
obligations and purchase obligations to the extent that the 120247
interest or interest equivalent is included in federal adjusted 120248
gross income. 120249

(9) Add any loss or deduct any gain resulting from the sale, 120250
exchange, or other disposition of public obligations to the extent 120251
that the loss has been deducted or the gain has been included in 120252
computing federal adjusted gross income. 120253

(10) Deduct or add amounts, as provided under section 120254

5747.70 of the Revised Code, related to contributions to variable	120255
college savings program accounts made or tuition units purchased	120256
pursuant to Chapter 3334. of the Revised Code.	120257

(11)(a) Deduct, to the extent not otherwise allowable as a	120258
deduction or exclusion in computing federal or Ohio adjusted gross	120259
income for the taxable year, the amount the taxpayer paid during	120260
the taxable year for medical care insurance and qualified	120261
long-term care insurance for the taxpayer, the taxpayer's spouse,	120262
and dependents. No deduction for medical care insurance under	120263
division (A)(11) of this section shall be allowed either to any	120264
taxpayer who is eligible to participate in any subsidized health	120265
plan maintained by any employer of the taxpayer or of the	120266
taxpayer's spouse, or to any taxpayer who is entitled to, or on	120267
application would be entitled to, benefits under part A of Title	120268
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.	120269
301, as amended. For the purposes of division (A)(11)(a) of this	120270
section, "subsidized health plan" means a health plan for which	120271
the employer pays any portion of the plan's cost. The deduction	120272
allowed under division (A)(11)(a) of this section shall be the	120273
net of any related premium refunds, related premium	120274
reimbursements, or related insurance premium dividends received	120275
during the taxable year.	120276

(b) Deduct, to the extent not otherwise deducted or excluded	120277
in computing federal or Ohio adjusted gross income during the	120278
taxable year, the amount the taxpayer paid during the taxable	120279
year, not compensated for by any insurance or otherwise, for	120280
medical care of the taxpayer, the taxpayer's spouse, and	120281
dependents, to the extent the expenses exceed seven and one-half	120282
per cent of the taxpayer's federal adjusted gross income.	120283

(c) <u>Deduct, to the extent not otherwise deducted or excluded</u>	120284
<u>in computing federal or Ohio adjusted gross income, any amount</u>	120285
<u>included in federal adjusted gross income under section 105 or not</u>	120286

excluded under section 106 of the Internal Revenue Code solely 120287
because it relates to an accident and health plan for a person who 120288
otherwise would be a "qualifying relative" and thus a "dependent" 120289
under section 152 of the Internal Revenue Code but for the fact 120290
that the person fails to meet the income and support limitations 120291
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 120292

(d) For purposes of division (A)(11) of this section, 120293
"medical care" has the meaning given in section 213 of the 120294
Internal Revenue Code, subject to the special rules, limitations, 120295
and exclusions set forth therein, and "qualified long-term care" 120296
has the same meaning given in section 7702B(c) of the Internal 120297
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 120298
of this section, "dependent" includes a person who otherwise 120299
would be a "qualifying relative" and thus a "dependent" under 120300
section 152 of the Internal Revenue Code but for the fact that 120301
the person fails to meet the income and support limitations under 120302
section 152(d)(1)(B) and (C) of the Internal Revenue Code. 120303

(12)(a) Deduct any amount included in federal adjusted gross 120304
income solely because the amount represents a reimbursement or 120305
refund of expenses that in any year the taxpayer had deducted as 120306
an itemized deduction pursuant to section 63 of the Internal 120307
Revenue Code and applicable United States department of the 120308
treasury regulations. The deduction otherwise allowed under 120309
division (A)(12)(a) of this section shall be reduced to the extent 120310
the reimbursement is attributable to an amount the taxpayer 120311
deducted under this section in any taxable year. 120312

(b) Add any amount not otherwise included in Ohio adjusted 120313
gross income for any taxable year to the extent that the amount is 120314
attributable to the recovery during the taxable year of any amount 120315
deducted or excluded in computing federal or Ohio adjusted gross 120316
income in any taxable year. 120317

(13) Deduct any portion of the deduction described in section 120318

1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:	120319 120320 120321
(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;	120322 120323 120324 120325
(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.	120326 120327
(14) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(14) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.	120328 120329 120330 120331 120332 120333 120334
(15)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance with section 3924.66 of the Revised Code;	120335 120336 120337 120338 120339 120340
(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year.	120341 120342 120343
(16) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that such amount satisfies either of the following:	120344 120345 120346
(a) The amount was deducted or excluded from the computation	120347

of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

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(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

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(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section.

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(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable year from federal or Ohio adjusted gross income. The deduction may not be claimed for educational expenses for which the taxpayer claims a credit under section 5747.27 of the Revised Code.

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(19) Add any reimbursement received during the taxable year

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of any amount the taxpayer deducted under division (A)(18) of this section in any previous taxable year to the extent the amount is not otherwise included in Ohio adjusted gross income.

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(20)(a)(i) Add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest.

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(ii) Add five-sixths of the amount of qualifying section 179 depreciation expense, including a person's proportionate or distributive share of the amount of qualifying section 179 depreciation expense allowed to any pass-through entity in which the person has a direct or indirect ownership. For the purposes of this division, "qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.

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The tax commissioner, under procedures established by the commissioner, may waive the add-backs related to a pass-through entity if the taxpayer owns, directly or indirectly, less than five per cent of the pass-through entity.

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(b) Nothing in division (A)(20) of this section shall be construed to adjust or modify the adjusted basis of any asset.

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(c) To the extent the add-back required under division (A)(20)(a) of this section is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the add-back shall be situated to the same location

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as the nonbusiness income or loss generated by the property for 120411
the purpose of determining the credit under division (A) of 120412
section 5747.05 of the Revised Code. Otherwise, the add-back shall 120413
be apportioned, subject to one or more of the four alternative 120414
methods of apportionment enumerated in section 5747.21 of the 120415
Revised Code. 120416

(d) For the purposes of division (A) of this section, net 120417
operating loss carryback and carryforward shall not include 120418
five-sixths of the allowance of any net operating loss deduction 120419
carryback or carryforward to the taxable year to the extent such 120420
loss resulted from depreciation allowed by section 168(k) of the 120421
Internal Revenue Code and by the qualifying section 179 120422
depreciation expense amount. 120423

(21)(a) If the taxpayer was required to add an amount under 120424
division (A)(20)(a) of this section for a taxable year, deduct 120425
one-fifth of the amount so added for each of the five succeeding 120426
taxable years. 120427

(b) If the amount deducted under division (A)(21)(a) of this 120428
section is attributable to an add-back allocated under division 120429
(A)(20)(c) of this section, the amount deducted shall be situated 120430
to the same location. Otherwise, the add-back shall be apportioned 120431
using the apportionment factors for the taxable year in which the 120432
deduction is taken, subject to one or more of the four alternative 120433
methods of apportionment enumerated in section 5747.21 of the 120434
Revised Code. 120435

(c) No deduction is available under division (A)(21)(a) of 120436
this section with regard to any depreciation allowed by section 120437
168(k) of the Internal Revenue Code and by the qualifying section 120438
179 depreciation expense amount to the extent that such 120439
depreciation resulted in or increased a federal net operating loss 120440
carryback or carryforward to a taxable year to which division 120441
(A)(20)(d) of this section does not apply. 120442

(22) Deduct, to the extent not otherwise deducted or excluded 120443
in computing federal or Ohio adjusted gross income for the taxable 120444
year, the amount the taxpayer received during the taxable year as 120445
reimbursement for life insurance premiums under section 5919.31 of 120446
the Revised Code. 120447

(23) Deduct, to the extent not otherwise deducted or excluded 120448
in computing federal or Ohio adjusted gross income for the taxable 120449
year, the amount the taxpayer received during the taxable year as 120450
a death benefit paid by the adjutant general under section 5919.33 120451
of the Revised Code. 120452

(24) Deduct, to the extent included in federal adjusted gross 120453
income and not otherwise allowable as a deduction or exclusion in 120454
computing federal or Ohio adjusted gross income for the taxable 120455
year, military pay and allowances received by the taxpayer during 120456
the taxable year for active duty service in the United States 120457
army, air force, navy, marine corps, or coast guard or reserve 120458
components thereof or the national guard. The deduction may not be 120459
claimed for military pay and allowances received by the taxpayer 120460
while the taxpayer is stationed in this state. 120461

(25) Deduct, to the extent not otherwise allowable as a 120462
deduction or exclusion in computing federal or Ohio adjusted gross 120463
income for the taxable year and not otherwise compensated for by 120464
any other source, the amount of qualified organ donation expenses 120465
incurred by the taxpayer during the taxable year, not to exceed 120466
ten thousand dollars. A taxpayer may deduct qualified organ 120467
donation expenses only once for all taxable years beginning with 120468
taxable years beginning in 2007. 120469

For the purposes of division (A)(25) of this section: 120470

(a) "Human organ" means all or any portion of a human liver, 120471
pancreas, kidney, intestine, or lung, and any portion of human 120472

bone marrow. 120473

(b) "Qualified organ donation expenses" means travel 120474
expenses, lodging expenses, and wages and salary forgone by a 120475
taxpayer in connection with the taxpayer's donation, while living, 120476
of one or more of the taxpayer's human organs to another human 120477
being. 120478

(26) Deduct, to the extent not otherwise deducted or excluded 120479
in computing federal or Ohio adjusted gross income for the taxable 120480
year, amounts received by the taxpayer as retired military 120481
personnel pay for service in the United States army, navy, air 120482
force, coast guard, or marine corps or reserve components thereof, 120483
or the national guard, or received by the surviving spouse or 120484
former spouse of such a taxpayer under the survivor benefit plan 120485
on account of such a taxpayer's death. If the taxpayer receives 120486
income on account of retirement paid under the federal civil 120487
service retirement system or federal employees retirement system, 120488
or under any successor retirement program enacted by the congress 120489
of the United States that is established and maintained for 120490
retired employees of the United States government, and such 120491
retirement income is based, in whole or in part, on credit for 120492
the taxpayer's military service, the deduction allowed under this 120493
division shall include only that portion of such retirement 120494
income that is attributable to the taxpayer's military service, 120495
to the extent that portion of such retirement income is otherwise 120496
included in federal adjusted gross income and is not otherwise 120497
deducted under this section. Any amount deducted under division 120498
(A)(26) of this section is not included in a taxpayer's 120499
adjusted gross income for the purposes of section 5747.055 of 120500
the Revised Code. No amount may be deducted under division 120501
(A)(26) of this section on the basis of which a credit was 120502
claimed under section 5747.055 of the Revised Code. 120503

(27) Deduct, to the extent not otherwise deducted or excluded 120504

in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year from the military injury relief fund created in section 5101.98 of the Revised Code. 120505
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(B) "Business income" means income, including gain or loss, arising from transactions, activities, and sources in the regular course of a trade or business and includes income, gain, or loss from real property, tangible property, and intangible property if the acquisition, rental, management, and disposition of the property constitute integral parts of the regular course of a trade or business operation. "Business income" includes income, including gain or loss, from a partial or complete liquidation of a business, including, but not limited to, gain or loss from the sale or other disposition of goodwill. 120509
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(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards. 120519
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(D) "Compensation" means any form of remuneration paid to an employee for personal services. 120524
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(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate. 120526
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(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December. 120529
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(G) "Individual" means any natural person. 120531

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 120532
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(I) "Resident" means any of the following, provided that	120534
division (I)(3) of this section applies only to taxable years of a	120535
trust beginning in 2002 or thereafter:	120536
(1) An individual who is domiciled in this state, subject to	120537
section 5747.24 of the Revised Code;	120538
(2) The estate of a decedent who at the time of death was	120539
domiciled in this state. The domicile tests of section 5747.24 of	120540
the Revised Code are not controlling for purposes of division	120541
(I)(2) of this section.	120542
(3) A trust that, in whole or part, resides in this state. If	120543
only part of a trust resides in this state, the trust is a	120544
resident only with respect to that part.	120545
For the purposes of division (I)(3) of this section:	120546
(a) A trust resides in this state for the trust's current	120547
taxable year to the extent, as described in division (I)(3)(d) of	120548
this section, that the trust consists directly or indirectly, in	120549
whole or in part, of assets, net of any related liabilities, that	120550
were transferred, or caused to be transferred, directly or	120551
indirectly, to the trust by any of the following:	120552
(i) A person, a court, or a governmental entity or	120553
instrumentality on account of the death of a decedent, but only if	120554
the trust is described in division (I)(3)(e)(i) or (ii) of this	120555
section;	120556
(ii) A person who was domiciled in this state for the	120557
purposes of this chapter when the person directly or indirectly	120558
transferred assets to an irrevocable trust, but only if at least	120559
one of the trust's qualifying beneficiaries is domiciled in this	120560
state for the purposes of this chapter during all or some portion	120561

of the trust's current taxable year;	120562
(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year. If a trust document or instrument became irrevocable upon the death of a person who at the time of death was domiciled in this state for purposes of this chapter, that person is a person described in division (I)(3)(a)(iii) of this section.	120563 120564 120565 120566 120567 120568 120569 120570 120571 120572
(b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.	120573 120574 120575
(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code.	120576 120577 120578 120579 120580 120581 120582 120583 120584 120585
(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows:	120586 120587 120588 120589 120590 120591 120592 120593

(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities.	120594 120595 120596 120597 120598 120599
(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities.	120600 120601 120602 120603 120604 120605 120606 120607 120608 120609 120610 120611
(iii) Whether a transfer to the trust is by or from any of the sources enumerated in division (I)(3)(a) of this section shall be ascertained without regard to the domicile of the trust's beneficiaries.	120612 120613 120614 120615
(e) For the purposes of division (I)(3)(a)(i) of this section:	120616 120617
(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.	120618 120619 120620 120621 120622
(ii) A trust is described in division (I)(3)(e)(ii) of this	120623

section if the transfer is a qualifying transfer described in any 120624
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 120625
irrevocable inter vivos trust, and at least one of the trust's 120626
qualifying beneficiaries is domiciled in this state for purposes 120627
of this chapter during all or some portion of the trust's current 120628
taxable year. 120629

(f) For the purposes of division (I)(3)(e)(ii) of this 120630
section, a "qualifying transfer" is a transfer of assets, net of 120631
any related liabilities, directly or indirectly to a trust, if the 120632
transfer is described in any of the following: 120633

(i) The transfer is made to a trust, created by the decedent 120634
before the decedent's death and while the decedent was domiciled 120635
in this state for the purposes of this chapter, and, prior to the 120636
death of the decedent, the trust became irrevocable while the 120637
decedent was domiciled in this state for the purposes of this 120638
chapter. 120639

(ii) The transfer is made to a trust to which the decedent, 120640
prior to the decedent's death, had directly or indirectly 120641
transferred assets, net of any related liabilities, while the 120642
decedent was domiciled in this state for the purposes of this 120643
chapter, and prior to the death of the decedent the trust became 120644
irrevocable while the decedent was domiciled in this state for the 120645
purposes of this chapter. 120646

(iii) The transfer is made on account of a contractual 120647
relationship existing directly or indirectly between the 120648
transferor and either the decedent or the estate of the decedent 120649
at any time prior to the date of the decedent's death, and the 120650
decedent was domiciled in this state at the time of death for 120651
purposes of the taxes levied under Chapter 5731. of the Revised 120652
Code. 120653

(iv) The transfer is made to a trust on account of a 120654

contractual relationship existing directly or indirectly between	120655
the transferor and another person who at the time of the	120656
decedent's death was domiciled in this state for purposes of this	120657
chapter.	120658
(v) The transfer is made to a trust on account of the will of	120659
a testator.	120660
(vi) The transfer is made to a trust created by or caused to	120661
be created by a court, and the trust was directly or indirectly	120662
created in connection with or as a result of the death of an	120663
individual who, for purposes of the taxes levied under Chapter	120664
5731. of the Revised Code, was domiciled in this state at the time	120665
of the individual's death.	120666
(g) The tax commissioner may adopt rules to ascertain the	120667
part of a trust residing in this state.	120668
(J) "Nonresident" means an individual or estate that is not a	120669
resident. An individual who is a resident for only part of a	120670
taxable year is a nonresident for the remainder of that taxable	120671
year.	120672
(K) "Pass-through entity" has the same meaning as in section	120673
5733.04 of the Revised Code.	120674
(L) "Return" means the notifications and reports required to	120675
be filed pursuant to this chapter for the purpose of reporting the	120676
tax due and includes declarations of estimated tax when so	120677
required.	120678
(M) "Taxable year" means the calendar year or the taxpayer's	120679
fiscal year ending during the calendar year, or fractional part	120680
thereof, upon which the adjusted gross income is calculated	120681
pursuant to this chapter.	120682

(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.	120683 120684 120685 120686
(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.	120687 120688 120689 120690 120691
(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.	120692 120693 120694 120695 120696
(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:	120697 120698
(1) "Subdivision" means any county, municipal corporation, park district, or township.	120699 120700
(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.	120701 120702 120703 120704
(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.	120705 120706
(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows:	120707 120708 120709
(1) Add interest or dividends, net of ordinary, necessary,	120710

and reasonable expenses not deducted in computing federal taxable
income, on obligations or securities of any state or of any
political subdivision or authority of any state, other than this
state and its subdivisions and authorities, but only to the extent
that such net amount is not otherwise includible in Ohio taxable
income and is described in either division (S)(1)(a) or (b) of
this section:

(a) The net amount is not attributable to the S portion of an
electing small business trust and has not been distributed to
beneficiaries for the taxable year;

(b) The net amount is attributable to the S portion of an
electing small business trust for the taxable year.

(2) Add interest or dividends, net of ordinary, necessary,
and reasonable expenses not deducted in computing federal taxable
income, on obligations of any authority, commission,
instrumentality, territory, or possession of the United States to
the extent that the interest or dividends are exempt from federal
income taxes but not from state income taxes, but only to the
extent that such net amount is not otherwise includible in Ohio
taxable income and is described in either division (S)(1)(a) or
(b) of this section;

(3) Add the amount of personal exemption allowed to the
estate pursuant to section 642(b) of the Internal Revenue Code;

(4) Deduct interest or dividends, net of related expenses
deducted in computing federal taxable income, on obligations of
the United States and its territories and possessions or of any
authority, commission, or instrumentality of the United States to
the extent that the interest or dividends are exempt from state
taxes under the laws of the United States, but only to the extent
that such amount is included in federal taxable income and is
described in either division (S)(1)(a) or (b) of this section;

(5) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income for the taxable year, had the targeted jobs credit allowed under sections 38, 51, and 52 of the Internal Revenue Code not been in effect, but only to the extent such amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year;

(6) Deduct any interest or interest equivalent, net of related expenses deducted in computing federal taxable income, on public obligations and purchase obligations, but only to the extent that such net amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year;

(7) Add any loss or deduct any gain resulting from sale, exchange, or other disposition of public obligations to the extent that such loss has been deducted or such gain has been included in computing either federal taxable income or income of the S portion of an electing small business trust for the taxable year;

(8) Except in the case of the final return of an estate, add any amount deducted by the taxpayer on both its Ohio estate tax return pursuant to section 5731.14 of the Revised Code, and on its federal income tax return in determining federal taxable income;

(9)(a) Deduct any amount included in federal taxable income solely because the amount represents a reimbursement or refund of expenses that in a previous year the decedent had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable treasury regulations. The deduction otherwise allowed under division (S)(9)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the

taxpayer or decedent deducted under this section in any taxable year.	120773 120774
(b) Add any amount not otherwise included in Ohio taxable income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio taxable income in any taxable year, but only to the extent such amount has not been distributed to beneficiaries for the taxable year.	120775 120776 120777 120778 120779 120780
(10) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:	120781 120782 120783 120784
(a) It is allowable for repayment of an item that was included in the taxpayer's taxable income or the decedent's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year.	120785 120786 120787 120788 120789
(b) It does not otherwise reduce the taxpayer's taxable income or the decedent's adjusted gross income for the current or any other taxable year.	120790 120791 120792
(11) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that the amount satisfies either of the following:	120793 120794 120795
(a) The amount was deducted or excluded from the computation of the taxpayer's federal taxable income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;	120796 120797 120798 120799
(b) The amount resulted in a reduction in the taxpayer's federal taxable income as required to be reported for any of the	120800 120801

taxpayer's taxable years under the Internal Revenue Code. 120802

(12) Deduct any amount, net of related expenses deducted in 120803
computing federal taxable income, that a trust is required to 120804
report as farm income on its federal income tax return, but only 120805
if the assets of the trust include at least ten acres of land 120806
satisfying the definition of "land devoted exclusively to 120807
agricultural use" under section 5713.30 of the Revised Code, 120808
regardless of whether the land is valued for tax purposes as such 120809
land under sections 5713.30 to 5713.38 of the Revised Code. If the 120810
trust is a pass-through entity investor, section 5747.231 of the 120811
Revised Code applies in ascertaining if the trust is eligible to 120812
claim the deduction provided by division (S)(12) of this section 120813
in connection with the pass-through entity's farm income. 120814

Except for farm income attributable to the S portion of an 120815
electing small business trust, the deduction provided by division 120816
(S)(12) of this section is allowed only to the extent that the 120817
trust has not distributed such farm income. Division (S)(12) of 120818
this section applies only to taxable years of a trust beginning in 120819
2002 or thereafter. 120820

(13) Add the net amount of income described in section 641(c) 120821
of the Internal Revenue Code to the extent that amount is not 120822
included in federal taxable income. 120823

(14) Add or deduct the amount the taxpayer would be required 120824
to add or deduct under division (A)(20) or (21) of this section if 120825
the taxpayer's Ohio taxable income were computed in the same 120826
manner as an individual's Ohio adjusted gross income is computed 120827
under this section. In the case of a trust, division (S)(14) of 120828
this section applies only to any of the trust's taxable years 120829
beginning in 2002 or thereafter. 120830

(T) "School district income" and "school district income tax" 120831
have the same meanings as in section 5748.01 of the Revised Code. 120832

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7)	120833
of this section, "public obligations," "purchase obligations," and	120834
"interest or interest equivalent" have the same meanings as in	120835
section 5709.76 of the Revised Code.	120836
(V) "Limited liability company" means any limited liability	120837
company formed under Chapter 1705. of the Revised Code or under	120838
the laws of any other state.	120839
(W) "Pass-through entity investor" means any person who,	120840
during any portion of a taxable year of a pass-through entity, is	120841
a partner, member, shareholder, or equity investor in that	120842
pass-through entity.	120843
(X) "Banking day" has the same meaning as in section 1304.01	120844
of the Revised Code.	120845
(Y) "Month" means a calendar month.	120846
(Z) "Quarter" means the first three months, the second three	120847
months, the third three months, or the last three months of the	120848
taxpayer's taxable year.	120849
(AA)(1) "Eligible institution" means a state university or	120850
state institution of higher education as defined in section	120851
3345.011 of the Revised Code, or a private, nonprofit college,	120852
university, or other post-secondary institution located in this	120853
state that possesses a certificate of authorization issued by the	120854
Ohio board of regents pursuant to Chapter 1713. of the Revised	120855
Code or a certificate of registration issued by the state board of	120856
career colleges and schools under Chapter 3332. of the Revised	120857
Code.	120858
(2) "Qualified tuition and fees" means tuition and fees	120859
imposed by an eligible institution as a condition of enrollment or	120860

attendance, not exceeding two thousand five hundred dollars in 120861
each of the individual's first two years of post-secondary 120862
education. If the individual is a part-time student, "qualified 120863
tuition and fees" includes tuition and fees paid for the academic 120864
equivalent of the first two years of post-secondary education 120865
during a maximum of five taxable years, not exceeding a total of 120866
five thousand dollars. "Qualified tuition and fees" does not 120867
include: 120868

(a) Expenses for any course or activity involving sports, 120869
games, or hobbies unless the course or activity is part of the 120870
individual's degree or diploma program; 120871

(b) The cost of books, room and board, student activity fees, 120872
athletic fees, insurance expenses, or other expenses unrelated to 120873
the individual's academic course of instruction; 120874

(c) Tuition, fees, or other expenses paid or reimbursed 120875
through an employer, scholarship, grant in aid, or other 120876
educational benefit program. 120877

(BB)(1) "Modified business income" means the business income 120878
included in a trust's Ohio taxable income after such taxable 120879
income is first reduced by the qualifying trust amount, if any. 120880

(2) "Qualifying trust amount" of a trust means capital gains 120881
and losses from the sale, exchange, or other disposition of equity 120882
or ownership interests in, or debt obligations of, a qualifying 120883
investee to the extent included in the trust's Ohio taxable 120884
income, but only if the following requirements are satisfied: 120885

(a) The book value of the qualifying investee's physical 120886
assets in this state and everywhere, as of the last day of the 120887
qualifying investee's fiscal or calendar year ending immediately 120888
prior to the date on which the trust recognizes the gain or loss, 120889
is available to the trust. 120890

(b) The requirements of section 5747.011 of the Revised Code	120891
are satisfied for the trust's taxable year in which the trust	120892
recognizes the gain or loss.	120893
Any gain or loss that is not a qualifying trust amount is	120894
modified business income, qualifying investment income, or	120895
modified nonbusiness income, as the case may be.	120896
(3) "Modified nonbusiness income" means a trust's Ohio	120897
taxable income other than modified business income, other than the	120898
qualifying trust amount, and other than qualifying investment	120899
income, as defined in section 5747.012 of the Revised Code, to the	120900
extent such qualifying investment income is not otherwise part of	120901
modified business income.	120902
(4) "Modified Ohio taxable income" applies only to trusts,	120903
and means the sum of the amounts described in divisions (BB)(4)(a)	120904
to (c) of this section:	120905
(a) The fraction, calculated under section 5747.013, and	120906
applying section 5747.231 of the Revised Code, multiplied by the	120907
sum of the following amounts:	120908
(i) The trust's modified business income;	120909
(ii) The trust's qualifying investment income, as defined in	120910
section 5747.012 of the Revised Code, but only to the extent the	120911
qualifying investment income does not otherwise constitute	120912
modified business income and does not otherwise constitute a	120913
qualifying trust amount.	120914
(b) The qualifying trust amount multiplied by a fraction, the	120915
numerator of which is the sum of the book value of the qualifying	120916
investee's physical assets in this state on the last day of the	120917
qualifying investee's fiscal or calendar year ending immediately	120918

prior to the day on which the trust recognizes the qualifying trust amount, and the denominator of which is the sum of the book value of the qualifying investee's total physical assets everywhere on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount. If, for a taxable year, the trust recognizes a qualifying trust amount with respect to more than one qualifying investee, the amount described in division (BB)(4)(b) of this section shall equal the sum of the products so computed for each such qualifying investee.

(c)(i) With respect to a trust or portion of a trust that is a resident as ascertained in accordance with division (I)(3)(d) of this section, its modified nonbusiness income.

(ii) With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the amount of its modified nonbusiness income satisfying the descriptions in divisions (B)(2) to (5) of section 5747.20 of the Revised Code, except as otherwise provided in division (BB)(4)(c)(ii) of this section. With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the trust's portion of modified nonbusiness income recognized from the sale, exchange, or other disposition of a debt interest in or equity interest in a section 5747.212 entity, as defined in section 5747.212 of the Revised Code, without regard to division (A) of that section, shall not be allocated to this state in accordance with section 5747.20 of the Revised Code but shall be apportioned to this state in accordance with division (B) of section 5747.212 of the Revised Code without regard to division (A) of that section.

If the allocation and apportionment of a trust's income under divisions (BB)(4)(a) and (c) of this section do not fairly

represent the modified Ohio taxable income of the trust in this 120951
state, the alternative methods described in division (C) of 120952
section 5747.21 of the Revised Code may be applied in the manner 120953
and to the same extent provided in that section. 120954

(5)(a) Except as set forth in division (BB)(5)(b) of this 120955
section, "qualifying investee" means a person in which a trust has 120956
an equity or ownership interest, or a person or unit of government 120957
the debt obligations of either of which are owned by a trust. For 120958
the purposes of division (BB)(2)(a) of this section and for the 120959
purpose of computing the fraction described in division (BB)(4)(b) 120960
of this section, all of the following apply: 120961

(i) If the qualifying investee is a member of a qualifying 120962
controlled group on the last day of the qualifying investee's 120963
fiscal or calendar year ending immediately prior to the date on 120964
which the trust recognizes the gain or loss, then "qualifying 120965
investee" includes all persons in the qualifying controlled group 120966
on such last day. 120967

(ii) If the qualifying investee, or if the qualifying 120968
investee and any members of the qualifying controlled group of 120969
which the qualifying investee is a member on the last day of the 120970
qualifying investee's fiscal or calendar year ending immediately 120971
prior to the date on which the trust recognizes the gain or loss, 120972
separately or cumulatively own, directly or indirectly, on the 120973
last day of the qualifying investee's fiscal or calendar year 120974
ending immediately prior to the date on which the trust recognizes 120975
the qualifying trust amount, more than fifty per cent of the 120976
equity of a pass-through entity, then the qualifying investee and 120977
the other members are deemed to own the proportionate share of the 120978
pass-through entity's physical assets which the pass-through 120979
entity directly or indirectly owns on the last day of the 120980
pass-through entity's calendar or fiscal year ending within or 120981
with the last day of the qualifying investee's fiscal or calendar 120982

year ending immediately prior to the date on which the trust
recognizes the qualifying trust amount.

(iii) For the purposes of division (BB)(5)(a)(iii) of this
section, "upper level pass-through entity" means a pass-through
entity directly or indirectly owning any equity of another
pass-through entity, and "lower level pass-through entity" means
that other pass-through entity.

An upper level pass-through entity, whether or not it is also
a qualifying investee, is deemed to own, on the last day of the
upper level pass-through entity's calendar or fiscal year, the
proportionate share of the lower level pass-through entity's
physical assets that the lower level pass-through entity directly
or indirectly owns on the last day of the lower level pass-through
entity's calendar or fiscal year ending within or with the last
day of the upper level pass-through entity's fiscal or calendar
year. If the upper level pass-through entity directly and
indirectly owns less than fifty per cent of the equity of the
lower level pass-through entity on each day of the upper level
pass-through entity's calendar or fiscal year in which or with
which ends the calendar or fiscal year of the lower level
pass-through entity and if, based upon clear and convincing
evidence, complete information about the location and cost of the
physical assets of the lower pass-through entity is not available
to the upper level pass-through entity, then solely for purposes
of ascertaining if a gain or loss constitutes a qualifying trust
amount, the upper level pass-through entity shall be deemed as
owning no equity of the lower level pass-through entity for each
day during the upper level pass-through entity's calendar or
fiscal year in which or with which ends the lower level
pass-through entity's calendar or fiscal year. Nothing in division
(BB)(5)(a)(iii) of this section shall be construed to provide for
any deduction or exclusion in computing any trust's Ohio taxable
income.

(b) With respect to a trust that is not a resident for the taxable year and with respect to a part of a trust that is not a resident for the taxable year, "qualifying investee" for that taxable year does not include a C corporation if both of the following apply:	121016 121017 121018 121019 121020
(i) During the taxable year the trust or part of the trust recognizes a gain or loss from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, the C corporation.	121021 121022 121023 121024
(ii) Such gain or loss constitutes nonbusiness income.	121025
(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss.	121026 121027 121028 121029
(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.	121030 121031
(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code.	121032 121033
(EE)(1) For the purposes of division (EE) of this section:	121034
(a) "Qualifying person" means any person other than a qualifying corporation.	121035 121036
(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:	121037 121038 121039
(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's	121040 121041 121042

taxable year;	121043
(ii) A subsidiary that is wholly owned by any corporation	121044
that has made an election under subchapter S, chapter one,	121045
subtitle A of the Internal Revenue Code for its taxable year	121046
ending within, or on the last day of, the investor's taxable year.	121047
(2) For the purposes of this chapter, unless expressly stated	121048
otherwise, no qualifying person indirectly owns any asset directly	121049
or indirectly owned by any qualifying corporation.	121050
(FF) For purposes of this chapter and Chapter 5751. of the	121051
Revised Code:	121052
(1) "Trust" does not include a qualified pre-income tax	121053
trust.	121054
(2) A "qualified pre-income tax trust" is any pre-income tax	121055
trust that makes a qualifying pre-income tax trust election as	121056
described in division (FF)(3) of this section.	121057
(3) A "qualifying pre-income tax trust election" is an	121058
election by a pre-income tax trust to subject to the tax imposed	121059
by section 5751.02 of the Revised Code the pre-income tax trust	121060
and all pass-through entities of which the trust owns or	121061
controls, directly, indirectly, or constructively through related	121062
interests, five per cent or more of the ownership or equity	121063
interests. The trustee shall notify the tax commissioner in	121064
writing of the election on or before April 15, 2006. The	121065
election, if timely made, shall be effective on and after January	121066
1, 2006, and shall apply for all tax periods and tax years until	121067
revoked by the trustee of the trust.	121068
(4) A "pre-income tax trust" is a trust that satisfies all of	121069
the following requirements:	121070

(a) The document or instrument creating the trust was 121071
executed by the grantor before January 1, 1972; 121072

(b) The trust became irrevocable upon the creation of the 121073
trust; and 121074

(c) The grantor was domiciled in this state at the time the 121075
trust was created. 121076

Sec. 5747.13. (A) If any employer collects the tax imposed 121077
by section 5747.02 or under Chapter 5748. of the Revised Code and 121078
fails to remit the tax as required by law, or fails to collect the 121079
tax, the employer is personally liable for any amount collected 121080
that the employer fails to remit, or any amount that the employer 121081
fails to collect. If any taxpayer fails to file a return or fails 121082
to pay the tax imposed by section 5747.02 or under Chapter 5748. 121083
of the Revised Code, the taxpayer is personally liable for the 121084
amount of the tax. 121085

If any employer, taxpayer, or qualifying entity required to 121086
file a return under this chapter fails to file the return within 121087
the time prescribed, files an incorrect return, fails to remit the 121088
full amount of the taxes due for the period covered by the return, 121089
or fails to remit any additional tax due as a result of a 121090
reduction in the amount of the credit allowed under division (B) 121091
of section 5747.05 of the Revised Code together with interest on 121092
the additional tax within the time prescribed by that division, 121093
the tax commissioner may make an assessment against any person 121094
liable for any deficiency for the period for which the return is 121095
or taxes are due, based upon any information in the commissioner's 121096
possession. 121097

An assessment issued against either the employer or the 121098
taxpayer pursuant to this section shall not be considered an 121099
election of remedies or a bar to an assessment against the other 121100
for failure to report or pay the same tax. No assessment shall be 121101

issued against any person if the tax actually has been paid by
another.

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No assessment shall be made or issued against an employer,
taxpayer, or qualifying entity more than four years after the
final date the return subject to assessment was required to be
filed or the date the return was filed, whichever is later.
However, the commissioner may assess any balance due as the result
of a reduction in the credit allowed under division (B) of section
5747.05 of the Revised Code, including applicable penalty and
interest, within four years of the date on which the taxpayer
reports a change in either the portion of the taxpayer's adjusted
gross income subjected to an income tax or tax measured by income
in another state or the District of Columbia, or the amount of
liability for an income tax or tax measured by income to another
state or the District of Columbia, as required by division (B)(3)
of section 5747.05 of the Revised Code. Such time limits may be
extended if both the employer, taxpayer, or qualifying entity and
the commissioner consent in writing to the extension or if an
agreement waiving or extending the time limits has been entered
into pursuant to section 122.171 of the Revised Code. Any such
extension shall extend the four-year time limit in division (B) of
section 5747.11 of the Revised Code for the same period of time.
There shall be no bar or limit to an assessment against an
employer for taxes withheld from employees and not remitted to the
state, against an employer, taxpayer, or qualifying entity that
fails to file a return subject to assessment as required by this
chapter, or against an employer, taxpayer, or qualifying entity
that files a fraudulent return.

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The commissioner shall give the party assessed written notice
of the assessment in the manner provided in section 5703.37 of the
Revised Code. With the notice, the commissioner shall provide
instructions on how to petition for reassessment and request a
hearing on the petition.

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(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the party assessed to the commissioner with remittance made payable to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the employer's, taxpayer's, or qualifying entity's place of business is located or the county in which the party assessed resides. If the party assessed is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the party assessed in the amount shown on the entry. The judgment shall be filed by the clerk in one of two loose-leaf books, one entitled "special judgments for state and school district income taxes," and the other entitled "special judgments for qualifying entity taxes." The judgment shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under

the judgment. 121167

The portion of the assessment not paid within sixty days 121168
after the assessment was issued shall bear interest at the rate 121169
per annum prescribed by section 5703.47 of the Revised Code from 121170
the day the tax commissioner issues the assessment until it is 121171
paid. Interest shall be paid in the same manner as the tax and may 121172
be collected by the issuance of an assessment under this section. 121173

(D) All money collected under this section shall be 121174
considered as revenue arising from the taxes imposed by this 121175
chapter or Chapter 5733. or 5748. of the Revised Code, as 121176
appropriate. 121177

(E) ~~The portion of an assessment that must be paid upon the~~ 121178
~~filing of a petition for reassessment shall be as follows:~~ 121179

~~(1) If the sole item objected to is the assessed penalty or~~ 121180
~~interest, payment of the assessment, including interest but not~~ 121181
~~penalty, is required;~~ 121182

~~(2) If the taxpayer or qualifying entity that is assessed~~ 121183
~~failed to file, prior to the date of issuance of the assessment,~~ 121184
~~the annual return or report required by section 5747.08 or 5747.42~~ 121185
~~of the Revised Code, any amended return or amended report required~~ 121186
~~by section 5747.10 or 5747.45 of the Revised Code for the taxable~~ 121187
~~year at issue, or any report required by division (B) of section~~ 121188
~~5747.05 of the Revised Code to indicate a reduction in the amount~~ 121189
~~of the credit provided under that division, payment of the~~ 121190
~~assessment, including interest but not penalty, is required,~~ 121191
~~except as otherwise provided under division (E)(6) or (7) of this~~ 121192
~~section;~~ 121193

~~(3) If the employer assessed had not filed, prior to the date~~ 121194
~~of issuance of the assessment, the annual return required by~~ 121195
~~division (E)(2) of section 5747.07 of the Revised Code covering~~ 121196

the period at issue, payment of the assessment, including interest
but not penalty, is required;

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(4) If the taxpayer or qualifying entity that is assessed
filed, prior to the date of issuance of the assessment, the annual
return or report required by section 5747.08 or 5747.42 of the
Revised Code, all amended returns or reports required by section
5747.10 or 5747.45 of the Revised Code for the taxable year at
issue, and all reports required by division (B) of section 5747.05
of the Revised Code to indicate a reduction in the amount of the
credit provided under that division, and a balance of the taxes
shown due on the returns or reports as computed on the returns or
reports remains unpaid, payment of only that portion of the
assessment representing the unpaid balance of tax and interest is
required;

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(5) If the employer assessed filed, prior to the date of
issuance of the assessment, the annual return required by division
(E)(2) of section 5747.07 of the Revised Code covering the period
at issue, and a balance of the taxes shown due on the return as
computed on the return remains unpaid, payment of only that
portion of the assessment representing the unpaid balance of tax
and interest is required;

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(6) In the case of a party assessed as a qualifying entity
subject to the tax levied under section 5733.41 or 5747.41 of the
Revised Code, if the party does not dispute that it is a
qualifying entity subject to that tax but claims the protections
of section 101 of Public Law 86-272, 73 Stat. 555, 15 U.S.C.A.
381, as amended, no payment is required;

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(7) In the case of a party assessed as a qualifying entity
subject to the tax levied under section 5733.41 or 5747.41 of the
Revised Code, if the party does dispute that it is a qualifying
entity subject to that tax, no payment is required;

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~~(8) If none of the conditions specified in divisions (E)(1)~~ 121228
~~to (7) of this section apply, no payment is required~~ 121229
If the party 121230
assessed files a petition for reassessment under division (B) of 121231
this section, the person, on or before the last day the petition 121232
may be filed, shall pay the assessed amount, including assessed 121233
interest and assessed penalties, if any of the following 121234
conditions exists:

(1) The person files a tax return reporting Ohio adjusted 121235
gross income, less the exemptions allowed by section 5747.025 of 121236
the Revised Code, in an amount less than one cent, and the 121237
reported amount is not based on the computations required under 121238
division (A) of section 5747.01 or section 5747.025 of the Revised 121239
Code. 121240

(2) The person files a tax return that the tax commissioner 121241
determines to be incomplete, false, fraudulent, or frivolous. 121242

(3) The person fails to file a tax return, and the basis for 121243
this failure is not either of the following: 121244

(a) An assertion that the person has no nexus with this 121245
state; 121246

(b) The computations required under division (A) of section 121247
5747.01 of the Revised Code or the application of credits allowed 121248
under this chapter has the result that the person's tax liability 121249
is less than one dollar and one cent. 121250

(F) Notwithstanding the fact that a petition for reassessment 121251
is pending, the petitioner may pay all or a portion of the 121252
assessment that is the subject of the petition. The acceptance of 121253
a payment by the treasurer of state does not prejudice any claim 121254
for refund upon final determination of the petition. 121255

If upon final determination of the petition an error in the 121256

assessment is corrected by the tax commissioner, upon petition so
filed or pursuant to a decision of the board of tax appeals or any
court to which the determination or decision has been appealed, so
that the amount due from the party assessed under the corrected
assessment is less than the portion paid, there shall be issued to
the petitioner or to the petitioner's assigns or legal
representative a refund in the amount of the overpayment as
provided by section 5747.11 of the Revised Code, with interest on
that amount as provided by such section, subject to section
5747.12 of the Revised Code.

Sec. 5747.16. Any nonresident who accepts the privileges
extended by the laws of this state to nonresidents earning or
receiving income in this state, and any resident who becomes a
nonresident or conceals ~~his~~the person's whereabouts thereby makes
the secretary of state ~~his~~the person's agent for the service of
process or notice in any assessment, action, or proceedings
instituted in this state against such person under this chapter,
such process or notice shall be served ~~by the officer to whom the~~
~~same is directed by the tax commissioner, or by the sheriff of~~
~~Franklin county, who may be deputized for such purpose by the~~
~~officer to whom the service is directed, upon the secretary of~~
~~state by leaving at the secretary's office at least fifteen days~~
~~before the return day of such process or notice, a true and~~
~~attested copy thereof, and by sending to the defendant by~~
~~certified mail, postage prepaid, a like and true attested copy,~~
~~with an endorsement thereon of the service upon the secretary of~~
~~state, addressed to such defendant at his last known address~~as
provided under section 5703.37 of the Revised Code.

Sec. 5747.18. The tax commissioner shall enforce and
administer this chapter. In addition to any other powers conferred
upon the commissioner by law, the commissioner may:

(A) Prescribe all forms required to be filed pursuant to this

chapter; 121289

(B) Adopt such rules as the commissioner finds necessary to 121290
carry out this chapter; 121291

(C) Appoint and employ such personnel as are necessary to 121292
carry out the duties imposed upon the commissioner by this 121293
chapter. 121294

Any information gained as the result of returns, 121295
investigations, hearings, or verifications required or authorized 121296
by this chapter is confidential, and no person shall disclose such 121297
information, except for official purposes, or as provided by 121298
section 3125.43, 4123.271, 4123.591, 4507.023, ~~or~~ 5101.182, 121299
~~division (B) of section~~ 5703.21 of the Revised Code, or in 121300
accordance with a proper judicial order. The tax commissioner may 121301
furnish the internal revenue service with copies of returns or 121302
reports filed and may furnish the officer of a municipal 121303
corporation charged with the duty of enforcing a tax subject to 121304
Chapter 718. of the Revised Code with the names, addresses, and 121305
identification numbers of taxpayers who may be subject to such 121306
tax. A municipal corporation shall use this information for tax 121307
collection purposes only. This section does not prohibit the 121308
publication of statistics in a form which does not disclose 121309
information with respect to individual taxpayers. 121310

Sec. 5747.66. (A) Any term used in this section has the same 121311
meaning as in section 122.85 of the Revised Code. 121312

(B) There is allowed a credit against the tax imposed by 121313
section 5747.02 of the Revised Code for any individual who, on the 121314
last day of the individual's taxable year, is the certificate 121315
owner of a tax credit certificate issued under section 122.85 of 121316
the Revised Code. The credit shall be claimed for the taxable year 121317
that includes the date the certificate was issued by the director 121318
of development. The credit amount equals the amount stated in the 121319

certificate. The credit shall be claimed in the order required 121320
under section 5747.98 of the Revised Code. If the credit amount 121321
exceeds the tax otherwise due under section 5747.02 of the Revised 121322
Code after deducting all other credits in that order, the excess 121323
shall be refunded. 121324

Nothing in this section limits or disallows pass-through 121325
treatment of the credit. 121326

Sec. 5747.76. (A) As used in this section, "certificate 121327
owner" has the same meaning as in section 149.311 of the Revised 121328
Code. 121329

(B) There is allowed a credit against the tax imposed under 121330
section 5747.02 of the Revised Code for a taxpayer that is the 121331
certificate owner of a rehabilitation tax credit certificate 121332
issued under section 149.311 of the Revised Code. The credit 121333
shall equal twenty-five per cent of the dollar amount indicated 121334
on the certificate, but the amount of credit allowed for any 121335
taxpayer shall not exceed five million dollars. The credit 121336
shall be claimed for the taxable year specified in the 121337
certificate and in the order required under section 5747.98 of 121338
the Revised Code. 121339

(C) Nothing in this section limits or disallows pass-through 121340
treatment of the credit if the certificate owner is a pass-through 121341
entity. If the certificate owner is a pass-through entity, the 121342
amount of the credit allowed for the pass-through entity shall not 121343
exceed five million dollars. If the certificate owner is a 121344
pass-through entity, the credit may be allocated among the 121345
entity's equity owners in proportion to their ownership interests 121346
or in such proportions or amounts as the equity owners mutually 121347
agree. 121348

(D) If the credit allowed for any taxable year exceeds the 121349
tax otherwise due under section 5747.02 of the Revised Code, after 121350

allowing for any other credits preceding the credit in the order
prescribed by section 5747.98 of the Revised Code, the excess
shall be refunded to the taxpayer but, if any amount of the
credit is refunded, the sum of the amount refunded and the amount
applied to reduce the tax otherwise due for that year shall not
exceed three million dollars or, if the certificate owner is a
pass-through entity, shall not exceed the taxpayer's distributive
or proportionate share, as allocated under division (C) of this
section, of three million dollars. The taxpayer may carry forward
any balance of the credit in excess of the amount claimed for
that year for not more than five ensuing taxable years, and shall
deduct any amount claimed for any such year from the amount
claimed in an ensuing year.

(E) A taxpayer claiming a credit under this section shall
retain the rehabilitation tax credit certificate for four years
following the end of the taxable year to which the credit was
applied, and shall make the certificate available for inspection
by the tax commissioner upon the request of the tax commissioner
during that period.

Sec. 5747.98. (A) To provide a uniform procedure for
calculating the amount of tax due under section 5747.02 of the
Revised Code, a taxpayer shall claim any credits to which the
taxpayer is entitled in the following order:

(1) The retirement income credit under division (B) of
section 5747.055 of the Revised Code;

(2) The senior citizen credit under division (C) of section
5747.05 of the Revised Code;

(3) The lump sum distribution credit under division (D) of
section 5747.05 of the Revised Code;

(4) The dependent care credit under section 5747.054 of the

Revised Code;	121381
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	121382 121383
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	121384 121385
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	121386 121387
(8) The low-income credit under section 5747.056 of the Revised Code;	121388 121389
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	121390 121391
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	121392 121393
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	121394 121395
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	121396 121397
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	121398 121399
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	121400 121401
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	121402 121403
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	121404 121405

(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	121406 121407
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	121408 121409
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	121410 121411
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	121412 121413
(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	121414 121415 121416
(22) The job training credit under section 5747.39 of the Revised Code;	121417 121418
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	121419 121420
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	121421 121422
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	121423 121424
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	121425 121426
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	121427 121428
(28) The export sales credit under section 5747.057 of the Revised Code;	121429 121430

(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	121431 121432
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	121433 121434
(31) The research and development credit under section 5747.331 of the Revised Code;	121435 121436
(32) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	121437 121438
(33) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	121439 121440
(34) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	121441 121442
(35) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	121443 121444
(36) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	121445 121446 121447
(37) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;	121448 121449
(38) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	121450 121451 121452
<u>(39) The refundable motion picture production credit under section 5747.66 of the Revised Code.</u>	121453 121454
(B) For any credit, except the <u>refundable</u> credits enumerated	121455

in ~~divisions (A)(33) to (38)~~ of this section and the credit 121456
granted under division (I) of section 5747.08 of the Revised 121457
Code, the amount of the credit for a taxable year shall not 121458
exceed the tax due after allowing for any other credit that 121459
precedes it in the order required under this section. Any excess 121460
amount of a particular credit may be carried forward if 121461
authorized under the section creating that credit. Nothing in 121462
this chapter shall be construed to allow a taxpayer to claim, 121463
directly or indirectly, a credit more than once for a taxable 121464
year. 121465

Sec. 5748.02. (A) The board of education of any school 121466
district, except a joint vocational school district, may declare, 121467
by resolution, the necessity of raising annually a specified 121468
amount of money for school district purposes. The resolution shall 121469
specify whether the income that is to be subject to the tax is 121470
taxable income of individuals and estates as defined in divisions 121471
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 121472
taxable income of individuals as defined in division (E)(1)(b) of 121473
that section. A copy of the resolution shall be certified to the 121474
tax commissioner no later than eighty-five days prior to the date 121475
of the election at which the board intends to propose a levy under 121476
this section. Upon receipt of the copy of the resolution, the tax 121477
commissioner shall estimate both of the following: 121478

(1) The property tax rate that would have to be imposed in 121479
the current year by the district to produce an equivalent amount 121480
of money; 121481

(2) The income tax rate that would have had to have been in 121482
effect for the current year to produce an equivalent amount of 121483
money from a school district income tax. 121484

Within ten days of receiving the copy of the board's 121485
resolution, the commissioner shall prepare these estimates and 121486
certify them to the board. Upon receipt of the certification, the 121487

board may adopt a resolution proposing an income tax under 121488
division (B) of this section at the estimated rate contained in 121489
the certification rounded to the nearest one-fourth of one per 121490
cent. The commissioner's certification applies only to the board's 121491
proposal to levy an income tax at the election for which the board 121492
requested the certification. If the board intends to submit a 121493
proposal to levy an income tax at any other election, it shall 121494
request another certification for that election in the manner 121495
prescribed in this division. 121496

(B)(1) Upon the receipt of a certification from the tax 121497
commissioner under division (A) of this section, a majority of the 121498
members of a board of education may adopt a resolution proposing 121499
the levy of an annual tax for school district purposes on school 121500
district income. The proposed levy may be for a continuing period 121501
of time or for a specified number of years. The resolution shall 121502
set forth the purpose for which the tax is to be imposed, the rate 121503
of the tax, which shall be the rate set forth in the 121504
commissioner's certification rounded to the nearest one-fourth of 121505
one per cent, the number of years the tax will be levied or that 121506
it will be levied for a continuing period of time, the date on 121507
which the tax shall take effect, which shall be the first day of 121508
January of any year following the year in which the question is 121509
submitted, and the date of the election at which the proposal 121510
shall be submitted to the electors of the district, which shall be 121511
on the date of a primary, general, or special election the date of 121512
which is consistent with section 3501.01 of the Revised Code. The 121513
resolution shall specify whether the income that is to be subject 121514
to the tax is taxable income of individuals and estates as defined 121515
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 121516
Code or taxable income of individuals as defined in division 121517
(E)(1)(b) of that section. The specification shall be the same as 121518
the specification in the resolution adopted and certified under 121519
division (A) of this section. 121520

If the tax is to be levied for current expenses and permanent improvements, the resolution shall apportion the annual rate of the tax. The apportionment may be the same or different for each year the tax is levied, but the respective portions of the rate actually levied each year for current expenses and for permanent improvements shall be limited by the apportionment.

If the board of education currently imposes an income tax pursuant to this chapter that is due to expire and a question is submitted under this section for a proposed income tax to take effect upon the expiration of the existing tax, the board may specify in the resolution that the proposed tax renews the expiring tax ~~and is not an additional income tax, provided that~~. Two or more expiring income taxes may be renewed under this paragraph if the taxes are due to expire on the same date. If the tax rate being proposed is no higher than the total tax rate that is currently imposed by the expiring tax or taxes, the resolution may state that the proposed tax is not an additional income tax.

(2) A board of education adopting a resolution under division (B)(1) of this section proposing a school district income tax for a continuing period of time and limited to the purpose of current expenses may propose in that resolution to reduce the rate or rates of one or more of the school district's property taxes levied for a continuing period of time in excess of the ten-mill limitation for the purpose of current expenses. The reduction in the rate of a property tax may be any amount, expressed in mills per one dollar in valuation, not exceeding the rate at which the tax is authorized to be levied. The reduction in the rate of a tax shall first take effect for the tax year that includes the day on which the school district income tax first takes effect, and shall continue for each tax year that both the school district income tax and the property tax levy are in effect.

In addition to the matters required to be set forth in the

resolution under division (B)(1) of this section, a resolution
containing a proposal to reduce the rate of one or more property
taxes shall state for each such tax the maximum rate at which it
currently may be levied and the maximum rate at which the tax
could be levied after the proposed reduction, expressed in mills
per one dollar in valuation, and that the tax is levied for a
continuing period of time.

If a board of education proposes to reduce the rate of one or
more property taxes under division (B)(2) of this section, the
board, when it makes the certification required under division (A)
of this section, shall designate the specific levy or levies to be
reduced, the maximum rate at which each levy currently is
authorized to be levied, and the rate by which each levy is
proposed to be reduced. The tax commissioner, when making the
certification to the board under division (A) of this section,
also shall certify the reduction in the total effective tax rate
for current expenses for each class of property that would have
resulted if the proposed reduction in the rate or rates had been
in effect the previous tax year. As used in this paragraph,
"effective tax rate" has the same meaning as in section 323.08 of
the Revised Code.

(C) A resolution adopted under division (B) of this section
shall go into immediate effect upon its passage, and no
publication of the resolution shall be necessary other than that
provided for in the notice of election. Immediately after its
adoption and at least seventy-five days prior to the election at
which the question will appear on the ballot, a copy of the
resolution shall be certified to the board of elections of the
proper county, which shall submit the proposal to the electors on
the date specified in the resolution. The form of the ballot shall
be as provided in section 5748.03 of the Revised Code. Publication
of notice of the election shall be made in one or more newspapers
of general circulation in the county once a week for two

consecutive weeks prior to the election, and, if the board of
elections operates and maintains a web site, the board of
elections shall post notice of the election on its web site for
thirty days prior to the election. The notice shall contain the
time and place of the election and the question to be submitted to
the electors. The question covered by the resolution shall be
submitted as a separate proposition, but may be printed on the
same ballot with any other proposition submitted at the same
election, other than the election of officers.

(D) No board of education shall submit the question of a tax
on school district income to the electors of the district more
than twice in any calendar year. If a board submits the question
twice in any calendar year, one of the elections on the question
shall be held on the date of the general election.

(E)(1) No board of education may submit to the electors of
the district the question of a tax on school district income on
the taxable income of individuals as defined in division (E)(1)(b)
of section 5748.01 of the Revised Code if that tax would be in
addition to an existing tax on the taxable income of individuals
and estates as defined in divisions (E)(1)(a) and (2) of that
section.

(2) No board of education may submit to the electors of the
district the question of a tax on school district income on the
taxable income of individuals and estates as defined in divisions
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that
tax would be in addition to an existing tax on the taxable income
of individuals as defined in division (E)(1)(b) of that section.

Sec. 5748.03. (A) The form of the ballot on a question
submitted to the electors under section 5748.02 of the Revised
Code shall be as follows:

"Shall an annual income tax of (state the proposed

rate of tax) on the school district income of individuals and of
estates be imposed by (state the name of the school
district), for (state the number of years the tax would be
levied, or that it would be levied for a continuing period of
time), beginning (state the date the tax would first take
effect), for the purpose of (state the purpose of the tax)?

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FOR THE TAX
AGAINST THE TAX "

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(B)(1) If the question submitted to electors proposes a
school district income tax only on the taxable income of
individuals as defined in division (E)(1)(b) of section 5748.01 of
the Revised Code, the form of the ballot shall be modified by
stating that the tax is to be levied on the "earned income of
individuals residing in the school district" in lieu of the
"school district income of individuals and of estates."

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(2) If the question submitted to electors proposes to renew
~~an~~one or more expiring income tax levies, the ballot shall be
modified by adding the following language immediately after the
name of the school district that would impose the tax: "to renew
an income tax (or income taxes) expiring at the end of
(state the last year the existing income tax or taxes may be
levied)."

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(3) If the question includes a proposal under division (B)(2)
of section 5748.02 of the Revised Code to reduce the rate of one
or more school district property taxes, the ballot shall state
that the purpose of the school district income tax is for current
expenses, and the form of the ballot shall be modified by adding
the following language immediately after the statement of the

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purpose of the proposed income tax: ", and shall the rate of an 121647
existing tax on property, currently levied for the purpose of 121648
current expenses at the rate of mills, be REDUCED to 121649
..... mills until any such time as the income tax is repealed." 121650
In lieu of "for the tax" and "against the tax," the phrases "for 121651
the issue" and "against the issue," respectively, shall be used. 121652
If a board of education proposes a reduction in the rates of more 121653
than one tax, the ballot language shall be modified accordingly to 121654
express the rates at which those taxes currently are levied and 121655
the rates to which the taxes will be reduced. 121656

(C) The board of elections shall certify the results of the 121657
election to the board of education and to the tax commissioner. If 121658
a majority of the electors voting on the question vote in favor of 121659
it, the income tax, the applicable provisions of Chapter 5747. of 121660
the Revised Code, and the reduction in the rate or rates of 121661
existing property taxes if the question included such a reduction 121662
shall take effect on the date specified in the resolution. If the 121663
question approved by the voters includes a reduction in the rate 121664
of a school district property tax, the board of education shall 121665
not levy the tax at a rate greater than the rate to which the tax 121666
is reduced, unless the school district income tax is repealed in 121667
an election under section 5748.04 of the Revised Code. 121668

(D) If the rate at which a property tax is levied and 121669
collected is reduced pursuant to a question approved under this 121670
section, the tax commissioner shall compute the percentage 121671
required to be computed for that tax under division (D) of section 121672
319.301 of the Revised Code each year the rate is reduced as if 121673
the tax had been levied in the preceding year at the rate at which 121674
it has been reduced. If the rate of a property tax increases due 121675
to the repeal of the school district income tax pursuant to 121676
section 5748.04 of the Revised Code, the tax commissioner, for the 121677
first year for which the rate increases, shall compute the 121678
percentage as if the tax in the preceding year had been levied at 121679

the rate at which the tax was authorized to be levied prior to any 121680
rate reduction. 121681

Sec. 5749.02. (A) For the purpose of providing revenue to 121682
administer the state's coal mining and reclamation regulatory 121683
program, to meet the environmental and resource management needs 121684
of this state, and to reclaim land affected by mining, an excise 121685
tax is hereby levied on the privilege of engaging in the severance 121686
of natural resources from the soil or water of this state. The tax 121687
shall be imposed upon the severer and shall be: 121688

(1) Ten cents per ton of coal; 121689

(2) Four cents per ton of salt; 121690

(3) Two cents per ton of limestone or dolomite; 121691

(4) Two cents per ton of sand and gravel; 121692

(5) Ten cents per barrel of oil; 121693

(6) Two and one-half cents per thousand cubic feet of natural 121694
gas; 121695

(7) One cent per ton of clay, sandstone or conglomerate, 121696
shale, gypsum, or quartzite; 121697

(8) Except as otherwise provided in this division or in rules 121698
adopted by the reclamation forfeiture fund advisory board under 121699
section 1513.182 of the Revised Code, an additional fourteen cents 121700
per ton of coal produced from an area under a coal mining and 121701
reclamation permit issued under Chapter 1513. of the Revised Code 121702
for which the performance security is provided under division 121703
(C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 121704
2007, if at the end of a fiscal biennium the balance of the 121705
reclamation forfeiture fund created in section 1513.18 of the 121706

Revised Code is equal to or greater than ten million dollars, the
rate levied shall be twelve cents per ton. Beginning July 1,
2007, if at the end of a fiscal biennium the balance of the fund
is at least five million dollars, but less than ten million
dollars, the rate levied shall be fourteen cents per ton.
Beginning July 1, 2007, if at the end of a fiscal biennium the
balance of the fund is less than five million dollars, the rate
levied shall be sixteen cents per ton. Beginning July 1, 2009,
not later than thirty days after the close of a fiscal biennium,
the chief of the division of mineral resources management shall
certify to the tax commissioner the amount of the balance of the
reclamation forfeiture fund as of the close of the fiscal
biennium. Any necessary adjustment of the rate levied shall take
effect on the first day of the following January and shall remain
in effect during the calendar biennium that begins on that date.

(9) An additional one and two-tenths cents per ton of coal
mined by surface mining methods.

(B) Of the moneys received by the treasurer of state from the
tax levied in division (A)(1) of this section, four and
seventy-six-hundredths per cent shall be credited to the
geological mapping fund created in section 1505.09 of the Revised
Code, eighty and ninety-five-hundredths per cent shall be credited
to the coal mining administration and reclamation reserve fund
created in section 1513.181 of the Revised Code, and fourteen and
twenty-nine-hundredths per cent shall be credited to the
unreclaimed lands fund created in section 1513.30 of the Revised
Code.

~~Fifteen per cent of the moneys~~ The money received by the
treasurer of state from the tax levied in division (A)(2) of this
section shall be credited to the geological mapping fund ~~and the~~
~~remainder shall be credited to the unreclaimed lands fund.~~

Of the moneys received by the treasurer of state from the tax

levied in divisions (A)(3) and (4) of this section, seven and
five-tenths per cent shall be credited to the geological mapping
fund, forty-two and five-tenths per cent shall be credited to the
unreclaimed lands fund, and the remainder shall be credited to the
surface mining fund created in section 1514.06 of the Revised
Code.

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Of the moneys received by the treasurer of state from the tax
levied in divisions (A)(5) and (6) of this section, ninety per
cent shall be credited to the oil and gas well fund created in
section 1509.02 of the Revised Code and ten per cent shall be
credited to the geological mapping fund. All of the moneys
received by the treasurer of state from the tax levied in division
(A)(7) of this section shall be credited to the surface mining
fund.

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All of the moneys received by the treasurer of state from the
tax levied in division (A)(8) of this section shall be credited to
the reclamation forfeiture fund.

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All of the moneys received by the treasurer of state from the
tax levied in division (A)(9) of this section shall be credited to
the unreclaimed lands fund.

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(C) When, at the close of any fiscal year, the chief finds
that the balance of the reclamation forfeiture fund, plus
estimated transfers to it from the coal mining administration and
reclamation reserve fund under section 1513.181 of the Revised
Code, plus the estimated revenues from the tax levied by division
(A)(8) of this section for the remainder of the calendar year that
includes the close of the fiscal year, are sufficient to complete
the reclamation of lands for which the performance security has
been provided under division (C)(2) of section 1513.08 of the
Revised Code, the purposes for which the tax under division (A)(8)
of this section is levied shall be deemed accomplished at the end
of that calendar year. The chief, within thirty days after the

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close of the fiscal year, shall certify those findings to the tax commissioner, and the tax levied under division (A)(8) of this section shall cease to be imposed after the last day of that calendar year on coal produced under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code if the permittee has made tax payments under division (A)(8) of this section during each of the preceding five full calendar years. Not later than thirty days after the close of a fiscal year, the chief shall certify to the tax commissioner the identity of any permittees who accordingly no longer are required to pay the tax levied under division (A)(8) of this section.

Sec. 5749.12. Any nonresident of this state who accepts the privilege extended by the laws of this state to nonresidents severing natural resources in this state, and any resident of this state who subsequently becomes a nonresident or conceals ~~his~~the resident's whereabouts, makes the secretary of state of Ohio ~~his~~ the person's agent for the service of process or notice in any assessment, action or proceedings instituted in this state against such person under this chapter.

~~Such process or notice shall be served, by the officer to whom the same is directed by the tax commissioner or by the sheriff of Franklin county, who may be deputized for such purpose by the officer to whom the service is directed, upon the secretary of state by leaving at the office of the secretary of state, at least fifteen days before the return day of such process or notice, a true and attested copy thereof, and by sending to the defendant by certified mail, a like and true attested copy, with an endorsement thereon of the service upon said secretary of state, addressed to such defendant at his last known address as provided under section 5703.37 of the Revised Code.~~

Sec. 5751.01. As used in this chapter:

(A) "Person" means, but is not limited to, individuals,

combinations of individuals of any form, receivers, assignees,	121803
trustees in bankruptcy, firms, companies, joint-stock companies,	121804
business trusts, estates, partnerships, limited liability	121805
partnerships, limited liability companies, associations, joint	121806
ventures, clubs, societies, for-profit corporations, S	121807
corporations, qualified subchapter S subsidiaries, qualified	121808
subchapter S trusts, trusts, entities that are disregarded for	121809
federal income tax purposes, and any other entities. ~~"Person" does~~	121810
~~not include nonprofit organizations or the state, its agencies,~~	121811
~~its instrumentalities, and its political subdivisions.~~	121812

(B) "Consolidated elected taxpayer" means a group of two or	121813
more persons treated as a single taxpayer for purposes of this	121814
chapter as the result of an election made under section 5751.011	121815
of the Revised Code.	121816

(C) "Combined taxpayer" means a group of two or more persons	121817
treated as a single taxpayer for purposes of this chapter under	121818
section 5751.012 of the Revised Code.	121819

(D) "Taxpayer" means any person, or any group of persons in	121820
the case of a consolidated elected taxpayer or combined taxpayer	121821
treated as one taxpayer, required to register or pay tax under	121822
this chapter. "Taxpayer" does not include excluded persons.	121823

(E) "Excluded person" means any of the following:	121824

(1) Any person with not more than one hundred fifty thousand	121825
dollars of taxable gross receipts during the calendar year.	121826
Division (E)(1) of this section does not apply to a person that is	121827
a member of a ~~group that is a~~ consolidated elected taxpayer ~~or a~~	121828
~~combined taxpayer;~~	121829

(2) A public utility that paid the excise tax imposed by	121830
section 5727.24 or 5727.30 of the Revised Code based on one or	121831
more measurement periods that include the entire tax period under	121832

this chapter, except that a public utility that is a combined	121833
company is a taxpayer with regard to the following gross receipts:	121834
(a) Taxable gross receipts directly attributed to a public	121835
utility activity, but not directly attributed to an activity that	121836
is subject to the excise tax imposed by section 5727.24 or 5727.30	121837
of the Revised Code;	121838
(b) Taxable gross receipts that cannot be directly attributed	121839
to any activity, multiplied by a fraction whose numerator is the	121840
taxable gross receipts described in division (E)(2)(a) of this	121841
section and whose denominator is the total taxable gross receipts	121842
that can be directly attributed to any activity;	121843
(c) Except for any differences resulting from the use of an	121844
accrual basis method of accounting for purposes of determining	121845
gross receipts under this chapter and the use of the cash basis	121846
method of accounting for purposes of determining gross receipts	121847
under section 5727.24 of the Revised Code, the gross receipts	121848
directly attributed to the activity of a natural gas company shall	121849
be determined in a manner consistent with division (D) of section	121850
5727.03 of the Revised Code.	121851
As used in division (E)(2) of this section, "combined	121852
company" and "public utility" have the same meanings as in section	121853
5727.01 of the Revised Code.	121854
(3) A financial institution, as defined in section 5725.01 of	121855
the Revised Code, that paid the corporation franchise tax charged	121856
by division (D) of section 5733.06 of the Revised Code based on	121857
one or more taxable years that include the entire tax period under	121858
this chapter;	121859
(4) A dealer in intangibles, as defined in section 5725.01 of	121860
the Revised Code, that paid the dealer in intangibles tax levied	121861
by division (D) of section 5707.03 of the Revised Code based on	121862

one or more measurement periods that include the entire tax period under this chapter;	121863 121864
(5) A financial holding company as defined in the "Bank Holding Company Act," 12 U.S.C. 1841(p);	121865 121866
(6) A bank holding company as defined in the "Bank Holding Company Act," 12 U.S.C. 1841(a);	121867 121868
(7) A savings and loan holding company as defined in the "Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging only in activities or investments permissible for a financial holding company under 12 U.S.C. 1843(k);	121869 121870 121871 121872
(8) A person directly or indirectly owned by one or more financial institutions, financial holding companies, bank holding companies, or savings and loan holding companies described in division (E)(3), (5), (6), or (7) of this section that is engaged in activities permissible for a financial holding company under 12 U.S.C. 1843(k), except that any such person held pursuant to merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 U.S.C. 1843(k)(4)(I) is not an excluded person, or a person directly or indirectly owned by one or more insurance companies described in division (E)(9) of this section that is authorized to do the business of insurance in this state.	121873 121874 121875 121876 121877 121878 121879 121880 121881 121882 121883
For the purposes of division (E)(8) of this section, a person owns another person under the following circumstances:	121884 121885
(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;	121886 121887 121888 121889
(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined	121890 121891

in section 1705.01 of the Revised Code, is fifty per cent or more 121892
of the combined membership interests of all persons owning such 121893
interests in the company; 121894

(c) In the case of a partnership, trust, or other 121895
unincorporated business organization other than a limited 121896
liability company, one person owns the organization if, under the 121897
articles of organization or other instrument governing the affairs 121898
of the organization, that person has a beneficial interest in the 121899
organization's profits, surpluses, losses, or distributions of 121900
fifty per cent or more of the combined beneficial interests of all 121901
persons having such an interest in the organization; 121902

(d) In the case of multiple ownership, the ownership 121903
interests of more than one person may be aggregated to meet the 121904
fifty per cent ownership tests in this division only when each 121905
such owner is described in division (E)(3), (5), (6), or (7) of 121906
this section and is engaged in activities permissible for a 121907
financial holding company under 12 U.S.C. 1843(k) or is a person 121908
directly or indirectly owned by one or more insurance companies 121909
described in division (E)(9) of this section that is authorized to 121910
do the business of insurance in this state. 121911

(9) A domestic insurance company or foreign insurance 121912
company, as defined in section 5725.01 of the Revised Code, that 121913
paid the insurance company premiums tax imposed by section 5725.18 121914
or Chapter 5729. of the Revised Code based on one or more 121915
measurement periods that include the entire tax period under this 121916
chapter; 121917

(10) A person that solely facilitates or services one or more 121918
securitizations or similar transactions for any person described 121919
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 121920
For purposes of this division, "securitization" means transferring 121921
one or more assets to one or more persons and then issuing 121922
securities backed by the right to receive payment from the asset 121923

or assets so transferred. 121924

(11) Except as otherwise provided in this division, a 121925
pre-income tax trust as defined in division (FF)(4) of section 121926
5747.01 of the Revised Code and any pass-through entity of which 121927
such pre-income tax trust owns or controls, directly, indirectly, 121928
or constructively through related interests, more than five per 121929
cent of the ownership or equity interests. If the pre-income tax 121930
trust has made a qualifying pre-income tax trust election under 121931
division (FF)(3) of section 5747.01 of the Revised Code, then the 121932
trust and the pass-through entities of which it owns or controls, 121933
directly, indirectly, or constructively through related interests, 121934
more than five per cent of the ownership or equity interests, 121935
shall not be excluded persons for purposes of the tax imposed 121936
under section 5751.02 of the Revised Code. 121937

(12) Nonprofit organizations or the state and its agencies, 121938
instrumentalities, or political subdivisions. 121939

(F) Except as otherwise provided in divisions (F)(2), (3), 121940
and (4) of this section, "gross receipts" means the total amount 121941
realized by a person, without deduction for the cost of goods sold 121942
or other expenses incurred, that contributes to the production of 121943
gross income of the person, including the fair market value of any 121944
property and any services received, and any debt transferred or 121945
forgiven as consideration. 121946

(1) The following are examples of gross receipts: 121947

(a) Amounts realized from the sale, exchange, or other 121948
disposition of the taxpayer's property to or with another; 121949

(b) Amounts realized from the taxpayer's performance of 121950
services for another; 121951

(c) Amounts realized from another's use or possession of the 121952

taxpayer's property or capital;	121953
(d) Any combination of the foregoing amounts.	121954
(2) "Gross receipts" excludes the following amounts:	121955
(a) Interest income except interest on credit sales;	121956
(b) Dividends and distributions from corporations, and	121957
distributive or proportionate shares of receipts and income from a	121958
pass-through entity as defined under section 5733.04 of the	121959
Revised Code;	121960
(c) Receipts from the sale, exchange, or other disposition of	121961
an asset described in section 1221 or 1231 of the Internal Revenue	121962
Code, without regard to the length of time the person held the	121963
asset. Notwithstanding section 1221 of the Internal Revenue Code,	121964
receipts from hedging transactions also are excluded to the extent	121965
the transactions are entered into primarily to protect a financial	121966
position, such as managing the risk of exposure to (i) foreign	121967
currency fluctuations that affect assets, liabilities, profits,	121968
losses, equity, or investments in foreign operations; (ii)	121969
interest rate fluctuations; or (iii) commodity price fluctuations.	121970
As used in division (F)(2)(c) of this section, "hedging	121971
transaction" has the same meaning as used in section 1221 of the	121972
Internal Revenue Code and also includes transactions accorded	121973
hedge accounting treatment under statement of financial accounting	121974
standards number 133 of the financial accounting standards board.	121975
For the purposes of division (F)(2)(c) of this section, the actual	121976
transfer of title of real or tangible personal property to another	121977
entity is not a hedging transaction.	121978
(d) Proceeds received attributable to the repayment,	121979
maturity, or redemption of the principal of a loan, bond, mutual	121980
fund, certificate of deposit, or marketable instrument;	121981

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;	121982 121983 121984
(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;	121985 121986 121987 121988
(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;	121989 121990 121991 121992 121993 121994 121995 121996 121997
(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;	121998 121999 122000
(i) Proceeds received on the account of payments from life insurance policies, <u>except those proceeds received for the loss of business revenue</u> ;	122001 122002 122003
(j) Gifts or charitable contributions received; <u>membership dues received by trade, professional, homeowners', or condominium associations</u> ; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; <u>and</u> fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes; ~~and proceeds received by a nonprofit organization including proceeds realized with regard to its unrelated business taxable income~~ ;	122004 122005 122006 122007 122008 122009 122010 122011 122012

(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	122013 122014 122015
(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;	122016 122017 122018
(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;	122019 122020 122021 122022 122023 122024 122025 122026 122027 122028
(n) Pension reversions;	122029
(o) Contributions to capital;	122030
(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;	122031 122032 122033 122034 122035
(q) In the case of receipts from the sale of cigarettes or tobacco products by a wholesale dealer, retail dealer, distributor, manufacturer, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes or tobacco products under subtitle E of the Internal Revenue Code or	122036 122037 122038 122039 122040 122041

Chapter 5743. of the Revised Code;	122042
(r) In the case of receipts from the sale of motor fuel by a	122043
licensed motor fuel dealer, licensed retail dealer, or licensed	122044
permissive motor fuel dealer, all as defined in section 5735.01 of	122045
the Revised Code, an amount equal to federal and state excise	122046
taxes paid by any person on such motor fuel under section 4081 of	122047
the Internal Revenue Code or Chapter 5735. of the Revised Code;	122048
(s) In the case of receipts from the sale of beer or	122049
intoxicating liquor, as defined in section 4301.01 of the Revised	122050
Code, by a person holding a permit issued under Chapter 4301. or	122051
4303. of the Revised Code, an amount equal to federal and state	122052
excise taxes paid by any person on or for such beer or	122053
intoxicating liquor under subtitle E of the Internal Revenue Code	122054
or Chapter 4301. or 4305. of the Revised Code;	122055
(t) Receipts realized by a new motor vehicle dealer or used	122056
motor vehicle dealer, as defined in section 4517.01 of the Revised	122057
Code, from the sale or other transfer of a motor vehicle, as	122058
defined in that section, to another motor vehicle dealer for the	122059
purpose of resale by the transferee motor vehicle dealer, but only	122060
if the sale or other transfer was based upon the transferee's need	122061
to meet a specific customer's preference for a motor vehicle;	122062
(u) Receipts from a financial institution described in	122063
division (E)(3) of this section for services provided to the	122064
financial institution in connection with the issuance, processing,	122065
servicing, and management of loans or credit accounts, if such	122066
financial institution and the recipient of such receipts have at	122067
least fifty per cent of their ownership interests owned or	122068
controlled, directly or constructively through related interests,	122069
by common owners;	122070
(v) Receipts realized from administering anti-neoplastic	122071
drugs and other cancer chemotherapy, biologicals, therapeutic	122072

agents, and supportive drugs in a physician's office to patients
with cancer;

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(w) Funds received or used by a mortgage broker that is not a
dealer in intangibles, other than fees or other consideration,
pursuant to a table-funding mortgage loan or warehouse-lending
mortgage loan. Terms used in division (F)(2)(w) of this section
have the same meanings as in section 1322.01 of the Revised Code,
except "mortgage broker" means a person assisting a buyer in
obtaining a mortgage loan for a fee or other consideration paid by
the buyer or a lender, or a person engaged in table-funding or
warehouse-lending mortgage loans that are first lien mortgage
loans.

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(x) Property, money, and other amounts received by a
professional employer organization, as defined in section 4125.01
of the Revised Code, from a client employer, as defined in that
section, in excess of the administrative fee charged by the
professional employer organization to the client employer;

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(y) In the case of amounts retained as commissions by a
permit holder under Chapter 3769. of the Revised Code, an amount
equal to the amounts specified under that chapter that must be
paid to or collected by the tax commissioner as a tax and the
amounts specified under that chapter to be used as purse money;

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(z) Qualifying distribution center receipts.

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(i) For purposes of division (F)(2)(z) of this section:

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(I) "Qualifying distribution center receipts" means receipts
of a supplier from qualified property that is delivered to a
qualified distribution center, multiplied by a quantity that
equals one minus the Ohio delivery percentage.

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(II) "Qualified property" means tangible personal property

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delivered to a qualified distribution center that is shipped to 122102
that qualified distribution center solely for further shipping by 122103
the qualified distribution center to another location in this 122104
state or elsewhere. "Further shipping" includes storing and 122105
repackaging such property into smaller or larger bundles, so long 122106
as such property is not subject to further manufacturing or 122107
processing. 122108

(III) "Qualified distribution center" means a warehouse or 122109
other similar facility in this state that, for the qualifying 122110
year, is operated by a person that is not part of a combined 122111
taxpayer group and that has a qualifying certificate. However, all 122112
warehouses or other similar facilities that are operated by 122113
persons in the same taxpayer group and that are located within one 122114
mile of each other shall be treated as one qualified distribution 122115
center. 122116

(IV) "Qualifying year" means the calendar year to which the 122117
qualifying certificate applies. 122118

(V) "Qualifying period" means the period of the first day of 122119
July of the second year preceding the qualifying year through the 122120
thirtieth day of June of the year preceding the qualifying year. 122121

(VI) "Qualifying certificate" means the certificate issued by 122122
the tax commissioner after the operator of a distribution center 122123
files an annual application approved by the tax commissioner from 122124
~~an operator of a distribution center that has filed an application~~ 122125
~~as prescribed by the commissioner and paid the annual fee for the~~ 122126
~~qualifying certificate on or before the first day of September~~ 122127
~~prior to the qualifying year or forty-five days after the opening~~ 122128
~~of the distribution center, whichever is later~~with the 122129
commissioner. The application and annual fee shall be filed and 122130
paid for each qualified distribution center on or before the first 122131
day of September before the qualifying year or within forty-five 122132
days after the distribution center opens, whichever is later. 122133

The applicant must substantiate to the commissioner's satisfaction that, for the qualifying period, all persons operating the distribution center have more than fifty per cent of the cost of the qualified property shipped to a location such that it would be situated outside this state under the provisions of division (E) of section 5751.033 of the Revised Code. The applicant must also substantiate that the distribution center cumulatively had costs from its suppliers equal to or exceeding five hundred million dollars during the qualifying period. (For purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.) The commissioner may require the applicant to have an independent certified public accountant certify that the calculation of the minimum thresholds required for a qualified distribution center by the operator of a distribution center has been made in accordance with generally accepted accounting principles. The commissioner shall issue or deny the issuance of a certificate within sixty days after the receipt of the application. A denial is subject to appeal under section 5717.02 of the Revised Code. If the operator files a timely appeal under section 5717.02 of the Revised Code, the operator shall be granted a qualifying certificate, provided that the operator is liable for any tax, interest, or penalty upon amounts claimed as qualifying distribution center receipts, other than those receipts exempt under division (C)(1) of section 5751.011 of the Revised Code, that would have otherwise not been owed by its suppliers if the qualifying certificate was valid.

(VII) "Ohio delivery percentage" means the proportion of the total property delivered to a destination inside Ohio from the qualified distribution center during the qualifying period compared with total deliveries from such distribution center everywhere during the qualifying period.

(ii) If the distribution center is new and was not open for the entire qualifying period, the operator of the distribution center may request that the commissioner grant a qualifying certificate. If the certificate is granted and it is later determined that more than fifty per cent of the qualified property during that year was not shipped to a location such that it would be situated outside of this state under the provisions of division (E) of section 5751.033 of the Revised Code or if it is later determined that the person that operates the distribution center had average monthly costs from its suppliers of less than forty million dollars during that year, then the operator of the distribution center shall be liable for any tax, interest, or penalty upon amounts claimed as qualifying distribution center receipts, other than those receipts exempt under division (C)(1) of section 5751.011 of the Revised Code, that would have not otherwise been owed by its suppliers during the qualifying year if the qualifying certificate was valid. (For purposes of division (F)(2)(z)(ii) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.)

(iii) When filing an application for a qualifying certificate under division (F)(2)(z)(i)(VI) of this section, the operator of a qualified distribution center also shall provide documentation, as the commissioner requires, for the commissioner to ascertain the Ohio delivery percentage. The commissioner, upon issuing the qualifying certificate, also shall certify the Ohio delivery percentage. The operator of the qualified distribution center may appeal the commissioner's certification of the Ohio delivery percentage in the same manner as an appeal is taken from the denial of a qualifying certificate under division (F)(2)(z)(i)(VI) of this section.

Within thirty days after all appeals have been exhausted, the

operator of the qualified distribution center shall notify the 122199
affected suppliers of qualified property that such suppliers are 122200
required to file, within sixty days after receiving notice from 122201
the operator of the qualified distribution center, amended reports 122202
for the impacted calendar quarter or quarters or calendar year, 122203
whichever the case may be. Any additional tax liability or tax 122204
overpayment shall be subject to interest but shall not be subject 122205
to the imposition of any penalty so long as the amended returns 122206
are timely filed. The supplier of tangible personal property 122207
delivered to the qualified distribution center shall include in 122208
its report of taxable gross receipts the receipts from the total 122209
sales of property delivered to the qualified distribution center 122210
for the calendar quarter or calendar year, whichever the case may 122211
be, multiplied by the Ohio delivery percentage for the qualifying 122212
year. Nothing in division (F)(2)(z)(iii) of this section shall be 122213
construed as imposing liability on the operator of a qualified 122214
distribution center for the tax imposed by this chapter arising 122215
from any change to the Ohio delivery percentage. 122216

(iv) In the case where the distribution center is new and not 122217
open for the entire qualifying period, the operator shall make a 122218
good faith estimate of an Ohio delivery percentage for use by 122219
suppliers in their reports of taxable gross receipts for the 122220
remainder of the qualifying period. The operator of the facility 122221
shall disclose to the suppliers that such Ohio delivery percentage 122222
is an estimate and is subject to recalculation. By the due date of 122223
the next application for a qualifying certificate, the operator 122224
shall determine the actual Ohio delivery percentage for the 122225
estimated qualifying period and proceed as provided in division 122226
(F)(2)(z)(iii) of this section with respect to the calculation and 122227
recalculation of the Ohio delivery percentage. The supplier is 122228
required to file, within sixty days after receiving notice from 122229
the operator of the qualified distribution center, amended reports 122230
for the impacted calendar quarter or quarters or calendar year, 122231
whichever the case may be. Any additional tax liability or tax 122232

overpayment shall be subject to interest but shall not be subject
to the imposition of any penalty so long as the amended returns
are timely filed.

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(v) Qualifying certificates and Ohio delivery percentages
issued by the commissioner shall be open to public inspection and
shall be timely published by the commissioner. A supplier relying
in good faith on a certificate issued under this division shall
not be subject to tax on the qualifying distribution center
receipts under division (F)(2)(z) of this section. A person
receiving a qualifying certificate is responsible for paying the
tax, interest, and penalty upon amounts claimed as qualifying
distribution center receipts that would not otherwise have been
owed by the supplier if the qualifying certificate were available
when it is later determined that the qualifying certificate should
not have been issued because the statutory requirements were in
fact not met.

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(vi) The annual fee for a qualifying certificate shall be one
hundred thousand dollars for each qualified distribution center.
If a qualifying certificate is not issued, the annual fee is
subject to refund after the exhaustion of all appeals provided for
in division (F)(2)(z)(i)(VI) of this section. The fee imposed
under this division may be assessed in the same manner as the tax
imposed under this chapter. The first one hundred thousand dollars
of the annual application fees collected each calendar year shall
be credited to the commercial activity tax administrative fund.
The remainder of the annual application fees collected shall be
distributed in the same manner required under section 5751.20 of
the Revised Code.

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(vii) The tax commissioner may require that adequate security
be posted by the operator of the distribution center on appeal
when the commissioner disagrees that the applicant has met the
minimum thresholds for a qualified distribution center as set

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forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this	122265
section.	122266
<u>(aa) Receipts of an employer from payroll deductions relating</u>	122267
<u>to the reimbursement of the employer for advancing moneys to an</u>	122268
<u>unrelated third party on an employee's behalf;</u>	122269
<u>(bb) Cash discounts allowed and taken;</u>	122270
<u>(cc) Returns and allowances;</u>	122271
<u>(dd) Bad debts from receipts on the basis of which the tax</u>	122272
<u>imposed by this chapter was paid in a prior quarterly tax payment</u>	122273
<u>period. For the purpose of this division, "bad debts" means any</u>	122274
<u>debts that have become worthless or uncollectible between the</u>	122275
<u>preceding and current quarterly tax payment periods, have been</u>	122276
<u>uncollected for at least six months, and that may be claimed as a</u>	122277
<u>deduction under section 166 of the Internal Revenue Code and the</u>	122278
<u>regulations adopted under that section, or that could be claimed</u>	122279
<u>as such if the taxpayer kept its accounts on the accrual basis.</u>	122280
<u>"Bad debts" does not include repossessed property, uncollectible</u>	122281
<u>amounts on property that remains in the possession of the taxpayer</u>	122282
<u>until the full purchase price is paid, or expenses in attempting</u>	122283
<u>to collect any account receivable or for any portion of the debt</u>	122284
<u>recovered;</u>	122285
<u>(ee) Any amount realized from the sale of an account</u>	122286
<u>receivable to the extent the receipts from the underlying</u>	122287
<u>transaction giving rise to the account receivable were included in</u>	122288
<u>the gross receipts of the taxpayer;</u>	122289
<u>(ff) Any receipts for which the tax imposed by this chapter</u>	122290
<u>is prohibited by the Constitution or laws of the United States or</u>	122291
<u>the Constitution of Ohio.</u>	122292
(3) In the case of a taxpayer when acting as a real estate	122293

broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

~~In calculating gross receipts, the following shall be deducted to the extent included as a gross receipt in the current tax period or reported as taxable gross receipts in a prior tax period:~~

~~(a) Cash discounts allowed and taken;~~

~~(b) Returns and allowances;~~

~~(c) Bad debts. For the purposes of this division, "bad debts" mean any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted pursuant thereto, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, expenses in attempting to collect any account receivable or for any portion of the debt recovered, and~~

repossessed property;	122325
(d) ~~Any amount realized from the sale of an account receivable but only to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer.~~	122326 122327 122328 122329
(G) "Taxable gross receipts" means gross receipts sitused to this state under section 5751.033 of the Revised Code.	122330 122331
(H) A person has "substantial nexus with this state" if any of the following applies. The person:	122332 122333
(1) Owns or uses a part or all of its capital in this state;	122334
(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;	122335 122336
(3) Has bright-line presence in this state;	122337
(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.	122338 122339 122340
(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:	122341 122342 122343
(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.	122344 122345 122346 122347 122348
(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:	122349 122350 122351

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;	122352 122353
(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and	122354 122355 122356
(c) Any amount the person pays for services performed in this state on its behalf by another.	122357 122358
(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.	122359 122360
(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.	122361 122362 122363
(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.	122364 122365
(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	122366 122367
(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.	122368 122369 122370 122371 122372 122373 122374 122375
(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.	122376 122377 122378

(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.	122379 122380 122381
(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.	122382 122383
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	122384 122385
(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:	122386 122387 122388
(1) A person receiving a fee to sell financial instruments;	122389
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	122390 122391 122392
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	122393 122394
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	122395 122396
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	122397 122398
(Q) "Received" includes amounts accrued under the accrual method of accounting.	122399 122400
(R) <u>"Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section</u>	122401 122402 122403 122404 122405

5751.04 of the Revised Code, a separate taxpayer that is not a 122406
member of such a group. 122407

Sec. 5751.011. (A) A group of two or more persons may elect 122408
to be a consolidated elected taxpayer for the purposes of this 122409
chapter if the group satisfies all of the following requirements: 122410

(1) The group elects to include all persons, including 122411
persons enumerated in divisions (E)(2) to (10) of section 5751.01 122412
of the Revised Code, having at least eighty per cent, or having at 122413
least fifty per cent, of the value of their ownership interests 122414
owned or controlled, directly or constructively through related 122415
interests, by common owners during all or any portion of the tax 122416
period, together with the common owners. ~~At~~ 122417

A group making its initial election on the basis of the 122418
eighty per cent ownership test may change its election so that its 122419
consolidated elected taxpayer group is formed on the basis of the 122420
fifty per cent ownership test if all of the following are 122421
satisfied: 122422

(a) When the initial election was made, the group did not 122423
have any persons satisfying the fifty per cent ownership test; 122424

(b) One or more of the persons in the initial group 122425
subsequently acquires ownership interests in a person such that 122426
the fifty per cent ownership test is satisfied, the eighty per 122427
cent ownership test is not satisfied, and the acquired person 122428
would be required to be included in a combined taxpayer group 122429
under section 5751.012 of the Revised Code; 122430

(c) The group requests the change in a written request to the 122431
tax commissioner on or before the due date for filing the first 122432
return due under section 5751.051 of the Revised Code after the 122433
date of the acquisition; 122434

(d) The group has not previously changed its election. 122435

At the election of the group, all entities that are not 122436
incorporated or formed under the laws of a state or of the United 122437
States and that meet the consolidated elected ownership test 122438
shall either be included in the group or all shall be excluded 122439
from the group. ~~The~~If, at the time of registration, the group 122440
does not include any such entities that meet the consolidated 122441
elected ownership test, the group shall elect to either include or 122442
exclude the newly acquired entities before the due date of the 122443
first return due after the date of the acquisition. 122444

Each group shall notify the tax commissioner of the foregoing 122445
elections before the due date of the return ~~in which the election~~ 122446
~~is to become effective~~for the period in which the election 122447
becomes binding. If fifty per cent of the value of a person's 122448
ownership interests is owned or controlled by each of two 122449
consolidated elected taxpayer groups formed under the fifty per 122450
cent ownership or control test, that person is a member of each 122451
group for the purposes of this section, and each group shall 122452
include in the group's taxable gross receipts fifty per cent of 122453
that person's taxable gross receipts. Otherwise, all of that 122454
person's taxable gross receipts shall be included in the taxable 122455
gross receipts of the consolidated elected taxpayer group of which 122456
the person is a member. In no event shall the ownership or control 122457
of fifty per cent of the value of a person's ownership interests 122458
by two otherwise unrelated groups form the basis for consolidating 122459
the groups into a single consolidated elected taxpayer group or 122460
permit any exclusion under division (C) of this section of taxable 122461
gross receipts between members of the two groups. Division (A)(3) 122462
of this section applies with respect to the elections described in 122463
this division. 122464

(2) The group makes the election to be treated as a 122465
consolidated elected taxpayer in the manner prescribed under 122466

division (D) of this section.	122467
(3) Subject to review and audit by the tax commissioner, the group agrees that all of the following apply:	122468 122469
(a) The group shall file reports as a single taxpayer for at least the next eight calendar quarters following the election so long as at least two or more of the members of the group meet the requirements of division (A)(1) of this section.	122470 122471 122472 122473
(b) Before the expiration of the eighth such calendar quarter, the group shall notify the commissioner if it elects to cancel its designation as a consolidated elected taxpayer. If the group does not so notify the tax commissioner, the election remains in effect for another eight calendar quarters.	122474 122475 122476 122477 122478
(c) If, at any time during any of those eight calendar quarters following the election, a former member of the group no longer meets the requirements under division (A)(1) of this section, that member shall report and pay the tax imposed under this chapter separately, as a member of a combined taxpayer, or, if the former member satisfies such requirements with respect to another consolidated elected group, as a member of that consolidated elected group.	122479 122480 122481 122482 122483 122484 122485 122486
(d) The group agrees to the application of division (B) of this section.	122487 122488
(B) A group of persons making the election under this section shall report and pay tax on all of the group's taxable gross receipts even if substantial nexus with this state does not exist for one or more persons in the group.	122489 122490 122491 122492
(C)(1)(a) Members of a consolidated elected taxpayer group shall exclude gross receipts among persons included in the consolidated elected taxpayer group.	122493 122494 122495

(b) Subject to divisions (C)(1)(c) and (C)(2) of this section, nothing in this section shall have the effect of requiring a consolidated elected taxpayer group to include gross receipts received by a person enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code if that person is a member of the group pursuant to the elections made by the group under division (A)(1) of this section.

(c)(i) As used in division (C)(1)(c) of this section, "dealer transfer" means a transfer of property that satisfies both of the following: (I) the property is directly transferred by any means from one member of the group to another member of the group that is a dealer in intangibles but is not a qualifying dealer as defined in section 5725.24 of the Revised Code; and (II) the property is subsequently delivered by the dealer in intangibles to a person that is not a member of the group.

(ii) In the event of a dealer transfer, a consolidated elected taxpayer group shall not exclude, under division (C) of this section, gross receipts from the transfer described in division (C)(1)(c)(i)(I) of this section.

(2) Gross receipts related to the sale or transmission of electricity through the use of an intermediary regional transmission organization approved by the federal energy regulatory commission shall be excluded from taxable gross receipts under division (C)(1) of this section if all other requirements of that division are met, even if the receipts are from and to the same member of the group.

(D) To make the election to be a consolidated elected taxpayer, a group of persons shall notify the tax commissioner of the election in the manner prescribed by the commissioner and pay the commissioner a registration fee equal to the lesser of two hundred dollars or twenty dollars for each person in the group. No

additional fee shall be imposed for the addition of new members to the group once the group has remitted a fee in the amount of two hundred dollars. The election shall be made and the fee paid before ~~the later of~~ the beginning of the first calendar quarter to which the election applies ~~or November 15, 2005~~. The fee shall be collected and used in the same manner as provided in section 5751.04 of the Revised Code.

The election shall be made on a form prescribed by the tax commissioner for that purpose and shall be signed by one or more individuals with authority, separately or together, to make a binding election on behalf of all persons in the group.

Any person acquired or formed after the filing of the registration shall be included in the group if the person meets the requirements of division (A)(1) of this section, and the group shall notify the tax commissioner of any additions to the group with the next tax return it files with the commissioner.

~~(E) Each member of a consolidated elected taxpayer is jointly and severally liable for the tax imposed by this chapter and any penalties or interest thereon. The tax commissioner may require one person in the group to be the taxpayer for purposes of registration and remittance of the tax, but all members of the group are subject to assessment under section 5751.09 of the Revised Code.~~

Sec. 5751.012. (A) All persons, other than persons enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code, having more than fifty per cent of the value of their ownership interest owned or controlled, directly or constructively through related interests, by common owners during all or any portion of the tax period, together with the common owners, shall be members of a combined taxpayer if those persons are not members of a consolidated elected taxpayer pursuant to an election under section 5751.011 of the Revised Code.

(B) A combined taxpayer shall register, file returns, and pay taxes under this chapter as a single taxpayer. 122559
122560

(C) A combined taxpayer shall neither exclude taxable gross receipts between its members nor from others that are not members. 122561
122562

(D) A combined taxpayer shall pay to the tax commissioner a registration fee equal to the lesser of two hundred dollars or twenty dollars for each person in the group. No additional fee shall be imposed for the addition of new members to the group once the group has remitted a fee in the amount of two hundred dollars. The fee shall be timely paid before the later of the beginning of the first calendar quarter or November 15, 2005. The fee shall be collected and used in the same manner as provided in section 5751.04 of the Revised Code. 122563
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Any person acquired or formed after the filing of the registration shall be included in the group if the person meets the requirements of division (A) of this section, and the group must notify the tax commissioner of any additions with the next quarterly tax return it files with the commissioner. 122572
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~~(E) Each member of a combined taxpayer is jointly and severally liable for the tax imposed by this chapter and any penalties or interest thereon. The tax commissioner may require one person in the group to be the taxpayer for purposes of registration and remittance of the tax, but all members of the group are subject to assessment under section 5751.09 of the Revised Code.~~ 122577
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Sec. 5751.013. (A) Except as provided in division (B) of this section: 122584
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(1) A person shall include as taxable gross receipts the value of property the person transfers into this state for the 122586
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person's own use within one year after the person receives the 122588
property outside this state; and 122589

(2) In the case of ~~an elected~~ a consolidated elected taxpayer 122590
group or a combined taxpayer group, the taxpayer shall include as 122591
taxable gross receipts the value of property that any of the 122592
taxpayer's members transferred into this state for the use of any 122593
of the taxpayer's members within one year after the taxpayer 122594
receives the property outside this state. 122595

(B) Property brought into this state within one year after it 122596
is received outside this state by a person or group described in 122597
division (A)(1) or (2) of this section shall not be included as 122598
taxable gross receipts as required under those divisions if the 122599
tax commissioner ascertains that the property's receipt outside 122600
this state by the person or group followed by its transfer into 122601
this state within one year was not intended in whole or in part to 122602
avoid in whole or in part the tax imposed under this chapter. 122603

(C) The tax commissioner may adopt rules necessary to 122604
administer this section. 122605

Sec. 5751.014. All members of a consolidated elected 122606
taxpayer or combined taxpayer group during the tax period or 122607
periods for which additional tax, penalty, or interest is owed are 122608
jointly and severally liable for such amounts. Although the 122609
reporting person will be assessed for the liability, such amounts 122610
due may be pursued against any member of the group when a 122611
liability is certified to the attorney general under section 122612
131.02 of the Revised Code. 122613

Sec. 5751.02. (A) For the purpose of funding the needs of 122614
this state and its local governments beginning with the tax period 122615
that commences July 1, 2005, and continuing for every tax period 122616
thereafter, there is hereby levied a commercial activity tax on 122617
each person with taxable gross receipts for the privilege of doing 122618

business in this state. For the purposes of this chapter, "doing
business" means engaging in any activity, whether legal or
illegal, that is conducted for, or results in, gain, profit, or
income, at any time during the calendar year. Persons on which the
commercial activity tax is levied include, but are not limited to,
persons with substantial nexus with this state. The tax imposed
under this section is not a transactional tax and is not subject
to Public Law No. 86-272, 73 Stat. 555. The tax imposed under this
section is in addition to any other taxes or fees imposed under
the Revised Code. The tax levied under this section is imposed on
the person receiving the gross receipts and is not a tax imposed
directly on a purchaser. The tax imposed by this section is an
annual privilege tax for the calendar year that, in the case of
calendar year taxpayers, is the annual tax period and, in the case
of calendar quarter taxpayers, contains all quarterly tax periods
in the calendar year. A taxpayer is subject to the annual
privilege tax for doing business during any portion of such
calendar year.

(B) The tax imposed by this section is a tax on the taxpayer
and, shall not be billed or invoiced to another person. Even if
the tax or any portion thereof is billed or invoiced and
separately stated, such amounts remain part of the price for
purposes of the sales and use taxes levied under Chapters 5739.
and 5741. of the Revised Code. Nothing in division (B) of this
section prohibits a:

(1) A person from including in the price charged for a good
or service an amount sufficient to recover the tax imposed by this
section; or

(2) A lessor from including an amount sufficient to recover
the tax imposed by this section in a lease payment charged, or
from including such an amount on a billing or invoice pursuant to
the terms of a written lease agreement providing for the recovery

of the lessor's tax costs. The recovery of such costs shall be 122651
based on an estimate of the total tax cost of the lessor during 122652
the tax period, as the tax liability of the lessor cannot be 122653
calculated until the end of that period. 122654

Sec. 5751.03. (A) Except as provided in divisions (B) and 122655
(D) of this section and in sections 5751.031 and 5751.032 of the 122656
Revised Code, the tax levied under this section for each tax 122657
period shall be the product of two and six-tenths mills per dollar 122658
times the remainder of the taxpayer's taxable gross receipts for 122659
the tax period after subtracting the exclusion amount provided for 122660
in division (C) of this section. 122661

(B) Notwithstanding division (C) of this section, the tax on 122662
the first one million dollars in taxable gross receipts each 122663
calendar year shall be one hundred fifty dollars. For calendar 122664
year 2006, the tax imposed under this division shall be paid not 122665
later than May 10, 2006, by both calendar year taxpayers and 122666
calendar quarter taxpayers. For calendar ~~year~~years 2007 ~~and~~ 122667
~~thereafter, 2008, and 2009~~, the tax imposed under this division 122668
shall be paid with the fourth-quarter tax return or annual tax 122669
return for the prior calendar year by both calendar year 122670
taxpayers and calendar quarter taxpayers. For calendar years 2010 122671
and thereafter, the tax imposed under this division shall be paid 122672
not later than the tenth day of May of each year along with the 122673
first quarter or annual tax return, as applicable. 122674

(C)(1) Each calendar quarter taxpayer may exclude the first 122675
two hundred fifty thousand dollars of taxable gross receipts for a 122676
calendar quarter and may carry forward and apply any unused 122677
exclusion amount to the three subsequent calendar quarters. Each 122678
calendar year taxpayer may exclude the first one million dollars 122679
of taxable gross receipts for a calendar year. 122680

(2) A taxpayer switching from a calendar year tax period to a 122681
calendar quarter tax period may, for the first quarter of the 122682

change, apply the prior calendar quarter exclusion amounts to the 122683
first calendar quarter return the taxpayer files that calendar 122684
year. The tax rate shall be based on the rate imposed that 122685
calendar quarter when the taxpayer switches from a calendar year 122686
to a calendar quarter tax period. 122687

(D) There is hereby allowed a credit against the tax imposed 122688
under this chapter for each of the following calendar years if a 122689
transfer was made in the preceding calendar year from the general 122690
revenue fund to the commercial activity tax refund fund under 122691
division (D) of section 5751.032 of the Revised Code: calendar 122692
years 2008, 2010, and 2012. The credit is allowed for taxpayers 122693
that paid in full the tax imposed under this chapter for the 122694
calendar year in which the transfer was made. The amount of a 122695
taxpayer's credit equals the amount computed under division (D) of 122696
section 5751.032 of the Revised Code. 122697

Sec. 5751.04. (A) As used in this section, "person" includes 122698
a reporting person. 122699

(B) Not later than ~~the later of November 15, 2005, or~~ thirty 122700
days after a person first has more than one hundred fifty 122701
thousand dollars in taxable gross receipts in a calendar year, 122702
each person subject to this chapter shall register with the tax 122703
commissioner on the form prescribed by the commissioner. The form 122704
shall include the following: 122705

(1) The person's name; 122706

(2) If applicable, the name of the state or country under the 122707
laws of which the person is incorporated; 122708

(3) If applicable, the location of a person's principal 122709
office and the name and address of the officer or agent of the 122710
corporation in charge of the business; 122711

(4) If applicable, the names of the person's president,	122712
secretary, treasurer, and statutory agent designated pursuant to	122713
section 1703.041 of the Revised Code, with the post office address	122714
of each;	122715
(5) The kind of business in which the person is engaged,	122716
including applicable business or industry codes;	122717
(6) If required by the tax commissioner, the date of the	122718
beginning of the person's annual accounting period that includes	122719
the first day of January of the taxable calendar year;	122720
(7) If the person is not a corporation or a sole proprietor,	122721
the names of the person's owners and officers, if required by the	122722
tax commissioner;	122723
(8) The person's federal employer identification number or	122724
numbers or, if those are not applicable, the person's social	122725
security number or equivalent;	122726
(9) All other information that the commissioner requires to	122727
administer and enforce this chapter.	122728
~~(B)~~ (C) Except as otherwise provided in this division, each	122729
person registering with the tax commissioner as required by	122730
division ~~(A)~~ (B) of this section shall pay a registration fee. The	122731
fee shall be in the amount of fifteen dollars if a person	122732
registers electronically and twenty dollars if a person does not	122733
register electronically. The registration fee shall be paid in the	122734
manner prescribed by the tax commissioner at the same time the	122735
registration is due if a person is subject to the tax imposed	122736
under this chapter before January 1, 2006. If a person first	122737
becomes subject to the tax after that date, the registration fee	122738
is payable with the first tax period return the person is required	122739
to file as prescribed by section 5751.051 of the Revised Code. If	122740
a registration fee is not paid when due person does not register	122741

within the time prescribed by this section, an additional fee is 122742
imposed in the amount of one hundred dollars per month or part 122743
thereof that the fee is outstanding, not to exceed one thousand 122744
dollars. The tax commissioner may abate the additional fee. The 122745
fee imposed under this division may be assessed in the same manner 122746
as the tax imposed under this chapter. Proceeds from the fee shall 122747
be credited to the commercial activity tax administrative fund, 122748
which is hereby created in the state treasury for the commissioner 122749
to use in implementing and administering the tax imposed under 122750
this chapter. 122751

~~No registration fee is payable by a person for a calendar 122752
year if the person first begins business operations in this state 122753
after the thirtieth day of November of that calendar year or if 122754
the person's taxable gross receipts for the calendar year exceed 122755
one hundred fifty thousand dollars but do not exceed one hundred 122756
fifty thousand dollars as of the first day of December of the 122757
calendar year. 122758~~

Registration fees paid under this section, excluding any 122759
additional fee imposed for ~~late payment of the registration fee~~ 122760
person's failure to timely register, shall be credited against the 122761
first payment of tax payable under section 5751.03 of the Revised 122762
Code ~~after the registration fee is paid~~. 122763

~~(C)~~(D) If a person that has registered under this section is 122764
no longer a taxpayer subject to this chapter, including no longer 122765
being a taxpayer because of the application of division (E)(1) of 122766
section 5751.01 of the Revised Code, the person shall notify the 122767
commissioner that the person's registration should be cancelled. 122768

(E) With respect to registrations received by the 122769
commissioner before the effective date of the amendment of this 122770
section by the main operating appropriations act of the 128th 122771
general assembly, the taxpayer listed as the primary taxpayer on 122772
the registration shall be the reporting person until the taxpayer 122773

notifies the commissioner otherwise. 122774

Sec. 5751.05. (A) If a person subject to this chapter 122775
anticipates that the person's taxable gross receipts will be more 122776
than one million dollars ~~or less~~ in a calendar year ~~2006~~, the 122777
person ~~may elect to be a calendar year taxpayer. If a person is~~ 122778
~~not required to be registered under this section for calendar year~~ 122779
~~2006 and anticipates that the person's taxable gross receipts will~~ 122780
~~be one million dollars or less in the first calendar year the~~ 122781
~~person is required to register under this section, the person may~~ 122782
~~elect to be a calendar year taxpayer~~shall notify the tax 122783
commissioner on the person's initial registration form and file on 122784
a quarterly basis as a calendar quarter taxpayer. Any taxpayer 122785
with taxable gross receipts of one million dollars or less shall 122786
register as a calendar year taxpayer and shall file annually. 122787

(B) Any person that is a calendar year taxpayer ~~pursuant to~~ 122788
~~an election~~ under division (A) of this section shall become a 122789
calendar quarter taxpayer in the subsequent calendar year if the 122790
person's taxable gross receipts for the prior calendar year are 122791
more than one million dollars, and shall remain a calendar quarter 122792
taxpayer until the person notifies the tax commissioner, and 122793
receives approval in writing from the tax commissioner, to switch 122794
back to being a calendar year taxpayer. Nothing in this division 122795
prohibits a person that has elected to be a calendar year taxpayer 122796
from notifying the tax commissioner, using the procedures 122797
prescribed by the commissioner, that it is switching back to being 122798
a calendar quarter taxpayer. 122799

(C) Any taxpayer that is not a calendar ~~year~~quarter taxpayer 122800
pursuant to this section is a calendar ~~quarter~~year taxpayer. The 122801
~~tax~~ commissioner may grant written approval for a calendar quarter 122802
taxpayer to use an alternative reporting schedule or estimate the 122803
amount of tax due for a calendar quarter if the taxpayer 122804
demonstrates to the commissioner the need for such a deviation. 122805

The commissioner may adopt a rule to apply division (C) of this section to a group of taxpayers without the taxpayers having to receive written approval from the commissioner.

Sec. 5751.051. (A)(1) Not later than ~~forty days~~ the tenth day of the second month after the end of each calendar quarter, every taxpayer other than a calendar year taxpayer shall file with the tax commissioner a tax return in such form as the commissioner prescribes. The return shall include, but is not limited to, the amount of the taxpayer's taxable gross receipts for the calendar quarter and shall indicate the amount of tax due under section 5751.03 of the Revised Code for the calendar quarter.

(2)(a) Subject to division (C) of section 5751.05 of the Revised Code, a calendar quarter taxpayer shall report the taxable gross receipts for that calendar quarter.

(b) With respect to taxable gross receipts incorrectly reported in a calendar quarter that has a lower tax rate, the tax shall be computed at the tax rate in effect for the quarterly return in which such receipts should have been reported. Nothing in division (A)(2)(b) of this section prohibits a taxpayer from filing an application for refund under section 5751.08 of the Revised Code with regard to the incorrect reporting of taxable gross receipts discovered after filing the annual return described in division (A)(3) of this section.

A tax return shall not be deemed to be an incorrect reporting of taxable gross receipts for the purposes of division (A)(2)(b) of this section if the return reflects between ninety-five and one hundred five per cent of the actual taxable gross receipts for the calendar quarter.

(3) ~~The~~ For the purposes of division (A)(2)(b) of this section, the tax return filed for the fourth calendar quarter of a calendar year is the annual return for the privilege tax imposed

by this chapter. Such return shall report any additional taxable
gross receipts not previously reported in the calendar year and
shall adjust for any over-reported taxable gross receipts in the
calendar year. If the taxpayer ceases to be a taxpayer before the
end of the calendar year, the last return the taxpayer is required
to file shall be the annual return for the taxpayer and the
taxpayer shall report any additional taxable gross receipts not
previously reported in the calendar year and shall adjust for any
over-reported taxable gross receipts in the calendar year.

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(4) Because the tax imposed by this chapter is a privilege
tax, the tax rate with respect to taxable gross receipts for a
calendar quarter is not fixed until the end of the measurement
period for each calendar quarter. Subject to division (A)(2)(b) of
this section, the total amount of taxable gross receipts reported
for a given calendar quarter shall be subject to the tax rate in
effect in that quarter.

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(5) Not later than ~~forty days after~~ the tenth day of May
following the end of each calendar year, every calendar year
taxpayer shall file with the tax commissioner a tax return in such
form as the commissioner prescribes. The return shall include, but
is not limited to, the amount of the taxpayer's taxable gross
receipts for the calendar year and shall indicate the amount of
tax due under section 5751.03 of the Revised Code for the calendar
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(B)(1) A person that first becomes subject to the tax imposed
under this chapter shall pay the minimum tax imposed under
division (B) of section 5751.03 of the Revised Code along with the
registration fee imposed under this section, if applicable, on or
before the day the return is required to be filed for that quarter
under division (A)(1) of this section, regardless of whether the
person elects to be a calendar year taxpayer under section 5751.05
of the Revised Code.

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(2) The amount of the minimum tax for a person subject to division (B)(1) of this section shall be reduced to seventy-five dollars if the registration is timely filed after the first day of May and before the first day of January of the following calendar year.

Sec. 5751.06. (A) Any taxpayer that fails to file a return or pay the full amount of the tax due within the period prescribed therefor under this chapter shall pay a penalty in an amount not exceeding the greater of fifty dollars or ten per cent of the tax required to be paid for the tax period.

(B)(1) If any additional tax is found to be due, the tax commissioner may impose an additional penalty of up to fifteen per cent on the additional tax found to be due.

(2) Any delinquent payments of the tax made after a taxpayer is notified of an audit or a tax discrepancy by the commissioner is subject to the penalty imposed by division (B) of this section. If an assessment is issued under section ~~5751.10~~5751.09 of the Revised Code in connection with such delinquent payments, the payments shall be credited to the assessment.

(C) After calendar year 2008, the tax commissioner may impose an additional penalty against a taxpayer that fails to switch to being a calendar quarter taxpayer at the time it had over two million in taxable gross receipts in the calendar year, as required under section 5751.04 of the Revised Code. The penalty may be imposed in an amount not to exceed ten per cent of the tax due above two million dollars in taxable gross receipts for the calendar year. Any penalty imposed under this division is in addition to any other penalties imposed under this section.

(D) If the tax commissioner notifies a person required to register under section 5751.05 of the Revised Code of such requirement and of the requirement to remit the tax due under this

chapter, and the person fails to so register and remit the tax	122900
within sixty days after such notice, the tax commissioner may	122901
impose an additional penalty of up to thirty-five per cent of the	122902
tax due. The penalty imposed under this division is in addition to	122903
any other penalties imposed under this section.	122904
 (E) The tax commissioner may collect any penalty or interest	122905
imposed by this section in the same manner as the tax imposed	122906
under this chapter. Penalties and interest so collected shall be	122907
considered as revenue arising from the tax imposed under this	122908
chapter.	122909
 (F) The tax commissioner may abate all or a portion of any	122910
penalties imposed under this section and may adopt rules governing	122911
such abatements.	122912
 (G) If any tax due is not timely paid in accordance with this	122913
chapter, the taxpayer shall pay interest, calculated at the rate	122914
per annum prescribed by section 5703.47 of the Revised Code, from	122915
the date the tax payment was due to the date of payment or to the	122916
date an assessment was issued, whichever occurs first.	122917
 (H) The tax commissioner may impose a penalty of up to ten	122918
per cent for any additional tax that is due under division	122919
(A)(2)(b) of section 5751.051 of the Revised Code from a taxpayer	122920
incorrectly reporting its taxable gross receipts.	122921
 <u>(I) If the tax commissioner discovers that a taxpayer has</u>	122922
<u>billed or invoiced another person for the tax imposed under this</u>	122923
<u>chapter in violation of division (B) of section 5751.02 of the</u>	122924
<u>Revised Code, the tax commissioner shall notify the taxpayer of</u>	122925
<u>the violation by certified mail and may impose a penalty of up to</u>	122926
<u>five hundred dollars. If the taxpayer subsequently bills or</u>	122927
<u>invoices a person for the tax imposed under this chapter, the tax</u>	122928
<u>commissioner shall impose a penalty of five hundred dollars.</u>	122929

Sec. 5751.08. (A) An application for refund to the taxpayer
of the amount of taxes imposed under this chapter that are
overpaid, paid illegally or erroneously, or paid on any illegal or
erroneous assessment shall be filed by the reporting person with
the tax commissioner, on the form prescribed by the commissioner,
within four years after the date of the illegal or erroneous
payment of the tax. The applicant shall provide the amount of
the requested refund along with the claimed reasons for, and
documentation to support, the issuance of a refund.

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(B) On the filing of the refund application, the tax
commissioner shall determine the amount of refund to which the
applicant is entitled. If the amount is not less than that
claimed, the commissioner shall certify the amount to the director
of budget and management and treasurer of state for payment from
the tax refund fund created under section 5703.052 of the Revised
Code. If the amount is less than that claimed, the commissioner
shall proceed in accordance with section 5703.70 of the Revised
Code.

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(C) Interest on a refund applied for under this section,
computed at the rate provided for in section 5703.47 of the
Revised Code, shall be allowed from the later of the date the tax
was paid or when the tax payment was due.

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(D) A calendar quarter taxpayer with more than one million
dollars in taxable gross receipts in a calendar year other than
calendar year 2005 and that is not able to exclude one million
dollars in taxable gross receipts because of the operation of the
taxpayer's business in that calendar year may file for a refund
under this section to obtain the full exclusion of one million
dollars in taxable gross receipts for that calendar year.

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(E) No person with an active registration as a taxpayer under
this chapter may claim a refund under this section for the tax
imposed under division (B) of section 5751.03 of the Revised Code

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unless the person cancelled the registration before the tenth day 122962
of ~~February~~ May of the current calendar year pursuant to division 122963
(~~C~~)(D) of section 5751.04 of the Revised Code. 122964

(F) Except as provided in section 5751.091 of the Revised 122965
Code, the tax commissioner may, with the consent of the taxpayer, 122966
provide for the crediting against tax due for a tax year the 122967
amount of any refund due the taxpayer under this chapter for a 122968
preceding tax year. 122969

Sec. 5751.09. (A) The tax commissioner may make an 122970
assessment, based on any information in the commissioner's 122971
possession, against any person that fails to file a return or pay 122972
any tax as required by this chapter. The commissioner shall give 122973
the person assessed written notice of the assessment as provided 122974
in section 5703.37 of the Revised Code. With the notice, the 122975
commissioner shall provide instructions on the manner in which to 122976
petition for reassessment and request a hearing with respect to 122977
the petition. The commissioner shall send any assessments against 122978
consolidated elected taxpayer and combined taxpayer groups under 122979
section 5751.011 or 5751.012 of the Revised Code to the taxpayer's 122980
"reporting person" as defined under division (R) of section 122981
5751.01 of the Revised Code. The reporting person shall notify all 122982
members of the group of the assessment and all outstanding taxes, 122983
interest, and penalties for which the assessment is issued. 122984

(B) Unless the person assessed, within sixty days after 122985
service of the notice of assessment, files with the tax 122986
commissioner, either personally or by certified mail, a written 122987
petition signed by the person or the person's authorized agent 122988
having knowledge of the facts, the assessment becomes final, and 122989
the amount of the assessment is due and payable from the person 122990
assessed to the treasurer of state. The petition shall indicate 122991
the objections of the person assessed, but additional objections 122992
may be raised in writing if received by the commissioner prior to 122993

the date shown on the final determination. 122994

If a petition for reassessment has been properly filed, the 122995
commissioner shall proceed under section 5703.60 of the Revised 122996
Code. 122997

(C)(1) After an assessment becomes final, if any portion of 122998
the assessment, including accrued interest, remains unpaid, a 122999
certified copy of the tax commissioner's entry making the 123000
assessment final may be filed in the office of the clerk of the 123001
court of common pleas in the county in which the person resides or 123002
has its principal place of business in this state, or in the 123003
office of the clerk of court of common pleas of Franklin county. 123004

(2) Immediately upon the filing of the entry, the clerk shall 123005
enter judgment for the state against the person assessed in the 123006
amount shown on the entry. The judgment may be filed by the clerk 123007
in a loose-leaf book entitled, "special judgments for the 123008
commercial activity tax" and shall have the same effect as other 123009
judgments. Execution shall issue upon the judgment at the request 123010
of the tax commissioner, and all laws applicable to sales on 123011
execution shall apply to sales made under the judgment. 123012

(3) The portion of the assessment not paid within sixty days 123013
after the day the assessment was issued shall bear interest at the 123014
rate per annum prescribed by section 5703.47 of the Revised Code 123015
from the day the tax commissioner issues the assessment until it 123016
is paid. Interest shall be paid in the same manner as the tax and 123017
may be collected by the issuance of an assessment under this 123018
section. 123019

(D) If the tax commissioner believes that collection of the 123020
tax will be jeopardized unless proceedings to collect or secure 123021
collection of the tax are instituted without delay, the 123022
commissioner may issue a jeopardy assessment against the person 123023
liable for the tax. Immediately upon the issuance of the jeopardy 123024

assessment, the commissioner shall file an entry with the clerk of	123025
the court of common pleas in the manner prescribed by division (C)	123026
of this section. Notice of the jeopardy assessment shall be served	123027
on the person assessed or the person's authorized agent in the	123028
manner provided in section 5703.37 of the Revised Code within five	123029
days of the filing of the entry with the clerk. The total amount	123030
assessed is immediately due and payable, unless the person	123031
assessed files a petition for reassessment in accordance with	123032
division (B) of this section and provides security in a form	123033
satisfactory to the commissioner and in an amount sufficient to	123034
satisfy the unpaid balance of the assessment. Full or partial	123035
payment of the assessment does not prejudice the commissioner's	123036
consideration of the petition for reassessment.	123037
(E) The tax commissioner shall immediately forward to the	123038
treasurer of state all amounts the commissioner receives under	123039
this section, and such amounts shall be considered as revenue	123040
arising from the tax imposed under this chapter.	123041
(F) Except as otherwise provided in this division, no	123042
assessment shall be made or issued against a taxpayer for the tax	123043
imposed under this chapter more than four years after the due date	123044
for the filing of the return for the tax period for which the tax	123045
was reported, or more than four years after the return for the tax	123046
period was filed, whichever is later. Nothing in this division	123047
bars an assessment against a taxpayer that fails to file a return	123048
required by this chapter or that files a fraudulent return.	123049
(G) If the tax commissioner possesses information that	123050
indicates that the amount of tax a taxpayer is required to pay	123051
under this chapter exceeds the amount the taxpayer paid, the tax	123052
commissioner may audit a sample of the taxpayer's gross receipts	123053
over a representative period of time to ascertain the amount of	123054
tax due, and may issue an assessment based on the audit. The tax	123055
commissioner shall make a good faith effort to reach agreement	123056

with the taxpayer in selecting a representative sample. The tax
commissioner may apply a sampling method only if the commissioner
has prescribed the method by rule.

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(H) If the whereabouts of a person subject to this chapter is
not known to the tax commissioner, the ~~secretary of state is~~
~~hereby deemed to be that person's agent for purposes of service of~~
~~process of notice of any assessment, action, or proceedings~~
~~instituted in this state against the person under this chapter.~~
~~Such process or notice shall be served on such person by the~~
~~commissioner or by one of the commissioner's agents by leaving at~~
~~the office of the secretary of state, at least fifteen days before~~
~~the return day of such process or notice, a true and attested copy~~
~~of the notice, and by sending to such person by ordinary mail,~~
~~with an endorsement thereon of the service upon the secretary of~~
~~state, addressed to such person at the person's last known~~
~~address~~commissioner shall follow the procedures under section
5703.37 of the Revised Code.

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Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of
the Revised Code:

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(1) "School district," "joint vocational school district,"
"local taxing unit," "recognized valuation," "fixed-rate levy,"
and "fixed-sum levy" have the same meanings as used in section
5727.84 of the Revised Code.

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(2) "State education aid" for a school district means the
following:

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(a) For fiscal years prior to fiscal year 2010, the sum of
state aid amounts computed for the district under division (A) of
section 3317.022 of the Revised Code, including the amounts
calculated under sections 3317.029 and 3317.0217 of the Revised
Code; divisions (C)(1), (C)(4), (D), (E), and (F) of section
3317.022; divisions (B), (C), and (D) of section 3317.023;

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divisions (L) and (N) of section 3317.024; section 3317.0216; and
any unit payments for gifted student services paid under sections
3317.05, 3317.052, and 3317.053 of the Revised Code; except that,
for fiscal years 2008 and 2009, the amount computed for the
district under Section 269.20.80 of H.B. 119 of the 127th general
assembly and as that section subsequently may be amended shall be
substituted for the amount computed under division (D) of section
3317.022 of the Revised Code, and the amount computed under
Section 269.30.80 of H.B. 119 of the 127th general assembly and as
that section subsequently may be amended shall be included.

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(b) For fiscal year 2010 and for each fiscal year
thereafter, the sum of the amounts computed under sections
3306.052, 3306.12, 3306.13, 3306.19, 3306.191, and 3306.192 of
the Revised Code.

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(3) "State education aid" for a joint vocational school
district means the following:

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(a) For fiscal years prior to fiscal year 2010, the sum of
the state aid computed for the district under division (N) of
section 3317.024 and section 3317.16 of the Revised Code, except
that, for fiscal years 2008 and 2009, the amount computed under
Section 269.30.80 of H.B. 119 of the 127th general assembly and
as that section subsequently may be amended shall be included.

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(b) For fiscal years 2010 and 2011, the amount paid in
accordance with the section of this act entitled "FUNDING FOR
JOINT VOCATIONAL SCHOOL DISTRICTS."

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(4) "State education aid offset" means the amount determined
for each school district or joint vocational school district under
division (A)(1) of section 5751.21 of the Revised Code.

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(5) "Machinery and equipment property tax value loss" means
the amount determined under division (C)(1) of this section.

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(6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section.	123118 123119
(7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section.	123120 123121
(8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section.	123122 123123
(9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section.	123124 123125
(10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section.	123126 123127
(11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss.	123128 123129 123130 123131
(12) "Fixed-sum levy loss" means the amount determined under division (E) of this section.	123132 123133
(13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code.	123134 123135 123136
(14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code.	123137 123138 123139
(15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code.	123140 123141 123142
(16) "Qualifying levies" are levies in effect for tax year	123143

2004 or applicable to tax year 2005 or approved at an election
conducted before September 1, 2005. For the purpose of
determining the rate of a qualifying levy authorized by section
5705.212 or 5705.213 of the Revised Code, the rate shall be the
rate that would be in effect for tax year 2010.

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(17) "Telephone property" means tangible personal property
of a telephone, telegraph, or interexchange telecommunications
company subject to an assessment rate specified in section
5727.111 of the Revised Code in tax year 2004.

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(18) "Telephone property tax value loss" means the amount
determined under division (C)(4) of this section.

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(19) "Telephone property fixed-rate levy loss" means the
amount determined under division (D)(4) of this section.

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(B) The commercial activities tax receipts fund is hereby
created in the state treasury and shall consist of money arising
from the tax imposed under this chapter. ~~All money in that~~
Eighty-five one-hundredths of one per cent of the money credited
to that fund shall be credited to the tax reform system
implementation fund, which is hereby created in the state
treasury, and shall be used to defray the costs incurred by the
department of taxation in administering the tax imposed by this
chapter and in implementing tax reform measures. The remainder in
the commercial activities tax receipts fund shall be credited for
each fiscal year in the following percentages to the general
revenue fund, to the school district tangible property tax
replacement fund, which is hereby created in the state treasury
for the purpose of making the payments described in section
5751.21 of the Revised Code, and to the local government tangible
property tax replacement fund, which is hereby created in the
state treasury for the purpose of making the payments described
in section 5751.22 of the Revised Code, in the following
percentages:

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Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	123176
2006	67.7%	22.6%	9.7%	123177
2007	0%	70.0%	30.0%	123178
2008	0%	70.0%	30.0%	123179
2009	0%	70.0%	30.0%	123180
2010	0%	70.0%	30.0%	123181
2011 <u>and thereafter</u>	0%	70.0%	30.0%	123182
2012	~~5.3%~~	~~70.0%~~	~~24.7%~~	123183
2013	~~10.6%~~	~~70.0%~~	~~19.4%~~	123184
2014	~~14.1%~~	~~70.0%~~	~~15.9%~~	123185
2015	~~17.6%~~	~~70.0%~~	~~12.4%~~	123186
2016	~~21.1%~~	~~70.0%~~	~~8.9%~~	123187
2017	~~24.6%~~	~~70.0%~~	~~5.4%~~	123188
2018	~~28.1%~~	~~70.0%~~	~~1.9%~~	123189
2019 <u>and thereafter</u>	30%	70%	0%	123190

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;	123203
(c) For tax year 2008, eighty-three per cent;	123204
(d) For tax year 2009 and thereafter, one hundred per cent.	123205
(2) Inventory property tax value loss is the taxable value of	123206
inventory property as reported by taxpayers for tax year 2004	123207
multiplied by:	123208
(a) For tax year 2006, a fraction, the numerator of which is	123209
five and three-fourths and the denominator of which is	123210
twenty-three;	123211
(b) For tax year 2007, a fraction, the numerator of which is	123212
nine and one-half and the denominator of which is twenty-three;	123213
(c) For tax year 2008, a fraction, the numerator of which is	123214
thirteen and one-fourth and the denominator of which is	123215
twenty-three;	123216
(d) For tax year 2009 and thereafter a fraction, the	123217
numerator of which is seventeen and the denominator of which is	123218
twenty-three.	123219
(3) Furniture and fixtures property tax value loss is the	123220
taxable value of furniture and fixture property as reported by	123221
taxpayers for tax year 2004 multiplied by:	123222
(a) For tax year 2006, twenty-five per cent;	123223
(b) For tax year 2007, fifty per cent;	123224
(c) For tax year 2008, seventy-five per cent;	123225
(d) For tax year 2009 and thereafter, one hundred per cent.	123226

The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of August 31, 2005. Such determinations shall be final except for any correction of a clerical error that was made prior to August 31, 2005, by the tax commissioner.

(4) Telephone property tax value loss is the taxable value of telephone property as taxpayers would have reported that property for tax year 2004 if the assessment rate for all telephone property for that year were twenty-five per cent, multiplied by:

(a) For tax year 2006, zero per cent;

(b) For tax year 2007, zero per cent;

(c) For tax year 2008, zero per cent;

(d) For tax year 2009, sixty per cent;

(e) For tax year 2010, eighty per cent;

(f) For tax year 2011 and thereafter, one hundred per cent.

(5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.

In computing the fixed-rate levy losses under divisions

(D)(1), (2), and (3) of this section for any school district, 123254
joint vocational school district, or local taxing unit to which 123255
division (C)(5) of this section applies, the taxable value of such 123256
property as listed on the general tax list of personal property 123257
for tax year 2000 shall be substituted for the taxable value of 123258
such property as reported by taxpayers for tax year 2004, in the 123259
taxing district containing the uranium facility, if the taxable 123260
value listed for tax year 2000 is greater than the taxable value 123261
reported by taxpayers for tax year 2004. For the purpose of making 123262
the computations under divisions (D)(1), (2), and (3) of this 123263
section, the tax year 2000 valuation is to be allocated to 123264
machinery and equipment, inventory, and furniture and fixtures 123265
property in the same proportions as the tax year 2004 values. For 123266
the purpose of the calculations in division (A) of section 5751.21 123267
of the Revised Code, the tax year 2004 taxable values shall be 123268
used. 123269

To facilitate the calculations required under division (C) of 123270
this section, the county auditor, upon request from the tax 123271
commissioner, shall provide by August 1, 2005, the values of 123272
machinery and equipment, inventory, and furniture and fixtures for 123273
all single-county personal property taxpayers for tax year 2004. 123274

(D) Not later than September 15, 2005, the tax commissioner 123275
shall determine for each tax year from 2006 through 2009 for each 123276
school district, joint vocational school district, and local 123277
taxing unit its machinery and equipment, inventory, and furniture 123278
and fixtures fixed-rate levy losses, and for each tax year from 123279
2006 through 2011 its telephone property fixed-rate levy loss, 123280
~~which~~. Except as provided in division (F) of this section, such 123281
losses are the applicable amounts described in divisions (D)(1), 123282
(2), (3), and (4) of this section: 123283

(1) The machinery and equipment fixed-rate levy loss is the 123284
machinery and equipment property tax value loss multiplied by the 123285

sum of the tax rates of fixed-rate qualifying levies. 123286

(2) The inventory fixed-rate loss is the inventory property 123287
tax value loss multiplied by the sum of the tax rates of 123288
fixed-rate qualifying levies. 123289

(3) The furniture and fixtures fixed-rate levy loss is the 123290
furniture and fixture property tax value loss multiplied by the 123291
sum of the tax rates of fixed-rate qualifying levies. 123292

(4) The telephone property fixed-rate levy loss is the 123293
telephone property tax value loss multiplied by the sum of the tax 123294
rates of fixed-rate qualifying levies. 123295

(E) Not later than September 15, 2005, the tax commissioner 123296
shall determine for each school district, joint vocational school 123297
district, and local taxing unit its fixed-sum levy loss. The 123298
fixed-sum levy loss is the amount obtained by subtracting the 123299
amount described in division (E)(2) of this section from the 123300
amount described in division (E)(1) of this section: 123301

(1) The sum of the machinery and equipment property tax value 123302
loss, the inventory property tax value loss, and the furniture and 123303
fixtures property tax value loss, and, for 2008 ~~through 2017~~ and 123304
thereafter the telephone property tax value loss of the district 123305
or unit multiplied by the sum of the fixed-sum tax rates of 123306
qualifying levies. For 2006 through 2010, this computation shall 123307
include all qualifying levies remaining in effect for the current 123308
tax year and any school district levies imposed under section 123309
5705.194 or 5705.213 of the Revised Code that are qualifying 123310
levies not remaining in effect for the current year. For 2011 123311
~~through 2017 in the case of school district levies imposed~~ 123312
~~under section 5705.194 or 5705.213 of the Revised Code and for~~ 123313
~~all years after 2010 in the case of other fixed-sum levies~~ and 123314
thereafter, this computation shall include only qualifying 123315
levies remaining in effect for the current year. For purposes 123316

of this computation, a qualifying school district levy imposed 123317
under section 5705.194 or 5705.213 of the Revised Code remains 123318
in effect in a year after 2010 only if, for that year, the 123319
board of education levies a school district levy imposed under 123320
section 5705.194 ~~or 5705.199~~, 5705.213, or 5705.219 of the 123321
Revised Code for an annual sum at least equal to the annual 123322
sum levied by the board in tax year 2004 less the amount of 123323
the payment certified under this division for 2006. 123324

(2) The total taxable value in tax year 2004 less the sum of 123325
the machinery and equipment, inventory, furniture and fixtures, 123326
and telephone property tax value losses in each school district, 123327
joint vocational school district, and local taxing unit multiplied 123328
by one-half of one mill per dollar. 123329

(3) For the calculations in divisions (E)(1) and (2) of this 123330
section, the tax value losses are those that would be calculated 123331
for tax year 2009 under divisions (C)(1), (2), and (3) of this 123332
section and for tax year 2011 under division (C)(4) of this 123333
section. 123334

(4) To facilitate the calculation under divisions (D) and (E) 123335
of this section, not later than September 1, 2005, any school 123336
district, joint vocational school district, or local taxing unit 123337
that has a qualifying levy that was approved at an election 123338
conducted during 2005 before September 1, 2005, shall certify to 123339
the tax commissioner a copy of the county auditor's certificate of 123340
estimated property tax millage for such levy as required under 123341
division (B) of section 5705.03 of the Revised Code, which is the 123342
rate that shall be used in the calculations under such divisions. 123343

If the amount determined under division (E) of this section 123344
for any school district, joint vocational school district, or 123345
local taxing unit is greater than zero, that amount shall equal 123346
the reimbursement to be paid pursuant to division (E) of section 123347
5751.21 or division (A)(3) of section 5751.22 of the Revised 123348

Code, and the one-half of one mill that is subtracted under 123349
division (E)(2) of this section shall be apportioned among all 123350
contributing fixed-sum levies in the proportion that each levy 123351
bears to the sum of all fixed-sum levies within each school 123352
district, joint vocational school district, or local taxing unit. 123353

(F) If a school district levies a tax under section 5705.219 123354
of the Revised Code, the fixed-rate levy loss for qualifying 123355
levies, to the extent repealed under that section, shall equal the 123356
sum of the following amounts in lieu of the amounts computed for 123357
such levies under division (D) of this section: 123358

(1) The sum of the rates of qualifying levies to the extent 123359
so repealed multiplied by the sum of the machinery and equipment, 123360
inventory, and furniture and fixtures tax value losses for 2009 as 123361
determined under that division: 123362

(2) The sum of the rates of qualifying levies to the extent 123363
so repealed multiplied by the telephone property tax value loss 123364
for 2011 as determined under that division. 123365

The fixed-rate levy losses for qualifying levies to the 123366
extent not repealed under section 5705.219 of the Revised Code 123367
shall be as determined under division (D) of this section. The 123368
revised fixed-rate levy losses determined under this division and 123369
division (D) of this section first apply in the year following the 123370
first year the district levies the tax under section 5705.219 of 123371
the Revised Code. 123372

(G) Not later than October 1, 2005, the tax commissioner 123373
shall certify to the department of education for every school 123374
district and joint vocational school district the machinery and 123375
equipment, inventory, furniture and fixtures, and telephone 123376
property tax value losses determined under division (C) of this 123377
section, the machinery and equipment, inventory, furniture and 123378
fixtures, and telephone fixed-rate levy losses determined under 123379

division (D) of this section, and the fixed-sum levy losses 123380
calculated under division (E) of this section. The calculations 123381
under divisions (D) and (E) of this section shall separately 123382
display the levy loss for each levy eligible for reimbursement. 123383

~~(G)~~(H) Not later than October 1, 2005, the tax commissioner 123384
shall certify the amount of the fixed-sum levy losses to the 123385
county auditor of each county in which a school district, joint 123386
vocational school district, or local taxing unit with a fixed-sum 123387
levy loss reimbursement has territory. 123388

(I) Not later than the twenty-eighth day of February each 123389
year beginning in 2011 and ending in 2014, the tax commissioner 123390
shall certify to the department of education for each school 123391
district first levying a tax under section 5705.219 of the Revised 123392
Code in the preceding year the revised fixed-rate levy losses 123393
determined under divisions (D) and (F) of this section. 123394

Sec. 5751.21. (A) Not later than the thirtieth day of July 123395
of 2007 ~~through 2017~~and of each year thereafter, the department 123396
of education shall consult with the director of budget and 123397
management and determine the following for each school district 123398
and each joint vocational school district eligible for payment 123399
under division (B) of this section: 123400

(1) The state education aid offset, which is the difference 123401
obtained by subtracting the amount described in division (A)(1)(b) 123402
of this section from the amount described in division (A)(1)(a) of 123403
this section: 123404

(a) The state education aid computed for the school district 123405
or joint vocational school district for the current fiscal year as 123406
of the thirtieth day of July; 123407

(b) The state education aid that would be computed for the 123408
school district or joint vocational school district for the 123409

current fiscal year as of the thirtieth day of July if the 123410
recognized valuation included the machinery and equipment, 123411
inventory, furniture and fixtures, and telephone property tax 123412
value losses for the school district or joint vocational school 123413
district for the second preceding tax year, and if taxes charged 123414
and payable associated with the tax value losses are accounted for 123415
in any state education aid computation dependent on taxes charged 123416
and payable. 123417

(2) The greater of zero or the difference obtained by 123418
subtracting the state education aid offset determined under 123419
division (A)(1) of this section from the sum of the machinery and 123420
equipment fixed-rate levy loss, the inventory fixed-rate levy 123421
loss, furniture and fixtures fixed-rate levy loss, and telephone 123422
property fixed-rate levy loss certified under ~~division (F)~~ 123423
divisions (G) and (I) of section 5751.20 of the Revised Code for 123424
all taxing districts in each school district and joint vocational 123425
school district for the second preceding tax year. 123426

By the thirtieth day of July of each such year, the 123427
department of education and the director of budget and management 123428
shall agree upon the amount to be determined under division 123429
(A)(1) of this section. 123430

(B) On or before the thirty-first day of August of each year 123431
beginning in 2008, the department of education shall recalculate 123432
the offset described under division (A) of this section for the 123433
previous fiscal year and recalculate the payments made under 123434
division (C) of this section in the preceding fiscal year using 123435
the offset calculated under this division. If the payments 123436
calculated under this division differ from the payments made under 123437
division (C) of this section in the preceding fiscal year, the 123438
difference shall either be paid to a school district or recaptured 123439
from a school district through an adjustment at the same times 123440
during the current fiscal year that the payments under division 123441

(C) of this section are made. In August and October of the current fiscal year, the amount of each adjustment shall be three-sevenths of the amount calculated under this division. In May of the current fiscal year, the adjustment shall be one-seventh of the amount calculated under this division.	123442 123443 123444 123445 123446
(C) The department of education shall pay from the school district tangible property tax replacement fund to each school district and joint vocational school district all of the following for fixed-rate levy losses certified under ~~division (F)~~ <u>divisions (G) and (I)</u> of section 5751.20 of the Revised Code:	123447 123448 123449 123450 123451
(1) On or before May 31, 2006, one-seventh of the total fixed-rate levy loss for tax year 2006;	123452 123453
(2) On or before August 31, 2006, and October 31, 2006, one-half of six-sevenths of the total fixed-rate levy loss for tax year 2006;	123454 123455 123456
(3) On or before May 31, 2007, one-seventh of the total fixed-rate levy loss for tax year 2007;	123457 123458
(4) On or before August 31, 2007, and October 31, 2007, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2008, but not less than zero, plus one-half of six-sevenths of the difference between the total fixed-rate levy loss for tax year 2007 and the total fixed-rate levy loss for tax year 2006.	123459 123460 123461 123462 123463 123464
(5) On or before May 31, 2008, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2008, but not less than zero, plus one-seventh of the difference between the total fixed-rate levy loss for tax year 2008 and the total fixed-rate levy loss for tax year 2006.	123465 123466 123467 123468 123469
(6) On or before August 31, 2008, and October 31, 2008,	123470

forty-three per cent of the amount determined under division 123471
(A)(2) of this section for fiscal year 2009, but not less than 123472
zero, plus one-half of six-sevenths of the difference between the 123473
total fixed-rate levy loss in tax year 2008 and the total 123474
fixed-rate levy loss in tax year 2007. 123475

(7) On or before May 31, 2009, fourteen per cent of the 123476
amount determined under division (A)(2) of this section for 123477
fiscal year 2009, but not less than zero, plus one-seventh of the 123478
difference between the total fixed-rate levy loss for tax year 123479
2009 and the total fixed-rate levy loss for tax year 2007. 123480

(8) On or before August 31, 2009, and October 31, 2009, 123481
forty-three per cent of the amount determined under division 123482
(A)(2) of this section for fiscal year 2010, but not less than 123483
zero, plus one-half of six-sevenths of the difference between the 123484
total fixed-rate levy loss in tax year 2009 and the total 123485
fixed-rate levy loss in tax year 2008. 123486

(9) On or before May 31, 2010, fourteen per cent of the 123487
amount determined under division (A)(2) of this section for 123488
fiscal year 2010, but not less than zero, plus one-seventh of the 123489
difference between the total fixed-rate levy loss in tax year 2010 123490
and the total fixed-rate levy loss in tax year 2008. 123491

(10) On or before August 31, 2010, and October 31, 2010, 123492
forty-three per cent of the amount determined under division 123493
(A)(2) of this section for fiscal year 2011, but not less than 123494
zero, plus one-half of six-sevenths of the difference between the 123495
telephone property fixed-rate levy loss for tax year 2010 and the 123496
telephone property fixed-rate levy loss for tax year 2009. 123497

(11) On or before May 31, 2011, fourteen per cent of the 123498
amount determined under division (A)(2) of this section for 123499
fiscal year 2011, but not less than zero, plus one-seventh of the 123500
difference between the telephone property fixed-rate levy loss for 123501

tax year 2011 and the telephone property fixed-rate levy loss for 123502
tax year 2009. 123503

(12) On or before August 31, 2011, and October 31, 2011, 123504
forty-three per cent of the amount determined under division 123505
(A)(2) of this section ~~multiplied by a fraction, the numerator~~ 123506
~~of which is fourteen and the denominator of which is seventeen,~~ 123507
but not less than zero, ~~multiplied by forty-three per cent,~~ plus 123508
one-half of six-sevenths of the difference between the telephone 123509
property fixed-rate levy loss for tax year 2011 and the telephone 123510
property fixed-rate levy loss for tax year 2010. 123511

(13) On or before May 31, 2012, fourteen per cent of the 123512
amount determined under division (A)(2) of this section for 123513
fiscal year 2012, ~~multiplied by a fraction, the numerator of~~ 123514
~~which is fourteen and the denominator of which is seventeen~~ but 123515
not less than zero, plus one-seventh of the difference between 123516
the telephone property fixed-rate levy loss for tax year 2011 and 123517
the telephone property fixed-rate levy loss for tax year 2010. 123518

(14) On or before ~~August 31, 2012, October 31, 2012, and May~~ 123519
~~31, 2013, the amount determined under division (A)(2) of this~~ 123520
~~section multiplied by a fraction, the numerator of which is~~ 123521
~~eleven and the denominator of which is seventeen, but not less~~ 123522
~~than zero, multiplied by one-third.~~ 123523

(15) On or before ~~August 31, 2013, October 31, 2013, and May~~ 123524
~~31, 2014, the amount determined under division (A)(2) of this~~ 123525
~~section multiplied by a fraction, the numerator of which is nine~~ 123526
~~and the denominator of which is seventeen, but not less than~~ 123527
~~zero, multiplied by one-third.~~ 123528

(16) On or before ~~August 31, 2014, October 31, 2014, and May~~ 123529
~~31, 2015, the amount determined under division (A)(2) of this~~ 123530
~~section multiplied by a fraction, the numerator of which is seven~~ 123531
~~and the denominator of which is seventeen, but not less than~~ 123532

zero, multiplied by one third.	123533
(17) On or before August 31, 2015, October 31, 2015, and May 31, 2016, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is five and the denominator of which is seventeen, but not less than zero, multiplied by one third.	123534 123535 123536 123537 123538
(18) On or before August 31, 2016, October 31, 2016, and May 31, 2017, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is three and the denominator of which is seventeen, but not less than zero, multiplied by one third.	123539 123540 123541 123542 123543
(19) On or before August 31, 2017, October 31, 2017, and May 31, 2018, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is one and the denominator of which is seventeen, but not less than zero, multiplied by one third <u>the thirty-first day of August and October of 2012 and of each year thereafter and the thirty-first day of May of 2013 and of each year thereafter, one-third of the amount determined under division (A)(2) of this section, but not less than zero.</u>	123544 123545 123546 123547 123548 123549 123550 123551 123552
The department of education shall report to each school district and joint vocational school district the apportionment of the payments among the school district's or joint vocational school district's funds based on the certifications under ~~division (F)~~ <u>divisions (G) and (I)</u> of section 5751.20 of the Revised Code.	123553 123554 123555 123556 123557
Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2010 does not qualify for any reimbursement after the tax year to which it is last applicable.	123558 123559 123560
(D) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made equal to one	123561 123562

hundred per cent of the loss computed as if the tax were a
fixed-rate levy, ~~but those payments shall extend from fiscal year~~
~~2006 through fiscal year 2018, as long as the qualifying levy~~
~~continues to be used for debt purposes. If the purpose of such a~~
~~qualifying levy is changed, that levy becomes subject to the~~
~~payments determined in division (C) of this section.~~

(E)(1) Not later than January 1, 2006, for each fixed-sum
levy of each school district or joint vocational school district
and for each year for which a determination is made under division
~~(F)~~(E) of section 5751.20 of the Revised Code that a fixed-sum
levy loss is to be reimbursed, the tax commissioner shall certify
to the department of education the fixed-sum levy loss determined
under that division. The certification shall cover a time period
sufficient to include all fixed-sum levies for which the
commissioner made such a determination. The department shall pay
from the school district property tax replacement fund to the
school district or joint vocational school district one-third of
the fixed-sum levy loss so certified for each year, plus one-third
of the amount certified under division (I) of section 5751.20 of
the Revised Code, on or before the last day of May, August, and
October of the current year. Payments under this division of the
amounts certified under division (I) of section 5751.20 of the
Revised Code shall continue until the levy adopted under section
5705.219 of the Revised Code expires.

(2) Beginning in 2006, by the first day of January of each
year, the tax commissioner shall review the certification
originally made under division (E)(1) of this section. If the
commissioner determines that a debt levy that had been scheduled
to be reimbursed in the current year has expired, a revised
certification for that and all subsequent years shall be made to
the department of education.

(F) Beginning in September 2007 ~~and through June 2018~~, the

director of budget and management shall transfer from the school 123595
district tangible property tax replacement fund to the general 123596
revenue fund each of the following: 123597

(1) On the first day of September, one-fourth of the amount 123598
determined for that fiscal year under division (A)(1) of this 123599
section; 123600

(2) On the first day of December, one-fourth of the amount 123601
determined for that fiscal year under division (A)(1) of this 123602
section; 123603

(3) On the first day of March, one-fourth of the amount 123604
determined for that fiscal year under division (A)(1) of this 123605
section; 123606

(4) On the first day of June, one-fourth of the amount 123607
determined for that fiscal year under division (A)(1) of this 123608
section. 123609

If, when a transfer is required under division (F)(1), (2), 123610
(3), or (4) of this section, there is not sufficient money in the 123611
school district tangible property tax replacement fund to make 123612
the transfer in the required amount, the director shall transfer 123613
the balance in the fund to the general revenue fund and may make 123614
additional transfers on later dates as determined by the director 123615
in a total amount that does not exceed one-fourth of the amount 123616
determined for the fiscal year. 123617

(G) ~~For each of the fiscal years 2006 through 2018, if~~ the 123618
total amount in the school district tangible property tax 123619
replacement fund is insufficient to make all payments under 123620
divisions (C), (D), and (E) of this section at the times the 123621
payments are to be made, the director of budget and management 123622
shall transfer from the general revenue fund to the school 123623
district tangible property tax replacement fund the difference 123624

between the total amount to be paid and the amount in the school
district tangible property tax replacement fund. ~~For each fiscal
year after 2018, at the time payments under division (E) of this
section are to be made, the director of budget and management
shall transfer from the general revenue fund to the school
district property tax replacement fund the amount necessary to
make such payments.~~

(H)~~(4)~~ On the fifteenth day of June of 2006 through 2011,
the director of budget and management may transfer any balance in
the school district tangible property tax replacement fund to the
general revenue fund. ~~At the end of fiscal years 2012 through
2018, any balance in the school district tangible property tax
replacement fund shall remain in the fund to be used in future
fiscal years for school purposes.~~

~~(2) In each fiscal year beginning with fiscal year 2019~~In
each fiscal year thereafter, all amounts credited to the school
district tangible personal property tax replacement fund shall be
appropriated for school purposes.

(I) If all of the territory of a school district or joint
vocational school district is merged with another district, or if
a part of the territory of a school district or joint vocational
school district is transferred to an existing or newly created
district, the department of education, in consultation with the
tax commissioner, shall adjust the payments made under this
section as follows:

(1) For a merger of two or more districts, the machinery and
equipment, inventory, furniture and fixtures, and telephone
property fixed-rate levy losses and the fixed-sum levy losses of
the successor district shall be equal to the sum of the machinery
and equipment, inventory, furniture and fixtures, and telephone
property fixed-rate levy losses and debt levy losses as determined
in section 5751.20 of the Revised Code, for each of the districts

involved in the merger. 123657

(2) If property is transferred from one district to a 123658
previously existing district, the amount of machinery and 123659
equipment, inventory, furniture and fixtures, and telephone 123660
property tax value losses and fixed-rate levy losses that shall be 123661
transferred to the recipient district shall be an amount equal to 123662
the total machinery and equipment, inventory, furniture and 123663
fixtures, and telephone property fixed-rate levy losses times a 123664
fraction, the numerator of which is the value of business tangible 123665
personal property on the land being transferred in the most recent 123666
year for which data are available, and the denominator of which is 123667
the total value of business tangible personal property in the 123668
district from which the land is being transferred in the most 123669
recent year for which data are available. For each of the first 123670
five years after the property is transferred, but not after fiscal 123671
year 2012, if the tax rate in the recipient district is less than 123672
the tax rate of the district from which the land was transferred, 123673
one-half of the payments arising from the amount of fixed-rate 123674
levy losses so transferred to the recipient district shall be paid 123675
to the recipient district and one-half of the payments arising 123676
from the fixed-rate levy losses so transferred shall be paid to 123677
the district from which the land was transferred. Fixed-rate levy 123678
losses so transferred shall be computed on the basis of the sum of 123679
the rates of fixed-rate qualifying levies of the district from 123680
which the land was transferred, notwithstanding division (E) of 123681
this section. 123682

(3) After December 31, 2004, if property is transferred from 123683
one or more districts to a district that is newly created out of 123684
the transferred property, the newly created district shall be 123685
deemed not to have any machinery and equipment, inventory, 123686
furniture and fixtures, or telephone property fixed-rate levy 123687
losses and the districts from which the property was transferred 123688
shall have no reduction in their machinery and equipment, 123689

inventory, furniture and fixtures, and telephone property 123690
fixed-rate levy losses. 123691

(4) If the recipient district under division (I)(2) of this 123692
section or the newly created district under ~~divisions~~division 123693
(I)(3) of this section is assuming debt from one or more of the 123694
districts from which the property was transferred and any of the 123695
districts losing the property had fixed-sum levy losses, the 123696
department of education, in consultation with the tax 123697
commissioner, shall make an equitable division of the fixed-sum 123698
levy loss reimbursements. 123699

Sec. 5751.22. (A) Not later than January 1, 2006, the tax 123700
commissioner shall compute the payments to be made to each local 123701
taxing unit for each year according to divisions (A)(1), (2), (3), 123702
and (4) of this section, and shall distribute the payments in the 123703
manner prescribed by division (C) of this section. The calculation 123704
of the fixed-sum levy loss shall cover a time period sufficient to 123705
include all fixed-sum levies for which the commissioner 123706
determined, pursuant to division (E) of section 5751.20 of the 123707
Revised Code, that a fixed-sum levy loss is to be reimbursed. 123708

(1) ~~Except as provided in division (A)(4) of this section,~~ 123709
~~for~~For machinery and equipment, inventory, and furniture and 123710
fixtures fixed-rate levy losses determined under division (D) of 123711
section 5751.20 of the Revised Code, payments shall be made in an 123712
amount equal to each of those losses ~~multiplied by the following:~~ 123713

~~(a) For tax years 2006 through 2010, one hundred per cent;~~ 123714

~~(b) For tax year 2011, a fraction, the numerator of which is 123715
fourteen and the denominator of which is seventeen;~~ 123716

~~(c) For tax year 2012, a fraction, the numerator of which is 123717
eleven and the denominator of which is seventeen;~~ 123718

~~(d) For tax year 2013, a fraction, the numerator of which is nine and the denominator of which is seventeen;~~	123719 123720
~~(e) For tax year 2014, a fraction, the numerator of which is seven and the denominator of which is seventeen;~~	123721 123722
~~(f) For tax year 2015, a fraction, the numerator of which is five and the denominator of which is seventeen;~~	123723 123724
~~(g) For tax year 2016, a fraction, the numerator of which is three and the denominator of which is seventeen;~~	123725 123726
~~(h) For tax year 2017, a fraction, the numerator of which is one and the denominator of which is seventeen;~~	123727 123728
~~(i) For tax years 2018 and thereafter, no fixed rate payments shall be made.~~	123729 123730
Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2010 shall not qualify for any reimbursement after the tax year to which it is last applicable.	123731 123732 123733
~~(2) Except as provided in division (A)(4) of this section, for~~ For telephone property fixed-rate levy losses determined under division (D)(4) of section 5751.20 of the Revised Code, payments shall be made in an amount equal to each of those losses multiplied by the following:	123734 123735 123736 123737 123738
~~(a) For tax years 2009 through 2011, one hundred per cent;~~	123739
~~(b) For tax year 2012, seven eighths;~~	123740
~~(c) For tax year 2013, six eighths;~~	123741
~~(d) For tax year 2014, five eighths;~~	123742
~~(e) For tax year 2015, four eighths;~~	123743

(f) For tax year 2016, ~~three eighths;~~	123744
(g) For tax year 2017, ~~two eighths;~~	123745
(h) For tax year 2018, ~~one eighth;~~	123746
(i) For tax years 2019 and thereafter, ~~no fixed rate payments shall be made.~~	123747 123748
Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2011 shall not qualify for any reimbursement after the tax year to which it is last applicable.	123749 123750 123751
(3) For fixed-sum levy losses determined under division (E) of section 5751.20 of the Revised Code, payments shall be made in the amount of one hundred per cent of the fixed-sum levy loss for payments required to be made in 2006 and thereafter.	123752 123753 123754 123755
(4) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made ~~based on the schedule in division (A)(1) of this section for each of the calendar years 2006 through 2010. For each of the calendar years 2011 through 2017, the percentages for calendar year 2010 shall be used, as long as the qualifying levy continues to be used for debt purposes. If the purpose of such a qualifying levy is changed, that levy becomes subject to the payment schedules in divisions (A)(1)(a) to (h) of this section. No payments shall be made for such levies after calendar year 2017~~ <u>equal to one-hundred per cent of the loss computed as if the tax were a fixed-rate levy.</u>	123756 123757 123758 123759 123760 123761 123762 123763 123764 123765 123766
(B) Beginning in 2007, by the thirty-first day of January of each year, the tax commissioner shall review the calculation originally made under division (A) of this section of the fixed-sum levy losses determined under division (E) of section 5751.20 of the Revised Code. If the commissioner determines that a	123767 123768 123769 123770 123771

fixed-sum levy that had been scheduled to be reimbursed in the 123772
current year has expired, a revised calculation for that and all 123773
subsequent years shall be made. 123774

(C) Payments to local taxing units required to be made under 123775
division (A) of this section shall be paid from the local 123776
government tangible property tax replacement fund to the county 123777
undivided income tax fund in the proper county treasury. Beginning 123778
in May 2006, one-seventh of the amount certified under that 123779
division shall be paid by the last day of May each year, and 123780
three-sevenths shall be paid by the last day of August and October 123781
each year. Within forty-five days after receipt of such payments, 123782
the county treasurer shall distribute amounts determined under 123783
division (A) of this section to the proper local taxing unit as if 123784
they had been levied and collected as taxes, and the local taxing 123785
unit shall apportion the amounts so received among its funds in 123786
the same proportions as if those amounts had been levied and 123787
collected as taxes. 123788

(D) ~~For each of the fiscal years 2006 through 2019, if~~ the 123789
total amount in the local government tangible property tax 123790
replacement fund is insufficient to make all payments under 123791
division (C) of this section at the times the payments are to be 123792
made, the director of budget and management shall transfer from 123793
the general revenue fund to the local government tangible property 123794
tax replacement fund the difference between the total amount to be 123795
paid and the amount in the local government tangible property tax 123796
replacement fund. ~~For each fiscal year after 2019, at the time~~ 123797
~~payments under division (A)(2) of this section are to be made, the~~ 123798
~~director of budget and management shall transfer from the general~~ 123799
~~revenue fund to the local government property tax replacement fund~~ 123800
~~the amount necessary to make such payments.~~ 123801

(E) On the fifteenth day of June of each year ~~from 2006~~ 123802
~~through 2018~~beginning in 2006, the director of budget and 123803

management may transfer any balance in the local government
tangible property tax replacement fund to the general revenue
fund.

(F) If all or a part of the territories of two or more local
taxing units are merged, or unincorporated territory of a township
is annexed by a municipal corporation, the tax commissioner shall
adjust the payments made under this section to each of the local
taxing units in proportion to the tax value loss apportioned to
the merged or annexed territory, or as otherwise provided by a
written agreement between the legislative authorities of the local
taxing units certified to the commissioner not later than the
first day of June of the calendar year in which the payment is to
be made.

Sec. 5751.23. (A) As used in this section:

(1) "Administrative fees" means the dollar percentages
allowed by the county auditor for services or by the county
treasurer as fees, or paid to the credit of the real estate
assessment fund, under divisions (A) and (C) of section 319.54
and division (A) of section 321.26 of the Revised Code.

(2) "Administrative fee loss" means a county's loss of
administrative fees due to its tax value loss, determined as
follows:

~~(a) For purposes of the determination made under division (B)~~
~~of this section in the years 2006 through 2010, the administrative~~
~~fee loss shall be computed~~ by multiplying the amounts determined
for all taxing districts in the county under divisions (D) and (E)
of section 5751.20 of the Revised Code by nine thousand six
hundred fifty-nine ten-thousandths of one per cent if total taxes
collected in the county in 2004 exceeded one hundred fifty million
dollars, or one and one thousand one hundred fifty-nine
ten-thousandths of one per cent if total taxes collected in the

county in 2004 were one hundred fifty million dollars or less; 123835

~~(b) For purposes of the determination under division (B) of
this section in the years after 2010, the administrative fee
losses shall be determined by multiplying the administrative fee
losses calculated for 2010 by the fractions in divisions (A)(1)(b)
to (i) of section 5751.22 of the Revised Code.~~ 123836
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(3) "Total taxes collected" means all money collected on any 123841
tax duplicate of the county, other than the estate tax duplicates. 123842
"Total taxes collected" does not include amounts received pursuant 123843
to divisions (F) and (G) of section 321.24 or section 323.156 of 123844
the Revised Code. 123845

(B) Not later than December 31, 2005, the tax commissioner 123846
shall certify to each county auditor the tax levy losses 123847
calculated under divisions (D) and (E) of section 5751.20 of the 123848
Revised Code for each school district, joint vocational school 123849
district, and local taxing unit in the county. Not later than the 123850
thirty-first day of January of 2006 through 2017, the county 123851
auditor shall determine the administrative fee loss for the county 123852
and apportion that loss ratably among the school districts, joint 123853
vocational school districts, and local taxing units on the basis 123854
of the tax levy losses certified under this division. 123855

(C) On or before each of the days prescribed for the 123856
settlements under divisions (A) and (C) of section 321.24 of the 123857
Revised Code in the years 2006 through 2017, the county treasurer 123858
shall deduct one-half of the amount apportioned to each school 123859
district, joint vocational school district, and local taxing unit 123860
from the portions of revenue payable to them. 123861

(D) On or before each of the days prescribed for settlements 123862
under divisions (A) and (C) of section 321.24 of the Revised Code 123863
in the years 2006 through 2017, the county auditor shall cause to 123864
be deposited an amount equal to one-half of the amount of the 123865

administrative fee loss in the same funds as if allowed as 123866
administrative fees. 123867

Sec. 5911.10. If any armory erected or purchased by the 123868
state becomes vacant because of the deactivation of the 123869
organizations quartered in that armory, the governor and the 123870
adjutant general may lease that armory for periods not to exceed 123871
one year; or, when authorized by an act of the general assembly, 123872
may sell that armory or lease it for a period of years. ~~The~~ 123873

The proceeds from the sale or lease of such an armory, or 123874
from the sale or lease of other facilities and land owned by the 123875
adjutant general, shall be credited to the armory improvements 123876
fund, which is hereby created in the state treasury. The moneys in 123877
the fund shall be used to support Ohio army national guard 123878
facility and maintenance expenses as the adjutant general directs. 123879
Any fund expenditure related to the construction, acquisition, 123880
lease, or financing of a capital asset is subject to approval by 123881
the controlling board. Investment earnings of the fund shall be 123882
credited to the general revenue fund. 123883

Sec. 5911.11. There is hereby created in the state treasury 123884
the community match armories fund. The fund shall consist of all 123885
amounts received as revenue from contributions from local entities 123886
for construction and maintenance of Ohio army national guard 123887
readiness and community centers and facilities. The moneys in the 123888
fund shall be used to support the acquisition and maintenance 123889
costs of centers and facilities representing the local entity's 123890
share of costs, including the local entity's share of utility 123891
costs. Investment earnings of the fund shall be credited to the 123892
fund. 123893

Sec. 5913.051. ~~To supplement the military staff of the~~ 123894
~~governor, the~~ (A) The adjutant general may appoint an assistant to 123895
~~the state area commander for readiness and training for~~ adjutant 123896
general - army. This assistant shall be a brigadier general and 123897

shall aid the adjutant general by performing duties that the 123898
adjutant general assigns ~~in~~that include the areas of readiness, 123899
~~training, and mobilization, and homeland defense preparedness.~~ 123900
This assistant shall not be a full-time state employee or a member 123901
of the governor's military staff, but shall serve in that capacity 123902
only during federally recognized training, special duty periods, 123903
~~or mobilization periods, or state active duty~~, and shall at the 123904
time of appointment be in the rank of colonel or above but 123905
otherwise meet the qualifications established ~~in section 5913.021~~ 123906
~~of the Revised Code~~by the department of defense/army for general 123907
officer qualification. 123908

(B) The adjutant general may appoint an assistant adjutant 123909
general – airforce. This assistant shall be a brigadier general 123910
and shall aid the adjutant general by performing duties that the 123911
adjutant general assigns that include the areas of readiness, 123912
mobilization, and homeland defense preparedness. This assistant 123913
shall not be a full-time state employee or a member of the 123914
governor's military staff, but shall serve in that capacity only 123915
during federally recognized training, special duty periods, 123916
mobilization periods, or state active duty, and shall at the time 123917
of appointment be in the rank of colonel or above but otherwise 123918
meet the qualifications established by the department of 123919
defense/air force for general officer qualification. 123920

Sec. 5913.09. (A) The adjutant general is the custodian of 123921
all military and other adjutant general's department property, 123922
both real and personal, belonging to the state. 123923

(B) The adjutant general may make changes and improvements to 123924
military and other adjutant general's department property as the 123925
needs of the state and federal government and the exigencies of 123926
the service require. All improvements made upon that property 123927
belonging to the state, from moneys received either all or in part 123928
from the state or federal government, or both, become the property 123929

of the state, except as may be provided in an agreement and 123930
corresponding regulations by which the United States contributes 123931
to the cost of an improvement. 123932

(C)(1) In accordance with applicable state and federal law 123933
and regulations, the adjutant general, with the approval of the 123934
governor, may acquire by purchase lease, license, or otherwise, 123935
real and personal property necessary for the purposes of the 123936
department. 123937

(2) In accordance with applicable state and federal law and 123938
regulations, the adjutant general, with the approval of the 123939
attorney general, may enter into contracts for the construction, 123940
repair, renovation, maintenance, and operation of military or 123941
other adjutant general's department property. 123942

(3) In accordance with applicable state and federal law and 123943
regulations, the adjutant general, with the approval of the 123944
governor, may lease or exchange all or part of any military or 123945
other adjutant general's department property or grant easements or 123946
licenses, if the lease, exchange, easement, or license is 123947
advantageous to the state. 123948

(4) All real property of the adjutant general's department 123949
shall be sold in accordance with section 5911.10 of the Revised 123950
Code. 123951

(D)(1) Except as otherwise provided in this section, all 123952
income from any military or other adjutant general's department 123953
property of the state, not made a portion of the company, troop, 123954
battery, detachment, squadron, or other organization funds by 123955
regulations, shall be credited to the funds for the operation and 123956
maintenance of the Ohio organized militia, as the adjutant general 123957
directs, in accordance with applicable state and federal law and 123958
regulations and the agreements by which the United States 123959
contributes to the cost of operation and maintenance of the Ohio 123960

national guard. 123961

(2) There is hereby created in the state treasury the camp 123962
Perry/buckeye inn operations fund. The fund shall consist of all 123963
amounts received as revenue from the rental of facilities located 123964
at the camp Perry training site in Ottawa county and the buckeye 123965
inn at Rickenbacker air national guard base in Franklin county, 123966
and all amounts received from the use of the camp Perry training 123967
site and its facilities, including shooting ranges. The moneys in 123968
the fund shall be used to support the facility operations of the 123969
camp Perry clubhouse and the buckeye inn. Investment earnings of 123970
the fund shall be credited to the general revenue fund. 123971

Sec. 5919.20. There is hereby created in the state treasury 123972
the national guard service medal fund. The fund shall consist of 123973
all amounts received from the purchase of Ohio national guard 123974
service medals for eligible national guard service members as 123975
authorized by the general assembly. The moneys in the fund shall 123976
be used to purchase additional medals. Investment earnings of the 123977
fund shall be credited to the fund. 123978

Sec. 5919.36. There is hereby created in the state treasury 123979
the Ohio national guard facility maintenance fund. The fund shall 123980
consist of all amounts received from revenue from leases of sites, 123981
including towers and wells, and other revenue received from 123982
reimbursements for services related to Ohio national guard 123983
programs. The moneys in the fund shall be used for service, 123984
maintenance, and repair expenses, and for equipment purchases for 123985
programs and facilities of the adjutant general. Investment 123986
earnings of the fund shall be credited to the general revenue 123987
fund. 123988

Sec. 6103.01. As used in this chapter: 123989

(A) "Public water supply facilities," "water supply 123990
facilities," "water supply improvement," or "improvement" means, 123991

without limiting the generality of those terms, water wells and	123992
well fields, springs, lakes, rivers, streams, or other sources of	123993
water supply, intakes, pumping stations and equipment, treatment,	123994
filtration, or purification plants, force and distribution lines	123995
or mains, cisterns, reservoirs, storage facilities, necessary	123996
equipment for fire protection, other related structures,	123997
equipment, and furnishings, and real estate and interests in real	123998
estate, necessary or useful in the proper development of a water	123999
supply for domestic or other purposes and its proper distribution.	124000
 (B) "Current operating expenses," "debt charges," "permanent	124001
improvement," "public obligations," and "subdivision" have the	124002
same meanings as in section 133.01 of the Revised Code.	124003
 (C) "Construct," "construction," or "constructing" means	124004
construction, reconstruction, enlargement, extension, improvement,	124005
renovation, repair, and replacement of water supply facilities,	124006
but does not include repairs, replacements, or similar actions	124007
that do not constitute and qualify as permanent improvements.	124008
 (D) "Maintain," "maintaining," or "maintenance" means	124009
repairs, replacements, and similar actions that constitute and are	124010
payable as current operating expenses and that are required to	124011
restore water supply facilities to, or to continue water supply	124012
facilities in, good order and working condition, but does not	124013
include construction of permanent improvements.	124014
 (E) "Public agency" means a state and any agency or	124015
subdivision of a state, including a county, a municipal	124016
corporation, or other subdivision.	124017
 (F) "County sanitary engineer" means either of the following:	124018
 (1) The registered professional engineer employed or	124019
appointed by the board of county commissioners to be the county	124020
sanitary engineer as provided in section 6117.01 of the Revised	124021

Code;	124022
(2) The county engineer, if, for as long as and to the extent that engineer by agreement entered into under section 315.14 of the Revised Code is retained to discharge the duties of a county sanitary engineer under this chapter.	124023 124024 124025 124026
<u>(G) "Homestead exemption" means the reduction of taxes allowed under division (A) of section 323.152 of the Revised Code.</u>	124027 124028
<u>(H) "Low- and moderate-income persons" has the same meaning as in section 175.01 of the Revised Code.</u>	124029 124030
Sec. 6103.02. (A) For the purpose of preserving and promoting the public health and welfare, a board of county commissioners may acquire, construct, maintain, and operate any public water supply facilities within its county for one or more sewer districts and may provide for their protection and prevent their pollution and unnecessary waste. The board may negotiate and enter into a contract with any public agency or any person for the management, maintenance, operation, and repair of the facilities on behalf of the county, upon the terms and conditions as may be agreed upon with the agency or person and as may be determined by the board to be in the interests of the county. By contract with any public agency or any person operating public water supply facilities within or without its county, the board also may provide a supply of water to a sewer district from the facilities of the public agency or person.	124031 124032 124033 124034 124035 124036 124037 124038 124039 124040 124041 124042 124043 124044 124045
(B) The county sanitary engineer or sanitary engineering department, in addition to other assigned duties, shall assist the board in the performance of its duties under this chapter and shall be charged with other duties and services in relation to the board's duties as the board prescribes.	124046 124047 124048 124049 124050
(C) The board may adopt, publish, administer, and enforce	124051

rules for the construction, maintenance, protection, and use of 124052
county-owned or county-operated public water supply facilities 124053
outside municipal corporations and of public water supply 124054
facilities within municipal corporations that are owned or 124055
operated by the county or that are supplied with water from water 124056
supply facilities owned or operated by the county, including, but 124057
not limited to, rules for the establishment and use of any 124058
connections, the termination in accordance with reasonable 124059
procedures of water service for nonpayment of county water rates 124060
and charges, and the establishment and use of security deposits to 124061
the extent considered necessary to ensure the payment of county 124062
water rates and charges. The rules shall not be inconsistent with 124063
the laws of the state or any applicable rules of the director of 124064
environmental protection. 124065

(D) No public water supply facilities shall be constructed in 124066
any county outside municipal corporations by any person, except 124067
for the purpose of supplying water to those municipal 124068
corporations, until the plans and specifications for the 124069
facilities have been approved by the board. Construction shall be 124070
done under the supervision of the county sanitary engineer. Any 124071
person constructing public water supply facilities shall pay to 124072
the county all expenses incurred by the board in connection with 124073
the construction. 124074

(E) The county sanitary engineer or the county sanitary 124075
engineer's authorized assistants or agents, when properly 124076
identified in writing or otherwise and after written notice is 124077
delivered to the owner at least five days in advance or mailed at 124078
least five days in advance by first class or certified mail to the 124079
owner's tax mailing address, may enter upon any public or private 124080
property for the purpose of making, and may make, surveys or 124081
inspections necessary for the design or evaluation of county 124082
public water supply facilities. This entry is not a trespass and 124083
is not to be considered an entry in connection with any 124084

appropriation of property proceedings under sections 163.01 to 124085
163.22 of the Revised Code that may be pending. No person or 124086
public agency shall forbid the county sanitary engineer or the 124087
county sanitary engineer's authorized assistants or agents to 124088
enter, or interfere with their entry, upon the property for the 124089
purpose of making the surveys or inspections. If actual damage is 124090
done to property by the making of the surveys or inspections, the 124091
board shall pay the reasonable value of the damage to the property 124092
owner, and the cost shall be included in the cost of the 124093
facilities and may be included in any special assessments levied 124094
and collected to pay that cost. 124095

(F) The board shall fix reasonable rates, including penalties 124096
for late payments, for water supplied to public agencies and 124097
persons when the source of supply or the facilities for its 124098
distribution are owned or operated by the county and may change 124099
the rates from time to time as it considers advisable. When the 124100
source of the water supply to be used by the county is owned by 124101
another public agency or person, the schedule of rates to be 124102
charged by the public agency or person shall be approved by the 124103
board at the time it enters into a contract for the use of water 124104
from the public agency or person. ~~When~~ 124105

When the distribution facilities are owned by the county, the 124106
board also may fix reasonable charges to be collected for the 124107
privilege of connecting to the distribution facilities and may 124108
require that, prior to the connection, the charges be paid in full 124109
or, if determined by the board to be equitable in a resolution 124110
relating to the payment of the charges, may require their payment 124111
in installments, as considered adequate by the board, at the 124112
times, in the amounts, and with the security, carrying charges, 124113
and penalties as may be determined by the board in that resolution 124114
to be fair and appropriate. No public agency or person shall be 124115
permitted to connect to those facilities until the charges have 124116
been paid in full or provision for their payment in installments 124117

has been made. If the connection charges are to be paid in 124118
installments, the board shall certify, to the county auditor, 124119
information sufficient to identify each parcel of property served 124120
by a connection and, with respect to each parcel, the total of the 124121
charges to be paid in installments, the amount of each 124122
installment, and the total number of installments to be paid. The 124123
county auditor shall record and maintain the information so 124124
supplied in the waterworks record provided for in section 6103.16 124125
of the Revised Code until the connection charges are paid in full. 124126
The board may include amounts attributable to connection charges 124127
being paid in installments in its billings of rates and other 124128
charges for water supplied. In addition, the board may consider 124129
payments made to a school district under section 6103.25 of the 124130
Revised Code when the board establishes rates and other charges 124131
for water supplied. 124132

A board may establish discounted rates or charges or may 124133
establish another mechanism for providing a reduction in rates or 124134
charges for persons who are sixty-five years of age or older. The 124135
board shall establish eligibility requirements for such discounted 124136
or reduced rates or charges, including a requirement that a person 124137
be eligible for the homestead exemption or qualify as a low- and 124138
moderate-income person. 124139

(G) When any rates or charges are not paid when due, the 124140
board may do any or all of the following: 124141

(1) Certify the unpaid rates or charges, together with any 124142
penalties, to the county auditor. The county auditor shall place 124143
the certified amount upon the real property tax list and duplicate 124144
against the property served by the connection. The certified 124145
amount shall be a lien on the property from the date placed on the 124146
real property tax list and duplicate and shall be collected in the 124147
same manner as taxes, except that, notwithstanding section 323.15 124148
of the Revised Code, a county treasurer shall accept a payment in 124149

that amount when separately tendered as payment for the full 124150
amount of the unpaid rates or charges and associated penalties. 124151
The lien shall be released immediately upon payment in full of the 124152
certified amount. 124153

(2) Collect the unpaid rates or charges, together with any 124154
penalties, by actions at law in the name of the county from an 124155
owner, tenant, or other person or public agency that is liable for 124156
the payment of the rates or charges; 124157

(3) Terminate, in accordance with established rules, the 124158
water service to the particular property unless and until the 124159
unpaid rates or charges, together with any penalties, are paid in 124160
full; 124161

(4) Apply, to the extent required, any security deposit made 124162
in accordance with established rules to the payment of the unpaid 124163
rates and charges, together with any penalties, for water service 124164
to the particular property. 124165

All moneys collected as rates, charges, or penalties fixed or 124166
established in accordance with division (F) of this section for 124167
water supply purposes in or for any sewer district shall be paid 124168
to the county treasurer and kept in a separate and distinct water 124169
fund established by the board to the credit of the district. 124170

Each board that fixes water rates or charges may render 124171
estimated bills periodically, provided that at least quarterly it 124172
shall schedule an actual reading of each customer's meter so as to 124173
render a bill for the actual amount shown by the meter reading to 124174
be due, with credit for prior payments of any estimated bills 124175
submitted for any part of the billing period, except that 124176
estimated bills may be rendered if a customer's meter is not 124177
accessible for a timely reading or if the circumstances preclude a 124178
scheduled reading. Each board also shall establish procedures 124179
providing a fair and reasonable opportunity for the resolution of 124180

billing disputes. 124181

When property to which water service is provided is about to
be sold, any party to the sale or an agent of a party may request
the board to have the meter at that property read and to render,
within ten days following the date on which the request is made, a
final bill for all outstanding rates and charges for water
service. The request shall be made at least fourteen days prior
to the transfer of the title of the property. 124182
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At any time prior to a certification under division (G)(1) of
this section, the board shall accept any partial payment of
unpaid water rates or charges in the amount of ten dollars or
more. 124189
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Except as otherwise provided in any proceedings authorizing
or providing for the security for and payment of any public
obligations, or in any indenture or trust or other agreement
securing public obligations, moneys in the water fund shall be
applied first to the payment of the cost of the management,
maintenance, and operation of the water supply facilities of, or
used or operated for, the sewer district, which cost may include
the county's share of management, maintenance, and operation costs
under cooperative contracts for the acquisition, construction, or
use of water supply facilities and, in accordance with a cost
allocation plan adopted under division (H) of this section,
payment of all allowable direct and indirect costs of the
district, the county sanitary engineer or sanitary engineering
department, or a federal or state grant program, incurred for the
purposes of this chapter, and shall be applied second to the
payment of debt charges payable on any outstanding public
obligations issued or incurred for the acquisition or construction
of water supply facilities for or serving the district, or for the
funding of a bond retirement or other fund established for the
payment of or security for the obligations. Any surplus remaining 124193
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may be applied to the acquisition or construction of those 124213
facilities or for the payment of contributions to be made, or 124214
costs incurred, for the acquisition or construction of those 124215
facilities under cooperative contracts. Moneys in the water fund 124216
shall not be expended other than for the use and benefit of the 124217
district. 124218

(H) A board of county commissioners may adopt a cost 124219
allocation plan that identifies, accumulates, and distributes 124220
allowable direct and indirect costs that may be paid from the 124221
water fund of the sewer district created pursuant to division (G) 124222
of this section, and that prescribes methods for allocating those 124223
costs. The plan shall authorize payment from the fund of only 124224
those costs incurred by the district, the county sanitary engineer 124225
or sanitary engineering department, or a federal or state grant 124226
program, and those costs incurred by the general and other funds 124227
of the county for a common or joint purpose, that are necessary 124228
and reasonable for the proper and efficient administration of the 124229
district under this chapter. The plan shall not authorize payment 124230
from the fund of any general government expense required to carry 124231
out the overall governmental responsibilities of a county. The 124232
plan shall conform to United States office of management and 124233
budget Circular A-87, "Cost Principles for State, Local, and 124234
Indian Tribal Governments," published May 17, 1995. 124235

Sec. 6109.21. (A) Except as provided in divisions (D) and 124236
(E) of this section, on and after January 1, 1994, no person shall 124237
operate or maintain a public water system in this state without a 124238
license issued by the director of environmental protection. A 124239
person who operates or maintains a public water system on January 124240
1, 1994, shall obtain an initial license under this section in 124241
accordance with the following schedule: 124242

(1) If the public water system is a community water system, 124243
not later than January 31, 1994; 124244

(2) If the public water system is not a community water system and serves a nontransient population, not later than January 31, 1994;

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(3) If the public water system is not a community water system and serves a transient population, not later than January 31, 1995.

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A person proposing to operate or maintain a new public water system after January 1, 1994, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall submit an application for an initial license under this section to the director prior to commencing operation of the system.

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A license or license renewal issued under this section shall be renewed annually. Such a license or license renewal shall expire on the thirtieth day of January in the year following its issuance. A license holder that proposes to continue operating the public water system for which the license or license renewal was issued shall apply for a license renewal at least thirty days prior to that expiration date.

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The director shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code establishing procedures governing and information to be included on applications for licenses and license renewals under this section. Through June 30, ~~2010~~2012, each application shall be accompanied by the appropriate fee established under division (M) of section 3745.11 of the Revised Code, provided that an applicant for an initial license who is proposing to operate or maintain a new public water system after January 1, 1994, shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year.

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(B) Not later than thirty days after receiving a completed

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application and the appropriate license fee for an initial license	124276
under division (A) of this section, the director shall issue the	124277
license for the public water system. Not later than thirty days	124278
after receiving a completed application and the appropriate	124279
license fee for a license renewal under division (A) of this	124280
section, the director shall do one of the following:	124281
(1) Issue the license renewal for the public water system;	124282
(2) Issue the license renewal subject to terms and conditions	124283
that the director determines are necessary to ensure compliance	124284
with this chapter and rules adopted under it;	124285
(3) Deny the license renewal if the director finds that the	124286
public water system was not operated in substantial compliance	124287
with this chapter and rules adopted under it.	124288
(C) The director may suspend or revoke a license or license	124289
renewal issued under this section if the director finds that the	124290
public water system was not operated in substantial compliance	124291
with this chapter and rules adopted under it. The director shall	124292
adopt, and may amend and rescind, rules in accordance with Chapter	124293
119. of the Revised Code governing such suspensions and	124294
revocations.	124295
(D)(1) As used in division (D) of this section, "church"	124296
means a fellowship of believers, congregation, society,	124297
corporation, convention, or association that is formed primarily	124298
or exclusively for religious purposes and that is not formed or	124299
operated for the private profit of any person.	124300
(2) This section does not apply to a church that operates or	124301
maintains a public water system solely to provide water for that	124302
church or for a campground that is owned by the church and	124303
operated primarily or exclusively for members of the church and	124304
their families. A church that, on or before March 5, 1996, has	124305

obtained a license under this section for such a public water system need not obtain a license renewal under this section.

(E) This section does not apply to any public or nonpublic school that meets minimum standards of the state board of education that operates or maintains a public water system solely to provide water for that school.

(F) The environmental protection agency shall collect well log filing fees on behalf of the division of soil and water resources in the department of natural resources in accordance with section 1521.05 of the Revised Code and rules adopted under it. The fees shall be submitted to the division quarterly as provided in those rules.

Sec. 6111.04. (A) Both of the following apply except as otherwise provided in division (A) or (F) of this section:

(1) No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state.

(2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance.

Divisions (A)(1) and (2) of this section do not apply if the person causing pollution or placing or causing to be placed wastes in a location in which they cause pollution of any waters of the state holds a valid, unexpired permit, or renewal of a permit, governing the causing or placement as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending.

(B) If the director of environmental protection administers a sludge management program pursuant to division (S) of section

6111.03 of the Revised Code, both of the following apply except as otherwise provided in division (B) or (F) of this section:	124335 124336
(1) No person, in the course of sludge management, shall place on land located in the state or release into the air of the state any sludge or sludge materials.	124337 124338 124339
(2) An action prohibited under division (B)(1) of this section is hereby declared to be a public nuisance.	124340 124341
Divisions (B)(1) and (2) of this section do not apply if the person placing or releasing the sludge or sludge materials holds a valid, unexpired permit, or renewal of a permit, governing the placement or release as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending.	124342 124343 124344 124345 124346 124347
(C) No person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the director to do so.	124348 124349 124350 124351 124352 124353
(D) No person to whom a sludge management permit has been issued shall place on the land or release into the air of the state any sludge or sludge materials in excess of the permissive amounts specified under the existing sludge management permit without first receiving a modification of the existing sludge management permit or a new sludge management permit to do so from the director.	124354 124355 124356 124357 124358 124359 124360
(E) The director may require the submission of plans, specifications, and other information that the director considers relevant in connection with the issuance of permits.	124361 124362 124363

(F) This section does not apply to any of the following:	124364
(1) Waters used in washing sand, gravel, other aggregates, or mineral products when the washing and the ultimate disposal of the water used in the washing, including any sewage, industrial waste, or other wastes contained in the waters, are entirely confined to the land under the control of the person engaged in the recovery and processing of the sand, gravel, other aggregates, or mineral products and do not result in the pollution of waters of the state;	124365 124366 124367 124368 124369 124370 124371 124372
(2) Water, gas, or other material injected into a well to facilitate, or that is incidental to, the production of oil, gas, artificial brine, or water derived in association with oil or gas production and disposed of in a well, in compliance with a permit issued under Chapter 1509. of the Revised Code, or sewage, industrial waste, or other wastes injected into a well in compliance with an injection well operating permit. Division (F)(2) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, regulation of the United States environmental protection agency.	124373 124374 124375 124376 124377 124378 124379 124380 124381 124382 124383
(3) Application of any materials to land for agricultural purposes or runoff of the materials from that application or pollution by animal waste or soil sediment, including attached substances, resulting from farming, silvicultural, or earthmoving activities regulated by Chapter 307. or 1511. of the Revised Code. Division (F)(3) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it.	124384 124385 124386 124387 124388 124389 124390 124391 124392
(4) The excrement of domestic and farm animals defecated on land or runoff therefrom into any waters of the state. Division (F)(4) of this section does not authorize, without a permit, any	124393 124394 124395

discharge that is prohibited by, or for which a permit is required 124396
by, the Federal Water Pollution Control Act or regulations adopted 124397
under it. 124398

(5) On and after the date on which the United States 124399
environmental protection agency approves the NPDES program 124400
submitted by the director of agriculture under section 903.08 of 124401
the Revised Code, any discharge that is within the scope of the 124402
approved NPDES program submitted by the director of agriculture; 124403

(6) The discharge of sewage, industrial waste, or other 124404
wastes into a sewerage system tributary to a treatment works. 124405
Division (F)(6) of this section does not authorize any discharge 124406
into a publicly owned treatment works in violation of a 124407
pretreatment program applicable to the publicly owned treatment 124408
works. 124409

(7) ~~A household sewage treatment system or a small flow~~ 124410
~~on-site sewage treatment system, as applicable, as defined in~~ 124411
~~section 3718.01 of the Revised Code that is installed~~ Septic 124412
tanks or other disposal systems for the disposal or treatment of 124413
sewage from single-family, two-family, or three-family dwellings 124414
in compliance with Chapter 3718, the sanitary code and section 124415
3707.01 of the Revised Code and rules adopted under it. Division 124416
(F)(7) of this section does not authorize, without a permit, any 124417
discharge that is prohibited by, or for which a permit is 124418
required by, regulation of the United States environmental 124419
protection agency. 124420

(8) Exceptional quality sludge generated outside of this 124421
state and contained in bags or other containers not greater than 124422
one hundred pounds in capacity. As used in division (F)(8) of this 124423
section, "exceptional quality sludge" has the same meaning as in 124424
division (Y) of section 3745.11 of the Revised Code. 124425

(G) The holder of a permit issued under section 402 (a) of 124426

the Federal Water Pollution Control Act need not obtain a permit	124427
for a discharge authorized by the permit until its expiration	124428
date. Except as otherwise provided in this division, the director	124429
of environmental protection shall administer and enforce those	124430
permits within this state and may modify their terms and	124431
conditions in accordance with division (J) of section 6111.03 of	124432
the Revised Code. On and after the date on which the United States	124433
environmental protection agency approves the NPDES program	124434
submitted by the director of agriculture under section 903.08 of	124435
the Revised Code, the director of agriculture shall administer and	124436
enforce those permits within this state that are issued for any	124437
discharge that is within the scope of the approved NPDES program	124438
submitted by the director of agriculture.	124439

Sec. 6111.044. Upon receipt of an application for an	124440
injection well drilling permit, an injection well operating	124441
permit, a renewal of an injection well operating permit, or a	124442
modification of an injection well drilling permit, operating	124443
permit, or renewal of an operating permit, the director of	124444
environmental protection shall determine whether the application	124445
is complete and demonstrates that the activities for which the	124446
permit, renewal permit, or modification is requested will comply	124447
with the Federal Water Pollution Control Act and regulations	124448
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661	124449
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted	124450
under it; and this chapter and the rules adopted under it. If the	124451
application demonstrates that the proposed activities will not	124452
comply or will pose an unreasonable risk of inducing seismic	124453
activity, inducing geologic fracturing, or contamination of an	124454
underground source of drinking water, the director shall deny the	124455
application. If the application does not make the required	124456
demonstrations, the director shall return it to the applicant with	124457
an indication of those matters about which a required	124458
demonstration was not made. If the director determines that the	124459
application makes the required demonstrations, the director shall	124460

transmit copies of the application and all of the accompanying
maps, data, samples, and information to the chief of the division
of mineral resources management, the chief of the division of
geological survey, and the chief of the division of soil and water
resources in the department of natural resources.

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The chief of the division of geological survey shall comment
upon the application if the chief determines that the proposed
well or injection will present an unreasonable risk of loss or
damage to valuable mineral resources. If the chief submits
comments on the application, those comments shall be accompanied
by an evaluation of the geological factors upon which the comments
are based, including fractures, faults, earthquake potential, and
the porosity and permeability of the injection zone and confining
zone, and by the documentation supporting the evaluation. The
director shall take into consideration the chief's comments, and
the accompanying evaluation of geologic factors and supporting
documentation, when considering the application. The director
shall provide written notice to the chief of the director's
decision on the application and, if the chief's comments are not
included in the permit, renewal permit, or modification, of the
director's rationale for not including them.

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The chief of the division of mineral resources management
shall comment upon the application if the chief determines that
the proposed well or injection will present an unreasonable risk
that waste or contamination of recoverable oil or gas in the earth
will occur. If the chief submits comments on the application,
those comments shall be accompanied by an evaluation of the oil or
gas reserves that, in the best professional judgment of the chief,
are recoverable and will be adversely affected by the proposed
well or injection, and by the documentation supporting the
evaluation. The director shall take into consideration the
chief's comments, and the accompanying evaluation and supporting
documentation, when considering the application. The director

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shall provide written notice to the chief of the director's 124494
decision on the application and, if the chief's comments are not 124495
included in the permit, renewal permit, or modification, of the 124496
director's rationale for not including them. 124497

The chief of the division of soil and water resources shall 124498
assist the director in determining whether all underground sources 124499
of drinking water in the area of review of the proposed well or 124500
injection have been identified and correctly delineated in the 124501
application. If the application fails to identify or correctly 124502
delineate an underground source of drinking water, the chief shall 124503
provide written notice of that fact to the director. 124504

The chief of the division of mineral resources management 124505
also shall review the application as follows: 124506

If the application concerns the drilling or conversion of a 124507
well or the injection into a well that is not or is not to be 124508
located within five thousand feet of the excavation and workings 124509
of a mine, the chief of the division of mineral resources 124510
management shall note upon the application that it has been 124511
examined by the division of mineral resources management, retain a 124512
copy of the application and map, and immediately return a copy of 124513
the application to the director. 124514

If the application concerns the drilling or conversion of a 124515
well or the injection into a well that is or is to be located 124516
within five thousand feet, but more than five hundred feet from 124517
the surface excavations and workings of a mine, the chief of the 124518
division of mineral resources management immediately shall notify 124519
the owner or lessee of the mine that the application has been 124520
filed and send to the owner or lessee a copy of the map 124521
accompanying the application setting forth the location of the 124522
well. The chief of the division of mineral resources management 124523
shall note on the application that the notice has been sent to the 124524
owner or lessee of the mine, retain a copy of the application and 124525

map, and immediately return a copy of the application to the 124526
director with the chief's notation on it. 124527

If the application concerns the drilling or conversion of a 124528
well or the injection into a well that is or is to be located 124529
within five thousand feet of the underground excavations and 124530
workings of a mine or within five hundred feet of the surface 124531
excavations and workings of a mine, the chief of the division of 124532
mineral resources management immediately shall notify the owner or 124533
lessee of the mine that the application has been filed and send to 124534
the owner or lessee a copy of the map accompanying the application 124535
setting forth the location of the well. If the owner or lessee 124536
objects to the application, the owner or lessee shall notify the 124537
chief of the division of mineral resources management of the 124538
objection, giving the reasons, within six days after the receipt 124539
of the notice. If the chief of the division of mineral resources 124540
management receives no objections from the owner or lessee of the 124541
mine within ten days after the receipt of the notice by the owner 124542
or lessee, or if in the opinion of the chief of the division of 124543
mineral resources management the objections offered by the owner 124544
or lessee are not sufficiently ~~well-founded~~ well founded, the 124545
chief shall retain a copy of the application and map and return a 124546
copy of the application to the director with any applicable notes 124547
concerning it. 124548

If the chief of the division of mineral resources management 124549
receives an objection from the owner or lessee of the mine as to 124550
the application, within ten days after receipt of the notice by 124551
the owner or lessee, and if in the opinion of the chief the 124552
objection is ~~well-founded~~ well founded, the chief shall disapprove 124553
the application and immediately return it to the director together 124554
with the chief's reasons for the disapproval. The director 124555
promptly shall notify the applicant for the permit, renewal 124556
permit, or modification of the disapproval. The applicant may 124557
appeal the disapproval of the application by the chief of the 124558

division of mineral resources management to the reclamation 124559
commission created under section 1513.05 of the Revised Code, and 124560
the commission shall hear the appeal in accordance with section 124561
1513.13 of the Revised Code. The appeal shall be filed within 124562
thirty days from the date the applicant receives notice of the 124563
disapproval. No comments concerning or disapproval of an 124564
application shall be delayed by the chief of the division of 124565
mineral resources management for more than fifteen days from the 124566
date of sending of notice to the mine owner or lessee as required 124567
by this section. 124568

The director shall not approve an application for an 124569
injection well drilling permit, an injection well operating 124570
permit, a renewal of an injection well operating permit, or a 124571
modification of an injection well drilling permit, operating 124572
permit, or renewal of an operating permit for a well that is or is 124573
to be located within three hundred feet of any opening of any mine 124574
used as a means of ingress, egress, or ventilation for persons 124575
employed in the mine, nor within one hundred feet of any building 124576
or flammable structure connected with the mine and actually used 124577
as a part of the operating equipment of the mine, unless the chief 124578
of the division of mineral resources management determines that 124579
life or property will not be endangered by drilling and operating 124580
the well in that location. 124581

Upon review by the chief of the division of mineral resources 124582
management, the chief of the division of geological survey, and 124583
the chief of the division of soil and water resources, and if the 124584
chief of the division of mineral resources management has not 124585
disapproved the application, the director shall issue a permit, 124586
renewal permit, or modification with any terms and conditions that 124587
may be necessary to comply with the Federal Water Pollution 124588
Control Act and regulations adopted under it; the "Safe Drinking 124589
Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f) as amended, 124590
and regulations adopted under it; and this chapter and the rules 124591

adopted under it. The director shall not issue a permit, renewal permit, or modification to an applicant if the applicant or persons associated with the applicant have engaged in or are engaging in a substantial violation of this chapter that is endangering or may endanger human health or the environment or if, in the case of an applicant for an injection well drilling permit, the applicant, at the time of applying for the permit, did not hold an injection well operating permit or renewal of an injection well drilling permit and failed to demonstrate sufficient expertise and competency to operate the well in compliance with the applicable provisions of this chapter.

If the director receives a disapproval from the chief of the division of mineral resources management regarding an application for an injection well drilling or operating permit, renewal permit, or modification, if required, the director shall issue an order denying the application.

The director need not issue a proposed action under section 3745.07 of the Revised Code or hold an adjudication hearing under that section and Chapter 119. of the Revised Code before issuing or denying a permit, renewal permit, or modification of a permit or renewal permit. Before issuing or renewing a permit to drill or operate a class I injection well or a modification of it, the director shall propose the permit, renewal permit, or modification in draft form and shall hold a public hearing to receive public comment on the draft permit, renewal permit, or modification. At least fifteen days before the public hearing on a draft permit, renewal permit, or modification, the director shall publish notice of the date, time, and location of the public hearing in at least one newspaper of general circulation serving the area where the well is or is to be located. The proposing of such a draft permit, renewal permit, or modification does not constitute the issuance of a proposed action under section 3745.07 of the Revised Code, and the holding of the public hearing on such a draft permit,

renewal permit, or modification does not constitute the holding of 124625
an adjudication hearing under that section and Chapter 119. of the 124626
Revised Code. Appeals of orders other than orders of the chief of 124627
the division of mineral resources management shall be taken under 124628
sections 3745.04 to 3745.08 of the Revised Code. 124629

The director may order that an injection well drilling permit 124630
or an injection well operating permit or renewal permit be 124631
suspended and that activities under it cease after determining 124632
that those activities are occurring in violation of law, rule, 124633
order, or term or condition of the permit. Upon service of a copy 124634
of the order upon the permit holder or the permit holder's 124635
authorized agent or assignee, the permit and activities under it 124636
shall be suspended immediately without prior hearing and shall 124637
remain suspended until the violation is corrected and the order of 124638
suspension is lifted. If a violation is the second within a 124639
one-year period, the director, after a hearing, may revoke the 124640
permit. 124641

The director may order that an injection well drilling permit 124642
or an injection well operating permit or renewal permit be 124643
suspended and that activities under it cease if the director has 124644
reasonable cause to believe that the permit would not have been 124645
issued if the information available at the time of suspension had 124646
been available at the time a determination was made by one of the 124647
agencies acting under authority of this section. Upon service of a 124648
copy of the order upon the permit holder or the permit holder's 124649
authorized agent or assignee, the permit and activities under it 124650
shall be suspended immediately without prior hearing, but a permit 124651
may not be suspended for that reason without prior hearing unless 124652
immediate suspension is necessary to prevent waste or 124653
contamination of oil or gas, comply with the Federal Water 124654
Pollution Control Act and regulations adopted under it; the "Safe 124655
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 124656
amended, and regulations adopted under it; and this chapter and 124657

the rules adopted under it, or prevent damage to valuable mineral 124658
resources, prevent contamination of an underground source of 124659
drinking water, or prevent danger to human life or health. If 124660
after a hearing the director determines that the permit would not 124661
have been issued if the information available at the time of the 124662
hearing had been available at the time a determination was made by 124663
one of the agencies acting under authority of this section, the 124664
director shall revoke the permit. 124665

When a permit has been revoked, the permit holder or other 124666
person responsible for it immediately shall plug the well in the 124667
manner required by the director. 124668

The director may issue orders to prevent or require cessation 124669
of violations of this section, section 6111.043, 6111.045, 124670
6111.046, or 6111.047 of the Revised Code, rules adopted under any 124671
of those sections, and terms or conditions of permits issued under 124672
any of them. The orders may require the elimination of conditions 124673
caused by the violation. 124674

Sec. 6111.44. (A) Except as otherwise provided in division 124675
(B) of this section, in section 6111.14 of the Revised Code, or in 124676
rules adopted under division (G) of section 6111.03 of the Revised 124677
Code, no municipal corporation, county, public institution, 124678
corporation, or officer or employee thereof or other person shall 124679
provide or install sewerage or treatment works for sewage, sludge, 124680
or sludge materials disposal or treatment or make a change in any 124681
sewerage or treatment works until the plans therefor have been 124682
submitted to and approved by the director of environmental 124683
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 124684
to sewerage and treatment works of a municipal corporation or part 124685
thereof, an unincorporated community, a county sewer district, or 124686
other land outside of a municipal corporation or any publicly or 124687
privately owned building or group of buildings or place, used for 124688
the assemblage, entertainment, recreation, education, correction, 124689

hospitalization, housing, or employment of persons. 124690

In granting an approval, the director may stipulate 124691
modifications, conditions, and rules that the public health and 124692
prevention of pollution may require. Any action taken by the 124693
director shall be a matter of public record and shall be entered 124694
in the director's journal. Each period of thirty days that a 124695
violation of this section continues, after a conviction for the 124696
violation, constitutes a separate offense. 124697

(B) Sections 6111.45 and 6111.46 of the Revised Code and 124698
division (A) of this section do not apply to any of the following: 124699

(1) Sewerage or treatment works for sewage installed or to be 124700
installed for the use of a private residence or dwelling; 124701

(2) Sewerage systems, treatment works, or disposal systems 124702
for storm water from an animal feeding facility or manure, as 124703
"animal feeding facility" and "manure" are defined in section 124704
903.01 of the Revised Code; 124705

(3) Animal waste treatment or disposal works and related 124706
management and conservation practices that are subject to rules 124707
adopted under division (E)(2) of section 1511.02 of the Revised 124708
Code; 124709

~~(4) Sewerage or treatment works for the on-lot disposal or 124710
treatment of sewage from a small flow on-site sewage treatment 124711
system, as defined in section 3718.01 of the Revised Code, if the 124712
board of health of a city or general health district has notified 124713
the director of health and the director of environmental 124714
protection under section 3718.021 of the Revised Code that the 124715
board has chosen to regulate the system, provided that the board 124716
remains in compliance with the rules adopted under division 124717
(A)(13) of section 3718.02 of the Revised Code. 124718~~

The exclusions established in divisions (B)(2) and (3) of this section do not apply to the construction or installation of disposal systems, as defined in section 6111.01 of the Revised Code, that are located at an animal feeding facility and that store, treat, or discharge wastewaters that do not include storm water or manure or that discharge to a publicly owned treatment works.

Sec. 6117.01. (A) As used in this chapter:

(1) "Sanitary facilities" means sanitary sewers, force mains, lift or pumping stations, and facilities for the treatment, disposal, impoundment, or storage of wastes; equipment and furnishings; and all required appurtenances and necessary real estate and interests in real estate.

(2) "Drainage" or "waters" means flows from rainfall or otherwise produced by, or resulting from, the elements, storm water discharges and releases or migrations of waters from properties, accumulations, flows, and overflows of water, including accelerated flows and runoffs, flooding and threats of flooding of properties and structures, and other surface and subsurface drainage.

(3) "Drainage facilities" means storm sewers, force mains, pumping stations, and facilities for the treatment, disposal, impoundment, retention, control, or storage of waters; improvements of or for any channel, ditch, drain, floodway, or watercourse, including location, construction, reconstruction, reconditioning, widening, deepening, cleaning, removal of obstructions, straightening, boxing, culverting, tiling, filling, walling, arching, or change in course, location, or terminus; improvements of or for a river, creek, or run, including reinforcement of banks, enclosing, deepening, widening, straightening, removal of obstructions, or change in course, location, or terminus; facilities for the protection of lands

from the overflow of water, including a levee, wall, embankment, jetty, dike, dam, sluice, revetment, reservoir, retention or holding basin, control gate, or breakwater; facilities for controlled drainage, regulation of stream flow, and protection of an outlet; the vacation of a ditch or drain; equipment and furnishings; and all required appurtenances and necessary real estate and interests in real estate.

(4) "County sanitary engineer" means either of the following:

(a) The registered professional engineer employed or appointed by the board of county commissioners to be the county sanitary engineer as provided in this section3;

(b) The county engineer, if, for as long as and to the extent that engineer by agreement entered into under section 315.14 of the Revised Code is retained to discharge duties of a county sanitary engineer under this chapter.

(5) "Current operating expenses," "debt charges," "permanent improvement," "public obligations," and "subdivision" have the same meanings as in section 133.01 of the Revised Code.

(6) "Construct," "construction," or "constructing" means construction, reconstruction, enlargement, extension, improvement, renovation, repair, and replacement of sanitary or drainage facilities or of prevention or replacement facilities, but does not include any repairs, replacements, or similar actions that do not constitute and qualify as permanent improvements.

(7) "Maintain," "maintaining," or "maintenance" means repairs, replacements, and similar actions that constitute and are payable as current operating expenses and that are required to restore sanitary or drainage facilities or prevention or replacement facilities to, or to continue sanitary or drainage facilities or prevention or replacement facilities in, good order

and working condition, but does not include construction of
permanent improvements.

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(8) "Public agency" means a state and any agency or
subdivision of a state, including a county, a municipal
corporation, or other subdivision.

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(9) "Combined sewer" means a sewer system that is designed to
collect and convey sewage, including domestic, commercial, and
industrial wastewater, and storm water through a single-pipe
system to a treatment works or combined sewer overflow outfall
approved by the director of environmental protection.

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(10) "Prevention or replacement facilities" means vegetated
swales or median strips, permeable pavement, trees and tree boxes,
rain barrels and cisterns, rain gardens and filtration planters,
vegetated roofs, wetlands, riparian buffers, and practices and
structures that use or mimic natural processes to filter or reuse
storm water.

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(11) "Homestead exemption" means the reduction of taxes
allowed under division (A) of section 323.152 of the Revised Code.

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(12) "Low- and moderate-income person" has the same meaning
as in section 175.01 of the Revised Code.

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(B)(1) For the purpose of preserving and promoting the public
health and welfare, a board of county commissioners may lay out,
establish, consolidate, or otherwise modify the boundaries of, and
maintain, one or more sewer districts within the county and
outside municipal corporations and may have a registered
professional engineer make the surveys necessary for the
determination of the proper boundaries of each district, which
shall be designated by an appropriate name or number. The board
may acquire, construct, maintain, and operate within any district
sanitary or drainage facilities that it determines to be necessary

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or appropriate for the collection of sewage and other wastes	124811
originating in or entering the district, to comply with the	124812
provisions of a contract entered into for the purposes described	124813
in sections 6117.41 to 6117.44 of the Revised Code and pursuant to	124814
those sections or other applicable provisions of law, or for the	124815
collection, control, or abatement of waters originating or	124816
accumulating in, or flowing in, into, or through, the district,	124817
and other sanitary or drainage facilities, within or outside of	124818
the district, that it determines to be necessary or appropriate to	124819
conduct the wastes and waters to a proper outlet and to provide	124820
for their proper treatment, disposal, and disposition. The board	124821
may provide for the protection of the sanitary and drainage	124822
facilities and may negotiate and enter into a contract with any	124823
public agency or person for the management, maintenance,	124824
operation, and repair of any of the facilities on behalf of the	124825
county upon the terms and conditions that may be agreed upon with	124826
the agency or person and that may be determined by the board to be	124827
in the best interests of the county. By contract with any public	124828
agency or person operating sanitary or drainage facilities within	124829
or outside of the county, the board may provide a proper outlet	124830
for any of the wastes and waters and for their proper treatment,	124831
disposal, and disposition.	124832

(2) For purposes of preventing storm water from entering a	124833
combined sewer and causing an overflow or an inflow to a sanitary	124834
sewer, the board may acquire, design, construct, operate, repair,	124835
maintain, and provide for a project or program that separates	124836
storm water from a combined sewer or for a prevention or	124837
replacement facility that prevents or minimizes storm water from	124838
entering a combined sewer or a sanitary sewer.	124839

(C) The board of county commissioners may employ a registered	124840
professional engineer to be the county sanitary engineer for the	124841
time and on the terms it considers best and may authorize the	124842
county sanitary engineer to employ necessary assistants upon the	124843

terms fixed by the board. Prior to the initial assignment of
drainage facilities duties to the county sanitary engineer, if the
county sanitary engineer is not the county engineer, the board
first shall offer to enter into an agreement with the county
engineer pursuant to section 315.14 of the Revised Code for
assistance in the performance of those duties of the board
pertaining to drainage facilities, and the county engineer shall
accept or reject the offer within thirty days after the date the
offer is made.

The board may create and maintain a sanitary engineering
department, which shall be under its supervision and which shall
be headed by the county sanitary engineer, for the purpose of
aiding it in the performance of its duties under this chapter and
Chapter 6103. of the Revised Code or its other duties regarding
sanitation, drainage, and water supply provided by law. The board
shall provide suitable facilities for the use of the department
and shall provide for and pay the compensation of the county
sanitary engineer and all authorized necessary expenses of the
county sanitary engineer and the sanitary engineering department.
The county sanitary engineer, with the approval of the board, may
appoint necessary assistants and clerks, and the compensation of
those assistants and clerks shall be provided for and paid by the
board.

(D) The board of county commissioners may adopt, publish,
administer, and enforce rules for the construction, maintenance,
protection, and use of county-owned or county-operated sanitary
and drainage facilities and prevention or replacement facilities
outside municipal corporations, and of sanitary and drainage
facilities and prevention or replacement facilities within
municipal corporations that are owned or operated by the county
or that discharge into sanitary or drainage facilities or
prevention or replacement facilities owned or operated by the
county, including, but not limited to, rules for the establishment

and use of any connections, the termination in accordance with 124877
reasonable procedures of sanitary service for the nonpayment of 124878
county sanitary rates and charges and, if so determined, the 124879
concurrent termination of any county water service for the 124880
nonpayment of those rates and charges, the termination in 124881
accordance with reasonable procedures of drainage service for the 124882
nonpayment of county drainage rates and charges, and the 124883
establishment and use of security deposits to the extent 124884
considered necessary to ensure the payment of county sanitary or 124885
drainage rates and charges. The rules shall not be inconsistent 124886
with the laws of this state or any applicable rules of the 124887
director of environmental protection. 124888

(E) No sanitary or drainage facilities or prevention or 124889
replacement facilities shall be constructed in any county outside 124890
municipal corporations by any person until the plans and 124891
specifications have been approved by the board of county 124892
commissioners, and any construction shall be done under the 124893
supervision of the county sanitary engineer. Not less than thirty 124894
days before the date drainage plans are submitted to the board for 124895
its approval, the plans shall be submitted to the county engineer. 124896
If the county engineer is of the opinion after review that the 124897
facilities will have a significant adverse effect on roads, 124898
culverts, bridges, or existing maintenance within the county, the 124899
county engineer may submit a written opinion to the board not 124900
later than thirty days after the date the plans are submitted to 124901
the county engineer. The board may take action relative to the 124902
drainage plans only after the earliest of receiving the written 124903
opinion of the county engineer, receiving a written waiver of 124904
submission of an opinion from the county engineer, or passage of 124905
thirty days from the date the plans are submitted to the county 124906
engineer. Any person constructing the facilities shall pay to the 124907
county all expenses incurred by the board in connection with the 124908
construction. 124909

(F) The county sanitary engineer or the county sanitary engineer's authorized assistants or agents, when properly identified in writing or otherwise and after written notice is delivered to the owner at least five days in advance or is mailed at least five days in advance by first class or certified mail to the owner's tax mailing address, may enter upon any public or private property for the purpose of making, and may make, surveys or inspections necessary for the laying out of sewer districts or the design or evaluation of county sanitary or drainage facilities or prevention or replacement facilities. This entry is not a trespass and is not to be considered an entry in connection with any appropriation of property proceedings under sections 163.01 to 163.22 of the Revised Code that may be pending. No person or public agency shall forbid the county sanitary engineer or the county sanitary engineer's authorized assistants or agents to enter, or interfere with their entry, upon the property for that purpose or forbid or interfere with their making of surveys or inspections. If actual damage is done to property by the making of the surveys and inspections, the board shall pay the reasonable value of the damage to the property owner, and the cost shall be included in the cost of the facilities and may be included in any special assessments to be levied and collected to pay that cost.

Sec. 6117.02. (A) The board of county commissioners shall fix reasonable rates, including penalties for late payments, for the use, or the availability for use, of the sanitary facilities of a sewer district to be paid by every person and public agency whose premises are served, or capable of being served, by a connection directly or indirectly to those facilities when those facilities are owned or operated by the county and may change the rates from time to time as it considers advisable. When the sanitary facilities to be used by the county are owned by another public agency or person, the schedule of rates to be charged by the public agency or person for the use of the facilities by the county, or the formula or other procedure for their determination,

shall be approved by the board at the time it enters into a 124944
contract for that use. 124945

(B) The board also shall establish reasonable charges to be 124946
collected for the privilege of connecting to the sanitary 124947
facilities of the district, with the requirement that, prior to 124948
the connection, the charges shall be paid in full, or, if 124949
determined by the board to be equitable in a resolution relating 124950
to the payment of the charges, provision considered adequate by 124951
the board shall be made for their payment in installments at the 124952
times, in the amounts, and with the security, carrying charges, 124953
and penalties as may be found by the board in that resolution to 124954
be fair and appropriate. No public agency or person shall be 124955
permitted to connect to those facilities until the charges have 124956
been paid in full or provision for their payment in installments 124957
has been made. If the connection charges are to be paid in 124958
installments, the board shall certify to the county auditor 124959
information sufficient to identify each parcel of property served 124960
by a connection and, with respect to each parcel, the total of the 124961
charges to be paid in installments, the amount of each 124962
installment, and the total number of installments to be paid. The 124963
auditor shall record and maintain the information supplied in the 124964
sewer improvement record provided for in section 6117.33 of the 124965
Revised Code until the connection charges are paid in full. The 124966
board may include amounts attributable to connection charges being 124967
paid in installments in its billings of rates and charges for the 124968
use of sanitary facilities. 124969

(C) When any of the sanitary rates or charges are not paid 124970
when due, the board may do any or all of the following as it 124971
considers appropriate: 124972

(1) Certify the unpaid rates or charges, together with any 124973
penalties, to the county auditor, who shall place them upon the 124974
real property tax list and duplicate against the property served 124975

by the connection. The certified amount shall be a lien on the
property from the date placed on the real property tax list and
duplicate and shall be collected in the same manner as taxes,
except that, notwithstanding section 323.15 of the Revised Code, a
county treasurer shall accept a payment in that amount when
separately tendered as payment for the full amount of the unpaid
sanitary rates or charges and associated penalties. The lien shall
be released immediately upon payment in full of the certified
amount.

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(2) Collect the unpaid rates or charges, together with any
penalties, by actions at law in the name of the county from an
owner, tenant, or other person or public agency that is liable for
the payment of the rates or charges;

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(3) Terminate, in accordance with established rules, the
sanitary service to the particular property and, if so determined,
any county water service to that property, unless and until the
unpaid sanitary rates or charges, together with any penalties, are
paid in full;

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(4) Apply, to the extent required, any security deposit made
in accordance with established rules to the payment of sanitary
rates and charges for service to the particular property.

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All moneys collected as sanitary rates, charges, or penalties
fixed or established in accordance with divisions (A) and (B) of
this section for any sewer district shall be paid to the county
treasurer and kept in a separate and distinct sanitary fund
established by the board to the credit of the district. Except as
otherwise provided in any proceedings authorizing or providing for
the security for and payment of any public obligations, or in any
indenture or trust or other agreement securing public obligations,
moneys in the sanitary fund shall be applied first to the payment
of the cost of the management, maintenance, and operation of the
sanitary facilities of, or used or operated for, the district,

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which cost may include the county's share of management, 125008
maintenance, and operation costs under cooperative contracts for 125009
the acquisition, construction, or use of sanitary facilities and, 125010
in accordance with a cost allocation plan adopted under division 125011
(E) of this section, payment of all allowable direct and indirect 125012
costs of the district, the county sanitary engineer or sanitary 125013
engineering department, or a federal or state grant program, 125014
incurred for sanitary purposes under this chapter, and shall be 125015
applied second to the payment of debt charges payable on any 125016
outstanding public obligations issued or incurred for the 125017
acquisition or construction of sanitary facilities for or serving 125018
the district, or for the funding of a bond retirement or other 125019
fund established for the payment of or security for the 125020
obligations. Any surplus remaining may be applied to the 125021
acquisition or construction of those facilities or for the payment 125022
of contributions to be made, or costs incurred, for the 125023
acquisition or construction of those facilities under cooperative 125024
contracts. Moneys in the sanitary fund shall not be expended other 125025
than for the use and benefit of the district. 125026

(D) The board may fix reasonable rates and charges, including 125027
connection charges and penalties for late payments, to be paid by 125028
any person or public agency owning or having possession or control 125029
of any properties that are connected with, capable of being served 125030
by, or otherwise served directly or indirectly by, drainage 125031
facilities owned or operated by or under the jurisdiction of the 125032
county, including, but not limited to, properties requiring, or 125033
lying within an area of the district requiring, in the judgment of 125034
the board, the collection, control, or abatement of waters 125035
originating or accumulating in, or flowing in, into, or through, 125036
the district, and may change those rates and charges from time to 125037
time as it considers advisable. In addition, the board may fix the 125038
rates and charges in order to pay the costs of complying with the 125039
requirements of phase II of the storm water program of the 125040
national pollutant discharge elimination system established in 40 125041

C.F.R. part 122. 125042

The rates and charges shall be payable periodically as 125043
determined by the board, except that any connection charges shall 125044
be paid in full in one payment, or, if determined by the board to 125045
be equitable in a resolution relating to the payment of those 125046
charges, provision considered adequate by the board shall be made 125047
for their payment in installments at the times, in the amounts, 125048
and with the security, carrying charges, and penalties as may be 125049
found by the board in that resolution to be fair and appropriate. 125050
The board may include amounts attributable to connection charges 125051
being paid in installments in its billings of rates and charges 125052
for the services provided by the drainage facilities. In the case 125053
of rates and charges that are fixed in order to pay the costs of 125054
complying with the requirements of phase II of the storm water 125055
program of the national pollutant discharge elimination system 125056
established in 40 C.F.R. part 122, the rates and charges may be 125057
paid annually or semiannually with real property taxes, provided 125058
that the board certifies to the county auditor information that is 125059
sufficient for the auditor to identify each parcel of property for 125060
which a rate or charge is levied and the amount of the rate or 125061
charge. 125062

When any of the drainage rates or charges are not paid when 125063
due, the board may do any or all of the following as it considers 125064
appropriate: 125065

(1) Certify the unpaid rates or charges, together with any 125066
penalties, to the county auditor, who shall place them upon the 125067
real property tax list and duplicate against the property to which 125068
the rates or charges apply. The certified amount shall be a lien 125069
on the property from the date placed on the real property tax list 125070
and duplicate and shall be collected in the same manner as taxes, 125071
except that notwithstanding section 323.15 of the Revised Code, a 125072
county treasurer shall accept a payment in that amount when 125073

separately tendered as payment for the full amount of the unpaid
drainage rates or charges and associated penalties. The lien shall
be released immediately upon payment in full of the certified
amount.

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(2) Collect the unpaid rates or charges, together with any
penalties, by actions at law in the name of the county from an
owner, tenant, or other person or public agency that is liable for
the payment of the rates or charges;

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(3) Terminate, in accordance with established rules, the
drainage service for the particular property until the unpaid
rates or charges, together with any penalties, are paid in full;

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(4) Apply, to the extent required, any security deposit made
in accordance with established rules to the payment of drainage
rates and charges applicable to the particular property.

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All moneys collected as drainage rates, charges, or penalties
in or for any sewer district shall be paid to the county treasurer
and kept in a separate and distinct drainage fund established by
the board to the credit of the district. Except as otherwise
provided in any proceedings authorizing or providing for the
security for and payment of any public obligations, or in any
indenture or trust or other agreement securing public obligations,
moneys in the drainage fund shall be applied first to the payment
of the cost of the management, maintenance, and operation of the
drainage facilities of, or used or operated for, the district,
which cost may include the county's share of management,
maintenance, and operation costs under cooperative contracts for
the acquisition, construction, or use of drainage facilities and,
in accordance with a cost allocation plan adopted under division
(E) of this section, payment of all allowable direct and indirect
costs of the district, the county sanitary engineer or sanitary
engineering department, or a federal or state grant program,
incurred for drainage purposes under this chapter, and shall be

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applied second to the payment of debt charges payable on any 125106
outstanding public obligations issued or incurred for the 125107
acquisition or construction of drainage facilities for or serving 125108
the district, or for the funding of a bond retirement or other 125109
fund established for the payment of or security for the 125110
obligations. Any surplus remaining may be applied to the 125111
acquisition or construction of those facilities or for the payment 125112
of contributions to be made, or costs incurred, for the 125113
acquisition or construction of those facilities under cooperative 125114
contracts. Moneys in the drainage fund shall not be expended other 125115
than for the use and benefit of the district. 125116

(E) A board of county commissioners may adopt a cost 125117
allocation plan that identifies, accumulates, and distributes 125118
allowable direct and indirect costs that may be paid from each of 125119
the funds of the district created pursuant to divisions (C) and 125120
(D) of this section, and that prescribes methods for allocating 125121
those costs. The plan shall authorize payment from each of those 125122
funds of only those costs incurred by the district, the county 125123
sanitary engineer or sanitary engineering department, or a federal 125124
or state grant program, and those costs incurred by the general 125125
and other funds of the county for a common or joint purpose, that 125126
are necessary and reasonable for the proper and efficient 125127
administration of the district under this chapter and properly 125128
attributable to the particular fund of the district. The plan 125129
shall not authorize payment from either of the funds of any 125130
general government expense required to carry out the overall 125131
governmental responsibilities of a county. The plan shall conform 125132
to United States office of management and budget Circular A-87, 125133
"Cost Principles for State, Local, and Indian Tribal Governments," 125134
published May 17, 1995. 125135

(F) A board of county commissioners may establish discounted 125136
rates or charges or may establish another mechanism for providing 125137
a reduction in rates or charges for persons who are sixty-five 125138

years of age or older. The board shall establish eligibility 125139
requirements for such discounted or reduced rates or charges, 125140
including a requirement that a person be eligible for the 125141
homestead exemption or qualify as a low- and moderate-income 125142
person. 125143

Sec. 6119.011. As used in ~~Chapter 6119, of the Revised Code~~ 125144
this chapter: 125145

(A) "Court of common pleas" or "court" means, unless the 125146
context indicates a different meaning or intent, the court of 125147
common pleas in which the petition for the organization of a 125148
regional water and sewer district is filed. 125149

(B) "Political subdivision" includes departments, divisions, 125150
authorities, or other units of state governments, watershed 125151
districts, soil and water conservation districts, park districts, 125152
municipal corporations, counties, townships, and other political 125153
subdivisions, special water districts, including county and 125154
regional water and sewer districts, conservancy districts, 125155
sanitary districts, sewer districts or any other public 125156
corporation or agency having the authority to acquire, construct, 125157
or operate waste water or water management facilities, and all 125158
other governmental agencies now or hereafter granted the power of 125159
levying taxes or special assessments, the United States or any 125160
agency thereof, and any agency, commission, or authority 125161
established pursuant to an interstate compact or agreement. 125162

(C) "Person" means any natural person, firm, partnership, 125163
association, or corporation other than a political subdivision. 125164

(D) "Beneficial use" means a use of water, including the 125165
method of diversion, storage, transportation, treatment, and 125166
application, that is reasonable and consistent with the public 125167
interest in the proper utilization of water resources, including, 125168
but not limited to, domestic, agricultural, industrial, power, 125169

municipal, navigational, fish and wildlife, and recreational uses. 125170

(E) "Waters of the state" ~~mean~~means all streams, lakes, 125171
ponds, marshes, watercourses, waterways, wells, springs, 125172
irrigation systems, drainage systems, and all other bodies or 125173
accumulations of water, surface and underground, natural or 125174
artificial, ~~which~~that are situated wholly or partly within, or 125175
border upon, this state, or are within its jurisdiction, except 125176
those private waters ~~which~~that do not combine or effect a 125177
junction with natural surface or underground waters. 125178

(F) "Water resources" means all waters of the state occurring 125179
on the surface in natural or artificial channels, lakes, 125180
reservoirs, or impoundments, and in subsurface aquifers, ~~which~~ 125181
that are available or may be made available to agricultural, 125182
commercial, recreational, public, and domestic users. 125183

(G) "Project" or "water resource project" means any waste 125184
water facility or water management facility acquired, constructed, 125185
or operated by or leased to a regional water and sewer district or 125186
to be acquired, constructed, or operated by or leased to a 125187
regional water and sewer district under ~~Chapter 6119. of the~~ 125188
~~Revised Code~~this chapter, or acquired or constructed or to be 125189
acquired or constructed by a political subdivision with a portion 125190
of the cost thereof being paid from a loan or grant from the 125191
district under ~~Chapter 6119. of the Revised Code~~this chapter, 125192
including all buildings and facilities ~~which~~that the district 125193
considers necessary for the operation of the project, together 125194
with all property, rights, easements, and interest ~~which~~that may 125195
be required for the operation of the project. Any water resource 125196
project shall be determined by the board of trustees of the 125197
district to be consistent with any applicable comprehensive plan 125198
of water management approved by the director of natural resources 125199
~~of the state~~ or in the process of preparation by ~~such~~the director 125200
and to be not inconsistent with the standards set for the waters 125201

of the state affected thereby by the ~~water pollution control~~ 125202
~~board of the state~~environmental protection agency. Any 125203
resolution of the board of trustees of the district providing for 125204
acquiring, operating, leasing, or constructing such projects or 125205
for making a loan or grant for such projects shall include a 125206
finding by the board of trustees of the district that ~~such~~those 125207
determinations have been made. 125208

(H) "Pollution" means the placing of any noxious or 125209
deleterious substances in any waters of the state or affecting the 125210
properties of any waters of the state in a manner ~~which~~that 125211
renders ~~such~~those waters harmful or inimical to the public 125212
health, or to animal or aquatic life, or to the use of ~~such~~the 125213
waters for domestic water supply, industrial or agricultural 125214
purposes, or recreation. 125215

(I) "Sewage" means any substance that contains any of the 125216
waste products or excrementitious or other discharge from the 125217
bodies of human beings or animals, ~~which~~that pollutes the waters 125218
of the state. 125219

(J) "Industrial waste" means any liquid, gaseous, or solid 125220
waste substance resulting from any process of industry, 125221
manufacture, trade, or business, or from the development, 125222
processing, or recovery of any natural resource, together with 125223
such sewage as is present, ~~which~~that pollutes the waters of the 125224
state. 125225

(K) "Waste water" means any storm water and any water 125226
containing sewage or industrial waste or other pollutants or 125227
contaminants derived from the prior use of ~~such~~the water. 125228

(L) "Waste water facilities" means facilities for the purpose 125229
of treating, neutralizing, disposing of, stabilizing, cooling, 125230
segregating, or holding waste water, including, without limiting 125231
the generality of the foregoing, facilities for the treatment and 125232

disposal of sewage or industrial waste and the residue thereof, 125233
facilities for the temporary or permanent impoundment of waste 125234
water, both surface and underground, and storm and sanitary sewers 125235
and other systems, whether on the surface or underground, designed 125236
to transport waste water, together with the equipment and 125237
furnishings thereof and their appurtenances and systems, whether 125238
on the surface or underground, including force mains and pumping 125239
facilities therefor when necessary. 125240

(M) "Water management facilities" means facilities for the 125241
purpose of the development, use, and protection of water 125242
resources, including, without limiting the generality of the 125243
foregoing, facilities for water supply, facilities for stream flow 125244
improvement, dams, reservoirs, and other impoundments, water 125245
transmission lines, water wells and well fields, pumping stations 125246
and works for underground water recharge, stream monitoring 125247
systems, facilities for the stabilization of stream and river 125248
banks, and facilities for the treatment of streams and rivers, 125249
including, without limiting the generality of the foregoing, 125250
facilities for the removal of oil, debris, and other solid waste 125251
from the waters of the state and stream and river aeration 125252
facilities. 125253

(N) "Cost" as applied to water resource projects means the 125254
cost of acquisition and construction, the cost of acquisition of 125255
all land, rights-of-way, property rights, easements, franchise 125256
rights, and interests required by the district for such 125257
acquisition and construction, the cost of demolishing or removing 125258
any buildings or structures on land so acquired, including the 125259
cost of acquiring any lands to which such buildings or structures 125260
may be moved, the cost of acquiring or constructing and equipping 125261
a principal office and sub-offices of the district, the cost of 125262
diverting highways, interchange of highways, and access roads to 125263
private property, including the cost of land or easements 125264
therefor, the cost of all machinery, furnishings, and equipment, 125265

financing charges, interest prior to and during construction and 125266
for no more than eighteen months after completion of ~~acquisition~~ 125267
acquisition or construction, engineering, expenses of research and 125268
development with respect to waste water or water management 125269
facilities, legal expenses, plans, specifications, surveys, 125270
estimates of cost and revenues, working capital, other expenses 125271
necessary or incident to determining the feasibility or 125272
practicability of acquiring or constructing any such project, 125273
administrative expense, and such other expense as may be necessary 125274
or incident to the acquisition or construction of the project, the 125275
financing of ~~such~~the acquisition or construction, including the 125276
amount authorized in the resolution of the district providing for 125277
the issuance of water resource revenue bonds to be paid into any 125278
special funds from the proceeds of ~~such~~those bonds and the 125279
financing of the placing of any such project in operation. Any 125280
obligation or expense incurred by any political subdivision, and 125281
approved by the district, for surveys, borings, preparation of 125282
plans and specifications, and other engineering services in 125283
connection with the acquisition or construction of a project shall 125284
be regarded as a part of the cost of ~~such~~the project and may be 125285
reimbursed by the district. 125286

(O) "Owner" includes all individuals, partnerships, 125287
associations, corporations, or political subdivisions having any 125288
title or interest in any property rights, easements, and interests 125289
authorized to be acquired by ~~Chapter 6119. of the Revised Code~~ 125290
this chapter. 125291

(P) "Revenues" means all rentals and other charges received 125292
by a district for the use or services of any project, all special 125293
assessments levied by the district pursuant to ~~Chapter 6119. of~~ 125294
~~the Revised Code~~this chapter, any gift or grant received with 125295
respect thereto, and moneys received in repayment of and for 125296
interest on any loan made by the district to a political 125297
subdivision, whether from the United States or a department, 125298

administration, or agency thereof, or otherwise.	125299
(Q) "Public roads" includes all public highways, roads, and streets in the state, whether maintained by the state, county, city, township, or other political subdivision.	125300 125301 125302
(R) "Public utility facilities" includes tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances of any public utility.	125303 125304 125305
(S) "Construction," unless the context indicates a different meaning or intent, includes reconstruction, enlargement, improvement, or providing furnishings or equipment.	125306 125307 125308
(T) "Water resources bonds," unless the context indicates a different meaning or intent, includes water resource notes and water resource refunding bonds.	125309 125310 125311
(U) "Regional water and sewer district" means a district organized or operating for one or both of the purposes described in section 6119.01 of the Revised Code and, if organized or operating for only one of ~~such~~ <u>those</u> purposes, may be designated either a regional water district or a regional sewer district, as the case may be.	125312 125313 125314 125315 125316 125317
<u>(V) "Homestead exemption" means the reduction of taxes allowed under division (A) of section 323.152 of the Revised Code.</u>	125318 125319
<u>(W) "Low- and moderate-income person" has the same meaning as in section 175.01 of the Revised Code.</u>	125320 125321
<u>Sec. 6119.091. When fixing rentals or other charges under section 6119.09 of the Revised Code, a board of trustees of a regional water and sewer district may establish discounted rentals or charges or may establish another mechanism for providing a reduction in rentals or charges for persons who are sixty-five</u>	125322 125323 125324 125325 125326

years of age or older. The board shall establish eligibility 125327
requirements for such discounted or reduced rentals or charges, 125328
including a requirement that a person be eligible for the 125329
homestead exemption or qualify as a low- and moderate-income 125330
person. 125331

Sec. 6301.03. (A) In administering the "Workforce Investment 125332
Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, the 125333
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 125334
amended, the funds received pursuant to those acts, and the 125335
workforce development system, the director of job and family 125336
services may make allocations and payment of funds for the local 125337
administration of the workforce development activities established 125338
under this chapter. Pursuant to the "Workforce Investment Act of 125339
1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, the governor 125340
shall reserve not more than fifteen per cent of the amounts 125341
allocated to the state under Title I of that act for adults, 125342
dislocated workers, and youth for statewide activities, and not 125343
more than twenty-five per cent of funds allocated for dislocated 125344
workers under Title I of that act for statewide rapid response 125345
activities. 125346

(B) The director shall allocate to local areas all funds 125347
required to be allocated to local areas pursuant to the "Workforce 125348
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 125349
amended. The director shall make allocations only with funds 125350
available. Local areas, as defined by either section 101 of the 125351
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 125352
2801, as amended, or section 6301.01 of the Revised Code, and 125353
subrecipients of a local area shall establish a workforce 125354
development fund and the entity receiving funds shall deposit all 125355
funds received under this section into the workforce development 125356
fund. All expenditures for activities funded under this section 125357
shall be made from the workforce development fund, including 125358
reimbursements to a county public assistance fund for expenditures 125359

made for activities funded under this section. 125360

(C) The use of funds, reporting requirements, and other 125361
administrative and operational requirements governing the use of 125362
funds received by the director pursuant to this section shall be 125363
governed by internal management rules adopted by the director 125364
pursuant to section 111.15 of the Revised Code. 125365

(D) To the extent permitted by state or federal law, the 125366
director, local areas, counties, and municipal corporations 125367
authorized to administer workforce development activities may 125368
assess a fee for specialized services requested by an employer. 125369
The director shall adopt rules pursuant to Chapter 119. of the 125370
Revised Code governing the nature and amount of those types of 125371
fees. 125372

Section 101.02. That existing sections 7.12, 9.06, 9.24, 125373
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5111.261, 5111.65, 5111.651, 5111.68, 5111.681, 5111.685,	125534
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5705.211, 5705.214, 5705.25, 5705.29, 5705.341, 5705.37,	125543
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5722.04, 5722.21, 5723.04, 5725.18, 5725.98, 5727.81, 5727.811,	125546
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5751.06, 5751.08, 5751.09, 5751.20, 5751.21, 5751.22, 5751.23,	125553
5911.10, 5913.051, 5913.09, 6103.01, 6103.02, 6109.21, 6111.04,	125554
6111.044, 6111.44, 6117.01, 6117.02, 6119.011, and 6301.03 of	125555
the Revised Code are hereby repealed.	125556

That existing Section 6 of H.B. 364 of the 124th General	125557
Assembly is hereby repealed.	125558

Section 105.01. That sections 117.102, 173.71, 173.72,	125559
173.721, 173.722, 173.723, 173.724, 173.73, 173.731, 173.732,	125560
173.74, 173.741, 173.742, 173.75, 173.751, 173.752, 173.753,	125561
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3724.06, 3724.07, 3724.08, 3724.09, 3724.10, 3724.11, 3724.12, 125575
3724.13, 3724.99, 4517.052, 4517.27, 4735.22, 4735.23, 5101.072, 125576
5103.154, 5111.263, 5112.371, 5115.10, 5115.11, 5115.12, 5115.13, 125577
5115.14, 5145.32, and 5923.141 of the Revised Code are hereby 125578
repealed. 125579

Section 105.10. Sections 1751.53 and 3923.38 of the Revised 125580
Code as they result from Section 120.10 of H.B. 2 of the 128th 125581
General Assembly are hereby repealed. This repeal enables the 125582
continued existence of those sections as they result from Section 125583
101.01 of H.B. 2 of the 128th General Assembly. 125584

Section 110.10. That the version of section 2949.111 of the 125585
Revised Code that is scheduled to take effect January 1, 2010, be 125586
amended to read as follows: 125587

Sec. 2949.111. (A) As used in this section: 125588

(1) "Court costs" means any assessment that the court 125589
requires an offender to pay to defray the costs of operating the 125590
court. 125591

(2) "State fines or costs" means any costs imposed or 125592
forfeited bail collected by the court under section 2743.70 of the 125593
Revised Code for deposit into the reparations fund or under 125594
section 2949.091 of the Revised Code for deposit into the ~~general~~ 125595

~~revenue~~indigent defense support fund established under section 125596
120.08 of the Revised Code and all fines, penalties, and forfeited 125597
bail collected by the court and paid to a law library association 125598
under section 307.515 of the Revised Code. 125599

(3) "Reimbursement" means any reimbursement for the costs of 125600
confinement that the court orders an offender to pay pursuant to 125601
section 2929.28 of the Revised Code, any supervision fee, any fee 125602
for the costs of house arrest with electronic monitoring that an 125603
offender agrees to pay, any reimbursement for the costs of an 125604
investigation or prosecution that the court orders an offender to 125605
pay pursuant to section 2929.71 of the Revised Code, or any other 125606
costs that the court orders an offender to pay. 125607

(4) "Supervision fees" means any fees that a court, pursuant 125608
to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 125609
requires an offender who is under a community control sanction to 125610
pay for supervision services. 125611

(5) "Community control sanction" has the same meaning as in 125612
section 2929.01 of the Revised Code. 125613

(B) Unless the court, in accordance with division (C) of this 125614
section, enters in the record of the case a different method of 125615
assigning payments, if a person who is charged with a misdemeanor 125616
is convicted of or pleads guilty to the offense, if the court 125617
orders the offender to pay any combination of court costs, state 125618
fines or costs, restitution, a conventional fine, or any 125619
reimbursement, and if the offender makes any payment of any of 125620
them to a clerk of court, the clerk shall assign the offender's 125621
payment in the following manner: 125622

(1) If the court ordered the offender to pay any court costs, 125623
the offender's payment shall be assigned toward the satisfaction 125624
of those court costs until they have been entirely paid. 125625

(2) If the court ordered the offender to pay any state fines
or costs and if all of the court costs that the court ordered the
offender to pay have been paid, the remainder of the offender's
payment shall be assigned on a pro rata basis toward the
satisfaction of the state fines or costs until they have been
entirely paid.

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(3) If the court ordered the offender to pay any restitution
and if all of the court costs and state fines or costs that the
court ordered the offender to pay have been paid, the remainder of
the offender's payment shall be assigned toward the satisfaction
of the restitution until it has been entirely paid.

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(4) If the court ordered the offender to pay any fine and if
all of the court costs, state fines or costs, and restitution that
the court ordered the offender to pay have been paid, the
remainder of the offender's payment shall be assigned toward the
satisfaction of the fine until it has been entirely paid.

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(5) If the court ordered the offender to pay any
reimbursement and if all of the court costs, state fines or costs,
restitution, and fines that the court ordered the offender to pay
have been paid, the remainder of the offender's payment shall be
assigned toward the satisfaction of the reimbursements until they
have been entirely paid.

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(C) If a person who is charged with a misdemeanor is
convicted of or pleads guilty to the offense and if the court
orders the offender to pay any combination of court costs, state
fines or costs, restitution, fines, or reimbursements, the court,
at the time it orders the offender to make those payments, may
prescribe an order of payments that differs from the order set
forth in division (B) of this section by entering in the record of
the case the order so prescribed. If a different order is entered
in the record, on receipt of any payment, the clerk of the court

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shall assign the payment in the manner prescribed by the court. 125657

Section 110.11. That the existing version of section 2949.111 125658
of the Revised Code that is scheduled to take effect January 1, 125659
2010, is hereby repealed. 125660

Section 110.12. Sections 110.10 and 110.11 of this act take 125661
effect January 1, 2010. 125662

Section 110.20. That the version of section 5739.033 of the 125663
Revised Code that is scheduled to take effect January 1, 2010, be 125664
amended to read as follows: 125665

Sec. 5739.033. (A) The amount of tax due pursuant to 125666
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 125667
Code is the sum of the taxes imposed pursuant to those sections 125668
at the sourcing location of the sale as determined under this 125669
section or, if applicable, under division (C) of section 5739.031 125670
or section 5739.034 of the Revised Code. This section applies 125671
only to a vendor's or seller's obligation to collect and remit 125672
sales taxes under section 5739.02, 5739.021, 5739.023, or 125673
5739.026 of the Revised Code or use taxes under section 5741.02, 125674
5741.021, 5741.022, or 5741.023 of the Revised Code. Division (A) 125675
of this section does not apply in determining the jurisdiction 125676
for which sellers are required to collect the use tax under 125677
section 5741.05 of the Revised Code. This section does not affect 125678
the obligation of a consumer to remit use taxes on the storage, 125679
use, or other consumption of tangible personal property or on the 125680
benefit realized of any service provided, to the jurisdiction of 125681
that storage, use, or consumption, or benefit realized. 125682

(B)(1) Beginning January 1, 2010, retail sales, excluding 125683
the lease or rental, of tangible personal property or digital 125684
goods shall be sourced to the location where the vendor receives 125685
an order for the sale of such property or goods if: 125686

(a) The vendor receives the order in this state and the consumer receives the property or goods in this state;	125687 125688
(b) The location where the consumer receives the property or goods is determined under division (C)(2), (3), or (4) of this section; and	125689 125690 125691
(c) The record-keeping system used by the vendor to calculate the tax imposed captures the location where the order is received at the time the order is received.	125692 125693 125694
(2) A consumer has no additional liability to this state under this chapter or Chapter 5741. of the Revised Code for tax, penalty, or interest on a sale for which the consumer remits tax to the vendor in the amount invoiced by the vendor if the invoice amount is calculated at either the rate applicable to the location where the consumer receives the property or digital good or at the rate applicable to the location where the order is received by the vendor. A consumer may rely on a written representation by the vendor as to the location where the order for the sale was received by the vendor. If the consumer does not have a written representation by the vendor as to the location where the order was received by the vendor, the consumer may use a location indicated by a business address for the vendor that is available from records that are maintained in the ordinary course of the consumer's business to determine the rate applicable to the location where the order was received.	125695 125696 125697 125698 125699 125700 125701 125702 125703 125704 125705 125706 125707 125708 125709 125710
(3) For the purposes of division (B) of this section, the location where an order is received by or on behalf of a vendor means the physical location of the vendor or a third party such as an established outlet, office location, or automated order receipt system operated by or on behalf of the vendor, where an order is initially received by or on behalf of the vendor, and not where the order may be subsequently accepted, completed, or fulfilled. An order is received when all necessary information to determine	125711 125712 125713 125714 125715 125716 125717 125718

whether the order can be accepted has been received by or on behalf of the vendor. The location from which the property or digital good is shipped shall not be used to determine the location where the order is received by the vendor.

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(4) For the purposes of division (B) of this section, if services subject to taxation under this chapter or Chapter 5741. of the Revised Code are sold with tangible personal property or digital goods pursuant to a single contract or in the same transaction, the services are billed on the same billing statement or invoice, and, because of the application of division (B) of this section, the transaction would be sourced to more than one jurisdiction, the situs of the transaction shall be the location where the order is received by or on behalf of the vendor.

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(C) Except for sales, other than leases, of titled motor vehicles, titled watercraft, or titled outboard motors as provided in section 5741.05 of the Revised Code, or as otherwise provided in this section and section 5739.034 of the Revised Code, all sales shall be sourced as follows:

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(1) If the consumer or a donee designated by the consumer receives tangible personal property or a service at a vendor's place of business, the sale shall be sourced to that place of business.

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(2) When the tangible personal property or service is not received at a vendor's place of business, the sale shall be sourced to the location known to the vendor where the consumer or the donee designated by the consumer receives the tangible personal property or service, including the location indicated by instructions for delivery to the consumer or the consumer's donee.

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(3) If divisions (C)(1) and (2) of this section do not apply, the sale shall be sourced to the location indicated by an address for the consumer that is available from the vendor's business

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records that are maintained in the ordinary course of the 125750
vendor's business, when use of that address does not constitute 125751
bad faith. 125752

(4) If divisions (C)(1), (2), and (3) of this section do not 125753
apply, the sale shall be sourced to the location indicated by an 125754
address for the consumer obtained during the consummation of the 125755
sale, including the address associated with the consumer's payment 125756
instrument, if no other address is available, when use of that 125757
address does not constitute bad faith. 125758

(5) If divisions (C)(1), (2), (3), and (4) of this section do 125759
not apply, including in the circumstance where the vendor is 125760
without sufficient information to apply any of those divisions, 125761
the sale shall be sourced to the address from which tangible 125762
personal property was shipped, or from which the service was 125763
provided, disregarding any location that merely provided the 125764
electronic transfer of the property sold or service provided. 125765

(6) As used in division (C) of this section, "receive" means 125766
taking possession of tangible personal property or making first 125767
use of a service. "Receive" does not include possession by a 125768
shipping company on behalf of a consumer. 125769

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 125770
section, a business consumer that is not a holder of a direct 125771
payment permit granted under section 5739.031 of the Revised Code, 125772
that purchases a digital good, computer software, except computer 125773
software received in person by a business consumer at a vendor's 125774
place of business, or a service, and that knows at the time of 125775
purchase that such digital good, software, or service will be 125776
concurrently available for use in more than one taxing 125777
jurisdiction shall deliver to the vendor in conjunction with its 125778
purchase an exemption certificate claiming multiple points of use, 125779
or shall meet the requirements of division (D)(2) of this section. 125780
On receipt of the exemption certificate claiming multiple points 125781

of use, the vendor is relieved of its obligation to collect, pay, 125782
or remit the tax due, and the business consumer must pay the tax 125783
directly to the state. 125784

(b) A business consumer that delivers the exemption 125785
certificate claiming multiple points of use to a vendor may use 125786
any reasonable, consistent, and uniform method of apportioning the 125787
tax due on the digital good, computer software, or service that is 125788
supported by the consumer's business records as they existed at 125789
the time of the sale. The business consumer shall report and pay 125790
the appropriate tax to each jurisdiction where concurrent use 125791
occurs. The tax due shall be calculated as if the apportioned 125792
amount of the digital good, computer software, or service had been 125793
delivered to each jurisdiction to which the sale is apportioned 125794
under this division. 125795

(c) The exemption certificate claiming multiple points of use 125796
shall remain in effect for all future sales by the vendor to the 125797
business consumer until it is revoked in writing by the business 125798
consumer, except as to the business consumer's specific 125799
apportionment of a subsequent sale under division (D)(1)(b) of 125800
this section and the facts existing at the time of the sale. 125801

(2) When the vendor knows that a digital good, computer 125802
software, or service sold will be concurrently available for use 125803
by the business consumer in more than one jurisdiction, but the 125804
business consumer does not provide an exemption certificate 125805
claiming multiple points of use as required by division (D)(1) of 125806
this section, the vendor may work with the business consumer to 125807
produce the correct apportionment. Governed by the principles of 125808
division (D)(1)(b) of this section, the vendor and business 125809
consumer may use any reasonable, but consistent and uniform, 125810
method of apportionment that is supported by the vendor's and 125811
business consumer's books and records as they exist at the time 125812
the sale is reported for purposes of the taxes levied under this 125813

chapter. If the business consumer certifies to the accuracy of the
apportionment and the vendor accepts the certification, the vendor
shall collect and remit the tax accordingly. In the absence of bad
faith, the vendor is relieved of any further obligation to collect
tax on any transaction where the vendor has collected tax pursuant
to the information certified by the business consumer.

(3) When the vendor knows that the digital good, computer
software, or service will be concurrently available for use in
more than one jurisdiction, and the business consumer does not
have a direct pay permit and does not provide to the vendor an
exemption certificate claiming multiple points of use as required
in division (D)(1) of this section, or certification pursuant to
division (D)(2) of this section, the vendor shall collect and
remit the tax based on division (C) of this section.

(4) Nothing in this section shall limit a person's obligation
for sales or use tax to any state in which a digital good,
computer software, or service is concurrently available for use,
nor limit a person's ability under local, state, or federal law,
to claim a credit for sales or use taxes legally due and paid to
other jurisdictions.

(E) A person who holds a direct payment permit issued under
section 5739.031 of the Revised Code is not required to deliver an
exemption certificate claiming multiple points of use to a vendor.
But such permit holder shall comply with division (D)(2) of this
section in apportioning the tax due on a digital good, computer
software, or a service for use in business that will be
concurrently available for use in more than one taxing
jurisdiction.

(F)(1) Notwithstanding divisions (C)(1) to (5) of this
section, the consumer of direct mail that is not a holder of a
direct payment permit shall provide to the vendor in conjunction
with the sale either an exemption certificate claiming direct mail

prescribed by the tax commissioner, or information to show the jurisdictions to which the direct mail is delivered to recipients.

(2) Upon receipt of such exemption certificate, the vendor is relieved of all obligations to collect, pay, or remit the applicable tax and the consumer is obligated to pay that tax on a direct pay basis. An exemption certificate claiming direct mail shall remain in effect for all future sales of direct mail by the vendor to the consumer until it is revoked in writing.

(3) Upon receipt of information from the consumer showing the jurisdictions to which the direct mail is delivered to recipients, the vendor shall collect the tax according to the delivery information provided by the consumer. In the absence of bad faith, the vendor is relieved of any further obligation to collect tax on any transaction where the vendor has collected tax pursuant to the delivery information provided by the consumer.

(4) If the consumer of direct mail does not have a direct payment permit and does not provide the vendor with either an exemption certificate claiming direct mail or delivery information as required by division (F)(1) of this section, the vendor shall collect the tax according to division (C)(5) of this section. Nothing in division (F)(4) of this section shall limit a consumer's obligation to pay sales or use tax to any state to which the direct mail is delivered.

(5) If a consumer of direct mail provides the vendor with documentation of direct payment authority, the consumer shall not be required to provide an exemption certificate claiming direct mail or delivery information to the vendor.

(G) If the vendor provides lodging to transient guests as specified in division (B)(2) of section 5739.01 of the Revised Code, the sale shall be sourced to the location where the lodging is located.

(H)(1) As used in this division and division (I) of this section, "transportation equipment" means any of the following:	125877 125878
(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce.	125879 125880
(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce.	125881 125882 125883 125884 125885 125886 125887 125888
(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce.	125889 125890 125891 125892
(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section.	125893 125894 125895
(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (C) of this section.	125896 125897
(I)(1) A lease or rental of tangible personal property that does not require recurring periodic payments shall be sourced pursuant to division (C) of this section.	125898 125899 125900
(2) A lease or rental of tangible personal property that requires recurring periodic payments shall be sourced as follows:	125901 125902
(a) In the case of a motor vehicle, other than a motor	125903

vehicle that is transportation equipment, or an aircraft, other	125904
than an aircraft that is transportation equipment, such lease or	125905
rental shall be sourced as follows:	125906
(i) An accelerated tax payment on a lease or rental taxed	125907
pursuant to division (A)(2) of section 5739.02 of the Revised Code	125908
shall be sourced to the primary property location at the time the	125909
lease or rental is consummated. Any subsequent taxable charges on	125910
the lease or rental shall be sourced to the primary property	125911
location for the period in which the charges are incurred.	125912
(ii) For a lease or rental taxed pursuant to division (A)(3)	125913
of section 5739.02 of the Revised Code, each lease or rental	125914
installment shall be sourced to the primary property location for	125915
the period covered by the installment.	125916
(b) In the case of a lease or rental of all other tangible	125917
personal property, other than transportation equipment, such lease	125918
or rental shall be sourced as follows:	125919
(i) An accelerated tax payment on a lease or rental that is	125920
taxed pursuant to division (A)(2) of section 5739.02 of the	125921
Revised Code shall be sourced pursuant to division (C) of this	125922
section at the time the lease or rental is consummated. Any	125923
subsequent taxable charges on the lease or rental shall be sourced	125924
to the primary property location for the period in which the	125925
charges are incurred.	125926
(ii) For a lease or rental that is taxed pursuant to division	125927
(A)(3) of section 5739.02 of the Revised Code, the initial lease	125928
or rental installment shall be sourced pursuant to division (C) of	125929
this section. Each subsequent installment shall be sourced to the	125930
primary property location for the period covered by the	125931
installment.	125932
(3) As used in division (I) of this section, "primary	125933

property location" means an address for tangible personal property
provided by the lessee or renter that is available to the lessor
or owner from its records maintained in the ordinary course of
business, when use of that address does not constitute bad faith.

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(J) If the vendor provides a service specified in division
(B)(11) of section 5739.01 of the Revised Code, the situs of the
sale is the location of the enrollee for whom a medicaid health
insurance corporation receives managed care premiums. Such sales
shall be sourced to the locations of the enrollees in the same
proportion as the managed care premiums received by the medicaid
health insuring corporation on behalf of enrollees located in a
particular taxing jurisdiction in Ohio as compared to all managed
care premiums received by the medicaid health insuring
corporation.

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Section 110.21. That the existing version of section 5739.033
of the Revised Code that is scheduled to take effect January 1,
2010, is hereby repealed.

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Section 110.22. Sections 110.20 and 110.21 of this act take
effect January 1, 2010.

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Section 125.10. Sections 5112.40, 5112.41, 5112.42, 5112.43,
5112.44, 5112.45, 5112.46, 5112.47, and 5112.48 of the Revised
Code are hereby repealed, effective October 1, 2011.

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Section 201.01. Except as otherwise provided in this act,
all appropriation items in this act are appropriated out of any
moneys in the state treasury to the credit of the designated fund
that are not otherwise appropriated. For all appropriations made
in this act, the amounts in the first column are for fiscal year
2010 and the amounts in the second column are for fiscal year
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Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO

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General Services Fund Group	125964

4J80 889601 CPA Education Assistance	\$ 200,000	\$ 200,000	125965
4K90 889609 Operating Expenses	\$ 1,000,000	\$ 1,000,000	125966
TOTAL GSF General Services Fund Group	\$ 1,200,000	\$ 1,200,000	125968
TOTAL ALL BUDGET FUND GROUPS	\$ 1,200,000	\$ 1,200,000	125969

Section 205.10. ADJ ADJUTANT GENERAL	125971

General Revenue Fund	125972

GRF 745401 Ohio Military Reserve	\$ 13,675	\$ 13,675	125973
GRF 745404 Air National Guard	\$ 1,810,606	\$ 1,810,606	125974
GRF 745407 National Guard Benefits	\$ 400,000	\$ 400,000	125975
GRF 745409 Central Administration	\$ 2,849,096	\$ 2,849,096	125976
GRF 745499 Army National Guard	\$ 4,237,516	\$ 4,237,516	125977
TOTAL GRF General Revenue Fund	\$ 9,310,893	\$ 9,310,893	125978

General Services Fund Group	125979

5340 745612 Property Operations/Management	\$ 534,304	\$ 534,304	125980
5360 745605 Marksmanship Activities	\$ 128,600	\$ 128,600	125981
5360 745620 Camp Perry/Buckeye Inn Operations	\$ 1,502,970	\$ 1,502,970	125982
5370 745604 Ohio National Guard Facility Maintenance	\$ 269,826	\$ 269,826	125983
TOTAL GSF General Services Fund Group	\$ 2,435,700	\$ 2,435,700	125984

Federal Special Revenue Fund Group	125985

3410 745615	Air National Guard Base Security	\$	2,777,692	\$	2,777,692	125986
3420 745616	Army National Guard Agreement	\$	10,970,050	\$	10,970,050	125987
3E80 745628	Air National Guard Agreement	\$	16,048,595	\$	16,048,595	125988
3R80 745603	Counter Drug Operations	\$	25,000	\$	25,000	125989
TOTAL FED Federal Special Revenue Fund Group		\$	29,821,337	\$	29,821,337	125990

State Special Revenue Fund Group	125991

5U80 745613	Community Match Armories	\$	250,000	\$	250,000	125992
TOTAL SSR State Special Revenue Fund Group		\$	250,000	\$	250,000	125993

TOTAL ALL BUDGET FUND GROUPS	\$	41,817,930	\$	41,817,930	125994

NATIONAL GUARD BENEFITS	125995

The foregoing appropriation item 745407, National Guard	125996
Benefits, shall be used for purposes of sections 5919.31 and	125997
5919.33 of the Revised Code, and for administrative costs of the	125998
associated programs.	125999

For active duty members of the Ohio National Guard who died	126000
after October 7, 2001, while performing active duty, the death	126001
benefit, pursuant to section 5919.33 of the Revised Code, shall be	126002
paid to the beneficiary or beneficiaries designated on the	126003
member's Servicemembers' Group Life Insurance Policy.	126004

STATE ACTIVE DUTY COSTS	126005

Of the foregoing appropriation item 745409, Central	126006
Administration, \$50,000 in each fiscal year shall be used for the	126007
purpose of paying expenses related to state active duty of members	126008
of the Ohio organized militia, in accordance with a proclamation	126009
of the Governor. Expenses include, but are not limited to, the	126010
cost of equipment, supplies, and services, as determined by the	126011
Adjutant General's Department.	126012

Section 205.20. FUND ABOLITION	126013

On July 1, 2009, or as soon as possible thereafter, the	126014
Director of Budget and Management, upon request by the Adjutant	126015
General, shall transfer the cash balance in the Marksmanship	126016
Activities Fund (Fund 5280) to the Camp Perry/Buckeye Inn	126017
Operations Fund (Fund 5360). The Director shall cancel any	126018
existing encumbrances against appropriation item 745645,	126019
Marksmanship Activities, and re-establish them against	126020
appropriation item 745620, Camp Perry/Buckeye Inn Operations. The	126021
re-established encumbrance amounts are hereby appropriated. Upon	126022
completion of the transfer, Fund 5280 is abolished.	126023

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES	126024

General Revenue Fund	126025

GRF 100415	OAKS Rental Payments	\$	18,066,000	\$	21,693,200	126026
GRF 100416	STARS Lease Rental Payments	\$	4,977,600	\$	4,982,500	126027
GRF 100418	Web Sites and Business Gateway	\$	2,696,933	\$	2,943,076	126028
GRF 100419	IT Security Infrastructure	\$	861,250	\$	1,111,250	126029
GRF 100423	EEO Project Tracking Software	\$	0	\$	100,000	126030

GRF 100433	State of Ohio Computer Center	\$	5,385,268	\$	4,289,127	126031
GRF 100439	Equal Opportunity Certification Programs	\$	712,724	\$	712,724	126032
GRF 100447	OBA - Building Rent Payments	\$	102,635,400	\$	97,712,600	126033
GRF 100448	OBA - Building Operating Payments	\$	24,003,000	\$	24,203,000	126034
GRF 100449	DAS - Building Operating Payments	\$	2,971,384	\$	3,271,384	126035
GRF 100451	Minority Affairs	\$	50,016	\$	50,016	126036
GRF 102321	Construction Compliance	\$	1,108,744	\$	1,108,744	126037
GRF 130321	State Agency Support Services	\$	3,239,578	\$	3,339,578	126038
TOTAL GRF General Revenue Fund		\$	166,707,897	\$	165,517,199	126039

General Services Fund Group 126040

1120 100616	DAS Administration	\$	4,500,000	\$	4,500,000	126041
1150 100632	Central Service Agency	\$	756,642	\$	756,642	126042
1170 100644	General Services Division - Operating	\$	10,000,0000	\$	10,000,000	126043
1220 100637	Fleet Management	\$	1,500,000	\$	1,500,000	126044
1250 100622	Human Resources Division - Operating	\$	20,560,614	\$	20,560,614	126045
1280 100620	Collective Bargaining	\$	3,662,534	\$	3,662,534	126046
1300 100606	Risk Management Reserve	\$	5,568,548	\$	5,568,548	126047
1310 100639	State Architect's Office	\$	7,544,146	\$	7,544,146	126048
1320 100631	DAS Building Management	\$	8,637,670	\$	8,637,670	126049
1330 100607	IT Services Delivery	\$	58,750,678	\$	58,750,678	126050
1880 100649	Equal Opportunity Division - Operating	\$	884,650	\$	884,650	126051
2100 100612	State Printing	\$	12,000,000	\$	12,000,000	126052
2290 100630	IT Governance	\$	15,346,474	\$	15,346,474	126053

2290	100640	Leveraged Enterprise Purchases	\$	10,000,000	\$	10,000,000	126054
4270	100602	Investment Recovery	\$	5,592,697	\$	5,592,697	126055
4N60	100617	Major IT Purchases	\$	7,495,719	\$	1,950,000	126056
4P30	100603	DAS Information Services	\$	4,054,414	\$	4,054,414	126057
5C20	100605	MARCS Administration	\$	11,069,291	\$	11,069,291	126058
5C30	100608	Skilled Trades	\$	605,885	\$	605,885	126059
5EB0	100635	OAKS Support Organization	\$	15,984,761	\$	18,009,192	126060
5L70	100610	Professional Development	\$	3,900,000	\$	3,900,000	126061
5V60	100619	Employee Educational Development	\$	936,129	\$	936,129	126062
5X30	100634	Centralized Gateway Enhancement	\$	3,676,956	\$	2,052,308	126063
TOTAL GSF General Services Fund							126064
Group			\$	213,027,807	\$	207,881,871	126065
TOTAL ALL BUDGET FUND GROUPS			\$	379,735,704	\$	373,399,070	126066

Section 207.10.20. OAKS RENTAL PAYMENTS 126068

The foregoing appropriation item 100415, OAKS Rental 126069
 Payments, shall be used for payments for the period from July 1, 126070
 2009, through June 30, 2011, pursuant to leases and agreements 126071
 entered into under Chapter 125. of the Revised Code, as 126072
 supplemented by Section 503.10 of Am. Sub. H.B. 496 and Section 126073
 281.10 of Am. Sub. H.B. 562 of the 127th General Assembly with 126074
 respect to financing the costs associated with the acquisition, 126075
 development, installation, and implementation of the Ohio 126076
 Administrative Knowledge System. If it is determined that 126077
 additional appropriations are necessary for this purpose, the 126078
 amounts are hereby appropriated. 126079

Section 207.10.30. STATE TAXATION ACCOUNTING AND REVENUE 126080

SYSTEM 126081

The Office of Information Technology, in conjunction with 126082
the Department of Taxation, may acquire the State Taxation 126083
Accounting and Revenue System (STARS) pursuant to Chapter 125. of 126084
the Revised Code, including, but not limited to, the application 126085
software and installation and implementation thereof, for the use 126086
of the Department of Taxation. STARS is an integrated tax 126087
collection and audit system that will replace all of the state's 126088
existing separate tax software and administration systems for the 126089
various taxes collected by the state. Any lease-purchase 126090
arrangement used under Chapter 125. of the Revised Code to acquire 126091
STARS, including any fractionalized interests therein as defined 126092
in division (N) of section 133.01 of the Revised Code, shall 126093
provide that at the end of the lease period, STARS becomes the 126094
property of the state. 126095

Section 207.10.40. STARS LEASE RENTAL PAYMENTS 126096

The foregoing appropriation item 100416, STARS Lease Rental 126097
Payments, shall be used for payments for the period from July 1, 126098
2009, through June 30, 2011, pursuant to leases and agreements 126099
entered into under Chapter 125. of the Revised Code, as 126100
supplemented by Section 757.10 of Am. Sub. H.B. 119 of the 127th 126101
General Assembly, with respect to financing the cost associated 126102
with the acquisition, development, installation, and 126103
implementation of the State Taxation Accounting and Revenue 126104
System (STARS). If it is determined that additional appropriations 126105
are necessary for this purpose, the amounts are appropriated. 126106

Section 207.10.50. BUILDING RENT PAYMENTS 126107

The foregoing appropriation item 100447, OBA - Building Rent 126108
Payments, shall be used to meet all payments at the times they are 126109
required to be made during the period from July 1, 2009, to June 126110
30, 2011, by the Department of Administrative Services to the Ohio 126111

Building Authority pursuant to leases and agreements under Chapter 126112
152. of the Revised Code. These appropriations are the source of 126113
funds pledged for bond service charges on obligations issued 126114
pursuant to Chapter 152. of the Revised Code. 126115

The foregoing appropriation item 100448, OBA - Building 126116
Operating Payments, shall be used to meet all payments at the 126117
times that they are required to be made during the period from 126118
July 1, 2009, to June 30, 2011, by the Department of 126119
Administrative Services to the Ohio Building Authority pursuant to 126120
leases and agreements under Chapter 152. of the Revised Code, but 126121
limited to the aggregate amount of \$51,206,000. 126122

The payments to the Ohio Building Authority are for paying 126123
the expenses of agencies that occupy space in various state 126124
facilities. The Department of Administrative Services may enter 126125
into leases and agreements with the Ohio Building Authority 126126
providing for the payment of these expenses. The Ohio Building 126127
Authority shall report to the Department of Administrative 126128
Services and the Office of Budget and Management not later than 126129
five months after the start of each fiscal year the actual 126130
expenses incurred by the Ohio Building Authority in operating the 126131
facilities and any balances remaining from payments and rentals 126132
received in the prior fiscal year. The Department of 126133
Administrative Services shall reduce subsequent payments by the 126134
amount of the balance reported to it by the Ohio Building 126135
Authority. 126136

Section 207.10.60. DAS - BUILDING OPERATING PAYMENTS 126137

The foregoing appropriation item 100449, DAS - Building 126138
Operating Payments, shall be used to pay the rent expenses of 126139
veterans organizations pursuant to section 123.024 of the Revised 126140
Code in fiscal years 2010 and 2011. 126141

The foregoing appropriation item, 100449, DAS - Building 126142

Operating Payments, also may be used to provide funding for the 126143
cost of property appraisals or building studies that the 126144
Department of Administrative Services may be required to obtain 126145
for property that is being sold by the state or property under 126146
consideration to be renovated or purchased by the state. 126147

Notwithstanding section 125.28 of the Revised Code, the 126148
remaining portion of the appropriation may be used to pay the 126149
operating expenses of state facilities maintained by the 126150
Department of Administrative Services that are not billed to 126151
building tenants. These expenses may include, but are not limited 126152
to, the costs for vacant space and space undergoing renovation, 126153
and the rent expenses of tenants that are relocated because of 126154
building renovations. These payments shall be processed by the 126155
Department of Administrative Services through intrastate transfer 126156
vouchers and placed in the Building Management Fund (Fund 1320). 126157

Notwithstanding division (A)(1) of section 125.28 of the 126158
Revised Code, the Department of Administrative Services may use 126159
the Building Management Fund (Fund 1320) to support utility costs 126160
at the State of Ohio Computer Center that exceed the available 126161
appropriation in appropriation item 100433, State of Ohio Computer 126162
Center. 126163

Section 207.10.70. CENTRAL SERVICE AGENCY FUND 126164

The appropriation item 100632, Central Service Agency, shall 126165
be used to purchase the equipment, products, and services that are 126166
needed to maintain automated applications for the professional 126167
licensing boards and to support board licensing functions in 126168
fiscal years 2010 and 2011. The Department of Administrative 126169
Services shall establish charges for recovering the costs of 126170
carrying out these functions. The charges shall be billed to the 126171
professional licensing boards and deposited via intrastate 126172
transfer vouchers to the credit of the Central Service Agency Fund 126173
(Fund 1150). Total Department of Administrative Services charges 126174

for the maintenance and support of the licensing system shall not	126175
exceed \$363,678 in each fiscal year of the biennium.	126176

Section 207.20.10. GENERAL SERVICE CHARGES	126177

The Department of Administrative Services, with the approval	126178
of the Director of Budget and Management, shall establish charges	126179
for recovering the costs of administering the programs funded by	126180
the General Services Fund (Fund 1170) and the State Printing Fund	126181
(Fund 2100). Such charges within Fund 1170 may be used to recover	126182
the cost of paying a vendor to establish reduced pricing for	126183
contracted supplies or services.	126184

If the Director of Administrative Services determines that	126185
additional amounts are necessary to pay for consulting and	126186
administrative costs related to securing lower pricing, the	126187
Director of Administrative Services may request that the Director	126188
of Budget and Management approve additional expenditures. Such	126189
approved additional amounts are appropriated to appropriation item	126190
100644, General Services Division-Operating.	126191

Section 207.20.20. COLLECTIVE BARGAINING ARBITRATION	126192
EXPENSES	126193

With approval of the Director of Budget and Management, the	126194
Department of Administrative Services may seek reimbursement from	126195
state agencies for the actual costs and expenses the Department	126196
incurs in the collective bargaining arbitration process. The	126197
reimbursements shall be processed through intrastate transfer	126198
vouchers and credited to the Collective Bargaining Fund (Fund	126199
1280).	126200

Section 207.20.30. BROADBAND OHIO	126201

Any unencumbered, unexpended amounts of the foregoing	126202
appropriation item 100607, IT Services Delivery, that were	126203

allocated for implementation of the NextGen Network in fiscal 126204
years 2008 and 2009, and are necessary for the continuation of the 126205
Connect Ohio contract in fiscal years 2010 and 2011, are hereby 126206
reappropriated for the same purpose in fiscal years 2010 and 126207
2011. 126208

Section 207.20.40. EQUAL OPPORTUNITY PROGRAM 126209

The Department of Administrative Services, with the approval 126210
of the Director of Budget and Management, shall establish charges 126211
for recovering the costs of administering the activities supported 126212
by the State EEO Fund (Fund 1880). These charges shall be 126213
deposited to the credit of the State EEO Fund (Fund 1880) upon 126214
payment made by state agencies, state-supported or state-assisted 126215
institutions of higher education, and tax-supported agencies, 126216
municipal corporations, and other political subdivisions of the 126217
state, for services rendered. 126218

Section 207.20.43. GRF TRANSFER TO STATE EQUAL 126219
EMPLOYMENT
OPPORTUNITY FUND 126220

On July 1 of each fiscal year, or as soon as possible 126221
thereafter, the Director of Budget and Management shall transfer 126222
\$500,000 cash from the General Revenue Fund to the State Equal 126223
Employment Opportunity Fund (Fund 1880) used by the Department of 126224
Administrative Services. 126225

Section 207.20.50. MERCHANDISE RESALE FUND ABOLISHMENT 126226

On July 1, 2009, or as soon as possible thereafter, the 126227
Director of Budget and Management shall transfer the cash balance, 126228
functions, assets, and liabilities of the Merchandise Resale Fund 126229
(Fund 2100) to the State Printing Fund (Fund 2100). The Director 126230
of Budget and Management shall cancel any existing encumbrances 126231
against appropriation item 100653, General Services Resale 126232

Merchandise, and re-establish them against appropriation item 126233
100612, State Printing. The re-established encumbrances are 126234
appropriated. Upon completion of the transfer, Fund 2010 is 126235
abolished. 126236

The State Printing Fund is thereupon and thereafter successor 126237
to, assumes the obligations of, and otherwise constitutes the 126238
continuation of the Merchandise Resale Fund. Any business 126239
commenced but not completed pertaining to the Merchandise for 126240
Resale Fund by July 1, 2009, shall be completed within the State 126241
Printing Fund in the same manner and with the same effect as if it 126242
were completed within the Merchandise for Resale Fund. All of the 126243
rules, orders, and determinations associated with the Merchandise 126244
for Resale Fund continue in effect as rules, orders, and 126245
determinations associated with the State Printing Fund until 126246
modified or rescinded by the Director of Administrative Services. 126247
If necessary to ensure the integrity of the Administrative Code, 126248
the Director of the Legislative Service Commission shall renumber 126249
the rules relating to the Merchandise for Resale Fund to reflect 126250
its transfer to the State Printing Fund. 126251

On and after July 1, 2009, when the Merchandise for Resale 126252
Fund is referred to in any statute, rule, contract, grant or other 126253
document, the reference is hereby deemed to refer to the State 126254
Printing Fund. 126255

Section 207.20.60. LEVERAGED ENTERPRISE PURCHASE 126256
PROGRAM
FUNDING 126257

The foregoing appropriation item 100640, Leveraged Enterprise 126258
Purchases, may be used by the Director of Administrative Services 126259
to operate a Leveraged Enterprise Purchases Program to make 126260
enterprise-wide information technology purchases. The Director of 126261
Administrative Services may recover the cost of operating such a 126262
program from all participating government entities through 126263

intrastate transfer voucher billings for each applicable 126264
procurement, or the Director may use any pass-through billing 126265
method agreed to by the Director of Administrative Services, the 126266
Director of Budget and Management, and the participating 126267
government entities that will receive the applicable procurement. 126268
If the Director of Administrative Services chooses to recover the 126269
costs through intrastate transfer voucher billings, the 126270
participating government entities shall process the intrastate 126271
transfer vouchers to pay for the cost. 126272

Amounts received under this section for the Leveraged 126273
Enterprise Purchases Program shall be deposited to the credit of 126274
the IT Governance Fund (Fund 2290). 126275

Section 207.20.70. INFORMATION TECHNOLOGY ASSESSMENT 126276

The Director of Administrative Services, with the approval 126277
of the Director of Budget and Management, may establish an 126278
information technology assessment for the purpose of recovering 126279
the cost of selected infrastructure and statewide programs. The 126280
information technology assessment shall be charged to all 126281
organized bodies, offices, or agencies established by the laws of 126282
the state for the exercise of any function of state government 126283
except for the General Assembly, any legislative agency, the 126284
Supreme Court, the other courts of record in Ohio, or any 126285
judicial agency, the Adjutant General, the Bureau of Workers' 126286
Compensation, and institutions administered by a board of 126287
trustees. Any state-entity exempted by this section may use the 126288
infrastructure or statewide program by participating in the 126289
information technology assessment. All charges for the 126290
information technology assessment shall be deposited to the 126291
credit of the IT Governance Fund (Fund 2290). 126292

Section 207.20.80. INVESTMENT RECOVERY FUND 126293

Notwithstanding division (B) of section 125.14 of the Revised 126294

Code, cash balances in the Investment Recovery Fund (Fund 4270) 126295
may be used to support the operating expenses of the Federal 126296
Surplus Operating Program created in sections 125.84 to 125.90 of 126297
the Revised Code. 126298

Notwithstanding division (B) of section 125.14 of the Revised 126299
Code, cash balances in the Investment Recovery Fund may be used to 126300
support the operating expenses of the Asset Management Services 126301
Program, including, but not limited to, the cost of establishing 126302
and maintaining procedures for inventory records for state 126303
property as described in section 125.16 of the Revised Code. 126304

Of the foregoing appropriation item 100602, Investment 126305
Recovery, up to \$2,093,564 in fiscal year 2010 and up to 126306
\$2,107,388 in fiscal year 2011 shall be used to pay the operating 126307
expenses of the State Surplus Property Program, the Surplus 126308
Federal Property Program, and the Asset Management Services 126309
Program under Chapter 125. of the Revised Code and this section. 126310
If additional appropriations are necessary for the operations of 126311
these programs, the Director of Administrative Services shall seek 126312
increased appropriations from the Controlling Board under section 126313
131.35 of the Revised Code. 126314

Of the foregoing appropriation item 100602, Investment 126315
Recovery, \$3,590,000 in fiscal year 2010 and \$3,576,176 in fiscal 126316
year 2011 shall be used to transfer proceeds from the sale of 126317
surplus property from the Investment Recovery Fund to non-General 126318
Revenue Funds under division (A)(2) of section 125.14 of the 126319
Revised Code. If it is determined by the Director of 126320
Administrative Services that additional amounts are necessary for 126321
the transfer of such sale proceeds, the Director of Administrative 126322
Services may request the Director of Budget and Management to 126323
authorize additional amounts. Such authorized additional amounts 126324
are hereby appropriated. 126325

Section 207.20.90. DAS INFORMATION SERVICES 126326

There is hereby established in the State Treasury the DAS
Information Services Fund. The foregoing appropriation item
100603, DAS Information Services, shall be used to pay the costs
of providing information systems and services in the Department of
Administrative Services. Any state agency, board, or commission
may use DAS Information Services by paying for the services
rendered.

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The Department of Administrative Services shall establish
user charges for all information systems and services that are
allowable in the statewide indirect cost allocation plan submitted
annually to the United States Department of Health and Human
Services. These charges shall comply with federal regulations and
shall be deposited to the credit of the DAS Information Services
Fund (Fund 4P30).

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**Section 207.30.30. CASH TRANSFER TO OAKS SUPPORT
ORGANIZATION FUND**

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The Director of Budget and Management may transfer
\$1,317,922.16 in cash from the IT Services Delivery Fund (Fund
1330) to the OAKS Support Organization Fund (5EB0) to correct an
intrastate transfer voucher from the Department of Administrative
Services that was deposited in the IT Services Delivery Fund.

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Section 207.30.40. PROFESSIONAL DEVELOPMENT FUND

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The foregoing appropriation item 100610, Professional
Development, shall be used to make payments from the Professional
Development Fund (Fund 5L70) under section 124.182 of the Revised
Code.

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Section 207.30.50. EMPLOYEE EDUCATIONAL DEVELOPMENT

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The foregoing appropriation item 100619, Employee

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Educational Development, shall be used to make payments from the 126355
Employee Educational Development Fund (Fund 5V60) under section 126356
124.86 of the Revised Code. The fund shall be used to pay the 126357
costs of administering educational programs under existing 126358
collective bargaining agreements with District 1199, the Health 126359
Care and Social Service Union; State Council of Professional 126360
Educators; Ohio Education Association and National Education 126361
Association; the Fraternal Order of Police Ohio Labor Council, 126362
Unit 2; and the Ohio State Troopers Association, Units 1 and 15. 126363

If it is determined by the Director of Administrative 126364
Services that additional amounts are necessary, the Director of 126365
Administrative Services may request that the Director of Budget 126366
and Management approve additional amounts. Such approved 126367
additional amounts are hereby appropriated. 126368

Section 207.30.60. CENTRALIZED GATEWAY ENHANCEMENT 126369
FUND

(A) As used in this section, "Ohio Business Gateway" refers 126370
to the internet-based system operated by the Department of 126371
Administrative Services with the advice of the Ohio Business 126372
Gateway Steering Committee established under section 5703.57 of 126373
the Revised Code. The Ohio Business Gateway is established to 126374
provide businesses a central web site where various filings and 126375
payments are submitted on-line to government. The information is 126376
then distributed to the various government entities that 126377
interact with the business community. 126378

(B) As used in this section: 126379

(1) "State Portal" refers to the official web site of the 126380
state, operated by the Department of Administrative Services. 126381

(2) "Shared Hosting Environment" refers to the computerized 126382
system operated by the Department of Administrative Services for 126383

the purpose of providing capability for state agencies to host 126384
web sites. 126385

(C) There is hereby created in the state treasury the 126386
Centralized Gateway Enhancement Fund (Fund 5X30). The foregoing 126387
appropriation item 100634, Centralized Gateway Enhancement, shall 126388
be used by the Department of Administrative Services to pay the 126389
costs of enhancing, expanding, and operating the infrastructure 126390
of the Ohio Business Gateway, State Portal, and Shared Hosting 126391
Environment. The Director of Administrative Services shall submit 126392
spending plans to the Director of Budget and Management to 126393
justify operating transfers to the fund from the General 126394
Revenue Fund. Upon approval, the Director of Budget and 126395
Management shall transfer approved amounts to the fund, not to 126396
exceed the amount of the annual appropriation in each fiscal 126397
year. The spending plans may be based on the recommendations of 126398
the Ohio Business Gateway Steering Committee or its successor. 126399

Section 207.30.70. MAJOR IT PURCHASES AND CONTRACTS 126400

The Director of Administrative Services shall compute the 126401
amount of revenue attributable to the amortization of all 126402
equipment purchases and capitalized systems from appropriation 126403
item 100607, IT Services Delivery; appropriation item 100617, 126404
Major IT Purchases; and appropriation item C10014, Major Computer 126405
Purchases, which is recovered by the Department of Administrative 126406
Services as part of the rates charged by the IT Service Delivery 126407
Fund (Fund 1330) created in section 125.15 of the Revised Code. 126408
The Director of Budget and Management may transfer cash in an 126409
amount not to exceed the amount of amortization computed from 126410
the IT Service Delivery Fund (Fund 1330) to the Major IT 126411
Purchases Fund (Fund 4N60). 126412

Section 207.30.80. CASH TRANSFERS FROM THE MAJOR IT 126413
PURCHASES
FUND 126414

Upon request of the Director of Administrative Services, the 126415
Director of Budget and Management may make the following transfers 126416
from the Major IT Purchases Fund (Fund 4N60): 126417

(1) Up to \$2,800,000 in each fiscal year of the biennium to 126418
the State Architect's Fund (Fund 1310) to support the OAKS Capital 126419
Improvements Module and other costs of the State Architect's 126420
Office that are not directly related to capital projects managed 126421
by the State Architect; 126422

(2) Up to \$457,467 in fiscal year 2010 and up to \$471,630 in 126423
fiscal year 2011 to the Director's Office Fund (Fund 1120) to 126424
support operating expenses of the Accountability and Results 126425
Initiative; 126426

(3) Up to \$4,000,000 in fiscal year 2010 and up to \$1,000,000 126427
in fiscal year 2011 to the OAKS Support Organization Fund (Fund 126428
5EB0) to support OAKS operating costs not billed to the Office of 126429
Budget and Management's Accounting and Budgeting Fund (Fund 1050), 126430
to the Department of Administrative Services' Human Resources 126431
Services Fund (Fund 1250), or paid from other funds of the 126432
Department of Administrative Services; and 126433

(4) Up to \$639,945 in each fiscal year of the biennium to the 126434
General Revenue Fund. 126435

Upon approval of the Director of Budget and Management, the 126436
transferred amounts to non-GRF funds are appropriated in the 126437
designated fiscal years to the following appropriation items: 126438
100639, State Architect's Office (Fund 1310) in each fiscal year 126439
2010 and fiscal year 2011; 100616, DAS Administration (Fund 126440
1120) in both fiscal year 2010 and fiscal year 2011; and 100635, 126441
OAKS Support Organization (Fund 5EB0) in fiscal year 2010 only. 126442

Section 207.30.90. CORRECTIVE CASH TRANSFER TO 126443

INFORMATION

TECHNOLOGY FUND

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On July 1, 2009, or as soon as possible thereafter, the
Director of Budget and Management shall transfer \$7,768.37 in cash
from the Unemployment Compensation Fund (Fund 1130) to the
Information Technology Fund (Fund 1330). This transfer corrects a
deposit of revenue that was made to Fund 1130. Upon completion of
the transfer, Fund 1130 is abolished.

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Section 207.40.10. MULTI-AGENCY RADIO COMMUNICATION SYSTEM

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DEBT SERVICE PAYMENTS

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The Director of Administrative Services, in consultation with
the Multi-Agency Radio Communication System (MARCS) Steering
Committee and the Director of Budget and Management, shall
determine the share of debt service payments attributable to
spending for MARCS components that are not specific to any one
agency and that shall be charged to agencies supported by the
motor fuel tax. Such share of debt service payments shall be
calculated for MARCS capital disbursements made beginning July 1,
1997. Within thirty days of any payment made from appropriation
item 100447, OBA - Building Rent Payments, the Director of
Administrative Services shall certify to the Director of Budget
and Management the amount of this share. The Director of Budget
and Management shall transfer such amounts to the General Revenue
Fund from the State Highway Safety Fund (Fund 7036) established in
section 4501.06 of the Revised Code.

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The Director of Administrative Services shall consider
renting or leasing existing tower sites at reasonable or current
market rates, so long as these existing sites are equipped with
the technical capabilities to support the MARCS project.

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Section 207.40.30. DIRECTOR'S DECLARATION OF PUBLIC

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EXIGENCY

Whenever the Director of Administrative Services declares a "public exigency," as provided in division (C) of section 123.15 of the Revised Code, the Director shall also notify the members of the Controlling Board.

Section 209.10. AGE DEPARTMENT OF AGING

General Revenue Fund

GRF 490321	Operating Expenses	\$	1,709,817	\$	1,709,817	126479
GRF 490409	AmeriCorps Operations	\$	147,034	\$	147,034	126480
GRF 490410	Long-Term Care Ombudsman	\$	535,857	\$	535,857	126481
GRF 490411	Senior Community Services	\$	5,934,134	\$	5,934,134	126482
GRF 490412	Residential State Supplement	\$	5,225,417	\$	5,225,417	126483
GRF 490414	Alzheimer's Respite	\$	4,131,595	\$	4,131,595	126484
GRF 490423	Long Term Care Budget - State	\$	97,916,967	\$	134,317,603	126485
GRF 490506	National Senior Service Corps	\$	268,237	\$	268,237	126486
TOTAL GRF General Revenue Fund		\$	115,869,058	\$	152,269,694	126487

General Services Fund Group

4800 490606	Senior Community Outreach and Education	\$	372,677	\$	372,677	126489
TOTAL GSF General Services Fund						126490
Group		\$	372,677	\$	372,677	126491

Federal Special Revenue Fund Group

3220	490618	Federal Aging Grants	\$	10,200,000	\$	10,200,000	126493
3C40	490623	Long Term Care Budget	\$	350,162,957	\$	340,193,418	126494
3M40	490612	Federal Independence Services	\$	63,655,080	\$	63,655,080	126495
3R70	490617	AmeriCorps Programs	\$	8,870,000	\$	8,870,000	126496
TOTAL FED Federal Special Revenue							126497
Fund Group			\$	432,888,037	\$	422,918,498	126498

State Special Revenue Fund Group							126499

4C40	490609	Regional Long-Term Care Ombudsman Program	\$	935,000	\$	935,000	126500
4J40	490610	PASSPORT/Residential State Supplement	\$	33,263,984	\$	33,263,984	126501
4U90	490602	PASSPORT Fund	\$	4,424,969	\$	4,424,969	126502
5AA0	490673	Ohio's Best Rx Administration	\$	202,712	\$	0	126503
5BA0	490620	Ombudsman Support	\$	600,000	\$	600,000	126504
5K90	490613	Long Term Care Consumers Guide	\$	820,400	\$	820,400	126505
5W10	490616	Resident Services Coordinator Program	\$	330,000	\$	330,000	126506
6240	490604	OCSC Community Support	\$	470,000	\$	470,000	126507
TOTAL SSR State Special Revenue							126508
Fund Group			\$	41,047,065	\$	40,844,353	126509
TOTAL ALL BUDGET FUND GROUPS			\$	590,176,837	\$	616,405,222	126510

Section 209.20. LONG-TERM CARE	126512

Pursuant to an interagency agreement, the Department of Job	126513
and Family Services shall designate the Department of Aging to	126514
perform assessments under section 5111.204 of the Revised Code.	126515
The Department of Aging shall provide long-term care consultations	126516

under section 173.42 of the Revised Code to assist individuals in planning for their long-term health care needs. The foregoing appropriation items 490423, Long Term Care Budget – State, and 490623, Long Term Care Budget, may be used to provide the preadmission screening and resident review (PASRR), which includes screening, assessments, and determinations made under sections 5111.02, 5111.204, 5119.061, and 5123.021 of the Revised Code.

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The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may be used to assess and provide long-term care consultations to clients regardless of Medicaid eligibility.

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The Director of Aging shall adopt rules under section 111.15 of the Revised Code governing the nonwaiver funded PASSPORT program, including client eligibility. The foregoing appropriation item 490423, Long Term Care Budget - State, may be used by the Department of Aging to provide nonwaiver funded PASSPORT services to persons the Department has determined to be eligible to participate in the nonwaiver funded PASSPORT Program, including those persons not yet determined to be financially eligible to participate in the Medicaid waiver component of the PASSPORT Program by a county department of job and family services.

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The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and the PACE Program as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 490423, Long Term Care Budget - State, shall be used to provide the required state match for federal Medicaid funds supporting the Medicaid Waiver-funded PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and the PACE Program. The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may also be used to support the Department of Aging's

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administrative costs associated with operating the PASSPORT,	126549
Choices, Assisted Living, and PACE programs.	126550

The foregoing appropriation item 490623, Long Term Care	126551
Budget, shall be used to provide the federal matching share for	126552
all program costs determined by the Department of Job and Family	126553
Services to be eligible for Medicaid reimbursement.	126554

HOME FIRST PROGRAM	126555

(A) As used in this section, "Long Term Care Budget Services"	126556
includes the following existing programs: PASSPORT, Assisted	126557
Living, Residential State Supplement, and PACE.	126558

(B) On a quarterly basis, on receipt of the certified	126559
expenditures related to sections 173.401, 173.351, and 5111.894 of	126560
the Revised Code, the Director of Budget and Management may do	126561
all of the following for fiscal years 2010 and 2011:	126562

(1) Transfer cash from the Nursing Facility Stabilization	126563
Fund (Fund 5R20), used by the Department of Job and Family	126564
Services, to the PASSPORT/Residential State Supplement Fund (Fund	126565
4J40), used by the Department of Aging.	126566

The transferred cash is hereby appropriated to appropriation	126567
item 490610, PASSPORT/Residential State Supplement.	126568

(2) If receipts credited to the PASSPORT Fund (Fund 3C40)	126569
exceed the amounts appropriated from the fund, the Director of	126570
Aging may request the Director of Budget and Management to	126571
authorize expenditures from the fund in excess of the amounts	126572
appropriated. Upon the approval of the Director of Budget and	126573
Management, the additional amounts are hereby appropriated.	126574

(3) If receipts credited to the Interagency Reimbursement	126575
Fund (Fund 3G50) exceed the amounts appropriated from the fund,	126576

the Director of Job and Family Services may request the Director
of Budget and Management to authorize expenditures from the fund
in excess of the amounts appropriated. Upon the approval of the
Director of Budget and Management, the additional amounts are
hereby appropriated.

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(C) The individuals placed in Long Term Care Budget Services
pursuant to this section shall be in addition to the individuals
placed in Long Term Care Budget Services during fiscal years 2010
and 2011 before any transfers to appropriation item 490423, Long
Term Care Budget-State, are made under this section.

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ALLOCATION OF PACE SLOTS 126587

In order to effectively administer and manage growth within
the PACE Program, the Director of Aging may, as the director deems
appropriate and to the extent funding is available, expand the
PACE Program to regions of Ohio beyond those currently served by
the PACE Program. In implementing the expansion, the Director may
not decrease the number of residents of Cuyahoga and Hamilton
counties and parts of Butler, Clermont, and Warren counties who
are participating in the PACE Program below the number of
residents of those counties and parts of counties who were
enrolled in the PACE Program on July 1, 2008.

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Section 209.30. OHIO COMMUNITY SERVICE COUNCIL 126598

The foregoing appropriation items 490409, AmeriCorps
Operations, and 490617, AmeriCorps Programs, shall be used in
accordance with section 121.40 of the Revised Code.

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LONG-TERM CARE OMBUDSMAN 126602

The foregoing appropriation item 490410, Long-Term Care
Ombudsman, shall be used for a program to fund ombudsman program
activities as authorized in sections 173.14 to 173.27 and section

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173.99 of the Revised Code. 126606

SENIOR COMMUNITY SERVICES 126607

The foregoing appropriation item 490411, Senior Community Services, shall be used for services designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, and decision support systems. Service priority shall be given to low income, frail, and cognitively impaired persons 60 years of age and over. The department shall promote cost sharing by service recipients for those services funded with senior community services funds, including, when possible, sliding-fee scale payment systems based on the income of service recipients. 126608
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RESIDENTIAL STATE SUPPLEMENT 126620

Under the Residential State Supplement Program, the amount used to determine whether a resident is eligible for payment and for determining the amount per month the eligible resident will receive shall be as follows: 126621
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(A) \$927 for a residential care facility, as defined in section 3721.01 of the Revised Code; 126625
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(B) \$927 for an adult group home, as defined in Chapter 3722. of the Revised Code; 126627
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(C) \$824 for an adult foster home, as defined in Chapter 173. of the Revised Code; 126629
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(D) \$824 for an adult family home, as defined in Chapter 3722. of the Revised Code; 126631
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(E) \$824 for an adult residential facility, as defined in Chapter 5119. of the Revised Code;	126633 126634
(F) \$618 for adult community mental health housing services, as defined in division (B)(5) of section 173.35 of the Revised Code.	126635 126636 126637
The Departments of Aging and Job and Family Services shall reflect these amounts in any applicable rules the departments adopt under section 173.35 of the Revised Code.	126638 126639 126640
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	126641
The foregoing appropriation items 490412, Residential State Supplement, and 490610, PASSPORT/Residential State Supplement, may be used by the Director of Aging to transfer cash to the Home and Community Based Services for the Aged Fund (Fund 4J50), which is used by the Department of Job and Family Services and the Residential State Supplement Fund (Fund 5CH0), used by the Department of Mental Health for training for adult care facilities serving residents with mental illness. The transferred cash shall be used to make benefit payments to residential state supplement recipients. The transfer shall be made using an intrastate transfer voucher.	126642 126643 126644 126645 126646 126647 126648 126649 126650 126651 126652
RESIDENTIAL STATE SUPPLEMENT WORKGROUP	126653
(A) There is hereby created the Residential State Supplement Workgroup consisting of all of the following:	126654 126655
(1) The Director of Aging or the Director's designee;	126656
(2) The Director of Health or the Director's designee;	126657
(3) The Director of Job and Family Services or the Director's designee;	126658 126659

(4) The Director of Mental Health or the Director's designee.	126660
(B) The Director of Aging or the Director's designee shall	126661
serve as the chairperson of the Workgroup. Members of the	126662
Workgroup shall serve without compensation, except to the extent	126663
that serving on the Workgroup is considered part of their regular	126664
employment duties.	126665
(C) The Workgroup shall examine solely the issue of which	126666
state agency is the most appropriate to administer the Residential	126667
State Supplement Program. Not later than December 31, 2009, the	126668
Workgroup shall submit written recommendations on this issue to	126669
the Governor and, in accordance with section 101.68 of the Revised	126670
Code, to the General Assembly. The Workgroup shall cease to exist	126671
on submission of its recommendations.	126672
ALZHEIMER'S RESPITE	126673
The foregoing appropriation item 490414, Alzheimer's Respite,	126674
shall be used to fund only Alzheimer's disease services under	126675
section 173.04 of the Revised Code.	126676
EDUCATION AND TRAINING	126677
The foregoing appropriation item 490606, Senior Community	126678
Outreach and Education, may be used to provide training to workers	126679
in the field of aging pursuant to division (G) of section 173.02	126680
of the Revised Code.	126681
REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM	126682
The foregoing appropriation item 490609, Regional Long-Term	126683
Care Ombudsman, shall be used to pay the costs of operating the	126684
regional long-term care ombudsman programs designated by the	126685
Long-Term Care Ombudsman.	126686

PASSPORT/RESIDENTIAL STATE SUPPLEMENT	126687
The foregoing appropriation item 490610, PASSPORT/Residential State Supplement, may be used to fund the Residential State Supplement Program. The remaining available funds shall be used to fund the PASSPORT program.	126688 126689 126690 126691
TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES AND FEDERAL AGING GRANTS	126692 126693
At the request of the Director of Aging, the Director of Budget and Management may transfer appropriation between appropriation items 490612, Federal Independence Services, and 490618, Federal Aging Grants. The amounts transferred shall not exceed 30 per cent of the appropriation from which the transfer is made. Any transfers shall be reported by the Department of Aging to the Controlling Board at the next scheduled meeting of the board.	126694 126695 126696 126697 126698 126699 126700 126701
TRANSFER OF RESIDENT PROTECTION FUNDS	126702
In each fiscal year, the Director of Budget and Management may transfer \$600,000 cash from the Resident Protection Fund (Fund 4E30), which is used by the Department of Job and Family Services, to the Ombudsman Support Fund (Fund 5BA0), which is used by the Department of Aging.	126703 126704 126705 126706 126707
Section 209.40. UNIFIED LONG-TERM CARE BUDGET WORKGROUP	126708
(A) There is hereby created the Unified Long-Term Care Budget Workgroup. The Workgroup shall consist of the following members:	126709 126710
(1) The Director of Aging;	126711
(2) Consumer advocates, representatives of the provider	126712

community, representatives of managed care organizations with	126713
which the Department of Job and Family Services contracts under	126714
section 5111.17 of the Revised Code, and state policy makers,	126715
appointed by the Governor;	126716
 (3) Two members of the House of Representatives, one member	126717
from the majority party and one member from the minority party,	126718
appointed by the Speaker of the House of Representatives;	126719
 (4) Two members of the Senate, one member from the majority	126720
party and one member from the minority party, appointed by the	126721
President of the Senate.	126722
 The Director of Aging shall serve as the chairperson of the	126723
Workgroup.	126724
 The Workgroup shall be staffed by the departments of Aging	126725
and Job and Family Services.	126726
 (B) The Workgroup shall develop a unified long-term care	126727
budget that facilitates the following:	126728
 (1) Providing a consumer a choice of services that meet the	126729
consumer's health care needs and improve the consumer's quality of	126730
life;	126731
 (2) Providing a continuum of services that meet the needs of	126732
a consumer throughout life and promote a consumer's independence	126733
and autonomy;	126734
 (3) Consolidating policymaking authority and the associated	126735
budgets in a single entity to simplify the consumer's decision	126736
making and maximize the state's flexibility in meeting the	126737
consumer's needs;	126738
 (4) Assuring the state has a system that is cost effective	126739

and links disparate services across agencies and jurisdictions. 126740

(C) On an annual basis, the Directors of Aging, Job and 126741
Family Services, and Budget and Management shall submit a written 126742
report to the Speaker of the House of Representatives, the 126743
Minority Leader of the House of Representatives, the President of 126744
the Senate, the Minority Leader of the Senate, and the members of 126745
the Joint Legislative Committee on Medicaid Technology and Reform 126746
describing the progress towards establishing, or if already 126747
established, the effectiveness of the unified long-term care 126748
budget. 126749

(D) In support of the Workgroup's proposal, the Director of 126750
Budget and Management may seek Controlling Board approval to 126751
transfer cash from the Nursing Facility Stabilization Fund (Fund 126752
5R20), used by the Department of Job and Family Services, to the 126753
PASSPORT/Residential State Supplement Fund (Fund 4J40), used by 126754
the Department of Aging. 126755

Any transfers of cash approved by the Controlling Board under 126756
this section are hereby appropriated to appropriation item 490610, 126757
PASSPORT/Residential State Supplement. 126758

Section 209.50. OHIO'S BEST RX PROGRAM 126759

On and after the effective date of this section, the Director 126760
of Aging may take any actions necessary to conclude the operation 126761
of the Ohio's Best Rx Program and settle all accounts with drug 126762
manufacturers and terminal distributors of dangerous drugs that 126763
had program agreements in effect on the day before the effective 126764
date of this section. As appropriate, the Director's actions shall 126765
be taken in accordance with the provisions of former sections 126766
173.71 to 173.91 of the Revised Code, as those sections existed on 126767
the day before the effective date of this section. The Director 126768
shall make every effort to conclude the program by the thirtieth 126769
day after the effective date of this section, but any program 126770

accounts with drug manufacturers and terminal distributors that	126771
remain open after that date may be settled until October 1, 2009.	126772

OHIO'S BEST RX ADMINISTRATION	126773

On the thirty-first day after the effective date of this	126774
section, or as soon as possible thereafter, the Director of	126775
Budget and Management shall transfer the cash balance in the	126776
Ohio's Best Rx Administration Fund (Fund 5AA0) to the General	126777
Revenue Fund. Fund 5AA0 shall remain open after the transfer to	126778
allow program accounts to be settled with drug manufacturers and	126779
terminal distributors pursuant to this section. On October 1,	126780
2009, or as soon as possible thereafter, the Director of Budget	126781
and Management shall complete the final transfer of any cash	126782
balance in Fund 5AA0 to the General Revenue Fund. Upon completion	126783
of the transfer, Fund 5AA0 is abolished. The Director shall	126784
cancel any existing encumbrances against appropriation item	126785
490673, Ohio's Best Rx Administration.	126786

Section 211.10. AGR DEPARTMENT OF AGRICULTURE	126787

General Revenue Fund	126788

GRF 700401	Animal Disease Control	\$	3,730,436	\$	3,713,876	126789
GRF 700403	Dairy Division	\$	1,173,700	\$	1,163,700	126790
GRF 700404	Ohio Proud	\$	196,895	\$	196,895	126791
GRF 700406	Consumer Analytical Lab	\$	1,321,771	\$	1,289,982	126792
GRF 700407	Food Safety	\$	875,043	\$	875,043	126793
GRF 700409	Farmland Preservation	\$	200,000	\$	200,000	126794
GRF 700411	International Trade and Market Development	\$	529,548	\$	507,005	126795
GRF 700412	Weights and Measures	\$	200,000	\$	200,000	126796
GRF 700415	Poultry Inspection	\$	400,401	\$	400,401	126797
GRF 700418	Livestock Regulation	\$	1,322,784	\$	1,343,676	126798

		Program				
GRF 700424		Livestock Testing and Inspections	\$	120,906	\$	120,906 126799
GRF 700499		Meat Inspection Program - State Share	\$	4,920,926	\$	4,960,926 126800
GRF 700501		County Agricultural Societies	\$	414,903	\$	434,903 126801
TOTAL GRF		General Revenue Fund	\$	15,407,313	\$	15,407,313 126802
General Services Fund Group						126803
5DA0 700644		Laboratory Administration Support	\$	1,100,000	\$	1,100,000 126804
5GH0 700655		Central Support Indirect Cost	\$	5,713,404	\$	5,713,404 126805
TOTAL GSF		General Services Fund Group	\$	6,813,404	\$	6,813,404 126806
Federal Special Revenue Fund Group						126807
3260 700618		Meat Inspection Program - Federal Share	\$	4,950,000	\$	4,950,000 126808
3360 700617		Ohio Farm Loan Revolving Fund	\$	1,000,000	\$	1,000,000 126809
3820 700601		Cooperative Contracts	\$	2,000,000	\$	2,000,000 126810
3AB0 700641		Agricultural Easement	\$	1,000,000	\$	1,000,000 126811
3J40 700607		Indirect Cost	\$	600,000	\$	600,000 126812
3R20 700614		Federal Plant Industry	\$	1,000,000	\$	1,000,000 126813
TOTAL FED		Federal Special Revenue Fund Group	\$	10,550,000	\$	10,550,000 126814 126815
State Special Revenue Fund Group						126816
4900 700651		License Plates - Sustainable Agriculture	\$	20,000	\$	20,000 126817

4940	700612	Agricultural Commodity Marketing Program	\$	250,000	\$	250,000	126818
4960	700626	Ohio Grape Industries	\$	849,999	\$	849,999	126819
4970	700627	Commodity Handlers Regulatory Program	\$	496,000	\$	496,000	126820
4C90	700605	Commercial Feed and Seed	\$	2,200,000	\$	2,200,000	126821
4D20	700609	Auction Education	\$	41,000	\$	41,000	126822
4E40	700606	Utility Radiological Safety	\$	134,631	\$	134,631	126823
4P70	700610	Food Safety Inspection	\$	1,099,396	\$	1,099,396	126824
4R00	700636	Ohio Proud Marketing	\$	10,500	\$	10,500	126825
4R20	700637	Dairy Industry Inspection	\$	1,800,000	\$	1,800,000	126826
4T60	700611	Poultry and Meat Inspection	\$	140,469	\$	140,469	126827
4T70	700613	Ohio Proud International and Domestic Market Development	\$	15,000	\$	15,000	126828
5780	700620	Ride Inspection Fees	\$	1,000,001	\$	1,000,001	126829
5B80	700629	Auctioneers	\$	365,390	\$	365,390	126830
5CP0	700652	License Plate Scholarships	\$	20,000	\$	20,000	126831
5FC0	700648	Plant Pest Program	\$	1,000,000	\$	1,000,000	126832
5H20	700608	Metrology Lab and Scale Certification	\$	1,454,006	\$	1,454,006	126833
5L80	700604	Livestock Management Program	\$	256,286	\$	256,286	126834
6520	700634	Animal and Consumer Analytical Laboratory	\$	4,400,000	\$	4,400,000	126835
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	3,470,000	\$	3,470,000	126836
TOTAL SSR State Special Revenue							126837
Fund Group			\$	19,022,678	\$	19,022,678	126838
Clean Ohio Conservation Fund Group							126839

7057 700632	Clean Ohio Agricultural Easement	\$	149,000	\$	149,000	126840
TOTAL CLF Clean Ohio Conservation Fund Group		\$	149,000	\$	149,000	126841
TOTAL ALL BUDGET FUND GROUPS		\$	51,942,395	\$	51,942,395	126842

COUNTY AGRICULTURAL SOCIETIES 126843

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities. 126844
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COMMERCIAL FEED AND SEED FUND TRANSFER 126848

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer thirty-two per cent of the cash balance in the Commercial Feed and Seed Fund (Fund 4C90) as of June 30, 2009, to the Pesticide, Fertilizer, and Lime Inspection Program Fund (Fund 6690). The Director shall cancel existing encumbrances against appropriation item 700605, Commercial Feed and Seed, and re-establish them against appropriation item 700635, Pesticide, Fertilizer, and Lime Inspection Program. The re-established encumbrance amounts are hereby appropriated. 126849
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PESTICIDE, FERTILIZER, AND LIME INSPECTION FUND TRANSFER 126859

On July, 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$600,000 in cash from the Pesticide, Fertilizer, and Lime Inspection Fund (Fund 6690) to the Plant Pest Program Fund (Fund 5FC0). 126860
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CLEAN OHIO AGRICULTURAL EASEMENT 126864

The foregoing appropriation item 700632, Clean Ohio	126865
Agricultural Easement, shall be used by the Department of	126866
Agriculture in administering sections 901.21, 901.22, and 5301.67	126867
to 5301.70 of the Revised Code.	126868

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY	126869

General Revenue Fund	126870

GRF 898402	Coal Development Office	\$	296,902	\$	296,902	126871
GRF 898901	Coal Research and Development General Obligation Debt Service	\$	8,976,000	\$	9,381,200	126872
TOTAL GRF General Revenue Fund		\$	9,272,902	\$	9,678,102	126873

General Services Fund Group	126874

5EG0 898608	Energy Strategy Development	\$	307,000	\$	307,000	126875
TOTAL GSF General Services Fund		\$	307,000	\$	307,000	126876

Agency Fund Group	126877

4Z90 898602	Small Business Ombudsman	\$	294,290	\$	294,290	126878
5700 898601	Operating Expenses	\$	264,000	\$	264,000	126879
5A00 898603	Small Business Assistance	\$	71,087	\$	71,087	126880
TOTAL AGY Agency Fund Group		\$	629,377	\$	629,377	126881

Coal Research/Development Fund	126882

7046 898604	Coal Research and Development Fund	\$	66,000,000	\$	10,000,000	126883
TOTAL 046 Coal Research and Development Fund		\$	66,000,000	\$	10,000,000	126884
TOTAL ALL BUDGET FUND GROUPS		\$	76,209,279	\$	20,614,479	126885

COAL DEVELOPMENT OFFICE	126886

The foregoing appropriation item 898402, Coal Development Office, shall be used for the administrative costs of the Coal Development Office.	126887
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COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	126890

The foregoing appropriation item GRF 898901, Coal Research and Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs at the times they are required to be made during the period from July 1, 2009, to June 30, 2011, for obligations issued under sections 151.01 and 151.07 of the Revised Code.	126891
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COAL RESEARCH AND DEVELOPMENT	126897

The foregoing appropriation item 898604, Coal Research and Development Fund, shall be used for research and development of clean coal technologies. On or before June 30, 2010, any unexpended and unencumbered portion of the appropriation item at the end of fiscal year 2010 is hereby reappropriated for the same purpose in fiscal year 2011.	126898
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Section 213.20. ENERGY STRATEGY DEVELOPMENT	126904

The Ohio Air Quality Development Authority shall establish the Energy Strategy Development Program for the purpose of developing energy initiatives, projects, and policy for the	126905
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state. Issues addressed by such initiatives, projects, and policy shall not be limited to those governed by Chapter 3706. of the Revised Code.

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There is hereby created in the state treasury the Energy Strategy Development Fund (Fund 5EG0). The fund shall consist of money credited to it and money obtained for advanced energy projects from federal or private grants, loans, or other sources. Money in the fund shall be used to carry out the purposes of the program. Interest earned on the money in the fund shall be credited to the General Revenue Fund.

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On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer cash from the funds specified below, in the amounts specified below, to the Energy Strategy Development Fund. Fund 5EG0 may accept contributions and transfers made to the fund. On July 1, 2012, or as soon as possible thereafter, the Director shall transfer to the General Revenue Fund all cash credited to Fund 5EG0. Upon completion of the transfer, Fund 5EG0 is abolished.

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<u>Fund</u>	<u>Fund Name</u>	<u>User</u>	<u>FY 2010</u>	<u>FY 2011</u>	
1170	Office Services	Dept. of Administrative Services	\$35,000	\$35,000	126927
5GH0	Central Support Indirect Cost	Dept. of Agriculture	\$35,000	\$35,000	126928
1350	Supportive Services	Dept. of Development	\$35,000	\$35,000	126929
2190	Central Support Indirect Cost	Environmental Protection Agency	\$35,000	\$35,000	126930
1570	Central Support Indirect Chargeback	Dept. of Natural Resources	\$35,000	\$35,000	126931
7002	Highway Operating	Dept. of Transportation	\$50,000	\$50,000	126932

Section 213.30. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT

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AUTHORITY TRUST ACCOUNT 126934

Notwithstanding any other provision of law to the contrary, 126935
the Air Quality Development Authority may reimburse the Air 126936
Quality Development Authority trust account established under 126937
section 3706.10 of the Revised Code from all operating funds of 126938
the agency for expenses pertaining to the administration and 126939
shared costs incurred by the Air Quality Development Authority in 126940
the execution of responsibilities as prescribed in Chapter 3706. 126941
of the Revised Code. Reimbursement shall be made by voucher and 126942
completed in accordance with the administrative indirect costs 126943
allocation plan approved by the Office of Budget and Management. 126944

Section 215.10. ADA DEPARTMENT OF ALCOHOL AND DRUG 126945
ADDICTION
SERVICES 126946

General Revenue Fund 126947

GRF 038401	Treatment Services	\$	25,998,105	\$	26,784,703	126948
GRF 038404	Prevention Services	\$	868,659	\$	868,659	126949
TOTAL GRF General Revenue Fund		\$	26,866,764	\$	27,653,362	126950

General Services Fund 126951

5T90 038616	Problem Gambling Services	\$	335,000	\$	335,000	126952
TOTAL GSF General Services Fund Group		\$	335,000	\$	335,000	126953

Federal Special Revenue Fund Group 126954

3G30 038603	Drug Free Schools	\$	2,260,000	\$	2,260,000	126955
3G40 038614	Substance Abuse Block	\$	71,500,000	\$	71,500,000	126956

		Grant				
3H80	038609	Demonstration Grants	\$	7,093,075	\$	7,093,075 126957
3J80	038610	Medicaid	\$	62,772,342	\$	60,817,910 126958
3N80	038611	Administrative Reimbursement	\$	500,000	\$	500,000 126959
TOTAL FED Federal Special Revenue						126960
Fund Group			\$	144,125,417	\$	142,170,985 126961
State Special Revenue Fund Group						126962

4750	038621	Statewide Treatment and Prevention	\$	18,000,000	\$	18,000,000 126963
5DH0	038620	Fetal Alcohol Spectrum Disorder	\$	327,500	\$	327,500 126964
6890	038604	Education and Conferences	\$	200,000	\$	200,000 126965
TOTAL SSR State Special Revenue						126966
Fund Group			\$	18,527,500	\$	18,527,500 126967
TOTAL ALL BUDGET FUND GROUPS			\$	189,854,681	\$	188,686,847 126968

Section 217.10. ARC ARCHITECTS BOARD 126970

General Services Fund Group 126971

4K90	891609	Operating Expenses	\$	522,055	\$	550,718 126972
TOTAL GSF General Services Fund						126973
Group			\$	522,055	\$	550,718 126974
TOTAL ALL BUDGET FUND GROUPS			\$	522,055	\$	550,718 126975

Section 219.10. ART OHIO ARTS COUNCIL 126977

General Revenue Fund 126978

GRF 370321	Operating Expenses	\$	1,450,782	\$	1,450,782	126979
GRF 370502	State Program Subsidies	\$	5,143,508	\$	5,143,508	126980
TOTAL GRF	General Revenue Fund	\$	6,594,290	\$	6,594,290	126981

General Services Fund Group	126982

4600 370602	Management Expenses and Donations	\$	285,000	\$	285,000	126983
4B70 370603	Percent for Art Acquisitions	\$	86,366	\$	86,366	126984
TOTAL GSF	General Services Fund Group	\$	371,366	\$	371,366	126985

Federal Special Revenue Fund Group	126986

3140 370601	Federal Support	\$	1,000,000	\$	1,000,000	126987
TOTAL FED	Federal Special Revenue Fund Group	\$	1,000,000	\$	1,000,000	126988
TOTAL ALL BUDGET FUND GROUPS		\$	7,965,656	\$	7,965,656	126989

PROGRAM SUBSIDIES	126990

A museum is not eligible to receive funds from appropriation	126991
item 370502, State Program Subsidies, if \$8,000,000 or more in	126992
capital appropriations were appropriated by the state for the	126993
museum between January 1, 1986, and December 31, 2002.	126994

Section 221.10. ATH ATHLETIC COMMISSION	126995

General Services Fund Group	126996

4K90 175609	Operating Expenses	\$	247,624	\$	247,624	126997

TOTAL GSF General Services Fund Group	\$	247,624	\$	247,624	126998
TOTAL ALL BUDGET FUND GROUPS	\$	247,624	\$	247,624	126999

Section 223.10. AGO ATTORNEY GENERAL 127001

General Revenue Fund 127002

GRF 055321	Operating Expenses	\$	45,469,699	\$	45,469,699	127003
GRF 055405	Law-Related Education	\$	100,000	\$	100,000	127004
GRF 055411	County Sheriffs' Pay Supplement	\$	757,921	\$	757,921	127005
GRF 055415	County Prosecutors' Pay Supplement	\$	831,499	\$	831,499	127006
TOTAL GRF General Revenue Fund		\$	47,159,119	\$	47,159,119	127007

General Services Fund Group 127008

1060 055612	General Reimbursement	\$	38,750,000	\$	38,750,000	127009
1950 055660	Workers' Compensation Section	\$	8,415,504	\$	8,415,504	127010
4180 055615	Charitable Foundations	\$	7,286,000	\$	7,286,000	127011
4200 055603	Attorney General Antitrust	\$	1,750,000	\$	1,750,000	127012
4210 055617	Police Officers' Training Academy Fee	\$	2,000,000	\$	2,000,000	127013
4Z20 055609	BCI Asset Forfeiture and Cost Reimbursement	\$	1,000,000	\$	1,000,000	127014
5900 055633	Peace Officer Private Security Fund	\$	98,370	\$	98,370	127015
5A90 055618	Telemarketing Fraud Enforcement	\$	7,500	\$	7,500	127016
5L50 055619	Law Enforcement Assistance Program	\$	1,457,852	\$	0	127017
6290 055636	Corrupt Activity	\$	15,000	\$	15,000	127018

		Investigation and Prosecution				
6310	055637	Consumer Protection Enforcement	\$	3,500,000	\$	3,500,000 127019
TOTAL GSF General Services Fund						127020
Group			\$	64,280,226	\$	62,822,374 127021
Federal Special Revenue Fund Group						127022
3060	055620	Medicaid Fraud Control	\$	3,879,672	\$	3,879,672 127023
3810	055611	Civil Rights Legal Service	\$	402,540	\$	402,540 127024
3830	055634	Crime Victims Assistance	\$	16,000,000	\$	16,000,000 127025
3E50	055638	Attorney General Pass- Through Funds	\$	3,030,000	\$	3,030,000 127026
3R60	055613	Attorney General Federal Funds	\$	5,115,000	\$	5,115,000 127027
TOTAL FED Federal Special Revenue						127028
Fund Group			\$	28,427,212	\$	28,427,212 127029
State Special Revenue Fund Group						127030
4020	055616	Victims of Crime	\$	29,000,000	\$	28,000,000 127031
4190	055623	Claims Section	\$	36,875,000	\$	36,875,000 127032
4L60	055606	DARE Programs	\$	3,927,962	\$	3,927,962 127033
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000 127034
6590	055641	Solid and Hazardous Waste Background Investigations	\$	621,159	\$	621,159 127035
TOTAL SSR State Special Revenue						127036
Fund Group			\$	71,024,121	\$	70,024,121 127037
Holding Account Redistribution Fund Group						127038

R004	055631	General Holding Account	\$	1,000,000	\$	1,000,000	127039
R005	055632	Antitrust Settlements	\$	1,000	\$	1,000	127040
R018	055630	Consumer Frauds	\$	750,000	\$	750,000	127041
R042	055601	Organized Crime Commission Distributions	\$	25,025	\$	25,025	127042
R054	055650	Collection Outside Counsel Payments	\$	4,500,000	\$	4,500,000	127043
TOTAL 090 Holding Account							127044
Redistribution Fund Group			\$	6,276,025	\$	6,276,025	127045
Tobacco Master Settlement Agreement Fund Group							127046

J087	055635	Law Enforcement Technology, Training, and Facility Enhancements	\$	1,987,073	\$	0	127047
U087	055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$	2,478,850	\$	2,478,850	127048
TOTAL TSF Tobacco Master Settlement Agreement Fund Group			\$	4,465,923	\$	2,478,850	127049
TOTAL ALL BUDGET FUND GROUPS			\$	221,632,626	\$	217,187,701	127050

COUNTY SHERIFFS' PAY SUPPLEMENT 127051

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code. 127052
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At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so 127056
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transferred shall be used to supplement the annual compensation	127060
of county sheriffs as required by section 325.06 of the Revised	127061
Code.	127062

COUNTY PROSECUTORS' PAY SUPPLEMENT	127063

The foregoing appropriation item 055415, County Prosecutors'	127064
Pay Supplement, shall be used for the purpose of supplementing the	127065
annual compensation of certain county prosecutors as required by	127066
section 325.111 of the Revised Code.	127067

At the request of the Attorney General, the Director of	127068
Budget and Management may transfer appropriation from	127069
appropriation item 055321, Operating Expenses, to appropriation	127070
item 055415, County Prosecutors' Pay Supplement. Any	127071
appropriation so transferred shall be used to supplement the	127072
annual compensation of county prosecutors as required by section	127073
325.111 of the Revised Code.	127074

WORKERS' COMPENSATION SECTION	127075

The Workers' Compensation Fund (Fund 1950) is entitled to	127076
receive payments from the Bureau of Workers' Compensation and	127077
the Ohio Industrial Commission at the beginning of each quarter	127078
of each fiscal year to fund legal services to be provided to the	127079
Bureau of Workers' Compensation and the Ohio Industrial	127080
Commission during the ensuing quarter. The advance payment shall	127081
be subject to adjustment.	127082

In addition, the Bureau of Workers' Compensation shall	127083
transfer payments at the beginning of each quarter for the support	127084
of the Workers' Compensation Fraud Unit.	127085

All amounts shall be mutually agreed upon by the Attorney	127086
General, the Bureau of Workers' Compensation, and the Ohio	127087
Industrial Commission.	127088

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 127089

The foregoing appropriation item 055636, Corrupt Activity Investigation and Prosecution, shall be used as provided by division (D)(2) of section 2923.35 of the Revised Code to dispose of the proceeds, fines, and penalties credited to the Corrupt Activity Investigation and Prosecution Fund, which is created in division (D)(1)(b) of section 2923.35 of the Revised Code. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

GENERAL HOLDING ACCOUNT 127098

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ATTORNEY GENERAL PASS-THROUGH FUNDS 127105

The foregoing appropriation item 055638, Attorney General Pass-Through Funds, shall be used to receive federal grant funds provided to the Attorney General by other state agencies, including, but not limited to, the Department of Youth Services and the Department of Public Safety.

ANTITRUST SETTLEMENTS 127111

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out of court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are

necessary for this purpose, the amounts are hereby appropriated. 127117

CONSUMER FRAUDS 127118

The foregoing appropriation item 055630, Consumer Frauds, 127119
shall be used for distribution of moneys from court-ordered 127120
judgments against sellers in actions brought by the Office of 127121
Attorney General under sections 1334.08 and 4549.48 and division 127122
(B) of section 1345.07 of the Revised Code. These moneys shall be 127123
used to provide restitution to consumers victimized by the fraud 127124
that generated the court-ordered judgments. If it is determined 127125
that additional amounts are necessary for this purpose, the 127126
amounts are hereby appropriated. 127127

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 127128

The foregoing appropriation item 055601, Organized Crime 127129
Commission Distributions, shall be used by the Organized Crime 127130
Investigations Commission, as provided by section 177.011 of the 127131
Revised Code, to reimburse political subdivisions for the expenses 127132
the political subdivisions incur when their law enforcement 127133
officers participate in an organized crime task force. If it is 127134
determined that additional amounts are necessary for this purpose, 127135
the amounts are hereby appropriated. 127136

FUND ABOLISHMENTS 127137

Effective July 1, 2009, or as soon as possible thereafter, 127138
the Director of Budget and Management shall transfer the cash 127139
balance in the Asbestos Abatement Distribution Fund (Fund 6740) to 127140
the General Revenue Fund. Upon completion of the transfer, Fund 127141
6740 is abolished. 127142

Effective July 1, 2009, the Bingo License Refunds Fund (Fund 127143
R003) is abolished. 127144

Section 225.10. AUD AUDITOR OF STATE					127145
General Revenue Fund					127146
GRF 070321	Operating Expenses	\$ 29,279,031	\$ 29,279,031		127147
GRF 070403	Fiscal Watch/Emergency Technical Assistance	\$ 700,000	\$ 700,000		127148
TOTAL GRF General Revenue Fund		\$ 29,979,031	\$ 29,979,031		127149
Auditor of State Fund Group					127150
1090 070601	Public Audit Expense - Intra-State	\$ 11,000,000	\$ 11,000,000		127151
4220 070602	Public Audit Expense - Local Government	\$ 30,828,000	\$ 31,053,000		127152
5840 070603	Training Program	\$ 181,250	\$ 181,250		127153
6750 070605	Uniform Accounting Network	\$ 2,800,000	\$ 3,500,000		127154
TOTAL AUD Auditor of State Fund					127155
Group		\$ 44,809,250	\$ 45,734,250		127156
TOTAL ALL BUDGET FUND GROUPS		\$ 74,788,281	\$ 75,713,281		127157
FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE					127158
The foregoing appropriation item 070403, Fiscal					127159
Watch/Emergency Technical Assistance, shall be used for expenses					127160
incurred by the Office of the Auditor of State in its role					127161
relating to fiscal watch or fiscal emergency activities under					127162
Chapters 118. and 3316. of the Revised Code. Expenses include,					127163
but are not limited to, the following: duties related to the					127164
determination or termination of fiscal watch or fiscal emergency					127165
of municipal corporations, counties, townships, or school					127166
districts; development of preliminary accounting reports;					127167
performance of annual forecasts; provision of performance audits;					127168

and supervisory, accounting, or auditing services for the	127169
municipal corporations, counties, townships, or school districts.	127170

An amount equal to the unexpended, unencumbered portion of	127171
appropriation item 070403, Fiscal Watch/Emergency Technical	127172
Assistance, at the end of fiscal year 2010 is hereby	127173
reappropriated for the same purpose in fiscal year 2011.	127174

Section 225.20. The moneys transferred pursuant to division	127175
(E) of section 117.13 of the Revised Code relative to costs of	127176
audits of state agencies and local public offices are hereby	127177
appropriated.	127178

Section 227.10. BRB BOARD OF BARBER EXAMINERS	127179

General Services Fund Group	127180

4K90 877609 Operating Expenses	\$	600,851	\$	600,851	127181
TOTAL GSF General Services Fund					127182
Group	\$	600,851	\$	600,851	127183
TOTAL ALL BUDGET FUND	\$	600,851	\$	600,851	127184
GROUPS					

ED JEFFERS BARBER MUSEUM	127185

On October 1, 2009, or as soon as possible thereafter, the	127186
Director of Budget and Management and the Executive Director of	127187
the Barber Board shall develop a plan to distribute the amounts	127188
collected under division (C) of section 4709.12 of the Revised	127189
Code to the Ed Jeffers Barber Museum.	127190

Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT	127191

General Revenue Fund	127192

GRF 042321	Budget Development and Implementation	\$	2,412,346	\$	2,350,805	127193
GRF 042410	National Association Dues	\$	30,448	\$	31,361	127194
GRF 042412	Audit of Auditor of State	\$	44,528	\$	46,309	127195
GRF 042416	Medicaid Agency Transition	\$	571,028	\$	369,298	127196
GRF 042435	Gubernatorial Transition	\$	0	\$	250,000	127197
TOTAL GRF General Revenue Fund		\$	3,058,350	\$	3,047,773	127198

General Services Fund Group						127199

1050 042603	State Accounting and Budgeting	\$	37,031,976	\$	41,206,060	127200
5N40 042602	OAKS Project Implementation	\$	2,100,000	\$	2,100,000	127201
5Z80 042608	Executive Medicaid Administration	\$	57,751	\$	0	127202
TOTAL GSF General Services Fund Group		\$	39,189,727	\$	43,306,060	127203

Federal Special Revenue Fund Group						127204

3CM0 042606	Medicaid Transition - Federal	\$	734,979	\$	747,098	127205
TOTAL FED Federal Special Revenue Fund Group		\$	734,979	\$	747,098	127206

Agency Fund Group						127207

5EH0 042604	Forgery Recovery	\$	50,000	\$	50,000	127208
TOTAL AGY Agency Fund Group		\$	50,000	\$	50,000	127209
TOTAL ALL BUDGET FUND GROUPS		\$	43,033,056	\$	47,150,931	127210

AUDIT COSTS	127211
All centralized audit costs associated with either Single	127212
Audit Schedules or financial statements prepared in conformance	127213
with generally accepted accounting principles for the state shall	127214
be paid from the foregoing appropriation item 042603, State	127215
Accounting and Budgeting.	127216
SHARED SERVICES CENTER	127217
The Director of Budget and Management shall use the OAKS	127218
Project Implementation Fund (Fund 5N40) and the Accounting and	127219
Budgeting Fund (Fund 1050) to implement a Shared Services Center	127220
within the Office of Budget and Management for the purpose of	127221
consolidating statewide finance functions and common transactional	127222
processes. The Director of Budget and Management shall transfer	127223
the unobligated cash balance remaining in Fund 5N40 to the General	127224
Revenue Fund before the end of fiscal year 2011.	127225
Effective July 1, 2009, the Director of Budget and Management	127226
shall include the recovery of costs to operate the Shared Services	127227
Center in the accounting and budgeting services payroll rate and	127228
through a direct charge using intrastate transfer vouchers to	127229
agencies for services rendered. The Director of Budget and	127230
Management shall determine the cost recovery methodology. Such	127231
cost recovery revenues shall be deposited to the credit of Fund	127232
1050.	127233
INTERNAL CONTROL AND AUDIT OVERSIGHT	127234
Effective July 1, 2009, the Director of Budget and Management	127235
shall include the recovery of costs to operate the Internal	127236
Control and Audit Oversight Program in the accounting and	127237
budgeting services payroll rate and through a direct charge using	127238
intrastate transfer vouchers to agencies reviewed by the program.	127239
The Director of Budget and Management, with advice from the	127240

Internal Audit Advisory Council, shall determine the cost recovery	127241
methodology. Such cost recovery revenues shall be deposited to the	127242
credit of the Accounting and Budgeting Fund (Fund 1050).	127243

FORGERY RECOVERY	127244

The foregoing appropriation item 042604, Forgery Recovery,	127245
shall be used to reissue warrants that have been certified as	127246
forgeries by the rightful recipient as determined by the Bureau of	127247
Criminal Identification and Investigation and the Treasurer of	127248
State. Upon receipt of funds to cover the reissuance of the	127249
warrant, the Director of Budget and Management shall reissue a	127250
state warrant of the same amount.	127251

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD	127252

General Revenue Fund	127253

GRF 874100	Personal Services	\$	1,311,358	\$	1,311,358	127254
GRF 874320	Maintenance and Equipment	\$	526,814	\$	526,813	127255
TOTAL GRF	General Revenue Fund	\$	1,838,172	\$	1,838,171	127256

General Services Fund Group	127257

4G50 874603	Capitol Square Education Center and Arts	\$	15,000	\$	15,000	127258
4S70 874602	Statehouse Gift Shop/Events	\$	686,708	\$	686,708	127259
TOTAL GSF	General Services Fund Group					127260
		\$	701,708	\$	701,708	127261

Federal Special Revenue Fund Group	127262

5AQ0 874606 Grant	\$	3,977	\$	0	127263
TOTAL FED Federal Special Revenue Fund Group	\$	3,977	\$	0	127264

Underground Parking Garage					127265

2080 874601 Underground Parking Garage Operations	\$	2,923,224	\$	2,979,615	127266
TOTAL UPG Underground Parking Garage					127267
	\$	2,923,224	\$	2,979,615	127268
TOTAL ALL BUDGET FUND GROUPS	\$	5,467,081	\$	5,519,494	127269

WAREHOUSE PAYMENTS					127270

Of the foregoing appropriation item 874601, Underground Parking Garage Operations, \$48,000 in each fiscal year shall be used to meet all payments at the times they are required to be made during the period from July 1, 2009, to June 30, 2011, to the Ohio Building Authority for bond service charges relating to the purchase and improvement of a warehouse acquired pursuant to section 105.41 of the Revised Code, in which to store items of the Capitol Collection Trust and, whenever necessary, equipment or other property of the Board.					127271 127272 127273 127274 127275 127276 127277 127278 127279

Notwithstanding division (G) of section 105.41 of the Revised Code and any other provision to the contrary, moneys in the Underground Parking Garage Fund (Fund 2080) may be used for personnel and operating costs related to the operations of the Statehouse and the Statehouse Underground Parking Garage.					127280 127281 127282 127283 127284

Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS					127285 127286

General Services Fund Group 127287

4K90 233601 Operating Expenses \$ 490,008 \$ 490,008 127288

TOTAL GSF General Services Fund Group \$ 490,008 \$ 490,008 127289

TOTAL ALL BUDGET FUND GROUPS \$ 490,008 \$ 490,008 127290

Section 235.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 127292

General Services Fund Group 127293

4K90 930609 Operating Expenses \$ 478,799 \$ 478,799 127294

TOTAL GSF General Services Fund Group \$ 478,799 \$ 478,799 127295

TOTAL ALL BUDGET FUND GROUPS \$ 478,799 \$ 478,799 127296

Section 237.10. CHR STATE CHIROPRACTIC BOARD 127298

General Services Fund Group 127299

4K90 878609 Operating Expenses \$ 541,455 \$ 541,455 127300

TOTAL GSF General Services Fund Group \$ 541,455 \$ 541,455 127301

TOTAL ALL BUDGET FUND GROUPS \$ 541,455 \$ 541,455 127302

Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION 127304

General Revenue Fund 127305

GRF 876321	Operating Expenses	\$	4,897,185	\$	4,897,185	127306
TOTAL GRF General Revenue Fund		\$	4,897,185	\$	4,897,185	127307

General Services Fund Group						127308

2170 876604	Operations Support	\$	8,000	\$	8,000	127309
TOTAL GSF General Services						127310
Fund Group		\$	8,000	\$	8,000	127311

Federal Special Revenue Fund Group						127312

3340 876601	Federal Programs	\$	3,876,500	\$	3,281,500	127313
TOTAL FED Federal Special Revenue						127314
Fund Group		\$	3,876,500	\$	3,281,500	127315

TOTAL ALL BUDGET FUND GROUPS		\$	8,781,685	\$	8,186,685	127316

Section 241.10. COM DEPARTMENT OF COMMERCE						127318

General Revenue Fund						127319

GRF 800410	Labor and Worker Safety	\$	1,492,677	\$	0	127320
Total GRF General Revenue Fund		\$	1,492,677	\$	0	127321

General Services Fund Group						127322

1630 800620	Division of Administration	\$	7,420,049	\$	7,561,286	127323
1630 800637	Information Technology	\$	6,219,734	\$	6,137,122	127324
5430 800602	Unclaimed Funds-Operating	\$	9,948,085	\$	9,948,085	127325

5430	800625	Unclaimed Funds-Claims	\$	75,000,000	\$	75,000,000	127326
5F10	800635	Small Government Fire Departments	\$	300,000	\$	300,000	127327
TOTAL GSF General Services Fund Group							127328
			\$	98,887,868	\$	98,946,493	127329
Federal Special Revenue Fund Group							127330
3480	800622	Underground Storage Tanks	\$	586,128	\$	585,782	127331
3480	800624	Leaking Underground Storage Tanks	\$	1,477,606	\$	1,489,717	127332
TOTAL FED Federal Special Revenue Fund Group							127333
			\$	2,063,734	\$	2,075,499	127334
State Special Revenue Fund Group							127335
4B20	800631	Real Estate Appraisal Recovery	\$	35,000	\$	35,000	127336
4H90	800608	Cemeteries	\$	273,465	\$	273,465	127337
4X20	800619	Financial Institutions	\$	2,233,031	\$	2,221,395	127338
5440	800612	Banks	\$	6,703,253	\$	6,753,254	127339
5450	800613	Savings Institutions	\$	2,286,615	\$	2,307,019	127340
5460	800610	Fire Marshal	\$	15,118,673	\$	15,191,721	127341
5460	800639	Fire Department Grants	\$	1,695,198	\$	1,698,802	127342
5470	800603	Real Estate Education/Research	\$	250,000	\$	250,000	127343
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	127344
5490	800614	Real Estate	\$	3,456,405	\$	3,451,694	127345
5500	800617	Securities	\$	4,761,545	\$	4,411,545	127346
5520	800604	Credit Union	\$	3,627,390	\$	3,627,390	127347
5530	800607	Consumer Finance	\$	5,367,260	\$	5,148,702	127348
5560	800615	Industrial Compliance	\$	25,753,662	\$	26,713,417	127349
5FW0	800616	Financial Literacy	\$	350,000	\$	350,000	127350

		Education				
5GK0	800609	Securities Investor Education/Enforcement	\$	485,000	\$	485,000 127351
5K70	800621	Penalty Enforcement	\$	150,000	\$	150,000 127352
5X60	800623	Video Service	\$	34,476	\$	34,476 127353
6530	800629	UST Registration/Permit Fee	\$	1,433,189	\$	1,431,831 127354
6A40	800630	Real Estate Appraiser- Operating	\$	664,006	\$	664,006 127355
TOTAL SSR State Special Revenue						127356
Fund Group			\$	74,728,168	\$	75,248,717 127357
Liquor Control Fund Group						127358
7043	800601	Merchandising	\$	472,492,696	\$	488,434,277 127359
7043	800627	Liquor Control Operating	\$	13,776,430	\$	14,313,346 127360
7043	800633	Development Assistance Debt Service	\$	40,565,100	\$	52,412,800 127361
7043	800636	Revitalization Debt Service	\$	15,632,800	\$	20,359,000 127362
TOTAL LCF Liquor Control						127363
Fund Group			\$	542,467,026	\$	575,519,423 127364
Volunteer Firefighters' Dependents Fund Group						127365
7085	800985	Volunteer Firefighters' Dependents Fund	\$	300,000	\$	300,000 127366
TOTAL 085 Volunteer Firefighters' Dependents Fund Group			\$	300,000	\$	300,000 127367
Revenue Distribution Fund Group						127368
7066	800966	Undivided Liquor Permits	\$	14,100,000	\$	14,100,000 127369

TOTAL RDF Revenue Distribution Fund Group	\$ 14,100,000	\$ 14,100,000	127370
TOTAL ALL BUDGET FUND GROUPS	\$ 734,039,473	\$ 766,190,132	127371

SMALL GOVERNMENT FIRE DEPARTMENTS	127372

Notwithstanding section 3737.17 of the Revised Code, the	127373
foregoing appropriation item 800635, Small Government Fire	127374
Departments, may be used to provide loans to private fire	127375
departments.	127376

UNCLAIMED FUNDS PAYMENTS	127377

The foregoing appropriation item 800625, Unclaimed	127378
Funds-Claims, shall be used to pay claims under section 169.08 of	127379
the Revised Code. If it is determined that additional amounts are	127380
necessary, the amounts are appropriated.	127381

UNCLAIMED FUNDS TRANSFERS	127382

Notwithstanding division (A) of section 169.05 of the Revised	127383
Code, on or after December 1, 2009, the Director of Budget and	127384
Management shall request the Director of Commerce to transfer to	127385
the General Revenue Fund up to \$250,000,000 of unclaimed funds	127386
that have been reported by holders of unclaimed funds under	127387
section 169.05 of the Revised Code, irrespective of the allocation	127388
of the unclaimed funds under that section. After such request has	127389
been made, the Director of Commerce shall transfer the funds prior	127390
to June 30, 2010.	127391

Notwithstanding division (A) of section 169.05 of the Revised	127392
Code, on or after December 1, 2010, the Director of Budget and	127393
Management shall request the Director of Commerce to transfer to	127394
the General Revenue Fund up to \$135,000,000 of unclaimed funds	127395
that have been reported by holders of unclaimed funds under	127396
section 169.05 of the Revised Code, irrespective of the allocation	127397

of the unclaimed funds under that section. After such request has	127398
been made, the Director of Commerce shall transfer the funds prior	127399
to June 30, 2011.	127400

FIRE DEPARTMENT GRANTS	127401

Of the foregoing appropriation item 800639, Fire Department	127402
Grants, up to \$1,647,140 in each fiscal year shall be used to make	127403
annual grants to volunteer fire departments, fire departments that	127404
serve one or more small municipalities or small townships, joint	127405
fire districts comprised of fire departments that primarily serve	127406
small municipalities or small townships, local units of government	127407
responsible for such fire departments, and local units of	127408
government responsible for the provision of fire protection	127409
services for small municipalities or small townships.	127410

The grants shall be used by recipients to purchase	127411
firefighting or rescue equipment or gear or similar items, to	127412
provide full or partial reimbursement for the documented costs of	127413
firefighter training, or, at the discretion of the State Fire	127414
Marshal, to cover fire department costs for providing fire	127415
protection services in that grant recipient's jurisdiction.	127416

Grant awards for firefighting or rescue equipment or gear or	127417
for fire department costs of providing fire protection services	127418
shall be up to \$15,000 per fiscal year, or up to \$25,000 per	127419
fiscal year if an eligible entity serves a jurisdiction in which	127420
the Governor declared a natural disaster during the preceding or	127421
current fiscal year in which the grant was awarded. In addition to	127422
any grant funds awarded for rescue equipment or gear, or for fire	127423
department costs associated with the provision of fire protection	127424
services, an eligible entity may receive a grant for up to \$15,000	127425
per fiscal year for full or partial reimbursement of the	127426
documented costs of firefighter training. For each fiscal year,	127427
the State Fire Marshal shall determine the total amounts to be	127428
allocated for each eligible purpose.	127429

The grant program shall be administered by the State Fire	127430
Marshal in accordance with rules the State Fire Marshal adopts as	127431
part of the state fire code adopted pursuant to section 3737.82 of	127432
the Revised Code that are necessary for the administration and	127433
operation of the grant program. The rules may further define the	127434
entities eligible to receive grants and establish criteria for the	127435
awarding and expenditure of grant funds, including methods the	127436
State Fire Marshal may use to verify the proper use of grant funds	127437
or to obtain reimbursement for or the return of equipment for	127438
improperly used grant funds. Any amounts in appropriation item	127439
800639, Fire Department Grants, in excess of the amount allocated	127440
for these grants may be used for the administration of the grant	127441
program.	127442

DIVISION OF SECURITIES TECHNOLOGY UPGRADES	127443

Of the foregoing appropriation item 800617, Securities, such	127444
sums as are necessary may be used over the biennium to support	127445
the development and implementation of information technology	127446
solutions designed to enable the Division of Securities to better	127447
protect the interests of investors, the public, and the securities	127448
industry. Implementation of these solutions shall, among other	127449
things, enhance the Division's ability to monitor complaints	127450
about and actions against persons engaged in any practice	127451
prohibited by Chapter 1707. of the Revised Code or defined as	127452
fraudulent in that chapter or any other deceptive scheme or	127453
practice in connection with the sale of securities. The Director	127454
of Commerce may seek assistance from the Department of	127455
Administrative Services in relation to the development and	127456
implementation of the solutions.	127457

CASH TRANSFERS TO THE DIVISION OF SECURITIES INVESTOR	127458
EDUCATION AND ENFORCEMENT EXPENSE FUND	127459

The Director of Budget and Management, upon the request of	127460

the Director of Commerce, shall transfer up to \$485,000 in cash in	127461
each fiscal year from the Division of Securities Fund (Fund 5500)	127462
to the Division of Securities Investor Education and Enforcement	127463
Expense Fund (Fund 5GK0) created in section 1707.37 of the Revised	127464
Code.	127465

CASH TRANSFERS TO THE REAL ESTATE OPERATING FUND	127466

The Director of Budget and Management, upon request of the	127467
Director of Commerce, shall transfer \$1,300,000 in cash over the	127468
FY 2010-FY 2011 biennium from the Real Estate Education and	127469
Research Fund (Fund 5470) to the Real Estate Operating Fund (Fund	127470
5490).	127471

The Director of Budget and Management, upon request of the	127472
Director of Commerce, shall transfer \$600,000 in cash over the FY	127473
2010-FY 2011 biennium from the Real Estate Recovery Fund (Fund	127474
5480) to the Real Estate Operating Fund (Fund 5490).	127475

INCREASED APPROPRIATION - MERCHANDISING	127476

The foregoing appropriation item 800601, Merchandising,	127477
shall be used under section 4301.12 of the Revised Code. If it is	127478
determined that additional expenditures are necessary, the amounts	127479
are appropriated.	127480

DEVELOPMENT ASSISTANCE DEBT SERVICE	127481

The foregoing appropriation item 800633, Development	127482
Assistance Debt Service, shall be used to pay debt service and	127483
related financing costs at the times they are required to be made	127484
during the period from July 1, 2009, to June 30, 2011, for bond	127485
service charges on obligations issued under Chapter 166. of the	127486
Revised Code. If it is determined that additional appropriations	127487
are necessary for this purpose, such amounts are appropriated,	127488
subject to the limitations set forth in section 166.11 of the	127489

Revised Code. An appropriation for this purpose is not required,	127490
but is made in this form and in this act for record purposes	127491
only.	127492

REVITALIZATION DEBT SERVICE	127493

The foregoing appropriation item 800636, Revitalization Debt	127494
Service, shall be used to pay debt service and related financing	127495
costs under sections 151.01 and 151.40 of the Revised Code during	127496
the period from July 1, 2009, to June 30, 2011. If it is	127497
determined that additional appropriations are necessary for this	127498
purpose, such amounts are hereby appropriated. The General	127499
Assembly acknowledges the priority of the pledge of a portion of	127500
receipts from that source to obligations issued and to be issued	127501
under Chapter 166. of the Revised Code.	127502

ADMINISTRATIVE ASSESSMENTS	127503

Notwithstanding any other provision of law to the contrary,	127504
the Division of Administration Fund (Fund 1630) is entitled to	127505
receive assessments from all operating funds of the Department in	127506
accordance with procedures prescribed by the Director of Commerce	127507
and approved by the Director of Budget and Management.	127508

Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL	127509

General Services Fund Group	127510

5F50 053601 Operating Expenses	\$	8,498,000	\$	8,498,000	127511
TOTAL GSF General Services Fund	\$	8,498,000	\$	8,498,000	127512
Group					
TOTAL ALL BUDGET FUND	\$	8,498,000	\$	8,498,000	127513
GROUPS					

Section 245.10. CEB CONTROLLING BOARD	127515

General Revenue Fund 127516

GRF 911401	Emergency Purposes/Contingencies	\$	2,800,000	\$	2,800,000	127517
GRF 911404	Mandate Assistance	\$	545,417	\$	545,417	127518
GRF 911418	Unemployment Compensation ERI	\$	29,228,833	\$	37,275,369	127519
GRF 911441	Ballot Advertising Costs	\$	487,600	\$	487,600	127520
TOTAL GRF General Revenue Fund		\$	33,061,850	\$	41,108,386	127521
TOTAL ALL BUDGET FUND GROUPS		\$	33,061,850	\$	41,108,386	127522

DISASTER SERVICES FUND TRANSFERS TO THE EMERGENCY 127523
PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM 127524

The Controlling Board may, at the request of any state 127525
agency or the Director of Budget and Management, transfer all or 127526
part of the appropriation in appropriation item 911401, Emergency 127527
Purposes/Contingencies, for the purpose of providing disaster and 127528
emergency situation aid to state agencies and political 127529
subdivisions in the event of disasters and emergency situations 127530
or for the other purposes noted in this section, including, but 127531
not limited to, costs related to the disturbance that occurred on 127532
April 11, 1993, at the Southern Ohio Correctional Facility in 127533
Lucasville, Ohio. 127534

FEDERAL SHARE 127535

In transferring appropriations to or from appropriation items 127536
that have federal shares identified in this act, the Controlling 127537
Board shall add or subtract corresponding amounts of federal 127538
matching funds at the percentages indicated by the state and 127539
federal division of the appropriations in this act. Such changes 127540
are hereby appropriated. 127541

DISASTER ASSISTANCE 127542

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from appropriation item 911401, Emergency Purposes/Contingencies, to appropriation items used by the Department of Public Safety to provide funding for assistance to political subdivisions and individuals made necessary by natural disasters or emergencies. Such transfers may be requested and approved prior to or following the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance.

DISASTER SERVICES 127553

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Disaster Services Fund (5E20) to a fund and appropriation item used by the Department of Public Safety to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the funding to fund the State Disaster Relief Program for disasters that have been declared by the Governor, and the State Individual Assistance Program for disasters that have been declared by the Governor and the federal Small Business Administration. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

Fund 5E20 shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriations to any fund and appropriation item for the payment

of state agency disaster relief program expenses for disasters	127574
declared by the Governor, if the Director of Budget and	127575
Management determines that sufficient funds exist.	127576
 SOUTHERN OHIO CORRECTIONAL FACILITY COST	 127577
The Division of Criminal Justice Services in the Department	127578
of Public Safety and the Public Defender Commission may each	127579
request, upon approval of the Director of Budget and Management,	127580
additional funds from appropriation item 911401, Emergency	127581
Purposes/Contingencies, for costs related to the disturbance that	127582
occurred on April 11, 1993, at the Southern Ohio Correctional	127583
Facility in Lucasville, Ohio.	127584
 MANDATE ASSISTANCE	 127585
(A) The foregoing appropriation item 911404, Mandate	127586
Assistance, shall be used to provide financial assistance to local	127587
units of government and school districts for the cost of the	127588
following two state mandates:	127589
(1) The cost to county prosecutors for prosecuting certain	127590
felonies that occur on the grounds of state institutions operated	127591
by the Department of Rehabilitation and Correction and the	127592
Department of Youth Services;	127593
(2) The cost to school districts of in-service training for	127594
child abuse detection.	127595
(B) The Division of Criminal Justice Services in the	127596
Department of Public Safety and the Department of Education may	127597
prepare and submit to the Controlling Board one or more requests	127598
to transfer appropriations from appropriation item 911404,	127599
Mandate Assistance. The state agencies charged with this	127600
administrative responsibility are listed below, as well as the	127601
estimated annual amounts that may be used for each program of	127602

state financial assistance. 127603

PROGRAM	ADMINISTERING AGENCY	ESTIMATED ANNUAL AMOUNT	
			127604
			127605
			127606
Prosecution Costs	Division of Criminal	\$125,446	127607
	Justice Services		127608
Child Abuse Detection Training Costs	Department of Education	\$419,971	127609

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911404, Mandate Assistance, the Division of Criminal Justice Services and the Department of Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program. 127610
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(D) In addition to making the initial transfers requested by the Division of Criminal Justice Services and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911404, Mandate Assistance, or to the other program of state financial assistance identified under this section. 127616
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(E) It is expected that not all costs incurred by local units of government and school districts under each of the two programs of state financial assistance identified in this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Division of Criminal Justice Services and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of 127623
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government and school districts.	127633
(F) Each of these programs of state financial assistance	127634
shall be carried out as follows:	127635
(1) PROSECUTION COSTS	127636
(a) Appropriations may be transferred to the Division of	127637
Criminal Justice Services to cover local prosecution costs for	127638
aggravated murder, murder, felonies of the first degree, and	127639
felonies of the second degree that occur on the grounds of	127640
institutions operated by the Department of Rehabilitation and	127641
Correction and the Department of Youth Services.	127642
(b) Upon a delinquency filing in juvenile court or the return	127643
of an indictment for aggravated murder, murder, or any felony of	127644
the first or second degree that was committed at a Department of	127645
Youth Services or a Department of Rehabilitation and Correction	127646
institution, the affected county may, in accordance with rules	127647
that the Division of Criminal Justice Services shall adopt, apply	127648
to the Division of Criminal Justice Services for a grant to cover	127649
all documented costs that are incurred by the county prosecutor's	127650
office.	127651
(c) Twice each year, the Division of Criminal Justice	127652
Services shall designate counties to receive grants from those	127653
counties that have submitted one or more applications in	127654
compliance with the rules that have been adopted by the Division	127655
of Criminal Justice Services for the receipt of such grants. In	127656
each year's first round of grant awards, if sufficient	127657
appropriations have been made, up to a total of \$100,000 may be	127658
awarded. In each year's second round of grant awards, the	127659
remaining appropriations available for this purpose may be	127660
awarded.	127661
(d) If for a given round of grants there are insufficient	127662

appropriations to make grant awards to all the eligible counties, 127663
the first priority shall be given to counties with cases involving 127664
aggravated murder and murder; second priority shall be given to 127665
counties with cases involving a felony of the first degree; and 127666
third priority shall be given to counties with cases involving a 127667
felony of the second degree. Within these priorities, the grant 127668
awards shall be based on the order in which the applications were 127669
received, except that applications for cases involving a felony of 127670
the first or second degree shall not be considered in more than 127671
two consecutive rounds of grant awards. 127672

(2) CHILD ABUSE DETECTION TRAINING COSTS 127673

Appropriations may be transferred to the Department of 127674
Education for payment to local school districts as full or partial 127675
reimbursement for the cost of providing in-service training for 127676
child abuse detection. In accordance with rules that the 127677
Department shall adopt, a local school district may apply to the 127678
Department for a grant to cover all documented costs that are 127679
incurred to provide in-service training for child abuse detection. 127680
The department shall make grants within the limits of the funding 127681
provided. 127682

(G) Any moneys allocated within appropriation item 911404, 127683
Mandate Assistance, not fully utilized may, upon application of 127684
the Ohio Public Defender Commission, and with the approval of the 127685
Controlling Board, be paid to boards of county commissioners to 127686
provide additional reimbursement for the costs incurred by 127687
counties in providing defense to indigent defendants pursuant to 127688
Chapter 120. of the Revised Code. Application for the unutilized 127689
funds shall be made by the Ohio Public Defender Commission at the 127690
first June meeting of the Controlling Board. 127691

The amount to be paid to each county shall be allocated 127692
proportionately on the basis of the total amount of reimbursement 127693
paid to each county as a percentage of the amount of reimbursement 127694

paid to all of the counties during the most recent state fiscal	127695
year for which data is available and as calculated by the Ohio	127696
Public Defender Commission.	127697

BALLOT ADVERTISING COSTS	127698

Pursuant to section 3501.17 of the Revised Code, and upon	127699
requests submitted by the Secretary of State, the Controlling	127700
Board shall approve transfers from the foregoing appropriation	127701
item 911441, Ballot Advertising Costs, to appropriation item	127702
050621, Statewide Ballot Advertising, in order to pay for the	127703
cost of public notices associated with statewide ballot	127704
initiatives.	127705

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS	127706
ELIGIBILITY	127707

A state agency director shall request that the Controlling	127708
Board increase the amount of the agency's capital appropriations	127709
if the director determines such an increase is necessary for the	127710
agency to receive and use funds under the federal American	127711
Recovery and Reinvestment Act of 2009. The Controlling Board may	127712
increase the capital appropriations pursuant to the request up to	127713
the exact amount necessary under the federal act if the Board	127714
determines it is necessary for the agency to receive and use	127715
those federal funds.	127716

Section 247.10. COS STATE BOARD OF COSMETOLOGY	127717

General Services Fund Group	127718

4K90 879609 Operating Expenses	\$	3,533,679	\$	3,533,679	127719
TOTAL GSF General Services Fund					127720
Group	\$	3,533,679	\$	3,533,679	127721
TOTAL ALL BUDGET FUND	\$	3,533,679	\$	3,533,679	127722

GROUPS

Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND	127724
MARRIAGE	
AND FAMILY THERAPIST BOARD	127725
General Services Fund Group	127726

4K90 899609 Operating Expenses	\$	1,117,171	\$	1,117,171	127727
TOTAL GSF General Services Fund					127728
Group	\$	1,117,171	\$	1,117,171	127729
TOTAL ALL BUDGET FUND	\$	1,117,171	\$	1,117,171	127730
GROUPS					

Section 251.10. CLA COURT OF CLAIMS	127732
General Revenue Fund	127733

GRF 015321 Operating Expenses	\$	2,699,369	\$	2,780,350	127734
TOTAL GRF General Revenue Fund	\$	2,699,369	\$	2,780,350	127735
State Special Revenue Fund Group					127736

5K20 015603 CLA Victims of Crime	\$	1,582,684	\$	1,582,684	127737
TOTAL SSR State Special Revenue					127738
Fund Group	\$	1,582,684	\$	1,582,684	127739
TOTAL ALL BUDGET FUND	\$	4,282,053	\$	4,363,034	127740
GROUPS					

Section 253.10. AFC OHIO CULTURAL FACILITIES COMMISSION	127742
General Revenue Fund	127743

GRF 371321	Operating Expenses	\$	98,636	\$	98,636	127744
GRF 371401	Lease Rental Payments	\$	26,454,900	\$	28,301,600	127745
TOTAL GRF	General Revenue Fund	\$	26,553,536	\$	28,400,236	127746

State Special Revenue Fund Group						127747

4T80 371601	Riffe Theatre Equipment Maintenance	\$	81,000	\$	81,000	127748
4T80 371603	Project Administration Services	\$	1,302,866	\$	1,302,866	127749
TOTAL SSR	State Special Revenue Group	\$	1,383,866	\$	1,383,866	127750
TOTAL ALL BUDGET FUND GROUPS		\$	27,937,402	\$	29,784,102	127751

LEASE RENTAL PAYMENTS						127752

The foregoing appropriation item 371401, Lease Rental	127753
Payments, shall be used to meet all payments from the Ohio	127754
Cultural Facilities Commission to the Treasurer of State during	127755
the period from July 1, 2009, to June 30, 2011, under the primary	127756
leases and agreements for those arts and sports facilities made	127757
under Chapters 152. and 154. of the Revised Code. This	127758
appropriation is the source of funds pledged for bond service	127759
charges on related obligations issued under Chapters 152. and	127760
154. of the Revised Code.	127761

OPERATING EXPENSES						127762

The foregoing appropriation item 371321, Operating Expenses,	127763
shall be used by the Ohio Cultural Facilities Commission to carry	127764
out its responsibilities under this section and Chapter 3383. of	127765
the Revised Code.	127766

By the tenth day following each calendar quarter in each 127767
fiscal year, or as soon as possible thereafter, the Director of 127768
Budget and Management shall determine the amount of cash from 127769
interest earnings to be transferred from the Cultural and Sports 127770
Facilities Building Fund (Fund 7030) to the Cultural Facilities 127771
Commission Administration Fund (Fund 4T80). 127772

As soon as possible after each bond issuance made on behalf 127773
of the Cultural Facilities Commission, the Director of Budget and 127774
Management shall determine the amount of cash from any premium 127775
paid on each issuance that is available to be transferred after 127776
all issuance costs have been paid from the Cultural and Sports 127777
Facilities Building Fund (Fund 7030) to the Cultural Facilities 127778
Commission Administration Fund (Fund 4T80). 127779

**CAPITAL DONATIONS FUND CERTIFICATIONS AND 127780
APPROPRIATIONS**

The Executive Director of the Cultural Facilities Commission 127781
shall certify to the Director of Budget and Management the amount 127782
of cash receipts and related investment income, irrevocable 127783
letters of credit from a bank, or certification of the 127784
availability of funds that have been received from a county or a 127785
municipal corporation for deposit into the Capital Donations Fund 127786
(Fund 5A10) and that are related to an anticipated project. These 127787
amounts are hereby appropriated to appropriation item C37146, 127788
Capital Donations. Prior to certifying these amounts to the 127789
Director, the Executive Director shall make a written agreement 127790
with the participating entity on the necessary cash flows required 127791
for the anticipated construction or equipment acquisition project. 127792

Section 255.10. DEN STATE DENTAL BOARD 127793

General Services Fund Group 127794

4K90 880609	Operating Expenses	\$	1,409,944	\$	1,409,944	127795
TOTAL GSF General Services Fund						127796
Group		\$	1,409,944	\$	1,409,944	127797
TOTAL ALL BUDGET FUND GROUPS						127798

Section 257.10. BDP BOARD OF DEPOSIT 127800

General Services Fund Group 127801

4M20 974601	Board of Deposit	\$	1,876,000	\$	1,876,000	127802
TOTAL GSF General Services Fund						127803
Group		\$	1,876,000	\$	1,876,000	127804
TOTAL ALL BUDGET FUND GROUPS						127805

BOARD OF DEPOSIT EXPENSE FUND 127806

Upon receiving certification of expenses from the Treasurer 127807
of State, the Director of Budget and Management shall transfer 127808
cash from the Investment Earnings Redistribution Fund (Fund 6080) 127809
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 127810
shall be used pursuant to section 135.02 of the Revised Code to 127811
pay for any and all necessary expenses of the Board of Deposit or 127812
for banking charges and fees required for the operation of the 127813
State of Ohio Regular Account. 127814

Section 259.10. DEV DEPARTMENT OF DEVELOPMENT 127815

General Revenue Fund 127816

GRF 195401	Thomas Edison Program	\$	15,796,751	\$	15,796,751	127817
GRF 195404	Small Business Development	\$	1,565,770	\$	1,565,770	127818

GRF 195405	Minority Business Enterprise Division	\$	1,238,528	\$	1,238,528	127819
GRF 195407	Travel and Tourism	\$	400,000	\$	0	127820
GRF 195412	Rapid Outreach Grants	\$	5,000,000	\$	5,000,000	127821
GRF 195415	Strategic Business Investment Division and Regional Offices	\$	5,882,129	\$	5,882,129	127822
GRF 195416	Governor's Office of Appalachia	\$	4,508,741	\$	4,508,741	127823
GRF 195422	Technology Action	\$	3,500,000	\$	3,500,000	127824
GRF 195426	Clean Ohio Implementation	\$	168,365	\$	168,365	127825
GRF 195432	Global Markets	\$	3,889,566	\$	3,889,566	127826
GRF 195434	Industrial Training Grants	\$	7,593,940	\$	7,643,940	127827
GRF 195497	CDBG Operating Match	\$	955,000	\$	955,000	127828
GRF 195501	Appalachian Local Development Districts	\$	391,482	\$	391,482	127829
GRF 195502	Appalachian Regional Commission Dues	\$	195,000	\$	195,000	127830
GRF 195905	Third Frontier Research & Development General Obligation Debt Service	\$	20,920,700	\$	30,852,200	127831
GRF 195912	Job Ready Site Development General Obligation Debt Service	\$	4,747,900	\$	10,601,900	127832
TOTAL GRF	General Revenue Fund	\$	76,753,872	\$	92,189,372	127833

General Services Fund Group						127834

1350 195684	Supportive Services	\$	10,299,575	\$	10,299,575	127835
4W10 195646	Minority Business Enterprise Loan	\$	1,500,000	\$	1,500,000	127836
5AD0 195677	Economic Development Contingency	\$	4,000,000	\$	4,000,000	127837
5DU0 195689	Energy Projects	\$	840,000	\$	840,000	127838
5W50 195690	Travel and Tourism Cooperative Projects	\$	20,643	\$	20,643	127839

6850	195636	Direct Cost Recovery Expenditures	\$	416,742	\$	416,742	127840
TOTAL GSF General Services Fund							127841
Group			\$	17,076,959	\$	17,076,959	127842
Federal Special Revenue Fund Group							127843
3080	195602	Appalachian Regional Commission	\$	475,000	\$	475,000	127844
3080	195603	Housing and Urban Development	\$	6,000,000	\$	6,000,000	127845
3080	195605	Federal Projects	\$	27,000,000	\$	27,000,000	127846
3080	195609	Small Business Administration	\$	5,011,381	\$	5,011,381	127847
3080	195618	Energy Federal Grants	\$	3,400,000	\$	3,400,000	127848
3350	195610	Energy Conservation and Emerging Technology	\$	1,800,000	\$	1,100,000	127849
3AE0	195643	Workforce Development Initiatives	\$	17,000,000	\$	16,500,000	127850
3K80	195613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	127851
3K90	195611	Home Energy Assistance Block Grant	\$	115,743,608	\$	115,743,608	127852
3K90	195614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	127853
3L00	195612	Community Services Block Grant	\$	25,235,000	\$	25,235,000	127854
3V10	195601	HOME Program	\$	40,000,000	\$	40,000,000	127855
TOTAL FED Federal Special Revenue							127856
Fund Group			\$	328,664,989	\$	327,464,989	127857
State Special Revenue Fund Group							127858
4440	195607	Water and Sewer Commission Loans	\$	29,628	\$	29,628	127859
4500	195624	Minority Business	\$	53,967	\$	53,967	127860

		Bonding Program Administration					
		Economic					
4510	195625	Development	\$	1,924,557	\$	1,924,557	127861
		Financing Operating					
4F20	195639	State Special Projects	\$	100,000	\$	100,000	127862
4F20	195676	Marketing Initiatives	\$	8,400,000	\$	3,800,000	127863
4F20	195699	Utility Provided Funds	\$	500,000	\$	500,000	127864
4S00	195630	Tax Incentive Programs	\$	367,020	\$	367,020	127865
5CG0	195679	Alternative Fuel Transportation	\$	567,216	\$	567,216	127866
5M40	195659	Low Income Energy Assistance	\$	245,000,000	\$	245,000,000	127867
5M50	195660	Advanced Energy Programs	\$	8,268,581	\$	8,268,581	127868
5W60	195691	International Trade Cooperative Projects	\$	25,000	\$	0	127869
5X10	195651	Exempt Facility Inspection	\$	8,000	\$	0	127870
6110	195631	Water and Sewer Administration	\$	10,000	\$	10,000	127871
6170	195654	Volume Cap Administration	\$	113,941	\$	113,941	127872
6460	195638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	127873
TOTAL SSR State Special Revenue							127874
Fund Group			\$	318,367,910	\$	313,734,910	127875
Facilities Establishment Fund Group							127876
4Z60	195647	Rural Industrial Park Loan	\$	2,000,000	\$	2,000,000	127877
5D20	195650	Urban Redevelopment Loans	\$	3,000,000	\$	3,000,000	127878
5S80	195627	Rural Development Initiative	\$	1,750,000	\$	1,750,000	127879

5S90	195628	Capital Access Loan Program	\$	2,000,000	\$	2,000,000	127880
7008	195698	Logistics & Distribution Infrastructure	\$	50,000,000	\$	0	127881
7009	195664	Innovation Ohio	\$	15,000,000	\$	15,000,000	127882
7010	195665	Research and Development	\$	12,000,000	\$	12,000,000	127883
7022	195606	Rapid Outreach Loans	\$	15,000,000	\$	15,000,000	127884
7037	195615	Facilities Establishment	\$	65,000,000	\$	65,000,000	127885
TOTAL 037 Facilities Establishment Fund Group							127886
							127887
Clean Ohio Revitalization Fund							127888
7003	195663	Clean Ohio Operating	\$	964,200	\$	953,300	127889
TOTAL 7003 Clean Ohio Revitalization Fund			\$	964,200	\$	953,300	127890
Third Frontier Research & Development Fund Group							127891
7011	195687	Third Frontier Research & Development Projects	\$	55,000,000	\$	55,000,000	127892
7014	195692	Research & Development Taxable Bond Projects	\$	6,000,000	\$	6,000,000	127893
TOTAL 011 Third Frontier Research & Development Fund Group			\$	61,000,000	\$	61,000,000	127894
Job Ready Site Development Fund Group							127895
7012	195688	Job Ready Site Operating	\$	1,000,000	\$	1,000,000	127896
TOTAL 012 Job Ready Site Development Fund Group			\$	1,000,000	\$	1,000,000	127897
Tobacco Master Settlement Agreement Fund Group							127898

M087 195435	Biomedical Research and Technology Transfer	\$	1,257,363	\$	1,259,563	127899
TOTAL TSF Tobacco Master Settlement Agreement Fund Group		\$	1,257,363	\$	1,259,563	127900
TOTAL ALL BUDGET FUND GROUPS		\$	970,835,294	\$	930,429,094	127901

Section 259.10.10. THOMAS EDISON PROGRAM 127903

The foregoing appropriation item 195401, Thomas Edison Program, shall be used for the purposes of sections 122.28 to 122.38 of the Revised Code. Of the foregoing appropriation item 195401, Thomas Edison Program, not more than ten per cent in each fiscal year shall be used for operating expenditures in administering the programs of the Technology and Innovation Division. 127904
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Section 259.10.20. SMALL BUSINESS DEVELOPMENT 127911

The foregoing appropriation item 195404, Small Business Development, shall be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Pub. L. No. 96-302 (1980) as amended by Pub. L. No. 98-395 (1984), and regulations and policy guidelines for the programs pursuant thereto. This appropriation item also may be used to provide grants to local organizations to support the operation of small business development centers and other local economic development activities that promote small business development and entrepreneurship. 127912
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Section 259.10.30. RAPID OUTREACH GRANTS 127922

Of the foregoing appropriation item 195412, Rapid Outreach Grants, \$5,000,000 in each fiscal year shall be used as an 127923
127924

incentive for attracting, expanding, and retaining business 127925
opportunities for the state in accordance with Chapter 166. of 127926
the Revised Code. Of that amount, no more than five per cent in 127927
each fiscal year shall be used for administrative costs of Rapid 127928
Outreach Program. 127929

The department shall award funds directly to business 127930
entities considering Ohio for their expansion or new site 127931
location opportunities. Rapid Outreach grants shall be used by 127932
recipients to purchase equipment, make infrastructure 127933
improvements, make real property improvements, or fund other 127934
fixed assets. To meet the particular needs of economic 127935
development in a region, the department may elect to award funds 127936
directly to a political subdivision to assist with making on- or 127937
off-site infrastructure improvements to water and sewage 127938
treatment facilities, electric or gas service connections, fiber 127939
optic access, rail facilities, site preparation, and parking 127940
facilities. The Director of Development may recommend that the 127941
funds be used for alternative purposes when considered 127942
appropriate to satisfy an economic development opportunity or 127943
need deemed extraordinary in nature by the Director including, 127944
but not limited to, construction, rehabilitation, and 127945
acquisition projects for rail freight assistance as requested by 127946
the Department of Transportation. The Director of Transportation 127947
shall submit the proposed projects to the Director of Development 127948
for an evaluation of potential economic benefit. 127949

Moneys awarded directly to business entities from the 127950
foregoing appropriation item 195412, Rapid Outreach Grants, may 127951
be expended only after the submission of a request to the 127952
Controlling Board by the Department of Development outlining the 127953
planned use of the funds, and the subsequent approval of the 127954
request by the Controlling Board. 127955

Section 259.10.40. STRATEGIC BUSINESS INVESTMENT DIVISION 127956
AND

REGIONAL OFFICES	127957
The foregoing appropriation item 195415, Strategic Business Investment Division and Regional Offices, shall be used for the operating expenses of the Strategic Business Investment Division and the regional economic development offices and for grants for cooperative economic development ventures.	127958 127959 127960 127961 127962
Section 259.10.50. GOVERNOR'S OFFICE OF APPALACHIA	127963
The foregoing appropriation item 195416, Governor's Office of Appalachia, may be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, to provide financial assistance to projects in Ohio's Appalachian counties, and to match federal funds from the Appalachian Regional Commission.	127964 127965 127966 127967 127968 127969
Section 259.10.60. TECHNOLOGY ACTION	127970
The foregoing appropriation item 195422, Technology Action, shall be used for operating expenses the Department of Development incurs for administering sections 184.10 to 184.20 of the Revised Code. If the appropriation is insufficient to cover the operating expenses, the Department may request Controlling Board approval to appropriate the additional amount needed in appropriation item 195686, Third Frontier Operating. The Department shall not request an amount in excess of the amount needed.	127971 127972 127973 127974 127975 127976 127977 127978 127979
Section 259.10.70. CLEAN OHIO IMPLEMENTATION	127980
The foregoing appropriation item 195426, Clean Ohio Implementation, shall be used to fund the costs of administering the Clean Ohio Revitalization program and other urban revitalization programs that may be implemented by the Department of Development.	127981 127982 127983 127984 127985

Section 259.10.80. GLOBAL MARKETS 127986

The foregoing appropriation item 195432, Global Markets, 127987
shall be used to administer Ohio's foreign trade and investment 127988
programs, including operation and maintenance of Ohio's 127989
out-of-state trade and investment offices. This appropriation 127990
item also shall be used to fund the Global Markets Division and to 127991
assist Ohio manufacturers, agricultural producers, and service 127992
providers in exporting to foreign countries and to assist in the 127993
attraction of foreign direct investment. 127994

Section 259.10.90. OHIO WORKFORCE GUARANTEE PROGRAM 127995

The foregoing appropriation item 195434, Industrial Training 127996
Grants, may be used for the Ohio Workforce Guarantee Program to 127997
promote training through grants to businesses and, in the case of 127998
a business consortium, training and education providers for the 127999
reimbursement of eligible training expenses. 128000

Section 259.20.10. OHIO FILM OFFICE 128001

The Ohio Film Office shall promote media productions in the 128002
state and help the industry optimize its production experience in 128003
the state by enhancing local economies through increased 128004
employment and tax revenues and ensuring an accurate portrayal of 128005
Ohio. The Office shall serve as an informational clearinghouse and 128006
provide technical assistance to the media production industry and 128007
business entities engaged in media production in the state. The 128008
Office shall promote Ohio as the ideal site for media production 128009
and help those in the industry benefit from their experience in 128010
the state. 128011

The primary objective of the Office shall be to encourage 128012
development of a strong capital base for electronic media 128013
production in order to achieve an independent, self-supporting 128014

industry in Ohio. Other objectives shall include:	128015
(A) Attracting private investment for the electronic media production industry;	128016 128017
(B) Developing a tax infrastructure that encourages private investment; and	128018 128019
(C) Encouraging increased employment opportunities within this sector and increased competition with other states.	128020 128021
Section 259.20.30. THIRD FRONTIER RESEARCH & DEVELOPMENT	128022
GENERAL OBLIGATION DEBT SERVICE	128023
The foregoing appropriation item 195905, Third Frontier Research & Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2009, to June 30, 2011, on obligations issued for research and development purposes under sections 151.01 and 151.10 of the Revised Code.	128024 128025 128026 128027 128028 128029
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	128030
The foregoing appropriation item 195912, Job Ready Site Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2009, to June 30, 2011, on obligations issued for job ready site development purposes under sections 151.01 and 151.11 of the Revised Code.	128031 128032 128033 128034 128035 128036
Section 259.20.40. SUPPORTIVE SERVICES	128037
The Director of Development may assess divisions of the department for the cost of central service operations. An assessment shall contain the characteristics of administrative	128038 128039 128040

ease and uniform application. A division's payments shall be	128041
credited to the Supportive Services Fund (Fund 1350) using an	128042
intrastate transfer voucher.	128043

ECONOMIC DEVELOPMENT CONTINGENCY	128044

The foregoing appropriation item 195677, Economic	128045
Development Contingency, may be used to award funds directly to	128046
either (1) business entities considering Ohio for expansion or new	128047
site location opportunities or (2) political subdivisions to	128048
assist with necessary costs involved in attracting a business	128049
entity. In addition, the Director of Development may award funds	128050
for alternative purposes when appropriate to satisfy an economic	128051
development opportunity or need deemed extraordinary in nature by	128052
the Director.	128053

DIRECT COST RECOVERY EXPENDITURES	128054

The foregoing appropriation item 195636, Direct Cost	128055
Recovery Expenditures, shall be used for reimbursable costs.	128056
Revenues to the General Reimbursement Fund (Fund 6850) shall	128057
consist of moneys charged for administrative costs that are not	128058
central service costs.	128059

Section 259.20.50. HEAP WEATHERIZATION	128060

Up to fifteen per cent of the federal funds deposited to the	128061
credit of the Home Energy Assistance Block Grant Fund (Fund 3K90)	128062
may be expended from appropriation item 195614, HEAP	128063
Weatherization, to provide home weatherization services in the	128064
state as determined by the Director of Development. Any transfers	128065
or increases in appropriation for the foregoing appropriation	128066
items 195614, HEAP Weatherization, or 195611, Home Energy	128067
Assistance Block Grant, shall be subject to approval by the	128068
Controlling Board.	128069

STATE SPECIAL PROJECTS	128070
The State Special Projects Fund (Fund 4F20), may be used for	128071
the deposit of private-sector funds from utility companies and	128072
for the deposit of other miscellaneous state funds. State moneys	128073
so deposited shall be used to match federal housing grants for the	128074
homeless and to market economic development opportunities in the	128075
state. Private-sector moneys shall be deposited for use in	128076
appropriation item 195699, Utility Provided Funds, and shall be	128077
used to (1) pay the expenses of verifying the income-eligibility	128078
of HEAP applicants, (2) leverage additional federal funds, (3)	128079
fund special projects to assist homeless individuals, (4) fund	128080
special projects to assist with the energy efficiency of	128081
households eligible to participate in the Percentage of Income	128082
Payment Plan, and (5) assist with training programs for agencies	128083
that administer low-income customer assistance programs.	128084
Section 259.20.60. TAX INCENTIVE PROGRAMS OPERATING	128085
The foregoing appropriation item 195630, Tax Incentive	128086
Programs, shall be used for the operating costs of the Office of	128087
Grants and Tax Incentives.	128088
Section 259.20.70. MINORITY BUSINESS ENTERPRISE LOAN	128089
All repayments from the Minority Development Financing	128090
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee	128091
Program shall be deposited in the State Treasury to the credit of	128092
the Minority Business Enterprise Loan Fund (Fund 4W10). All	128093
operating costs of administering the Minority Business Enterprise	128094
Loan Fund shall be paid from the Minority Business Enterprise Loan	128095
Fund (Fund 4W10).	128096
MINORITY BUSINESS BONDING FUND	128097
Notwithstanding Chapters 122., 169., and 175. of the Revised	128098

Code, the Director of Development may, upon the recommendation of	128099
the Minority Development Financing Advisory Board, pledge up to	128100
\$10,000,000 in the fiscal year 2010-fiscal year 2011 biennium of	128101
unclaimed funds administered by the Director of Commerce and	128102
allocated to the Minority Business Bonding Program under section	128103
169.05 of the Revised Code. The transfer of any cash by the	128104
Director of Budget and Management from the Department of	128105
Commerce's Unclaimed Funds Fund (Fund 5430) to the Department of	128106
Development's Minority Business Bonding Fund (Fund 4490) shall	128107
occur, if requested by the Director of Development, only if such	128108
funds are needed for payment of losses arising from the Minority	128109
Business Bonding Program, and only after proceeds of the initial	128110
transfer of \$2,700,000 by the Controlling Board to the Minority	128111
Business Bonding Program has been used for that purpose. Moneys	128112
transferred by the Director of Budget and Management from the	128113
Department of Commerce for this purpose may be moneys in custodial	128114
funds held by the Treasurer of State. If expenditures are required	128115
for payment of losses arising from the Minority Business Bonding	128116
Program, such expenditures shall be made from appropriation item	128117
195623, Minority Business Bonding Contingency in the Minority	128118
Business Bonding Fund, and such amounts are hereby appropriated.	128119

Section 259.20.80. ALTERNATIVE FUEL TRANSPORTATION	128120

Of the foregoing appropriation item 195679, Alternative Fuel	128121
Transportation, not more than ten per cent shall be used by the	128122
Director of Development for administrative costs associated with	128123
the program under section 122.075 of the Revised Code.	128124

ADVANCED ENERGY FUND	128125

The foregoing appropriation item 195660, Advanced Energy	128126
Programs, shall be used to provide financial assistance to	128127
customers for eligible advanced energy projects for residential,	128128
commercial, and industrial business, local government, educational	128129
institution, nonprofit, and agriculture customers, and to pay for	128130

the program's administrative costs as provided in sections 4928.61	128131
to 4928.63 of the Revised Code and rules adopted by the Director	128132
of Development.	128133

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS	128134

All payments received by the state pursuant to a series of	128135
settlements with ten brokerage firms reached with the United	128136
States Securities and Exchange Commission, the National	128137
Association of Securities Dealers, the New York Stock Exchange,	128138
the New York Attorney General, and other state regulators	128139
(henceforth referred to as the "Global Analysts Settlement	128140
Agreements"), shall be deposited into the state treasury to the	128141
credit of the Economic Development Contingency Fund (Fund 5Y60).	128142
The fund shall be used by the Director of Development to support	128143
economic development projects. Moneys shall be awarded to either	128144
(1) business entities considering Ohio for expansion or new site	128145
location opportunities or (2) political subdivisions to assist	128146
with necessary costs involved in attracting a business entity. In	128147
addition, the Director of Development may award funds for	128148
alternative purposes when appropriate to satisfy an economic	128149
development opportunity or need deemed extraordinary by the	128150
Director. Grant funds may be expended only after the submission of	128151
a request to the Controlling Board by the Department outlining the	128152
planned use of the funds and the subsequent approval of the	128153
Controlling Board.	128154

VOLUME CAP ADMINISTRATION	128155

The foregoing appropriation item 195654, Volume Cap	128156
Administration, shall be used for expenses related to the	128157
administration of the Volume Cap Program. Revenues received by the	128158
Volume Cap Administration Fund (Fund 6170) shall consist of	128159
application fees, forfeited deposits, and interest earned from the	128160
custodial account held by the Treasurer of State.	128161

INNOVATION OHIO LOAN FUND	128162
The foregoing appropriation item 195664, Innovation Ohio,	128163
shall be used to provide for innovation Ohio purposes, including	128164
loan guarantees and loans under Chapter 166. and particularly	128165
sections 166.12 to 166.16 of the Revised Code.	128166
RESEARCH AND DEVELOPMENT	128167
The foregoing appropriation item 195665, Research and	128168
Development, shall be used to provide for research and development	128169
purposes, including loans, under Chapter 166. and particularly	128170
sections 166.17 to 166.21 of the Revised Code.	128171
Section 259.20.90. LOGISTICS AND DISTRIBUTION	
INFRASTRUCTURE	128172
The foregoing appropriation item 195698, Logistics and	128173
Distribution Infrastructure, shall be used for eligible logistics	128174
and distribution infrastructure projects as defined in section	128175
166.01 of the Revised Code. Any unexpended and unencumbered	128176
portion of the appropriation item at the end of fiscal year 2009	128177
is hereby reappropriated for the same purpose in fiscal year 2010,	128178
and any unexpended and unencumbered portion of the appropriation	128179
item at the end of fiscal year 2010 is hereby reappropriated for	128180
the same purpose in fiscal year 2011.	128181
Any unexpended and unencumbered portion of appropriation	128182
item 195649, Logistics and Distribution Infrastructure Taxable	128183
Bonds, in fiscal year 2010 is hereby reappropriated to the	128184
Department of Development for the same purpose in fiscal year	128185
2011.	128186
The Director of Budget and Management may approve written	128187
requests from the Director of Development for the transfer of	128188
appropriations between appropriation items 195698, Logistics and	128189

Distribution Infrastructure, and 195649, Logistics and	128190
Distribution Infrastructure Taxable Bonds, based upon awards	128191
recommended by the Director of Development. Such transfers shall	128192
be subject to approval by the Controlling Board.	128193

FACILITIES ESTABLISHMENT FUND	128194

The foregoing appropriation item 195615, Facilities	128195
Establishment (Fund 7037), shall be used for the purposes of the	128196
Facilities Establishment Fund under Chapter 166. of the Revised	128197
Code.	128198

Notwithstanding Chapter 166. of the Revised Code, an amount	128199
not to exceed \$2,000,000 in cash each fiscal year may be	128200
transferred from the Facilities Establishment Fund (Fund 7037) to	128201
the Economic Development Financing Operating Fund (Fund 4510). The	128202
transfer is subject to Controlling Board approval under division	128203
(B) of section 166.03 of the Revised Code.	128204

Notwithstanding Chapter 166. of the Revised Code, an amount	128205
not to exceed \$5,000,000 in cash each fiscal year may be	128206
transferred during the biennium from the Facilities Establishment	128207
Fund (Fund 7037) to the Urban Redevelopment Loans Fund (Fund 5D20)	128208
for the purpose of removing barriers to urban core redevelopment.	128209
The Director of Development shall develop program guidelines for	128210
the transfer and release of funds, including, but not limited to,	128211
the completion of all appropriate environmental assessments before	128212
state assistance is committed to a project. The transfers shall be	128213
subject to approval by the Controlling Board upon the submission	128214
of a request by the Department of Development.	128215

Notwithstanding Chapter 166. of the Revised Code, an amount	128216
not to exceed \$3,000,000 in cash each fiscal year may be	128217
transferred from the Facilities Establishment Fund (Fund 7037) to	128218
the Rural Industrial Park Loan Fund (Fund 4Z60). The transfer is	128219
subject to Controlling Board approval under section 166.03 of the	128220

Revised Code.	128221
Notwithstanding Chapter 166. of the Revised Code, on the	128222
first day of July of each year of the biennium, or as soon as	128223
possible thereafter, the Director of Budget and Management, at the	128224
request of the Director of Development, may transfer \$6,102,500	128225
in cash from the Facilities Establishment Fund (Fund 7037) to the	128226
General Revenue Fund. The amount transferred is hereby	128227
appropriated for each fiscal year in appropriation item 195412,	128228
Rapid Outreach Grants.	128229
Notwithstanding Chapter 166. of the Revised Code, on the	128230
first day of July of each year of the biennium, or as soon as	128231
possible thereafter, the Director of Budget and Management, at the	128232
request of the Director of Development, shall transfer \$4,275,000	128233
cash from the Facilities Establishment Fund (Fund 7037) to the Job	128234
Development Initiatives Fund (Fund 5AD0). The amount transferred	128235
is hereby appropriated in each fiscal year in appropriation item	128236
195677, Economic Development Contingency.	128237
ALTERNATIVE FUEL TRANSPORTATION GRANT FUND	128238
Notwithstanding Chapter 166. of the Revised Code, an amount	128239
not to exceed \$1,000,000 in cash in fiscal year 2010 and \$500,000	128240
in cash in fiscal year 2011 shall be transferred from moneys in	128241
the Facilities Establishment Fund (Fund 7037) to the Alternative	128242
Fuel Transportation Grant Fund (Fund 5CG0) in the Department of	128243
Development.	128244
RURAL DEVELOPMENT INITIATIVE FUND	128245
(A)(1) The Rural Development Initiative Fund (Fund 5S80) is	128246
entitled to receive moneys from the Facilities Establishment Fund	128247
(Fund 7037). The Director of Development may make grants from the	128248
Rural Development Initiative Fund as specified in division (A)(2)	128249
of this section to eligible applicants in Appalachian counties and	128250

in rural counties in the state that are designated as distressed 128251
under section 122.25 of the Revised Code. Preference shall be 128252
given to eligible applicants located in Appalachian counties 128253
designated as distressed by the federal Appalachian Regional 128254
Commission. 128255

(2) The Director of Development shall make grants from the 128256
Rural Development Initiative Fund (Fund 5S80) only to eligible 128257
applicants who also qualify for and receive funding under the 128258
Rural Industrial Park Loan Program as specified in sections 122.23 128259
to 122.27 of the Revised Code. Eligible applicants shall use the 128260
grants for the purposes specified in section 122.24 of the Revised 128261
Code. All projects supported by grants from the fund are subject 128262
to Chapter 4115. of the Revised Code as specified in division (E) 128263
of section 166.02 of the Revised Code. The Director shall develop 128264
program guidelines for the transfer and release of funds. The 128265
release of grant moneys to an eligible applicant is subject to 128266
Controlling Board approval. 128267

(B) Notwithstanding Chapter 166. of the Revised Code, the 128268
Director of Budget and Management may transfer an amount not to 128269
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 128270
at the request of the Director of Development from the Facilities 128271
Establishment Fund (Fund 7037) to the Rural Development Initiative 128272
Fund (Fund 5S80). The transfer is subject to Controlling Board 128273
approval under section 166.03 of the Revised Code. 128274

CAPITAL ACCESS LOAN PROGRAM 128275

The foregoing appropriation item 195628, Capital Access Loan 128276
Program, shall be used for operating, program, and administrative 128277
expenses of the program. Funds of the Capital Access Loan Program 128278
shall be used to assist participating financial institutions in 128279
making program loans to eligible businesses that face barriers in 128280
accessing working capital and obtaining fixed-asset financing. 128281

Notwithstanding Chapter 166. of the Revised Code, the
Director of Budget and Management may transfer an amount not to
exceed \$3,000,000 in cash each fiscal year on an as-needed basis
at the request of the Director of Development from the Facilities
Establishment Fund (Fund 7037) to the Capital Access Loan Program
Fund (Fund 5S90). The transfer is subject to Controlling Board
approval under section 166.03 of the Revised Code.

Section 259.30.05. RAPID OUTREACH LOANS

Of the foregoing appropriation item 195606, Rapid Outreach
Loans, \$15,000,000 in each fiscal year shall be used to provide
financial assistance in the form of forgivable loans or grants for
eligible projects in accordance with Chapter 166. of the Revised
Code. Such loans or grants shall be awarded on the same basis as
awards from appropriation item 195412, Rapid Outreach Grants, and
shall be repaid in such a manner as determined by the Director of
Development in accordance with section 166.22 of the Revised Code.

When necessary, the Director of Budget and Management may
transfer the cash arising from the issuance of obligations under
section 166.08 of the Revised Code or from the funds mentioned in
sections 166.20, 166.21, 166.25, and 166.26 of the Revised Code,
into the Rapid Outreach Loan Fund (Fund 7022). The Director may
make additional transfers on later dates as determined by the
Director, in consultation with the Director of Development,
provided the total amount of transfers does not exceed
\$30,000,000 for fiscal years 2010 and 2011.

The foregoing appropriation item 195606, Rapid Outreach
Loans, may be expended only after the submission of a request to
the Controlling Board by the Department of Development outlining
the planned use of the funds, and the subsequent approval of the
request by the Controlling Board.

Section 259.30.10. CLEAN OHIO OPERATING EXPENSES

The foregoing appropriation item 195663, Clean Ohio	128313
Operating, shall be used by the Department of Development in	128314
administering sections 122.65 to 122.658 of the Revised Code.	128315
Section 259.30.20. THIRD FRONTIER RESEARCH AND DEVELOPMENT	128316
PROJECTS AND RESEARCH AND DEVELOPMENT TAXABLE BOND PROJECTS	128317
The foregoing appropriation items 195687, Third Frontier	128318
Research and Development Projects, and 195692, Research and	128319
Development Taxable Bond Projects, shall be used by the Department	128320
of Development to fund selected projects. Eligible costs are those	128321
costs of research and development projects to which the proceeds	128322
of the Third Frontier Research and Development Fund (Fund 7011)	128323
and the Research & Development Taxable Bond Project Fund (Fund	128324
7014) are to be applied.	128325
TRANSFERS OF THIRD FRONTIER APPROPRIATIONS	128326
The Director of Budget and Management may approve written	128327
requests from the Director of Development for the transfer of	128328
appropriations between appropriation items 195687, Third Frontier	128329
Research and Development Projects, and 195692, Research and	128330
Development Taxable Bond Projects, based upon awards recommended	128331
by the Third Frontier Commission. The transfers are subject to	128332
approval by the Controlling Board.	128333
On or before June 30, 2010, any unexpended and unencumbered	128334
portions of the foregoing appropriation items 195687, Third	128335
Frontier Research & Development Projects, and 195692, Research &	128336
Development Taxable Bond Projects, for fiscal year 2010 are	128337
hereby reappropriated to the Department of Development for the	128338
same purposes for fiscal year 2011.	128339
AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS	128340

The Ohio Public Facilities Commission, upon request of the	128341
Department of Development, is hereby authorized to issue and sell,	128342
in accordance with Section 2p of Article VIII, Ohio Constitution,	128343
and particularly sections 151.01 and 151.10 of the Revised Code,	128344
original obligations of the State of Ohio in an aggregate amount	128345
not to exceed \$100,000,000 in addition to the original issuance of	128346
obligations authorized by prior acts of the General Assembly. The	128347
authorized obligations shall be issued and sold from time to time	128348
and in amounts necessary to ensure sufficient moneys to the	128349
credit of the Third Frontier Research and Development Fund (Fund	128350
7011) to pay costs of research and development projects.	128351

Section 259.30.30. JOB READY SITE OPERATING	128352

The foregoing appropriation item 195688, Job Ready Site	128353
Operating, shall be used for operating expenses incurred by the	128354
Department of Development in administering the Job Ready Sites	128355
Program authorized under sections 122.085 to 122.0820 of the	128356
Revised Code. Operating expenses include, but are not limited to,	128357
certain expenses of the District Public Works Integrating	128358
Committees, as applicable, engineering review of submitted	128359
applications by the State Architect or a third party engineering	128360
firm, audit and accountability activities, and costs associated	128361
with formal certifications verifying that site infrastructure is	128362
in place and is functional.	128363

Section 259.30.40. THIRD FRONTIER BIOMEDICAL RESEARCH AND COMMERCIALIZATION PROGRAM	128364
	128365

The General Assembly and the Governor recognize the role that	128366
the biomedical industry has in job creation, innovation, and	128367
economic development throughout Ohio. It is the intent of the	128368
General Assembly, the Governor, the Director of Development, and	128369
the Director of Budget and Management to work together in	128370

continuing to provide comprehensive state support for the	128371
biomedical industry as a whole through the Third Frontier	128372
Biomedical Research and Commercialization Program.	128373

Section 259.30.60. JOBS FUND CASH TRANSFER	128374

On June 30, 2011, or as soon as possible thereafter, the	128375
Director of Budget and Management shall transfer the unexpended	128376
and unencumbered cash balance in the Jobs Fund (Fund 5Z30) to the	128377
General Revenue Fund. Upon completion of the transfer, the Jobs	128378
Fund is abolished.	128379

Section 259.30.70. UNCLAIMED FUNDS TRANSFER	128380

(A) Notwithstanding division (A) of section 169.05 of the	128381
Revised Code, upon the request of the Director of Budget and	128382
Management, the Director of Commerce, before June 30, 2010, shall	128383
transfer to the Job Development Initiatives Fund (Fund 5AD0) an	128384
amount not to exceed \$4,000,000 in cash of the unclaimed funds	128385
that have been reported by the holders of unclaimed funds under	128386
section 169.05 of the Revised Code, regardless of the allocation	128387
of the unclaimed funds described under that section.	128388

Notwithstanding division (A) of section 169.05 of the Revised	128389
Code, upon the request of the Director of Budget and Management,	128390
the Director of Commerce, before June 30, 2011, shall transfer to	128391
the Job Development Initiatives Fund (Fund 5AD0) an amount not to	128392
exceed \$4,000,000 in cash of the unclaimed funds that have been	128393
reported by the holders of unclaimed funds under section 169.05	128394
of the Revised Code, regardless of the allocation of the	128395
unclaimed funds described under that section.	128396

(B) Notwithstanding division (A) of section 169.05 of the	128397
Revised Code, upon the request of the Director of Budget and	128398
Management, the Director of Commerce, before June 30, 2010, shall	128399
transfer to the State Special Projects Fund (Fund 4F20) an amount	128400

not to exceed \$8,400,000 of the unclaimed funds that have been 128401
reported by the holders of unclaimed funds under section 169.05 128402
of the Revised Code, regardless of the allocation of the 128403
unclaimed funds described under that section. 128404

Notwithstanding division (A) of section 169.05 of the Revised 128405
Code, upon the request of the Director of Budget and Management, 128406
the Director of Commerce, prior to June 30, 2011, shall transfer 128407
to the State Special Projects Fund (Fund 4F20) an amount not to 128408
exceed \$3,800,000 in cash of the unclaimed funds that have been 128409
reported by the holders of unclaimed funds under section 169.05 128410
of the Revised Code, regardless of the allocation of the 128411
unclaimed funds described under that section. 128412

Section 259.30.90. WORKFORCE DEVELOPMENT 128413

The Director of Development and the Director of Job and 128414
Family Services may enter into one or more interagency agreements 128415
between the two departments and take other actions the directors 128416
consider appropriate to further integrate workforce development 128417
into a larger economic development strategy, to implement the 128418
recommendations of the Workforce Policy Board, and to complete 128419
activities related to the transition of the administration of 128420
employment programs identified by the board. Subject to the 128421
approval of the Director of Budget and Management, the Department 128422
of Development and the Department of Job and Family Services may 128423
expend moneys to support the recommendations of the Workforce 128424
Policy Board in the area of integration of employment functions as 128425
described in this paragraph and to complete implementation and 128426
transition activities from the appropriations to those 128427
departments. 128428

Section 259.40.10. CORRECTIVE CASH TRANSFERS 128429

On July 1, 2009, or as soon as possible thereafter, the 128430
Director of Budget and Management, upon request from the Director 128431

of Development, shall transfer up to \$130,000 in cash from the	128432
Low- and Moderate-Income Housing Trust Fund (Fund 6460) to the	128433
HOME Program Fund (Fund 3V10) to correct deposits that were	128434
mistakenly deposited in Fund 6460.	128435

On July 1, 2009, or as soon as possible thereafter, the	128436
Director of Budget and Management, upon request from the Director	128437
of Development, shall transfer up to \$6,660 in cash from the Low-	128438
and Moderate-Income Housing Trust Fund (Fund 6460) to the	128439
Community Development Block Grant Fund (Fund 3K80) to correct	128440
deposits that were mistakenly deposited in Fund 6460.	128441

Section 259.40.20. DIESEL EMISSIONS REDUCTION GRANT PROGRAM	128442

Any unexpended and unencumbered balance of appropriation item	128443
195697, Diesel Emissions Reduction Grants, remaining at the end of	128444
fiscal year 2009, less amounts encumbered by the Department of	128445
Transportation for reimbursement of public entities for fiscal	128446
year 2009, is hereby reappropriated to the Department of	128447
Development for the same purpose in fiscal year 2010. Total	128448
expenditures of both the Department of Development and the	128449
Department of Transportation for the Diesel Emissions Reduction	128450
Grant Program in fiscal year 2010 shall not exceed the	128451
reappropriated amount.	128452

Section 261.10. OBD OHIO BOARD OF DIETETICS	128453

General Services Fund Group	128454

4K90 860609 Operating Expenses	\$	311,067	\$	311,067	128455
TOTAL GSF General Services Fund					128456
Group	\$	311,067	\$	311,067	128457
TOTAL ALL BUDGET FUND GROUPS	\$	311,067	\$	311,067	128458

Section 263.10. CDR COMMISSION ON DISPUTE RESOLUTION					128460
AND					
CONFLICT MANAGEMENT					128461
General Revenue Fund					128462
GRF 145401	Commission Operations	\$	250,000	\$	0 128463
TOTAL GRF General Revenue Fund		\$	250,000	\$	0 128464
TOTAL ALL BUDGET FUND GROUPS		\$	250,000	\$	0 128465

Section 265.10. EDU DEPARTMENT OF EDUCATION					128467
General Revenue Fund					128468
GRF 200100	Personal Services	\$	10,490,789	\$	10,723,972 128469
GRF 200320	Maintenance and Equipment	\$	3,110,071	\$	3,144,897 128470
GRF 200408	Early Childhood Education	\$	23,268,341	\$	23,268,341 128471
GRF 200416	Career-Technical Education Match	\$	2,233,195	\$	2,233,195 128472
GRF 200420	Computer/Application/Network Development	\$	4,880,871	\$	4,880,871 128473
GRF 200421	Alternative Education Programs	\$	7,814,479	\$	7,918,749 128474
GRF 200422	School Management Assistance	\$	1,950,521	\$	3,230,469 128475
GRF 200424	Policy Analysis	\$	356,311	\$	361,065 128476
GRF 200425	Tech Prep Consortia Support	\$	1,243,943	\$	1,260,542 128477
GRF 200426	Ohio Educational Computer Network	\$	20,156,602	\$	20,425,556 128478
GRF 200427	Academic Standards	\$	5,300,074	\$	5,300,074 128479
GRF 200431	School Improvement	\$	7,294,175	\$	7,391,503 128480

		Initiatives				
GRF	200437	Student Assessment	\$	55,954,648	\$	56,703,265 128481
GRF	200439	Accountability/Report Cards	\$	3,804,673	\$	3,804,673 128482
GRF	200442	Child Care Licensing	\$	865,590	\$	877,140 128483
GRF	200446	Education Management Information System	\$	13,199,152	\$	11,934,284 128484
GRF	200447	GED Testing	\$	975,536	\$	988,553 128485
GRF	200448	Educator Preparation	\$	1,310,750	\$	1,328,240 128486
GRF	200455	Community Schools	\$	1,000,000	\$	1,000,000 128487
GRF	200457	STEM Initiatives	\$	5,000,000	\$	5,000,000 128488
GRF	200458	School Employees Health Care Board	\$	800,000	\$	800,000 128489
GRF	200502	Pupil Transportation	\$	448,022,619	\$	462,822,619 128490
GRF	200505	School Lunch Match	\$	9,100,000	\$	9,100,000 128491
GRF	200511	Auxiliary Services	\$	111,979,388	\$	111,979,388 128492
GRF	200532	Nonpublic Administrative Cost Reimbursement	\$	50,838,939	\$	50,838,939 128493
GRF	200540	Special Education Enhancements	\$	134,150,233	\$	135,820,668 128494
GRF	200545	Career-Technical Education Enhancements	\$	7,752,662	\$	7,802,699 128495
GRF	200550	Foundation Funding	\$	5,130,669,418	\$	4,746,289,372 128496
GRF	200551	Foundation Funding – Federal Stimulus	\$	387,583,913	\$	457,449,362 128497
GRF	200578	Violence Prevention and School Safety	\$	200,000	\$	200,000 128498
GRF	200901	Property Tax Allocation - Education	\$	1,053,262,363	\$	1,020,655,157 128499
TOTAL GRF		General Revenue Fund	\$	7,504,569,256	\$	7,175,533,593 128500
		General Services Fund Group				128501
1380	200606	Computer Services-Operational Support	\$	7,600,091	\$	7,600,091 128502

4520	200638	Miscellaneous Educational Services	\$	275,000	\$	275,000	128503
4L20	200681	Teacher Certification and Licensure	\$	8,013,206	\$	8,147,756	128504
5960	200656	Ohio Career Information System	\$	529,761	\$	529,761	128505
5H30	200687	School District Solvency Assistance	\$	18,000,000	\$	18,000,000	128506
TOTAL GSF General Services							128507
Fund Group			\$	34,418,058	\$	34,552,608	128508
Federal Special Revenue Fund Group							128509

3090	200601	Educationally Disadvantaged Programs	\$	8,405,512	\$	8,405,512	128510
3670	200607	School Food Services	\$	6,324,707	\$	6,577,695	128511
3680	200614	Veterans' Training	\$	778,349	\$	793,846	128512
3690	200616	Career-Technical Education Federal Enhancement	\$	5,000,000	\$	5,000,000	128513
3700	200624	Education of Exceptional Children	\$	2,664,000	\$	2,755,000	128514
3740	200647	Troops to Teachers	\$	100,000	\$	100,000	128515
3780	200660	Learn and Serve	\$	619,211	\$	619,211	128516
3AF0	200603	Schools Medicaid Administrative Claims	\$	639,000	\$	639,000	128517
3AN0	200671	School Improvement Grants	\$	17,909,676	\$	17,936,675	128518
3AX0	200698	Improving Health and Educational Outcomes of Young People	\$	630,954	\$	630,954	128519
3BK0	200628	Longitudinal Data Systems	\$	100,000	\$	0	128520
3BV0	200636	Character Education	\$	700,000	\$	0	128521
3C50	200661	Early Childhood Education	\$	14,189,711	\$	14,554,749	128522
3CF0	200644	Foreign Language	\$	25,000	\$	0	128523

		Assistance				
3CG0	200646	Teacher Incentive Fund	\$	3,007,975	\$	1,157,834 128524
3D10	200664	Drug Free Schools	\$	13,347,966	\$	13,347,966 128525
3D20	200667	Honors Scholarship Program	\$	6,990,000	\$	6,985,000 128526
3DJ0	200699	IDEA Part B - Federal Stimulus	\$	218,868,026	\$	218,868,026 128527
3DK0	200642	Title 1A - Federal Stimulus	\$	186,336,737	\$	186,336,737 128528
3DL0	200650	IDEA Preschool - Federal Stimulus	\$	6,679,679	\$	6,679,679 128529
3DM0	200651	Title IID Technology - Federal Stimulus	\$	11,951,000	\$	11,951,000 128530
3DP0	200652	Title I School Improvement - Federal Stimulus	\$	54,221,000	\$	54,221,000 128531
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000 128532
3L60	200617	Federal School Lunch	\$	295,421,000	\$	310,150,675 128533
3L70	200618	Federal School Breakfast	\$	80,850,000	\$	84,892,500 128534
3L80	200619	Child/Adult Food Programs	\$	89,250,000	\$	93,712,500 128535
3L90	200621	Career-Technical Education Basic Grant	\$	48,029,701	\$	48,029,701 128536
3M00	200623	ESEA Title 1A	\$	530,000,000	\$	530,010,000 128537
3M10	200678	Innovative Education	\$	1,000,000	\$	0 128538
3M20	200680	Individuals with Disabilities Education Act	\$	413,391,594	\$	421,241,163 128539
3S20	200641	Education Technology	\$	9,487,397	\$	9,487,397 128540
3T40	200613	Public Charter Schools	\$	14,275,618	\$	14,291,353 128541
3Y20	200688	21st Century Community Learning Centers	\$	36,000,000	\$	36,000,000 128542
3Y40	200632	Reading First	\$	27,366,373	\$	24,455,172 128543
3Y60	200635	Improving Teacher Quality	\$	101,778,397	\$	101,778,400 128544

3Y70	200689	English Language Acquisition	\$	8,142,299	\$	8,142,299	128545
3Y80	200639	Rural and Low Income Technical Assistance	\$	1,500,000	\$	1,500,000	128546
3Z20	200690	State Assessments	\$	12,923,799	\$	12,923,799	128547
3Z30	200645	Consolidated Federal Grant Administration	\$	8,499,279	\$	8,499,280	128548
3Z70	200697	General Supervisory Enhancement Grant	\$	887,319	\$	0	128549
TOTAL FED Federal Special							128550
Revenue Fund Group			\$	2,238,516,279	\$	2,262,899,123	128551
State Special Revenue Fund Group							128552
4540	200610	Guidance and Testing	\$	450,000	\$	450,000	128553
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000	128554
4R70	200695	Indirect Operational Support	\$	6,050,000	\$	6,250,000	128555
4V70	200633	Interagency Operational Support	\$	1,111,838	\$	1,117,725	128556
5980	200659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	128557
5BB0	200696	State Action for Education Leadership	\$	1,250,000	\$	600,000	128558
5BJ0	200626	Half-Mill Maintenance Equalization	\$	16,100,000	\$	16,600,000	128559
5U20	200685	National Education Statistics	\$	300,000	\$	300,000	128560
5W20	200663	Early Learning Initiative	\$	2,200,000	\$	2,200,000	128561
5X90	200911	NGA STEM	\$	100,000	\$	0	128562
6200	200615	Educational Improvement Grants	\$	3,000,000	\$	3,000,000	128563
TOTAL SSR State Special Revenue							128564
Fund Group			\$	55,890,748	\$	55,846,635	128565
Lottery Profits Education Fund Group							128566

7017	200612	Foundation Funding	\$ 990,236,905	\$ 1,277,271,428	128567
TOTAL LPE Lottery Profits					128568
		Education Fund Group	\$ 990,236,905	\$ 1,277,271,428	128569
Revenue Distribution Fund Group					128570
7047	200909	School District Property Tax Replacement- Business	\$ 1,150,207,366	\$ 1,150,207,366	128571
7053	200900	School District Property Tax Replacement-Utility	\$ 91,123,523	\$ 91,123,523	128572
TOTAL RDF Revenue Distribution					128573
Fund Group			\$ 1,241,330,889	\$ 1,241,330,889	128574
TOTAL ALL BUDGET FUND GROUPS			\$ 12,064,962,135	\$ 12,047,434,276	128575

Section 265.10.10. PERSONAL SERVICES 128577

The foregoing appropriation item 200100, Personal Services, 128578
may be used to pay fees for the Department's membership in the 128579
Education Commission of the States, an interstate nonprofit, 128580
nonpartisan organization that supports states with the development 128581
of education policy. 128582

Of the foregoing appropriation item 200100, Personal 128583
Services, up to \$500,000 in each fiscal year shall be used to 128584
support administration and activities including travel, contract 128585
services, and other expenses of the Governor's Closing the 128586
Achievement Gap Initiative in the Department. 128587

Section 265.10.20. EARLY CHILDHOOD EDUCATION 128588

The Department of Education shall distribute the foregoing 128589

appropriation item 200408, Early Childhood Education, to pay the costs of early childhood education programs.	128590 128591
(A) As used in this section:	128592
(1) "Provider" means a city, local, exempted village, or joint vocational school district, or an educational service center.	128593 128594 128595
(2) In the case of a city, local, or exempted village school district, "new eligible provider" means a district that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section.	128596 128597 128598 128599 128600
(3) "Eligible child" means a child who is at least three years of age as of the district entry date for kindergarten, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their third birthday.	128601 128602 128603 128604 128605 128606 128607 128608
(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance. The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children.	128609 128610 128611 128612 128613
(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program guidelines.	128614 128615 128616 128617 128618

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2010, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 269.10.20 of Am. Sub. H.B. 119 of the 127th General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood education programs under this section or to existing providers to serve more eligible children or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2011, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

Awards under this section shall be distributed on a per-pupil basis, and in accordance with division (H) of this section. The Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services, as defined by the Department, reported on the first day of December or the first business day following that date equals the amount allocated under this section.

(E) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program.

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained

therefrom, shall be under the authority of the approved provider 128651
for purposes provided in the program unless, as described in 128652
division (J) of this section, the program waives its right for 128653
funding or a program's funding is eliminated or reduced due to its 128654
inability to meet financial or early learning program guidelines. 128655
The approved provider shall administer and use such property and 128656
funds for the purposes specified. 128657

(F) The Department may examine a provider's financial and 128658
program records. If the financial practices of the program are not 128659
in accordance with standard accounting principles or do not meet 128660
financial standards outlined under division (E) of this section, 128661
or if the program fails to substantially meet the early learning 128662
program guidelines or exhibits below average performance as 128663
measured against the guidelines, the early childhood education 128664
program shall propose and implement a corrective action plan that 128665
has been approved by the Department. The approved corrective 128666
action plan shall be signed by the chief executive officer and 128667
the executive of the official governing body of the provider. The 128668
corrective action plan shall include a schedule for monitoring by 128669
the Department. Such monitoring may include monthly reports, 128670
inspections, a timeline for correction of deficiencies, and 128671
technical assistance to be provided by the Department or obtained 128672
by the early childhood education program. The Department may 128673
withhold funding pending corrective action. If an early childhood 128674
education program fails to satisfactorily complete a corrective 128675
action plan, the Department may deny expansion funding to the 128676
program or withdraw all or part of the funding to the program and 128677
establish a new eligible provider through a selection process 128678
established by the Department. 128679

(G) Each early childhood education program shall do all of 128680
the following: 128681

(1) Meet teacher qualification requirements prescribed by 128682

section 3301.311 of the Revised Code;	128683
(2) Align curriculum to the early learning content standards developed by the Department;	128684 128685
(3) Meet any child or program assessment requirements prescribed by the Department;	128686 128687
(4) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department;	128688 128689 128690 128691
(5) Document and report child progress as prescribed by the Department;	128692 128693
(6) Meet and report compliance with the early learning program guidelines as prescribed by the Department.	128694 128695
(H) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as one-half of the statewide average length of the school day, as determined by the Department, for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the statewide average length of the school day or that exceed the minimum school year. For any provider for which a standard early childhood education does not meet the local need or creates a hardship, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department shall reduce the provider's annual allocation proportionately. Under no	128696 128697 128698 128699 128700 128701 128702 128703 128704 128705 128706 128707 128708 128709 128710 128711 128712

circumstances shall an annual allocation be increased because of 128713
the approval of an alternate schedule. 128714

(I) Each provider shall develop a sliding fee scale based on 128715
family incomes and shall charge families who earn more than two 128716
hundred per cent of the federal poverty guidelines, as defined in 128717
division (A)(3) of section 5101.46 of the Revised Code, for the 128718
early childhood education program. 128719

(J) If an early childhood education program voluntarily 128720
waives its right for funding, or has its funding eliminated for 128721
not meeting financial standards or the early learning program 128722
guidelines, the provider shall transfer control of title to 128723
property, equipment, and remaining supplies obtained through the 128724
program to providers designated by the Department and return any 128725
unexpended funds to the Department along with any reports 128726
prescribed by the Department. The funding made available from a 128727
program that waives its right for funding or has its funding 128728
eliminated or reduced may be used by the Department for new grant 128729
awards or expansion grants. The Department may award new grants 128730
or expansion grants to eligible providers who apply. The eligible 128731
providers who apply must do so in accordance with the selection 128732
process established by the Department. 128733

(K) As used in this section, "early learning program 128734
guidelines" means the guidelines established by the Department 128735
pursuant to division (C)(3) of Section 206.09.54 of Am. Sub. H.B. 128736
66 of the 126th General Assembly. 128737

(L) Eligible expenditures for the Early Childhood Education 128738
program shall be claimed each fiscal year to help meet the state's 128739
TANF maintenance of effort requirement. The Superintendent of 128740
Public Instruction and the Director of Job and Family Services 128741
shall enter into an interagency agreement to carry out the 128742
requirements under this division, which shall include developing 128743
reporting guidelines for these expenditures. 128744

Section 265.10.23. EARLY CHILDHOOD CABINET 128745

The Governor shall appoint to the entity in the Office of the 128746
Governor known as the Early Childhood Cabinet a representative of 128747
a board of health of a city or general health district or an 128748
authority having the duties of a board of health under section 128749
3709.05 of the Revised Code. The Governor shall make the 128750
appointment not later than six months after the effective date of 128751
this section. 128752

Section 265.10.30. CAREER-TECHNICAL EDUCATION MATCH 128753

The foregoing appropriation item 200416, Career-Technical 128754
Education Match, shall be used by the Department of Education to 128755
provide vocational administration matching funds under 20 U.S.C. 128756
2311. 128757

COMPUTER/APPLICATION/NETWORK DEVELOPMENT 128758

The foregoing appropriation item 200420, 128759
Computer/Application/Network Development, shall be used to support 128760
the development and implementation of information technology 128761
solutions designed to improve the performance and services of the 128762
Department of Education. Funds may be used for personnel, 128763
maintenance, and equipment costs related to the development and 128764
implementation of these technical system projects. Implementation 128765
of these systems shall allow the Department to provide greater 128766
levels of assistance to school districts and to provide more 128767
timely information to the public, including school districts, 128768
administrators, and legislators. Funds may also be used to support 128769
data-driven decision-making and differentiated instruction, as 128770
well as to communicate academic content standards and curriculum 128771
models to schools through web-based applications. 128772

Section 265.10.40. ALTERNATIVE EDUCATION PROGRAMS 128773

The foregoing appropriation item 200421, Alternative Education Programs, shall be used for the renewal of successful implementation grants and for competitive matching grants to the 21 urban school districts as defined in division (O) of section 3317.02 of the Revised Code as it existed prior to July 1, 1998, and for the renewal of successful implementation grants and for competitive matching grants to rural and suburban school districts for alternative educational programs for existing and new at-risk and delinquent youth. Programs shall be focused on youth in one or more of the following categories: those who have been expelled or suspended, those who have dropped out of school or who are at risk of dropping out of school, those who are habitually truant or disruptive, or those on probation or on parole from a Department of Youth Services facility. Grants shall be awarded according to the criteria established by the Alternative Education Advisory Council in 1999. Grants shall be awarded only to programs in which the grant will not serve as the program's primary source of funding. These grants shall be administered by the Department of Education.

The Department of Education may waive compliance with any minimum education standard established under section 3301.07 of the Revised Code for any alternative school that receives a grant under this section on the grounds that the waiver will enable the program to more effectively educate students enrolled in the alternative school.

Of the foregoing appropriation item 200421, Alternative Education Programs, a portion may be used for program administration, monitoring, technical assistance, support, research, and evaluation.

Section 265.10.50. SCHOOL MANAGEMENT ASSISTANCE

Of the foregoing appropriation item 200422, School Management

Assistance, \$1,279,948 in fiscal year 2010 and \$1,500,000 in 128805
fiscal year 2011 shall be used by the Auditor of State in 128806
consultation with the Department of Education for expenses 128807
incurred in the Auditor of State's role relating to fiscal 128808
caution, fiscal watch, and fiscal emergency activities as 128809
defined in Chapter 3316. of the Revised Code and may also be 128810
used by the Auditor of State to conduct performance audits of 128811
other school districts with priority given to districts in 128812
fiscal distress. Districts in fiscal distress shall be determined 128813
by the Auditor of State and shall include districts that the 128814
Auditor of State, in consultation with the Department of 128815
Education determines are employing fiscal practices or 128816
experiencing budgetary conditions that could produce a state of 128817
fiscal watch or fiscal emergency. 128818

The remainder of foregoing appropriation item 200422, School 128819
Management Assistance, shall be used by the Department of 128820
Education to provide fiscal technical assistance and inservice 128821
education for school district management personnel and to 128822
administer, monitor, and implement the fiscal caution, fiscal 128823
watch, and fiscal emergency provisions under Chapter 3316. of the 128824
Revised Code. 128825

Section 265.10.60. POLICY ANALYSIS 128826

The foregoing appropriation item 200424, Policy Analysis, 128827
shall be used by the Department of Education to support a system 128828
of administrative, statistical, and legislative education 128829
information to be used for policy analysis. Staff supported by 128830
this appropriation shall administer the development of reports, 128831
analyses, and briefings to inform education policymakers of 128832
current trends in education practice, efficient and effective use 128833
of resources, and evaluation of programs to improve education 128834
results. The database shall be kept current at all times. These 128835
research efforts shall be used to supply information and analysis 128836

of data to the General Assembly and other state policymakers, 128837
including the Office of Budget and Management and the Legislative 128838
Service Commission. 128839

The Department of Education may use funding from this 128840
appropriation item to purchase or contract for the development of 128841
software systems or contract for policy studies that will assist 128842
in the provision and analysis of policy-related information. 128843
Funding from this appropriation item also may be used to monitor 128844
and enhance quality assurance for research-based policy analysis 128845
and program evaluation to enhance the effective use of education 128846
information to inform education policymakers. 128847

A portion of the foregoing appropriation item 200424, Policy 128848
Analysis, may be used in conjunction with appropriation item 128849
200439, Accountability/Report Cards, to develop a fiscal 128850
reporting dimension, which shall contain fiscal data reported for 128851
the prior fiscal year, to the school report card for publication 128852
beginning in fiscal year 2011. The fiscal information contained 128853
therein shall be updated and reported annually in a form and in 128854
a manner as determined by the Department. 128855

TECH PREP CONSORTIA SUPPORT 128856

The foregoing appropriation item 200425, Tech Prep Consortia 128857
Support, shall be used by the Department of Education to support 128858
state-level activities designed to support, promote, and expand 128859
tech prep programs. Use of these funds shall include, but not be 128860
limited to, administration of grants, program evaluation, 128861
professional development, curriculum development, assessment 128862
development, program promotion, communications, and statewide 128863
coordination of tech prep consortia. 128864

Section 265.10.70. OHIO EDUCATIONAL COMPUTER NETWORK 128865

The foregoing appropriation item 200426, Ohio Educational 128866

Computer Network, shall be used by the Department of Education to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system in support of the P-16 State Education Technology Plan developed under section 3353.09 of the Revised Code.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to \$11,626,123 in fiscal year 2010 and \$11,895,077 in fiscal year 2011 shall be used by the Department of Education to support connection of all public school buildings and participating chartered nonpublic schools to the state's education network, to each other, and to the Internet. In each fiscal year the Department of Education shall use these funds to assist information technology centers or school districts with the operational costs associated with this connectivity. The Department of Education shall develop a formula and guidelines for the distribution of these funds to information technology centers or individual school districts. As used in this section, "public school building" means a school building of any city, local, exempted village, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, any educational service center building used for instructional purposes, the Ohio School for the Deaf and the Ohio School for the Blind, or high schools chartered by the Ohio Department of Youth Services and high schools operated by Ohio Department of Rehabilitation and Corrections' Ohio Central School System.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to \$1,600,000 in each fiscal year shall be used for the Union Catalog and InfOhio Network and to support the provision of electronic resources with priority given to resources that support the teaching of state academic content standards in all public schools. Consideration shall be given by the Department of Education to coordinating the allocation of these moneys with

the efforts of Libraries Connect Ohio, whose members include	128900
OhioLINK, the Ohio Public Information Network, and the State	128901
Library of Ohio.	128902

Of the foregoing appropriation item 200426, Ohio Educational	128903
Computer Network, up to \$5,800,000 in each fiscal year shall be	128904
used, through a formula and guidelines devised by the Department,	128905
to subsidize the activities of designated information technology	128906
centers, as defined by State Board of Education rules, to provide	128907
school districts and chartered nonpublic schools with	128908
computer-based student and teacher instructional and	128909
administrative information services, including approved	128910
computerized financial accounting, and to ensure the effective	128911
operation of local automated administrative and instructional	128912
systems.	128913

The remainder of appropriation item 200426, Ohio Educational	128914
Computer Network, shall be used to support development,	128915
maintenance, and operation of a network of uniform and compatible	128916
computer-based information and instructional systems. This	128917
technical assistance shall include, but not be restricted to,	128918
development and maintenance of adequate computer software systems	128919
to support network activities. In order to improve the efficiency	128920
of network activities, the Department and information technology	128921
centers may jointly purchase equipment, materials, and services	128922
from funds provided under this appropriation for use by the	128923
network and, when considered practical by the Department, may	128924
utilize the services of appropriate state purchasing agencies.	128925

Section 265.10.80. ACADEMIC STANDARDS	128926

The foregoing appropriation item 200427, Academic Standards,	128927
shall be used by the Department of Education to develop, revise,	128928
and communicate to school districts academic content standards	128929
and curriculum models.	128930

Section 265.10.90. SCHOOL IMPROVEMENT INITIATIVES 128931

Of the foregoing appropriation item 200431, School 128932
Improvement Initiatives, up to \$300,000 in each fiscal year may be 128933
used by the Department for administrative costs associated with 128934
middle school and high school reform programs. 128935

The remainder of the foregoing appropriation item 200431, 128936
School Improvement Initiatives, shall be used to support districts 128937
in the development and implementation of their continuous 128938
improvement plans as required in section 3302.04 of the Revised 128939
Code and to provide technical assistance and support in 128940
accordance with Title I of the "No Child Left Behind Act of 128941
2001," 115 Stat. 1425, 20 U.S.C. 6317. 128942

Section 265.20.10. STUDENT ASSESSMENT 128943

Of the foregoing appropriation item 200437, Student 128944
Assessment, up to \$100,000 in each fiscal year may be used to 128945
support the assessments required under section 3301.0715 of the 128946
Revised Code. 128947

The remainder of appropriation item 200437, Student 128948
Assessment, shall be used to develop, field test, print, 128949
distribute, score, report results, and support other associated 128950
costs for the tests required under sections 3301.0710 and 128951
3301.0711 of the Revised Code and for similar purposes as required 128952
by section 3301.27 of the Revised Code. If funds remain in this 128953
appropriation after these purposes have been fulfilled, the 128954
Department may use the remainder of the appropriation to develop 128955
end-of-course exams. 128956

Section 265.20.15. (A) Notwithstanding anything to the 128957
contrary in section 3301.0710, 3301.0711, 3301.0715 or 3313.608 of 128958
the Revised Code, the administration of the English language arts 128959
assessments for elementary grades as a replacement for the 128960

separate reading and writing assessments prescribed by sections 128961
3301.0710 and 3301.0711 of the Revised Code, as those sections are 128962
amended by this act, shall not be required until a date prescribed 128963
by rule of the State Board of Education. Until that date, the 128964
Department of Education and school districts and schools shall 128965
continue to administer separate reading and writing assessments 128966
for elementary grades, as prescribed by the versions of sections 128967
3301.0710 and 3301.0711 of the Revised Code that were in effect 128968
prior to the effective date of this section. The intent for 128969
delaying implementation of the replacement English language arts 128970
assessment is to provide adequate time for the complete 128971
development of the new assessment. 128972

(B) Notwithstanding anything to the contrary in section 128973
3301.0710 of the Revised Code, the State Board shall not prescribe 128974
the three ranges of scores for the assessments prescribed by 128975
division (A)(2) of section 3301.0710 of the Revised Code, as 128976
amended by this act, until the Board adopts the rule required by 128977
division (A) of this section. Until that date, the Board shall 128978
continue to prescribe the five ranges of scores required by the 128979
version of section 3301.0710 of the Revised Code in effect prior 128980
to the effective date of this section, and the following apply: 128981

(1) The range of scores designated by the State Board as a 128982
proficient level of skill remains the passing score on the Ohio 128983
Graduation Tests for purposes of sections 3313.61, 3313.611, 128984
3313.612, and 3325.08 of the Revised Code; 128985

(2) The range of scores designated as a limited level of 128986
skill remains the standard for applying the third-grade reading 128987
guarantee under division (A) of section 3313.608 of the Revised 128988
Code; 128989

(3) The range of scores designated by the State Board as a 128990
proficient level of skill remains the standard for the summer 128991
remediation requirement of division (B)(2) of section 3313.608 of 128992

the Revised Code.	128993
(C) This section is not subject to expiration under Section 809.10 of this act.	128994 128995
Section 265.20.18. Notwithstanding anything to the contrary in sections 3301.0710 and 3301.0711 of the Revised Code, in the 2009-2010 and 2010-2011 school years, the Department of Education shall not furnish, and school districts and schools shall not administer, the elementary writing and social studies achievement assessments prescribed by section 3301.0710 of the Revised Code, unless the Superintendent of Public Instruction determines the Department has sufficient funds to pay the costs of furnishing and scoring those assessments.	128996 128997 128998 128999 129000 129001 129002 129003 129004
Section 265.20.20. ACCOUNTABILITY/REPORT CARDS	129005
Of the foregoing appropriation item 200439, Accountability/Report Cards, a portion in each fiscal year may be used to train district and regional specialists and district educators in the use of the value-added progress dimension and in the use of data as it relates to improving student achievement. This training may include teacher and administrator professional development in the use of data to improve instruction and student learning, and teacher and administrator training in understanding teacher value-added reports and how they can be used as a component in measuring teacher and administrator effectiveness. A portion of this funding may be provided to a credible nonprofit organization with expertise in value-added progress dimensions.	129006 129007 129008 129009 129010 129011 129012 129013 129014 129015 129016 129017
The remainder of appropriation item 200439, Accountability/Report Cards, shall be used by the Department to incorporate a statewide pilot value-added progress dimension into performance ratings for school districts and for the development of an accountability system that includes the preparation and distribution of school report cards and funding and expenditure	129018 129019 129020 129021 129022 129023

accountability reports under sections 3302.03 and 3302.031 of the	129024
Revised Code.	129025

CHILD CARE LICENSING	129026

The foregoing appropriation item 200442, Child Care	129027
Licensing, shall be used by the Department of Education to license	129028
and to inspect preschool and school-age child care programs under	129029
sections 3301.52 to 3301.59 of the Revised Code.	129030

Section 265.20.30. EDUCATION MANAGEMENT INFORMATION	
SYSTEM	129031

The foregoing appropriation item 200446, Education Management	129032
Information System, shall be used by the Department of Education	129033
to improve the Education Management Information System (EMIS).	129034

Of the foregoing appropriation item 200446, Education	129035
Management Information System, up to \$1,000,000 in fiscal year	129036
2010 and up to \$810,000 in fiscal year 2011 shall be distributed	129037
to designated information technology centers for costs relating	129038
to processing, storing, and transferring data for the effective	129039
operation of the EMIS. These costs may include, but are not	129040
limited to, personnel, hardware, software development,	129041
communications connectivity, professional development, and	129042
support services, and to provide services to participate in the	129043
State Education Technology Plan developed under section 3353.09 of	129044
the Revised Code.	129045

Of the foregoing appropriation item 200446, Education	129046
Management Information System, up to \$6,035,256 in fiscal year	129047
2010 and up to \$4,960,388 in fiscal year 2011 shall be distributed	129048
on a per-pupil basis to school districts, community schools	129049
established under Chapter 3314. of the Revised Code, educational	129050
service centers, joint vocational school districts, and any other	129051
education entity that reports data through EMIS. From this	129052

funding, each school district or community school established under Chapter 3314. of the Revised Code with enrollment greater than 100 students and each vocational school district shall receive a minimum of \$5,000 in each fiscal year. Each school district or community school established under Chapter 3314. of the Revised Code with enrollment between one and one hundred and each educational service center and each county board of MR/DD that submits data through EMIS shall receive \$3,000 in each fiscal year. This subsidy shall be used for costs relating to reporting, processing, storing, transferring, and exchanging data necessary to meet requirements of the Department of Education's data system.

The remainder of appropriation item 200446, Education Management Information System, shall be used to develop and support a common core of data definitions and standards as adopted by the Education Management Information System Advisory Board, including the ongoing development and maintenance of the data dictionary and data warehouse. In addition, such funds shall be used to support the development and implementation of data standards and the design, development, and implementation of a new data exchange system.

Any provider of software meeting the standards approved by the Education Management Information System Advisory Board shall be designated as an approved vendor and may enter into contracts with local school districts, community schools, information technology centers, or other educational entities for the purpose of collecting and managing data required under Ohio's education management information system (EMIS) laws. On an annual basis, the Department of Education shall convene an advisory group of school districts, community schools, and other education-related entities to review the Education Management Information System data definitions and data format standards. The advisory group shall recommend changes and enhancements based upon surveys of its

members, education agencies in other states, and current industry 129086
practices, to reflect best practices, align with federal 129087
initiatives, and meet the needs of school districts. 129088

School districts and community schools not implementing a 129089
common and uniform set of data definitions and data format 129090
standards for Education Management Information System purposes 129091
shall have all EMIS funding withheld until they are in compliance. 129092

Section 265.20.40. GED TESTING 129093

The foregoing appropriation item 200447, GED Testing, shall 129094
be used to provide General Educational Development (GED) testing 129095
under rules adopted by the State Board of Education. The 129096
Department of Education may reimburse in fiscal year 2010 school 129097
districts and community schools, created under Chapter 3314. of 129098
the Revised Code, for a portion of the costs incurred in 129099
providing summer instructional or intervention services to 129100
students who have not graduated because of their inability to 129101
pass one or more parts of the state's Ohio Graduation Test. 129102
School districts shall also provide such services to students 129103
who are residents of the district under section 3313.64 of the 129104
Revised Code, but who are enrolled in chartered, nonpublic 129105
schools. The services shall be provided in the public school, in 129106
nonpublic schools, in public centers, or in mobile units located 129107
on or off the nonpublic school premises. No school district shall 129108
provide summer instructional or intervention services to nonpublic 129109
school students as authorized by this section unless such services 129110
are available to students attending the public schools within the 129111
district. No school district shall provide services for use in 129112
religious courses, devotional exercises, religious training, or 129113
any other religious activity. Chartered, nonpublic schools shall 129114
pay for any unreimbursed costs incurred by school districts for 129115
providing summer instruction or intervention services to students 129116
enrolled in chartered, nonpublic schools. School districts may 129117

provide these services to students directly or contract with	129118
postsecondary or nonprofit community-based institutions in	129119
providing instruction.	129120

Section 265.20.50. EDUCATOR PREPARATION	129121

The foregoing appropriation item 200448, Educator	129122
Preparation, may be used by the Department to support the Educator	129123
Standards Board under section 3319.61 of the Revised Code as it	129124
develops and recommends to the State Board of Education standards	129125
for educator training and standards for teacher and other school	129126
leadership positions. Also, any remaining funds may be used by the	129127
Department to develop alternative preparation programs for school	129128
leaders and coordination of a career ladder for teachers.	129129

Section 265.20.60. COMMUNITY SCHOOLS	129130

The foregoing appropriation item 200455, Community Schools,	129131
may be used by the Department of Education for additional	129132
services and responsibilities under section 3314.11 of the	129133
Revised Code.	129134

Of the foregoing appropriation item 200455, Community	129135
Schools, a portion in each fiscal year may be used by the	129136
Department of Education for developing and conducting training	129137
sessions for community schools and sponsors and prospective	129138
sponsors of community schools as prescribed in division (A)(1) of	129139
section 3314.015 of the Revised Code. In developing the training	129140
sessions, the Department shall collect and disseminate examples	129141
of best practices used by sponsors of independent charter schools	129142
in Ohio and other states.	129143

STEM INITIATIVES	129144

The foregoing appropriation item 200457, STEM Initiatives,	129145
shall be distributed by the STEM Committee to STEM schools, STEM	129146

Programs of Excellence, or other initiatives that support	129147
innovative mathematics and science education and mathematics and	129148
science professional development for teachers. Such initiatives	129149
may include on-site laboratories, job-embedded professional	129150
development, and mentoring and coaching.	129151

SCHOOL EMPLOYEES HEALTH CARE BOARD	129152

The foregoing appropriation item 200458, School Employees	129153
Health Care Board, shall be used by the School Employees Health	129154
Care Board to hire staff to provide administrative support to the	129155
Board as the Board carries out its duties under section 9.901 of	129156
the Revised Code.	129157

Section 265.20.70. PUPIL TRANSPORTATION	129158

Of the foregoing appropriation item 200502, Pupil	129159
Transportation, up to \$838,930 in each fiscal year may be used by	129160
the Department of Education for training prospective and	129161
experienced school bus drivers in accordance with training	129162
programs prescribed by the Department. Up to \$60,469,220 in each	129163
fiscal year may be used by the Department of Education for	129164
special education transportation reimbursements to school	129165
districts and county MR/DD boards for transportation operating	129166
costs as provided in division (J) of section 3317.024 of the	129167
Revised Code.	129168

Of the foregoing appropriation item 200502, Pupil	129169
Transportation, \$376,914,469 in each fiscal year shall be used to	129170
calculate the prorated portion of transportation aid to school	129171
districts and shall be distributed as provided by division (L)(1)	129172
of section 3306.12 of the Revised Code.	129173

The remainder of appropriation item 200502, Pupil	129174
Transportation, shall be used for additional transportation aid	129175
for school districts as provided by division (L)(2) of section	129176

3306.12 of the Revised Code.	129177
Section 265.20.80. SCHOOL LUNCH MATCH	129178
The foregoing appropriation item 200505, School Lunch Match,	129179
shall be used to provide matching funds to obtain federal funds	129180
for the school lunch program.	129181
Any remaining appropriation after providing matching funds	129182
for the school lunch program shall be used to partially reimburse	129183
school buildings within school districts that are required to have	129184
a school breakfast program under section 3313.813 of the Revised	129185
Code, at a rate decided by the Department.	129186
Section 265.20.90. AUXILIARY SERVICES	129187
The foregoing appropriation item 200511, Auxiliary Services,	129188
shall be used by the Department of Education for the purpose of	129189
implementing section 3317.06 of the Revised Code. Of the	129190
appropriation, up to \$1,789,943 in each fiscal year may be used	129191
for payment of the Post-Secondary Enrollment Options Program for	129192
nonpublic students. Notwithstanding section 3365.10 of the	129193
Revised Code, the Department shall distribute funding according	129194
to rules adopted by the Department in accordance with Chapter 119.	129195
of the Revised Code.	129196
Section 265.30.10. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT	129197
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The foregoing appropriation item 200532, Nonpublic	129199
Administrative Cost Reimbursement, shall be used by the Department	129200
of Education for the purpose of implementing section 3317.063 of	129201
the Revised Code.	129202
Section 265.30.20. SPECIAL EDUCATION ENHANCEMENTS	129203

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$2,206,875 in each fiscal year shall be used for home instruction for children with disabilities.

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Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$44,700,561 in fiscal year 2010 and up to \$45,282,959 in fiscal year 2011 shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code and at institutions for eligible students under section 3317.201 of the Revised Code. Notwithstanding the distribution formulas under sections 3317.20 and 3317.201 of the Revised Code, funding for MR/DD boards and institutions in fiscal year 2010 and fiscal year 2011 shall be determined by inflating the per pupil amount received by each MR/DD board and institution in the prior fiscal year by .75 per cent and providing that inflated per pupil amount for each student served in the current fiscal year.

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Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$1,333,468 in each fiscal year shall be used for parent mentoring programs.

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Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$2,537,824 in each fiscal year may be used for school psychology interns.

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The remainder of appropriation item 200540, Special Education Enhancements, shall be distributed by the Department of Education to county boards of developmental disabilities, educational service centers, and school districts for preschool special education units and preschool supervisory units under section 3317.052 of the Revised Code. To the greatest extent possible, the Department of Education shall allocate these units to school districts and educational service centers.

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The Department may reimburse county MR/DD boards, educational	129235
service centers, and school districts for services provided by	129236
instructional assistants, related services as defined in rule	129237
3301-51-11 of the Administrative Code, physical therapy services	129238
provided by a licensed physical therapist or physical therapist	129239
assistant under the supervision of a licensed physical therapist	129240
as required under Chapter 4755. of the Revised Code and Chapter	129241
4755-27 of the Administrative Code and occupational therapy	129242
services provided by a licensed occupational therapist or	129243
occupational therapy assistant under the supervision of a licensed	129244
occupational therapist as required under Chapter 4755. of the	129245
Revised Code and Chapter 4755-7 of the Administrative Code.	129246
Nothing in this section authorizes occupational therapy assistants	129247
or physical therapist assistants to generate or manage their own	129248
caseloads.	129249

The Department of Education shall require school districts,	129250
educational service centers, and county MR/DD boards serving	129251
preschool children with disabilities to document child progress	129252
using research-based indicators prescribed by the Department and	129253
report results annually. The reporting dates and method shall be	129254
determined by the Department.	129255

Section 265.30.30. CAREER-TECHNICAL EDUCATION ENHANCEMENTS	129256

Of the foregoing appropriation item 200545, Career-Technical	129257
Education Enhancements, up to \$2,543,531 in fiscal year 2010 and	129258
up to \$2,563,568 in fiscal year 2011 shall be used to fund	129259
secondary career-technical education at institutions.	129260

Of the foregoing appropriation item 200545, Career-Technical	129261
Education Enhancements, up to \$2,138,281 in each fiscal year shall	129262
be used by the Department of Education to fund competitive grants	129263
to tech prep consortia that expand the number of students enrolled	129264
in tech prep programs. These grant funds shall be used to directly	129265

support expanded tech prep programs provided to students enrolled
in school districts, including joint vocational school districts,
and affiliated higher education institutions. This support may
include the purchase of equipment.

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Of the foregoing appropriation item 200545, Career-Technical
Education Enhancements, up to \$2,800,850 in each fiscal year shall
be used by the Department of Education to support existing High
Schools That Work (HSTW) sites, develop and support new sites,
fund technical assistance, and support regional centers and middle
school programs. The purpose of HSTW is to combine challenging
academic courses and modern career-technical studies to raise the
academic achievement of students. HSTW provides intensive
technical assistance, focused staff development, targeted
assessment services, and ongoing communications and networking
opportunities.

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Of the foregoing appropriation item 200545, Career-Technical
Education Enhancements, up to \$270,000 in fiscal year 2010 and up
to \$300,000 in fiscal year 2011 shall be used by the Department
of Education to enable students in agricultural programs to enroll
in a fifth quarter of instruction based on the agricultural
education model of delivering work-based learning through
supervised agricultural experience. The Department of Education
shall determine eligibility criteria and the reporting process
for the Agriculture 5th Quarter Project and shall fund as many
programs as possible given the set aside.

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Section 265.30.40. FOUNDATION FUNDING 129291

The foregoing appropriation item 200550, Foundation Funding,
includes \$92,300,000 in fiscal year 2010 and \$92,700,000 in fiscal
year 2011 for the state education aid offset due to the change in
public utility valuation as a result of Am. Sub. S.B. 3 and Am.
Sub. S.B. 287, both of the 123rd General Assembly. For each fiscal
year, this amount represents the greater of the total state

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education aid offset calculated for that fiscal year or for	129298
fiscal year 2009 due to the valuation change for school districts	129299
and the total state education aid offset calculated for fiscal	129300
year 2009 for joint vocational school districts from all relevant	129301
appropriation line item sources. Upon certification by the	129302
Department of Education, in consultation with the Department of	129303
Taxation, to the Director of Budget and Management of the actual	129304
state aid offsets, the cash transfer from the School District	129305
Property Tax Replacement - Utility Fund (Fund 7053) to the	129306
General Revenue Fund shall be decreased or increased by the	129307
Director of Budget and Management to match the certification in	129308
accordance with section 5727.84 of the Revised Code.	129309

The foregoing appropriation item 200550, Foundation Funding,	129310
includes \$127,700,000 in fiscal year 2010 and \$126,600,000 in	129311
fiscal year 2011 for the state education aid offset because of	129312
the changes in tangible personal property valuation as a result	129313
of Am. Sub. H.B. 66 of the 126th General Assembly. For each	129314
fiscal year, this amount represents the greater of the total	129315
state education aid offset calculated for that fiscal year or for	129316
fiscal year 2009 because of the valuation change for school	129317
districts and the total state education aid offset calculated for	129318
fiscal year 2009 for joint vocational school districts from all	129319
relevant appropriation item sources. Upon certification by the	129320
Department of Education of the actual state education aid offsets	129321
to the Director of Budget and Management, the cash transfer from	129322
the School District Tangible Property Tax Replacement - Business	129323
Fund (Fund 7047) to the General Revenue Fund shall be decreased	129324
or increased by the Director of Budget and Management to match	129325
the certification in accordance with section 5751.21 of the	129326
Revised Code.	129327

Of the foregoing appropriation item 200550, Foundation	129328
Funding, up to \$425,000 shall be expended in each fiscal year for	129329
court payments under section 2151.362 of the Revised Code.	129330

Of the foregoing appropriation item 200550, Foundation 129331
Funding, up to \$15,000,000 in each fiscal year shall be reserved 129332
for payments under sections 3317.026, 3317.027, and 3317.028 of 129333
the Revised Code except that the Controlling Board may 129334
increase the \$15,000,000 amount if presented with such a request 129335
from the Department of Education. 129336

Of the foregoing appropriation item 200550, Foundation 129337
Funding, up to \$8,100,000 in each fiscal year shall be used to 129338
fund gifted education units at educational service centers under 129339
division (L) of section 3317.024 of the Revised Code, 129340
notwithstanding divisions (D)(3) and (6) of section 3317.018 of 129341
the Revised Code. 129342

Of the foregoing appropriation item 200550, Foundation 129343
Funding, an amount shall be available in each fiscal year to be 129344
used by the Department of Education for transitional aid for 129345
school districts under section 3306.19 of the Revised Code. 129346

Of the foregoing appropriation item 200550, Foundation 129347
Funding, up to \$10,000,000 in each fiscal year shall be used to 129348
provide additional state aid to school districts for special 129349
education students under division (C)(3) of section 3317.022 of 129350
the Revised Code, except that the Controlling Board may increase 129351
these amounts if presented with such a request from the 129352
Department of Education at the final meeting of the fiscal year; 129353
up to \$2,000,000 in each fiscal year shall be reserved for Youth 129354
Services tuition payments under section 3317.024 of the Revised 129355
Code; and up to \$46,400,000 in each fiscal year shall be 129356
reserved to fund the state reimbursement of educational service 129357
centers under section 3317.11 of the Revised Code and the 129358
section of this act entitled "EDUCATIONAL SERVICE CENTERS 129359
FUNDING." 129360

Of the foregoing appropriation item 200550, Foundation 129361

Funding, up to \$1,000,000 in each fiscal year shall be used by the Department of Education for a program to pay for educational services for youth who have been assigned by a juvenile court or other authorized agency to any of the facilities described in division (A) of the section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT."

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Of the foregoing appropriation item 200550, Foundation Funding, up to \$8,686,000 in fiscal year 2010 and up to \$8,722,860 in fiscal year 2011 shall be used to operate school choice programs.

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Of the portion of the funds distributed to the Cleveland Municipal School District under this section, up to \$11,901,887 in each fiscal year shall be used to operate the school choice program in the Cleveland Municipal School District under sections 3313.974 to 3313.979 of the Revised Code. Notwithstanding divisions (B) and (C) of section 3313.978 and division (C) of section 3313.979 of the Revised Code, up to \$1,000,000 in each fiscal year of this amount shall be used by the Cleveland Municipal School District to provide tutorial assistance as provided in division (H) of section 3313.974 of the Revised Code. The Cleveland Municipal School District shall report the use of these funds in the district's three-year continuous improvement plan as described in section 3302.04 of the Revised Code in a manner approved by the Department of Education.

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Of the foregoing appropriation item 200550, Foundation Funding, an amount shall be available in each fiscal year to be paid to joint vocational school districts in accordance with the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

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Appropriation items 200502, Pupil Transportation, 200540, Special Education Enhancements, 200550, Foundation Funding, and

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200551, Foundation Funding - Federal Stimulus, other than	129393
specific set-asides, are collectively used in each fiscal year	129394
to pay state formula aid obligations for school districts,	129395
community schools, and joint vocational school districts under	129396
this act. The first priority of these appropriation items, with	129397
the exception of specific set-asides, is to fund state formula	129398
aid obligations. It may be necessary to reallocate funds among	129399
these appropriation items or use excess funds from other	129400
general revenue fund appropriation items in the Department of	129401
Education's budget in each fiscal year, in order to meet state	129402
formula aid obligations. If it is determined that it is	129403
necessary to transfer funds among these appropriation items or to	129404
transfer funds from other General Revenue Fund appropriations in	129405
the Department of Education's budget to meet state formula aid	129406
obligations, the Department of Education shall seek approval from	129407
the Controlling Board to transfer funds as needed.	129408

Section 265.30.45. STATE EDUCATION AID OFFSET	129409

Notwithstanding anything to the contrary in sections 5727.84	129410
to 5727.87 or sections 5751.20 to 5751.22 of the Revised Code,	129411
when calculating payments under those sections for fiscal years	129412
2010 and 2011:	129413

(A) The Department of Education shall use for each city,	129414
local, and exempted village school district for each fiscal year	129415
the greater of the respective "state education aid offset" amount	129416
calculated for the district for the current fiscal year or the	129417
respective "state education aid offset" amount calculated for the	129418
district for fiscal year 2009.	129419

(B) The Department shall use for each joint vocational	129420
school district for each fiscal year the respective "state	129421
education aid offset" amount calculated for the district for	129422
fiscal year 2009.	129423

Section 265.30.50. FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS	129424 129425
(A) The Department of Education shall distribute funds within appropriation item 200550, Foundation Funding, for joint vocational funding in each fiscal year to each joint vocational school district that received joint vocational funding in fiscal year 2009. The Department shall distribute to each such district joint vocational funding in an amount equal to the district's joint vocational funding from the previous fiscal year inflated by .75 per cent.	129426 129427 129428 129429 129430 129431 129432 129433
(B)(1) A district's fiscal year 2009 joint vocational funding equals the sum of the following, as reconciled by the Department:	129434 129435 129436
(a) Base-cost funding under division (B) of section 3317.16 of the Revised Code;	129437 129438
(b) Special education and related services additional weighted funding under division (D)(1) of section 3317.16 of the Revised Code;	129439 129440 129441
(c) Speech services funding under division (D)(2) of section 3317.16 of the Revised Code;	129442 129443
(d) Vocational education additional weighted funding under division (C) of section 3317.16 of the Revised Code;	129444 129445
(e) GRADS funding under division (N) of section 3317.024 of the Revised Code;	129446 129447
(f) Any transitional aid computed for the district under Section 269.30.90 of Am. Sub. H.B. 119 of the 127th General Assembly.	129448 129449 129450

(2) The joint vocational funding for each fiscal year for each district is the amount specified in division (A) or (B) of this section less any general revenue fund spending reductions ordered by the Governor under section 126.05 of the Revised Code.

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Section 265.30.70. VIOLENCE PREVENTION AND SCHOOL SAFETY

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The foregoing appropriation item 200578, Violence Prevention and School Safety, shall be used to fund a safe school center to provide resources for parents and for school and law enforcement personnel.

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Section 265.30.80. PROPERTY TAX ALLOCATION - EDUCATION

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The Superintendent of Public Instruction shall not request, and the Controlling Board shall not approve, the transfer of appropriation from appropriation item 200901, Property Tax Allocation - Education, to any other appropriation item.

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The appropriation item 200901, Property Tax Allocation - Education, is appropriated to pay for the state's costs incurred because of the homestead exemption, the property tax rollback, and payments required under division (C) of section 5705.2110 of the Revised Code. In cooperation with the Department of Taxation, the Department of Education shall distribute these funds directly to the appropriate school districts of the state, notwithstanding sections 321.24 and 323.156 of the Revised Code, which provide for payment of the homestead exemption and property tax rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

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Upon receipt of these amounts, each school district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the

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costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

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Any sums, in addition to the amount specifically appropriated in appropriation items 200901, Property Tax Allocation - Education, for the homestead exemption and the property tax rollback payments, and payments required under division (C) of section 5705.2110 of the Revised Code, which are determined to be necessary for these purposes, are hereby appropriated.

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Section 265.30.83. EDUCATION TECHNOLOGY

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(A) As used in this section, "eligible entity" means an "eligible local entity" for purposes of the "Enhancing Education Through Technology Act of 2001," as defined in 20 U.S.C. 6753.

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(B) Notwithstanding anything in section 3353.20 of the Revised Code to the contrary, for fiscal years 2010 and 2011, the interactive distance learning pilot project required by that section shall be developed and administered only as prescribed by this section.

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Of the foregoing appropriation item 200641, Education Technology, the Department of Education, in each fiscal year, shall use the lesser of one-half of the amount of federal funds allocated to the state for the fiscal year as an Education Technology State Grant (CFDA 84.318) or \$4,500,000 in collaboration with the eTech Ohio Commission to provide grants on a competitive basis to eligible entities for their participation in the interactive distance learning pilot project.

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An amount equal to the unexpended, unencumbered portion of this set aside at the end of fiscal year 2010 is hereby reappropriated to the Department of Education for fiscal year 2011 to provide grants under this section.

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(1) The Department and the Commission shall enter into a memorandum of understanding giving the Commission the authority to set the grant criteria and to select the grant recipients and giving the Department all federal monitoring and compliance responsibilities. The memorandum of understanding also shall specify all of the following:

(a) Administrative functions to be provided by each of the Department and the Commission and the distribution between the Department and the Commission of the costs associated with those functions;

(b) The process that the Department shall use to draw down and transfer the funds necessary under this section in accordance with the "Cash Management Improvement Act of 1990," 31 U.S.C. 6501 et seq. to support the Commission in its functions;

(c) The amount that may be used for administration of the pilot project is limited to not more than five per cent of the total amount expended under this section.

The memorandum of understanding shall comply with all relevant federal guidelines and regulations.

(2) The Commission shall issue a request for proposals for awards to be issued before or during the 2009-2010 academic year.

(3) The Commission shall limit the number of grants so that each grant recipient receives an amount that is sufficient to ensure full participation in the program. The Commission shall endeavor to award grants in a manner that ensures diversity among grant recipients according to geographical regions, economic scale, and school district size.

(4) In awarding grants under this section, the Commission

shall give priority to the following:	129538
(a) School districts for which advanced placement or foreign language course offerings make up less than one per cent of the district's total course offerings;	129539 129540 129541
(b) Schools and school districts that without additional assistance lack the necessary connectivity to offer interactive distance learning courses;	129542 129543 129544
(c) Schools and school districts that demonstrate commitment to appropriately supporting distance learning offerings, as determined satisfactory by the Commission, including but not limited to:	129545 129546 129547 129548
(i) Enrolling a minimum number of students to participate in the distance learning classes;	129549 129550
(ii) Committing the necessary personnel to facilitate and assist students with distance learning classes;	129551 129552
(iii) Committing the necessary personnel capable of operating distance learning equipment.	129553 129554
(d) Schools and school districts that without additional assistance lack the necessary equipment to offer interactive distance learning courses;	129555 129556 129557
(e) School districts that demonstrate that the course offerings will take place during the regular school day.	129558 129559
(C) In implementing this section, the Commission shall do all of the following:	129560 129561
(1) Solicit all eligible entities to participate in the program;	129562 129563

(2) Require twenty-five per cent of any grant award to be used for professional development. This professional development shall include at least one component of training in the classroom. It also shall include any training conducted by the Commission that the Commission deems necessary to participate in the program.	129564 129565 129566 129567 129568
(3) Require that eligible entities awarded grants under this section use a percentage of their respective grant awards to contract with a vendor selected by the Commission for the development and offering of interactive distance learning courses;	129569 129570 129571 129572
(4) Require each eligible entity submitting a proposal to specify the amount, if any, needed to purchase video conferencing telecommunications equipment and connectivity devices and the cost of upgrading the school.	129573 129574 129575 129576
(5) Require each eligible entity submitting a proposal to specify the amount needed to upgrade its Internet service, if the school currently has a connection slower than 1.544 Mbits per second;	129577 129578 129579 129580
(6) Assist eligible entities awarded grants in arranging for the purchase and installation of telecommunications equipment and connectivity devices.	129581 129582 129583
(D) In the development of, administration of, oversight of, and award of funds for the program, the Commission shall not be obligated for more than the amount appropriated.	129584 129585 129586
(E) In fiscal years 2010 and 2011, no school that is not an eligible entity shall be entitled to the items specified in divisions (A)(3) to (5) of section 3353.20 of the Revised Code. However, any student, teacher, or other school employee of a public or nonpublic school that is not awarded a grant under this section may participate in the interactive distance learning pilot project, as long as such participation does not impose an	129587 129588 129589 129590 129591 129592 129593

additional cost to the state, does not diminish the quality of	129594
project outcomes for those entities that are awarded grants, and	129595
aligns with federal regulations and guidelines.	129596

(F) The Superintendent of Public Instruction, the Chancellor	129597
of the Board of Regents, and the Commission shall submit the	129598
formative evaluation prescribed by division (G) of section 3353.20	129599
of the Revised Code.	129600

Section 265.30.90. TEACHER CERTIFICATION AND LICENSURE	129601

The foregoing appropriation item 200681, Teacher	129602
Certification and Licensure, shall be used by the Department of	129603
Education in each year of the biennium to administer and support	129604
teacher certification and licensure activities.	129605

SCHOOL DISTRICT SOLVENCY ASSISTANCE	129606

Of the foregoing appropriation item 200687, School District	129607
Solvency Assistance, \$9,000,000 in each fiscal year shall be	129608
allocated to the School District Shared Resource Account and	129609
\$9,000,000 in each fiscal year shall be allocated to the	129610
Catastrophic Expenditures Account. These funds shall be used to	129611
provide assistance and grants to school districts to enable them	129612
to remain solvent under section 3316.20 of the Revised Code.	129613
Assistance and grants shall be subject to approval by the	129614
Controlling Board. Any required reimbursements from school	129615
districts for solvency assistance shall be made to the appropriate	129616
account in the School District Solvency Assistance Fund (Fund	129617
5H30).	129618

Notwithstanding any provision of law to the contrary, upon	129619
the request of the Superintendent of Public Instruction, the	129620
Director of Budget and Management may make transfers to the School	129621
District Solvency Assistance Fund (Fund 5H30) from any fund used	129622
by the Department of Education or the General Revenue Fund to	129623

maintain sufficient cash balances in Fund 5H30 in fiscal years	129624
2010 and 2011. Any cash transferred is hereby appropriated. The	129625
transferred cash may be used by the Department of Education to	129626
provide assistance and grants to school districts to enable them	129627
to remain solvent and to pay unforeseeable expenses of a	129628
temporary or emergency nature that the school district is unable	129629
to pay from existing resources. The Director of Budget and	129630
Management shall notify the members of the Controlling Board of	129631
any such transfers.	129632

Section 265.40.10. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS	129633

Upon the request of the Superintendent of Public Instruction,	129634
the Director of Budget and Management may transfer up to \$639,000	129635
cash in each fiscal year from the General Revenue Fund to the	129636
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The	129637
transferred cash is to be used by the Department of Education to	129638
pay the expenses the Department incurs in administering the	129639
Medicaid School Component of the Medicaid program established	129640
under sections 5111.71 to 5111.715 of the Revised Code. On June 1	129641
of each fiscal year, or as soon as possible thereafter, the	129642
Director of Budget and Management shall transfer cash from Fund	129643
3AF0 back to the General Revenue Fund in an amount equal to the	129644
total amount transferred to Fund 3AF0 in that fiscal year.	129645

The money deposited into Fund 3AF0 under division (B) of	129646
section 5111.714 of the Revised Code is hereby appropriated for	129647
fiscal years 2010 and 2011 and shall be used in accordance with	129648
division (D) of section 5111.714 of the Revised Code.	129649

Section 265.40.20. READING FIRST	129650

The foregoing appropriation item 200632, Reading First,	129651
shall be used by school districts to administer federal diagnostic	129652
tests as well as other functions permitted by federal statute.	129653

Notwithstanding section 3301.079 of the Revised Code, federal
diagnostic tests may be recognized as meeting the state diagnostic
testing requirements outlined in section 3301.079 of the Revised
Code.

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HALF-MILL MAINTENANCE EQUALIZATION 129658

The foregoing appropriation item 200626, Half-Mill
Maintenance Equalization, shall be used to make payments pursuant
to section 3318.18 of the Revised Code.

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Section 265.40.30. START-UP FUNDS 129662

Funds appropriated for the purpose of providing start-up
grants to Title IV-A Head Start and Title IV-A Head Start Plus
agencies in fiscal year 2004 and fiscal year 2005 for the
provision of services to children eligible for Title IV-A services
under the Title IV-A Head Start or Title IV-A Head Start Plus
programs shall be reimbursed to the General Revenue Fund as
follows:

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(A) If, for fiscal years 2010 or 2011, an entity that was a
Title IV-A Head Start or Title IV-A Head Start Plus agency will
not be an early learning agency or early learning provider, the
entity shall repay the entire amount of the start-up grant it
received in fiscal year 2004 and fiscal year 2005 not later than
June 30, 2019, in accordance with a payment schedule agreed to
by the Department of Education.

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(B) If an entity that was a Title IV-A Head Start or Title
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year
2005 will be an early learning agency or early learning provider
in fiscal year 2010 and fiscal year 2011, the entity shall be
allowed to retain any amount of the start-up grant it received,
unless division (D) of this section applies to the entity. In that
case, the entity shall repay the entire amount of the obligation

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described in that division not later than June 30, 2019. 129684

(C) Within ninety days after the closure of an early learning 129685
agency or early learning provider that was a Title IV-A Head Start 129686
Plus agency in fiscal year 2004 or fiscal year 2005, the former 129687
Title IV-A Head Start agencies, Title IV-A Head Start Plus 129688
agencies, and the Department of Education shall determine the 129689
repayment schedule for amounts owed under division (A) of this 129690
section. These amounts shall be paid to the state not later than 129691
June 30, 2019. 129692

(D) If an entity that was a Title IV-A Head Start or Title 129693
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 129694
2005 owed the state any portion of the start-up grant amount 129695
during fiscal year 2006 or fiscal year 2007 but failed to repay 129696
the entire amount of the obligation by June 30, 2007, the entity 129697
shall be given an extension for repayment through June 30, 2019, 129698
before any amounts remaining due and payable to the state are 129699
referred to the Attorney General for collection under section 129700
131.02 of the Revised Code. 129701

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus 129702
start-up grants that are retained by early learning agencies or 129703
early learning providers pursuant to this section shall be 129704
reimbursed to the General Revenue Fund when the early learning 129705
program ceases or if an early learning agency's or early learning 129706
provider's participation in the early learning program ceases or 129707
is terminated. 129708

Section 265.40.40. AUXILIARY SERVICES REIMBURSEMENT 129709

Notwithstanding section 3317.064 of the Revised Code, if the 129710
unexpended, unencumbered cash balance is sufficient, the Treasurer 129711
of State shall transfer \$1,500,000 in fiscal year 2010 within 129712
thirty days after the effective date of this section, and 129713
\$1,500,000 in fiscal year 2011 by August 1, 2010, from the 129714

Auxiliary Services Personnel Unemployment Compensation Fund to the	129715
Auxiliary Services Reimbursement Fund (Fund 5980) used by the	129716
Department of Education.	129717

Section 265.40.50. LOTTERY PROFITS EDUCATION FUND	129718

Appropriation item 200612, Foundation Funding (Fund 7017),	129719
shall be used in conjunction with appropriation item 200550,	129720
Foundation Funding (GRF), to provide state foundation payments to	129721
school districts.	129722

The Department of Education, with the approval of the	129723
Director of Budget and Management, shall determine the monthly	129724
distribution schedules of appropriation item 200550, Foundation	129725
Funding (GRF), and appropriation item 200612, Foundation Funding	129726
(Fund 7017). If adjustments to the monthly distribution schedule	129727
are necessary, the Department of Education shall make such	129728
adjustments with the approval of the Director of Budget and	129729
Management.	129730

Section 265.40.60. LOTTERY PROFITS EDUCATION RESERVE FUND	129731

(A) There is hereby created the Lottery Profits Education	129732
Reserve Fund (Fund 7018) in the State Treasury. Investment	129733
earnings of the Lottery Profits Education Reserve Fund shall be	129734
credited to the fund. The Superintendent of Public Instruction may	129735
certify cash balances exceeding \$75,000,000 in Fund 7018 to the	129736
Director of Budget and Management in June of any given fiscal	129737
year. Prior to making the certification, the Superintendent of	129738
Public Instruction shall determine whether the funds above the	129739
\$75,000,000 threshold are needed to help pay for foundation	129740
program obligations for that fiscal year.	129741

For fiscal years 2010 and 2011, notwithstanding any	129742
provisions of law to the contrary, amounts necessary to make loans	129743

authorized by sections 3317.0210, 3317.0211, and 3317.62 of the
Revised Code are hereby appropriated to Fund 7018. Loan repayments
from loans made in previous years shall be deposited to the
fund.

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(B) On July 15, 2009, or as soon as possible thereafter, the
Director of the Ohio Lottery Commission shall certify to the
Director of Budget and Management the amount by which lottery
profit transfers received by the Lottery Profits Education Fund
(Fund 7017) exceeded \$667,900,000 in fiscal year 2009. The
Director of Budget and Management may transfer the amount so
certified, plus the cash balance in Fund 7017, to Fund 7018.

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(C) On July 15, 2010, or as soon as possible thereafter, the
Director of the Ohio Lottery Commission shall certify to the
Director of Budget and Management the amount by which lottery
profit transfers received by Fund 7017 exceeded \$705,000,000 in
fiscal year 2010. The Director of Budget and Management may
transfer the amount so certified, plus the cash balance in Fund
7017, to Fund 7018.

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(D) Any amounts transferred under division (B) or (C) of this
section may be made available by the Controlling Board in fiscal
years 2010 or 2011, at the request of the Superintendent of Public
Instruction, to provide assistance and grants to school districts
to enable them to remain solvent and to pay unforeseeable expenses
of a temporary or emergency nature that they are unable to pay
from existing resources under section 3316.20 of the Revised Code,
and to provide state foundation payments to school districts.

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**Section 265.40.70. GENERAL REVENUE FUND TRANSFERS TO
SCHOOL**
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 7047)

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Notwithstanding any provision of law to the contrary, in
fiscal year 2010 and fiscal year 2011 the Director of Budget and

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Management may make temporary transfers between the General	129774
Revenue Fund and the School District Property Tax Replacement –	129775
Business Fund (Fund 7047) in the Department of Education to ensure	129776
sufficient balances in Fund 7047 and to replenish the General	129777
Revenue Fund for such transfers.	129778

Section 265.40.80. SCHOOL DISTRICT PROPERTY TAX	
REPLACEMENT -	129779
BUSINESS	129780

The foregoing appropriation item 200909, School District	129781
Property Tax Replacement – Business, shall be used by the	129782
Department of Education, in consultation with the Department of	129783
Taxation, to make payments to school districts and joint	129784
vocational school districts under section 5751.21 of the Revised	129785
Code. If it is determined by the Director of Budget and	129786
Management that additional appropriations are necessary for this	129787
purpose, such amounts are hereby appropriated.	129788

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY	129789

The foregoing appropriation item 200900, School District	129790
Property Tax Replacement-Utility, shall be used by the Department	129791
of Education, in consultation with the Department of Taxation, to	129792
make payments to school districts and joint vocational school	129793
districts under section 5727.85 of the Revised Code. If it is	129794
determined by the Director of Budget and Management that	129795
additional appropriations are necessary for this purpose, such	129796
amounts are hereby appropriated.	129797

DISTRIBUTION FORMULAS	129798

The Department of Education shall report the following to the	129799
Director of Budget and Management and the Legislative Service	129800
Commission:	129801

(A) Changes in formulas for distributing state appropriations, including administratively defined formula factors;	129802 129803 129804
(B) Discretionary changes in formulas for distributing federal appropriations;	129805 129806
(C) Federally mandated changes in formulas for distributing federal appropriations.	129807 129808
Any such changes shall be reported two weeks prior to the effective date of the change.	129809 129810
Section 265.50.10. EDUCATIONAL SERVICE CENTERS FUNDING	129811
(A) As used in this section:	129812
(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.	129813 129814
(2) "Service center ADM" has the same meaning as in section 3317.11 of the Revised Code.	129815 129816
(3) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.	129817 129818 129819
(B) Notwithstanding division (F) of section 3317.11 of the Revised Code, no funds shall be provided under that division to an educational service center in either fiscal year for any pupils of a city or exempted village school district unless an agreement to provide services under section 3313.843 of the Revised Code was entered into by January 1, 1997, except that funds shall be provided to an educational service center for any pupils of a city school district if the agreement to provide services was entered into within one year of the date upon which such district changed	129820 129821 129822 129823 129824 129825 129826 129827 129828

from a local school district to a city school district. 129829

If an educational service center that entered into an 129830
agreement by January 1, 1997, with a city or exempted village 129831
school district to provide services under section 3313.843 of the 129832
Revised Code ceases to operate because all of the local school 129833
districts that constituted the territory of the service center 129834
have severed from the service center pursuant to section 3311.059 129835
of the Revised Code, another educational service center, by 129836
resolution of its governing board, may assume the obligations of 129837
the original service center to provide services to the city or 129838
exempted village school district under that agreement. If that 129839
other service center assumes those obligations to provide services 129840
to the city or exempted village school district, that service 129841
center shall be considered to be the service center that entered 129842
into the agreement by January 1, 1997, and, accordingly, may 129843
receive funds under division (F) of section 3317.11 of the Revised 129844
Code in accordance with this section in fiscal years 2010 and 2011 129845
for pupils of that city or exempted village school district. 129846

(C) Notwithstanding any provision of the Revised Code to the 129847
contrary, an educational service center that sponsors a community 129848
school under Chapter 3314. of the Revised Code in either fiscal 129849
year may include the students of that community school in its 129850
service center ADM for purposes of state funding under division 129851
(F) of section 3317.11 of the Revised Code, unless the community 129852
school is an Internet- or computer-based community school. A 129853
service center shall include the community school students in its 129854
service center ADM only to the extent that the students are not 129855
already so included, and only in accordance with guidelines issued 129856
by the Department of Education. If the students of a community 129857
school sponsored by an educational service center are included in 129858
the service center ADM of another educational service center, 129859
those students shall be removed from the service center ADM of the 129860
other educational service center and added to the service center 129861

ADM of the community school's sponsoring service center. The 129862
General Assembly authorizes this procedure as an incentive for 129863
educational service centers to take over sponsorship of community 129864
schools from the State Board of Education as the State Board's 129865
sponsorship is phased out in accordance with Sub. H.B. 364 of the 129866
124th General Assembly. No student of an Internet- or 129867
computer-based community school shall be counted in the service 129868
center ADM of any educational service center. The Department shall 129869
pay educational service centers under division (F) of section 129870
3317.11 of the Revised Code for community school students included 129871
in their service center ADMs under this division only if 129872
sufficient funds earmarked within appropriation item 200550, 129873
Foundation Funding, for payments under that division remain after 129874
first paying for students attributable to their local and client 129875
school districts, in accordance with divisions (B) and (E) of this 129876
section. 129877

(D) Notwithstanding division (C) of section 3326.45 of the 129878
Revised Code, the Department shall pay educational service centers 129879
under division (H) of section 3317.11 of the Revised Code for 129880
services provided to STEM schools only if sufficient funds 129881
earmarked within appropriation item 200550, Foundation Funding, 129882
for payments under that division remain after first paying for 129883
students attributable to the local and client school districts of 129884
the service centers and for community school students in their 129885
service center ADMs, in accordance with divisions (B), (C), and 129886
(E) of this section. 129887

(E) If insufficient funds are earmarked within appropriation 129888
item 200550, Foundation Funding, for the full amount of payments 129889
to educational service centers, as calculated under this section 129890
and section 3317.11 of the Revised Code, the Department shall 129891
allocate funding to the service centers in accordance with the 129892
same methodology the Department used for that purpose for fiscal 129893
year 2009. 129894

Section 265.50.20. WAIVER OF PUPIL TO TEACHER RATIO 129895

For the school year commencing July 1, 2009, or the school 129896
year commencing July 1, 2010, or both, the Superintendent of 129897
Public Instruction may waive for the board of education of any 129898
school district the ratio of teachers to pupils in kindergarten 129899
through fourth grade required under paragraph (A)(3) of rule 129900
3301-35-05 of the Administrative Code if the following conditions 129901
apply: 129902

(A) The board of education requests the waiver. 129903

(B) After the Department of Education conducts an on-site 129904
evaluation of the district related to meeting the required ratio, 129905
the board of education demonstrates to the satisfaction of the 129906
Superintendent of Public Instruction that providing the facilities 129907
necessary to meet the required ratio during the district's regular 129908
school hours with pupils in attendance would impose an extreme 129909
hardship on the district. 129910

(C) The board of education provides assurances that are 129911
satisfactory to the Superintendent of Public Instruction that the 129912
board will act in good faith to meet the required ratio as soon as 129913
possible. 129914

Section 265.50.30. PRIVATE TREATMENT FACILITY PROJECT 129915

(A) As used in this section: 129916

(1) The following are "participating residential treatment 129917
centers": 129918

(a) Private residential treatment facilities that have 129919
entered into a contract with the Department of Youth Services to 129920
provide services to children placed at the facility by the 129921

Department and which, in fiscal year 2010 or fiscal year 2011 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;	129922
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(b) Abraxas, in Shelby;	129925
(c) Paint Creek, in Bainbridge;	129926
(d) Act One, in Akron;	129927
(e) F.I.R.S.T., in Mansfield.	129928
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	129929
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(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	129932
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(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	129934
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(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	129939
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(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The	129942
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educational program shall be provided by a school district or
educational service center, or by the residential facility itself.
Maximum flexibility shall be given to the residential treatment
facility to determine the provider. In the event that a voluntary
agreement cannot be reached and the residential facility does not
choose to provide the educational program, the educational service
center in the county in which the facility is located shall
provide the educational program at the treatment center to
children under twenty-two years of age residing in the treatment
center.

(C) Any school district responsible for tuition for a
residential child shall, notwithstanding any conflicting provision
of the Revised Code regarding tuition payment, pay tuition for the
child for fiscal year 2010 and fiscal year 2011 to the education
program provider and in the amount specified in this division. If
there is no school district responsible for tuition for a
residential child and if the participating residential treatment
center to which the child is assigned is located in the city,
exempted village, or local school district that, if the child were
not a resident of that treatment center, would be the school
district where the child is entitled to attend school under
sections 3313.64 and 3313.65 of the Revised Code, that school
district, notwithstanding any conflicting provision of the Revised
Code, shall pay tuition for the child for fiscal year 2010 and
fiscal year 2011 under this division unless that school district
is providing the educational program to the child under division
(B) of this section.

A tuition payment under this division shall be made to the
school district, educational service center, or residential
treatment facility providing the educational program to the child.

The amount of tuition paid shall be:

(1) The amount of tuition determined for the district under

division (A) of section 3317.08 of the Revised Code; 129981

(2) In addition, for any student receiving special education 129982
pursuant to an individualized education program as defined in 129983
section 3323.01 of the Revised Code, a payment for excess costs. 129984
This payment shall equal the actual cost to the school district, 129985
educational service center, or residential treatment facility of 129986
providing special education and related services to the student 129987
pursuant to the student's individualized education program, minus 129988
the tuition paid for the child under division (C)(1) of this 129989
section. 129990

A school district paying tuition under this division shall 129991
not include the child for whom tuition is paid in the district's 129992
average daily membership certified under division (A) of section 129993
3317.03 of the Revised Code. 129994

(D) In each of fiscal years 2010 and 2011, the Department of 129995
Education shall reimburse, from appropriations made for the 129996
purpose, a school district, educational service center, or 129997
residential treatment facility, whichever is providing the 129998
service, that has demonstrated that it is in compliance with the 129999
funding criteria for each served child for whom a school district 130000
must pay tuition under division (C) of this section. The amount of 130001
the reimbursement shall be the amount appropriated for this 130002
purpose divided by the full-time equivalent number of children for 130003
whom reimbursement is to be made. 130004

(E) Funds provided to a school district, educational service 130005
center, or residential treatment facility under this section shall 130006
be used to supplement, not supplant, funds from other public 130007
sources for which the school district, service center, or 130008
residential treatment facility is entitled or eligible. 130009

(F) The Department of Education shall track the utilization 130010
of funds provided to school districts, educational service 130011

centers, and residential treatment facilities under this section	130012
and monitor the effect of the funding on the educational programs	130013
they provide in participating residential treatment facilities.	130014
The Department shall monitor the programs for educational	130015
accountability.	130016

Section 265.50.40. SCHOOL DISTRICT PARTICIPATION IN NATIONAL	130017
ASSESSMENT OF EDUCATION PROGRESS	130018

The General Assembly intends for the Superintendent of Public	130019
Instruction to provide for school district participation in the	130020
administration of the National Assessment of Education Progress in	130021
accordance with section 3301.27 of the Revised Code. Each school	130022
and school district selected for participation by the	130023
Superintendent of Public Instruction shall participate.	130024

Section 265.50.50. DEPARTMENT OF EDUCATION APPROPRIATION	130025
TRANSFERS FOR STUDENT ASSESSMENT	130026

In fiscal year 2010 and fiscal year 2011, if the	130027
Superintendent of Public Instruction determines that additional	130028
funds are needed to fully fund the requirements of Am. Sub. H.B. 3	130029
of the 125th General Assembly and this act for assessments of	130030
student performance, the Superintendent of Public Instruction may	130031
recommend the reallocation of unexpended and unencumbered General	130032
Revenue Fund appropriations within the Department of Education to	130033
appropriation item 200437, Student Assessment, to the Director of	130034
Budget and Management. If the Director of Budget and Management	130035
determines that such a reallocation is required, the Director of	130036
Budget and Management may transfer unexpended and unencumbered	130037
appropriations within the Department of Education as necessary to	130038
appropriation item 200437, Student Assessment. If these	130039
transferred appropriations are not sufficient to fully fund the	130040
assessment requirements in fiscal year 2010 or fiscal year 2011,	130041

the Superintendent of Public Instruction may request that the	130042
Controlling Board transfer up to \$9,000,000 cash from the Lottery	130043
Profits Education Reserve Fund (Fund 7018) to the General Revenue	130044
Fund. Upon approval of the Controlling Board, these transferred	130045
funds are hereby appropriated for the same purpose as	130046
appropriation item 200437, Student Assessment.	130047

Section 265.50.53. DEPARTMENT OF EDUCATION	130048
APPROPRIATION	
TRANSFERS FOR SCHOOL MANAGEMENT ASSISTANCE	130049

In fiscal year 2010 and fiscal year 2011, if the	130050
Superintendent of Public Instruction determines that additional	130051
funds are needed to meet the reporting requirements of the federal	130052
American Recovery and Reinvestment Act, the Superintendent of	130053
Public Instruction may recommend the reallocation of unexpended	130054
and unencumbered General Revenue Fund appropriations within the	130055
Department of Education to appropriation item 200422, School	130056
Management Assistance, to the Director of Budget and Management.	130057
If the Director of Budget and Management determines that such a	130058
reallocation is required, the Director of Budget and Management	130059
may transfer unexpended and unencumbered appropriations within	130060
the Department of Education as necessary to appropriation item	130061
200422, School Management Assistance.	130062

Section 265.50.55. TRANSFER AND ADJUSTMENT OF ARRA	130063
STATE	
FISCAL STABILIZATION FUND APPROPRIATIONS	130064

The Director of Budget and Management, with the approval of	130065
the Controlling Board, may transfer appropriation between	130066
appropriation items 200550, Foundation Funding, and 200551,	130067
Foundation Funding – Federal Stimulus, in each fiscal year, upon	130068
the written request of the Superintendent of Public Instruction,	130069
to meet the maintenance of effort and use of funds provisions of	130070
the American Recovery and Reinvestment Act, including transferring	130071

appropriation between fiscal year 2010 and fiscal year 2011. 130072

Section 265.50.60. COMMUNITY SCHOOL FUNDING GUARANTEE 130073
FOR SBH

STUDENTS 130074

(A) As used in this section: 130075

(1) "IEP" has the same meaning as in section 3323.01 of the 130076
Revised Code. 130077

(2) "SBH student" means a student receiving special education 130078
and related services for severe behavior disabilities pursuant to 130079
an IEP. 130080

(B) This section applies only to a community school 130081
established under Chapter 3314. of the Revised Code that in each 130082
of fiscal years 2010 and 2011 enrolls a number of SBH students 130083
equal to at least fifty per cent of the total number of students 130084
enrolled in the school in the applicable fiscal year. 130085

(C) In addition to any state foundation payments made, in 130086
each of fiscal years 2010 and 2011, the Department of Education 130087
shall pay to a community school to which this section applies a 130088
subsidy equal to the difference between the aggregate amount 130089
calculated and paid in that fiscal year to the community school 130090
for special education and related services additional weighted 130091
costs for the SBH students enrolled in the school and the 130092
aggregate amount that would have been calculated for the school 130093
for special education and related services additional weighted 130094
costs for those same students in fiscal year 2001. If the 130095
difference is a negative number, the amount of the subsidy shall 130096
be zero. 130097

(D) The amount of any subsidy paid to a community school 130098
under this section shall not be deducted from the school district 130099

in which any of the students enrolled in the community school are	130100
entitled to attend school under section 3313.64 or 3313.65 of the	130101
Revised Code. The amount of any subsidy paid to a community school	130102
under this section shall be paid from funds appropriated to the	130103
Department of Education in appropriation item 200550, Foundation	130104
Funding.	130105

Section 265.50.70. EARMARK ACCOUNTABILITY	130106

At the request of the Superintendent of Public Instruction,	130107
any entity that receives a budget earmark under the Department of	130108
Education shall submit annually to the chairpersons of the	130109
committees of the House of Representatives and the Senate	130110
primarily concerned with education and to the Department of	130111
Education a report that includes a description of the services	130112
supported by the funds, a description of the results achieved by	130113
those services, an analysis of the effectiveness of the program,	130114
and an opinion as to the program's applicability to other school	130115
districts. For an earmarked entity that received state funds from	130116
an earmark in the prior fiscal year, no funds shall be provided by	130117
the Department of Education to an earmarked entity for a fiscal	130118
year until its report for the prior fiscal year has been	130119
submitted.	130120

Section 265.50.80. PROHIBITION FROM OPERATING FROM HOME	130121

No community school established under Chapter 3314. of the	130122
Revised Code that was not open for operation as of May 1, 2005,	130123
shall operate from a home, as defined in section 3313.64 of the	130124
Revised Code.	130125

Section 265.50.90. EARLY COLLEGE START UP COMMUNITY SCHOOL	130126

(A) As used in this section:	130127

(1) "Big eight school district" has the same meaning as in section 3314.02 of the Revised Code. 130128
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(2) "Early college high school" means a high school that 130130
provides students with a personalized learning plan based on an 130131
accelerated curriculum combining high school and college-level 130132
coursework. 130133

(B) Any early college high school that is operated by a big 130134
eight school district in partnership with a private university may 130135
operate as a new start-up community school under Chapter 3314. of 130136
the Revised Code beginning in the 2007-2008 school year, if all of 130137
the following conditions are met: 130138

(1) The governing authority and sponsor of the school enter 130139
into a contract in accordance with section 3314.03 of the Revised 130140
Code and, notwithstanding division (D) of section 3314.02 of the 130141
Revised Code, both parties adopt and sign the contract by July 9, 130142
2007. 130143

(2) Notwithstanding division (A) of section 3314.016 of the 130144
Revised Code, the school's governing authority enters into a 130145
contract with the private university under which the university 130146
will be the school's operator. 130147

(3) The school provides the same educational program the 130148
school provided while part of the big eight school district. 130149

Section 265.60.30. USE OF VOLUNTEERS 130150

The Department of Education may utilize the services of 130151
volunteers to accomplish any of the purposes of the Department. 130152
The Superintendent of Public Instruction shall approve for what 130153
purposes volunteers may be used and for these purposes may 130154
recruit, train, and oversee the services of volunteers. The 130155
Superintendent may reimburse volunteers for necessary and 130156

appropriate expenses in accordance with state guidelines and may 130157
designate volunteers as state employees for the purpose of motor 130158
vehicle accident liability insurance under section 9.83 of the 130159
Revised Code, for immunity under section 9.86 of the Revised Code, 130160
and for indemnification from liability incurred in the performance 130161
of their duties under section 9.87 of the Revised Code. 130162

Section 265.60.60. EDUCATOR STANDARDS BOARD 130163

(A) The State Board of Education shall appoint two teachers 130164
under division (A)(1)(a) of section 3319.60 of the Revised Code, 130165
as amended by this act, not later than sixty days after the 130166
effective date of this section. The term of office of the new 130167
secondary school teacher member shall expire July 1, 2011, and the 130168
term of office of the new elementary school teacher member shall 130169
expire July 1, 2012. Thereafter, the term of the additional 130170
secondary and elementary school teachers appointed to the Educator 130171
Standards Board shall be for two years. 130172

(B) The State Board of Education shall appoint a school 130173
district treasurer or business manager to the Educator Standards 130174
Board under division (A)(1)(c) of section 3319.60 of the Revised 130175
Code, as amended by this act, not later than sixty days after the 130176
effective date of this section. The term of office of that member 130177
shall expire July 1, 2012. Thereafter, the term of the school 130178
district treasurer or business manager appointed to the Educator 130179
Standards Board shall be for two years. 130180

(C) The State Board of Education shall appoint a parent to 130181
the Educator Standards Board under division (A)(1)(e) of section 130182
3319.60 of the Revised Code, as amended by this act, not later 130183
than sixty days after the effective date of this section. The term 130184
of office of that member shall expire July 1, 2011. Thereafter, 130185
the term of the parent representative appointed to the Educator 130186
Standards Board shall be for two years. 130187

(D) The higher education representatives appointed by the	130188
State Board of Education to the Educator Standards Board prior to	130189
the effective date of this section under former division (A)(5) of	130190
section 3319.60 of the Revised Code shall serve for the remainder	130191
of their terms. The Chancellor of the Ohio Board of Regents shall	130192
appoint higher education representatives to the Educator	130193
Standards Board under division (A)(2) of section 3319.60 of the	130194
Revised Code, as amended by this act, as the terms of the higher	130195
education representatives appointed under former division (A)(5)	130196
of that section expire, each for a term of two years. The	130197
Chancellor also shall fill any vacancies that occur during the	130198
term of a higher education representative appointed under former	130199
division (A)(5) of that section.	130200

Section 265.60.70. RESTRICTION OF LIABILITY FOR CERTAIN	130201
REIMBURSEMENTS	130202

(A) Except as expressly required under a court judgment not	130203
subject to further appeals, or a settlement agreement with a	130204
school district executed on or before June 1, 2009, in the case of	130205
a school district for which the formula ADM for fiscal year	130206
2005, as reported for that fiscal year under division (A) of	130207
section 3317.03 of the Revised Code, was reduced based on	130208
enrollment reports for community schools, made under section	130209
3314.08 of the Revised Code, regarding students entitled to	130210
attend school in the district, which reduction of formula ADM	130211
resulted in a reduction of foundation funding or transitional aid	130212
funding for fiscal year 2005, 2006, or 2007, no school district,	130213
except a district named in the court's judgment or the settlement	130214
agreement, shall have a legal claim for reimbursement of the	130215
amount of such reduction in foundation funding or transitional	130216
aid funding, and the state shall not have liability for	130217
reimbursement of the amount of such reduction in foundation	130218
funding or transitional aid funding.	130219

(B) As used in this section:	130220
(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.	130221 130222
(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.	130223 130224 130225
(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code.	130226 130227
(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 of the 127th General Assembly.	130228 130229 130230 130231 130232 130233
Section 265.60.80. COMMITTEE TO UPDATE STANDARDS AND CURRICULA	130234 130235
Not later than September 15, 2009, the State Board of Education shall convene a committee of national experts, state experts, and local practitioners to provide advice and guidance in the design of the updated standards and curricula required by section 3301.079 of the Revised Code, as amended by this act.	130236 130237 130238 130239 130240
Section 265.60.90. All duties, powers, obligations, and functions performed by, all rights exercised by, and the remaining unexpended, unencumbered balance of any money appropriated or reappropriated to the Department of Administrative Services with regard to the School Employees Health Care Board under section 9.901 of the Revised Code, whether obligated or unobligated, are transferred to the Department of Education on July 1, 2009. The Department of	130241 130242 130243 130244 130245 130246 130247 130248

Education thereupon succeeds to, and shall assume, all duties, 130249
powers, obligations, and functions performed by, all rights 130250
exercised by, and the remaining unexpended, unencumbered balance 130251
of any money appropriated or reappropriated to the Department of 130252
Administrative Services with regard to the School Employees 130253
Health Care Board under section 9.901 of the Revised Code. 130254

Any aspect of the board's operations commenced but not 130255
completed by the Department of Administrative Services on July 1, 130256
2009, shall be completed by the Superintendent of Public 130257
Instruction or staff of the Department of Education in the same 130258
manner, and with the same effect, as if completed by the 130259
Department of Administrative Services or the staff of the 130260
Department of Administrative Services. Any validation, cure, 130261
right, privilege, remedy, obligation, or liability related to the 130262
board's operations is neither lost nor impaired by reason of the 130263
transfer and shall be administered by the Department of Education. 130264

All of the rules, orders, and determinations of the 130265
Department of Administrative Services in relation to the board's 130266
operations continue in effect as rules, orders, and determinations 130267
of the Superintendent of Public Instruction until modified or 130268
rescinded by the Superintendent. At the request of the 130269
Superintendent, and if necessary to ensure the integrity of the 130270
numbering of the Administrative Code, the Director of the 130271
Legislative Service Commission shall renumber the rules of the 130272
board to reflect the transfer to the Department of Education. 130273

The Department of Administrative Services and the 130274
Superintendent shall identify the employees of the board to be 130275
transferred to the Department of Education. The employees shall be 130276
transferred on July 1, 2009, or as soon as possible thereafter. 130277

Whenever the Department of Administrative Services is 130278
referred to in relation to the board in any law, contract, or 130279
other document, the reference shall be deemed to refer to the 130280

Department of Education in relation to the board. 130281

Any action or proceeding that is related to the board's 130282
operations and that is pending on the effective date of this 130283
section is not affected by the transfer and shall be prosecuted or 130284
defended in the name of the Superintendent or the Department of 130285
Education. In all such actions and proceedings, the Superintendent 130286
or the Department of Education, upon application to the court or 130287
agency, shall be substituted as a party. 130288

On or after July 1, 2009, notwithstanding any provision of 130289
law to the contrary, the Director of Budget and Management shall 130290
take any action with respect to budget changes made necessary by 130291
the transfer, including the creation of new funds and the 130292
consolidation of funds. The Director may transfer cash balances 130293
between funds. The Director may cancel encumbrances and 130294
re-establish encumbrances or parts of encumbrances as needed in 130295
the fiscal year in the appropriate fund and appropriation item for 130296
the same purpose and to the same vendor. As determined by the 130297
Director, encumbrances re-established in the fiscal year in a 130298
different fund or appropriation item used by an agency or between 130299
agencies are appropriated. The Director shall reduce each year's 130300
appropriation balances by the amount of the encumbrance canceled 130301
in their respective funds and appropriation item. Any unencumbered 130302
or unallocated appropriation balances from the previous fiscal 130303
year may be transferred to the appropriate appropriation item to 130304
be used for the same purposes, as determined by the Director. 130305

Section 265.70.10. CENTER FOR EARLY CHILDHOOD 130306
DEVELOPMENT

(A) The Governor and the Superintendent of Public Instruction 130307
shall create the Center for Early Childhood Development in the 130308
Department of Education comprised of staff from the Department 130309
of Education, the Department of Job and Family Services, the 130310
Department of Health, and any other state agency as determined 130311

necessary by the Governor and the Superintendent. The Governor 130312
and the Superintendent also shall hire a Director of the Center 130313
who shall report to the Superintendent and the Governor. The 130314
Center, under the supervision of the Director, shall research and 130315
make recommendations about the coordination of early childhood 130316
programs and services for children, beginning with prenatal care 130317
and continuing until entry into kindergarten, and the eventual 130318
transfer of the authority to implement those programs and services 130319
from other state agencies to the Department of Education. 130320

(B) The Center for Early Childhood Development shall promote 130321
family-centered programs and services that acknowledge and support 130322
the social, emotional, cognitive, intellectual, and physical 130323
development of children and the vital role of families in ensuring 130324
the well-being and success of children. 130325

(C) The Director of the Center for Early Childhood 130326
Development, in partnership with staff from the Department of 130327
Education, the Department of Job and Family Services, the 130328
Department of Health, and any other state agency as determined 130329
necessary by the Governor and the Superintendent, and advised by 130330
the Early Childhood Advisory Council, shall submit an 130331
implementation plan to the Superintendent and the Governor not 130332
later than December 31, 2009. The implementation plan shall 130333
include research and recommendations regarding all of the 130334
following: 130335

(1) The identification of programs, services, and funding 130336
sources to be transferred from other state agencies to the 130337
Department of Education; 130338

(2) A new administrative structure within the Department of 130339
Education for the purpose of implementing early childhood 130340
programs and services; 130341

(3) Statutory changes necessary to implement the new 130342

administrative structure within the Department of Education;	130343
(4) A timeline for the transition from the current	130344
administrative structure within other state agencies to the new	130345
administrative structure within the Department of Education.	130346
(D) The Director of Budget and Management may seek	130347
Controlling Board approval to do any of the following to support	130348
the preparation of an implementation plan to create a new	130349
administrative structure for early childhood programs and	130350
services within the Department of Education:	130351
(1) Create new funds and non-GRF appropriation items;	130352
(2) Transfer cash between funds;	130353
(3) Transfer appropriations within the same fund used by the	130354
same state agency.	130355
Any transfers of cash approved by the Controlling Board under	130356
this section are hereby appropriated.	130357
Section 265.70.20. EARLY CHILDHOOD FINANCING	
WORKGROUP	130358
The Early Childhood Advisory Council shall establish an Early	130359
Childhood Financing Workgroup. The chairperson of the Early	130360
Childhood Advisory Council shall serve as chairperson of the Early	130361
Childhood Financing Workgroup. The Early Childhood Financing	130362
Workgroup shall develop recommendations that explore the	130363
implementation of a single financing system for early care and	130364
education programs that includes aligned payment mechanisms and	130365
consistent eligibility and co-payment policies. Not later than	130366
December 31, 2009, the Early Childhood Financing Workgroup shall	130367
submit its recommendations to the Governor. Upon the order of the	130368
Early Childhood Advisory Council, the Early Childhood Financing	130369

Workgroup shall cease to exist. 130370

Section 265.70.23. RECOMMENDATIONS FOR MINIMUM SCHOOL YEAR 130371

Not later than December 31, 2010, the Superintendent of Public Instruction shall submit to the General Assembly, in accordance with section 101.68 of the Revised Code, a report of the Superintendent's findings and recommendations on extending the school year. 130372
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Section 265.70.40. MORATORIUM ON LOCAL SCHOOL DISTRICT RELOCATIONS TO DIFFERENT EDUCATIONAL SERVICE CENTERS 130377
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Notwithstanding section 3311.059 of the Revised Code, as amended by this act, and notwithstanding Section 265.70.41 of this act, no severance of the territory of a local school district from the educational service center to which it currently belongs and annexation of that district's territory to an adjacent educational service center, as otherwise authorized under that section, shall be effective for the period beginning on the effective date of this section and ending July 1, 2011. All resolutions proposing such severance and annexation approved by the State Board of Education but not effective prior to July 1, 2009, are hereby void. All resolutions proposing such severance and annexation pending on the effective date of this section are hereby void and shall not be considered by the State Board. If the board of education of a local school district with such a severance and annexation action pending or approved on the effective date of this section that is void under this section desires to have the action considered after July 1, 2011, the board shall adopt after that date a new resolution in the manner prescribed by section 3311.059 of the Revised Code. No local school district shall adopt a severance and annexation resolution under that section during the period beginning on the effective date of this section and ending July 1, 2011. 130379
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Section 265.70.41. The amendments to section 3311.059 of the Revised Code enacted by this act shall apply to any resolution proposing the severance of a local school district from its current educational service center and annexation of the district to the territory of another service center pending before the State Board of Education on and after the effective date of this section.

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Section 265.70.50. (A) Not later than December 31, 2010, the Department of Education, in consultation with the Educator Standards Board, shall develop a model peer assistance and review program and shall develop recommendations to expand the use of peer assistance and review programs in school districts throughout the state.

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(B) In developing the model program required under this section, the Department shall review existing peer assistance and review programs in Ohio school districts and shall consult with the districts about the operation of those programs. The model program shall include the following elements:

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(1) Releasing experienced classroom teachers from instructional duties for up to three years to focus full-time on mentoring and evaluating new teachers and underperforming veteran teachers through classroom observations and follow-up meetings;

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(2) Professional development for new and underperforming teachers that is targeted at their instructional weaknesses;

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(3) A committee comprised of representatives of teachers and the employer to review teacher evaluations and make recommendations regarding the teachers' continued employment.

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(C) The recommendations required under this section shall include the following:

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(1) Identification of barriers to expansion of peer assistance and review programs, including financial constraints, labor-management relationships, and barriers unique to small school districts;	130430 130431 130432 130433
(2) Legislative changes that would eliminate barriers to expansion of the programs;	130434 130435
(3) Incentives to increase participation in the programs.	130436
(D) The Department shall provide copies of its model program and recommendations to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the chairpersons and ranking minority members of the standing committees on education. The Department also shall make the model program and recommendations available to school districts and shall post them on its web site.	130437 130438 130439 130440 130441 130442 130443 130444
Section 265.70.70. As used in this section, "all-day kindergarten" has the same meaning as in section 3321.05 of the Revised Code.	130445 130446 130447
Any school district or community school established under Chapter 3314. of the Revised Code that, in fiscal year 2009, offered all-day kindergarten and charged fees or tuition for students enrolled in all-day kindergarten in accordance with section 3321.01 of the Revised Code, as it existed prior to the effective date of this section, may charge fees or tuition for students enrolled in all-day kindergarten in fiscal years 2010 and 2011, at a rate not higher than the per-student amount charged in fiscal year 2009 as specified in the sliding fee scale based on family incomes developed by the district or community school for that fiscal year. No district or community school shall charge fees or tuition for students enrolled in all-day kindergarten	130448 130449 130450 130451 130452 130453 130454 130455 130456 130457 130458 130459

after fiscal year 2011. 130460

Section 265.70.80. Notwithstanding section 3306.31 of the 130461
Revised Code, in fiscal year 2010, the Governor's Closing the 130462
Achievement Gap Initiative shall work with those districts that 130463
have a three-year overall average graduation rate of 80 per cent 130464
or less to assist them in planning for the implementation of the 130465
program in fiscal year 2011. Districts that are currently 130466
participating in the program and that continue to have a 130467
three-year overall graduation rate of 80 per cent or less are 130468
encouraged to maintain existing programs during this planning 130469
period. 130470

Section 265.80.20. UNAUDITABLE COMMUNITY SCHOOL 130471

(A) If the Auditor of State or a public accountant, pursuant 130472
to section 117.41 of the Revised Code, declares a community school 130473
established under Chapter 3314. of the Revised Code to be 130474
unauditable, the Auditor of State shall provide written 130475
notification of that declaration to the school, the school's 130476
sponsor, and the Department of Education. The Auditor of State 130477
also shall post the notification on the Auditor of State's web 130478
site. 130479

(B) Notwithstanding any provision to the contrary in Chapter 130480
3314. of the Revised Code or any other provision of law, a sponsor 130481
of a community school that is notified by the Auditor of State 130482
under division (A) of this section that a community school it 130483
sponsors is unauditable shall not enter into contracts with any 130484
additional community schools under section 3314.03 of the Revised 130485
Code until the Auditor of State or a public accountant has 130486
completed a financial audit of that school. 130487

(C) Not later than forty-five days after receiving 130488
notification by the Auditor of State under division (A) of this 130489
section that a community school is unauditable, the sponsor of the 130490

school shall provide a written response to the Auditor of State.	130491
The response shall include the following:	130492
(1) An overview of the process the sponsor will use to review	130493
and understand the circumstances that led to the community school	130494
becoming unauditale;	130495
(2) A plan for providing the Auditor of State with the	130496
documentation necessary to complete an audit of the community	130497
school and for ensuring that all financial documents are available	130498
in the future;	130499
(3) The actions the sponsor will take to ensure that the plan	130500
described in division (C)(2) of this section is implemented.	130501
(D) If a community school fails to make reasonable efforts	130502
and continuing progress to bring its accounts, records, files, or	130503
reports into an auditable condition within ninety days after being	130504
declared unauditale, the Auditor of State, in addition to	130505
requesting legal action under sections 117.41 and 117.42 of the	130506
Revised Code, shall notify the Department of the school's failure.	130507
If the Auditor of State or a public accountant subsequently is	130508
able to complete a financial audit of the school, the Auditor of	130509
State shall notify the Department that the audit has been	130510
completed.	130511
(E) Notwithstanding any provision to the contrary in Chapter	130512
3314. of the Revised Code or any other provision of law, upon	130513
notification by the Auditor of State under division (D) of this	130514
section that a community school has failed to make reasonable	130515
efforts and continuing progress to bring its accounts, records,	130516
files, or reports into an auditable condition following a	130517
declaration that the school is unauditale, the Department shall	130518
immediately cease all payments to the school under Chapter 3314.	130519
of the Revised Code and any other provision of law. Upon	130520
subsequent notification from the Auditor of State under that	130521

division that the Auditor of State or a public accountant was able 130522
to complete a financial audit of the community school, the 130523
Department shall release all funds withheld from the school under 130524
this section. 130525

Section 265.80.30. (A) This section applies only to the 130526
contract for vocational education services, under section 3313.90 130527
of the Revised Code, between: 130528

(1) A local school district receiving the services under the 130529
contract, which was created under section 3311.26 of the Revised 130530
Code and began operating in fiscal year 2005; 130531

(2) Another local school district providing the services 130532
under the contract, the territory of which district had included 130533
the territory of the district described in division (A)(1) of this 130534
section prior to the creation of that district. 130535

(B) Notwithstanding anything to the contrary in rule 130536
3301-61-06 of the Administrative Code, a vocational education 130537
contract to which this section applies that expires on or before 130538
June 30, 2010, may be renewed one time for a term of less than 130539
five years. 130540

Section 265.80.40. Not later than January 29, 2010, the State 130541
Board of Education shall develop a list of best practices for 130542
improving parental involvement in schools that public and 130543
nonpublic schools may use to increase parental participation. The 130544
Department of Education shall make the list available to schools 130545
on its web site. 130546

Section 267.10. ELC OHIO ELECTIONS COMMISSION 130547

General Revenue Fund 130548

GRF 051321	Operating Expenses	\$	343,420	\$	343,420	130549
TOTAL GRF General Revenue Fund		\$	343,420	\$	343,420	130550

General Services Fund Group						130551

4P20 051601	Ohio Elections Commission Fund	\$	250,000	\$	255,000	130552

TOTAL GSF General Services Fund Group		\$	250,000	\$	255,000	130553

TOTAL ALL BUDGET FUND GROUPS		\$	593,420	\$	598,420	130554

Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL						130556

DIRECTORS						130557

General Services Fund Group						130558

4K90 881609	Operating Expenses	\$	572,159	\$	572,159	130559

TOTAL GSF General Services						130560

Fund Group		\$	572,159	\$	572,159	130561

TOTAL ALL BUDGET FUND GROUPS		\$	572,159	\$	572,159	130562

Section 271.10. PAY EMPLOYEE BENEFITS FUNDS						130564

Accrued Leave Liability Fund Group						130565

8060 995666	Accrued Leave Fund	\$	65,200,000	\$	67,200,000	130566

8070 995667	Disability Fund	\$	27,400,000	\$	28,100,000	130567

TOTAL ALF Accrued Leave Liability						130568

Fund Group		\$	92,600,000	\$	95,300,000	130569

Agency Fund Group 130570

1240	995673	Payroll Deductions	\$	881,573,000	\$	943,283,110	130571
8080	995668	State Employee Health Benefit Fund	\$	551,795,580	\$	598,643,430	130572
8090	995669	Dependent Care Spending Account	\$	2,969,635	\$	2,969,635	130573
8100	995670	Life Insurance Investment Fund	\$	2,229,834	\$	2,229,834	130574
8110	995671	Parental Leave Benefit Fund	\$	3,900,000	\$	4,000,000	130575
8130	995672	Health Care Spending Account	\$	8,977,689	\$	12,000,000	130576
8140	995674	Cost Savings Days	\$	200,000,000	\$	200,000,000	130577
TOTAL AGY Agency Fund Group			\$	1,651,445,738	\$	1,763,126,009	130578
TOTAL ALL BUDGET FUND GROUPS			\$	1,744,045,738	\$	1,858,426,009	130579

PAYROLL WITHHOLDING FUND TRANSFER 130580

On July 1, 2009, or as soon as possible thereafter, the 130581
Director of Budget and Management shall transfer \$33,065.48 from 130582
the Payroll Withholding Fund (Fund 1240) to the General Revenue 130583
Fund. This amount represents the remaining balance in the Manual 130584
Emergency Payroll Account. After the transfer is completed, the 130585
Manual Emergency Payroll Account shall be closed. 130586

ACCRUED LEAVE LIABILITY FUND 130587

The foregoing appropriation item 995666, Accrued Leave Fund, 130588
shall be used to make payments from the Accrued Leave Liability 130589
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 130590
If it is determined by the Director of Budget and Management that 130591
additional amounts are necessary, the amounts are hereby 130592
appropriated. 130593

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 130594

The foregoing appropriation item 995667, Disability Fund, 130595
shall be used to make payments from the State Employee Disability 130596
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 130597
Revised Code. If it is determined by the Director of Budget and 130598
Management that additional amounts are necessary, the amounts are 130599
hereby appropriated. 130600

PAYROLL WITHHOLDING FUND 130601

The foregoing appropriation item 995673, Payroll Deductions, 130602
shall be used to make payments from the Payroll Withholding Fund 130603
(Fund 1240). If it is determined by the Director of Budget and 130604
Management that additional appropriation amounts are necessary, 130605
the amounts are hereby appropriated. 130606

STATE EMPLOYEE HEALTH BENEFIT FUND 130607

The foregoing appropriation item 995668, State Employee 130608
Health Benefit Fund, shall be used to make payments from the State 130609
Employee Health Benefit Fund (Fund 8080) pursuant to section 130610
124.87 of the Revised Code. If it is determined by the Director of 130611
Budget and Management that additional amounts are necessary, the 130612
amounts are hereby appropriated. 130613

DEPENDENT CARE SPENDING FUND 130614

The foregoing appropriation item 995669, Dependent Care 130615
Spending Account, shall be used to make payments from the 130616
Dependent Care Spending Fund (Fund 8090) to employees eligible for 130617
dependent care expenses. If it is determined by the Director of 130618
Budget and Management that additional amounts are necessary, the 130619
amounts are hereby appropriated. 130620

LIFE INSURANCE INVESTMENT FUND 130621

The foregoing appropriation item 995670, Life Insurance	130622
Investment Fund, shall be used to make payments from the Life	130623
Insurance Investment Fund (Fund 8100) for the costs and expenses	130624
of the state's life insurance benefit program pursuant to section	130625
125.212 of the Revised Code. If it is determined by the Director	130626
of Budget and Management that additional amounts are necessary,	130627
the amounts are hereby appropriated.	130628

PARENTAL LEAVE BENEFIT FUND	130629

The foregoing appropriation item 995671, Parental Leave	130630
Benefit Fund, shall be used to make payments from the Parental	130631
Leave Benefit Fund (Fund 8110) to employees eligible for parental	130632
leave benefits pursuant to section 124.137 of the Revised Code. If	130633
it is determined by the Director of Budget and Management that	130634
additional amounts are necessary, the amounts are hereby	130635
appropriated.	130636

HEALTH CARE SPENDING ACCOUNT FUND	130637

The foregoing appropriation item 995672, Health Care	130638
Spending Account, shall be used to make payments from the Health	130639
Care Spending Account Fund (Fund 8130) for payments pursuant to	130640
state employees' participation in a flexible spending account	130641
for non-reimbursed health care expenses and section 124.821 of	130642
the Revised Code. If it is determined by the Director of	130643
Administrative Services that additional appropriation amounts are	130644
necessary, the Director of Administrative Services may request	130645
that the Director of Budget and Management increase such amounts.	130646
Such amounts are hereby appropriated.	130647

At the request of the Director of Administrative Services,	130648
the Director of Budget and Management may transfer up to \$145,000	130649
from the General Revenue Fund to the Health Care Spending Account	130650
Fund during fiscal years 2010 and 2011. This cash shall be	130651

transferred as needed to provide adequate cash flow for the Health	130652
Care Spending Account Fund during fiscal year 2010 and fiscal year	130653
2011. If funds are available at the end of fiscal years 2010 and	130654
2011, the Director of Budget and Management shall transfer cash up	130655
to the amount previously transferred in the respective year, plus	130656
interest income, from the Health Care Spending Account (Fund	130657
8130) to the General Revenue Fund.	130658

COST SAVINGS DAYS	130659

The foregoing appropriation item, 995674, Cost Savings Days,	130660
shall be used by the Director of Budget and Management in	130661
accordance with division (E) of section 124.392 of the Revised	130662
Code to pay employees who participated in a mandatory cost savings	130663
program, or to reimburse employees who did not fully participate	130664
in a mandatory cost savings program by the close of each fiscal	130665
year. Notwithstanding any provision of law to the contrary, in	130666
fiscal year 2010 and fiscal year 2011, the Director may transfer	130667
agency savings achieved from the use of a mandatory cost savings	130668
program to the General Revenue Fund or any other fund as deemed	130669
necessary by the Director. The Director may make temporary	130670
transfers from the General Revenue Fund to ensure sufficient	130671
balances in the Cost Savings Fund and may reimburse the General	130672
Revenue Fund for such transfers. If the Director determines that	130673
additional amounts are necessary for these purposes, the amounts	130674
are hereby appropriated.	130675

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD	130676

General Revenue Fund	130677

GRF 125321 Operating Expenses	\$	2,863,613	\$	2,863,613	130678
TOTAL GRF General Revenue Fund	\$	2,868,613	\$	2,863,613	130679

General Services Fund Group	130680

5720 125603	Training and Publications	\$	87,075	\$	87,075	130681
TOTAL GSF General Services						130682
Fund Group		\$	87,075	\$	87,075	130683
TOTAL ALL BUDGET FUND GROUPS						130684

Section 273.20. CONSOLIDATION OF SERVICES WITH STATE EMPLOYMENT RELATIONS BOARD

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(A) Beginning on July 1, 2009, the Chairperson of the State Employment Relations Board is the appointing authority for all employees of the State Personnel Board of Review and the State Employment Relations Board. After conferring with the Chairperson of the State Personnel Board of Review, the Chairperson of the State Employment Relations Board shall identify the employees, equipment, assets, and records of the State Personnel Board of Review to be transferred to the State Employment Relations Board. The State Employment Relations Board and the State Personnel Board of Review shall enter into an interagency agreement to transfer to the State Employment Relations Board employees, equipment, assets, and records of the State Personnel Board of Review by July 1, 2009, or as soon as possible thereafter. The agreement may include provisions to transfer property and any other provisions necessary for the continued administration of program activities. The employees of the State Personnel Board of Review that the Chairperson of the State Employment Relations Board identifies for transfer, and any equipment assigned to those employees, are hereby transferred to the State Employment Relations Board. Any employees of the State Personnel Board of Review so transferred shall retain the rights specified in sections 124.321 to 124.328 of the Revised Code, and any employee transferred to the State Employment Relations Board retains the employee's respective

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classification, but the Chairperson of the State Employment
Relations Board may reassign and reclassify the employee's
position and compensation as the Chairperson determines to be in
the interest of efficient office administration. Pursuant to
division (B)(2)(b) of section 4117.02 of the Revised Code, as
amended by this act, to the extent determined necessary by the
Chairperson of the State Employment Relations Board, the State
Personnel Board of Review shall utilize employees of the State
Employment Relations Board in the exercise of the powers and the
performance of the duties of the State Personnel Board of Review.

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(B) Effective July 1, 2009, and pursuant to section 124.03 of
the Revised Code, the State Personnel Board of Review shall
exercise its duties and exist as a separate entity within the
State Employment Relations Board. The costs of the State
Personnel Board of Review shall be supported by the foregoing
appropriation item 125321, Operating Expenses.

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On July 1, 2009, or as soon as possible thereafter, the
Director of Budget and Management shall transfer the cash balance
of the Transcript and Other Documents Fund (Fund 6360) used by the
State Personnel Board of Review to the Training, Publications,
and Grants Fund (Fund 5720) used by the State Employment
Relations Board. Upon completion of the transfer, Fund 6360 is
abolished. The Director shall cancel any existing encumbrances
against appropriation item 124601, Records and Reporting Support,
and re-establish them against appropriation item 125603, Training
and Publications. The re-established encumbrance amounts are
hereby appropriated.

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Any business commenced but not completed under Fund 6360 by
July 1, 2009, shall be completed under Fund 5720 in the same
manner, and with the same effect, as if completed with regard to
Fund 6360. No validation, cure, right, privilege, remedy,
obligation, or liability is lost or impaired by reason of the

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transfer and shall be administered with regard to Fund 5720. 130743

On and after July 1, 2009, where the Transcript and Other 130744
Documents Fund is referred to in any statute, rule, contract, 130745
grant, or other document, the reference is hereby deemed to refer 130746
to the Training, Publications, and Grants Fund. 130747

**Section 275.10. ENG STATE BOARD OF ENGINEERS AND 130748
SURVEYORS**

General Services Fund Group 130749

4K90 892609 Operating Expenses	\$	902,772	\$	902,772	130750
TOTAL GSF General Services					130751
Fund Group	\$	902,772	\$	902,772	130752
TOTAL ALL BUDGET FUND GROUPS	\$	902,772	\$	902,772	130753

Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY 130755

General Services Fund Group 130756

1990 715602 Laboratory Services	\$	935,907	\$	983,929	130757
2190 715604 Central Support Indirect	\$	15,718,301	\$	15,718,301	130758
4A10 715640 Operating Expenses	\$	3,336,872	\$	3,336,872	130759
TOTAL GSF General Services					130760
Fund Group	\$	19,991,081	\$	20,039,103	130761

Federal Special Revenue Fund Group 130762

3530 715612 Public Water Supply	\$	2,933,812	\$	2,941,282	130763
3540 715614 Hazardous Waste Management - Federal	\$	4,193,000	\$	4,193,000	130764

3570	715619	Air Pollution Control - Federal	\$	6,282,777	\$	6,310,203	130765
3620	715605	Underground Injection Control - Federal	\$	111,874	\$	111,874	130766
3BU0	715684	Water Quality Protection	\$	7,435,000	\$	6,489,000	130767
3C50	715688	Federal NRD Settlements	\$	100,000	\$	100,000	130768
3F20	715630	Revolving Loan Fund - Operating	\$	1,129,696	\$	907,543	130769
3F30	715632	Federally Supported Cleanup and Response	\$	2,159,486	\$	2,159,551	130770
3F50	715641	Nonpoint Source Pollution Management	\$	6,880,000	\$	6,095,000	130771
3K40	715634	DOD Monitoring and Oversight	\$	729,130	\$	732,280	130772
3N40	715657	DOE Monitoring and Oversight	\$	878,578	\$	884,050	130773
3T30	715669	Drinking Water State Revolving Fund	\$	2,238,848	\$	2,273,323	130774
3V70	715606	Agencywide Grants	\$	500,000	\$	500,000	130775
TOTAL FED Federal Special Revenue							130776
Fund Group			\$	35,572,201	\$	33,697,106	130777

State Special Revenue Fund Group							130778

4J00	715638	Underground Injection Control	\$	383,676	\$	383,676	130779
4K20	715648	Clean Air - Non Title V	\$	3,456,261	\$	3,587,176	130780
4K30	715649	Solid Waste	\$	14,282,845	\$	14,282,845	130781
4K40	715650	Surface Water Protection	\$	7,965,000	\$	8,915,000	130782
4K40	715686	Environmental Lab Service	\$	2,132,000	\$	2,132,000	130783
4K50	715651	Drinking Water Protection	\$	7,487,198	\$	7,699,007	130784
4P50	715654	Cozart Landfill	\$	100,000	\$	100,000	130785
4R50	715656	Scrap Tire Management	\$	5,125,000	\$	5,125,000	130786

4R90	715658	Voluntary Action Program	\$	852,141	\$	852,141	130787
4T30	715659	Clean Air - Title V Permit Program	\$	16,699,500	\$	16,699,500	130788
4U70	715660	Construction and Demolition Debris	\$	888,970	\$	885,554	130789
5000	715608	Immediate Removal Special Account	\$	437,798	\$	437,798	130790
5030	715621	Hazardous Waste Facility Management	\$	8,887,756	\$	8,887,756	130791
5050	715623	Hazardous Waste Cleanup	\$	11,955,989	\$	11,955,989	130792
5050	715674	Clean Ohio Environmental Review	\$	109,725	\$	109,725	130793
5410	715670	Site Specific Cleanup	\$	25,359	\$	25,359	130794
5420	715671	Risk Management Reporting	\$	135,964	\$	135,964	130795
5920	715627	Anti Tampering Settlement	\$	5,654	\$	5,654	130796
5BC0	715617	Clean Ohio	\$	741,000	\$	741,000	130797
5BC0	715622	Local Air Pollution Control	\$	1,827,000	\$	2,035,000	130798
5BC0	715624	Surface Water	\$	13,034,000	\$	13,198,000	130799
5BC0	715667	Groundwater	\$	1,594,000	\$	1,594,000	130800
5BC0	715672	Air Pollution Control	\$	7,269,000	\$	7,607,000	130801
5BC0	715673	Drinking Water	\$	3,838,000	\$	3,838,000	130802
5BC0	715675	Hazardous Waste	\$	116,000	\$	116,000	130803
5BC0	715676	Assistance and Prevention	\$	775,000	\$	775,000	130804
5BC0	715677	Laboratory	\$	1,454,000	\$	1,454,000	130805
5BC0	715678	Corrective Actions	\$	1,180,000	\$	1,180,000	130806
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	130807
5BT0	715679	C&DD Groundwater Monitoring	\$	200,000	\$	203,800	130808
5BY0	715681	Auto Emissions Test	\$	14,385,892	\$	14,803,470	130809
5CD0	715682	Clean Diesel School Buses	\$	600,000	\$	600,000	130810

5H40	715664	Groundwater Support	\$	1,872,193	\$	1,884,247	130811
5N20	715613	Dredge and Fill	\$	30,000	\$	30,000	130812
5Y30	715685	Surface Water Improvement	\$	2,000,000	\$	500,000	130813
6440	715631	ER Radiological Safety	\$	286,114	\$	286,114	130814
6600	715629	Infectious Waste Management	\$	100,000	\$	100,000	130815
6760	715642	Water Pollution Control Loan Administration	\$	4,610,529	\$	4,832,682	130816
6780	715635	Air Toxic Release	\$	174,600	\$	179,746	130817
6790	715636	Emergency Planning	\$	2,623,395	\$	2,628,647	130818
6960	715643	Air Pollution Control Administration	\$	750,000	\$	750,000	130819
6990	715644	Water Pollution Control Administration	\$	750,000	\$	750,000	130820
6A10	715645	Environmental Education	\$	1,500,000	\$	1,500,000	130821
TOTAL SSR State Special Revenue Fund Group			\$	143,091,559	\$	144,256,850	130822
Clean Ohio Conservation Fund Group							130823
5S10	715607	Clean Ohio - Operating	\$	291,174	\$	291,174	130824
TOTAL CLF Clean Ohio Conservation Fund Group			\$	291,174	\$	291,174	130825
TOTAL ALL BUDGET FUND GROUPS			\$	198,946,015	\$	198,284,233	130826

AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT 130827

On July 1 of each fiscal year, or as soon as possible 130828
thereafter, the Director of Budget and Management shall transfer 130829
\$14,385,892 in fiscal year 2010, and \$14,803,470 in fiscal year 130830
2011 in cash from the General Revenue Fund to the Auto Emissions 130831
Test Fund (Fund 5BY0) for the operation and oversight of the auto 130832
emissions testing program. 130833

Effective September 30, 2009, or as soon as possible	130834
thereafter, the Director of Budget and Management shall transfer	130835
the cash balance in the Motor Vehicle Inspection and Maintenance	130836
Fund (Fund 6020) to Fund 5BY0. Fund 6020 is abolished in division	130837
(D) of section 3704.14 of the Revised Code as amended by this act.	130838

AREAWIDE PLANNING AGENCIES	130839

The Director of Environmental Protection Agency shall award	130840
grants from appropriation item 715687, Areawide Planning Agencies,	130841
to areawide planning agencies engaged in areawide water quality	130842
management and planning activities in accordance with Section 208	130843
of the "Federal Clean Water Act," 33 U.S.C. 1288.	130844

ENVIRONMENTAL REVIEW AND APPEALS	130845

The foregoing appropriation item 715690, Environmental Review	130846
Appeals, shall be used to support the Environmental Review Appeals	130847
Commission.	130848

CORRECTIVE CASH TRANSFER FOR COPPERWELD BANKRUPTCY SETTLEMENT	130849

On July 1, 2009, or as soon as possible thereafter, the	130850
Director of Budget and Management shall transfer \$1,323,933.19 in	130851
cash, which the Agency received from the Copperweld bankruptcy	130852
settlement, that was mistakenly deposited in the Hazardous Waste	130853
Cleanup Fund (Fund 5050) to the Environmental Protection	130854
Remediation Fund (Fund 5410).	130855

Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION	130856

General Revenue Fund	130857

GRF 172321	Operating Expenses	\$	487,000	\$	487,000	130858
TOTAL GRF General Revenue Fund		\$	487,000	\$	487,000	130859
TOTAL ALL BUDGET FUND GROUPS		\$	487,000	\$	487,000	130860

Section 281.10. ETC ETECH OHIO 130862

General Revenue Fund 130863

GRF 935401	Statehouse News Bureau	\$	219,960	\$	219,960	130864
	Ohio Government					
GRF 935402	Telecommunications Services	\$	716,417	\$	716,417	130865
GRF 935408	General Operations	\$	1,505,642	\$	1,515,111	130866
GRF 935409	Technology Operations	\$	3,516,153	\$	4,521,712	130867
	Content Development,					
GRF 935410	Acquisition, and Distribution	\$	2,896,114	\$	2,896,771	130868
	Technology Integration					
GRF 935411	and Professional Development	\$	4,874,258	\$	4,884,241	130869
GRF 935412	Information Technology	\$	970,943	\$	945,276	130870
TOTAL GRF General Revenue Fund		\$	14,699,487	\$	15,699,488	130871

General Services Fund Group 130872

4F30 935603	Affiliate Services	\$	450,000	\$	50,000	130873
	Government					
4T20 935605	Television/Telecommunications Operating	\$	25,000	\$	25,000	130874
TOTAL GSF General Services Fund Group		\$	475,000	\$	75,000	130875

Federal Special Revenue Fund Group 130876

3S30	935606	Enhancing Education Technology	\$	163,000	\$	163,000	130877
3X80	935604	IDEA	\$	18,892	\$	0	130878
TOTAL FED Federal Special Revenue Fund Group			\$	181,892	\$	163,000	130879
State Special Revenue Fund Group							130880
4W90	935630	Telecommunity	\$	25,000	\$	25,000	130881
4X10	935634	Distance Learning	\$	23,734	\$	24,150	130882
5D40	935640	Conference/Special Purposes	\$	1,471,396	\$	1,473,527	130883
5FK0	935608	Media Services	\$	300,000	\$	300,000	130884
5T30	935607	Gates Foundation Grants	\$	200,000	\$	200,000	130885
TOTAL SSR State Special Revenue Fund Group			\$	2,020,130	\$	2,022,677	130886
TOTAL ALL BUDGET FUND GROUPS			\$	17,376,509	\$	17,960,165	130887

Section 281.20. STATEHOUSE NEWS BUREAU 130889

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 130890
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OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 130893

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 130894
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TECHNOLOGY OPERATIONS 130901

Of the foregoing appropriation item 935409, Technology Operations, \$2,000,000 in fiscal year 2010 shall be used by eTech Ohio to contract with an entity to provide a common statewide platform and online advanced placement courses to public school students in Ohio and, \$1,000,000 in fiscal year 2011 shall be used to maintain the clearinghouse established under section 3333.82 of the Revised Code for online advanced placement courses. School districts that have students participating in the program shall not be charged a fee in fiscal year 2010, but may be charged a fee in fiscal year 2011 through the clearinghouse. Students participating in the program shall receive services free of charge.

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 935409, at the end of fiscal year 2010 is hereby reappropriated in fiscal year 2011 to continue to support the statewide platform and to maintain the clearinghouse.

The remainder of appropriation item 935409, Technology Operations, shall be used by eTech Ohio to pay expenses of eTech Ohio's network infrastructure, which includes the television and radio transmission infrastructure and infrastructure that shall link all public K-12 classrooms to each other and to the Internet, and provide access to voice, video, other communication services, and data educational resources for students and teachers.

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 130925

The foregoing appropriation 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online.

Of the foregoing appropriation item 935410, Content	130931
Development, Acquisition, and Distribution, up to \$731,055 in	130932
fiscal year 2010 and up to \$731,221 in fiscal year 2011 shall be	130933
allocated equally among the 12 Ohio educational television	130934
stations and used with the advice and approval of eTech Ohio.	130935
Funds shall be used for the production of interactive	130936
instructional programming series with priority given to resources	130937
aligned with state academic content standards in consultation	130938
with the Ohio Department of Education and for teleconferences to	130939
support eTech Ohio. The programming shall be targeted to the	130940
needs of the poorest two hundred school districts as determined	130941
by the district's adjusted valuation per pupil as defined in	130942
former section 3317.0213 of the Revised Code as that section	130943
existed prior to June 30, 2005.	130944

Of the foregoing appropriation item 935410, Content	130945
Development, Acquisition, and Distribution, up to \$1,810,966 in	130946
fiscal year 2010 and up to \$1,811,376 in fiscal year 2011 shall be	130947
distributed by eTech Ohio to Ohio's qualified public educational	130948
television stations and educational radio stations to support	130949
their operations. The funds shall be distributed pursuant to an	130950
allocation formula used by the Ohio Educational	130951
Telecommunications Network Commission unless a substitute formula	130952
is developed by eTech Ohio in consultation with Ohio's qualified	130953
public educational television stations and educational radio	130954
stations.	130955

Of the foregoing appropriation 935410, Content Development,	130956
Acquisition, and Distribution, up to \$221,902 in fiscal year 2010	130957
and up to \$221,952 in fiscal year 2011 shall be distributed by	130958
eTech Ohio to Ohio's qualified radio reading services to support	130959
their operations. The funds shall be distributed pursuant to an	130960
allocation formula used by the Ohio Educational Telecommunications	130961
Network Commission unless a substitute formula is developed by	130962
eTech Ohio in consultation with Ohio's qualified radio reading	130963

services. 130964

Section 281.30. TECHNOLOGY INTEGRATION AND PROFESSIONAL 130965

DEVELOPMENT 130966

The foregoing appropriation item 935411, Technology 130967
Integration and Professional Development, shall be used by eTech 130968
Ohio for the provision of staff development, hardware, software, 130969
telecommunications services, and information resources to support 130970
educational uses of technology in the classroom and at a distance 130971
and for professional development for teachers, administrators, and 130972
technology staff on the use of educational technology in 130973
qualifying public schools, including the State School for the 130974
Blind, the State School for the Deaf, and the Department of Youth 130975
Services. 130976

Of the foregoing appropriation item 935411, Technology 130977
Integration and Professional Development, up to \$1,875,826 in 130978
fiscal year 2010 and up to \$1,879,668 in fiscal year 2011, shall 130979
be used by eTech Ohio to contract with educational television to 130980
provide Ohio public schools with instructional resources and 130981
services with priority given to resources and services aligned 130982
with state academic content standards and such resources and 130983
services shall be based upon the advice and approval of eTech 130984
Ohio, based on a formula used by the Ohio SchoolNet Commission 130985
unless and until a substitute formula is developed by eTech Ohio 130986
in consultation with Ohio's educational technology agencies and 130987
noncommercial educational television stations. 130988

Section 281.40. TELECOMMUNITY 130989

The foregoing appropriation item 935630, Telecommunity, 130990
shall be distributed by eTech Ohio on a grant basis to eligible 130991
school districts to establish "distance learning" through 130992
interactive video technologies in the school district. Per 130993

agreements with eight Ohio local telephone companies, ALLTEL Ohio, 130994
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 130995
Cincinnati Bell Telephone Company, Orwell Telephone Company, 130996
Sprint North Central Telephone, VERIZON, and Western Reserve 130997
Telephone Company, school districts are eligible for funds if they 130998
are within one of the listed telephone company service areas. 130999
Funds to administer the program shall be expended by eTech Ohio up 131000
to the amount specified in the agreements with the listed 131001
telephone companies. 131002

Within thirty days after the effective date of this section, 131003
the Director of Budget and Management shall transfer to Fund 4W90 131004
in the State Special Revenue Fund Group any investment earnings 131005
from moneys paid by any telephone company as part of any 131006
settlement agreement between the listed companies and the Public 131007
Utilities Commission in fiscal years 1996 and beyond. 131008

DISTANCE LEARNING 131009

The foregoing appropriation item 935634, Distance Learning, 131010
shall be distributed by eTech Ohio on a grant basis to eligible 131011
school districts to establish "distance learning" in the school 131012
district. Per an agreement with Ameritech, school districts are 131013
eligible for funds if they are within an Ameritech service area. 131014
Funds to administer the program shall be expended by eTech Ohio up 131015
to the amount specified in the agreement with Ameritech. 131016

Within thirty days after the effective date of this section, 131017
the Director of Budget and Management shall transfer to Fund 4X10 131018
in the State Special Revenue Fund Group any investment earnings 131019
from moneys paid by any telephone company as part of a settlement 131020
agreement between the company and the Public Utilities Commission 131021
in fiscal year 1995. 131022

GATES FOUNDATION GRANTS 131023

The foregoing appropriation item 935607, Gates Foundation	131024
Grants, shall be used by eTech Ohio to provide professional	131025
development to school district principals, superintendents, and	131026
other administrative staff on the use of education technology.	131027

Section 283.10. ETH OHIO ETHICS COMMISSION	131028

General Revenue Fund	131029

GRF 146321 Operating Expenses	\$	1,513,818	\$	1,513,908	131030
TOTAL GRF General Revenue Fund	\$	1,513,818	\$	1,513,908	131031

General Services Fund Group	131032

4M60 146601 Operating Expenses	\$	544,543	\$	588,943	131033
TOTAL GSF General Services					131034
Fund Group	\$	544,543	\$	588,943	131035
TOTAL ALL BUDGET FUND GROUPS	\$	2,058,361	\$	2,102,851	131036

Section 285.10. EXP OHIO EXPOSITIONS COMMISSION	131038

General Revenue Fund	131039

GRF 723403 Junior Fair Subsidy	\$	252,000	\$	252,000	131040
TOTAL GRF General Revenue Fund	\$	252,000	\$	252,000	131041

State Special Revenue Fund Group	131042

4N20 723602 Ohio State Fair Harness Racing	\$	520,000	\$	520,000	131043
5060 723601 Operating Expenses	\$	11,753,315	\$	11,753,315	131044

TOTAL SSR State Special Revenue				131045
Fund Group	\$	12,273,315	\$	12,273,315 131046
TOTAL ALL BUDGET FUND GROUPS	\$	12,525,315	\$	12,525,315 131047
STATE FAIR RESERVE				131048
The General Manager of the Expositions Commission may submit				131049
a request to the Controlling Board to use available amounts in				131050
the State Fair Reserve Fund (Fund 6400) if the following				131051
conditions apply:				131052
(A) Admissions receipts for the 2009 or 2010 Ohio State Fair				131053
are less than \$1,982,000 because of inclement weather or				131054
extraordinary circumstances;				131055
(B) The Ohio Expositions Commission declares a state of				131056
fiscal exigency; and				131057
(C) The request contains a plan describing how the				131058
Expositions Commission will eliminate the cash shortage causing				131059
the request.				131060
The amount approved by the Controlling Board is hereby				131061
appropriated.				131062
Section 287.10. GOV OFFICE OF THE GOVERNOR				131063
General Revenue Fund				131064
GRF 040321 Operating Expenses	\$	2,674,751	\$	2,674,751 131065
GRF 040403 Federal Relations	\$	181,081	\$	181,081 131066
TOTAL GRF General Revenue Fund	\$	2,855,832	\$	2,855,832 131067
General Services Fund Group				131068

5AK0 040607 Federal Relations	\$	365,149	\$	365,149	131069
TOTAL GSF General Services Fund Group	\$	365,149	\$	365,149	131070
TOTAL ALL BUDGET FUND GROUPS	\$	3,220,981	\$	3,220,981	131071

FEDERAL RELATIONS	131072

A portion of the foregoing appropriation items 040403,	131073
Federal Relations, and 040607, Federal Relations, may be used to	131074
support Ohio's membership in national or regional associations.	131075

The Office of the Governor may charge any state agency of the	131076
executive branch using an intrastate transfer voucher such amounts	131077
necessary to defray the costs incurred for the conduct of federal	131078
relations associated with issues that can be attributed to the	131079
agency. Amounts collected shall be deposited in the Federal	131080
Relations Fund (Fund 5AK0).	131081

Section 289.10. DOH DEPARTMENT OF HEALTH	131082

General Revenue Fund	131083

GRF 440407 Animal Borne Disease and Prevention	\$	600,000	\$	642,291	131084
GRF 440412 Cancer Incidence Surveillance System	\$	774,234	\$	774,234	131085
GRF 440413 Local Health Department Support	\$	2,311,345	\$	2,311,345	131086
GRF 440416 Mothers and Children Safety Net Services	\$	4,338,449	\$	4,338,449	131087
GRF 440418 Immunizations	\$	7,239,432	\$	7,239,432	131088
GRF 440431 Free Clinics Safety Net Services	\$	437,326	\$	437,326	131089
GRF 440437 Healthy Ohio	\$	2,169,998	\$	2,169,998	131090

GRF 440438	Breast and Cervical Cancer Screening	\$	804,008	\$	739,171	131091
GRF 440444	AIDS Prevention and Treatment	\$	5,542,314	\$	5,542,314	131092
GRF 440446	Infectious Disease Protection and Surveillance	\$	915,883	\$	915,883	131093
GRF 440451	Public Health Laboratory	\$	2,899,138	\$	2,899,138	131094
GRF 440452	Child and Family Health Services Match	\$	645,131	\$	645,130	131095
GRF 440453	Health Care Quality Assurance	\$	9,902,795	\$	9,902,795	131096
GRF 440454	Local Environmental Health	\$	1,155,219	\$	1,155,219	131097
GRF 440459	Help Me Grow	\$	36,500,000	\$	36,500,000	131098
GRF 440465	Federally Qualified Health Centers	\$	2,686,688	\$	2,686,688	131099
GRF 440467	Access to Dental Care	\$	540,484	\$	540,484	131100
GRF 440468	Chronic Disease and Injury Prevention	\$	792,363	\$	792,363	131101
GRF 440505	Medically Handicapped Children	\$	8,762,451	\$	8,762,451	131102
GRF 440507	Targeted Health Care Services Over 21	\$	1,045,415	\$	1,045,414	131103
TOTAL GRF	General Revenue Fund	\$	90,062,673	\$	90,040,125	131104
State Highway Safety Fund Group						131105
4T40 440603	Child Highway Safety	\$	233,894	\$	233,894	131106
TOTAL HSF	State Highway Safety	\$		\$		131107
Fund Group		\$	233,894	\$	233,894	131108
General Services Fund Group						131109
1420 440646	Agency Health Services	\$	7,961,915	\$	7,961,915	131110
2110 440613	Central Support Indirect Costs	\$	28,884,706	\$	28,884,706	131111

4730	440622	Lab Operating Expenses	\$	4,954,045	\$	4,954,045	131112
6830	440633	Employee Assistance Program	\$	1,204,905	\$	1,204,905	131113
6980	440634	Nurse Aide Training	\$	100,000	\$	100,000	131114
TOTAL GSF General Services							131115
Fund Group			\$	43,105,571	\$	43,105,571	131116

Federal Special Revenue Fund Group							131117

3200	440601	Maternal Child Health Block Grant	\$	29,056,772	\$	29,068,886	131118
3870	440602	Preventive Health Block Grant	\$	7,826,659	\$	7,826,659	131119
3890	440604	Women, Infants, and Children	\$	298,672,689	\$	308,672,689	131120
3910	440606	Medicaid/Medicare	\$	25,891,157	\$	26,826,242	131121
3920	440618	Federal Public Health Programs	\$	136,778,215	\$	136,778,215	131122
TOTAL FED Federal Special Revenue							131123
Fund Group			\$	498,225,492	\$	509,172,691	131124

State Special Revenue Fund Group							131125

4700	440647	Fee Supported Programs	\$	23,923,382	\$	23,923,382	131126
4710	440619	Certificate of Need	\$	898,000	\$	898,000	131127
4770	440627	Medically Handicapped Children Audit	\$	3,693,016	\$	3,693,016	131128
4D60	440608	Genetics Services	\$	3,317,000	\$	3,317,000	131129
4F90	440610	Sickle Cell Disease Control	\$	1,035,344	\$	1,035,344	131130
4G00	440636	Heirloom Birth Certificate	\$	5,000	\$	5,000	131131
4G00	440637	Birth Certificate Surcharge	\$	5,000	\$	5,000	131132
4L30	440609	Miscellaneous Expenses	\$	333,164	\$	333,164	131133

4P40	440628	Ohio Physician Loan Repayment	\$	476,870	\$	476,870	131134
4V60	440641	Save Our Sight	\$	2,260,880	\$	2,260,880	131135
5B50	440616	Quality, Monitoring, and Inspection	\$	838,479	\$	838,479	131136
5C00	440615	Alcohol Testing and Permit	\$	1,126,239	\$	1,126,239	131137
5CJ0	440654	Sewage Treatment System Innovation	\$	250,000	\$	250,000	131138
5CN0	440645	Choose Life	\$	75,000	\$	75,000	131139
5D60	440620	Second Chance Trust	\$	1,054,951	\$	1,054,951	131140
5ED0	440651	Smoke Free Indoor Air	\$	189,500	\$	190,452	131141
5G40	440639	Adoption Services	\$	20,000	\$	20,000	131142
5L10	440623	Nursing Facility Technical Assistance Program	\$	698,595	\$	698,595	131143
5Z70	440624	Ohio Dentist Loan Repayment	\$	140,000	\$	140,000	131144
6100	440626	Radiation Emergency Response	\$	850,000	\$	850,000	131145
6660	440607	Medically Handicapped Children - County Assessments	\$	17,320,687	\$	17,320,687	131146
TOTAL SSR State Special Revenue							131147
Fund Group			\$	58,511,107	\$	58,512,059	131148
Holding Account Redistribution Fund Group							131149
R014	440631	Vital Statistics	\$	44,986	\$	44,986	131150
R048	440625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	131151
TOTAL 090 Holding Account							131152
Redistribution Fund Group			\$	64,986	\$	64,986	131153
Tobacco Master Settlement Agreement Fund Group							131154

5BX0 440656 Tobacco Use Prevention	\$	6,000,000	\$	6,000,000	131155
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	6,000,000	\$	6,000,000	131156
TOTAL ALL BUDGET FUND GROUPS	\$	696,203,723	\$	707,129,326	131157

Section 289.20. HIV/AIDS PREVENTION/TREATMENT 131159

The foregoing appropriation item 440444, AIDS Prevention and Treatment, shall be used to assist persons with HIV/AIDS in acquiring HIV-related medications and to administer educational prevention initiatives. 131160
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INFECTIOUS DISEASE PREVENTION 131164

The foregoing appropriation item 440446, Infectious Disease Protection and Surveillance, shall be used for coordination and management of prevention program operations and the purchase of drugs for sexually transmitted diseases. 131165
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HELP ME GROW 131169

The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to distribute subsidies to counties to implement the Help Me Grow Program. Appropriation item 440459, Help Me Grow, may be used in conjunction with Early Intervention funding from the Department of Developmental Disabilities, and in conjunction with other early childhood funds and services to promote the optimal development of young children and family-centered programs and services that acknowledge and support the social, emotional, cognitive, intellectual, and physical development of children and the vital role of families in ensuring the well-being and success of children. The Department of Health shall enter into an interagency agreement with the Department of Education, Department of Developmental Disabilities, Department of Job and 131170
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Family Services, and Department of Mental Health to ensure that 131184
all early childhood programs and initiatives are coordinated and 131185
school linked. 131186

Of the foregoing appropriation item 440459, Help Me Grow, if 131187
a county Family and Children First Council selects home-visiting 131188
programs, the home-visiting program shall only be eligible for 131189
funding if it serves pregnant women, or parents or other primary 131190
caregivers and the parent or other primary caregiver's child or 131191
children under three years of age, through quality programs of 131192
early childhood home visitation and if the home visitations are 131193
performed by nurses, social workers, child development 131194
specialists or other well-trained and competent staff, as 131195
demonstrated by education or training and the provision of 131196
ongoing specific training and supervision in the model of service 131197
being delivered. The home-visiting program also shall be required 131198
to have outcome and research standards that demonstrate ongoing 131199
positive outcomes for children, parents, and other primary 131200
caregivers that enhance child health and development, and conform 131201
to a clear consistent home visitation model that has been in 131202
existence for at least three years. The home visitation model 131203
shall be research-based; grounded in relevant, empirically based 131204
knowledge; linked to program-determined outcomes; associated with 131205
a national organization or institution of higher education that 131206
has comprehensive home visitation program standards that ensure 131207
high quality service delivery and continuous program improvement; 131208
and have demonstrated significant positive outcomes when evaluated 131209
using well-designed and rigorous randomized, controlled, or 131210
quasi-experimental research designs, and the evaluation results 131211
have been published in a peer-reviewed journal. 131212

The foregoing appropriation item 440459, Help Me Grow, may 131213
also be used for the Autism Diagnosis Education Pilot Program. 131214

TARGETED HEALTH CARE SERVICES OVER 21 131215

The foregoing appropriation item 440507, Targeted Health
Care Services Over 21, shall be used to administer the Cystic
Fibrosis Program and to implement the Hemophilia Insurance
Premium Payment Program.

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The foregoing appropriation item 440507, Targeted Health
Care Services Over 21, shall also be used to provide essential
medications and to pay the copayments for drugs approved by the
Department of Health and covered by Medicare Part D that are
dispensed to Bureau for Children with Medical Handicaps (BCMh)
participants for the Cystic Fibrosis Program.

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These funds also may be used, to the extent that funding is
available, to provide up to 18 in-patient hospital days for
participants in the Cystic Fibrosis Program.

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The Department shall expend all of these funds.

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GENETICS SERVICES

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The foregoing appropriation item 440608, Genetics Services
(Fund 4D60), shall be used by the Department of Health to
administer programs authorized by sections 3701.501 and 3701.502
of the Revised Code. None of these funds shall be used to counsel
or refer for abortion, except in the case of a medical emergency.

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MEDICALLY HANDICAPPED CHILDREN AUDIT

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The Medically Handicapped Children Audit Fund (Fund 4770)
shall receive revenue from audits of hospitals and recoveries from
third-party payers. Moneys may be expended for payment of audit
settlements and for costs directly related to obtaining recoveries
from third-party payers and for encouraging Medically Handicapped
Children's Program recipients to apply for third-party benefits.
Moneys also may be expended for payments for diagnostic and
treatment services on behalf of medically handicapped children, as

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defined in division (A) of section 3701.022 of the Revised Code,	131245
and Ohio residents who are twenty-one or more years of age and who	131246
are suffering from cystic fibrosis or hemophilia. Moneys may also	131247
be expended for administrative expenses incurred in operating the	131248
Medically Handicapped Children's Program.	131249

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND	131250
PERMIT FUND	131251

The Director of Budget and Management, pursuant to a plan	131252
submitted by the Department of Health, or as otherwise determined	131253
by the Director of Budget and Management, shall set a schedule to	131254
transfer cash from the Liquor Control Fund (Fund 7043) to the	131255
Alcohol Testing and Permit Fund (Fund 5C00) to meet the operating	131256
needs of the Alcohol Testing and Permit Program.	131257

The Director of Budget and Management may transfer to the	131258
Alcohol Testing and Permit Fund (Fund 5C00) from the Liquor	131259
Control Fund (Fund 7043) created in section 4301.12 of the Revised	131260
Code such amounts at such times as determined by the transfer	131261
schedule.	131262

DENTIST LOAN REPAYMENT ADVISORY BOARD	131263

As specified in the amendments made by this act to section	131264
3702.92 of the Revised Code, the Governor, Speaker of the House of	131265
Representatives, and President of the Senate shall each appoint	131266
one additional member to the Dentist Loan Repayment Advisory	131267
Board. The appointments shall be made not later than sixty days	131268
after the effective date of section 3702.92 of the Revised Code.	131269
The terms of office of the additional members shall end on	131270
January 27, 2011, except that a legislative member ceases to be a	131271
member of the Board on ceasing to be a member of the General	131272
Assembly. Vacancies occurring prior to January 27, 2011, shall be	131273
filled in the manner prescribed for original appointments under	131274

this section.	131275
MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS	131276
The foregoing appropriation item 440607, Medically Handicapped Children - County Assessments (Fund 6660), shall be used to make payments under division (E) of section 3701.023 of the Revised Code.	131277 131278 131279 131280
CASH TRANSFER FROM THE SEWAGE INNOVATION FUND TO FEE SUPPORTED PROGRAMS FUND	131281 131282
On July 1, 2009, or as soon as possible thereafter, the Director of Health shall certify to the Director of Budget and Management the amount of cash to be transferred from the Sewage Innovation Fund (Fund 5CJ0) to the Fee Supported Program Fund (Fund 4700) to meet the needs of the Sewage Program. The Director of Budget and Management may transfer the amount certified. The amount certified is hereby appropriated.	131283 131284 131285 131286 131287 131288 131289
NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM	131290
On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management may transfer, cash from the Resident Protection Fund (Fund 4E30), which is used by the Ohio Department of Job and Family Services, to the Nursing Facility Technical Assistance Program Fund (Fund 5L10), which is used by the Ohio Department of Health, to be used under section 3721.026 of the Revised Code. The transfers shall be up to \$698,595 in each fiscal year.	131291 131292 131293 131294 131295 131296 131297 131298
TOBACCO USE PREVENTION	131299
The Department of Health shall seek Controlling Board approval prior to expending any moneys from appropriation item	131300 131301

440656, Tobacco Use Prevention. The Department shall submit a
spending plan to the Controlling Board for each project for which
they seek expenditure approval.

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Section 289.30. DISEASE AND CANCER COMMISSION

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(A) There is hereby established in the Department of Health
the Disease and Cancer Commission. The Commission shall be
composed of individuals selected by the Director of Health who
are both of the following:

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(1) Representatives of boards of health of city health
districts or general health districts, or the authorities having
the duties of a board of health under section 3709.05 of the
Revised Code;

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(2) Located in an area in which the Director of Health
determines there is a high prevalence of one of the following:

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(a) Colorectal cancer;

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(b) Prostate cancer;

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(c) Sickle cell anemia;

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(d) Triple negative breast cancer.

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(B) The Governor shall designate from among the Commission
members an individual to serve as the chairperson of the
Commission who shall establish the meeting time and locations for
the Commission.

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(C) The Commission shall study colorectal cancer, prostate
cancer, sickle cell anemia, and triple negative breast cancer in
areas of the state in which the Director determines such
conditions are prevalent. Not later than June 30, 2011, the
Commission shall submit a report to the Governor, Speaker and

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Minority Leader of the House of Representatives, and President	131329
and Minority Leader of the Senate describing its findings on the	131330
prevalence of colorectal cancer, prostate cancer, sickle cell	131331
anemia, and triple negative breast cancer in the areas included	131332
in the study. The report shall include policy recommendations to	131333
combat the prevalence of these conditions in such areas.	131334
 (D) The Commission shall cease to exist on submission of the	131335
report under division (C) of this section.	131336
 Section 289.40. FUNDING FOR IMMUNIZATIONS	131337
 To the extent permitted under state and federal law, the	131338
Department of Health shall use state general revenue funds and	131339
federal funds appropriated for the purchase of vaccinations to	131340
provide immunizations to children and adults in Ohio.	131341
 Section 289.60. FEDERAL ABSTINENCE EDUCATION PROGRAM	131342
 The Director of Health shall apply to the United States	131343
Secretary of Health and Human Services for abstinence education	131344
funding under Title V of the "Social Security Act," 42 U.S.C. 710.	131345
 Section 289.70. LIMITED EXTENSION OF THE MORATORIUM	131346
UNDER	
THE CERTIFICATE OF NEED PROGRAM	131347
 (A) As used in this section, "certificate of need" and	131348
"long-term care bed" have the same meanings as in section 3702.51	131349
of the Revised Code.	131350
 (B) Until the effective date of the actions taken by this act	131351
to amend, enact, and repeal sections included within the range	131352
consisting of sections 3702.51 to 3702.62 of the Revised Code, the	131353
Director of Health shall proceed as follows with respect to a	131354
certificate of need application proposing an increase in long-term	131355

care beds:	131356
(1) If the application was received during the period beginning July 1, 2009, and ending on the day before the effective date of this section, the Director shall grant the certificate of need only if the proposed increase in long-term care beds is attributable solely to a replacement or relocation of existing long-term care beds within the same county.	131357 131358 131359 131360 131361 131362
(2) If the application is received on or after the effective date of this section, the Director shall accept the application, for review under section 3702.52 of the Revised Code, only if the proposed increase in long-term care beds is attributable solely to a replacement or relocation of existing long-term care beds within the same county.	131363 131364 131365 131366 131367 131368
(3) If a certificate of need is granted to the applicant, the Director shall not authorize additional beds beyond those being replaced or relocated.	131369 131370 131371
(C) If pursuant to division (B)(1) of this section a certificate of need cannot be granted or pursuant to division (B)(2) of this section an application cannot be accepted, the Director shall return to the applicant both the application and the fee that accompanied the application. This division applies to all pending actions regarding applications received before the effective date of the actions taken by this act to amend, enact, and repeal sections included within the range consisting of sections 3702.51 to 3702.62 of the Revised Code.	131372 131373 131374 131375 131376 131377 131378 131379 131380
(D) The provisions of this section are applicable to the Director and the Certificate of Need Program, notwithstanding any conflicting provision of sections 3702.51 to 3702.62 of the Revised Code.	131381 131382 131383 131384
Section 291.10. HEF HIGHER EDUCATIONAL FACILITY	131385

COMMISSION

Agency Fund Group 131386

4610 372601 Operating Expenses	\$	16,819	\$	16,819	131387
TOTAL AGY Agency Fund Group	\$	16,819	\$	16,819	131388
TOTAL ALL BUDGET FUND GROUPS	\$	16,819	\$	16,819	131389

Section 293.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 131391

General Revenue Fund 131392

GRF 148100 Personal Services	\$	229,847	\$	229,847	131393
GRF 148200 Maintenance	\$	35,000	\$	35,000	131394
GRF 148402 Community Projects	\$	90,485	\$	90,485	131395
TOTAL GRF General Revenue Fund	\$	355,332	\$	355,332	131396

General Services Fund Group 131397

6010 148602 Gifts and Miscellaneous	\$	4,558	\$	4,558	131398
TOTAL GSF General Services					131399
Fund Group	\$	4,558	\$	4,558	131400
TOTAL ALL BUDGET FUND GROUPS	\$	359,890	\$	359,890	131401

Section 295.10. OHS OHIO HISTORICAL SOCIETY 131403

General Revenue Fund 131404

GRF 360501 Education and	\$	2,304,228	\$	2,304,228	131405

	Collections					
GRF 360502	Site and Museum Operations	\$	3,791,149	\$	3,791,149	131406
GRF 360504	Ohio Preservation Office	\$	228,246	\$	228,246	131407
GRF 360505	National Afro-American Museum	\$	414,798	\$	414,798	131408
GRF 360506	Hayes Presidential Center	\$	281,043	\$	281,043	131409
GRF 360508	Historical Grants	\$	420,420	\$	420,420	131410
GRF 360509	Outreach and Partnership	\$	492,547	\$	492,547	131411
TOTAL GRF	General Revenue Fund	\$	7,932,431	\$	7,932,431	131412
TOTAL ALL BUDGET FUND GROUPS		\$	7,932,431	\$	7,932,431	131413

SUBSIDY APPROPRIATION 131414

Upon approval by the Director of Budget and Management, the 131415
foregoing appropriation items shall be released to the Ohio 131416
Historical Society in quarterly amounts that in total do not 131417
exceed the annual appropriations. The funds and fiscal records of 131418
the society for fiscal year 2010 and fiscal year 2011 shall be 131419
examined by independent certified public accountants approved by 131420
the Auditor of State, and a copy of the audited financial 131421
statements shall be filed with the Office of Budget and 131422
Management. The society shall prepare and submit to the Office of 131423
Budget and Management the following: 131424

(A) An estimated operating budget for each fiscal year of the 131425
biennium. The operating budget shall be submitted at or near the 131426
beginning of each calendar year. 131427

(B) Financial reports, indicating actual receipts and 131428
expenditures for the fiscal year to date. These reports shall be 131429
filed at least semiannually during the fiscal biennium. 131430

The foregoing appropriations shall be considered to be the 131431
contractual consideration provided by the state to support the 131432

state's offer to contract with the Ohio Historical Society under	131433
section 149.30 of the Revised Code.	131434

STATE ARCHIVES	131435

Of the foregoing appropriation item 360501, Education and	131436
Collections, \$910,459 in each fiscal year shall be used for the	131437
State Archives, Library, and Artifact Collections Program.	131438

HAYES PRESIDENTIAL CENTER	131439

If a United States government agency, including, but not	131440
limited to, the National Park Service, chooses to take over the	131441
operations or maintenance of the Hayes Presidential Center, in	131442
whole or in part, the Ohio Historical Society shall make	131443
arrangements with the National Park Service or other United States	131444
government agency for the efficient transfer of operations or	131445
maintenance.	131446

Section 301.10. REP OHIO HOUSE OF REPRESENTATIVES	131447

General Revenue Fund	131448

GRF 025321 Operating Expenses	\$ 18,517,093	\$ 18,517,093	131449
TOTAL GRF General Revenue Fund	\$ 18,517,093	\$ 18,517,093	131450

General Services Fund Group	131451

1030 025601 House Reimbursement	\$ 1,433,664	\$ 1,433,664	131452
4A40 025602 Miscellaneous Sales	\$ 37,849	\$ 37,849	131453
TOTAL GSF General Services			131454
Fund Group	\$ 1,471,513	\$ 1,471,513	131455
TOTAL ALL BUDGET FUND GROUPS	\$ 19,988,606	\$ 19,988,606	131456

OPERATING EXPENSES					131457
On July 1, 2009, or as soon as possible thereafter, the Clerk					131458
of the House of Representatives may certify to the Director of					131459
Budget and Management the amount of the unexpended, unencumbered					131460
balance of the foregoing appropriation item 025321, Operating					131461
Expenses, at the end of fiscal year 2009 to be reappropriated to					131462
fiscal year 2010. The amount certified is hereby reappropriated to					131463
the same appropriation item for fiscal year 2010.					131464
On July 1, 2010, or as soon as possible thereafter, the Clerk					131465
of the House of Representatives may certify to the Director of					131466
Budget and Management the amount of the unexpended, unencumbered					131467
balance of the foregoing appropriation item 025321, Operating					131468
Expenses, at the end of fiscal year 2010 to be reappropriated to					131469
fiscal year 2011. The amount certified is hereby reappropriated to					131470
the same appropriation item for fiscal year 2011.					131471
Section 303.10. HFA OHIO HOUSING FINANCE AGENCY					131472
Agency Fund Group					131473
5AZ0 997601 Housing Finance Agency Personal Services	\$	8,614,627	\$	8,614,627	131474
TOTAL AGY Agency Fund Group	\$	8,614,627	\$	8,614,627	131475
TOTAL ALL BUDGET FUND GROUPS	\$	8,614,627	\$	8,614,627	131476
Section 305.10. IGO OFFICE OF THE INSPECTOR GENERAL					131478
General Revenue Fund					131479
GRF 965321 Operating Expenses	\$	1,214,218	\$	1,214,218	131480

TOTAL GRF General Revenue Fund	\$	1,214,218	\$	1,214,218	131481

General Services Fund Group					131482

5FA0 965603 Deputy Inspector General for ODOT	\$	400,000	\$	400,000	131483

5FT0 965604 Deputy Inspector General for BWC/OIC	\$	425,000	\$	425,000	131484

TOTAL GSF General Services Fund Group	\$	825,000	\$	825,000	131485

TOTAL ALL BUDGET FUND GROUPS	\$	2,039,218	\$	2,039,218	131486

VIDEO LOTTERY TERMINAL OVERSIGHT					131487

Of the foregoing GRF appropriation item 965321, Operating Expenses, \$50,000 in each fiscal year may be used to defray any expenses associated with the review of the operation of video lottery terminal operations as specified in Chapter 3770. of the Revised Code.					131488 131489 131490 131491 131492

Section 307.10. INS DEPARTMENT OF INSURANCE					131493

Federal Special Revenue Fund Group					131494

3CX0 820608 State Coverage Initiative - Federal	\$	50,000,000	\$	100,000,000	131495

3U50 820602 OSHIIP Operating Grant	\$	1,770,000	\$	1,790,000	131496

TOTAL FED Federal Special					131497

Revenue Fund Group	\$	51,770,000	\$	101,790,000	131498

State Special Revenue Fund Group					131499

5540 820601 Operating Expenses - OSHIIP	\$	200,000	\$	200,000	131500

5540	820606	Operating Expenses	\$	22,884,736	\$	22,884,736	131501
5540	820609	State Coverage Initiative Administration	\$	479,575	\$	479,575	131502
5550	820605	Examination	\$	9,275,768	\$	9,294,668	131503
5AG0	820603	Health Information Technology and Health Care Coverage and Quality Council	\$	10,116,272	\$	0	131504
TOTAL SSR State Special Revenue							131505
Fund Group			\$	42,956,351	\$	32,858,979	131506
TOTAL ALL BUDGET FUND GROUPS			\$	94,726,351	\$	134,648,979	131507

HEALTH INFORMATION TECHNOLOGY AND HEALTH CARE COVERAGE AND QUALITY COUNCIL	131508
	131509

Notwithstanding section 3929.682 of the Revised Code, up to	131510
\$8,000,000 of the foregoing appropriation item 820603, Health	131511
Information Technology and Health Care Coverage and Quality	131512
Council, shall be used for health information technology	131513
initiatives: to provide the central tools and support the	131514
electronic exchange of health information, to work with industry	131515
associations to encourage and support providers in using	131516
electronic medical records, and to establish a loan program to	131517
help health care providers with the financial burden of buying and	131518
implementing electronic medical records.	131519

Notwithstanding section 3929.682 of the Revised Code, up to	131520
\$2,116,272 of the foregoing appropriation item 820603, Health	131521
Information Technology and Health Care Coverage and Quality	131522
Council, may be used to support the implementation of strategies	131523
recommended by the Health Care Coverage and Quality Council	131524
established in section 3923.90 of the Revised Code.	131525

An amount equal to the unexpended, unencumbered portion of	131526
the foregoing appropriation item 820603, Health Information	131527

Technology and Health Care Coverage and Quality Council, at the	131528
end of fiscal year 2010 is hereby reappropriated for the same	131529
purpose for fiscal year 2011.	131530

MARKET CONDUCT EXAMINATION	131531

When conducting a market conduct examination of any insurer	131532
doing business in this state, the Superintendent of Insurance may	131533
assess the costs of the examination against the insurer. The	131534
superintendent may enter into consent agreements to impose	131535
administrative assessments or fines for conduct discovered that	131536
may be violations of statutes or rules administered by the	131537
superintendent. All costs, assessments, or fines collected shall	131538
be deposited to the credit of the Department of Insurance	131539
Operating Fund (Fund 5540).	131540

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES	131541

The Director of Budget and Management, at the request of the	131542
Superintendent of Insurance, may transfer funds from the	131543
Department of Insurance Operating Fund (Fund 5540), established by	131544
section 3901.021 of the Revised Code, to the Superintendent's	131545
Examination Fund (Fund 5550), established by section 3901.071 of	131546
the Revised Code, only for expenses incurred in examining domestic	131547
fraternal benefit societies as required by section 3921.28 of the	131548
Revised Code.	131549

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND	131550

Not later than the thirty-first day of July each fiscal year,	131551
the Director of Budget and Management shall transfer \$5,000,000	131552
from the Department of Insurance Operating Fund (Fund 5540) to the	131553
General Revenue Fund.	131554

Section 307.20. HEALTH CARE COVERAGE AND QUALITY COUNCIL	131555

(A) The Health Care Coverage and Quality Council created under section 3923.90 of the Revised Code, as enacted by this act, shall hold its first meeting not later than September 1, 2009.

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(B) In addition to the Council's duties specified in section 3923.91 of the Revised Code, the Council shall evaluate and recommend strategies pursuant to the recommendations of the former Ohio Medicaid Administrative Study Council to establish an initiative conducted by clinicians in the Office of Ohio Health Plans within the Department of Job and Family Services to do all of the following:

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(1) Adopt evidence-based protocols for the prevention and management of disease;

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(2) Develop a centralized system for payment of Medicaid claims;

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(3) Provide physicians, nurses, and allied health professionals with training on Medicaid claims procedures and Medicaid payment reforms;

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(4) Monitor results for preventive and primary care services.

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(C) Not later than June 30, 2010, the Council shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

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Section 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES

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General Revenue Fund

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GRF 600321 Support Services

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	State	\$	40,291,316	\$	39,559,293	131581
	Federal	\$	10,029,863	\$	9,848,154	131582
	Support Services Total	\$	50,321,179	\$	49,407,447	131583
GRF 600410	TANF State	\$	155,494,648	\$	161,298,234	131584
	Child Care					
GRF 600413	Match/Maintenance of Effort	\$	79,401,065	\$	84,732,730	131585
GRF 600416	Computer Projects					131586
	State	\$	73,314,812	\$	73,337,904	131587
	Federal	\$	10,742,500	\$	9,039,372	131588
	Computer Projects Total	\$	84,057,312	\$	82,377,276	131589
GRF 600417	Medicaid Provider Audits	\$	1,210,625	\$	1,191,010	131590
GRF 600420	Child Support Administration	\$	6,011,708	\$	5,908,839	131591
GRF 600421	Office of Family Stability	\$	3,796,625	\$	3,753,002	131592
GRF 600423	Office of Children and Families	\$	5,298,150	\$	5,232,561	131593
GRF 600425	Office of Ohio Health Plans					131594
	State	\$	11,811,384	\$	6,500,422	131595
	Federal	\$	12,642,827	\$	12,083,374	131596
	Office of Ohio Health Plans Total	\$	24,454,211	\$	18,583,796	131597
GRF 600502	Administration - Local	\$	20,706,497	\$	19,838,659	131598
GRF 600511	Disability Financial Assistance	\$	29,399,013	\$	30,759,074	131599
GRF 600521	Entitlement Administration - Local	\$	87,310,316	\$	80,223,023	131600
GRF 600523	Children and Families Services	\$	60,538,878	\$	59,005,915	131601
GRF 600525	Health Care/Medicaid					131602
	State	\$	2,483,515,766	\$	3,206,274,820	131603
	Federal	\$	6,317,293,740	\$	7,144,647,402	131604
	Health Care Total	\$	8,800,809,506	\$	10,350,922,222	131605
GRF 600526	Medicare Part D	\$	221,686,721	\$	228,356,466	131606

GRF 600528	Adoption Services					131607
	State	\$	22,861,593	\$	24,126,683	131608
	Federal	\$	49,348,115	\$	46,254,540	131609
	Adoption Services Total	\$	72,209,708	\$	70,381,223	131610
GRF 600533	Child, Family, and Adult Community & Protective Services	\$	15,000,000	\$	15,000,000	131611
GRF 600534	Adult Protective Services	\$	425,872	\$	406,670	131612
GRF 600535	Early Care and Education	\$	137,367,699	\$	134,269,120	131613
GRF 600537	Children's Hospital	\$	6,000,000	\$	6,000,000	131614
GRF 600540	Second Harvest Food Banks	\$	3,500,000	\$	3,500,000	131615
GRF 600541	Kinship Permanency Incentive Program	\$	5,000,000	\$	5,000,000	131616
TOTAL GRF	General Revenue Fund					131617
	State	\$	3,469,942,688	\$	4,194,274,425	131618
	Federal	\$	6,400,057,045	\$	7,221,872,842	131619
	GRF Total	\$	9,869,999,733	\$	11,416,147,267	131620

General Services Fund Group 131621

4A80 600658	Child Support Collections	\$	26,000,000	\$	26,000,000	131622
4R40 600665	BCII Services/Fees	\$	36,974	\$	36,974	131623
5BG0 600653	Managed Care Assessment	\$	168,914,857	\$	0	131624
5C90 600671	Medicaid Program Support	\$	76,076,838	\$	77,563,238	131625
5DL0 600639	Medicaid Revenue and Collections	\$	99,916,750	\$	63,600,000	131626
5DM0 600633	Administration & Operating	\$	19,853,583	\$	19,928,733	131627
5FX0 600638	Medicaid Payment Withholding	\$	26,000,000	\$	26,000,000	131628

5N10	600677	County Technologies	\$	500,000	\$	500,000	131629
5P50	600692	Health Care Services	\$	84,052,802	\$	226,469,478	131630
TOTAL GSF General Services							131631
Fund Group			\$	501,351,804	\$	440,098,423	131632

Federal Special Revenue Fund Group							131633

3270	600606	Child Welfare	\$	33,972,321	\$	33,984,200	131634
3310	600686	Federal Operating	\$	60,672,731	\$	56,569,912	131635
3840	600610	Food Assistance and State Administration	\$	159,109,776	\$	159,109,427	131636
3850	600614	Refugee Services	\$	10,497,024	\$	11,265,511	131637
3950	600616	Special Activities/Child and Family Services	\$	3,113,200	\$	2,813,200	131638
3960	600620	Social Services Block Grant	\$	120,000,000	\$	120,000,000	131639
3970	600626	Child Support	\$	305,830,981	\$	305,832,341	131640
3980	600627	Adoption Maintenance/ Administration	\$	355,345,646	\$	352,184,668	131641
3A20	600641	Emergency Food Distribution	\$	9,953,222	\$	4,970,000	131642
3AW0	600675	Faith Based Initiatives	\$	544,140	\$	544,140	131643
3D30	600648	Children's Trust Fund Federal	\$	2,040,524	\$	2,040,524	131644
3F00	600623	Health Care Federal	\$	3,367,952,785	\$	2,729,816,014	131645
3F00	600650	Hospital Care Assurance Match	\$	362,092,785	\$	367,826,196	131646
3G50	600655	Interagency Reimbursement	\$	1,703,777,044	\$	1,666,905,912	131647
3H70	600617	Child Care Federal	\$	241,862,780	\$	241,862,779	131648
3N00	600628	IV-E Foster Care Maintenance	\$	169,324,768	\$	161,644,455	131649
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	131650
3V00	600688	Workforce Investment Act	\$	326,923,124	\$	327,145,616	131651

3V40	600678	Federal Unemployment Programs	\$	167,478,790	\$	136,982,528	131652
3V40	600679	Unemployment Compensation Review Commission - Federal	\$	3,487,473	\$	3,487,473	131653
3V60	600689	TANF Block Grant	\$	819,207,893	\$	811,170,741	131654
TOTAL FED Federal Special Revenue							131655
Fund Group			\$	8,223,721,057	\$	7,496,689,687	131656
State Special Revenue Fund Group							131657
1980	600647	Children's Trust Fund	\$	5,881,011	\$	5,881,011	131658
4A90	600607	Unemployment Compensation Administration Fund	\$	27,134,851	\$	37,772,416	131659
4A90	600694	Unemployment Compensation Review Commission	\$	2,357,197	\$	2,431,133	131660
4E30	600605	Nursing Home Assessments	\$	4,759,914	\$	4,759,914	131661
4E70	600604	Child and Family Services Collections	\$	121,318	\$	121,318	131662
4F10	600609	Foundation Grants/Child & Family Services	\$	250,000	\$	250,000	131663
4J50	600613	Nursing Facility Bed Assessments	\$	36,713,984	\$	36,713,984	131664
4J50	600618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	131665
4K10	600621	ICF/MR Bed Assessments	\$	29,696,029	\$	28,976,838	131666
4R30	600687	Banking Fees	\$	700,000	\$	700,000	131667
4Z10	600625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	131668
5AJ0	600631	Money Follows the Person	\$	6,286,485	\$	6,195,163	131669
5DB0	600637	Military Injury Grants	\$	2,000,000	\$	2,000,000	131670

5DP0	600634	Adoption Assistance Loan	\$	500,000		500,000	131671
5ES0	600630	Food Assistance	\$	500,000	\$	500,000	131672
5GC0	600640	GOFBCI/Family Stability	\$	70,000	\$	70,000	131673
5GF0	600656	Medicaid - Hospital	\$	338,505,284	\$	370,861,816	131674
5Q90	600619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	131675
5R20	600608	Medicaid-Nursing Facilities	\$	359,332,500	\$	381,710,000	131676
5S30	600629	MR/DD Medicaid Administration and Oversight	\$	2,070,707	\$	5,493,954	131677
5U30	600654	Health Care Services Administration	\$	12,017,389	\$	14,393,903	131678
5U60	600663	Children and Family Support	\$	4,719,470	\$	4,719,470	131679
6510	600649	Hospital Care Assurance Program Fund	\$	220,612,051	\$	218,164,239	131680
TOTAL SSR State Special Revenue							131681
Fund Group			\$	1,136,054,188	\$	1,204,041,157	131682
Agency Fund Group							131683
1920	600646	Support Intercept - Federal	\$	130,000,000	\$	130,000,000	131684
5830	600642	Support Intercept - State	\$	16,000,000	\$	16,000,000	131685
5B60	600601	Food Assistance Intercept	\$	2,000,000	\$	2,000,000	131686
TOTAL AGY Agency Fund Group			\$	148,000,000	\$	148,000,000	131687
Holding Account Redistribution Fund Group							131688
R012	600643	Refunds and Audit Settlements	\$	2,200,000	\$	2,200,000	131689
R013	600644	Forgery Collections	\$	10,000	\$	10,000	131690

TOTAL 090 Holding Account Redistribution Fund Group	\$	2,210,000	\$	2,210,000	131691
TOTAL ALL BUDGET FUND GROUPS	\$	19,881,336,782	\$	20,707,186,534	131692

Section 309.20. SUPPORT SERVICES 131694

Section 309.20.10. AGENCY FUND GROUP 131695

The Agency Fund Group and Holding Account Redistribution Fund 131696
Group shall be used to hold revenues until the appropriate fund is 131697
determined or until the revenues are directed to the appropriate 131698
governmental agency other than the Department of Job and Family 131699
Services. If receipts credited to the Support Intercept – Federal 131700
Fund (Fund 1920), the Support Intercept – State Fund (Fund 5830), 131701
the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit 131702
Settlements Fund (Fund R012), or the Forgery Collections Fund 131703
(Fund R013) exceed the amounts appropriated from the fund, the 131704
Director of Job and Family Services may request the Director of 131705
Budget and Management to authorize expenditures from the fund in 131706
excess of the amounts appropriated. Upon the approval of the 131707
Director of Budget and Management, the additional amounts are 131708
hereby appropriated. 131709

Section 309.30. MEDICAID 131710

Section 309.30.10. HEALTH CARE/MEDICAID 131711

The foregoing appropriation item 600525, Health 131712
Care/Medicaid, shall not be limited by section 131.33 of the 131713
Revised Code. 131714

Section 309.30.12. MEDICAID COVERAGE OF OXYGEN SERVICES 131715
TO
ICF/MR RESIDENTS 131716

Of the foregoing appropriation item 600525, Health 131717
Care/Medicaid, \$30,000 in each fiscal year shall be used to 131718
reimburse medical suppliers of oxygen services in accordance with 131719
section 5111.236 of the Revised Code. 131720

Section 309.30.15. CHILDREN'S HOSPITALS 131721

(A) As used in this section: 131722

(1) "Children's hospital" means a hospital that primarily 131723
serves patients eighteen years of age and younger and is excluded 131724
from Medicare prospective payment in accordance with 42 C.F.R. 131725
412.23(d). 131726

(2) "Medicaid inpatient cost-to-charge ratio" means the 131727
historic Medicaid inpatient cost-to-charge ratio applicable to a 131728
hospital as described in rules adopted by the Director of Job and 131729
Family Services in paragraph (B)(2) of rule 5101:3-2-22 of the 131730
Administrative Code. 131731

(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of 131732
the Administrative Code and except as provided in division (C) of 131733
this section, the Director of Job and Family Services shall pay a 131734
children's hospital that meets the criteria in paragraphs (E)(1) 131735
and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each 131736
cost outlier claim made in fiscal years 2010 and 2011, an amount 131737
that is the product of the hospital's allowable charges and the 131738
hospital's Medicaid inpatient cost-to-charge ratio. 131739

(C) The Director of Job and Family Services shall cease 131740
paying a children's hospital for a cost outlier claim under the 131741
methodology in division (B) of this section and revert to paying 131742
the hospital for such a claim according to the methodology in 131743
paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the 131744
Administrative Code, as applicable, when the difference between 131745
the total amount the Director has paid according to the 131746

methodology in division (B) of this section for such claims and 131747
the total amount the Director would have paid according to the 131748
methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of 131749
the Administrative Code for such claims, as the applicable 131750
paragraph existed on June 30, 2009, exceeds the amounts available 131751
under division (F) of this section. 131752

(D) The Director of Job and Family Services shall make 131753
supplemental Medicaid payments to children's hospitals for 131754
inpatient services under a program modeled after the program the 131755
Department of Job and Family Services was required to create for 131756
fiscal years 2006 and 2007 in Section 206.66.79 of Am. Sub. H.B. 131757
66 of the 126th General Assembly if the difference between the 131758
total amount the Director has paid according to the methodology 131759
in division (B) of this section for cost outlier claims and the 131760
total amount the Director would have paid according to the 131761
methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 131762
of the Administrative Code for such claims, as the applicable 131763
paragraph existed on June 30, 2009, does not require the 131764
expenditure of all state and federal funds available under 131765
division (F) of this section for the applicable fiscal year. The 131766
program may be the same as the program the Director used for 131767
making the payments to children's hospitals for fiscal years 131768
2008 and 2009 under Section 309.30.13 of Am. Sub. H.B. 119 of 131769
the 127th General Assembly. 131770

(E) The Director of Job and Family Services shall not adopt, 131771
amend, or rescind any rules that would result in decreasing the 131772
amount paid to children's hospitals under division (B) of this 131773
section for cost outlier claims. 131774

(F) Of the foregoing appropriation item, 600537, Children's 131775
Hospital, up to \$6 million (state share) in each fiscal year plus 131776
the corresponding federal match, if available, shall be used by 131777
the Department to pay the amounts described in divisions (B) and 131778

(D) of this section. Of the amounts deposited into the Hospital Assessment Fund created under section 5112.45 of the Revised Code, \$4.4 million in fiscal year 2010, plus the corresponding federal match, and \$4 million in fiscal year 2011, plus the corresponding federal match, also shall be used by the Department to pay the amounts described in divisions (B) and (D) of this section.

Section 309.30.17. HOSPITAL INPATIENT AND OUTPATIENT SUPPLEMENTAL UPPER PAYMENT LIMIT PROGRAM

(A) As used in this section:

(1) "Assessment program year" has the same meaning as in section 5112.40 of the Revised Code.

(2) "Hospital" has the same meaning as in Section 5112.40 of the Revised Code, except that "hospital" excludes a children's hospital as defined in Section 309.30.15 of this act.

(3) "Hospital Assessment Fund" means the fund created under section 5112.45 of the Revised Code.

(B) The Director of Job and Family Services shall submit a Medicaid state plan amendment to the United States Secretary of Health and Human Services to create the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program. If the United States Secretary approves the Medicaid state plan amendment, the program shall, subject to division (D) of this section, make supplemental Medicaid payments to hospitals for medicaid-covered inpatient services and outpatient services with funds made available for the program under division (C) of this section and federal matching funds available for the program.

(C) Of the amounts deposited into the Hospital Assessment Fund for the first assessment program year beginning after the

effective date of this section, nine and sixteen hundredths per cent shall be used for the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program. Of the amounts deposited into the Hospital Assessment Fund for the second assessment program year beginning after the effective date of this section, ten and twenty-nine hundredths per cent shall be used for the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program.

(D) The Director of Job and Family Services shall take all necessary actions to cease implementation of this section if the United States Secretary of Health and Human Services determines that the assessment imposed under section 5112.41 of the Revised Code is an impermissible health care-related tax under 42 U.S.C. 1396b(w).

Section 309.30.18. POSTPONEMENT OF RECALIBRATION FOR HOSPITALS

The Director of Job and Family Services shall amend rule 5101:3-2-07.3 of the Administrative Code to postpone to January 1, 2012, the recalibration that otherwise would occur on January 1, 2010, under that rule and to postpone to January 1, 2013, the recalibration that otherwise would occur on January 1, 2011, under that rule.

Section 309.30.20. FISCAL YEAR 2010 MEDICAID REIMBURSEMENT SYSTEM FOR NURSING FACILITIES

(A) As used in this section:

"Franchise permit fee," "Medicaid days," "nursing facility," and "provider" have the same meanings as in section 5111.20 of the Revised Code.

"Nursing facility services" means nursing facility services covered by the Medicaid program that a nursing facility provides to a resident of the nursing facility who is a Medicaid recipient eligible for Medicaid-covered nursing facility services.	131836 131837 131838 131839
(B) Except as otherwise provided by this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2009, and a valid Medicaid provider agreement during fiscal year 2010 shall be paid, for nursing facility services the nursing facility provides during fiscal year 2010, the rate calculated for the nursing facility under sections 5111.20 to 5111.33 of the Revised Code with the following adjustments:	131840 131841 131842 131843 131844 131845 131846 131847
(1) The cost per case mix-unit calculated under section 5111.231 of the Revised Code, the rate for ancillary and support costs calculated under section 5111.24 of the Revised Code, the rate for tax costs calculated under section 5111.242 of the Revised Code, and the rate for capital costs calculated under section 5111.25 of the Revised Code shall each be adjusted as follows:	131848 131849 131850 131851 131852 131853 131854
(a) Increase the cost and rates so calculated by two per cent;	131855 131856
(b) Increase the cost and rates determined under division (B)(1)(a) of this section by two per cent;	131857 131858
(c) Increase the cost and rates determined under division (B)(1)(b) of this section by one per cent.	131859 131860
(2) The mean payment used in the calculation of the quality incentive payment made under section 5111.244 of the Revised Code shall be, weighted by Medicaid days, three dollars and three cents per Medicaid day.	131861 131862 131863 131864

(3) The rate, after the adjustments under divisions (B)(1)	131865
and (2) of this section are made, shall be further adjusted by a	131866
percentage that the Department of Job and Family Services shall	131867
determine in consultation with the Ohio Health Care Association;	131868
Ohio Academy of Nursing Homes; and the Association of Ohio	131869
Philanthropic Homes, Housing, and Services for the Aging. The	131870
percentage shall be based on expending an amount equal to the	131871
amount determined as follows:	131872
(a) Determine how much of the revenue to be generated under	131873
section 3721.51 of the Revised Code for fiscal year 2010 reflects	131874
the calculations made under divisions (A)(1) to (4) of section	131875
3721.50 of the Revised Code;	131876
(b) From the amount determined under division (B)(3)(a) of	131877
this section, subtract the portion of the amount to be expended	131878
under division (E) of this section that reflects the part of the	131879
calculation made under division (E)(2) of this section.	131880
(C) If the rate determined for a nursing facility under	131881
division (B) of this section for nursing facility services	131882
provided during fiscal year 2010 is more than one hundred one and	131883
seventy-five hundredths per cent of the rate the provider is paid	131884
for nursing facility services the nursing facility provides on	131885
June 30, 2009, the Department of Job and Family Services shall	131886
reduce the nursing facility's rate determined under division (B)	131887
of this section for fiscal year 2010 so that the rate is not more	131888
than one hundred one and seventy-five hundredths per cent of the	131889
nursing facility's rate for June 30, 2009. If the rate	131890
determined for a nursing facility under division (B) of this	131891
section for nursing facility services provided during fiscal year	131892
2010 is less than ninety-nine per cent of the rate the provider	131893
is paid for nursing facility services the nursing facility	131894
provides on June 30, 2009, the Department shall increase the	131895
nursing facility's rate determined under division (B) of this	131896

section for fiscal year 2010 so that the rate is not less than 131897
ninety-nine per cent of the nursing facility's rate for June 30, 131898
2009. 131899

(D) After the adjustments under divisions (B) and (C) of this 131900
section are made to a nursing facility's fiscal year 2010 rate, 131901
the Department of Job and Family Services shall increase the 131902
nursing facility's fiscal year 2010 rate by five dollars and 131903
seventy cents per Medicaid day. This increase shall be known as 131904
the workforce development incentive payment. The total amount of 131905
workforce development incentive payments paid to providers of 131906
nursing facilities shall be used to improve nursing facilities' 131907
employee retention and direct care staffing levels, including by 131908
increasing wages paid to nursing facilities' direct care staff. 131909
Not later than September 30, 2011, the Department shall submit a 131910
report to the Governor and, in accordance with section 101.68 of 131911
the Revised Code, the General Assembly detailing the impact that 131912
the workforce development incentive payments have on nursing 131913
facilities' employee retention, direct care staffing levels, and 131914
direct care staff wages. 131915

(E) After the adjustment under division (D) of this section 131916
is made to a nursing facility's fiscal year 2010 rate, the 131917
Department of Job and Family Services shall increase the nursing 131918
facility's fiscal year 2010 rate by the consolidated services rate 131919
per Medicaid day. The consolidated services rate shall equal the 131920
sum of the following: 131921

(1) Three dollars and ninety-one cents; 131922

(2) The amount calculated under divisions (A)(1) to (4) of 131923
section 3721.50 of the Revised Code for fiscal year 2010. 131924

(F) If the fiscal year 2010 rate for a nursing facility as 131925
initially determined under division (B) of this section is not 131926
subject to an adjustment under division (C) of this section, the 131927

nursing facility's rate shall not be subject to an adjustment 131928
under that division for the remainder of fiscal year 2010 131929
regardless of any other adjustment made to the nursing facility's 131930
fiscal year 2010 rate under sections 5111.20 to 5111.33 of the 131931
Revised Code. 131932

(G) Not later than October 1, 2009, the Department of Job and 131933
Family Services shall determine the rates to be paid providers of 131934
nursing facilities under this section. Until the rates are 131935
determined, the Department shall continue to pay a provider the 131936
rate the provider is paid for nursing facility services the 131937
provider's nursing facility provides on June 30, 2009. When the 131938
Department determines the rates to be paid under this section, the 131939
Department shall pay the rates retroactive to July 1, 2009. 131940

(H) If the United States Centers for Medicare and Medicaid 131941
Services requires that the franchise permit fee be reduced or 131942
eliminated, the Department of Job and Family Services shall reduce 131943
the amount it pays providers of nursing facility services under 131944
this section as necessary to reflect the loss to the state of the 131945
revenue and federal financial participation generated from the 131946
franchise permit fee. 131947

(I) The Department of Job and Family Services shall follow 131948
this section in determining the rate to be paid to the provider of 131949
a nursing facility that has a valid Medicaid provider agreement on 131950
June 30, 2009, and a valid Medicaid provider agreement during 131951
fiscal year 2010 notwithstanding anything to the contrary in 131952
sections 5111.20 to 5111.33 of the Revised Code. 131953

Section 309.30.25. FISCAL YEAR 2011 MEDICAID 131954
REIMBURSEMENT
SYSTEM FOR NURSING FACILITIES 131955

(A) As used in this section: 131956

"Fiscal year 2010 partial rate" means the total rate a provider of a nursing facility is paid for nursing facility services the nursing facility provides on June 30, 2010, less the portion of that total rate that equals the sum of the workforce development incentive payment and consolidated services rate included in the total rate pursuant to divisions (D) and (E) of Section 309.30.20 of this act.

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"Franchise permit fee," "Medicaid days," "nursing facility," and "provider" have the same meanings as in section 5111.20 of the Revised Code.

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"Nursing facility services" means nursing facility services covered by the Medicaid program that a nursing facility provides to a resident of the nursing facility who is a Medicaid recipient eligible for Medicaid-covered nursing facility services.

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(B) Except as otherwise provided by this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2010, and a valid Medicaid provider agreement during fiscal year 2011 shall be paid, for nursing facility services the nursing facility provides during fiscal year 2011, the rate calculated for the nursing facility under sections 5111.20 to 5111.33 of the Revised Code with the following adjustments:

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(1) The cost per case mix-unit calculated under section 5111.231 of the Revised Code, the rate for ancillary and support costs calculated under section 5111.24 of the Revised Code, the rate for tax costs calculated under section 5111.242 of the Revised Code, and the rate for capital costs calculated under section 5111.25 of the Revised Code shall each be adjusted as follows:

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(a) Increase the cost and rates so calculated by two per cent;

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(b) Increase the cost and rates determined under division	131988
(B)(1)(a) of this section by two per cent;	131989
(c) Increase the cost and rates determined under division	131990
(B)(1)(b) of this section by one per cent.	131991
(2) The mean payment used in the calculation of the quality	131992
incentive payment made under section 5111.244 of the Revised Code	131993
shall be, weighted by Medicaid days, three dollars and three cents	131994
per Medicaid day.	131995
(3) The rate, after the adjustments under divisions (B)(1)	131996
and (2) of this section are made, shall be further adjusted by a	131997
percentage that the Department of Job and Family Services shall	131998
determine in consultation with the Ohio Health Care Association;	131999
Ohio Academy of Nursing Homes; and the Association of Ohio	132000
Philanthropic Homes, Housing, and Services for the Aging. The	132001
percentage shall be based on expending an amount equal to the	132002
amount determined as follows:	132003
(a) Determine how much of the revenue to be generated under	132004
section 3721.51 of the Revised Code for fiscal year 2011 reflects	132005
the calculations made under divisions (A)(1) to (4) of section	132006
3721.50 of the Revised Code;	132007
(b) From the amount determined under division (B)(3)(a) of	132008
this section, subtract the portion of the amount to be expended	132009
under division (E) of this section that reflects the part of the	132010
calculation made under division (E)(2) of this section.	132011
(C) Except as provided in division (F) of this section, if	132012
the rate determined for a nursing facility under division (B) of	132013
this section for nursing facility services provided during fiscal	132014
year 2011 is more than one hundred two and twenty-five hundredths	132015
per cent of the nursing facility's fiscal year 2010 partial rate,	132016

the Department of Job and Family Services shall reduce the
nursing facility's rate determined under division (B) of this
section for fiscal year 2011 so that the rate is not more than
one hundred two and twenty-five hundredths per cent of the
nursing facility's fiscal year 2010 partial rate. Except as
provided in division (F) of this section, if the rate determined
for a nursing facility under division (B) of this section for
nursing facility services provided during fiscal year 2011 is
less than ninety-nine per cent of the nursing facility's fiscal
year 2010 partial rate, the Department shall increase the
nursing facility's rate determined under division (B) of this
section for fiscal year 2011 so that the rate is not less than
ninety-nine per cent of the nursing facility's fiscal year 2010
partial rate.

(D) After the adjustments under divisions (B) and (C) of this
section are made to a nursing facility's fiscal year 2011 rate,
the Department of Job and Family Services shall increase the
nursing facility's fiscal year 2011 rate by five dollars and
seventy cents per Medicaid day. This increase shall be known as
the workforce development incentive payment. The total amount of
workforce development incentive payments paid to providers of
nursing facilities shall be used to improve nursing facilities'
employee retention and direct care staffing levels, including by
increasing wages paid to nursing facilities' direct care staff.
Not later than September 30, 2012, the Department shall submit a
report to the Governor and, in accordance with section 101.68 of
the Revised Code, the General Assembly detailing the impact that
the workforce development incentive payments have on nursing
facilities' employee retention, direct care staffing levels, and
direct care staff wages.

(E) After the adjustment under division (D) of this section
is made to a nursing facility's fiscal year 2011 rate, the
Department of Job and Family Services shall increase the nursing

facility's fiscal year 2011 rate by the consolidated services rate 132050
per Medicaid day. The consolidated services rate shall equal the 132051
sum of the following: 132052

(1) Three dollars and ninety-one cents; 132053

(2) The amount calculated under divisions (A)(1) to (4) of 132054
section 3721.50 of the Revised Code for fiscal year 2011. 132055

(F) If the fiscal year 2010 rate for a nursing facility as 132056
initially determined under division (B) of section 309.30.20 of 132057
this act is not subject to an adjustment under division (C) of 132058
that section, the nursing facility's fiscal year 2011 rate as 132059
initially determined under division (B) of this section shall not 132060
be subject to an adjustment under division (C) of this section 132061
regardless of whether the nursing facility's fiscal year 2011 rate 132062
as initially determined under division (B) of this section would, 132063
if not for this division, be subject to the adjustment. 132064

If the fiscal year 2011 rate for a nursing facility as 132065
initially determined under division (B) of this section is not 132066
subject to an adjustment under division (C) of this section, the 132067
nursing facility's rate shall not be subject to an adjustment 132068
under that division for the remainder of fiscal year 2011 132069
regardless of any other adjustment made to the nursing facility's 132070
fiscal year 2011 rate under sections 5111.20 to 5111.33 of the 132071
Revised Code. 132072

(G) Not later than October 1, 2010, the Department of Job and 132073
Family Services shall determine the rates to be paid providers of 132074
nursing facilities under this section. Until the rates are 132075
determined, the Department shall continue to pay a provider the 132076
rate the provider is paid for nursing facility services the 132077
provider's nursing facility provides on June 30, 2010. When the 132078
Department determines the rates to be paid under this section, the 132079
Department shall pay the rates retroactive to July 1, 2010. 132080

(H) If the United States Centers for Medicare and Medicaid
Services requires that the franchise permit fee be reduced or
eliminated, the Department of Job and Family Services shall reduce
the amount it pays providers of nursing facility services under
this section as necessary to reflect the loss to the state of the
revenue and federal financial participation generated from the
franchise permit fee.

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(I) The Department of Job and Family Services shall follow
this section in determining the rate to be paid to the provider of
a nursing facility that has a valid Medicaid provider agreement on
June 30, 2010, and a valid Medicaid provider agreement during
fiscal year 2011 notwithstanding anything to the contrary in
sections 5111.20 to 5111.33 of the Revised Code.

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Section 309.30.30. NURSING FACILITY CAPITAL COSTS STUDY 132094

Not later than December 31, 2010, the Department of Job and
Family Services shall submit a report to the Governor and, in
accordance with section 101.68 of the Revised Code, the General
Assembly with recommendations for developing a new system for
reimbursing nursing facilities' capital costs under the Medicaid
program. The report may include recommendations for changes to
other parts of the Medicaid reimbursement system for nursing
facilities. The Department shall prepare the report in
consultation with the Ohio Academy of Nursing Homes; the
Association of Ohio Philanthropic Homes, Housing, and Services for
the Aging; and the Ohio Health Care Association. The
recommendations regarding the new system for reimbursing nursing
facilities for capital costs shall focus on both of the following:

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(A) Resulting in a statewide average per diem rate, weighted
by Medicaid days, for capital costs for the first fiscal year the
system is implemented that is budget neutral compared to the
statewide average per diem rate, weighted by Medicaid days, for

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capital costs under section 5111.25 of the Revised Code;	132112
(B) Appropriately recognizing increased costs incurred by nursing facilities for capital improvements to, and replacement of, existing nursing facilities.	132113 132114 132115
Section 309.30.60. FISCAL YEAR 2010 MEDICAID REIMBURSEMENT	132116
SYSTEM FOR ICFs/MR	132117
(A) As used in this section:	132118
"Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code.	132119 132120 132121
"Franchise permit fee" and "provider" have the same meanings as in section 5111.20 of the Revised Code.	132122 132123
"ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code.	132124 132125
"ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services.	132126 132127 132128
"Medicaid days" means all days during which a resident who is a Medicaid recipient occupies a bed in an ICF/MR that is included in the ICF/MR's Medicaid-certified capacity. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the ICF/MR's per resident per day rate paid for those days.	132129 132130 132131 132132 132133 132134 132135
"Per diem rate" means the per diem rate calculated pursuant to sections 5111.20 to 5111.33 of the Revised Code.	132136 132137

(B) This section applies to providers of ICFs/MR to which either of the following applies:	132138 132139
(1) The provider has a valid Medicaid provider agreement for the ICF/MR on June 30, 2009, and a valid Medicaid provider agreement for the ICF/MR during fiscal year 2010.	132140 132141 132142
(2) The ICF/MR undergoes a change of operator effective July 1, 2009, the exiting operator has a valid Medicaid provider agreement for the ICF/MR on June 30, 2009, and the entering operator has a valid Medicaid provider agreement for the ICF/MR during fiscal year 2010.	132143 132144 132145 132146 132147
(C) Except as otherwise provided by this section, the provider of an ICF/MR to which this section applies shall be paid, for ICF/MR services the ICF/MR provides during fiscal year 2010, the rate calculated for the ICF/MR under sections 5111.20 to 5111.33 of the Revised Code.	132148 132149 132150 132151 132152
(D) The provider of an ICF/MR to which this section applies shall be paid, for ICF/MR services the ICF/MR provides during the period beginning on the effective date of this section and ending July 31, 2009, the rate the provider was paid for ICF/MR services the ICF/MR provided on June 29, 2009.	132153 132154 132155 132156 132157
(E) If the mean total per diem rate for all ICFs/MR in this state for the period beginning August 1, 2009, and ending June 30, 2010, weighted by May 2009 Medicaid days and calculated as of August 1, 2009, exceeds \$278.15, the Department shall reduce, for the period beginning August 1, 2009, and ending June 30, 2010, the total per diem rate for each ICF/MR to which this section applies by a percentage that is equal to the percentage by which the mean total per diem rate exceeds \$278.15.	132158 132159 132160 132161 132162 132163 132164 132165
(F) The rate of an ICF/MR set pursuant to this section shall not be subject to any adjustments authorized by sections 5111.20	132166 132167

to 5111.33 of the Revised Code, or any rule authorized by those sections, during the remainder of fiscal year 2010.

(G) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of ICF/MR services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(H) The Department of Job and Family Services shall follow this section in determining the rate to be paid providers of ICF/MR services subject to this section notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code.

Section 309.30.70. FISCAL YEAR 2011 MEDICAID REIMBURSEMENT SYSTEM FOR ICFs/MR

(A) As used in this section:

"Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code.

"Franchise permit fee" and "provider" have the same meanings as in section 5111.20 of the Revised Code.

"ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code.

"ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services.

"Medicaid days" means all days during which a resident who is a Medicaid recipient occupies a bed in an ICF/MR that is included in the ICF/MR's Medicaid-certified capacity. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the ICF/MR's per resident per day rate paid for those days.

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"Per diem rate" means the per diem rate calculated pursuant to sections 5111.20 to 5111.33 of the Revised Code.

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(B) This section applies to providers of ICFs/MR to which either of the following applies:

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(1) The provider has a valid Medicaid provider agreement for the ICF/MR on June 30, 2010, and a valid Medicaid provider agreement for the ICF/MR during fiscal year 2011.

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(2) The ICF/MR undergoes a change of operator effective July 1, 2010, the exiting operator has a valid Medicaid provider agreement for the ICF/MR on June 30, 2010, and the entering operator has a valid Medicaid provider agreement for the ICF/MR during fiscal year 2011.

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(C) Except as otherwise provided by this section, the provider of an ICF/MR to which this section applies shall be paid, for ICF/MR services the ICF/MR provides during fiscal year 2011, the rate calculated for the ICF/MR under sections 5111.20 to 5111.33 of the Revised Code.

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(D) If the mean total per diem rate for all ICFs/MR in this state for fiscal year 2011, weighted by May 2010 Medicaid days and calculated as of July 1, 2010, exceeds \$278.15, the Department shall reduce the total per diem rate for each ICF/MR to which this section applies by a percentage that is equal to the percentage by which the mean total per diem rate exceeds \$278.15.

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(E) The rate of an ICF/MR set pursuant to this section shall not be subject to any adjustments authorized by sections 5111.20 to 5111.33 of the Revised Code, or any rule authorized by those sections, during the remainder of fiscal year 2011.	132225 132226 132227 132228
(F) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of ICF/MR services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.	132229 132230 132231 132232 132233 132234 132235
(G) The Department of Job and Family Services shall follow this section in determining the rate to be paid providers of ICF/MR services subject to this section notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code.	132236 132237 132238 132239 132240
Section 309.30.71. ICF/MR REIMBURSEMENT STUDY COUNCIL	132241
(A) There is hereby created the ICF/MR Reimbursement Study Council consisting of all of the following members:	132242 132243
(1) The Director of Job and Family Services;	132244
(2) The Deputy Director of the Office of Ohio Health Plans of the Department of Job and Family Services;	132245 132246
(3) The Director of Developmental Disabilities;	132247
(4) One representative of Medicaid recipients residing in intermediate care facilities for the mentally retarded, appointed by the Governor;	132248 132249 132250
(5) Two representatives of each of the following	132251

organizations, appointed by their respective governing bodies:	132252
(a) The Ohio Provider Resource Association;	132253
(b) The Ohio Health Care Association;	132254
(c) The Ohio Association of County Boards of Mental Retardation and Developmental Disabilities.	132255 132256
Initial appointments of members described in divisions (A)(4) and (5) of this section shall be made not later than thirty days after the effective date of this section. Vacancies shall be filled in the same manner as the original appointments. Members described in those divisions shall serve at the pleasure of the official or governing body making the appointment of the member.	132257 132258 132259 132260 132261 132262
The Director of Job and Family Services shall serve as chairperson of the council. Members of the council shall serve without compensation, except to the extent that serving on the council is part of their regular duties of employment.	132263 132264 132265 132266
(B) The council shall review the system established by sections 5111.20 to 5111.33 of the Revised Code for reimbursing intermediate care facilities for the mentally retarded under the Medicaid program. Not later than July 1, 2010, the council shall issue a report of its activities, findings, and recommendations to the Governor, the Speaker of the House of Representatives, and the President of the Senate.	132267 132268 132269 132270 132271 132272 132273
(C) In its consideration of the system for reimbursing intermediate care facilities for the mentally retarded under division (B) of this section, the council shall use the following principles:	132274 132275 132276 132277
(1) The system should appropriately account for differences in acuity and service needs among individuals in intermediate	132278 132279

care facilities for the mentally retarded.	132280
(2) The system should support and encourage quality services, including both of the following elements:	132281 132282
(a) A high level of coverage of direct care costs;	132283
(b) Pay for performance mechanisms.	132284
(3) The system should reflect appropriate recognition that virtually all individuals served in intermediate care facilities for the mentally retarded are Medicaid recipients.	132285 132286 132287
(4) The system should encourage cost-effective service delivery.	132288 132289
(5) The system should encourage innovation in service delivery.	132290 132291
(6) The system should encourage appropriate maintenance, improvement, and replacement of facilities.	132292 132293
(D) The council shall cease to exist on the submission of a report under division (B) of this section.	132294 132295
Section 309.30.73. INCREASE IN MEDICAID RATES FOR HOSPITAL INPATIENT AND OUTPATIENT SERVICES	132296 132297
The Director of Job and Family Services shall amend rules adopted under section 5111.02 of the Revised Code as necessary to increase, for the period beginning October 1, 2009, and ending June 30, 2011, the Medicaid reimbursement rates for Medicaid-covered hospital inpatient services and hospital outpatient services that are paid under the prospective payment system established in those rules to rates that result in an amount that is five per cent higher than the amount resulting	132298 132299 132300 132301 132302 132303 132304 132305

from the rates in effect on September 30, 2009. 132306

Section 309.30.75. REDUCTION IN COMMUNITY PROVIDER RATES 132307

The Director of Job and Family Services shall amend rules 132308
adopted under section 5111.02 of the Revised Code as necessary to 132309
reduce, effective January 1, 2010, the Medicaid reimbursement 132310
rates for the following Medicaid-covered services to rates that 132311
result in an amount that is at least three per cent lower than the 132312
amount resulting from the rates in effect on December 31, 2009: 132313

(A) Advanced practice nursing services; 132314

(B) Ambulatory surgery center services; 132315

(C) Chiropractic services; 132316

(D) Durable medical equipment; 132317

(E) Home health services; 132318

(F) Ambulance and ambulette services; 132319

(G) Physician services; 132320

(H) Physical therapy services; 132321

(I) Podiatry services; 132322

(J) Private duty nursing services; 132323

(K) Vision services; 132324

(L) Clinic services, other than rural health clinics and 132325
federally qualified health centers; 132326

(M) Occupational therapy services; 132327

(N) Dental services;	132328
(O) Services provided under a home and community-based services Medicaid waiver component, as defined in section 5111.85 of the Revised Code, administered by the Department of Job and Family Services;	132329 132330 132331 132332
(P) Other services the Director identifies, other than services for which a statute of this state sets the Medicaid reimbursement rate.	132333 132334 132335
Section 309.30.76. DISPENSING FEE FOR NONCOMPOUNDED DRUGS	132336
The Medicaid dispensing fee for each noncompounded drug covered by the Medicaid program shall be \$1.80 for the period beginning January 1, 2010, and ending June 30, 2011.	132337 132338 132339
Section 309.30.80. RESIDENTIAL STATE SUPPLEMENT TRANSFER	132340
The Department of Aging may transfer cash from the foregoing appropriation item 490412, Residential State Supplement, and the PASSPORT/Residential State Supplement Fund (Fund 4J40), to the Home and Community-Based Services for the Aged Fund (Fund 4J50), used by the Department of Job and Family Services to make benefit payments to Residential State Supplement recipients. The transfer shall be made using an intrastate transfer voucher.	132341 132342 132343 132344 132345 132346 132347
Section 309.30.90. MONEY FOLLOWS THE PERSON	132348
The Director of Budget and Management may seek Controlling Board approval to do any of the following in support of any home and community-based services Medicaid waiver component:	132349 132350 132351
(A) Create new funds and appropriation items associated with a unified long-term care budget;	132352 132353

(B) Transfer cash between funds used by affected agencies;	132354
(C) Transfer appropriation between appropriation items within a fund and used by the same state agency.	132355 132356
Any transfers of cash approved by the Controlling Board under this section are hereby appropriated.	132357 132358
Section 309.31.10. MONEY FOLLOWS THE PERSON ENHANCED REIMBURSEMENT FUND	132359 132360
The Money Follows the Person Enhanced Reimbursement Fund is hereby created in the state treasury. This is a continuation of the fund created by Section 751.20 of Am. Sub. H.B. 562 of the 127th General Assembly. The federal payments made to the state under subsection (e) of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. No. 109-171, shall be deposited into the fund. The Department of Job and Family Services shall use money deposited into the fund for system reform activities related to the Money Follows the Person demonstration project.	132361 132362 132363 132364 132365 132366 132367 132368 132369
Section 309.31.20. MEDICARE PART D	132370
The foregoing appropriation item 600526, Medicare Part D, may be used by the Department of Job and Family Services for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon the request of the Department of Job and Family Services, the Director of Budget and Management may transfer the state share of appropriations between appropriation item 600525, Health Care/Medicaid, or appropriation item 600526, Medicare Part D. If the state share of appropriation item 600525, Health Care/Medicaid, is adjusted, the Director of Budget and Management shall adjust the federal share accordingly. The Department of Job	132371 132372 132373 132374 132375 132376 132377 132378 132379 132380 132381 132382

and Family Services shall provide notification to the Controlling Board of any transfers at the next scheduled Controlling Board meeting.

Section 309.31.23. MEDICARE PART D APPROPRIATIONS

If the Centers for Medicare and Medicaid Services do not reduce the Medicaid grant award in lieu of state payments for Medicare Part D services as planned in state fiscal years 2010 and 2011, the appropriation in appropriation item 600526, Medicare Part D, shall be increased by the amount of the unanticipated GRF Medicaid grant award received. The unanticipated amounts are hereby appropriated.

Section 309.31.30. OHIO ACCESS SUCCESS PROJECT AND IDENTIFICATION OF OVERPAYMENTS

Notwithstanding any limitations in sections 3721.51 and 3721.56 of the Revised Code, in each fiscal year, cash from the Home and Community-Based Services for the Aged Fund (Fund 4J50), in excess of the amounts needed for the transfers to the PASSPORT/Residential State Supplement Fund (Fund 4J40) used by the Department of Aging, may be used by the Department of Job and Family Services for the following purposes: (A) up to \$3,000,000 in each fiscal year to fund the state share of audits or limited reviews of Medicaid providers; and (B) up to \$450,000 in each fiscal year to provide one-time transitional benefits under the Ohio Access Success Project that the Director of Job and Family Services may establish under section 5111.97 of the Revised Code.

Section 309.31.40. TRANSFER OF FUNDS TO THE DEPARTMENT OF AGING

The Department of Job and Family Services shall transfer

\$33,263,984 cash in each fiscal year from the Home and	132412
Community-Based Services for the Aged Fund (Fund 4J50) to the	132413
PASSPORT/Residential State Supplement Fund (Fund 4J40), used by	132414
the Department of Aging. The transfer may occur on a quarterly	132415
basis or on a schedule developed and agreed to by both	132416
departments. The transfer shall be made using an intrastate	132417
transfer voucher.	132418

Section 309.31.50. PROVIDER FRANCHISE FEE OFFSETS	132419

(A) At least quarterly, the Director of Job and Family	132420
Services shall certify to the Director of Budget and Management	132421
both of the following:	132422

(1) The amount of offsets withheld under section 3721.541 of	132423
the Revised Code from payments made from the General Revenue Fund.	132424

(2) The amount of offsets withheld under section 5112.341 of	132425
the Revised Code from payments made from the General Revenue Fund.	132426

(B) The Director of Budget and Management may transfer cash	132427
from the General Revenue Fund to all of the following:	132428

(1) The Home and Community Based Services for the Aged Fund	132429
(Fund 4J50), or the Nursing Facility Stabilization Fund (Fund	132430
5R20), in accordance with sections 3721.56 and 3721.561 of the	132431
Revised Code;	132432

(2) The ICF/MR Bed Assessments Fund (Fund 4K10).	132433

(C) Amounts transferred pursuant to this section are hereby	132434
appropriated.	132435

Section 309.31.55. REPORT ON PROVIDER FRANCHISE PERMIT FEES	132436

If the Department of Job and Family Services conducts a study	132437

on the issue of funding the Medicaid program through franchise	132438
permit fees on providers of health-care services, the Department	132439
shall submit a copy of a report regarding the study to the General	132440
Assembly in accordance with section 101.68 of the Revised Code.	132441

Section 309.31.60. TRANSFER OF FUNDS TO THE DEPARTMENT OF	132442
DEVELOPMENTAL DISABILITIES	132443

The Department of Job and Family Services shall transfer	132444
\$12,000,000 cash in each fiscal year from the ICF/MR Bed	132445
Assessments Fund (Fund 4K10) to the Home and Community-Based	132446
Services Fund (Fund 4K80), used by the Department of Developmental	132447
Disabilities. The transfer may occur on a quarterly basis or on a	132448
schedule developed and agreed to by both departments. The	132449
transfer shall be made using an intrastate transfer voucher.	132450

Section 309.31.70. FUNDING FOR TRANSITION WAIVER SERVICES	132451

Notwithstanding any limitations contained in sections 5112.31	132452
and 5112.37 of the Revised Code, in each fiscal year, cash from	132453
the ICF/MR Bed Assessments Fund (Fund 4K10) in excess of the	132454
amounts needed for transfers to the Home and Community-Based	132455
Services Fund (Fund 4K80), used by the Department of	132456
Developmental Disabilities, may be used by the Department of Job	132457
and Family Services to cover costs of care provided to	132458
participants in a waiver with an ICF/MR level of care requirement	132459
administered by the Department of Job and Family Services.	132460

Section 309.31.80. HOSPITAL CARE ASSURANCE MATCH	132461

The foregoing appropriation item 600650, Hospital Care	132462
Assurance Match, shall be used by the Department of Job and Family	132463
Services solely for distributing funds to hospitals under section	132464
5112.08 of the Revised Code.	132465

Section 309.31.90. HEALTH CARE SERVICES ADMINISTRATION FUND 132466

Of the amount received by the Department of Job and Family Services during fiscal year 2010 and fiscal year 2011 from the first installment of assessments paid under section 5112.06 of the Revised Code and intergovernmental transfers made under section 5112.07 of the Revised Code, the Director of Job and Family Services shall deposit \$350,000 in each fiscal year into the state treasury to the credit of the Health Care Services Administration Fund (Fund 5U30). 132467
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Section 309.32.10. MEDICAID PROGRAM SUPPORT FUND - STATE 132475

The foregoing appropriation item 600671, Medicaid Program Support, shall be used by the Department of Job and Family Services to pay for Medicaid services and contracts. The Department may also deposit to Fund 5C90 revenues received from other state agencies for Medicaid services under the terms of interagency agreements between the Department and other state agencies. 132476
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Section 309.32.20. TRANSFERS OF IMD/DSH CASH TO THE DEPARTMENT OF MENTAL HEALTH 132483
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The Department of Job and Family Services shall transfer cash from the Medicaid Program Support Fund (Fund 5C90), to the Behavioral Health Medicaid Services Fund (Fund 4X50), used by the Department of Mental Health, in accordance with an interagency agreement that delegates authority from the Department of Job and Family Services to the Department of Mental Health to administer specified Medicaid services. The transfer shall be made using an intrastate transfer voucher. 132485
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The Department of Job and Family Services shall transfer \$14,700,000 cash, during the FY 2010-FY 2011 biennium, from the 132493
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Medicaid Program Support Fund (Fund 5C90), to the Sale of Goods	132495
and Services Fund (Fund 1490), used by the Department of Mental	132496
Health. The transfer shall be made using an intrastate transfer	132497
voucher.	132498
 The Director of Budget and Management shall transfer	132499
\$4,700,000 cash in fiscal year 2010 and \$3,200,000 cash in fiscal	132500
year 2011 from the Medicaid Program Support Fund (Fund 5C90) to	132501
the Nursing Facility Stabilization Fund (Fund 5R20).	132502
 Section 309.32.30. PRESCRIPTION DRUG REBATE FUND	132503
 The foregoing appropriation item 600692, Health Care	132504
Services, shall be used by the Department of Job and Family	132505
Services to pay for Medicaid services and contracts.	132506
 Section 309.32.40. FEDERAL MATCH FOR ADAMHS BOARDS'	132507
ADMINISTRATIVE COSTS	132508
 As used in this section, "community behavioral health boards"	132509
means boards of alcohol, drug addiction, and mental health	132510
services, community mental health boards, and alcohol and drug	132511
addiction services boards.	132512
 Not later than October 1, 2009, the Director of Job and	132513
Family Services shall seek federal approval to establish a system	132514
under which community behavioral health boards obtain federal	132515
financial participation for the allowable administrative	132516
activities the boards perform in the administration of the	132517
Medicaid program. The Director shall implement the system on	132518
receipt of federal approval. The Director shall work with the	132519
Directors of Alcohol and Drug Addiction Services and Mental	132520
Health and representatives of community behavioral health boards	132521
when implementing this section.	132522
 Section 309.32.43. FUNDING OF MEDICAID-COVERED	132523

COMMUNITY	
BEHAVIORAL HEALTH SERVICES	132524
(A) As used in this section:	132525
"Community behavioral health boards" means boards of alcohol,	132526
drug addiction, and mental health services; community mental	132527
health boards; and alcohol and drug addiction services boards.	132528
"Community mental health facility" has the same meaning as in	132529
section 5111.023 of the Revised Code.	132530
(B) Notwithstanding any conflicting provision of sections	132531
5111.912 and 5111.913 of the Revised Code, both of the following	132532
apply to community behavioral health boards with respect to	132533
payments made under those sections for the nonfederal share of	132534
Medicaid payments to providers for services under a Medicaid	132535
component, or aspect of a component, the Department of Mental	132536
Health or Department of Alcohol and Drug Addiction Services	132537
administers:	132538
(1) A community behavioral health board shall use state funds	132539
provided to the board for the purpose of funding community mental	132540
health services to make the payments.	132541
(2) In addition to the funds used under division (B)(1) of	132542
this section, a community behavioral health board may use money	132543
available to the board that is raised by a county tax levy to make	132544
the payments if using the money for that purpose is consistent	132545
with the purpose for which the tax was levied.	132546
(C) Notwithstanding division (C) of section 5111.023 of the	132547
Revised Code, the comprehensive annual plan specified in that	132548
division may certify the availability of unencumbered community	132549
mental health local funds to match federal Medicaid reimbursement	132550
funds earned by community mental health facilities.	132551

(D) This section expires on July 1, 2011.	132552
Section 309.32.45. MEDICAID NONEMERGENCY MEDICAL	132553
TRANSPORTATION MANAGEMENT PILOT PROGRAM	132554
(A) The Department of Job and Family Services shall establish	132555
a Medicaid nonemergency medical transportation management pilot	132556
program. The pilot program shall be operated for two years.	132557
(B) A county department of job and family services serving a	132558
county with a population greater than two hundred thousand	132559
persons may participate in the pilot program. A county department	132560
participating in the pilot program shall identify which groups of	132561
Medicaid recipients residing in the county shall be required to	132562
participate in the pilot program. The county department shall also	132563
contract with one or more medical transportation management	132564
organizations to have the organizations manage nonemergency	132565
medical transportation services provided under the Medicaid	132566
program to the groups required to participate in the pilot	132567
program. To be eligible to contract with a county department, a	132568
medical transportation management organization must have	132569
experience in coordinating nonemergency medical transportation	132570
services.	132571
(C) A medical transportation management organization that	132572
contracts with a county department shall report monthly to the	132573
county department. Each report shall contain all of the following	132574
information:	132575
(1) A description of the transportation services provided to	132576
Medicaid recipients participating in the pilot program, including	132577
details on the varying modes of transportation used in providing	132578
the services and the frequency at which the services were	132579
provided;	132580

(2) The number of times nonemergency medical transportation providers failed to arrive for an appointment to transport a participant in the pilot program;	132581 132582 132583
(3) The number of times nonemergency medical transportation providers were late for an appointment to transport a participant in the pilot program and the lengths of the delays;	132584 132585 132586
(4) The cost of the nonemergency medical transportation services provided to participants in the pilot program;	132587 132588
(5) Other indicators of the quality of nonemergency transportation services provided to participants in the pilot program that the county department requests to be included in the reports.	132589 132590 132591 132592
(D) On conclusion of the pilot program, the Department, with assistance from each county department that participated in the pilot program, shall submit a report regarding the pilot program to the Governor, and in accordance with section 101.68 of the Revised Code, the General Assembly. The report shall specify the amount of savings, if any, the Medicaid program realized as a result of the pilot program.	132593 132594 132595 132596 132597 132598 132599
Section 309.32.70. DURABLE MEDICAL EQUIPMENT STUDY	132600
The Department of Job and Family Services shall prepare and submit to the Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the Senate a report on expenditures for durable medical equipment by the Medicaid program. In preparing the report, the Department shall do all of the following:	132601 132602 132603 132604 132605 132606
(A) Identify the types of durable medical equipment that represent, in total, greater than fifty per cent of the state's total Medicaid expenditures for durable medical equipment;	132607 132608 132609

(B) Consult with durable medical equipment suppliers to identify cost-saving strategies; 132610
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(C) Evaluate opportunities for competitive purchasing procedures for durable medical equipment. 132612
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The report prepared under this section shall include recommendations on strategies to reduce the Medicaid program's costs for durable medical equipment. The report shall be submitted not later than July 1, 2010. 132614
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Section 309.40. FAMILY STABILITY 132618

Section 309.40.10. FOOD STAMPS TRANSFER 132619

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Food Stamp Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0). 132620
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Section 309.40.20. NAME OF FOOD STAMP PROGRAM 132624

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program or the Food Assistance Program in rules and documents of the Department of Job and Family Services. 132625
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Section 309.40.30. OHIO ASSOCIATION OF SECOND HARVEST FOOD 132631

BANKS 132632

The foregoing appropriation item 600540, Second Harvest Food Banks, shall be used to provide funds to the Ohio Association of Second Harvest Food Banks to purchase and distribute food 132633
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products. 132636

Notwithstanding section 5101.46 of the Revised Code and any 132637
other provision in this bill, in addition to funds designated for 132638
the Ohio Association of Second Harvest Food Banks in this 132639
section, in fiscal years 2010 and 2011, the Director of Job and 132640
Family Services shall provide assistance from eligible funds to 132641
the Ohio Association of Second Harvest Food Banks in an amount 132642
equal to the assistance provided in state fiscal year 2009. 132643

Section 309.40.50. CHILD SUPPORT COLLECTIONS/TANF MOE 132644

The foregoing appropriation item 600658, Child Support 132645
Collections, shall be used by the Department of Job and Family 132646
Services to meet the TANF maintenance of effort requirements of 42 132647
U.S.C. 609(a)(7). When the state is assured that it will meet the 132648
maintenance of effort requirement, the Department of Job and 132649
Family Services may use funds from appropriation item 600658, 132650
Child Support Collections, to support public assistance 132651
activities. 132652

Section 309.40.55. KINSHIP PERMANENCY INCENTIVE
PROGRAM 132653

The foregoing appropriation item 600541, Kinship Permanency 132654
Incentive Program, shall be used to support the Kinship Permanency 132655
Incentive Program created under section 5101.802 of the Revised 132656
Code. 132657

Section 309.40.60. EARLY LEARNING INITIATIVE 132658

(A) As used in this section: 132659

(1) "Title IV-A services" means benefits and services that 132660
are allowable under Title IV-A of the "Social Security Act," as 132661
specified in 42 U.S.C. 604(a), except that they shall not be 132662

benefits and services included in the term "assistance" as defined 132663
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 132664
excluded from the definition of the term "assistance" under 45 132665
C.F.R. 260.31(b). 132666

(2) "Eligible child" means a child who is at least three 132667
years of age but not of compulsory school age or enrolled in 132668
kindergarten, is eligible for Title IV-A services, and whose 132669
family income at the time of application does not exceed two 132670
hundred per cent of the federal poverty guidelines. 132671

(3) "Early learning program" means a program for eligible 132672
children that provides Title IV-A services, according to the 132673
purposes listed in 45 C.F.R. 260.20(c), that are early learning 132674
services, as defined by pursuant to division (D)(1) of this 132675
section. 132676

(4) "Early learning provider" means an entity that operates 132677
an early learning program. 132678

(5) "Early learning agency" means an early learning provider 132679
or an entity that has entered into an agreement with an early 132680
learning provider requiring the early learning provider to operate 132681
an early learning program on behalf of the entity. 132682

(6) "Federal poverty line" has the same meaning as in section 132683
5104.01 of the Revised Code. 132684

(7) "Of compulsory school age" has the same meaning as in 132685
section 3321.01 of the Revised Code. 132686

(B) The Early Learning Initiative is hereby established. The 132687
Department of Education and the Department of Job and Family 132688
Services shall administer the Initiative in accordance with 132689
sections 5101.80 and 5101.801 of the Revised Code. The Initiative 132690
shall provide early learning services to eligible children. Early 132691

learning services may be provided on a full-day basis, a part-day basis, or both a full-day and part-day basis.	132692 132693
(C) The Department of Job and Family Services shall do both of the following:	132694 132695
(1) Reimburse early learning agencies for services provided to eligible children according to the terms of the contract and the rules adopted under division (C)(2) of this section;	132696 132697 132698
(2) In consultation with the Department of Education, adopt rules in accordance with Chapter 119. of the Revised Code to implement the Early Learning Initiative. The rules shall include all of the following:	132699 132700 132701 132702
(a) Provisions regarding the establishment of co-payments for families of eligible children whose family income is more than one hundred per cent of the federal poverty guidelines but equal to or less than the maximum amount of family income authorized for an eligible child as defined in division (A)(2) of this section;	132703 132704 132705 132706 132707
(b) An exemption from co-payment requirements for families whose family income is equal to or less than one hundred per cent of the federal poverty guideline;	132708 132709 132710
(c) A definition of "enrollment" for the purpose of compensating early learning agencies;	132711 132712
(d) Provisions that establish compensation rates for early learning agencies based on the enrollment of eligible children;	132713 132714
(e) Provisions for the completion of criminal record checks for employees of early learning agencies and early learning providers whereby sections 109.572(A)(8), (A)(9), and (B)(2) of the Revised Code are considered applicable to these employees;	132715 132716 132717 132718

(f) Provisions for the timeline of eligibility determination;	132719
(g) A requirement that early learning programs licensed by the Department of Education under sections 3301.52 to 3301.59 of the Revised Code participate in the quality-rating program established under section 5104.30 of the Revised Code.	132720 132721 132722 132723
(D) The Department of Education shall do all of the following:	132724 132725
(1) Define the early learning services that will be provided to eligible children through the Early Learning Initiative;	132726 132727
(2) In consultation with the Department of Job and Family Services, develop an application form and criteria for the selection of early learning agencies. The criteria shall require an early learning agency, or each early learning provider with which the agency has entered into an agreement for the operation of an early learning program on the agency's behalf, to be licensed by the Department of Education under sections 3301.52 to 3301.59 of the Revised Code or by the Department of Job and Family Services under Chapter 5104. of the Revised Code;	132728 132729 132730 132731 132732 132733 132734 132735 132736
(3) Establish early learning program guidelines for school readiness to assess the operation of early learning programs.	132737 132738
(E) Any entity that seeks to be an early learning agency shall apply to the Department of Education by a deadline established by the Department. The Department of Education shall select entities that meet the criteria established under division (D)(2) of this section to be early learning agencies. Upon selection of an entity to be an early learning agency, the Department of Education shall designate the number of eligible children the agency may enroll. The Department of Education shall notify the Department of Job and Family Services of the number so designated.	132739 132740 132741 132742 132743 132744 132745 132746 132747 132748

(F) The Department of Education and the Department of Job and Family Services shall enter into a contract with each early learning agency selected under division (E) of this section. The requirements of section 127.16 of the Revised Code do not apply to contracts entered into under this section. The contract shall outline the terms and conditions applicable to the provision of Title IV-A services for eligible children and shall include at least the following:	132749 132750 132751 132752 132753 132754 132755 132756
(1) The respective duties of the early learning agency, the Department of Education, and the Department of Job and Family Services;	132757 132758 132759
(2) Requirements applicable to the allowable use of and accountability for compensation paid under the contract;	132760 132761
(3) Reporting requirements, including a requirement that the early learning provider inform the Department of Education when the provider learns that a kindergarten eligible child will not be enrolled in kindergarten;	132762 132763 132764 132765
(4) The compensation schedule payable under the contract;	132766
(5) Audit requirements;	132767
(6) Provisions for suspending, modifying, or terminating the contract.	132768 132769
(G) If an early learning agency, or an early learning provider operating an early learning program on the agency's behalf, substantially fails to meet the early learning program guidelines for school readiness or exhibits substandard performance, as determined by the Department of Education, the agency shall develop and implement a corrective action plan. The Department of Education shall approve the corrective action plan	132770 132771 132772 132773 132774 132775 132776

prior to implementation.	132777
(H) If an early learning agency fails to implement a corrective action plan under division (G) of this section, the Department of Education may direct the Department of Job and Family Services to either withhold funding or request that the Department of Job and Family Services suspend or terminate the contract with the agency.	132778 132779 132780 132781 132782 132783
(I) Each early learning program shall do all of the following:	132784 132785
(1) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;	132786 132787
(2) Align curriculum to the early learning content standards;	132788
(3) Meet any assessment requirements prescribed by section 3301.0715 of the Revised Code that apply to the program;	132789 132790
(4) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours per biennium of professional development as prescribed by the Department of Education regarding the implementation of early learning program guidelines for school readiness;	132791 132792 132793 132794 132795 132796
(5) Document and report child progress;	132797
(6) Meet and report compliance with the early learning program guidelines for school success;	132798 132799
(7) Participate in early language and literacy classroom observation evaluation studies.	132800 132801
(J) Each county Department of Job and Family Services shall determine eligibility for Title IV-A services for children seeking	132802 132803

to enroll in an early learning program within fifteen days after
receipt of a completed application in accordance with rules
adopted under this section.

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(K) The provision of early learning services in an early
learning program shall not prohibit or otherwise prevent an
individual from obtaining certificates for payment under division
(C) of section 5104.32 of the Revised Code.

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(L) Notwithstanding section 126.07 of the Revised Code:

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(1) Any fiscal year 2010 contract executed prior to July 1,
2009, between the Departments of Job and Family Services and
Education and an early learning agency that was not an early
learning agency as of June 30, 2009, shall be deemed to be
effective as of July 1, 2009, upon issuance of a state purchase
order, even if the purchase order is approved at some later date.

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(2) Any fiscal year 2010 contract executed between the
Departments of Job and Family Services and Education and an early
learning agency that had a valid contract for early learning
services on June 30, 2009, shall be deemed to be effective as of
July 1, 2009, upon the issuance of a state purchase order, even if
the purchase order is approved at some later date.

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(3) Any fiscal year 2011 contract executed prior to July 1,
2010, between the Departments of Job and Family Services and
Education and an early learning agency that was not an early
learning agency as of June 30, 2010, shall be deemed to be
effective as of July 1, 2010, upon issuance of a state purchase
order, even if the purchase order is approved at some later date.

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(4) Any fiscal year 2011 contract executed between the
Departments of Job and Family Services and Education and an early
learning agency that had a valid contract for early learning
services on June 30, 2010, shall be deemed to be effective as of

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July 1, 2010, upon the issuance of a state purchase order, even if
the purchase order is approved at some later date.

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(M) The Departments of Job and Family Services and Education
shall contract for up to 12,000 enrollment slots for eligible
children in each fiscal year through the Early Learning
Initiative.

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(N) Eligible expenditures for the Early Learning Initiative
shall be claimed each fiscal year to help meet the state's TANF
maintenance of effort requirement. The Superintendent of Public
Instruction and the Director of Job and Family Services shall
enter into an interagency agreement to carry out the requirements
under this division, which shall include developing reporting
guidelines for these expenditures.

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**Section 309.40.70. COMMITTEE TO STUDY PUBLICLY FUNDED
CHILD
CARE SERVICES**

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(A) A committee is hereby created to study publicly funded
child care services, including the Early Learning Initiative
enacted pursuant to this act and pursuant to changes in the
administrative rules governing reimbursement and eligibility for
publicly funded child day-care. The study shall include the
following subjects:

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(1) The effects of changing the definitions of full-time and
part-time care on the following:

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(a) Children, families, and providers of care, including the
effects on the quality of care;

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(b) Number of children served and the availability and
accessibility of subsidized care to caregivers with full-time and
part-time jobs;

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(c) Availability of full-time and part-time care in areas with a high incidence of poverty;	132862 132863
(d) Private pay rates;	132864
(e) Closure of centers and center programs;	132865
(f) Loss of jobs in the child care industry.	132866
(2) The effects of changes to the Early Learning Initiative on families and children including the following:	132867 132868
(a) Distribution and use of program slots across the state;	132869
(b) Effect of mandatory participation in the voluntary child day-care center quality-rating program as described in section 5104.30 of the Revised Code on program quality;	132870 132871 132872
(c) Outcomes in terms of school readiness and other related factors for children who participate in the program.	132873 132874
(B) The committee shall consist of the following members:	132875
(1) Three members of the House of Representatives, two appointed by the Speaker of the House of Representatives and one appointed by the Minority Leader of the House of Representatives;	132876 132877 132878
(2) Three members of the Senate, two appointed by the President of the Senate and one appointed by the Minority Leader of the Senate;	132879 132880 132881
(3) One parent of a child receiving publicly funded child care services, appointed by the President of the Senate;	132882 132883
(4) Two representatives of licensed child care centers serving low-income areas, one appointed by the Speaker of the House of Representatives and one appointed by the President of the	132884 132885 132886

Senate;	132887
(5) One representative from the Ohio Association of Child Care Providers, appointed by the President of the Senate;	132888 132889
(6) One representative from the Ohio State Alliance of Young Men's Christian Associations, appointed by the Speaker of the House of Representatives;	132890 132891 132892
(7) One representative from the Department of Job and Family Services, appointed by the Speaker of the House of Representatives;	132893 132894 132895
(8) One representative from the Department of Education, appointed by the President of the Senate.	132896 132897
(C) The Department of Education shall provide the committee meeting space and clerical assistance. The committee shall prepare a report of its findings by June 30, 2010, and shall provide a copy of the report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, at which time the committee shall cease to exist.	132898 132899 132900 132901 132902 132903
Section 309.45. CHILD WELFARE	132904
Section 309.45.10. ALTERNATIVE RESPONSE	132905
The Department of Job and Family Services shall develop, implement, oversee, and evaluate a pilot program based on an "Alternative Response" approach to reports of child abuse, neglect, and dependency. The pilot program shall be implemented in not more than ten counties that are selected by the Department and that agree to participate in the pilot program. The pilot program shall last eighteen months, not including time expended in preparation for the implementation of the pilot program and any post-pilot program evaluation activity. After the eighteen-month	132906 132907 132908 132909 132910 132911 132912 132913 132914

period, the ten sites may continue to administer the Alternative Response approach uninterrupted, unless the Department determines otherwise.

The Department shall assure that the Alternative Response pilot program is independently evaluated with respect to outcomes for children and families, costs, worker satisfaction, and any other criteria the Department determines will be useful in the consideration of statewide implementation of an Alternative Response approach to child protection. The measure associated with the eighteen-month pilot program shall, for the purposes of the evaluation, be compared with those same measures in the pilot counties during the eighteen-month period immediately preceding the beginning of the pilot program period. If the independent evaluation of the pilot program recommends statewide implementation of an Alternative Response approach to child protection, the Department may expand the Alternative Response approach statewide through a schedule determined by the Department. Prior to statewide implementation, the Department shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of this section. Until that time, the Department may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to carry out the purposes of this section.

Section 309.45.15. INDEPENDENT LIVING SERVICES

Of the foregoing appropriation item 600523, Children and Families Services, up to \$1,500,000 in each fiscal year shall be used to provide independent living services to foster youth and former foster youth between 16 and 21 years of age.

Section 309.45.21. CHILD, FAMILY, AND ADULT COMMUNITY AND PROTECTIVE SERVICES

(A) The foregoing appropriation item 600533, Child, Family, and Adult Community & Protective Services, shall be distributed to each county department of job and family services using the formula the Department of Job and Family Services uses when distributing Title XX funds to county departments of job and family services under section 5101.46 of the Revised Code. County departments shall use the funds distributed to them under this section as follows, in accordance with the written plan of cooperation entered into under section 307.983 of the Revised Code:

(1) To assist individuals achieve or maintain self-sufficiency, including by reducing or preventing dependency among individuals with family income not exceeding two hundred per cent of the federal poverty guidelines;

(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the alternative approach pilot program developed under Section 309.40.40 of this act;

(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application;

(4) To provide outreach, referral, application assistance, and other services to assist individuals receive assistance, benefits, or services under Medicaid; Title IV-A programs, as defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs.

(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a

report of abuse, neglect, or exploitation without regard to a	132976
child or adult's family income and without need for a written	132977
application. The protective services may be provided if the case	132978
record documents circumstances of actual or potential abuse,	132979
neglect, or exploitation.	132980

Section 309.45.25. ADOPTION ASSISTANCE LOAN	132981

Of the foregoing appropriation item 600634, Adoption	132982
Assistance Loan, the Department of Job and Family Services may use	132983
up to ten per cent for administration of adoption assistance loans	132984
pursuant to section 3107.018 of the Revised Code.	132985

Section 309.45.90. REALLOCATION OF UNUSED COUNTY ALLOCATIONS	132986

(A) As used in this section:	132987

(1) "Income maintenance funds" means funds the Department of	132988
Job and Family Services allocates to a county to meet matching	132989
fund requirements or reimburse a county for administrative	132990
expenditures incurred in the administration of the Disability	132991
Financial Assistance Program, Medicaid Program, or Supplemental	132992
Nutrition Assistance Program.	132993

(2) "TANF funds" means funds the Department of Job and Family	132994
Services allocates to a county for Title IV-A programs, as defined	132995
in section 5101.80 of the Revised Code.	132996

(3) "TANF Title XX transfer funds" means funds the Department	132997
of Job and Family Services allocates to a county for purposes of	132998
section 5101.461 of the Revised Code.	132999

(4) "Title XX social services funds" means funds the	133000
Department of Job and Family Services allocates to a county	133001
department of job and family services for purposes of section	133002

5101.46 of the Revised Code. 133003

(B) If a county informs the Department of Job and Family 133004
Services that the county will not use the entire amount of the 133005
income maintenance funds, TANF funds, TANF Title XX transfer 133006
funds, or Title XX social services funds allocated to the county 133007
for fiscal year 2010 or fiscal year 2011 or the Department 133008
determines through an annual close out or reconciliation of funds 133009
that a county did not use the entire amount of any of those funds 133010
allocated to the county for fiscal year 2010 or 2011, the 133011
Department shall reallocate the portion of the funds the county 133012
will or did not use to other counties for the remainder of the 133013
fiscal year in which the funds are reallocated or the next fiscal 133014
year. In reallocating the funds, the Department shall do both of 133015
the following: 133016

(1) For each of the funds separately, rank each county by the 133017
percentage reduction in allocations of the funds from the fiscal 133018
year preceding the fiscal year in which the reallocation is made 133019
to the fiscal year in which the reallocation is made, with the 133020
county that has the greatest reduction percentage placed at the 133021
top of the ranking; 133022

(2) Reallocate each of the funds separately to counties in 133023
the order in which counties are ranked under division (B)(1) of 133024
this section in a manner that provides, to the extent funds are 133025
available for reallocation, for each county to be, as a result of 133026
the reallocation, allocated the same amount of the funds that the 133027
county was allocated the previous fiscal year, other than the 133028
counties that will or did not use the full amount of their 133029
allocation of the funds. 133030

Section 309.50. UNEMPLOYMENT COMPENSATION 133031

Section 309.50.10. EMPLOYER SURCHARGE 133032

The surcharge and the interest on the surcharge amounts due	133033
for calendar years 1988, 1989, and 1990 as required by Am. Sub.	133034
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the	133035
118th General Assembly, and section 4141.251 of the Revised Code	133036
as it existed prior to its repeal by Sub. H.B. 478 of the 122nd	133037
General Assembly, again shall be assessed and collected by,	133038
accounted for, and made available to the Department of Job and	133039
Family Services in the same manner as set forth in section	133040
4141.251 of the Revised Code as it existed prior to its repeal by	133041
Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the	133042
repeal of the surcharge for calendar years after 1990, pursuant to	133043
Sub. H.B. 478 of the 122nd General Assembly, except that amounts	133044
received by the Director on or after July 1, 2001, shall be	133045
deposited into the Unemployment Compensation Special	133046
Administrative Fund (Fund 4A90) established pursuant to section	133047
4141.11 of the Revised Code.	133048

Section 309.50.20. FEDERAL UNEMPLOYMENT PROGRAMS	133049

All unexpended funds remaining at the end of fiscal year 2009	133050
that were appropriated and made available to the state under	133051
section 903(d) of the Social Security Act, as amended, in the	133052
foregoing appropriation item 600678, Federal Unemployment	133053
Programs (Fund 3V40), are hereby appropriated to the Department	133054
of Job and Family Services. Upon the request of the Director of	133055
Job and Family Services, the Director of Budget and Management	133056
may increase the appropriation for fiscal year 2010 by the	133057
amount remaining unspent from the fiscal year 2009 appropriation	133058
and may increase the appropriation for fiscal year 2011 by the	133059
amount remaining unspent from the fiscal year 2010	133060
appropriation. The appropriation shall be used under the	133061
direction of the Department of Job and Family Services to pay for	133062
administrative activities for the Unemployment Insurance Program,	133063
employment services, and other allowable expenditures under	133064
section 903(d) of the Social Security Act, as amended.	133065

The amounts obligated pursuant to this section shall not	133066
exceed at any time the amount by which the aggregate of the	133067
amounts transferred to the account of the state under section	133068
903(d) of the Social Security Act, as amended, exceeds the	133069
aggregate of the amounts obligated for administration and paid out	133070
for benefits and required by law to be charged against the amounts	133071
transferred to the account of the state.	133072

Section 309.50.30. REMOVAL OF UNEMPLOYMENT	133073
COMPENSATION	
ADVISORY COUNCIL MEMBERS	133074

The intent of the General Assembly in the amendments made in	133075
this act to section 145.012 is to provide that service as a	133076
member of the Unemployment Compensation Advisory Council on or	133077
after the effective date of this section shall not be service as	133078
a public employee for purposes of Chapter 145. of the Revised	133079
Code. The amendments are not intended to prohibit the use of such	133080
service for calculation of benefits under Chapter 145. of the	133081
Revised Code for service prior to the effective date of this	133082
section.	133083

Section 310.10. JCR JOINT COMMITTEE ON AGENCY RULE	133084
REVIEW	

General Revenue Fund	133085

GRF 029321 Operating Expenses	\$	435,168	\$	435,168	133086
TOTAL GRF General Revenue Fund	\$	435,168	\$	435,168	133087
TOTAL ALL BUDGET FUND GROUPS	\$	435,168	\$	435,168	133088

OPERATING	133089

The Chief Administrative Officer of the House of	133090

Representatives and the Clerk of the Senate shall determine, by	133091
mutual agreement, which of them shall act as fiscal agent for the	133092
Joint Committee on Agency Rule Review. Members of the Committee	133093
shall be paid in accordance with section 101.35 of the Revised	133094
Code.	133095

OPERATING EXPENSES	133096

On July 1, 2009, or as soon as possible thereafter, the	133097
Executive Director of the Joint Committee on Agency Rule Review	133098
may certify to the Director of Budget and Management the amount of	133099
the unexpended, unencumbered balance of the foregoing	133100
appropriation item 029321, Operating Expenses, at the end of	133101
fiscal year 2009 to be reappropriated to fiscal year 2010. The	133102
amount certified is hereby reappropriated to the same	133103
appropriation item for fiscal year 2010.	133104

On July 1, 2010, or as soon as possible thereafter, the	133105
Executive Director of the Joint Committee on Agency Rule Review	133106
may certify to the Director of Budget and Management the amount of	133107
the unexpended, unencumbered balance of the foregoing	133108
appropriation item 029321, Operating Expenses, at the end of	133109
fiscal year 2010 to be reappropriated to fiscal year 2011. The	133110
amount certified is hereby reappropriated to the same	133111
appropriation item for fiscal year 2011.	133112

Section 311.10. JCO JUDICIAL CONFERENCE OF OHIO	133113

General Revenue Fund	133114

GRF 018321 Operating Expenses	\$	800,000	\$	800,000	133115
TOTAL GRF General Revenue Fund	\$	800,000	\$	800,000	133116

General Services Fund Group	133117

4030 018601	Ohio Jury Instructions	\$	350,000	\$	350,000	133118
TOTAL GSF General Services Fund Group		\$	350,000	\$	350,000	133119
TOTAL ALL BUDGET FUND GROUPS		\$	1,150,000	\$	1,150,000	133120

OHIO JURY INSTRUCTIONS FUND	133121

The Ohio Jury Instructions Fund (Fund 4030) shall consist of	133122
grants, royalties, dues, conference fees, bequests, devises, and	133123
other gifts received for the purpose of supporting costs incurred	133124
by the Judicial Conference of Ohio in dispensing educational and	133125
informational data to the state's judicial system. Fund 4030 shall	133126
be used by the Judicial Conference of Ohio to pay expenses	133127
incurred in dispensing educational and informational data to the	133128
state's judicial system. All moneys accruing to Fund 4030 in	133129
excess of \$350,000 in fiscal year 2010 and in excess of \$350,000	133130
in fiscal year 2011 are hereby appropriated for the purposes	133131
authorized.	133132

No money in Fund 4030 shall be transferred to any other fund	133133
by the Director of Budget and Management or the Controlling Board.	133134

Section 313.10. JSC THE JUDICIARY/SUPREME COURT	133135

General Revenue Fund	133136

GRF 005321	Operating Expenses - Judiciary/Supreme Court	\$	131,055,370	\$	131,055,370	133137
GRF 005401	State Criminal Sentencing Council	\$	206,770	\$	206,770	133138
GRF 005406	Law Related Education	\$	236,172	\$	236,172	133139
GRF 005409	Ohio Courts Technology Initiative	\$	4,000,000	\$	4,250,000	133140
TOTAL GRF General Revenue Fund		\$	135,498,312	\$	135,748,312	133141

General Services Fund Group	133142

6720 005601 Continuing Judicial Education	\$ 300,000	\$ 300,000	133143

TOTAL GSF General Services Fund Group	\$ 300,000	\$ 300,000	133144

Federal Special Revenue Fund Group	133145

3J00 005603 Federal Grants	\$ 2,137,866	\$ 1,917,081	133146

TOTAL FED Federal Special Revenue Fund Group	\$ 2,137,866	\$ 1,917,081	133147

State Special Revenue Fund Group	133148

4C80 005605 Attorney Services	\$ 3,704,659	\$ 3,704,659	133149

5T80 005609 Grants and Awards	\$ 50,000	\$ 50,000	133150

6A80 005606 Supreme Court Admissions	\$ 1,284,142	\$ 1,284,142	133151

TOTAL SSR State Special Revenue Fund Group	\$ 5,038,801	\$ 5,038,801	133152

TOTAL ALL BUDGET FUND GROUPS	\$ 142,974,979	\$ 143,004,194	133153

LAW-RELATED EDUCATION	133154

The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs.	133155 133156 133157 133158 133159 133160 133161

OHIO COURTS TECHNOLOGY INITIATIVE	133162

The foregoing appropriation item 005409, Ohio Courts	133163
Technology Initiative, shall be used to fund an initiative by the	133164
Supreme Court to facilitate the exchange of information and	133165
warehousing of data by and between Ohio courts and other justice	133166
system partners through the creation of an Ohio Courts Network,	133167
the delivery of technology services to courts throughout the	133168
state, including the provision of hardware, software, and the	133169
development and implementation of educational and training	133170
programs for judges and court personnel, and operation of the	133171
Commission on Technology and the Courts by the Supreme Court for	133172
the promulgation of statewide rules, policies, and uniform	133173
standards, and to aid in the orderly adoption and comprehensive	133174
use of technology in Ohio courts.	133175

CONTINUING JUDICIAL EDUCATION	133176

The Continuing Judicial Education Fund (Fund 6720) shall	133177
consist of fees paid by judges and court personnel for attending	133178
continuing education courses and other gifts and grants received	133179
for the purpose of continuing judicial education. The foregoing	133180
appropriation item 005601, Continuing Judicial Education, shall be	133181
used to pay expenses for continuing education courses for judges	133182
and court personnel. If it is determined by the Administrative	133183
Director of the Supreme Court that additional appropriations are	133184
necessary, the amounts are hereby appropriated.	133185

No money in Fund 6720 shall be transferred to any other fund	133186
by the Director of Budget and Management or the Controlling Board.	133187
Interest earned on moneys in Fund 6720 shall be credited to the	133188
fund.	133189

FEDERAL GRANTS	133190

The Federal Grants Fund (Fund 3J00) shall consist of grants	133191
and other moneys awarded to the Supreme Court (The Judiciary) by	133192

the United States Government or other entities that receive the 133193
moneys directly from the United States Government and distribute 133194
those moneys to the Supreme Court (The Judiciary). The foregoing 133195
appropriation item 005603, Federal Grants, shall be used in a 133196
manner consistent with the purpose of the grant or award. If it is 133197
determined by the Administrative Director of the Supreme Court 133198
that additional appropriations are necessary, the amounts are 133199
hereby appropriated. 133200

No money in Fund 3J00 shall be transferred to any other fund 133201
by the Director of Budget and Management or the Controlling 133202
Board. However, interest earned on moneys in Fund 3J00 shall be 133203
credited or transferred to the General Revenue Fund. 133204

ATTORNEY SERVICES 133205

The Attorney Services Fund (Fund 4C80), formerly known as the 133206
Attorney Registration Fund, shall consist of moneys received by 133207
the Supreme Court (The Judiciary) pursuant to the Rules for the 133208
Government of the Bar of Ohio. In addition to funding other 133209
activities considered appropriate by the Supreme Court, the 133210
foregoing appropriation item 005605, Attorney Services, may be 133211
used to compensate employees and to fund appropriate activities of 133212
the following offices established by the Supreme Court: the Office 133213
of Disciplinary Counsel, the Board of Commissioners on Grievances 133214
and Discipline, the Clients' Security Fund, and the Attorney 133215
Services Division. If it is determined by the Administrative 133216
Director of the Supreme Court that additional appropriations are 133217
necessary, the amounts are hereby appropriated. 133218

No moneys in Fund 4C80 shall be transferred to any other 133219
fund by the Director of Budget and Management or the Controlling 133220
Board. Interest earned on moneys in Fund 4C80 shall be credited to 133221
the fund. 133222

GRANTS AND AWARDS 133223

The Grants and Awards Fund (Fund 5T80) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the State Justice Institute, the Division of Criminal Justice Services, or other entities. The foregoing appropriation item 005609, Grants and Awards, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

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No moneys in Fund 5T80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on moneys in Fund 5T80 shall be credited or transferred to the General Revenue Fund.

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SUPREME COURT ADMISSIONS 133237

The foregoing appropriation item 005606, Supreme Court Admissions, shall be used to compensate Supreme Court employees who are primarily responsible for administering the attorney admissions program under the Rules for the Government of the Bar of Ohio, and to fund any other activities considered appropriate by the court. Moneys shall be deposited into the Supreme Court Admissions Fund (Fund 6A80) under the Supreme Court Rules for the Government of the Bar of Ohio. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

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No moneys in Fund 6A80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on moneys in Fund 6A80 shall be credited to the fund.

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Section 313.20. SUPREME COURT FILING FEE 133252

The General Assembly hereby respectfully requests the	133253
Supreme Court to modify Rule XV of the Rules of Practice of the	133254
Supreme Court of Ohio pursuant to its authority under the Ohio	133255
Constitution to make that Rule consistent with the amendments	133256
made by this act to section 2503.17 of the Revised Code.	133257

Section 315.10. LEC LAKE ERIE COMMISSION	133258

State Special Revenue Fund Group	133259

4C00 780601	Lake Erie Protection Fund	\$	450,000	\$	450,000	133260
5D80 780602	Lake Erie Resources Fund	\$	380,000	\$	383,000	133261
TOTAL SSR State Special Revenue						133262
Fund Group						
		\$	830,000	\$	833,000	133263
TOTAL ALL BUDGET FUND GROUPS						
		\$	830,000	\$	833,000	133264

Section 317.10. LRS LEGAL RIGHTS SERVICE	133266

General Revenue Fund	133267

GRF 054321	Support Services	\$	99,830	\$	99,830	133268
GRF 054401	Ombudsman	\$	146,789	\$	146,789	133269
TOTAL GRF General Revenue Fund						
		\$	246,619	\$	246,619	133270

General Services Fund Group	133271

5M00 054610	Settlements	\$	81,352	\$	81,352	133272
TOTAL GSF General Services						133273
Fund Group						
		\$	81,352	\$	81,352	133274

Federal Special Revenue Fund Group	133275

3050	054602	Protection and Advocacy - Developmentally Disabled	\$	1,500,000	\$	1,500,000	133276
3AG0	054613	Protection and Advocacy - Voter Accessibility	\$	135,000	\$	135,000	133277
3B80	054603	Protection and Advocacy - Mentally Ill	\$	1,100,000	\$	1,100,000	133278
3CA0	054615	Work Incentives Planning and Assistance	\$	355,000	\$	355,000	133279
3N30	054606	Protection and Advocacy - Individual Rights	\$	570,000	\$	570,000	133280
3N90	054607	Assistive Technology	\$	160,000	\$	160,000	133281
3R90	054604	Family Support Collaborative	\$	12,500	\$	0	133282
3R90	054616	Developmental Disability Publications	\$	130,000	\$	130,000	133283
3T20	054609	Client Assistance Program	\$	435,000	\$	435,000	133284
3X10	054611	Protection and Advocacy - Beneficiaries of Social Security	\$	235,000	\$	235,000	133285
3Z60	054612	Protection and Advocacy - Traumatic Brain Injury	\$	70,000	\$	70,000	133286
TOTAL FED Federal Special Revenue							133287
Fund Group			\$	4,702,500	\$	4,690,000	133288

State Special Revenue Fund Group	133289

5AE0	054614	Grants and Contracts	\$	24,600	\$	24,600	133290
TOTAL SSR State Special Revenue Fund Group			\$	24,600	\$	24,600	133291
TOTAL ALL BUDGET FUND GROUPS			\$	5,055,071	\$	5,042,571	133292

Section 317.20. LEGAL RIGHTS SERVICE NONPROFIT TRANSITION STUDY	133294
	133295
(A) The Legal Rights Service Commission shall conduct a study concerning a potential transition from a public entity to a nonprofit organization effective July 1, 2011. The study shall include an analysis of all of the following:	133296 133297 133298 133299
(1) The feasibility of a transition to a nonprofit organization;	133300 133301
(2) The potential effects on service delivery, including client service and access to required resources, and any other service delivery advantages or disadvantages that might result from the transition to a nonprofit organization;	133302 133303 133304 133305
(3) Potential organizational effects, including cost savings and non-state funding sources, and any other organizational advantages or disadvantages that might result from the transition to a nonprofit organization;	133306 133307 133308 133309
(4) The approximate amount of time necessary to achieve a transition to nonprofit status.	133310 133311
(B) The Legal Rights Service Commission shall develop a process plan by which a transition to a nonprofit organization could be implemented not later than July 1, 2011.	133312 133313 133314
(C) Not later than six months after the effective date of this section, a written report of the results of the study and a copy of the process plan shall be submitted to the Governor, the Speaker and the Minority Leader of the House of Representatives, and the President and the Minority Leader of the Senate.	133315 133316 133317 133318 133319
Section 319.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE	133320

General Revenue Fund	133321

GRF 028321	Legislative Ethics Committee	\$	550,000	\$	550,000	133322
TOTAL GRF	General Revenue Fund	\$	550,000	\$	550,000	133323

General Services Fund Group	133324

4G70 028601	Joint Legislative Ethics Committee	\$	100,000	\$	100,000	133325
TOTAL GSF	General Services Fund Group	\$	100,000	\$	100,000	133326
TOTAL ALL BUDGET FUND GROUPS		\$	650,000	\$	650,000	133327

Section 321.10. LSC LEGISLATIVE SERVICE COMMISSION	133328

General Revenue Fund	133329

GRF 035321	Operating Expenses	\$	15,117,700	\$	15,117,700	133330
GRF 035402	Legislative Interns	\$	1,022,120	\$	1,022,120	133331
GRF 035405	Correctional Institution Inspection Committee	\$	438,900	\$	438,900	133332
GRF 035407	Legislative Task Force on Redistricting	\$	750,000	\$	750,000	133333
GRF 035409	National Associations	\$	460,560	\$	460,560	133334
GRF 035410	Legislative Information Systems	\$	3,661,250	\$	3,661,250	133335
TOTAL GRF	General Revenue Fund	\$	21,450,530	\$	21,450,530	133336

General Services Fund Group	133337

4100 035601	Sale of Publications	\$	10,000	\$	10,000	133338
4F60 035603	Legislative Budget	\$	200,000	\$	200,000	133339

	Services				
5EF0 035607	Legislative Agency Telephone Usage	\$	30,000	\$	30,000 133340
TOTAL GSF General Services					133341
Fund Group		\$	240,000	\$	240,000 133342
TOTAL ALL BUDGET FUND GROUPS					133343

The Legislative Agency Telephone Usage Fund (Fund 5EF0),	133344
created by section 103.24 of the Revised Code, is the same fund,	133345
with a new name, as the House and Senate Telephone Usage Fund	133346
created by the Controlling Board in 2007.	133347

Section 323.10. LIB STATE LIBRARY BOARD	133348

General Revenue Fund	133349

GRF 350321	Operating Expenses	\$	5,477,369	\$	5,477,369 133350
GRF 350401	Ohioana Rental Payments	\$	128,560	\$	128,560 133351
GRF 350502	Regional Library Systems	\$	582,469	\$	582,469 133352
TOTAL GRF General Revenue Fund					133353

General Services Fund Group	133354

1390 350602	Intra-Agency Service Charges	\$	9,000	\$	9,000 133355
4590 350603	Library Service Charges	\$	2,708,092	\$	2,708,092 133356
4S40 350604	Ohio Public Library Information Network	\$	5,702,150	\$	5,702,150 133357
5GB0 350605	Library for the Blind	\$	1,274,194	\$	1,274,194 133358
5GG0 350606	Gates Foundation Grants	\$	500,000	\$	0 133359
TOTAL GSF General Services					133360
Fund Group		\$	10,193,436	\$	9,693,436 133361

Federal Special Revenue Fund Group	133362

3130 350601 LSTA Federal	\$ 5,543,747	\$ 5,543,747	133363
TOTAL FED Federal Special Revenue			133364
Fund Group	\$ 5,543,747	\$ 5,543,747	133365
TOTAL ALL BUDGET FUND GROUPS	\$ 21,925,581	\$ 21,425,581	133366

OHIOANA RENTAL PAYMENTS	133367

The foregoing appropriation item 350401, Ohioana Rental	133368
Payments, shall be used to pay the rental expenses of the Martha	133369
Kinney Cooper Ohioana Library Association under section 3375.61	133370
of the Revised Code.	133371

REGIONAL LIBRARY SYSTEMS	133372

The foregoing appropriation item 350502, Regional Library	133373
Systems, shall be used to support regional library systems	133374
eligible for funding under sections 3375.83 and 3375.90 of the	133375
Revised Code.	133376

OHIO PUBLIC LIBRARY INFORMATION NETWORK	133377

(A) The foregoing appropriation item 350604, Ohio Public	133378
Library Information Network, shall be used for an information	133379
telecommunications network linking public libraries in the state	133380
and such others as may participate in the Ohio Public Library	133381
Information Network (OPLIN).	133382

The Ohio Public Library Information Network Board of Trustees	133383
created under section 3375.65 of the Revised Code may make	133384
decisions regarding use of the foregoing appropriation item	133385
350604, Ohio Public Library Information Network.	133386

(B) Of the foregoing appropriation item 350604, Ohio Public	133387

Library Information Network, up to \$81,000 in each fiscal year	133388
shall be used to help local libraries use filters to screen out	133389
obscene and illegal internet materials.	133390

The OPLIN Board shall research and assist or advise local	133391
libraries with regard to emerging technologies and methods that	133392
may be effective means to control access to obscene and illegal	133393
materials. The OPLIN Executive Director shall provide biannual	133394
written reports to the Governor, the Speaker and Minority Leader	133395
of the House of Representatives, and the President and Minority	133396
Leader of the Senate on any steps being taken by OPLIN and public	133397
libraries in the state to limit and control such improper usage as	133398
well as information on technological, legal, and law enforcement	133399
trends nationally and internationally affecting this area of	133400
public access and service.	133401

(C) The Ohio Public Library Information Network, INFOhio, and	133402
OhioLINK shall, to the extent feasible, coordinate and cooperate	133403
in their purchase or other acquisition of the use of electronic	133404
databases for their respective users and shall contribute funds in	133405
an equitable manner to such effort.	133406

LIBRARY FOR THE BLIND	133407

The foregoing appropriation item 350605, Library for the	133408
Blind, shall be used for the statewide Talking Book Program to	133409
assist the blind and disabled.	133410

TRANSFER TO OPLIN TECHNOLOGY FUND	133411

Notwithstanding sections 5747.03 and 5747.47 of the Revised	133412
Code and any other provision of law to the contrary, in accordance	133413
with a schedule established by the Director of Budget and	133414
Management, the Director of Budget and Management shall transfer	133415
\$3,702,150 cash in each fiscal year from the Public Library Fund	133416
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40).	133417

TRANSFER TO LIBRARY FOR THE BLIND FUND 133418

Notwithstanding sections 5747.03 and 5747.47 of the Revised 133419
Code and any other provision of law to the contrary, in accordance 133420
with a schedule established by the Director of Budget and 133421
Management, the Director of Budget and Management shall transfer 133422
\$1,274,194 cash in each fiscal year from the Public Library Fund 133423
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 133424

Section 325.10. LCO LIQUOR CONTROL COMMISSION 133425

Liquor Control Fund Group 133426

7043 970321	Operating Expenses	\$	728,162	\$	772,524	133427
TOTAL LCF Liquor Control Fund Group		\$	728,162	\$	772,524	133428
TOTAL ALL BUDGET FUND GROUPS		\$	728,162	\$	772,524	133429

Section 327.10. LOT STATE LOTTERY COMMISSION 133431

State Lottery Fund Group 133432

2310 950604	Charitable Gaming Oversight	\$	2,378,000	\$	2,378,000	133433
7044 950100	Personal Services	\$	24,378,979	\$	24,378,979	133434
7044 950200	Maintenance	\$	14,578,155	\$	14,652,155	133435
7044 950300	Equipment	\$	4,058,420	\$	3,603,920	133436
7044 950402	Advertising Contracts	\$	21,756,000	\$	21,756,000	133437
7044 950403	Gaming Contracts	\$	47,978,749	\$	48,756,010	133438
7044 950500	Problem Gambling Subsidy	\$	350,000	\$	350,000	133439
7044 950601	Direct Prize Payments	\$	124,426,168	\$	124,884,039	133440

8710 950602 Annuity Prizes	\$ 89,935,565	\$ 89,415,976	133441
TOTAL SLF State Lottery Fund			133442
Group	\$ 329,840,036	\$ 330,175,079	133443
TOTAL ALL BUDGET FUND GROUPS	\$ 329,840,036	\$ 330,175,079	133444

OPERATING EXPENSES 133445

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 15 per cent of anticipated total revenue accruing from the sale of lottery tickets. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

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DIRECT PRIZE PAYMENTS 133453

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes, bonuses, and commissions are hereby appropriated.

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ANNUITY PRIZES 133459

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.

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Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of

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the State Lottery Commission determines to be necessary to fund	133469
deferred prizes and interest earnings are hereby appropriated.	133470

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND	133471

The Director of Budget and Management shall transfer an	133472
amount greater than or equal to \$705,000,000 in fiscal year 2010	133473
and \$711,000,000 in fiscal year 2011 from the State Lottery Fund	133474
to the Lottery Profits Education Fund (Fund 7017). Transfers from	133475
the State Lottery Fund to the Lottery Profits Education Fund shall	133476
represent the estimated net income from operations for the	133477
Commission in fiscal year 2010 and fiscal year 2011. Transfers by	133478
the Director of Budget and Management to the Lottery Profits	133479
Education Fund shall be administered as the statutes direct.	133480

Section 329.10. MHC MANUFACTURED HOMES COMMISSION	133481

General Services Fund Group	133482

4K90 996609 Operating Expenses	\$	400,000	\$	400,000	133483
TOTAL GSF General Services					133484
Fund Group	\$	400,000	\$	400,000	133485
TOTAL ALL BUDGET FUND GROUPS	\$	400,000	\$	400,000	133486

Section 331.10. MED STATE MEDICAL BOARD	133488

General Services Fund Group	133489

5C60 883609 Operating Expenses	\$	8,100,000	\$	8,100,000	133490
TOTAL GSF General Services					133491
Fund Group	\$	8,100,000	\$	8,100,000	133492
TOTAL ALL BUDGET FUND GROUPS	\$	8,100,000	\$	8,100,000	133493

Section 333.10. AMB MEDICAL TRANSPORTATION BOARD 133495

General Services Fund Group 133496

4K90 915604	Operating Expenses	\$	450,734	\$	450,734	133497
TOTAL GSF General Services						133498
Fund Group		\$	450,734	\$	450,734	133499
TOTAL ALL BUDGET FUND GROUPS						133500

Section 335.10. DMH DEPARTMENT OF MENTAL HEALTH 133502

General Revenue Fund 133503

GRF 332401	Forensic Services	\$	3,089,969	\$	3,244,251	133504
GRF 333321	Central Administration	\$	17,204,000	\$	17,204,000	133505
GRF 333402	Resident Trainees	\$	504,416	\$	529,602	133506
GRF 333403	Pre-Admission Screening Expenses	\$	514,446	\$	540,132	133507
GRF 333415	Lease-Rental Payments	\$	21,333,500	\$	21,951,800	133508
GRF 333416	Research Program Evaluation	\$	554,763	\$	582,462	133509
GRF 334408	Community and Hospital Mental Health Services	\$	371,742,870	\$	369,982,336	133510
GRF 334506	Court Costs	\$	618,253	\$	649,122	133511
GRF 335404	Behavioral Health Services-Children	\$	7,460,800	\$	7,460,800	133512
GRF 335405	Family & Children First	\$	1,430,654	\$	1,502,086	133513
GRF 335419	Community Medication Subsidy	\$	9,959,798	\$	9,959,798	133514
GRF 335505	Local Mental Health Systems of Care	\$	11,650,000	\$	20,644,308	133515
TOTAL GRF General Revenue Fund						133516

General Services Fund Group	133517

1490 333609	Central Office Operating	\$	1,200,000	\$	1,200,000	133518
1490 334609	Hospital - Operating Expenses	\$	36,050,000	\$	36,050,000	133519
1500 334620	Special Education	\$	150,000	\$	150,000	133520
4P90 335604	Community Mental Health Projects	\$	250,000	\$	250,000	133521
1510 336601	Office of Support Services	\$	148,998,000	\$	159,279,140	133522
TOTAL GSF General Services Fund Group		\$	186,648,000	\$	196,929,140	133523

Federal Special Revenue Fund Group	133524

3240 333605	Medicaid/Medicare	\$	154,500	\$	154,500	133525
3A60 333608	Community and Hospital Services	\$	140,000	\$	140,000	133526
3A70 333612	Social Services Block Grant	\$	25,000	\$	25,000	133527
3A80 333613	Federal Grant - Administration	\$	4,888,105	\$	4,888,105	133528
3A90 333614	Mental Health Block Grant - Administration	\$	748,470	\$	748,470	133529
3B10 333635	Community Medicaid Expansion	\$	13,691,682	\$	13,691,682	133530
3240 334605	Medicaid/Medicare	\$	25,200,000	\$	30,200,000	133531
3A60 334608	Federal Miscellaneous	\$	586,224	\$	586,224	133532
3A80 334613	Federal Letter of Credit	\$	200,000	\$	200,000	133533
3B00 334617	Elementary/Secondary Education Act	\$	182,334	\$	182,334	133534
3A60 335608	Federal Miscellaneous	\$	2,178,699	\$	2,178,699	133535
3A70 335612	Social Services Block Grant	\$	8,632,288	\$	8,632,288	133536
3A80 335613	Federal Grant - Community Mental	\$	2,595,040	\$	2,595,040	133537

		Health Board Subsidy				
3A90	335614	Mental Health Block Grant	\$	14,220,930	\$	14,220,930 133538
3B10	335635	Community Medicaid Expansion	\$	382,835,386	\$	361,335,572 133539
TOTAL FED Federal Special Revenue Fund Group			\$	456,278,658	\$	439,778,844 133540
State Special Revenue Fund Group						133541
2320	333621	Family and Children First Administration	\$	725,000	\$	725,000 133542
4850	333632	Mental Health Operating	\$	134,233	\$	134,233 133543
4X50	333607	Behavioral Health Medicaid Services	\$	3,000,624	\$	3,000,624 133544
5V20	333611	Non-Federal Miscellaneous	\$	560,000	\$	560,000 133545
4850	334632	Mental Health Operating	\$	2,400,000	\$	2,400,000 133546
6920	334636	Community Mental Health Board Risk Fund	\$	80,000	\$	80,000 133547
5AU0	335615	Behavioral Healthcare	\$	6,690,000	\$	6,690,000 133548
5CH0	335622	Residential Support Service	\$	1,500,000	\$	1,500,000 133549
6320	335616	Community Capital Replacement	\$	350,000	\$	350,000 133550
TOTAL SSR State Special Revenue Fund Group			\$	15,439,857	\$	15,439,857 133551
TOTAL ALL BUDGET FUND GROUPS			\$	1,104,429,984	\$	1,106,398,538 133552

Section 335.10.10. FORENSIC SERVICES 133554

The foregoing appropriation item 332401, Forensic Services, 133555
shall be used to provide psychiatric services to courts of common 133556

pleas. The appropriation shall be allocated through community
mental health boards to certified community agencies and shall be
distributed according to the criteria delineated in rule
5122:32-01 of the Administrative Code. These community forensic
funds may also be used to provide forensic training to community
mental health boards and to forensic psychiatry residency programs
in hospitals operated by the Department of Mental Health and to
provide evaluations of patients of forensic status in facilities
operated by the Department of Mental Health prior to conditional
release to the community.

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In addition, appropriation item 332401, Forensic Services,
may be used to support projects involving mental health or
substance abuse, to assist courts and law enforcement to identify
and develop appropriate alternative services to incarceration for
nonviolent mentally ill offenders, and to provide specialized
re-entry services to offenders leaving prisons and jails. Funds
may also be used to provide forensic monitoring and tracking in
addition to community programs serving persons of forensic status
on conditional release or probation.

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Section 335.20.10. RESIDENCY TRAINEESHIP PROGRAMS 133576

The foregoing appropriation item 333402, Resident Trainees,
shall be used to fund training agreements entered into by the
Director of Mental Health for the development of curricula and the
provision of training programs to support public mental health
services.

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Section 335.20.20. PRE-ADMISSION SCREENING EXPENSES 133582

The foregoing appropriation item 333403, Pre-Admission
Screening Expenses, shall be used to ensure that uniform statewide
methods for pre-admission screening are in place for persons who
have severe mental illness and are referred for long-term
Medicaid certified nursing facility placement. Pre-admission

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screening includes the following activities: pre-admission	133588
assessment, consideration of continued stay requests, discharge	133589
planning and referral, and adjudication of appeals and grievance	133590
procedures.	133591

Section 335.20.30. LEASE-RENTAL PAYMENTS	133592

The foregoing appropriation item 333415, Lease-Rental	133593
Payments, shall be used to meet all payments during the period	133594
from July 1, 2009, to June 30, 2011, by the Department of Mental	133595
Health under leases and agreements made under section 154.20 of	133596
the Revised Code. These appropriations are the source of funds	133597
pledged for bond service charges on obligations issued pursuant to	133598
Chapter 154. of the Revised Code.	133599

Section 335.20.40. BEHAVIORAL HEALTH MEDICAID SERVICES	133600

The Department of Mental Health shall administer specified	133601
Medicaid services as delegated by the Department of Job and Family	133602
Services in an interagency agreement. The foregoing appropriation	133603
item 333607, Behavioral Health Medicaid Services, may be used to	133604
make payments for free-standing psychiatric hospital inpatient	133605
services as defined in an interagency agreement with the	133606
Department of Job and Family Services.	133607

Section 335.30.10. COMMUNITY MENTAL HEALTH BOARD RISK FUND	133608

The foregoing appropriation item 334636, Community Mental	133609
Health Board Risk Fund, shall be used to make payments under	133610
section 5119.62 of the Revised Code.	133611

Section 335.40.10. BEHAVIORAL HEALTH SERVICES - CHILDREN	133612

The foregoing appropriation item 335404, Behavioral Health	133613
Services-Children, shall be used to provide behavioral health	133614

services for children and their families. At least \$1,000,000 in	133615
each fiscal year shall be used to provide behavioral health	133616
treatment services for children under the age of seven and their	133617
families. Behavioral health services include mental health and	133618
alcohol and other drug treatment services and other necessary	133619
supports.	133620

The foregoing appropriation item 335404, Behavioral Health	133621
Services-Children, shall be distributed to boards of alcohol,	133622
drug addiction, and mental health services, including community	133623
mental health boards and alcohol and drug addiction boards, based	133624
upon a distribution formula approved by the Director of Mental	133625
Health, except that the amount earmarked for children under the	133626
age of seven shall be distributed to the local boards based on	133627
community-need as determined by the Director of Mental Health.	133628
These moneys shall be used in accordance with the board's	133629
applicable plan or plans developed under sections 340.03 and	133630
340.033 of the Revised Code and in collaboration with the local	133631
family and children first council. Collaboration with the local	133632
council shall be conducted through a process defined by a system	133633
of care guidance as approved by the Ohio Family and Children	133634
First Cabinet Council.	133635

Section 335.40.20. COMMUNITY MEDICATION SUBSIDY	133636

The foregoing appropriation item 335419, Community Medication	133637
Subsidy, shall be used to provide subsidized support for	133638
psychotropic medication needs of indigent citizens in the	133639
community to reduce unnecessary hospitalization because of lack of	133640
medication and to provide subsidized support for methadone costs.	133641

Section 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE	133642

The foregoing appropriation item 335505, Local Mental Health	133643
Systems of Care, shall be used for mental health services	133644
provided by community mental health boards in accordance with a	133645

community mental health plan submitted under section 340.03 of	133646
the Revised Code and as approved by the Department of Mental	133647
Health.	133648

Section 337.10. DMR DEPARTMENT OF DEVELOPMENTAL DISABILITIES	133649

General Revenue Fund	133650

GRF 320321	Central Administration	\$	4,662,675	\$	4,662,675	133651
GRF 320412	Protective Services	\$	2,174,826	\$	2,174,826	133652
GRF 320415	Lease-Rental Payments	\$	21,333,500	\$	21,951,800	133653
GRF 322413	Residential and Support Services	\$	5,854,555	\$	4,854,555	133654
GRF 322416	Medicaid Waiver - State Match	\$	76,940,156	\$	96,995,649	133655
GRF 322451	Family Support Services	\$	6,591,953	\$	6,591,953	133656
GRF 322501	County Boards Subsidies	\$	66,986,448	\$	62,259,252	133657
GRF 322503	Tax Equity	\$	14,000,000	\$	14,000,000	133658
GRF 322504	Martin Settlement	\$	26,799,300	\$	31,234,500	133659
GRF 322647	ICF/MR Franchise Fee - Developmental Centers	\$	5,953,391	\$	7,146,609	133660
GRF 323321	Developmental Center and Residential Facilities Operation Expenses	\$	72,091,333	\$	79,364,778	133661
TOTAL GRF	General Revenue Fund	\$	303,388,137	\$	331,236,597	133662

General Services Fund Group	133663

4880 322603	Provider Audit Refunds	\$	10,000	\$	10,000	133664
1520 323609	Developmental Center and Residential Operating Services	\$	912,176	\$	912,176	133665
TOTAL GSF	General Services Fund Group	\$	922,176	\$	922,176	133666

Federal Special Revenue Fund Group	133667

3A50	320613	DD Council	\$	2,891,473	\$	2,963,760	133668
3250	322612	Community Social Service Programs	\$	10,494,451	\$	10,494,451	133669
3G60	322639	Medicaid Waiver - Federal	\$	759,888,829	\$	745,540,748	133670
3M70	322650	CAFS Medicaid	\$	28,465,980	\$	29,349,502	133671
3A40	323605	Developmental Center and Residential Facility Services and Support	\$	167,503,941	\$	162,857,712	133672
TOTAL FED Federal Special Revenue Fund Group			\$	969,244,674	\$	951,206,173	133673

State Special Revenue Fund Group	133674

5GE0	320606	Operating and Services	\$	3,760,504	\$	7,521,008	133675
2210	322620	Supplement Service Trust	\$	150,000	\$	150,000	133676
4K80	322604	Medicaid Waiver - State Match	\$	12,000,000	\$	12,000,000	133677
5CT0	322632	Intensive Behavioral Needs	\$	1,000,000	\$	1,000,000	133678
5DJ0	322625	Targeted Case Management Match	\$	13,716,454	\$	13,716,454	133679
5DJ0	322626	Targeted Case Management Services	\$	29,926,640	\$	29,926,640	133680
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	133681
5EV0	322627	Program Fees	\$	500,000	\$	500,000	133682
5H00	322619	Medicaid Repayment	\$	15,000	\$	15,000	133683
5Z10	322624	County Board Waiver Match	\$	158,648,995	\$	169,754,424	133684
4890	323632	Developmental Center Direct Care Support	\$	15,395,774	\$	15,395,684	133685
5S20	590622	Medicaid Administration &	\$	15,000,000	\$	15,000,000	133686

Oversight

TOTAL SSR State Special Revenue Fund Group	\$ 250,863,367	\$ 265,729,210	133687

TOTAL ALL BUDGET FUND GROUPS	\$ 1,524,418,354	\$ 1,549,094,156	133688

Section 337.20.10. LEASE-RENTAL PAYMENTS	133690

The foregoing appropriation item 320415, Lease-Rental	133691
Payments, shall be used to meet all payments at the time they are	133692
required to be made during the period from July 1, 2009, to June	133693
30, 2011, by the Department of Developmental Disabilities under	133694
leases and agreements made under section 154.20 of the Revised	133695
Code. These appropriations are the source of funds pledged for	133696
bond service charges or obligations issued pursuant to Chapter	133697
154. of the Revised Code.	133698

Section 337.30.10. RESIDENTIAL AND SUPPORT SERVICES	133699

The Department of Developmental Disabilities may designate a	133700
portion of appropriation item 322413, Residential and Support	133701
Services, for Sermak Class Services used to implement the	133702
requirements of the agreement settling the consent decree in	133703
<i>Sermak v. Manuel</i> , Case No. c-2-80-220, United States District	133704
Court for the Southern District of Ohio, Eastern Division.	133705

Section 337.30.20. OTHER RESIDENTIAL AND SUPPORT SERVICE PROGRAMS	133706
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The foregoing appropriation item 322413, Residential Support	133708
Services, may be used for residential and support service	133709
programs, developed by the Department of Developmental	133710
Disabilities, that enable persons with mental retardation and	133711
developmental disabilities to live in the community.	133712

Section 337.30.30. MEDICAID WAIVER - STATE MATCH (GRF)	133713

Except as otherwise provided in section 5123.0416 of the	133714
Revised Code, the purposes for which the foregoing appropriation	133715
item 322416, Medicaid Waiver - State Match, shall be used include	133716
the following:	133717
(A) Home and community-based waiver services under Title XIX	133718
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301,	133719
as amended.	133720
(B) To pay the nonfederal share of the cost of one or more	133721
new intermediate care facilities for the mentally retarded	133722
certified beds, if the Director of Developmental Disabilities	133723
is required by this act to transfer to the Director of Job and	133724
Family Services funds to pay such nonfederal share.	133725
Section 337.30.40. FISCAL PLAN FOR HOME AND COMMUNITY-	133726
BASED	
WAIVER SERVICES	133727
Not later than December 31, 2009, the Director of	133728
Developmental Disabilities shall submit a plan to the Director of	133729
Job and Family Services with recommendations for actions to be	133730
taken addressing the fiscal sustainability of home and	133731
community-based services as defined in section 5123.01 of the	133732
Revised Code. The plan may include recommendations for all of the	133733
following:	133734
(A) Changing the ranges in the amount the Medicaid program	133735
will pay per individual for the home and community-based services;	133736
(B) Establishing one or more maximum amounts that the	133737
Medicaid program will pay per individual for the home and	133738
community-based services;	133739
(C) Modifying the methodology used in establishing payment	133740
rates for providers, including the methodology's component that	133741

reflects wages and benefits for persons providing direct care and 133742
the component that reflects training and direct supervision of 133743
those persons. 133744

Section 337.30.50. STATE SUBSIDY TO COUNTY MR/DD BOARDS 133745

Except as otherwise provided in the section of this act 133746
titled "Nonfederal Share of New ICF/MR Beds," the Director of 133747
Developmental Disabilities, in consultation with the county 133748
boards of developmental disabilities, shall develop a formula for 133749
allocating the foregoing appropriation item 322501, County Boards 133750
Subsidies, to each board. The Department shall distribute this 133751
subsidy to county boards in quarterly installments. 133752

Except as otherwise provided in section 5126.0511 of the 133753
Revised Code, county boards shall use the subsidy for early 133754
childhood services and adult services provided under section 133755
5126.05 of the Revised Code, service and support administration 133756
provided under section 5126.15 of the Revised Code, and supported 133757
living as defined in section 5126.01 of the Revised Code. 133758

Section 337.30.60. COUNTY BOARD SHARE OF WAIVER SERVICES 133759

As used in this section, "home and community-based services" 133760
has the same meaning as in section 5123.01 of the Revised Code. 133761

The Director of Developmental Disabilities shall establish a 133762
methodology to be used in state fiscal years 2010 and 2011 to 133763
estimate the quarterly amount each county board of developmental 133764
disabilities is to pay of the nonfederal share of home and 133765
community-based services that section 5126.0510 of the Revised 133766
Code requires county boards to pay. Each quarter, the Director 133767
shall submit to a county board written notice of the amount the 133768
county board is to pay for that quarter. The notice shall specify 133769
when the payment is due. 133770

If a county board fails to make the full payment by the time it is due, the Director of Developmental Disabilities may withhold the amount the county board fails to pay from one or more of the state subsidies that the Department of Developmental Disabilities would otherwise provide to the county board. Each quarter, the Director may use one or more of the following appropriation items to transfer cash from the General Revenue Fund to the County Board Waiver Match Fund (Fund 5Z10) equal to the amount the county board failed to pay:

(A) Appropriation item 322413, Residential and Support Services;

(B) Appropriation item 322451, Family Support Services;

(C) Appropriation item 322501, County Boards Subsidies;

(D) Appropriation item 322503, Tax Equity.

Transfers shall be made using an intrastate transfer voucher.

Section 337.30.70. TAX EQUITY

Notwithstanding section 5126.18 of the Revised Code, if the Director of Developmental Disabilities determines that there is sufficient appropriation available, the foregoing appropriation item 322503, Tax Equity, shall be used to pay each county board of developmental disabilities an amount that is equal to the amount the board received for fiscal year 2009. If the Director determines that there is not sufficient appropriation available for this purpose, the Department shall pay to each county board an amount that is proportionate to the amount the board received for fiscal year 2009. Proportionality shall be determined by dividing the total tax equity payments distributed to county boards for fiscal year 2009 by the tax equity payment a county

board received for fiscal year 2009. 133799

Section 337.30.80. MEDICAID WAIVER - STATE MATCH (FUND 4K80) 133800

The foregoing appropriation item 322604, Medicaid Waiver - State Match (Fund 4K80), shall be used as state matching funds for home and community-based waivers. 133801
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Section 337.30.85. ICF/MR CONVERSION 133804

(A) As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code. 133805
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(B) For each quarter of the biennium, the Director of Developmental Disabilities shall certify to the Director of Budget and Management the estimated amount needed to fund the provision of home and community-based services made available by the slots sought under section 5111.877 of the Revised Code. On receipt of certification, the Director of Budget and Management shall transfer the estimated amount in cash from the General Revenue Fund to the Home and Community-Based Services Fund (Fund 4K80), used by the Department of Developmental Disabilities. Upon completion of the transfer, appropriation item 600525, Health Care/Medicaid, is hereby reduced by the amount transferred under this section plus the corresponding federal share. The amount transferred to Fund 4K80 is hereby appropriated to appropriation item 322604, Medicaid Waiver – State Match. 133808
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(C) If receipts credited to the Medicaid Waiver Fund (Fund 3G60) exceed the amounts appropriated from the fund, the Director of Developmental Disabilities may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby 133822
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appropriated. 133828

(D) If receipts credited to the Interagency Reimbursement 133829
Fund (Fund 3G50) exceed the amounts appropriated from the fund, 133830
the Director of Job and Family Services may request the Director 133831
of Budget and Management to authorize expenditures from the fund 133832
in excess of the amounts appropriated. Upon approval of the 133833
Director of Budget and Management, the additional amounts are 133834
hereby appropriated. 133835

Section 337.30.90. TARGETED CASE MANAGEMENT SERVICES 133836

County boards of developmental disabilities shall pay the 133837
nonfederal portion of targeted case management costs to the 133838
Department of Developmental Disabilities. The Director of 133839
Developmental Disabilities shall withhold any amount owed to the 133840
Department from subsequent payments from any appropriation item 133841
or money otherwise due to a nonpaying county. 133842

The Directors of Developmental Disabilities and Job and 133843
Family Services may enter into an interagency agreement under 133844
which the Department of Developmental Disabilities shall transfer 133845
cash to the Department of Job and Family Services equal to the 133846
nonfederal portion of the cost of targeted case management 133847
services paid by county boards and the Department of Job and 133848
Family Services shall pay the total cost of targeted case 133849
management claims. The transfer shall be made using an intrastate 133850
transfer voucher. 133851

Section 337.31.10. TRANSFER TO PROGRAM FEE FUND 133852

On July 1, 2009, or as soon as possible thereafter, the 133853
Director of Developmental Disabilities shall request that the 133854
Director of Budget and Management transfer the cash balance in 133855
the Conference/Training Fund (Fund 4B50) to the Program Fee Fund 133856
(Fund 5EV0). Upon completion of the transfer, Fund 4B50 is 133857

abolished. The Director of Developmental Disabilities shall cancel	133858
any existing encumbrances against appropriation item 320640,	133859
Training and Service Development, and re-establish them against	133860
appropriation item 322627, Program Fees. The re-established	133861
encumbrances are hereby appropriated.	133862

Section 337.31.20. DEVELOPMENTAL CENTER BILLING FOR SERVICES	133863

Developmental centers of the Department of Developmental	133864
Disabilities may provide services to persons with mental	133865
retardation or developmental disabilities living in the community	133866
or to providers of services to these persons. The Department may	133867
develop a method for recovery of all costs associated with the	133868
provisions of these services.	133869

Section 337.40.10. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER	133870
PHARMACY PROGRAMS	133871

The Director of Developmental Disabilities shall transfer	133872
cash to the Department of Job and Family Services quarterly, in	133873
an amount equal to the nonfederal share of Medicaid prescription	133874
drug claim costs for all developmental centers paid by the	133875
Department of Job and Family Services. The quarterly transfer	133876
shall be made using an intrastate transfer voucher.	133877

Section 337.40.20. NONFEDERAL MATCH FOR ACTIVE TREATMENT SERVICES	133878
	133879

Any county funds received by the Department of Developmental	133880
Disabilities from county boards for active treatment shall be	133881
deposited in the Developmental Disabilities Operating Fund (Fund	133882
4890).	133883

Section 337.40.30. NONFEDERAL SHARE OF NEW ICF/MR BEDS	133884

(A) As used in this section, "intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.	133885 133886 133887
(B) Except as provided in division (D) of this section, if one or more new beds obtain certification as an intermediate care facility for the mentally retarded bed on or after July 1, 2009, the Director of Developmental Disabilities shall transfer cash to the Department of Job and Family Services to pay the nonfederal share of the cost under the Medicaid Program for those beds. The transfer shall be made using an intrastate transfer voucher. Except as otherwise provided in section 5123.0416 of the Revised Code, the Director shall use only the following appropriation items for the transfer:	133888 133889 133890 133891 133892 133893 133894 133895 133896 133897
(1) Appropriation item 322416, Medicaid Waiver - State Match;	133898 133899
(2) Appropriation item 322501, County Boards Subsidies.	133900
(C) If the beds are located in a county served by a county board of developmental disabilities that initiates or supports the beds' certification, the cash that the Director transfers under division (B) of this section shall be moneys that the Director has allocated to the county board serving the county in which the beds are located unless the amount of the allocation is insufficient to pay the entire nonfederal share of the cost under the Medicaid Program for those beds. If the allocation is insufficient, the Director shall use as much of such moneys allocated to other counties as is needed to make up the difference.	133901 133902 133903 133904 133905 133906 133907 133908 133909 133910 133911
(D) Division (B) of this section shall not apply in the case of beds in an intermediate care facility for the mentally retarded if, under section 5123.193 or 5123.197 of the Revised Code, a	133912 133913 133914

residential facility license was obtained or modified for the	133915
facility without obtaining approval of a plan for the proposed	133916
residential facility pursuant to section 5123.042 of the Revised	133917
Code.	133918

Section 339.10. MIH COMMISSION ON MINORITY HEALTH	133919

General Revenue Fund	133920

GRF 149321 Operating Expenses	\$	490,998	\$	449,998	133921
GRF 149501 Minority Health Grants	\$	1,064,833	\$	1,105,833	133922
GRF 149502 Lupus Program	\$	114,632	\$	114,632	133923
TOTAL GRF General Revenue Fund	\$	1,670,463	\$	1,670,463	133924

Federal Special Revenue Fund Group	133925

3J90 149602 Federal Grants	\$	179,250	\$	179,250	133926
TOTAL FED Federal Special Revenue					133927
Fund Group	\$	179,250	\$	179,250	133928

State Special Revenue Fund Group	133929

4C20 149601 Minority Health Conference	\$	30,000	\$	30,000	133930
TOTAL SSR State Special Revenue					133931
Fund Group	\$	30,000	\$	30,000	133932
TOTAL ALL BUDGET FUND GROUPS	\$	1,879,713	\$	1,879,713	133933

Section 341.10. CRB MOTOR VEHICLE COLLISION REPAIR	133935
REGISTRATION BOARD	133936

General Services Fund Group	133937

4K90 865601	Operating Expenses	\$	288,745	\$	288,745	133938
TOTAL GSF General Services						133939
Fund Group		\$	288,745	\$	288,745	133940
TOTAL ALL BUDGET FUND GROUPS						133941

Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES 133943

General Revenue Fund 133944

GRF 725401	Wildlife-GRF Central Support	\$	1,950,000	\$	2,000,000	133945
GRF 725413	Lease Rental Payments	\$	20,760,600	\$	21,556,500	133946
GRF 725456	Canal Lands	\$	150,000	\$	150,000	133947
GRF 725502	Soil and Water Districts	\$	6,900,000	\$	2,900,000	133948
	Natural Resources					
GRF 725903	General Obligation Debt Service	\$	25,438,000	\$	26,549,400	133949
GRF 727321	Division of Forestry	\$	5,906,376	\$	5,420,376	133950
GRF 728321	Division of Geological Survey	\$	1,100,000	\$	0	133951
GRF 730321	Division of Parks and Recreation	\$	31,806,918	\$	32,693,791	133952
GRF 733321	Division of Water	\$	2,300,000	\$	2,546,000	133953
GRF 736321	Division of Engineering	\$	2,300,000	\$	2,572,000	133954
GRF 737321	Division of Soil and Water Resources	\$	2,828,562	\$	3,128,562	133955
GRF 738321	Division of Real Estate and Land Management	\$	1,475,000	\$	1,546,000	133956
GRF 741321	Division of Natural Areas and Preserves	\$	1,739,873	\$	0	133957
GRF 744321	Division of Mineral Resources Management	\$	2,800,000	\$	1,000,000	133958
TOTAL GRF General Revenue Fund		\$	107,455,329	\$	102,062,629	133959

General Services Fund Group	133960

1550	725601	Departmental Projects	\$	2,100,000	\$	2,100,000	133961
1570	725651	Central Support Indirect	\$	6,000,000	\$	6,000,000	133962
2040	725687	Information Services	\$	4,200,000	\$	4,400,448	133963
2070	725690	Real Estate Services	\$	130,000	\$	132,000	133964
2230	725665	Law Enforcement Administration	\$	2,062,410	\$	2,062,410	133965
2270	725406	Parks Projects Personnel	\$	150,000	\$	150,000	133966
4300	725671	Canal Lands	\$	916,541	\$	922,424	133967
4D50	725618	Recycled Materials	\$	50,000	\$	50,000	133968
4S90	725622	NatureWorks Personnel	\$	412,740	\$	412,740	133969
4X80	725662	Water Resources Council	\$	138,900	\$	138,900	133970
5080	725684	Natural Resources Publications	\$	150,000	\$	150,000	133971
5100	725631	Maintenance - State- owned Residences	\$	258,919	\$	258,919	133972
5160	725620	Water Management	\$	2,500,000	\$	2,500,000	133973
6350	725664	Fountain Square Facilities Management	\$	3,500,000	\$	3,500,000	133974
6970	725670	Submerged Lands	\$	1,072,011	\$	772,011	133975
TOTAL GSF General Services							133976
Fund Group			\$	23,641,521	\$	23,549,852	133977

Federal Special Revenue Fund Group	133978

3320	725669	Federal Mine Safety Grant	\$	258,102	\$	258,102	133979
3B30	725640	Federal Forest Pass-Thru	\$	600,000	\$	600,000	133980
3B40	725641	Federal Flood Pass-Thru	\$	700,000	\$	700,000	133981
3B50	725645	Federal Abandoned Mine Lands	\$	14,307,667	\$	14,307,667	133982
3B60	725653	Federal Land and Water Conservation Grants	\$	2,000,000	\$	2,000,000	133983

3B70	725654	Reclamation - Regulatory	\$	2,394,565	\$	2,388,775	133984
3P00	725630	Natural Areas and Preserves - Federal	\$	215,000	\$	215,000	133985
3P10	725632	Geological Survey - Federal	\$	689,506	\$	692,401	133986
3P20	725642	Oil and Gas-Federal	\$	231,456	\$	234,509	133987
3P30	725650	Coastal Management - Federal	\$	1,711,237	\$	1,711,237	133988
3P40	725660	Federal - Soil and Water Resources	\$	316,734	\$	316,734	133989
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	2,025,001	\$	2,025,001	133990
3Z50	725657	Federal Recreation and Trails	\$	1,850,000	\$	1,850,000	133991
TOTAL FED Federal Special Revenue							133992
Fund Group			\$	27,299,268	\$	27,299,426	133993

State Special Revenue Fund Group							133994

4J20	725628	Injection Well Review	\$	68,933	\$	68,933	133995
4M70	725686	Wildfire Suppression	\$	75,000	\$	75,000	133996
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	133997
5090	725602	State Forest	\$	7,200,000	\$	7,200,000	133998
5110	725646	Ohio Geological Mapping	\$	724,310	\$	723,515	133999
5120	725605	State Parks Operations	\$	31,885,528	\$	31,885,528	134000
5140	725606	Lake Erie Shoreline	\$	1,074,113	\$	974,113	134001
5180	725643	Oil and Gas Permit Fees	\$	2,974,378	\$	2,974,378	134002
5180	725677	Oil and Gas Well Plugging	\$	800,000	\$	800,000	134003
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	134004
5220	725656	Natural Areas and Preserves	\$	1,400,000	\$	1,400,000	134005
5260	725610	Strip Mining Administration Fee	\$	3,267,587	\$	3,364,361	134006
5270	725637	Surface Mining	\$	1,946,591	\$	1,946,591	134007

		Administration				
5290	725639	Unreclaimed Land Fund	\$	2,021,713	\$	2,023,831 134008
5310	725648	Reclamation Forfeiture	\$	1,500,000	\$	1,500,000 134009
5320	725644	Litter Control and Recycling	\$	6,280,681	\$	6,280,681 134010
5860	725633	Scrap Tire Program	\$	1,000,000	\$	1,000,000 134011
5B30	725674	Mining Regulation		28,850		28,850 134012
5BV0	725658	Heidelberg Water Quality Lab	\$	250,000	\$	250,000 134013
5BV0	725683	Soil and Water Districts	\$	10,875,577	\$	18,104,906 134014
5CU0	725647	Mine Safety	\$	3,053,843	\$	3,199,923 134015
5EJ0	725608	Forestry Law Enforcement	\$	1,000	\$	1,000 134016
5EK0	725611	Natural Areas & Preserves Law Enforcement	\$	1,000	\$	1,000 134017
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000 134018
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000 134019
5EN0	725614	Watercraft Law Enforcement	\$	2,500	\$	2,500 134020
6150	725661	Dam Safety	\$	807,403	\$	807,403 134021
TOTAL SSR State Special Revenue						134022
Fund Group			\$	77,528,497	\$	84,902,003 134023
Clean Ohio Conservation Fund Group						134024
7061	725405	Clean Ohio Operating	\$	310,000	\$	310,000 134025
TOTAL CLF Clean Ohio Conservation Fund Group			\$	310,000	\$	310,000 134026
Wildlife Fund Group						134027
5P20	725634	Wildlife Boater Angler Administration	\$	2,000,000	\$	2,000,000 134028
7015	740401	Division of Wildlife	\$	58,614,436	\$	54,906,000 134029

		Conservation				
8150	725636	Cooperative Management Projects	\$	120,449	\$	120,449 134030
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885 134031
8170	725655	Wildlife Conservation Checkoff Fund	\$	2,800,000	\$	2,800,000 134032
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000 134033
8190	725685	Ohio River Management	\$	128,584	\$	128,584 134034
		TOTAL WLF Wildlife Fund Group	\$	66,130,354	\$	62,421,918 134035

Waterways Safety Fund Group 134036

7086	725414	Waterways Improvement	\$	4,265,575	\$	4,265,575 134037
7086	725418	Buoy Placement	\$	52,182	\$	52,182 134038
7086	725501	Waterway Safety Grants	\$	137,867	\$	137,867 134039
7086	725506	Watercraft Marine Patrol	\$	576,153	\$	576,153 134040
7086	725513	Watercraft Educational Grants	\$	366,643	\$	366,643 134041
7086	739401	Division of Watercraft	\$	19,949,181	\$	19,949,181 134042
		TOTAL WSF Waterways Safety Fund Group	\$	25,347,601	\$	25,347,601 134044

Accrued Leave Liability Fund Group 134045

4M80	725675	FOP Contract	\$	20,844	\$	20,844 134046
		TOTAL ALF Accrued Leave Liability Fund Group	\$	20,844	\$	20,844 134048

Holding Account Redistribution Fund Group 134049

R017	725659	Performance Cash Bond Refunds	\$	296,263	\$	296,263 134050
R043	725624	Forestry	\$	2,000,000	\$	2,000,000 134051

TOTAL 090 Holding Account				134052
Redistribution Fund Group	\$	2,296,263	\$	2,296,263 134053
TOTAL ALL BUDGET FUND GROUPS	\$	330,029,677	\$	328,210,536 134054

Section 343.20. CENTRAL SUPPORT INDIRECT 134056

With the exception of the Division of Wildlife, whose direct 134057
and indirect central support charges shall be paid out of the 134058
General Revenue Fund from the foregoing appropriation item 134059
725401, Wildlife-GRF Central Support, the Department of Natural 134060
Resources, with approval of the Director of Budget and Management, 134061
shall utilize a methodology for determining each division's 134062
payments into the Central Support Indirect Fund (Fund 1570). The 134063
methodology used shall contain the characteristics of 134064
administrative ease and uniform application in compliance with 134065
federal grant requirements. It may include direct cost charges for 134066
specific services provided. Payments to Fund 1570 shall be made 134067
using an intrastate transfer voucher. 134068

Section 343.20.20. WELL LOG FILING FEES 134069

The Chief of the Division of Water shall deposit fees 134070
forwarded to the Division pursuant to section 1521.05 of the 134071
Revised Code into the Departmental Services – Intrastate Fund 134072
(Fund 1550) for the purposes described in that section. 134073

Section 343.30. LEASE RENTAL PAYMENTS 134074

The foregoing appropriation item 725413, Lease Rental 134075
Payments, shall be used to meet all payments at the times they are 134076
required to be made during the period from July 1, 2009, to June 134077
30, 2011, by the Department of Natural Resources pursuant to 134078
leases and agreements made under section 154.22 of the Revised 134079
Code. These appropriations are the source of funds pledged for 134080

bond service charges or obligations issued pursuant to Chapter	134081
154. of the Revised Code.	134082

CANAL LANDS	134083

The foregoing appropriation item 725456, Canal Lands, shall	134084
be used to transfer funds to the Canal Lands Fund (Fund 4300) to	134085
provide operating expenses for the State Canal Lands Program. The	134086
transfer shall be made using an intrastate transfer voucher and	134087
shall be subject to the approval of the Director of Budget and	134088
Management.	134089

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE	134090

The foregoing appropriation item 725903, Natural Resources	134091
General Obligation Debt Service, shall be used to pay all debt	134092
service and related financing costs during the period July 1,	134093
2009, to June 30, 2011, on obligations issued under sections	134094
151.01 and 151.05 of the Revised Code.	134095

Section 343.30.10. FOUNTAIN SQUARE	134096

The foregoing appropriation item 725664, Fountain Square	134097
Facilities Management, shall be used for payment of repairs,	134098
renovation, utilities, property management, and building	134099
maintenance expenses for the Fountain Square complex. Cash	134100
transferred by intrastate transfer vouchers from various	134101
department funds and rental income received by the Department of	134102
Natural Resources shall be deposited into the Fountain Square	134103
Facilities Management Fund (Fund 6350).	134104

Section 343.40. SOIL AND WATER DISTRICTS	134105

In addition to state payments to soil and water conservation	134106
districts authorized by section 1515.10 of the Revised Code, the	134107
Department of Natural Resources may use appropriation item 725502,	134108

Soil and Water Districts, to pay any soil and water conservation	134109
district an annual amount not to exceed \$30,000, upon receipt of	134110
a request and justification from the district and approval by the	134111
Ohio Soil and Water Conservation Commission. The county auditor	134112
shall credit the payments to the special fund established under	134113
section 1515.10 of the Revised Code for the local soil and water	134114
conservation district. Moneys received by each district shall be	134115
expended for the purposes of the district.	134116

The foregoing appropriation item 725683, Soil and Water	134117
Districts, shall be expended for the purposes described above,	134118
except that the funding source for this appropriation shall be	134119
fees applied on the disposal of construction and demolition	134120
debris and municipal solid waste as provided in section 1515.14 of	134121
the Revised Code.	134122

OIL AND GAS WELL PLUGGING	134123

The foregoing appropriation item 725677, Oil and Gas Well	134124
Plugging, shall be used exclusively for the purposes of plugging	134125
wells and to properly restore the land surface of idle and orphan	134126
oil and gas wells pursuant to section 1509.071 of the Revised	134127
Code. No funds from the appropriation item shall be used for	134128
salaries, maintenance, equipment, or other administrative	134129
purposes, except for those costs directly attributed to the	134130
plugging of an idle or orphan well. This appropriation item shall	134131
not be used to transfer cash to any other fund or appropriation	134132
item.	134133

LITTER CONTROL AND RECYCLING	134134

Of the foregoing appropriation item 725644, Litter Control	134135
and Recycling, up to \$1,500,000 may be used in each fiscal year	134136
for the administration of the Recycling and Litter Prevention	134137
Program.	134138

Section 343.40.10. CLEAN OHIO OPERATING EXPENSES	134139
The foregoing appropriation item 725405, Clean Ohio	134140
Operating, shall be used by the Department of Natural Resources in	134141
administering section 1519.05 of the Revised Code.	134142
Section 343.50. WATERCRAFT MARINE PATROL	134143
Of the foregoing appropriation item 739401, Division of	134144
Watercraft, up to \$200,000 in each fiscal year shall be expended	134145
for the purchase of equipment for marine patrols qualifying for	134146
funding from the Department of Natural Resources pursuant to	134147
section 1547.67 of the Revised Code. Proposals for equipment shall	134148
accompany the submission of documentation for receipt of a marine	134149
patrol subsidy pursuant to section 1547.67 of the Revised Code and	134150
shall be loaned to eligible marine patrols pursuant to a	134151
cooperative agreement between the Department of Natural Resources	134152
and the eligible marine patrol.	134153
SCENIC RIVERS PROGRAM	134154
On July 1 of each fiscal year or as soon as possible	134155
thereafter, the Director of Budget and Management shall transfer	134156
\$500,000 cash from the Waterways Safety Fund (Fund 7086) to the	134157
Scenic Rivers Protection Fund (Fund 4U60) for use by the Division	134158
of Watercraft in administering the Wild, Scenic, and Recreational	134159
Rivers Program pursuant to Chapter 1547. of the Revised Code. The	134160
amount transferred is hereby appropriated in appropriation item	134161
725668, Scenic Rivers Protection.	134162
Section 343.60. PARKS CAPITAL EXPENSES FUND	134163
The Director of Natural Resources shall submit to the	134164
Director of Budget and Management the estimated design,	134165
engineering, and planning costs of capital-related work to be done	134166
by Department of Natural Resources staff for parks projects. If	134167

the Director of Budget and Management approves the estimated	134168
costs, the Director may release appropriations from appropriation	134169
item C725E6, Project Planning, in the Parks and Recreation	134170
Improvement Fund (Fund 7035), for those purposes. Upon release of	134171
the appropriations, the Department of Natural Resources shall pay	134172
for these expenses from the Parks Capital Expenses Fund (Fund	134173
2270). Expenses paid from Fund 2270 shall be reimbursed by Fund	134174
7035 using an intrastate transfer voucher.	134175

NATUREWORKS CAPITAL EXPENSES FUND	134176

The Department of Natural Resources shall periodically	134177
prepare and submit to the Director of Budget and Management the	134178
estimated design, planning, and engineering costs of	134179
capital-related work to be done by Department of Natural Resources	134180
staff for each capital improvement project within the Ohio Parks	134181
and Natural Resources Fund (Fund 7031). If the Director of Budget	134182
and Management approves the estimated costs, the Director may	134183
release appropriations from appropriation item C725E5, Project	134184
Planning, in fund 7031, for those purposes. Upon release of the	134185
appropriations, the Department of Natural Resources shall pay for	134186
these expenses from the Capital Expenses Fund (Fund 4S90).	134187
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 by	134188
using an intrastate transfer voucher.	134189

Section 345.10. NUR STATE BOARD OF NURSING	134190

General Services Fund Group	134191

4K90 884609 Operating Expenses	\$ 5,661,280	\$ 5,661,280	134192
5AC0 884602 Nurse Education Grant Program	\$ 1,000,000	\$ 1,000,000	134193
5P80 884601 Nursing Special Issues	\$ 5,000	\$ 5,000	134194
TOTAL GSF General Services			134195
Fund Group	\$ 6,666,280	\$ 6,666,280	134196

TOTAL ALL BUDGET FUND GROUPS	\$	6,666,280	\$	6,666,280	134197

NURSING SPECIAL ISSUES					134198

The foregoing appropriation item 884601, Nursing Special					134199
Issues (Fund 5P80), shall be used to pay the costs the Board of					134200
Nursing incurs in implementing section 4723.062 of the Revised					134201
Code.					134202

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,					134203
AND ATHLETIC TRAINERS BOARD					134204

General Services Fund Group					134205

4K90 890609 Operating Expenses	\$	900,000	\$	900,000	134206
TOTAL GSF General Services Fund Group	\$	900,000	\$	900,000	134207
TOTAL ALL BUDGET FUND GROUPS	\$	900,000	\$	900,000	134208

Section 348.10. OLA OHIOANA LIBRARY ASSOCIATION					134210

General Revenue Fund					134211

GRF 355501 Library Subsidy	\$	125,000	\$	125,000	134212
TOTAL GRF General Revenue Fund	\$	125,000	\$	125,000	134213
TOTAL ALL BUDGET FUND GROUPS	\$	125,000	\$	125,000	134214

Section 349.10. ODB OHIO OPTICAL DISPENSERS BOARD					134216

General Services Fund Group					134217

4K90 894609 Operating Expenses	\$	316,664	\$	316,664	134218
TOTAL GSF General Services					134219
Fund Group	\$	316,664	\$	316,664	134220
TOTAL ALL BUDGET FUND GROUPS	\$	316,664	\$	316,664	134221

Section 351.10. OPT STATE BOARD OF OPTOMETRY 134223

General Services Fund Group 134224

4K90 885609 Operating Expenses	\$	325,185	\$	325,185	134225
TOTAL GSF General Services					134226
Fund Group	\$	325,185	\$	325,185	134227
TOTAL ALL BUDGET FUND GROUPS	\$	325,185	\$	325,185	134228

Section 353.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS 134230
134231

General Services Fund Group 134232

4K90 973609 Operating Expenses	\$	105,000	\$	105,000	134233
TOTAL GSF General Services					134234
Fund Group	\$	105,000	\$	105,000	134235
TOTAL ALL BUDGET FUND GROUPS	\$	105,000	\$	105,000	134236

Section 355.10. UST PETROLEUM UNDERGROUND STORAGE TANK 134237

Agency Fund Group 134238

6910 810632	PUSTRCB Staff	\$	1,050,000	\$	1,050,000	134239
TOTAL AGY Agency Fund Group		\$	1,050,000	\$	1,050,000	134240
TOTAL ALL BUDGET FUND GROUPS		\$	1,050,000	\$	1,050,000	134241

Section 357.10. PRX STATE BOARD OF PHARMACY 134243

General Services Fund Group 134244

4A50 887605	Drug Law Enforcement	\$	75,500	\$	75,500	134245
4K90 887609	Operating Expenses	\$	5,000,000	\$	5,000,000	134246
TOTAL GSF General Services Fund Group		\$	5,075,500	\$	5,075,500	134247

Federal Special Revenue Fund Group 134248

3BC0 887604	Dangerous Drugs Database	\$	493,164	\$	500,891	134249
TOTAL FED Federal Special Revenue Fund Group		\$	493,164	\$	500,891	134250
TOTAL ALL BUDGET FUND GROUPS		\$	5,568,664	\$	5,576,391	134251

Section 359.10. PSY STATE BOARD OF PSYCHOLOGY 134253

General Services Fund Group 134254

4K90 882609	Operating Expenses	\$	525,000	\$	525,000	134255
TOTAL GSF General Services Fund Group		\$	525,000	\$	525,000	134257
TOTAL ALL BUDGET FUND GROUPS		\$	525,000	\$	525,000	134258

GROUPS

Section 361.10. PUB OHIO PUBLIC DEFENDER COMMISSION 134260

General Revenue Fund 134261

GRF 019321	Public Defender Administration	\$	772,500	\$	612,600	134262
GRF 019401	State Legal Defense Services	\$	4,377,500	\$	3,471,400	134263
GRF 019403	Multi-County: State Share	\$	1,308,201	\$	1,456,835	134264
GRF 019404	Trumbull County - State Share	\$	430,217	\$	467,727	134265
GRF 019405	Training Account	\$	50,000	\$	50,000	134266
GRF 019501	County Reimbursement	\$	13,855,879	\$	10,711,478	134267
TOTAL GRF General Revenue Fund		\$	20,794,297	\$	16,770,040	134268

General Services Fund Group 134269

4070 019604	County Representation	\$	196,650	\$	207,143	134270
4080 019605	Client Payments	\$	600,000	\$	600,000	134271
5CX0 019617	Civil Case Filing Fee	\$	743,076	\$	772,121	134272
TOTAL GSF General Services						134273
Fund Group		\$	1,539,726	\$	1,579,264	134274

Federal Special Revenue Fund Group 134275

3S80 019608	Federal Representation	\$	202,347	\$	212,303	134276
TOTAL FED Federal Special Revenue						134277
Fund Group		\$	202,347	\$	212,303	134278

State Special Revenue Fund Group 134279

4C70	019601	Multi-County: County Share	\$	2,227,056	\$	2,384,210	134280
4X70	019610	Trumbull County - County Share	\$	732,393	\$	765,467	134281
5740	019606	Civil Legal Aid	\$	35,000,000	\$	35,000,000	134282
5DY0	019618	Indigent Defense Support - County Share	\$	27,783,000	\$	37,044,000	134283
5DY0	019619	Indigent Defense Support Fund - State Office	\$	3,087,000	\$	4,116,000	134284
TOTAL SSR State Special Revenue							134285
Fund Group			\$	68,829,449	\$	79,309,677	134286
TOTAL ALL BUDGET FUND GROUPS			\$	91,365,819	\$	97,871,284	134287

INDIGENT DEFENSE OFFICE 134288

The foregoing appropriation items 019404, Trumbull County - 134289
State Share, and 019610, Trumbull County - County Share, shall be 134290
used to support an indigent defense office for Trumbull County. 134291

MULTI-COUNTY OFFICE 134292

The foregoing appropriation items 019403, Multi-County: State 134293
Share, and 019601, Multi-County: County Share, shall be used to 134294
support the Office of the Ohio Public Defender's Multi-County 134295
Branch Office Program. 134296

TRAINING ACCOUNT 134297

The foregoing appropriation item 019405, Training Account, 134298
shall be used by the Ohio Public Defender to provide legal 134299
training programs at no cost for private appointed counsel who 134300
represent at least one indigent defendant at no cost and for state 134301
and county public defenders and attorneys who contract with the 134302

Ohio Public Defender to provide indigent defense services.	134303

FEDERAL REPRESENTATION	134304

The foregoing appropriation item 019608, Federal	134305
Representation, shall be used to receive reimbursements from the	134306
federal courts when the Ohio Public Defender provides	134307
representation in federal court cases and to support	134308
representation in such cases.	134309

Section 363.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO	134310

General Services Fund Group	134311

5F60 870622	Utility and Railroad Regulation	\$	34,455,627	\$	34,455,627	134312

5F60 870624	NARUC/NRRI Subsidy	\$	158,000	\$	158,000	134313

5F60 870625	Motor Transportation Regulation	\$	6,071,829	\$	6,071,829	134314

5Q50 870626	Telecommunications Relay Service	\$	5,000,000	\$	5,000,000	134315

TOTAL GSF General Services						134316

Fund Group		\$	45,685,456	\$	45,685,456	134317

Federal Special Revenue Fund Group	134318

3330 870601	Gas Pipeline Safety	\$	597,959	\$	597,959	134319

3500 870608	Motor Carrier Safety	\$	7,351,660	\$	7,351,660	134320

3V30 870604	Commercial Vehicle Information Systems/Networks	\$	100,000	\$	100,000	134321

TOTAL FED Federal Special Revenue						134322

Fund Group		\$	8,049,619	\$	8,049,619	134323

State Special Revenue Fund Group	134324

4A30	870614	Grade Crossing Protection Devices-State	\$	1,349,757	\$	1,349,757	134325
4L80	870617	Pipeline Safety-State	\$	187,621	\$	187,621	134326
4S60	870618	Hazardous Material Registration	\$	464,325	\$	464,325	134327
4S60	870621	Hazardous Materials Base State Registration	\$	373,346	\$	373,346	134328
4U80	870620	Civil Forfeitures	\$	284,986	\$	284,986	134329
5590	870605	Public Utilities Territorial Administration	\$	4,000	\$	4,000	134330
5600	870607	Special Assessment	\$	100,000	\$	100,000	134331
5610	870606	Power Siting Board	\$	647,893	\$	647,893	134332
5BP0	870623	Wireless 9-1-1 Administration	\$	34,417,000	\$	36,443,000	134333
6380	870611	Biofuels/Municipal Waste Technology	\$	40,000	\$	40,000	134334
6610	870612	Hazardous Materials Transportation	\$	900,000	\$	900,000	134335
TOTAL SSR State Special Revenue							134336
Fund Group			\$	38,768,928	\$	40,794,928	134337
TOTAL ALL BUDGET FUND GROUPS			\$	92,504,003	\$	94,530,003	134338

Section 365.10. PWC PUBLIC WORKS COMMISSION 134340

General Revenue Fund 134341

GRF	150904	Conservation General Obligation Debt Service	\$	20,252,100	\$	25,225,900	134342
GRF	150907	State Capital Improvements	\$	118,011,500	\$	130,569,700	134343
		General Obligation Debt Service					134344
TOTAL GRF General Revenue Fund			\$	138,263,600	\$	155,795,600	134345

Clean Ohio Conservation Fund Group	134346

7056 150403	Clean Ohio Operating Expenses	\$	304,332	\$	311,509	134347

TOTAL 056 Clean Ohio Conservation Fund Group	\$	304,332	\$	311,509	134348

Local Infrastructure Improvements Fund Group	134349

7039 150909	Local Infrastructure Development	\$	261,027	\$	269,555	134350

TOTAL LIF Local Infrastructure Improvements Fund Group	\$	261,027	\$	269,555	134351

TOTAL ALL BUDGET FUND GROUPS	\$	138,828,959	\$	156,376,664	134352

CONSERVATION GENERAL OBLIGATION DEBT SERVICE	134353

The foregoing appropriation item 150904, Conservation General	134354
Obligation Debt Service, shall be used to pay all debt service and	134355
related financing costs during the period from July 1, 2009,	134356
through June 30, 2011, at the times they are required to be made	134357
for obligations issued under sections 151.01 and 151.09 of the	134358
Revised Code.	134359

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE	134360

The foregoing appropriation item 150907, State Capital	134361
Improvements General Obligation Debt Service, shall be used to pay	134362
all debt service and related financing costs during the period	134363
from July 1, 2009, to June 30, 2011, at the times they are	134364
required to be made for obligations issued under sections 151.01	134365
and 151.08 of the Revised Code.	134366

CLEAN OHIO OPERATING EXPENSES				134367
The foregoing appropriation item 150403, Clean Ohio				134368
Operating Expenses, shall be used by the Ohio Public Works				134369
Commission in administering sections 164.20 to 164.27 of the				134370
Revised Code.				134371
REIMBURSEMENT TO THE GENERAL REVENUE FUND				134372
(A) On or before July 15, 2011, the Director of the Public				134373
Works Commission shall certify to the Director of Budget and				134374
Management the following:				134375
(1) The total amount disbursed from appropriation item				134376
700409, Farmland Preservation, during the FY 2010-FY 2011				134377
biennium; and				134378
(2) The amount of interest earnings that have been credited				134379
to the Clean Ohio Conservation Fund (Fund 7056) that are in excess				134380
of the amount needed for other purposes as calculated by the				134381
Director of the Public Works Commission.				134382
(B) If the Director of Budget and Management determines under				134383
division (A)(2) of this section that there are excess interest				134384
earnings, the Director of Budget and Management shall, on or				134385
before July 15, 2011, transfer the excess interest earnings to the				134386
General Revenue Fund in an amount equal to the total amount				134387
disbursed under division (A)(1) of this section from the Clean				134388
Ohio Conservation Fund.				134389
Section 367.10. RAC STATE RACING COMMISSION				134390
State Special Revenue Fund Group				134391
5620	875601	Thoroughbred Race Fund	\$ 2,300,000 \$ 2,300,000	134392

5630	875602	Standardbred Development Fund	\$	1,900,000	\$	1,900,000	134393
5640	875603	Quarter Horse Development Fund	\$	1,000	\$	1,000	134394
5650	875604	Racing Commission Operating	\$	3,742,342	\$	3,758,818	134395
5C40	875607	Simulcast Horse Racing Purse	\$	14,000,000	\$	14,000,000	134396
TOTAL SSR State Special Revenue							134397
Fund Group			\$	21,943,342	\$	21,959,818	134398
Holding Account Redistribution Fund Group							134399
R021	875605	Bond Reimbursements	\$	145,000	\$	145,000	134400
TOTAL 090 Holding Account Redistribution							134401
Fund Group			\$	145,000	\$	145,000	134402
TOTAL ALL BUDGET FUND GROUPS			\$	22,088,342	\$	22,104,818	134403

Section 371.10. BOR BOARD OF REGENTS 134405

General Revenue Fund 134406

GRF	235321	Operating Expenses	\$	2,366,640	\$	2,366,640	134407
GRF	235401	Lease Rental Payments	\$	124,461,100	\$	107,897,100	134408
GRF	235402	Sea Grants	\$	300,000	\$	300,000	134409
GRF	235406	Articulation and Transfer	\$	2,531,700	\$	2,531,700	134410
GRF	235408	Midwest Higher Education Compact	\$	95,000	\$	95,000	134411
GRF	235409	Information System	\$	937,800	\$	937,800	134412
GRF	235414	State Grants and Scholarship Administration	\$	1,414,366	\$	1,414,366	134413

GRF 235417	Ohio Learning Network	\$	2,723,320	\$	2,723,320	134414
GRF 235428	Appalachian New Economy Partnership	\$	819,295	\$	819,295	134415
GRF 235433	Economic Growth Challenge	\$	511,715	\$	511,715	134416
GRF 235438	Choose Ohio First Scholarship	\$	12,927,304	\$	15,845,591	134417
GRF 235442	Teacher Fellowship	\$	0	\$	2,500,000	134418
GRF 235443	Adult Basic and Literacy Education - State	\$	7,302,416	\$	7,302,416	134419
GRF 235444	Post-Secondary Adult Career-Technical Education	\$	15,317,549	\$	15,317,547	134420
GRF 235474	Area Health Education Centers Program Support	\$	1,059,078	\$	1,059,078	134421
GRF 235501	State Share of Instruction	\$	1,677,708,351	\$	1,689,554,971	134422
GRF 235502	Student Support Services	\$	692,974	\$	692,974	134423
GRF 235504	War Orphans Scholarships	\$	4,331,089	\$	4,331,089	134424
GRF 235507	OhioLINK	\$	6,433,313	\$	6,433,313	134425
GRF 235508	Air Force Institute of Technology	\$	1,785,439	\$	1,785,439	134426
GRF 235510	Ohio Supercomputer Center	\$	3,719,354	\$	3,719,354	134427
GRF 235511	Cooperative Extension Service	\$	23,518,608	\$	22,467,678	134428
GRF 235513	Ohio University Voinovich School	\$	326,000	\$	326,000	134429
GRF 235514	Central State Supplement	\$	12,109,106	\$	12,109,106	134430
GRF 235515	Case Western Reserve University School of Medicine	\$	2,525,003	\$	2,525,003	134431
GRF 235519	Family Practice	\$	3,724,923	\$	3,724,923	134432
GRF 235520	Shawnee State Supplement	\$	2,577,393	\$	2,577,393	134433

GRF 235521	The Ohio State University John Glenn School of Public Affairs	\$	277,500	\$	277,500	134434
GRF 235524	Police and Fire Protection	\$	119,793	\$	119,793	134435
GRF 235525	Geriatric Medicine	\$	614,295	\$	614,295	134436
GRF 235526	Primary Care Residencies	\$	1,839,083	\$	1,839,083	134437
GRF 235535	Ohio Agricultural Research and Development Center	\$	34,000,000	\$	34,000,000	134438
GRF 235536	The Ohio State University Clinical Teaching	\$	11,375,225	\$	11,375,225	134439
GRF 235537	University of Cincinnati Clinical Teaching	\$	9,355,968	\$	9,355,968	134440
GRF 235538	University of Toledo Clinical Teaching	\$	7,292,471	\$	7,292,471	134441
GRF 235539	Wright State University Clinical Teaching	\$	3,542,823	\$	3,542,823	134442
GRF 235540	Ohio University Clinical Teaching	\$	3,424,956	\$	3,424,956	134443
GRF 235541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	3,522,563	\$	3,522,563	134444
GRF 235552	Capital Component	\$	20,382,568	\$	20,382,568	134445
GRF 235555	Library Depositories	\$	1,477,274	\$	1,477,274	134446
GRF 235556	Ohio Academic Resources Network	\$	3,253,866	\$	3,253,866	134447
GRF 235558	Long-term Care Research	\$	217,000	\$	217,000	134448
GRF 235563	Ohio College Opportunity Grant	\$	95,000,000	\$	76,000,000	134449
GRF 235567	Central State University Speed to Scale	\$	1,775,254	\$	0	134450
GRF 235572	The Ohio State University Clinic Support	\$	901,703	\$	901,703	134451
GRF 235579	Bliss Institute	\$	257,474	\$	257,474	134452

GRF 235596	Hazardous Materials Program	\$	373,858	\$	373,858	134453
GRF 235599	National Guard Scholarship Program	\$	14,912,271	\$	14,912,271	134454
GRF 235644	State Share of Instruction - Federal Stimulus - Education	\$	309,874,026	\$	308,802,662	134455
GRF 235909	Higher Education General Obligation Debt Service	\$	105,392,500	\$	86,937,900	134456
TOTAL GRF General Revenue Fund		\$	2,541,401,307	\$	2,500,750,064	134457

General Services Fund Group						134458

2200 235614	Program Approval and Reauthorization	\$	1,000,000	\$	1,000,000	134459
4560 235603	Sales and Services	\$	200,000	\$	200,000	134460
TOTAL GSF General Services						134461
Fund Group		\$	1,200,000	\$	1,200,000	134462

Federal Special Revenue Fund Group						134463

3120 235609	Tech Prep	\$	183,849	\$	183,849	134464
3120 235611	Gear-up Grant	\$	3,900,000	\$	3,900,000	134465
3120 235612	Carl D. Perkins Grant/Plan Administration	\$	912,961	\$	912,961	134466
3120 235617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	134467
3120 235641	Adult Basic Literacy Education - Federal	\$	17,869,546	\$	17,869,546	134468
3BE0 235636	Adult Education and Family Literacy Act Incentive Grant	\$	1,783,583	\$	1,783,583	134469
3BG0 235626	Star Schools	\$	250,000	\$	0	134470
3H20 235608	Human Services Project	\$	3,500,000	\$	3,500,000	134471
3N60 235605	State Student Incentive	\$	2,533,339	\$	2,533,339	134472

		Grants				
3N60	235638	College Access Challenge Grant	\$	2,268,044	\$	2,268,044 134473
		TOTAL FED Federal Special Revenue				134474
		Fund Group	\$	36,401,322	\$	36,151,322 134475
		State Special Revenue Fund Group				134476
4E80	235602	Higher Educational Facility Commission Administration	\$	30,000	\$	30,000 134477
6490	235607	The Ohio State University Highway/Transportation Research	\$	500,000	\$	500,000 134478
6820	235606	Nursing Loan Program	\$	893,000	\$	893,000 134479
		TOTAL SSR State Special Revenue				134480
		Fund Group	\$	1,423,000	\$	1,423,000 134481
		Third Frontier Research & Development Fund Group				134482
7011	235634	Research Incentive Third Frontier Fund	\$	8,000,000	\$	8,000,000 134483
		TOTAL 011 Third Frontier Research & Development Fund Group	\$	8,000,000	\$	8,000,000 134484
		TOTAL ALL BUDGET FUND GROUPS	\$	2,588,425,629	\$	2,547,524,386 134485

Section 371.10.10. LEASE RENTAL PAYMENTS 134487

The foregoing appropriation item 235401, Lease Rental 134488
Payments, shall be used to meet all payments at the times they are 134489
required to be made during the period from July 1, 2009, to June 134490
30, 2011, by the Chancellor of the Board of Regents under leases 134491
and agreements made under section 154.21 of the Revised Code. 134492

These appropriations are the source of funds pledged for bond	134493
service charges or obligations issued pursuant to Chapter 154. of	134494
the Revised Code.	134495

Section 371.10.15. SEA GRANTS	134496

The foregoing appropriation item 235402, Sea Grants, shall be	134497
disbursed to The Ohio State University and shall be used to	134498
conduct research on fish in Lake Erie.	134499

Section 371.10.20. ARTICULATION AND TRANSFER	134500

The foregoing appropriation item 235406, Articulation and	134501
Transfer, shall be used by the Chancellor of the Board of Regents	134502
to maintain and expand the work of the Articulation and Transfer	134503
Council to develop a system of transfer policies to ensure that	134504
students at state institutions of higher education can transfer	134505
and have coursework apply to their majors and degrees at any	134506
other state institution of higher education without unnecessary	134507
duplication or institutional barriers under sections 3333.16,	134508
3333.161, and 3333.162 of the Revised Code.	134509

Section 371.10.30. MIDWEST HIGHER EDUCATION COMPACT	134510

The foregoing appropriation item 235408, Midwest Higher	134511
Education Compact, shall be distributed by the Chancellor of the	134512
Board of Regents under section 3333.40 of the Revised Code.	134513

Section 371.10.40. INFORMATION SYSTEM	134514

The foregoing appropriation item 235409, Information System,	134515
shall be used by the Chancellor of the Board of Regents to support	134516
the development and implementation of information technology	134517
solutions designed to improve the performance and services of the	134518
Chancellor of the Board of Regents and the University System of	134519
Ohio. Information technology solutions shall be provided by the	134520

Ohio Academic Research Network (OARnet). 134521

Section 371.10.50. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION 134522
134523

The foregoing appropriation item 235414, State Grants and 134524
Scholarship Administration, shall be used by the Chancellor of the 134525
Board of Regents to administer the following student financial 134526
aid programs: Ohio College Opportunity Grant, Ohio War Orphans' 134527
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 134528
Officers College Memorial Fund, and any other student financial 134529
aid programs created by the General Assembly. The appropriation 134530
item also shall be used to administer the federal Leveraging 134531
Educational Assistance Partnership (LEAP) program, Special 134532
Leveraging Educational Assistance Partnership (SLEAP) program, 134533
the federal College Access Challenge Grant (CACG), and other 134534
student financial aid programs created by Congress and to 134535
provide fiscal services for the Ohio National Guard Scholarship 134536
Program. 134537

Section 371.10.70. OHIO LEARNING NETWORK 134538

The foregoing appropriation item 235417, Ohio Learning 134539
Network, shall be used by the Chancellor of the Board of Regents 134540
to support the continued implementation of the Ohio Learning 134541
Network, a consortium organized under division (U) of section 134542
3333.04 of the Revised Code to expand access to adult and higher 134543
education opportunities through technology. The funds shall be 134544
used by the Ohio Learning Network to develop and promote learning 134545
and assessment through the use of technology, to test and provide 134546
advice on emerging learning-directed technologies, and to 134547
facilitate cost-effectiveness through shared educational 134548
technology investments. 134549

Section 371.10.80. APPALACHIAN NEW ECONOMY PARTNERSHIP 134550

The foregoing appropriation item 235428, Appalachian New Economy Partnership, shall be distributed to Ohio University to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.

Section 371.10.83. ECONOMIC GROWTH CHALLENGE

The foregoing appropriation item 235433, Economic Growth Challenge, shall be used for administrative expenses of the Research Incentive Program and other economic advancement initiatives undertaken by the Chancellor of the Board of Regents.

The Chancellor of the Board of Regents shall use any appropriation transfer to the foregoing appropriation item 235433, Economic Growth Challenge, to enhance the basic research capabilities of public colleges and universities and accredited Ohio institutions of higher education holding certificates of authorization issued under section 1713.02 of the Revised Code, in order to strengthen academic research for pursuing Ohio's economic development goals. The Chancellor shall give priority consideration to projects that are eligible to receive federal stimulus funds.

Section 371.20.10. CHOOSE OHIO FIRST SCHOLARSHIP

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.70 of the Revised Code. Amounts disbursed to institutions shall be paid on a reimbursement basis.

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 235438, Choose Ohio First Scholarship, at the end of fiscal year 2010 is hereby

reappropriated to the Board of Regents for the same purpose for	134581
fiscal year 2011.	134582

Section 371.20.30. ADULT BASIC AND LITERACY EDUCATION	134583

Except as provided in the Sections of this act entitled	134584
"Statewide Workforce Development Initiatives" and "Fiscal Year	134585
2011 Plan for Adult Workforce Training Programs", the foregoing	134586
appropriation item 235443, Adult Basic and Literacy Education -	134587
State, shall be used to support adult basic and literacy education	134588
instructional programs and for the operation of an adult basic and	134589
literacy education instructional grant program. The supported	134590
programs shall satisfy the state match and maintenance of effort	134591
requirements for the state-administered grant program.	134592

Of the foregoing appropriation item 235443, Adult Basic and	134593
Literacy Education - State, up to \$507,558 in fiscal year 2010	134594
shall be used for the support and operation of the State Literacy	134595
Resource Center Program.	134596

On or before August 31, 2009, the Chancellor of the Board of	134597
Regents shall submit a funding formula to the Controlling Board	134598
for the allocation of the foregoing appropriation item 235443,	134599
Adult Basic and Literacy Education - State, in fiscal year 2010.	134600

Section 371.20.40. POST-SECONDARY ADULT CAREER- TECHNICAL	134601
EDUCATION	134602

Except as provided in the Sections of this act entitled	134603
"Statewide Workforce Development Initiatives" and "Fiscal Year	134604
2011 Plan for Adult Workforce Training Programs", the foregoing	134605
appropriation item 235444, Post-Secondary Adult Career-Technical	134606
Education, shall be used by the Chancellor of the Board of Regents	134607
in each fiscal year to provide post-secondary adult	134608
career-technical education under sections 3313.52 and 3313.53 of	134609

the Revised Code.	134610
On or before August 31, 2009, the Chancellor of the Board of Regents shall submit a funding formula to the Controlling Board for the allocation of funds in fiscal year 2010.	134611 134612 134613
Section 371.20.50. STATEWIDE WORKFORCE DEVELOPMENT INITIATIVES	134614 134615
The Chancellor may identify amounts of the foregoing appropriation items 235443, Adult Basic and Literacy Education - State, and 235444, Post-Secondary Adult Career-Technical Education, to be used to support the Ohio Skills Bank Program and the Stackable Certificates Program. The Ohio Skills Bank Program seeks to align the education of Ohio's workforce with industry needs. The Stackable Certificates Program consists of competency-based, low-cost, noncredit and credit-bearing modules and courses in communications, mathematics, information technology, and other fields selected by the Chancellor. The program culminates in a certificate and provides recipients with a foundation for additional post-secondary education.	134616 134617 134618 134619 134620 134621 134622 134623 134624 134625 134626 134627
Section 371.20.60. FISCAL YEAR 2011 PLAN FOR ADULT WORKFORCE TRAINING PROGRAMS	134628 134629
Notwithstanding the Sections of this act entitled "Adult Basic and Literacy Education," and "Post-Secondary Adult Career-Technical Education," not later than June 1, 2010, the Chancellor of the Board of Regents shall submit for approval of the Controlling Board a plan for the integration of funding support for the state's adult workforce training and development programs, beginning in fiscal year 2011. Funding support in the plan shall include appropriation items 235443, Adult Basic and Literacy Education - State, and 235444, Post-Secondary Adult Career-Technical Education.	134630 134631 134632 134633 134634 134635 134636 134637 134638 134639

The plan shall clearly define the formulas, or competitive process, to be used for funding the activities of adult basic and literacy education program providers, state literacy resource centers, post-secondary adult career-technical education providers, and community colleges. The plan may propose the creation of new appropriation items as necessary to support its implementation.

Section 371.20.70. AREA HEALTH EDUCATION CENTERS

The foregoing appropriation item 235474, Area Health Education Centers Program Support, shall be used by the Chancellor of the Board of Regents to support the medical school regional area health education centers' educational programs for the continued support of medical and other health professions education and for support of the Area Health Education Center Program.

Section 371.20.80. STATE SHARE OF INSTRUCTION FORMULAS

The Chancellor of the Board of Regents shall establish procedures to allocate the foregoing appropriation items 235501, State Share of Instruction, and 235644, State Share of Instruction - Federal Stimulus - Education, based on the formulas, enrollment, course completion, degree attainment, and student access factors in the instructional models set out in this section.

The foregoing appropriation items 235501, State Share of Instruction, and 235644, State Share of Instruction – Federal Stimulus – Education, shall be combined for the purposes of allocating the state share of instruction subsidy.

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COMPLETIONS

(1) As soon as possible during each fiscal year of the biennium ending June 30, 2011, in accordance with instructions of the Board of Regents, each state-assisted institution of higher education shall report its actual enrollment, consistent with the definitions in the Higher Education Information (HEI) system's enrollment files, to the Chancellor of the Board of Regents.	134668 134669 134670 134671 134672 134673
(2) In defining the number of full-time equivalent students for state subsidy purposes, the Chancellor of the Board of Regents shall exclude all undergraduate students who are not residents of Ohio, except those charged in-state fees in accordance with reciprocity agreements made under section 3333.17 of the Revised Code or employer contracts entered into under section 3333.32 of the Revised Code.	134674 134675 134676 134677 134678 134679 134680
(3) In calculating the core subsidy entitlements for university branch and main campuses, the Chancellor of the Board of Regents shall use the following count of FTE students:	134681 134682 134683
(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file;	134684 134685 134686 134687
(b) For those FTE students with successful course completions, identified in division (3)(a) of this section, completions that were achieved by a student that was eligible to receive Ohio need-based financial aid shall have their enrollments weighted by the following:	134688 134689 134690 134691 134692
(i) Campus-specific course completion rates by discipline area and level; and	134693 134694
(ii) A statewide average OIG/OCOG course completion weight determined for each discipline area and level. The statewide average OIG/OCOG course completion weight shall be determined by	134695 134696 134697

calculating the difference between the percentage of traditional	134698
students who complete a course and the percentage of Ohio	134699
Instructional Grant and Ohio College Opportunity Grant recipients	134700
who complete the same course.	134701

(4) In calculating the core subsidy entitlements for Medical	134702
II models only, the Board of Regents shall use the following count	134703
of FTE students:	134704

(a) For those medical schools whose current year enrollment,	134705
including students repeating terms, is below the base enrollment,	134706
the Medical II FTE enrollment shall equal: 65 per cent of the base	134707
enrollment plus 35 per cent of the current year enrollment	134708
including students repeating terms, where the base enrollment is:	134709

The Ohio State University	1010	134710
University of Cincinnati	833	134711
University of Toledo	650	134712
Wright State University	433	134713
Ohio University	433	134714
Northeastern Ohio Universities College of Medicine	433	134715

(b) For those medical schools whose current year enrollment,	134716
excluding students repeating terms, is equal to or greater than	134717
the base enrollment, the Medical II FTE enrollment shall equal the	134718
base enrollment plus the FTE for repeating students.	134719

(c) Students repeating terms may be no more than five per	134720
cent of current year enrollment.	134721

(5) The state share of instruction to state-supported	134722
universities for students enrolled in law schools in fiscal year	134723
2010 and fiscal year 2011 shall be calculated by using the number	134724
of subsidy-eligible FTE law school students funded by state	134725
subsidy in fiscal year 1995 or the actual number of	134726
subsidy-eligible FTE law school students at the institution in the	134727

fiscal year, whichever is less.	134728

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT	134729

For purposes of calculating state share of instruction	134730
allocations, the total instructional costs per full-time	134731
equivalent student shall be:	134732

Model	Fiscal Year 2010	Fiscal Year 2011	
ARTS AND HUMANITIES 1	\$7,658	\$7,891	134734
ARTS AND HUMANITIES 2	\$10,117	\$10,425	134735
ARTS AND HUMANITIES 3	\$13,067	\$13,464	134736
ARTS AND HUMANITIES 4	\$19,194	\$19,778	134737
ARTS AND HUMANITIES 5	\$29,994	\$30,906	134738
ARTS AND HUMANITIES 6	\$35,991	\$37,085	134739
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$6,732	\$6,937	134740
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$7,803	\$8,041	134741
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$9,619	\$9,911	134742
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$11,607	\$11,959	134743
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$18,044	\$18,592	134744
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$22,615	\$23,303	134745
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$27,528	\$28,365	134746
MEDICAL 1	\$47,494	\$48,938	134747
MEDICAL 2	\$45,420	\$46,801	134748
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$6,943	\$7,154	134749
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$9,792	\$10,090	134750
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$11,963	\$12,327	134751

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$15,282	\$15,747	134752
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$19,471	\$20,063	134753
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$21,771	\$22,433	134754
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$27,906	\$28,755	134755
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	\$36,547	\$37,658	134756
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	\$51,283	\$52,842	134757

Doctoral I and Doctoral II models shall be allocated in 134758
accordance with division (D)(2) of this section. 134759

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, 134760
MEDICAL,
AND GRADUATE WEIGHTS 134761

For the purpose of implementing the recommendations of the 134762
State Share of Instruction Consultation and the Higher Education 134763
Funding Study Council that priority be given to maintaining state 134764
support for science, technology, engineering, mathematics, 134765
medicine, and graduate programs, the costs in division (B) of this 134766
section shall be weighted by the amounts provided below: 134767

Model	Fiscal Year 2010	Fiscal Year 2011	134768
ARTS AND HUMANITIES 1	1.0000	1.0000	134769
ARTS AND HUMANITIES 2	1.0000	1.0000	134770
ARTS AND HUMANITIES 3	1.0000	1.0000	134771
ARTS AND HUMANITIES 4	1.0000	1.0000	134772
ARTS AND HUMANITIES 5	1.0425	1.0425	134773
ARTS AND HUMANITIES 6	1.0425	1.0425	134774
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	134775
BUSINESS, EDUCATION & SOCIAL SCIENCES	1.0000	1.0000	134776

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BUSINESS, EDUCATION & SOCIAL SCIENCES	1.0000	1.0000	134777
3			
BUSINESS, EDUCATION & SOCIAL SCIENCES	1.0000	1.0000	134778
4			
BUSINESS, EDUCATION & SOCIAL SCIENCES	1.0425	1.0425	134779
5			
BUSINESS, EDUCATION & SOCIAL SCIENCES	1.0425	1.0425	134780
6			
BUSINESS, EDUCATION & SOCIAL SCIENCES	1.0425	1.0425	134781
7			
MEDICAL 1	1.6456	1.6456	134782
MEDICAL 2	1.7462	1.7462	134783
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	134784
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	134785
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	134786
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	134787
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	134788
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	134789
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	134790
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	134791
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361	134792
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			134793
ENTITLEMENTS AND ADJUSTMENTS			134794
(1) Of the foregoing appropriation items 235501, State Share of Instruction, and 235644, State Share of Instruction - Federal Stimulus - Education, 5 per cent of the appropriation for			134795
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state-supported community colleges, state community colleges, and technical colleges in fiscal year 2011 shall be allocated to colleges in proportion to their share of college student success factors. In fiscal year 2011, student success factors shall include all measureable student outcomes that contribute to student achievement as determined by the Chancellor of the Board of Regents based on the recommendation of the consultation created in the Section of this act entitled "Studies to Determine Weights for Fiscal Year 2011 State Share of Instruction Formula."

(2) Of the foregoing appropriation items 235501, State Share of Instruction, and 235644, State Share of Instruction - Federal Stimulus - Education, up to 12.89 per cent of the appropriation for university main campuses in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

The doctoral set-aside shall be allocated to universities as follows:

(a) 90 per cent of the doctoral set-aside in fiscal year 2010 and 80 per cent of the doctoral set-aside in fiscal year 2011 shall be allocated to universities in proportion to their share of the total number of Doctoral I equivalent FTEs as calculated on an institutional basis using the greater of the two-year or five-year FTEs for the period fiscal year 1994 through fiscal year 1998 with annualized FTEs for fiscal years 1994 through 1997 and all-term FTEs for fiscal year 1998 as adjusted to reflect the effects of doctoral review and subsequent changes in Doctoral I equivalent enrollments. For the purposes of this calculation, Doctoral I equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs.

(b) 5 per cent of the doctoral set-aside in fiscal year 2010 134830
and 10 per cent of the doctoral set-aside in fiscal year 2011 134831
shall be allocated to universities in proportion to each campus's 134832
share of the total statewide doctoral degrees, weighted by the 134833
cost of the doctoral discipline. In calculating each campus's 134834
doctoral degrees the Chancellor of the Board of Regents shall use 134835
the three-year average doctoral degrees awarded for the three-year 134836
period ending in the prior year. 134837

(c) 2.5 per cent of the doctoral set-aside in fiscal year 134838
2010 and 5 per cent of the doctoral set-aside in fiscal year 2011 134839
shall be allocated to universities in proportion to their share of 134840
research grant activity, using data collected and published by the 134841
National Science Foundation. Grant awards from the National Health 134842
Institute shall be weighted at 50 per cent. 134843

(d) 2.5 per cent of the doctoral set-aside in fiscal year 134844
2010 and 5 per cent of the doctoral set-aside in fiscal year 2011 134845
shall be allocated to universities based on other quality measures 134846
that contribute to the advancement of the Chancellor's strategic 134847
plan. These other quality measures shall be identified by the 134848
Chancellor in consultation with universities. If for any reason 134849
metrics for distributing the quality component of the doctoral 134850
set-aside are not identified prior to the fiscal year allocation 134851
process, this portion of the doctoral set-aside funds shall be 134852
allocated to universities based on division (D)(2)(a) of this 134853
section. 134854

(3) Of the foregoing appropriation items 235501, State Share 134855
of Instruction, and 235644, State Share of Instruction - Federal 134856
Stimulus - Education, 6.96 per cent of the appropriation for 134857
university main campuses in each fiscal year shall be reserved 134858
for support of Medical II FTEs. The amount so reserved shall be 134859
referred to as the medical II set-aside. 134860

The medical II set-aside shall be allocated to universities 134861

in proportion to their share of the total number of Medical II 134862
FTEs as calculated in division (A) of this section, weighted by 134863
model cost. 134864

(4) Of the foregoing appropriation items 235501, State Share 134865
of Instruction, and 235644, State Share of Instruction - Federal 134866
Stimulus - Education, 1.61 per cent of the appropriation for 134867
university main campuses in each fiscal year shall be reserved 134868
for support of Medical I FTEs. The amount so reserved shall be 134869
referred to as the medical I set-aside. 134870

The medical I set-aside shall be allocated to universities in 134871
proportion to their share of the total number of Medical I FTEs as 134872
calculated in division (A) of this section. 134873

(5) Of the foregoing appropriation items 235501, State Share 134874
of Instruction, and 235644, State Share of Instruction - Federal 134875
Stimulus - Education, 5 per cent of the fiscal year 2010 134876
appropriation for university main campuses and 10 per cent of 134877
the fiscal year 2011 appropriation for university main campuses 134878
shall be reserved for support of associate, baccalaureate, 134879
master's, and professional level degree attainment. 134880

The degree attainment funding shall be allocated to 134881
universities in proportion to each campus's share of the total 134882
statewide degrees granted, weighted by the cost of the degree 134883
programs. 134884

In calculating the subsidy entitlements for degree attainment 134885
at university main campuses, the Chancellor of the Board of 134886
Regents shall use the following count of degrees and degree costs: 134887

(a) For those associate degrees awarded by a state-supported 134888
university, the subsidy eligible degrees granted are defined as 134889
only those earned by students attending a university that received 134890
funding under GRF appropriation item 235418, Access Challenge, in 134891

fiscal year 2009. 134892

In calculating each campus's count of degrees, the Chancellor
of the Board of Regents shall use the three-year average 134893
associate, baccalaureate, master's, and professional degrees 134894
awarded for the three-year period ending in the prior year. 134895
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Eligible associate degrees defined in division (D)(5)(a) of 134897
this section and all bachelor's degrees earned by a student that 134898
was eligible to receive Ohio need-based financial aid shall have 134899
their associates degree cost weighted by a statewide OIG/OCOG 134900
degree completion weight. 134901

The statewide average OIG/OCOG degree completion weight shall 134902
be determined by calculating the difference between the percentage 134903
of traditional students who earned a degree and the percentage of 134904
Ohio Instructional Grant and Ohio College Opportunity Grant 134905
recipients who earned a degree during the same time period. 134906

(6) Each campus's state share of instruction base formula 134907
earnings shall be determined as follows: 134908

(a) For each campus in each fiscal year, the instructional 134909
costs shall be determined by multiplying the amounts listed above 134910
in divisions (B) and (C) of this section by (i) average 134911
subsidy-eligible FTEs for the two-year period ending in the prior 134912
year for all models except Doctoral I and Doctoral II; and (ii) 134913
average subsidy-eligible FTEs for the five-year period ending in 134914
the prior year for all models except Doctoral I and Doctoral II. 134915

(b) The Chancellor of the Board of Regents shall compute the 134916
two calculations listed in division (D)(6)(a) of this section and 134917
use the greater amount as each campus's instructional costs. 134918

(c) The Chancellor of the Board of Regents shall compute a 134919
uniform state share of instructional costs for each sector. 134920

(i) For the state supported community colleges, state community colleges, and technical colleges, the Chancellor of the Board of Regents shall compute the uniform state share of institutional costs by dividing the earmark in division (C)(1) of Section 371.20.90 of this act, less the student college success allocation as described in division (D)(1) of this section, by the sum of all eligible campuses' instructional costs as calculated in division (D)(6)(b) of this section.

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(ii) For the state supported university branch campuses, the Chancellor of the Board of Regents shall compute the uniform state share of institutional costs by dividing the earmark in division (C)(2) of Section 371.20.90 of this act by the sum of all campuses' instructional costs as calculated in division (D)(6)(b) of this section.

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(iii) For the state supported university main campuses, the Chancellor of the Board of Regents shall compute the uniform state share of institutional costs by dividing the earmark in division (C)(3) of Section 371.20.90 of this act, less the doctoral set-aside, less the medical I set-aside, less the medical II set-aside, and less the degree attainment funding as calculated in divisions (D)(2) to (5) of this section, by the sum of all campuses' instructional costs as calculated in division (D)(6)(b) of this section.

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(d) The formula entitlement for each sector's campuses shall be determined by multiplying the uniform state share of costs calculated in division (D)(6)(c) of this section by the campus's instructional cost determined in division (D)(6)(b) of this section.

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(7) In addition to the student success allocation, doctoral set-aside, medical I set-aside, medical II set-aside, and the degree attainment allocation determined in division (D)(1) to

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(D)(5) of this section and the formula entitlement determined in 134952
division (D)(6) of this section, an allocation based on 134953
facility-based plant operations and maintenance (POM) subsidy 134954
shall be made. For each eligible campus, the amount of the POM 134955
allocation in each fiscal year shall be distributed based on what 134956
each campus received in the fiscal year 2009 POM allocation. 134957

Any POM allocations required by this division shall be funded 134958
by proportionately reducing formula entitlement earnings, 134959
including the POM allocations, for all campuses in that sector. 134960

(8) STABILITY IN STATE SHARE OF INSTRUCTION FUNDING 134961

In addition to and after the adjustments noted above, in 134962
fiscal year 2010, no campus shall receive a state share of 134963
instruction allocation that is less than 99 per cent of the prior 134964
year's combined state share of instruction, access challenge, and 134965
success challenge amounts. Funds shall be made available to 134966
support this allocation by proportionately reducing formula 134967
entitlement earnings from those campuses, within each sector, 134968
that are not receiving stability funding. 134969

In fiscal year 2011, in addition to and after the adjustments 134970
noted above, no campus shall receive a state share of instruction 134971
allocation that is less than 98 per cent of the prior year's 134972
combined state share of instruction, access challenge, and 134973
success challenge amounts. Funds shall be made available to 134974
support this allocation by proportionately reducing formula 134975
entitlement earnings from those campuses, within each sector, that 134976
do not receive stability funding. 134977

(9) CAPITAL COMPONENT DEDUCTION 134978

After all other adjustments have been made, state share of 134979
instruction earnings shall be reduced for each campus by the 134980
amount, if any, by which debt service charged in Am. H.B. 748 of 134981

the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General	134982
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B.	134983
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th	134984
General Assembly, and Am. Sub. H.B. 699 of the 126th General	134985
Assembly, Am. Sub. H.B. 496 of the 127th General Assembly, and Am.	134986
Sub. H.B. 562 of the 127th General Assembly for that campus	134987
exceeds that campus's capital component earnings. The sum of the	134988
amounts deducted shall be transferred to appropriation item	134989
235552, Capital Component, in each fiscal year.	134990

(E) EXCEPTIONAL CIRCUMSTANCES	134991

Adjustments may be made to the state share of instruction	134992
payments and other subsidies distributed by the Chancellor of the	134993
Board of Regents to state-assisted colleges and universities for	134994
exceptional circumstances. No adjustments for exceptional	134995
circumstances may be made without the recommendation of the	134996
Chancellor and the approval of the Controlling Board.	134997

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF	134998
INSTRUCTION	134999

The standard provisions of the state share of instruction	135000
calculation as described in the preceding sections of temporary	135001
law shall apply to any reductions made to appropriation items	135002
235501, State Share of Instruction, and 235644, State Share of	135003
Instruction - Federal Stimulus - Education, before the Board of	135004
Regents has formally approved the final allocation of the state	135005
share of instruction funds for any fiscal year.	135006

Any reductions made to appropriation items 235501, State	135007
Share of Instruction, and 235644, State Share of Instruction -	135008
Federal Stimulus - Education, after the Board of Regents has	135009
formally approved the final allocation of the state share of	135010
instruction funds for any fiscal year, shall be uniformly applied	135011
to each campus in proportion to its share of the final	135012

allocation. 135013

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 135014

The state share of instruction payments to the institutions 135015
shall be in substantially equal monthly amounts during the fiscal 135016
year, unless otherwise determined by the Director of Budget and 135017
Management pursuant to section 126.09 of the Revised Code. 135018
Payments during the first six months of the fiscal year shall be 135019
based upon the state share of instruction appropriation estimates 135020
made for the various institutions of higher education according to 135021
the Chancellor of the Board of Regents enrollment estimates. 135022
Payments during the last six months of the fiscal year shall be 135023
distributed after approval of the Controlling Board upon the 135024
request of the Board of Regents. 135025

Section 371.20.90. STATE SHARE OF INSTRUCTION FOR FISCAL 135026
YEARS 2010 AND 2011 135027

The boards of trustees of state-assisted institutions of 135028
higher education shall restrain increases in in-state 135029
undergraduate instructional and general fees. Each state-assisted 135030
institution shall not increase its in-state undergraduate 135031
instructional and general fees more than 3.5 per cent over what 135032
the institution charged for the preceding academic year. 135033

These limitations shall not apply to increases required to 135034
comply with institutional covenants related to their obligations 135035
or to meet unfunded legal mandates or legally binding obligations 135036
incurred or commitments made prior to the effective date of this 135037
section with respect to which the institution had identified such 135038
fee increases as the source of funds. Any increase required by 135039
such covenants and any such mandates, obligations, or commitments 135040
shall be reported by the Chancellor of the Board of Regents to the 135041
Controlling Board. These limitations may also be modified by the 135042
Chancellor of the Board of Regents, with the approval of the 135043

Controlling Board, to respond to exceptional circumstances as 135044
identified by the Chancellor of the Board of Regents. 135045

Of the combined appropriations of the foregoing 135046
appropriation items 235501, State Share of Instruction, and 135047
235644, State Share of Instruction - Federal Stimulus - 135048
Education, \$60,996,059 in each fiscal year shall be distributed 135049
to eligible colleges and universities based on each campus's 135050
share of the appropriation item 235418, Access Challenge, in 135051
fiscal year 2009. 135052

Of the combined appropriations of the foregoing appropriation 135053
items 235501, State Share of Instruction, and 235644, State Share 135054
of Instruction - Federal Stimulus - Education, \$10,323,056 in 135055
each fiscal year shall be distributed among state-supported 135056
community colleges, state community colleges, and technical 135057
colleges in an amount equal to the amount each institution 135058
received in fiscal year 2009 from the supplemental tuition 135059
subsidy earmarked under Section 375.30.25 of H.B. 119 of the 135060
127th General Assembly. 135061

(C) The remainder of the combined appropriations of 135062
appropriation items 235501, State Share of Instruction, and 135063
235644, State Share of Instruction - Federal Stimulus - 135064
Education, shall be distributed according to Section 371.20.80 of 135065
this act. Sector allocations shall be determined using the 135066
following earmarks in accordance with the tuition policy 135067
described in division (A) of this section. 135068

(1) Of the combined appropriations of the foregoing 135069
appropriation items 235501, State Share of Instruction, and 135070
235644, State Share of Instruction - Federal Stimulus - 135071
Education, \$396,965,932 in fiscal year 2010 and \$419,030,691 in 135072
fiscal year 2011 shall be distributed to state-supported 135073
community colleges, state community colleges, and technical 135074
colleges. 135075

(2) Of the combined appropriations of the foregoing 135076
appropriation items 235501, State Share of Instruction, and 135077
235644, State Share of Instruction - Federal Stimulus - 135078
Education, \$125,682,220 in fiscal year 2010 and \$129,739,380 in 135079
fiscal year 2011 shall be distributed to state-supported 135080
university branch campuses. 135081

(3) Of the combined appropriations of the foregoing 135082
appropriation items 235501, State Share of Instruction, and 135083
235644, State Share of Instruction - Federal Stimulus - 135084
Education, \$1,481,570,810 in each fiscal year shall be 135085
distributed to state-supported university main campuses. 135086

(D) The state share of instruction payments to the 135087
institutions shall be in substantially equal monthly amounts 135088
during the fiscal year, unless otherwise determined by the 135089
Director of Budget and Management pursuant to section 126.09 of 135090
the Revised Code. Payments during the last six months of the 135091
fiscal year shall be distributed after approval of the Controlling 135092
Board upon the request of the Chancellor of the Board of Regents. 135093

(E)(1) After making the computations required by Sections 135094
371.20.80 and 371.20.90 of this act for fiscal year 2010, the 135095
Chancellor of the Board of Regents shall make reductions totaling 135096
\$87,955,700 to the amounts computed before determining the amounts 135097
actually paid to campuses during fiscal year 2010 from the 135098
foregoing appropriation items 235501, State Share of Instruction, 135099
and 235644, State Share of Instruction – Federal Stimulus – 135100
Education. 135101

(2) Notwithstanding any provision of law to the contrary, in 135102
fiscal year 2011, from the combined appropriations of the 135103
foregoing appropriation items 235501, State Share of Instruction, 135104
and 235644, State Share of Instruction – Federal Stimulus – 135105
Education, the Chancellor of the Board of Regents shall first pay 135106

to each campus an amount equal to the amount each campus's
allocation in fiscal year 2010 was reduced under division (E)(1)
of this section.

(3) In addition to the payments made under division (E)(2) of
this section, after making the computations required by Sections
371.20.80 and 371.20.90 of this act for fiscal year 2011, the
Chancellor of the Board of Regents shall make reductions totaling
\$20,000,000 to the amounts computed for state-assisted university
branch campuses, community colleges, state community colleges, and
technical colleges. The Chancellor shall then make additional
reductions totaling \$170,000,000 to the amounts computed for all
campuses. Such additional reductions shall be made proportionally
to the allocations originally computed for the following three
sectors: (1) university main campuses, (2) university branch
campuses, and (3) community colleges, state community colleges,
and technical colleges combined. Within each sector, each campus's
allocation shall be reduced proportionally, except that the
Chancellor, in consultation with representatives of state-assisted
institutions of higher education, may establish a percentage below
which no campus's allocation is to fall when compared with the
campus's payment in the preceding year and proportionally reduce
the allocations of all other campuses to support that percentage.

**Section 371.20.95. STUDIES TO DETERMINE WEIGHTS FOR
FISCAL
YEAR 2011 STATE SHARE OF INSTRUCTION FORMULA**

(A) STUDY ON IDENTIFYING "AT RISK" STUDENTS

In fiscal year 2010, the Chancellor of the Board of Regents,
in consultation with representatives of state colleges and
universities, shall conduct a study to identify the
socio-economic, demographic, academic, personal, and other factors
that identify a student as being "at-risk" of academic failure,
and recommend how these factors may be used to determine

allocations of the State Share of Instruction after fiscal year	135138
2010. The study shall be completed by April 15, 2010.	135139
Notwithstanding any provision of law to the contrary, the	135140
Chancellor may use the results of the study to recommend	135141
additional weights to be used in the determination of the fiscal	135142
year 2011 State Share of Instruction allocations. The Chancellor	135143
shall report any such formula changes to the Controlling Board by	135144
August 30, 2010.	135145

(B) STUDY ON FUNDING DOCTORAL PROGRAMS THROUGH THE STATE	135146
SHARE OF INSTRUCTION FORMULA	135147

The Chancellor of the Board of Regents, in consultation with	135148
representatives of state universities, shall conduct a study on	135149
the effectiveness and appropriateness of funding for doctoral	135150
programs through the doctoral set-aside as allocated in	135151
appropriation items 235501, State Share of Instruction, and	135152
235644, State Share of Instruction - Federal Stimulus -	135153
Education. The study may examine alternative funding	135154
methodologies to improve the alignment between university	135155
doctoral programs and the goals of the strategic plan for the	135156
University System of Ohio. The study shall be completed by April	135157
15, 2010. Notwithstanding any provision of law to the contrary,	135158
the Chancellor may use the results of the study to recommend	135159
changes in the determination of the distribution of the doctoral	135160
set-aside beginning in fiscal year 2011. The Chancellor shall	135161
report any such formula changes to the Controlling Board by	135162
August 30, 2010.	135163

(C) STUDY ON THE USE OF SUCCESS POINTS FOR COMMUNITY COLLEGES	135164

The Chancellor of the Board of Regents, in consultation with	135165
representatives of state community colleges, shall conduct a study	135166
on the use of "success points" in the allocation of appropriations	135167

to community colleges in appropriation items 235501, State Share of Instruction, and 235644, State Share of Instruction - Federal Stimulus - Education, in fiscal year 2011. The study shall identify success points that occur during the academic career of community college students and recommend a method to fund achievement of the success points beginning in fiscal year 2011. The study shall be completed by April 15, 2010. Notwithstanding any provision of law to the contrary, the Chancellor shall use the results of the study to recommend changes in the determination of the distribution of the community college allocations beginning in fiscal year 2011. The Chancellor shall report any such formula changes to the Controlling Board by August 30, 2010.

Section 371.30.10. HIGHER EDUCATION - BOARD OF TRUSTEES

(A) Funds appropriated for instructional subsidies at colleges and universities may be used to provide such branch or other off-campus undergraduate courses of study and such master's degree courses of study as may be approved by the Chancellor of the Board of Regents.

(B) In providing instructional and other services to students, boards of trustees of state-assisted institutions of higher education shall supplement state subsidies with income from charges to students. Except as otherwise provided in this Section, each board shall establish the fees to be charged to all students, including an instructional fee for educational and associated operational support of the institution and a general fee for noninstructional services, including locally financed student services facilities used for the benefit of enrolled students. The instructional fee and the general fee shall encompass all charges for services assessed uniformly to all enrolled students. Each board may also establish special purpose fees, service charges, and fines as required; such special purpose fees and service

charges shall be for services or benefits furnished individual 135200
students or specific categories of students and shall not be 135201
applied uniformly to all enrolled students. A tuition surcharge 135202
shall be paid by all students who are not residents of Ohio. 135203

The board of trustees of a state-assisted institution of 135204
higher education shall not authorize a waiver or nonpayment of 135205
instructional fees or general fees for any particular student or 135206
any class of students other than waivers specifically authorized 135207
by law or approved by the Chancellor. This prohibition is not 135208
intended to limit the authority of boards of trustees to provide 135209
for payments to students for services rendered the institution, 135210
nor to prohibit the budgeting of income for staff benefits or for 135211
student assistance in the form of payment of such instructional 135212
and general fees. 135213

Each state-assisted institution of higher education in its 135214
statement of charges to students shall separately identify the 135215
instructional fee, the general fee, the tuition charge, and the 135216
tuition surcharge. Fee charges to students for instruction shall 135217
not be considered to be a price of service but shall be considered 135218
to be an integral part of the state government financing program 135219
in support of higher educational opportunity for students. 135220

(C) The boards of trustees of state-assisted institutions of 135221
higher education shall ensure that faculty members devote a proper 135222
and judicious part of their work week to the actual instruction of 135223
students. Total class credit hours of production per quarter per 135224
full-time faculty member is expected to meet the standards set 135225
forth in the budget data submitted by the Chancellor of the Board 135226
of Regents. 135227

(D) The authority of government vested by law in the boards 135228
of trustees of state-assisted institutions of higher education 135229
shall in fact be exercised by those boards. Boards of trustees may 135230
consult extensively with appropriate student and faculty groups. 135231

Administrative decisions about the utilization of available 135232
resources, about organizational structure, about disciplinary 135233
procedure, about the operation and staffing of all auxiliary 135234
facilities, and about administrative personnel shall be the 135235
exclusive prerogative of boards of trustees. Any delegation of 135236
authority by a board of trustees in other areas of responsibility 135237
shall be accompanied by appropriate standards of guidance 135238
concerning expected objectives in the exercise of such delegated 135239
authority and shall be accompanied by periodic review of the 135240
exercise of this delegated authority to the end that the public 135241
interest, in contrast to any institutional or special interest, 135242
shall be served. 135243

Section 371.30.20. STUDENT SUPPORT SERVICES 135244

The foregoing appropriation item 235502, Student Support 135245
Services, shall be distributed by the Chancellor of the Board of 135246
Regents to Ohio's state-assisted colleges and universities that 135247
incur disproportionate costs in the provision of support services 135248
to disabled students. 135249

Section 371.30.30. WAR ORPHANS SCHOLARSHIPS 135250

The foregoing appropriation item 235504, War Orphans 135251
Scholarships, shall be used to reimburse state-assisted 135252
institutions of higher education for waivers of instructional fees 135253
and general fees provided by them, to provide grants to 135254
institutions that have received a certificate of authorization 135255
from the Chancellor of the Board of Regents under Chapter 1713. of 135256
the Revised Code, in accordance with the provisions of section 135257
5910.04 of the Revised Code, and to fund additional scholarship 135258
benefits provided by section 5910.032 of the Revised Code. 135259

An amount equal to the unexpended, unencumbered portion of 135260
the foregoing appropriation item 235504, War Orphans Scholarships, 135261
at the end of fiscal year 2010 is hereby reappropriated to the 135262

Board of Regents for the same purpose for fiscal year 2011. 135263

Section 371.30.40. OHIOLINK 135264

The foregoing appropriation item 235507, OhioLINK, shall be 135265
used by the Chancellor of the Board of Regents to support 135266
OhioLINK, a consortium organized under division (U) of section 135267
3333.04 of the Revised Code to serve as the state's electronic 135268
library information and retrieval system, which provides access 135269
statewide to an extensive set of electronic databases and 135270
resources and the library holdings of Ohio's public and 135271
participating private nonprofit colleges and universities, and the 135272
State Library of Ohio. 135273

Section 371.30.50. AIR FORCE INSTITUTE OF TECHNOLOGY 135274

The foregoing appropriation item 235508, Air Force Institute 135275
of Technology, shall be used to strengthen the research and 135276
educational linkages between the Wright Patterson Air Force Base 135277
and institutions of higher education in Ohio. 135278

Section 371.30.60. OHIO SUPERCOMPUTER CENTER 135279

The foregoing appropriation item 235510, Ohio Supercomputer 135280
Center, shall be used by the Chancellor of the Board of Regents to 135281
support the operation of the Ohio Supercomputer Center, a 135282
consortium organized under division (U) of section 3333.04 of the 135283
Revised Code, located at The Ohio State University. The Ohio 135284
Supercomputer Center is a statewide resource available to Ohio 135285
research universities both public and private. It is also intended 135286
that the center be made accessible to private industry as 135287
appropriate. 135288

Funds shall be used, in part, to support the Ohio 135289
Supercomputer Center's Computational Science Initiative, which 135290
includes its industrial outreach program, Blue Collar Computing, 135291

and its School of Computational Science. These collaborations	135292
between the Ohio Supercomputer Center and Ohio's colleges and	135293
universities shall be aimed at making Ohio a leader in using	135294
computer modeling to promote economic development.	135295

Section 371.30.70. COOPERATIVE EXTENSION SERVICE	135296

The foregoing appropriation item 235511, Cooperative	135297
Extension Service, shall be disbursed through the Chancellor of	135298
the Board of Regents to The Ohio State University in monthly	135299
payments, unless otherwise determined by the Director of Budget	135300
and Management under section 126.09 of the Revised Code.	135301

Section 371.30.80. OHIO UNIVERSITY VOINOVICH SCHOOL	135302

The foregoing appropriation item 235513, Ohio University	135303
Voinovich School, shall be used by the Chancellor of the Board of	135304
Regents to support the operations of Ohio University's Voinovich	135305
School.	135306

Section 371.30.90. CENTRAL STATE SUPPLEMENT	135307

The foregoing appropriation item 235514, Central State	135308
Supplement, shall be used by Central State University to keep	135309
undergraduate fees below the statewide average, consistent with	135310
its mission of service to many first-generation college students	135311
from groups historically underrepresented in higher education and	135312
from families with limited incomes.	135313

Section 371.40.10. CASE WESTERN RESERVE UNIVERSITY	135314
SCHOOL OF	
MEDICINE	135315

The foregoing appropriation item 235515, Case Western Reserve	135316
University School of Medicine, shall be disbursed to Case Western	135317
Reserve University through the Chancellor of the Board of Regents	135318

in accordance with agreements entered into under section 3333.10	135319
of the Revised Code, provided that the state support per	135320
full-time medical student shall not exceed that provided to	135321
full-time medical students at state universities.	135322

Section 371.40.20. FAMILY PRACTICE	135323

The Chancellor of the Ohio Board of Regents shall develop	135324
plans consistent with existing criteria and guidelines as may be	135325
required for the distribution of appropriation item 235519,	135326
Family Practice.	135327

Section 371.40.30. SHAWNEE STATE SUPPLEMENT	135328

The foregoing appropriation item 235520, Shawnee State	135329
Supplement, shall be used by Shawnee State University as detailed	135330
by both of the following:	135331

(A) To allow Shawnee State University to keep its	135332
undergraduate fees below the statewide average, consistent with	135333
its mission of service to an economically depressed Appalachian	135334
region;	135335

(B) To allow Shawnee State University to employ new faculty	135336
to develop and teach in new degree programs that meet the needs of	135337
Appalachians.	135338

Section 371.40.40. OSU JOHN GLENN SCHOOL OF PUBLIC AFFAIRS	135339

The foregoing appropriation item 235521, The Ohio State	135340
University John Glenn School of Public Affairs, shall be used by	135341
the Chancellor of the Board of Regents to support the operations	135342
of The Ohio State University's John Glenn School of Public	135343
Affairs.	135344

Section 371.40.50. POLICE AND FIRE PROTECTION	135345

The foregoing appropriation item 235524, Police and Fire Protection, shall be used for police and fire services in the municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, Portsmouth, Xenia Township (Greene County), Rootstown Township, and the City of Nelsonville that may be used to assist these local governments in providing police and fire protection for the central campus of the state-affiliated university located therein.	135346 135347 135348 135349 135350 135351 135352

Section 371.40.60. GERIATRIC MEDICINE	135353

The Chancellor of the Ohio Board of Regents shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation item 235525, Geriatric Medicine.	135354 135355 135356 135357

Section 371.40.70. PRIMARY CARE RESIDENCIES	135358

The Chancellor of the Ohio Board of Regents shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation item 235526, Primary Care Residencies.	135359 135360 135361 135362

The foregoing appropriation item 235526, Primary Care Residencies, shall be distributed in each fiscal year of the biennium, based on whether or not the institution has submitted and gained approval for a plan. If the institution does not have an approved plan, it shall receive five per cent less funding per student than it would have received from its annual allocation. The remaining funding shall be distributed among those institutions that meet or exceed their targets.	135363 135364 135365 135366 135367 135368 135369 135370

Section 371.40.80. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER	135371 135372

The foregoing appropriation item 235535, Ohio Agricultural	135373

Research and Development Center, shall be disbursed through the	135374
Chancellor of the Board of Regents to The Ohio State University in	135375
monthly payments, unless otherwise determined by the Director of	135376
Budget and Management under section 126.09 of the Revised Code.	135377
The Ohio Agricultural Research and Development Center shall not	135378
be required to remit payment to The Ohio State University during	135379
the biennium ending June 30, 2011, for cost reallocation	135380
assessments. The cost reallocation assessments include, but are	135381
not limited to, any assessment on state appropriations to the	135382
Center.	135383

The Ohio Agricultural Research and Development Center, an	135384
entity of the College of Food, Agricultural, and Environmental	135385
Sciences of The Ohio State University, shall further its mission	135386
of enhancing Ohio's economic development and job creation by	135387
continuing to internally allocate on a competitive basis	135388
appropriated funding of programs based on demonstrated	135389
performance. Academic units, faculty, and faculty-driven programs	135390
shall be evaluated and rewarded consistent with agreed-upon	135391
performance expectations as called for in the College's	135392
Expectations and Criteria for Performance Assessment.	135393

Section 371.40.90. STATE UNIVERSITY CLINICAL TEACHING	135394

The foregoing appropriation items 235536, The Ohio State	135395
University Clinical Teaching; 235537, University of Cincinnati	135396
Clinical Teaching; 235538, University of Toledo Clinical	135397
Teaching; 235539, Wright State University Clinical Teaching;	135398
235540, Ohio University Clinical Teaching; and 235541,	135399
Northeastern Ohio Universities College of Medicine Clinical	135400
Teaching, shall be distributed through the Chancellor of the Board	135401
of Regents.	135402

Section 371.50.10. CAPITAL COMPONENT	135403

The foregoing appropriation item 235552, Capital Component,	135404

shall be used by the Chancellor of the Board of Regents to 135405
implement the capital funding policy for state-assisted colleges 135406
and universities established in Am. H.B. 748 of the 121st General 135407
Assembly. Appropriations from this item shall be distributed to 135408
all campuses for which the estimated campus debt service 135409
attributable to new qualifying capital projects is less than the 135410
campus's formula-determined capital component allocation. Campus 135411
allocations shall be determined by subtracting the estimated 135412
campus debt service attributable to new qualifying capital 135413
projects from the campus's formula-determined capital component 135414
allocation. Moneys distributed from this appropriation item shall 135415
be restricted to capital-related purposes. 135416

Any campus for which the estimated campus debt service 135417
attributable to qualifying capital projects is greater than the 135418
campus's formula-determined capital component allocation shall 135419
have the difference subtracted from its State Share of Instruction 135420
allocation in each fiscal year. Appropriation equal to the sum of 135421
all such amounts except that of the Ohio Agricultural Research and 135422
Development Center shall be transferred from appropriation item 135423
235501, State Share of Instruction, to appropriation item 235552, 135424
Capital Component. Appropriation equal to any estimated Ohio 135425
Agricultural Research and Development Center debt service 135426
attributable to qualifying capital projects that is greater than 135427
the Center's formula-determined capital component allocation shall 135428
be transferred from appropriation item 235535, Ohio Agricultural 135429
Research and Development Center, to appropriation item 235552, 135430
Capital Component. 135431

Section 371.50.20. LIBRARY DEPOSITORIES 135432

The foregoing appropriation item, 235555, Library 135433
Depositories, shall be distributed to the state's five regional 135434
depository libraries for the cost-effective storage of and access 135435
to lesser-used materials in university library collections. The 135436

depositories shall be administrated by the Chancellor of the Board	135437
of Regents.	135438

Section 371.50.30. OHIO ACADEMIC RESOURCES NETWORK (OARNET)	135439

The foregoing appropriation item 235556, Ohio Academic	135440
Resources Network, shall be used by the Chancellor of the Board of	135441
Regents to support the operations of the Ohio Academic Resources	135442
Network, a consortium organized under division (U) of section	135443
3333.04 of the Revised Code, which shall include support for	135444
Ohio's colleges and universities in maintaining and enhancing	135445
network connections, using new network technologies to improve	135446
research, education, and economic development programs, and	135447
sharing information technology services. The network shall give	135448
priority to supporting the Third Frontier Network and allocating	135449
bandwidth to programs directly supporting Ohio's economic	135450
development.	135451

Section 371.50.40. LONG-TERM CARE RESEARCH	135452

The foregoing appropriation item 235558, Long-term Care	135453
Research, shall be disbursed to Miami University for long-term	135454
care research.	135455

Section 371.50.50. OHIO COLLEGE OPPORTUNITY GRANT	135456

(A) Except as provided in division (D) of this section:	135457

Of the foregoing appropriation item 235563, Ohio College	135458
Opportunity Grant, \$41,000,000 in each fiscal year shall be used	135459
by the Chancellor of the Board of Regents to award need-based	135460
financial aid to students enrolled in eligible private nonprofit	135461
institutions of higher education.	135462

The remainder of the foregoing appropriation item 235563,	135463

Ohio College Opportunity Grant, shall be used by the Chancellor
of the Board of Regents to award needs-based financial aid to
students enrolled in eligible public institutions of higher
education, excluding early college high school and
post-secondary enrollment option participants.

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An amount equal to the unexpended, unencumbered portion of
the foregoing appropriation item 235563, Ohio College Opportunity
Grant, at the end of fiscal year 2010 is hereby reappropriated to
the Board of Regents for the same purpose for fiscal year 2011.

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(B)(1) As used in this section:

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(a) "At-risk component" may include, but is not limited to:

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(i) A first-generation college student;

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(ii) A non-traditionally aged adult student;

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(iii) A graduate of a low-achieving high school;

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(iv) Any other factors the Chancellor may determine.

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(b) "Eligible institution" means any institution described in
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised
Code.

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(c) "Type of institution" means state college or university,
community college, state community college, university branch,
technical college, or eligible private nonprofit institution of
higher education.

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(d) The two "sectors" of institutions of higher education
consist of the following:

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(i) State colleges and universities, community colleges,
state community colleges, university branches, and technical

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colleges;	135490
(ii) Eligible private nonprofit institutions of higher education.	135491 135492
(2) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor shall create a formula, subject to the approval of the Controlling Board, for the distribution of available funds. This formula shall be complete and established before the start of the 2010-2011 academic year.	135493 135494 135495 135496 135497 135498 135499 135500
The formula shall be based on division (C)(1) of section 3333.122 of the Revised Code, but also include an at-risk component and academic performance component in determining distribution priority. The Chancellor may use the academic performance component to increase an award for credit or course completion or other factors as determined by the Chancellor.	135501 135502 135503 135504 135505 135506
(3) Each eligible institution shall collect at-risk and performance data for each student eligible for a grant and report that information, including a recommendation of eligible students considered most at-risk, to the Chancellor by the deadline set by the Chancellor.	135507 135508 135509 135510 135511
(4) The Chancellor shall determine which at-risk and performance components are most appropriate to use for each type of institution and devise a formula for each type of institution accordingly.	135512 135513 135514 135515
(C) Notwithstanding any other law to the contrary, the Chancellor may require an eligible institution to provide matching funds for students receiving Ohio College Opportunity Grants. The Chancellor shall recommend a required match for each eligible	135516 135517 135518 135519

institution, taking into account the capacity of each institution 135520
to meet the match. The Chancellor shall include the recommendation 135521
as part of the formula submitted to the Controlling Board for 135522
approval under division (B)(2) of this section. 135523

(D) Prior to determining the amount of funds available to 135524
award under this section and section 3333.122 of the Revised Code, 135525
the Chancellor shall use the foregoing appropriation item 235563, 135526
Ohio College Opportunity Grant, to pay the prior year's Ohio 135527
College Opportunity Grant/Ohio Instructional Grant obligations in 135528
fiscal year 2010. The Chancellor may also use the foregoing 135529
appropriation item to pay for renewals or partial renewals of 135530
scholarships students receive under the Ohio Academic Scholarship 135531
Program under sections 3333.21 and 3333.22 of the Revised Code. In 135532
paying for prior obligations and scholarships under this division, 135533
the Chancellor shall deduct funds from the allocations made under 135534
division (A) of this section proportionate to the amounts 135535
allocated to each sector from the total appropriation. 135536

In each fiscal year, the Chancellor shall not distribute or 135537
obligate or commit to be distributed an amount greater than what 135538
is appropriated under the foregoing appropriation item 235563, 135539
Ohio College Opportunity Grant. 135540

(E) The Chancellor shall establish, and post on the Ohio 135541
Board of Regents' web site, award tables based on the formulas 135542
created under division (B) of this section. The Chancellor shall 135543
notify students and institutions of any reductions in awards under 135544
this section. 135545

On or before August 31, 2009, the Chancellor of the Board of 135546
Regents shall submit award tables to the Controlling Board for 135547
the 2009-2010 academic year and allocations of Ohio College 135548
Opportunity Grant awards not already specified in section 135549
3333.122 of the Revised Code. 135550

(F) Notwithstanding section 3333.122 of the Revised Code, no	135551
student shall be eligible to receive an Ohio College Opportunity	135552
Grant for more than ten semesters, fifteen quarters, or the	135553
equivalent of five academic years, less the number of semesters or	135554
quarters in which the student received an Ohio Instructional	135555
Grant.	135556

Section 371.50.60. CENTRAL STATE UNIVERSITY SPEED TO SCALE	135557

The foregoing appropriation 235567, Central State University	135558
Speed to Scale, shall be used to achieve the goals of the Speed to	135559
Scale Plan, which include increasing student enrollment through	135560
freshman recruitment and transferred students, increasing the	135561
proportion of in-state students to 80 per cent of the total	135562
student population, and increasing the student retention rates	135563
between the first and second year of college by two per cent each	135564
year. The goals shall be accomplished by the targeting of student	135565
retention, improved articulation agreements with two-year	135566
campuses, increased use of alternative course options, including	135567
online coursework and Ohio Learning Network resources, College	135568
Tech Prep, Post Secondary Enrollment Options, and other	135569
dual-credit programs, and strategic partnerships with research	135570
institutions to improve the quality of Central State University's	135571
offering of science, technology, engineering, mathematics, and	135572
medical instruction. In fiscal year 2010, the disbursement of	135573
these funds shall be contingent upon Central State University	135574
meeting the annual goals for the student enrollment and retention	135575
rate increases.	135576

The Speed to Scale Task Force shall meet not less than	135577
quarterly to discuss progress of the plan, including performance	135578
on accountability metrics and issues experienced in planned	135579
efforts, and to monitor and support the creation of partnerships	135580
with other state institutions of higher education. The Task Force	135581
shall consist of the president of Central State University or the	135582

president's designee, the president of Sinclair Community College	135583
or the president's designee, the president of Cincinnati State	135584
Technical and Community College or the president's designee, the	135585
president of Cuyahoga Community College or the president's	135586
designee, the president of The Ohio State University or the	135587
president's designee, the president of the University of	135588
Cincinnati or the president's designee, the president of Wright	135589
State University or the president's designee, one representative	135590
from the Board of Regents, one member of the House of	135591
Representatives appointed by the Speaker of the House of	135592
Representatives, one member of the Senate appointed by the	135593
President of the Senate, the Director of Budget and Management or	135594
the director's designee, and a representative of the Governor's	135595
Office appointed by the Governor.	135596

On the thirtieth day of June of each fiscal year, Central	135597
State University and the Speed to Scale Task Force shall jointly	135598
submit to the Governor, the Director of Budget and Management, the	135599
Speaker of the House of Representatives, the President of the	135600
Senate, and the Board of Regents a report describing the status of	135601
their progress on the accountability metrics included in the Speed	135602
to Scale Plan.	135603

Section 371.50.70. THE OHIO STATE UNIVERSITY CLINIC SUPPORT	135604

The foregoing appropriation item 235572, The Ohio State	135605
University Clinic Support, shall be distributed through the	135606
Chancellor of the Board of Regents to The Ohio State University	135607
for support of dental and veterinary medicine clinics.	135608

Section 371.50.83. BLISS INSTITUTE	135609

The foregoing appropriation item 235579, Bliss Institute,	135610
shall be used to support the Bliss Institute of Applied Politics	135611
at the University of Akron.	135612

Section 371.50.90. HAZARDOUS MATERIALS PROGRAM 135613

The foregoing appropriation item 235596, Hazardous Materials Program, shall be used by the Chancellor of the Board of Regents to make awards for the establishment or continued development and support of hazardous materials education, studies, or programs at Ohio institutions of higher education. 135614
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Section 371.60.10. NATIONAL GUARD SCHOLARSHIP PROGRAM 135619

The Chancellor of the Board of Regents shall disburse funds from appropriation item 235599, National Guard Scholarship Program, at the direction of the Adjutant General. During each fiscal year, the Chancellor of the Board of Regents, within ten days of cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash in an amount up to the amount certified from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0). Upon the request of the Adjutant General, the Chancellor of the Board of Regents shall seek Controlling Board approval to authorize additional expenditures for appropriation item 235623, National Guard Scholarship Reserve Fund. Upon approval of the Controlling Board, the additional amounts are hereby appropriated. The Chancellor of the Board of Regents shall disburse funds from appropriation item 235623, National Guard Scholarship Reserve Fund, at the direction of the Adjutant General. 135620
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Section 371.60.20. PLEDGE OF FEES 135639

Any new pledge of fees, or new agreement for adjustment of fees, made in the biennium ending June 30, 2011, to secure bonds or notes of a state-assisted institution of higher education for a 135640
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project for which bonds or notes were not outstanding on the	135643
effective date of this section shall be effective only after	135644
approval by the Chancellor of the Board of Regents, unless	135645
approved in a previous biennium.	135646

Section 371.60.30. HIGHER EDUCATION GENERAL OBLIGATION	135647
DEBT	
SERVICE	135648

The foregoing appropriation item 235909, Higher Education	135649
General Obligation Debt Service, shall be used to pay all debt	135650
service and related financing costs at the times they are required	135651
to be made for obligations issued during the period from July 1,	135652
2009, to June 30, 2011, under sections 151.01 and 151.04 of the	135653
Revised Code.	135654

Section 371.60.40. SALES AND SERVICES	135655

The Chancellor of the Board of Regents is authorized to	135656
charge and accept payment for the provision of goods and	135657
services. Such charges shall be reasonably related to the cost of	135658
producing the goods and services. No charges may be levied for	135659
goods or services that are produced as part of the routine	135660
responsibilities or duties of the Chancellor. All revenues	135661
received by the Chancellor of the Board of Regents shall be	135662
deposited into Fund 4560, and may be used by the Chancellor of the	135663
Board of Regents to pay for the costs of producing the goods and	135664
services.	135665

Section 371.60.50. HIGHER EDUCATIONAL FACILITY	135666
COMMISSION	
ADMINISTRATION	135667

The foregoing appropriation item 235602, Higher Educational	135668
Facility Commission Administration, shall be used by the	135669
Chancellor of the Board of Regents for operating expenses related	135670

to the Chancellor of the Board of Regents' support of the	135671
activities of the Ohio Higher Educational Facility Commission.	135672
Upon the request of the Chancellor, the Director of Budget and	135673
Management shall transfer up to \$45,000 cash in fiscal year 2010	135674
and up to \$45,000 cash in fiscal year 2011 from the HEFC Operating	135675
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund	135676
4E80).	135677

Section 371.60.60. NURSING LOAN PROGRAM	135678

The foregoing appropriation item 235606, Nursing Loan	135679
Program, shall be used to administer the nurse education	135680
assistance program. Up to \$167,580 in each fiscal year may be used	135681
for operating expenses associated with the program. Any additional	135682
funds needed for the administration of the program are subject to	135683
Controlling Board approval.	135684

Section 371.60.70. VETERANS PREFERENCES	135685

The Chancellor of the Board of Regents shall work with the	135686
Department of Veterans Services to develop specific veterans	135687
preference guidelines for higher education institutions. These	135688
guidelines shall ensure that the institutions' hiring practices	135689
are in accordance with the intent of Ohio's veterans preference	135690
laws.	135691

Section 371.60.80. STATE NEED-BASED FINANCIAL AID	135692
RECONCILIATION	135693

By the first day of August in each fiscal year, or as soon as	135694
possible thereafter, the Chancellor of the Ohio Board of Regents	135695
shall certify to the Director of Budget and Management the amount	135696
necessary to pay any outstanding prior year obligations to higher	135697
education institutions for the state's need-based financial aid	135698
programs. The amounts certified are hereby appropriated to	135699
appropriation item 235618, State Need-based Financial Aid	135700

Reconciliation, from revenues received in the State Need-based	135701
Financial Aid Reconciliation Fund (Fund 5Y50).	135702

Section 371.60.95. TRANSFER AND ADJUSTMENT OF ARRA	135703
STATE	

FISCAL STABILIZATION FUND APPROPRIATIONS	135704

The Director of Budget and Management, with the approval of	135705
the Controlling Board, may transfer appropriation between	135706
appropriation items 235501, State Share of Instruction, and	135707
235644, State Share of Instruction – Federal Stimulus –	135708
Education, in each fiscal year, upon the written request of the	135709
Chancellor of the Board of Regents, to meet the maintenance of	135710
effort and use of funds provisions of the American Recovery and	135711
Reinvestment Act, including transferring appropriation between	135712
fiscal year 2010 and fiscal year 2011.	135713

Section 371.70.10. EFFICIENCY SAVINGS	135714

Each state-assisted institution of higher education, as	135715
defined in section 3345.011 of the Revised Code, shall demonstrate	135716
at least a three per cent savings through internal efficiencies in	135717
each fiscal year. Institutions shall identify savings to the	135718
Chancellor of the Board of Regents, who shall certify the amount	135719
of savings of each institution.	135720

Section 371.70.20. (A) As used in this section:	135721

(1) "Board of trustees" includes the managing authority of a	135722
university branch district.	135723

(2) "State institution of higher education" has the same	135724
meaning as in section 3345.011 of the Revised Code.	135725

(B) The board of trustees of any state institution of higher	135726
education, notwithstanding any rule of the institution to the	135727

contrary, may adopt a policy providing for mandatory furloughs of	135728
employees, including faculty, to achieve spending reductions	135729
necessitated by institutional budget deficits.	135730

Section 375.10. DRC DEPARTMENT OF REHABILITATION AND	135731
CORRECTION	135732

General Revenue Fund	135733

GRF 501321	Institutional Operations	\$	780,936,383	\$	667,111,335	135734
GRF 501403	Prisoner Compensation	\$	8,599,255	\$	8,599,255	135735
GRF 501405	Halfway House	\$	41,054,799	\$	42,286,443	135736
GRF 501406	Lease Rental Payments	\$	101,578,100	\$	98,080,200	135737
GRF 501407	Community Nonresidential Programs	\$	21,925,802	\$	22,431,567	135738
GRF 501408	Community Misdemeanor Programs	\$	11,092,468	\$	11,380,242	135739
GRF 501501	Community Residential Programs - CBCF	\$	62,517,256	\$	64,281,774	135740
GRF 501620	Institutional Operations - Federal Stimulus	\$	111,177,531	\$	214,488,988	135741
GRF 502321	Mental Health Services	\$	80,844,321	\$	84,462,467	135742
GRF 503321	Parole and Community Operations	\$	75,785,243	\$	77,326,155	135743
GRF 504321	Administrative Operations	\$	23,659,745	\$	21,811,756	135744
GRF 505321	Institution Medical Services	\$	239,839,373	\$	239,140,143	135745
GRF 506321	Institution Education Services	\$	22,730,539	\$	23,183,959	135746
GRF 507321	Institution Recovery Services	\$	5,025,028	\$	5,899,110	135747
TOTAL GRF	General Revenue Fund	\$	1,586,765,843	\$	1,580,483,394	135748

General Services Fund Group	135749

1480	501602	Services and Agricultural	\$	105,000,000	\$	105,000,000	135750

2000	501607	Ohio Penal Industries	\$	35,000,000	\$	35,000,000	135751
4830	501605	Property Receipts	\$	255,015	\$	261,315	135752
4B00	501601	Sewer Treatment Services	\$	2,310,188	\$	2,310,188	135753
4D40	501603	Prisoner Programs	\$	14,600,000	\$	14,800,000	135754
4L40	501604	Transitional Control	\$	1,900,000	\$	1,900,000	135755
4S50	501608	Education Services	\$	2,500,000	\$	2,500,000	135756
5710	501606	Training Academy Receipts	\$	50,000	\$	50,000	135757
5930	501618	Laboratory Services	\$	6,100,000	\$	6,300,000	135758
5AF0	501609	State and Non-Federal Awards	\$	150,000	\$	150,000	135759
5H80	501617	Offender Financial Responsibility	\$	1,500,000	\$	1,500,000	135760
5L60	501611	Information Technology Services	\$	800,000	\$	800,000	135761
TOTAL GSF General Services Fund Group			\$	170,165,203	\$	170,571,503	135762
Federal Special Revenue Fund Group							135763
3230	501619	Federal Grants	\$	12,198,353	\$	12,198,353	135764
3S10	501615	Truth-In-Sentencing Grants	\$	8,251,241	\$	0	135765
TOTAL FED Federal Special Revenue Fund Group							135766
			\$	20,449,594	\$	12,198,353	135767
TOTAL ALL BUDGET FUND GROUPS			\$	1,777,380,640	\$	1,763,253,250	135768
TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL SENTENCING REFORMS							135769
							135770
For the purposes of implementing criminal sentencing reforms,							135771
and notwithstanding any other provision of law to the contrary,							135772
the Director of Budget and Management, at the request of the							135773

Director of Rehabilitation and Correction, shall transfer up to	135774
\$14,000,000 in appropriations, in each of fiscal years 2010 and	135775
2011, from appropriation item 501321, Institutional Operations, to	135776
any combination of appropriation items 501405, Halfway House;	135777
501407, Community Residential Programs; 501408, Community	135778
Misdemeanor Programs; and 501501, Community Residential Programs -	135779
CBCF.	135780

OHIO BUILDING AUTHORITY LEASE PAYMENTS	135781

The foregoing appropriation item 501406, Lease Rental	135782
Payments, shall be used to meet all payments during the period	135783
from July 1, 2009, to June 30, 2011, under the primary leases and	135784
agreements for those buildings made under Chapter 152. of the	135785
Revised Code. These appropriations are the source of funds pledged	135786
for bond service charges or obligations issued pursuant to Chapter	135787
152. of the Revised Code.	135788

PRISONER COMPENSATION	135789

Money from the foregoing appropriation item 501403, Prisoner	135790
Compensation, shall be transferred on a quarterly basis by	135791
intrastate transfer voucher to the Services and Agricultural Fund	135792
(Fund 1480) for the purposes of paying prisoner compensation.	135793

OSU MEDICAL CHARGES	135794

Notwithstanding section 341.192 of the Revised Code, at the	135795
request of the Department of Rehabilitation and Correction, The	135796
Ohio State University Medical Center, including the James Cancer	135797
Hospital and Solove Research Institute and the Richard M. Ross	135798
Heart Hospital, shall provide necessary care to persons who are	135799
confined in state adult correctional facilities. The provision of	135800
necessary care shall be billed to the Department at a rate not to	135801
exceed the authorized reimbursement rate for the same service	135802
established by the Department of Job and Family Services under the	135803

Medical Assistance Program. 135804

**Section 375.20. PILOT PROJECT FOR THE CONTRACTUAL
PROVISION** 135805

OF INMATE HEALTHCARE 135806

The Department of Rehabilitation and Correction may develop, 135807
oversee, and evaluate a pilot project for the provision of 135808
comprehensive correctional health care services through private 135809
correctional health care contractors to complement the current 135810
system for the provision of health care services to inmates of 135811
state correctional facilities. If the Department develops a pilot 135812
project, private correctional health care contractors shall be 135813
selected through a request for proposal process. The department 135814
shall determine the method for requesting proposals, the form of 135815
the request-for-proposal, and criteria for the provision of 135816
comprehensive correctional health care services under the pilot 135817
project. Comprehensive correctional health care services are 135818
medical, dental, and mental health care services comparable to 135819
those provided by the Department of Rehabilitation and Correction 135820
to inmates at and outside of state correctional facilities. The 135821
department shall determine the award of contracts based upon 135822
written criteria prepared by the department. 135823

A pilot project for the provision of comprehensive 135824
correctional health care services must include a minimum of 20 per 135825
cent of the current inmate population and be designed to include a 135826
representative sample of the inmate population in order to promote 135827
a realistic comparison of services and costs. The department shall 135828
control inmate participation in the pilot project based on current 135829
standard operating procedures and the need to maintain the 135830
representative sample of the inmate population. The department 135831
shall determine the locations for the pilot project and in making 135832
that determination shall give consideration to the geographic 135833
proximity of medical facilities to promote economies of scale. The 135834
locations shall include a representative sample of current 135835

facilities, the facilities' missions, and medical acuity. The mix	135836
of facilities shall remain consistent throughout the pilot project	135837
in order to promote a realistic comparison of costs and services.	135838

If the Department develops the pilot project, it shall be	135839
developed and implemented by January 1, 2010, for a period of two	135840
years and shall be conditioned upon a private contractor offering	135841
a minimum of 10 per cent savings from the department's projected	135842
costs for comprehensive correctional health care services during	135843
the period of the project. The cost comparison shall include all	135844
on-site and off-site healthcare costs, including all personnel,	135845
benefit, administrative, overhead, and transportation costs.	135846

Section 377.10. RSC REHABILITATION SERVICES COMMISSION	135847

General Revenue Fund	135848

GRF 415402	Independent Living Council	\$	252,000	\$	252,000	135849
GRF 415406	Assistive Technology	\$	26,618	\$	26,618	135850
GRF 415431	Office for People with Brain Injury	\$	126,567	\$	126,567	135851
GRF 415506	Services for People with Disabilities	\$	13,116,630	\$	13,116,630	135852
GRF 415508	Services for the Deaf	\$	28,000	\$	28,000	135853
TOTAL GRF	General Revenue Fund	\$	13,549,815	\$	13,549,815	135854

General Services Fund Group	135855

4670 415609	Business Enterprise Operating Expenses	\$	1,393,002	\$	1,389,851	135856
TOTAL GSF	General Services					135857
Fund Group		\$	1,393,002	\$	1,389,851	135858

Federal Special Revenue Fund Group	135859

3170	415620	Disability Determination	\$	81,685,226	\$	83,498,461	135860
3790	415616	Federal - Vocational Rehabilitation	\$	130,057,624	\$	131,132,654	135861
3L10	415601	Social Security Personal Care Assistance	\$	3,000,000	\$	2,700,000	135862
3L10	415605	Social Security Community Centers for the Deaf	\$	750,000	\$	750,000	135863
3L10	415608	Social Security Special Programs/Assistance	\$	1,752,714	\$	1,884,714	135864
3L40	415612	Federal Independent Living Centers or Services	\$	620,880	\$	620,880	135865
3L40	415615	Federal - Supported Employment	\$	883,214	\$	839,054	135866
3L40	415617	Independent Living/Vocational Rehabilitation Programs	\$	1,951,862	\$	1,953,293	135867
TOTAL FED Federal Special							135868
Revenue Fund Group			\$	220,701,520	\$	223,379,056	135869
State Special Revenue Fund Group							135870
4680	415618	Third Party Funding	\$	5,008,974	\$	5,008,974	135871
4L10	415619	Services for Rehabilitation	\$	4,067,773	\$	3,994,154	135872
4W50	415606	Program Management Expenses	\$	15,620,782	\$	15,767,803	135873
TOTAL SSR State Special							135874
Revenue Fund Group			\$	24,697,529	\$	24,770,931	135875
TOTAL ALL BUDGET FUND GROUPS			\$	260,341,866	\$	263,089,653	135876
INDEPENDENT LIVING COUNCIL							135877
The foregoing appropriation item 415402, Independent Living							135878

Council, shall be used to fund the operations of the State	135879
Independent Living Council and shall be used to support state	135880
independent living centers and independent living services under	135881
Title VII of the Independent Living Services and Centers for	135882
Independent Living of the Rehabilitation Act Amendments of 1992,	135883
106 Stat. 4344, 29 U.S.C. 796d.	135884

ASSISTIVE TECHNOLOGY	135885

The foregoing appropriation item 415406, Assistive	135886
Technology, shall be provided to Assistive Technology of Ohio and	135887
used to provide grants and assistive technology services under the	135888
program for people with disabilities in the State of Ohio.	135889

OFFICE FOR PEOPLE WITH BRAIN INJURY	135890

The foregoing appropriation item 415431, Office for People	135891
with Brain Injury, shall be used to plan and coordinate	135892
head-injury-related services provided by state agencies and other	135893
government or private entities, to assess the needs for such	135894
services, and to set priorities in this area.	135895

VOCATIONAL REHABILITATION SERVICES	135896

The foregoing appropriation item 415506, Services for People	135897
with Disabilities, shall be used as state matching funds to	135898
provide vocational rehabilitation services to eligible consumers.	135899

At the request of the Chancellor of the Board of Regents, the	135900
Director of Budget and Management may transfer any unexpended,	135901
unencumbered appropriation in fiscal year 2010 or fiscal year 2011	135902
from appropriation item 235502, Student Support Services, to	135903
appropriation item 415506, Services for People with Disabilities.	135904
Any appropriation so transferred shall be used by the Ohio	135905
Rehabilitation Services Commission to obtain additional federal	135906
matching funds to serve disabled students.	135907

SERVICES FOR THE DEAF	135908
The foregoing appropriation item 415508, Services for the Deaf, shall be used to provide grants to community centers for the deaf. These funds shall not be provided in lieu of Social Security reimbursement funds.	135909 135910 135911 135912
INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS	135913
The foregoing appropriation item 415617, Independent Living/Vocational Rehabilitation Programs, shall be used to support vocational rehabilitation programs.	135914 135915 135916
SOCIAL SECURITY REIMBURSEMENT FUNDS	135917
Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment shall be expended from the Social Security Reimbursement Fund (Fund 3L10), to the extent funds are available, as follows:	135918 135919 135920 135921 135922 135923
(A) Appropriation item 415601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code;	135924 135925 135926
(B) Appropriation item 415605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments; and	135927 135928 135929 135930
(C) Appropriation item 415608, Social Security Special Programs/Assistance, to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security beneficiaries, to enable them to achieve competitive employment.	135931 135932 135933 135934

This appropriation item shall also be used to pay a portion of	135935
indirect costs of the Personal Care Assistance Program and the	135936
Independent Living Programs as mandated by federal OMB Circular	135937
A-87.	135938

PROGRAM MANAGEMENT EXPENSES	135939

The foregoing appropriation item 415606, Program Management	135940
Expenses, shall be used to support the administrative functions of	135941
the commission related to the provision of vocational	135942
rehabilitation, disability determination services, and ancillary	135943
programs.	135944

Section 379.10. RCB RESPIRATORY CARE BOARD	135945

General Services Fund Group	135946

4K90 872609 Operating Expenses	\$	488,142	\$	488,142	135947
TOTAL GSF General Services					135948
Fund Group	\$	488,142	\$	488,142	135949
TOTAL ALL BUDGET FUND GROUPS	\$	488,142	\$	488,142	135950

Section 381.10. RDF REVENUE DISTRIBUTION FUNDS	135952

Volunteer Firefighters' Dependents Fund	135953

7085 800985 Volunteer Firemen's Dependents Fund	\$	300,000	\$	300,000	135954
TOTAL 085 Volunteer Firefighters' Dependents Fund					135955
Agency Fund Group	\$	300,000	\$	300,000	135956
4P80 001698 Cash Management Improvement Fund	\$	3,100,000	\$	3,100,000	135958

6080	001699	Investment Earnings	\$	250,000,000	\$	250,000,000	135959
7062	110962	Resort Area Excise Tax	\$	1,000,000	\$	1,000,000	135960
7063	110963	Permissive Tax Distribution	\$	1,849,000,000	\$	1,849,000,000	135961
7067	110967	School District Income Tax	\$	350,000,000	\$	350,000,000	135962
TOTAL AGY Agency Fund Group			\$	2,453,100,000	\$	2,453,100,000	135963

Holding Account Redistribution							135964

R045	110617	International Fuel Tax Distribution	\$	50,000,000	\$	50,000,000	135965
TOTAL 090 Holding Account Redistribution Fund			\$	50,000,000	\$	50,000,000	135966
Revenue Distribution Fund Group							135967
7049	038900	Indigent Drivers Alcohol Treatment	\$	2,200,000	\$	2,200,000	135968
7050	762900	International Registration Plan Distribution	\$	30,000,000	\$	30,000,000	135969
7051	762901	Auto Registration Distribution	\$	539,000,000	\$	539,000,000	135970
7054	110954	Local Government Property Tax Replacement - Utility	\$	95,125,000	\$	95,125,000	135971
7060	110960	Gasoline Excise Tax Fund	\$	375,000,000	\$	375,000,000	135972
7065	110965	Public Library Fund	\$	406,100,000	\$	407,400,000	135973
7066	800966	Undivided Liquor Permits	\$	13,500,000	\$	13,500,000	135974
7068	110968	State and Local Government Highway Distribution	\$	242,500,000	\$	242,500,000	135975
7069	110969	Local Government Fund	\$	673,700,000	\$	676,000,000	135976
7081	110981	Local Government Property Tax Replacement-Business	\$	366,800,000	\$	378,000,000	135977

7082	110982	Horse Racing Tax	\$	130,000	\$	130,000	135978
7083	700900	Ohio Fairs Fund	\$	2,325,000	\$	2,325,000	135979
TOTAL RDF Revenue Distribution							135980
Fund Group			\$	2,746,380,000	\$	2,761,180,000	135981
TOTAL ALL BUDGET FUND GROUPS			\$	5,249,780,000	\$	5,264,580,000	135982

ADDITIONAL APPROPRIATIONS 135983

Appropriation items in this section shall be used for the 135984
purpose of administering and distributing the designated revenue 135985
distribution funds according to the Revised Code. If it is 135986
determined that additional appropriations are necessary for this 135987
purpose, such amounts are hereby appropriated. 135988

GENERAL REVENUE FUND TRANSFERS 135989

Notwithstanding any provision of law to the contrary, in 135990
fiscal year 2010 and fiscal year 2011, the Director of Budget and 135991
Management may transfer from the General Revenue Fund to the Local 135992
Government Tangible Property Tax Replacement Fund (Fund 7081) in 135993
the Revenue Distribution Fund Group, those amounts necessary to 135994
reimburse local taxing units under section 5751.22 of the Revised 135995
Code. Also, in fiscal year 2010 and fiscal year 2011, the 135996
Director of Budget and Management may make temporary transfers 135997
from the General Revenue Fund to ensure sufficient balances in 135998
the Local Government Tangible Property Tax Replacement Fund (Fund 135999
7081) and to replenish the General Revenue Fund for such 136000
transfers. 136001

On July 1 of each fiscal year, or as soon as possible 136002
thereafter, the Director of Budget and Management shall transfer 136003
\$5,000,000 cash from the General Revenue Fund to the Public 136004
Library Fund (Fund 7065). 136005

On July 1, 2010, or as soon as possible thereafter, the 136006

Director of Budget and Management shall transfer \$11,200,000 cash	136007
from the General Revenue Fund to the Local Government Property Tax	136008
Replacement-Business Fund (Fund 7081).	136009

Section 381.20. PUBLIC LIBRARY FUND ALLOCATION	136010

Notwithstanding any provision of law to the contrary, for the	136011
period August 1, 2009, to June 30, 2011, the monthly allocation	136012
made to the Public Library Fund under section 131.51 of the	136013
Revised Code shall be one and ninety-seven one hundredths per cent	136014
of the total tax revenue credited to the General Revenue Fund in	136015
the preceding month. In determining the total tax revenue credited	136016
to the General Revenue Fund during the preceding month, the	136017
Director of Budget and Management shall include amounts	136018
transferred from that fund during the preceding month pursuant to	136019
this section and divisions (A) and (B) of section 131.51 of the	136020
Revised Code.	136021

Section 383.10. SAN BOARD OF SANITARIAN REGISTRATION	136022

General Services Fund Group	136023

4K90 893609 Operating Expenses	\$	130,000	\$	130,000	136024
TOTAL GSF General Services					136025
Fund Group	\$	130,000	\$	130,000	136026
TOTAL ALL BUDGET FUND GROUPS	\$	130,000	\$	130,000	136027

Section 384.10. OSB OHIO STATE SCHOOL FOR THE BLIND	136029

General Revenue Fund	136030

GRF 226100 Personal Services	\$	6,593,540	\$	6,593,540	136031
GRF 226200 Maintenance	\$	619,527	\$	619,527	136032

GRF 226300	Equipment	\$	65,505	\$	65,505	136033
TOTAL GRF General Revenue Fund		\$	7,278,572	\$	7,278,572	136034

General Services Fund Group						136035

4H80 226602	Education Reform Grants	\$	61,000	\$	61,000	136036

TOTAL GSF General Services						136037

Fund Group		\$	61,000	\$	61,000	136038

Federal Special Revenue Fund Group						136039

3100 226626	Coordinating Unit	\$	2,527,105	\$	2,527,105	136040

3P50 226643	Medicaid Professional Services Reimbursement	\$	50,000	\$	50,000	136041

TOTAL FED Federal Special						136042

Revenue Fund Group		\$	2,577,105	\$	2,577,105	136043

State Special Revenue Fund Group						136044

4M50 226601	Work Study and Technology Investment	\$	250,000	\$	250,000	136045

TOTAL SSR State Special Revenue						136046

Fund Group		\$	250,000	\$	250,000	136047

TOTAL ALL BUDGET FUND GROUPS		\$	10,166,677	\$	10,166,677	136048

Section 384.50. OSD OHIO SCHOOL FOR THE DEAF						136050

General Revenue Fund						136051

GRF 221100	Personal Services	\$	7,842,334	\$	7,842,334	136052

GRF 221200	Maintenance	\$	814,532	\$	814,532	136053

GRF 221300	Equipment	\$	70,785	\$	70,785	136054
TOTAL GRF General Revenue Fund		\$	8,727,651	\$	8,727,651	136055

General Services Fund Group						136056

4M10 221602	Education Reform Grants	\$	76,000	\$	76,000	136057

TOTAL GSF General Services						136058

Fund Group		\$	76,000	\$	76,000	136059

Federal Special Revenue Fund Group						136060

3110 221625	Coordinating Unit	\$	2,460,135	\$	2,460,135	136061

3AD0 221604	VREAL Ohio	\$	25,000	\$	25,000	136062

3R00 221684	Medicaid Professional Services Reimbursement	\$	35,000	\$	35,000	136063

3Y10 221686	Early Childhood Grant	\$	300,000	\$	300,000	136064

TOTAL FED Federal Special						136065

Revenue Fund Group		\$	2,820,135	\$	2,820,135	136066

State Special Revenue Fund Group						136067

4M00 221601	Educational Program Expenses	\$	190,000	\$	190,000	136068

5H60 221609	Even Start Fees and Gifts	\$	250,716	\$	250,716	136069

TOTAL SSR State Special Revenue						136070

Fund Group		\$	440,716	\$	440,716	136071

TOTAL ALL BUDGET FUND GROUPS		\$	12,064,502	\$	12,064,502	136072

Section 385.10. SFC SCHOOL FACILITIES COMMISSION						136074

General Revenue Fund						136075

	Common Schools				
GRF 230908	General Obligation Debt Service	\$	157,065,800	\$	167,038,700 136076
TOTAL GRF	General Revenue Fund	\$	157,065,800	\$	167,038,700 136077
State Special Revenue Fund Group					136078
5E30 230644	Operating Expenses	\$	9,250,000	\$	9,750,000 136079
TOTAL SSR	State Special Revenue Fund Group				136080
		\$	9,250,000	\$	9,750,000 136081
School Building Assistance Fund Group					136082
5S60 230602	Community School Loan Guarantee	\$	102,000	\$	102,000 136083
TOTAL SBA	School Building Assistance Fund Group	\$	102,000	\$	102,000 136084
TOTAL ALL BUDGET FUND GROUPS		\$	166,417,800	\$	176,890,700 136085

Section 385.20. COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE 136087
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The foregoing appropriation item 230908, Common Schools General Obligation Debt Service, shall be used to pay all debt service and related financing costs at the times they are required to be made for obligations issued during the period from July 1, 2009, through June 30, 2011, under sections 151.01 and 151.03 of the Revised Code. 136089
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OPERATING EXPENSES 136095

The foregoing appropriation item 230644, Operating Expenses, shall be used by the Ohio School Facilities Commission to carry out its responsibilities under this section and Chapter 3318. of the Revised Code.

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In both fiscal years 2010 and 2011, the Executive Director of the Ohio School Facilities Commission shall certify on a quarterly basis to the Director of Budget and Management the amount of cash from interest earnings to be transferred from the School Building Assistance Fund (Fund 7032), the Public School Building Fund (Fund 7021), and the Educational Facilities Trust Fund (Fund N087) to the Ohio School Facilities Commission Fund (Fund 5E30). The amount transferred from the School Building Assistance Fund (Fund 7032) may not exceed investment earnings credited to the fund, less any amount required to be paid for federal arbitrage rebate purposes.

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If the Executive Director of the Ohio School Facilities Commission determines that transferring cash from interest earnings is insufficient to support operations and carry out its responsibilities under this section and Chapter 3318. of the Revised Code, the Commission may, with the approval of the Controlling Board, transfer cash not generated from interest from the Public School Building Fund (Fund 7021) and the Educational Trust Fund (Fund N087) to the Ohio School Facilities Commission Fund (Fund 5E30).

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SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION

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At the request of the Executive Director of the Ohio School Facilities Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within one year of receiving Controlling Board approval under section 3318.05 of the Revised Code. The Executive Director

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of the Ohio School Facilities Commission shall certify the amounts 136127
of the canceled encumbrances to the Director of Budget and 136128
Management on a quarterly basis. The amounts of the canceled 136129
encumbrances are hereby appropriated. 136130

**Section 385.30. AMENDMENT TO PROJECT AGREEMENT FOR 136131
MAINTENANCE LEVY 136132**

The Ohio School Facilities Commission shall amend the 136133
project agreement between the Commission and a school district 136134
that is participating in the Accelerated Urban School Building 136135
Assistance Program on the effective date of this section, if the 136136
Commission determines that it is necessary to do so in order to 136137
comply with division (B)(3)(c) of section 3318.38 of the Revised 136138
Code, as amended by this act. 136139

Section 385.40. SURVEY OF COMMUNITY SPACE 136140

The Executive Director of the Ohio School Facilities 136141
Commission shall survey classroom facilities projects financed 136142
by the Commission under Chapter 3318. of the Revised Code and 136143
compile descriptions of how spaces within those facilities are 136144
used for activities, services, and programs shared between 136145
schools and other public and private entities in their 136146
communities. The Executive Director shall identify and describe 136147
such spaces included in current or completed projects and shall 136148
recommend best practices for enhancing opportunities for 136149
including shared community spaces in future projects. The 136150
Executive Director shall submit the survey and recommendations to 136151
the Commission not later than December 31, 2009. 136152

**Section 385.50. EXTREME ENVIRONMENTAL CONTAMINATION 136153
OF SCHOOL 136154
FACILITIES**

Notwithstanding any other provision of law to the contrary, 136155

the Ohio School Facilities Commission may provide assistance under 136156
the Exceptional Needs School Facilities Program established in 136157
section 3318.37 of the Revised Code to any school district, and 136158
not exclusively to a school district in the lowest seventy-five 136159
per cent of adjusted valuation per pupil on the current ranking of 136160
school districts established under section 3318.011 of the Revised 136161
Code, for the purpose of the relocation or replacement of school 136162
facilities required as a result of extreme environmental 136163
contamination. 136164

The school district's portion of a project to replace a 136165
contaminated facility undertaken pursuant to this section shall 136166
not exceed fifty per cent of the cost of the project. This 136167
paragraph does not affect the district's portion of the cost of 136168
subsequent classroom facilities projects the district may 136169
undertake under Chapter 3318. of the Revised Code. 136170

The Ohio School Facilities Commission shall contract with an 136171
independent environmental consultant to conduct a study and to 136172
report to the Commission as to the seriousness of the 136173
environmental contamination, whether the contamination violates 136174
applicable state and federal standards, and whether the facilities 136175
are no longer suitable for use as school facilities. The 136176
Commission then shall make a determination regarding funding for 136177
the relocation or replacement of the school facilities. If the 136178
federal government or other public or private entity provides 136179
funds for restitution of costs incurred by the state or school 136180
district in the relocation or replacement of the school 136181
facilities, the school district shall use such funds in excess of 136182
the school district's share to refund the state for the state's 136183
contribution to the environmental contamination portion of the 136184
project. The school district may apply an amount of such 136185
restitution funds up to an amount equal to the school district's 136186
portion of the project, as defined by the Commission, toward 136187
paying its portion of that project to reduce the amount of bonds 136188

the school district otherwise must issue to receive state	136189
assistance under sections 3318.01 to 3318.20 of the Revised Code.	136190

Section 385.60. CANTON CITY SCHOOL DISTRICT PROJECT	136191

(A) The Ohio School Facilities Commission may commit up to	136192
thirty-five million dollars to the Canton City School District for	136193
construction of a facility described in this section, in lieu of a	136194
high school that would otherwise be authorized under Chapter 3318.	136195
of the Revised Code. The Commission shall not commit funds under	136196
this section unless all of the following conditions are met:	136197

(1) The District has entered into a cooperative agreement	136198
with a state-assisted technical college;	136199

(2) The District has received an irrevocable commitment of	136200
additional funding from nonpublic sources; and	136201

(3) The facility is intended to serve both secondary and	136202
postsecondary instructional purposes.	136203

(B) The Commission shall enter into an agreement with the	136204
District for the construction of the facility authorized under	136205
this section that is separate from and in addition to the	136206
agreement required for the District's participation in the	136207
Classroom Facilities Assistance Program under section 3318.08 of	136208
the Revised Code. Notwithstanding that section and sections	136209
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional	136210
agreement shall provide, but not be limited to, the following:	136211

(1) The Commission shall not have any oversight	136212
responsibilities over the construction of the facility.	136213

(2) The facility need not comply with the specifications for	136214
plans and materials for high schools adopted by the Commission.	136215

(3) The Commission may decrease the basic project cost that would otherwise be calculated for a high school under Chapter 3318. of the Revised Code.

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(4) The state shall not share in any increases in the basic project cost for the facility above the amount authorized under this section.

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All other provisions of Chapter 3318. of the Revised Code apply to the approval and construction of a facility authorized under this section.

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The state funds committed to the facility authorized by this section shall be part of the total amount the state commits to the Canton City School District under Chapter 3318. of the Revised Code. All additional state funds committed to the Canton City School District for classroom facilities assistance shall be subject to all provisions of Chapter 3318. of the Revised Code.

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Section 385.70. Notwithstanding section 3318.05 of the Revised Code, for each school district whose project under sections 3318.01 to 3318.20 of the Revised Code was conditionally approved by the Ohio School Facilities Commission in July 2008, that conditional approval shall lapse and the amount reserved and encumbered for the project shall be released on December 31, 2009.

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Section 385.80. Notwithstanding any provision of Chapter 3318. of the Revised Code to the contrary, and notwithstanding the agreement between the Cincinnati City School District and the Ohio School Facilities Commission under section 3318.08 of the Revised Code, the Commission shall encumber and pay state funds to the District in the amount of \$4,000,000, in addition to the amount prescribed in that agreement, for the purpose of dedicating additional state funding toward the acquisition of the School for the Creative and Performing Arts, as that building is included in the District's project under section 3318.38 of the Revised Code.

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The District shall use the funds paid under this section solely for that purpose. The School for the Creative and Performing Arts need not comply with the specifications included in the Ohio Design Manual adopted by the Commission to implement classroom facilities projects under Chapter 3318. of the Revised Code. This section shall not affect any other building included in the District's project under section 3318.38 of the Revised Code, nor shall it affect the state's portion of funding for the remainder of that project.

The Commission shall use funds appropriated to it for classroom facilities projects to pay the funds required under this section. The Commission shall encumber the funds required under this section in accordance with section 3318.11 of the Revised Code.

Section 385.85. In fiscal year 2010, the Ohio School Facilities Commission may approve a project under the Exceptional Needs School Facilities Assistance Program established under that section for any school district that meets the following conditions:

(A) The district initially applied for the Exceptional Needs Program in fiscal year 2008.

(B) The district's position on the rankings certified under section 3318.011 of the Revised Code for fiscal year 2009 is higher than three hundred sixty.

Section 385.90. (A) As used in this section:

(1) "Basic project cost," "percentile," and "project" have the same meanings as in section 3318.01 of the Revised Code.

(2) "Equity list" means the school district percentile rankings calculated under section 3318.011 of the Revised Code.

(3) A school district's "portion of the basic project cost" 136276
means the amount calculated under section 3318.032 of the Revised 136277
Code. 136278

(B) Notwithstanding any provision of Chapter 3318. of the 136279
Revised Code to the contrary, in the case of a school district 136280
that received in fiscal year 2008 elector approval for a bond 136281
issue for its portion of the basic project cost of a project under 136282
sections 3318.01 to 3318.20 of the Revised Code, based on a 136283
preliminary estimated equity list projecting rankings of school 136284
districts if amendments to section 3318.011 of the Revised Code 136285
enacted by Am. Sub. H.B. 119 of the 127th General Assembly had 136286
been effective for projects in that fiscal year, and which 136287
district on the alternate equity list for fiscal year 2009 funding 136288
required by Section 733.13 of Am. Sub. H.B. 562 of the 127th 136289
General Assembly, retroactively applying those amendments, was 136290
ranked one percentile higher than on the preliminary estimated 136291
equity list, resulting in the district's calculated portion being 136292
one per cent higher than the amount projected at the time of the 136293
bond issue election, the Ohio School Facilities Commission shall 136294
reduce the district's portion to that projected on the preliminary 136295
estimated equity list. 136296

Section 385.93. (A) As used in this section, "equity list" 136297
means the school district percentile rankings calculated under 136298
section 3318.011 of the Revised Code. 136299

(B) Not later than thirty days after the effective date of 136300
this section, the Department of Education shall create an 136301
alternate equity list for fiscal year 2009, for use in fiscal year 136302
2010, by recalculating each school district's percentile ranking 136303
under section 3318.011 of the Revised Code and shall certify the 136304
alternate equity list to the Ohio School Facilities Commission. 136305
For this purpose, the Department shall recalculate each school 136306
district's percentile ranking using the district's "average 136307

taxable value" as that term is defined in the version of section 136308
3318.011 of the Revised Code, as it results from the amendments to 136309
that section enacted by this act. 136310

(C) The Commission shall use the alternate equity list 136311
certified under division (B) of this section to determine the 136312
priority for assistance under sections 3318.01 to 3318.20 of the 136313
Revised Code in fiscal year 2010 for each school district that has 136314
not previously been offered funding under those sections. However, 136315
no district that already has been offered assistance under those 136316
sections for fiscal year 2010 prior to the Commission's receipt of 136317
the alternate equity list shall be denied the opportunity for 136318
assistance under those sections for that fiscal year. 136319

(D) Notwithstanding any provision of Chapter 3318. of the 136320
Revised Code to the contrary, for each school district that 136321
receives the Commission's conditional approval of the district's 136322
project under sections 3318.01 to 3318.20 of the Revised Code in 136323
fiscal year 2010, the district's portion of the basic project cost 136324
shall be the lesser of the following: 136325

(1) The amount required under section 3318.032 of the Revised 136326
Code calculated using the percentile in which the district ranks 136327
on the alternate equity list certified under division (B) of this 136328
section; 136329

(2) The amount required under section 3318.032 of the Revised 136330
Code calculated using the percentile in which the district ranks 136331
on the original equity list for fiscal year 2009. 136332

PAYMENT OF DEBT FOR STATEHOUSE RESTORATION 136333

There is hereby appropriated from the Public School Building 136334
Fund (Fund 7021) in fiscal year 2010 the amount necessary to pay 136335
any outstanding debt obligations issued for the restoration of the 136336
Ohio Statehouse that was completed in 1996. 136337

Section 387.10. SOS SECRETARY OF STATE

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General Revenue Fund

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GRF 050321	Operating Expenses	\$	2,290,508	\$	2,290,508	136340
GRF 050407	Pollworkers Training	\$	250,197	\$	250,197	136341
TOTAL GRF General Revenue Fund		\$	2,540,705	\$	2,540,705	136342

General Services Fund Group

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4120 050609	Notary Commission	\$	500,000	\$	500,000	136344
4130 050601	Information Systems	\$	75,000	\$	50,000	136345
4140 050602	Citizen Education Fund	\$	55,712	\$	55,712	136346
4S80 050610	Board of Voting Machine Examiners	\$	7,200	\$	7,200	136347
5FG0 050620	BOE Reimbursement and Education	\$	100,000	\$	100,000	136348
5FH0 050621	Statewide Ballot Advertising	\$	300,000	\$	300,000	136349
5FJ0 050622	County Voting Machine Revolving Lease/Loan Fund	\$	500,000	\$	500,000	136350
TOTAL General Services Fund Group		\$	1,537,912	\$	1,512,912	136351

Federal Special Revenue Fund Group

136352

3AH0 050614	Election Reform/Health and Human Services	\$	800,000	\$	800,000	136353
3AS0 050616	2005 HAVA Voting Machines	\$	3,000,000	\$	3,000,000	136354
TOTAL FED Federal Special Revenue Fund Group		\$	3,800,000	\$	3,800,000	136355

State Special Revenue Fund Group

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5990 050603	Business Services Operating Expenses	\$ 14,086,100	\$ 14,245,400	136358
5N90 050607	Technology Improvements	\$ 180,000	\$ 180,000	136359
TOTAL SSR State Special Revenue				136360
Fund Group		\$ 14,266,100	\$ 14,425,400	136361

Holding Account Redistribution Fund Group				136362

R001 050605	Uniform Commercial Code Refunds	\$ 30,000	\$ 30,000	136363
R002 050606	Corporate/Business Filing Refunds	\$ 85,000	\$ 85,000	136364
TOTAL 090 Holding Account				136365
Redistribution Fund Group		\$ 115,000	\$ 115,000	136366
TOTAL ALL BUDGET FUND GROUPS				136367

BOARD OF VOTING MACHINE EXAMINERS	136368

The foregoing appropriation item 050610, Board of Voting	136369
Machine Examiners, shall be used to pay for the services and	136370
expenses of the members of the Board of Voting Machine Examiners,	136371
and for other expenses that are authorized to be paid from the	136372
Board of Voting Machine Examiners Fund, which is created in	136373
section 3506.05 of the Revised Code. Moneys not used shall be	136374
returned to the person or entity submitting equipment for	136375
examination. If it is determined that additional appropriations	136376
are necessary, such amounts are hereby appropriated.	136377

HAVA FUNDS	136378

An amount equal to the unexpended, unencumbered portion of	136379
appropriation item 050616, 2005 HAVA Voting Machines, at the end	136380

of fiscal year 2010 is reappropriated for the same purpose in 136381
fiscal year 2011. 136382

An amount equal to the unexpended, unencumbered portion of 136383
appropriation item 050614, Election Reform/Health and Human 136384
Services, at the end of fiscal year 2010 is reappropriated for the 136385
same purpose in fiscal year 2011. 136386

On July 1, 2009, or as soon as possible thereafter, the 136387
Director of Budget and Management shall transfer from the General 136388
Revenue Fund to the credit of the Election Data Collection Grant 136389
Fund (Fund 3AC0), all investment earnings and amounts equal to the 136390
interest earnings attributable to Fund 3AC0 in each quarter of 136391
fiscal year 2009 to Fund 3AC0. An amount equal to the unexpended, 136392
unencumbered portion of appropriation item 050619, Election Data 136393
Collection Grant, at the end of fiscal year 2009 is reappropriated 136394
in fiscal year 2010 for the same purpose. 136395

The Director of Budget and Management shall credit the 136396
ongoing interest earnings from the Election Reform/Health and 136397
Human Services Fund (Fund 3AH0), the 2005 HAVA Voting Machines 136398
Fund (Fund 3AS0), and the Election Data Collection Grant Fund 136399
(Fund 3AC0) to the respective funds and distribute these earnings 136400
in accordance with the terms of the grant under which the money 136401
is received. 136402

HOLDING ACCOUNT REDISTRIBUTION GROUP 136403

The foregoing appropriation items 050605, Uniform Commercial 136404
Code Refunds, and 050606, Corporate/Business Filing Refunds, shall 136405
be used to hold revenues until they are directed to the 136406
appropriate accounts or until they are refunded. If it is 136407
determined that additional appropriations are necessary, such 136408
amounts are hereby appropriated. 136409

CASH TRANSFER TO THE CORPORATE AND UNIFORM 136410

COMMERCIAL CODE

FILING FUND 136411

On July 1, 2009, or as soon as possible thereafter, the 136412
 Director of Budget and Management shall transfer \$53,915.40 cash 136413
 from the Public Utility Territorial Administration Fund (Fund 136414
 5590) to the Corporate and Uniform Commercial Code Filing Fund 136415
 (Fund 5990). 136416

Section 389.10. SEN THE OHIO SENATE 136417

General Revenue Fund 136418

GRF 020321 Operating Expenses	\$	10,911,095	\$	10,911,095	136419
TOTAL GRF General Revenue Fund	\$	10,911,095	\$	10,911,095	136420

General Services Fund Group 136421

1020 020602 Senate Reimbursement	\$	852,001	\$	852,001	136422
4090 020601 Miscellaneous Sales	\$	34,497	\$	34,497	136423
TOTAL GSF General Services					136424
Fund Group	\$	886,498	\$	886,498	136425
TOTAL ALL BUDGET FUND GROUPS	\$	11,797,593	\$	11,797,593	136426

OPERATING EXPENSES 136427

On July 1, 2009, or as soon as possible thereafter, the Clerk 136428
 of the Senate may certify to the Director of Budget and Management 136429
 the amount of the unexpended, unencumbered balance of the 136430
 foregoing appropriation item 020321, Operating Expenses, at the 136431
 end of fiscal year 2009 to be reappropriated to fiscal year 2010. 136432
 The amount certified is hereby reappropriated to the same 136433
 appropriation item for fiscal year 2010. 136434

On July 1, 2010, or as soon as possible thereafter, the Clerk	136435
of the Senate may certify to the Director of Budget and Management	136436
the amount of the unexpended, unencumbered balance of the	136437
foregoing appropriation item 020321, Operating Expenses, at the	136438
end of fiscal year 2010 to be reappropriated to fiscal year 2011.	136439
The amount certified is hereby reappropriated to the same	136440
appropriation item for fiscal year 2011.	136441

Section 391.10. CSF COMMISSIONERS OF THE SINKING FUND	136442

Debt Service Fund Group	136443

7070	155905	Third Frontier Research and Development Bond Retirement Fund	\$	20,948,300	\$	29,011,600	136444
7072	155902	Highway Capital Improvement Bond Retirement Fund	\$	202,074,000	\$	203,434,200	136445
7073	155903	Natural Resources Bond Retirement Fund	\$	26,334,400	\$	26,549,400	136446
7074	155904	Conservation Projects Bond Service Fund	\$	20,711,100	\$	25,684,900	136447
7076	155906	Coal Research and Development Bond Retirement Fund	\$	9,968,400	\$	10,947,000	136448
7077	155907	State Capital Improvement Bond Retirement Fund	\$	148,331,900	\$	163,443,500	136449
7078	155908	Common Schools Bond Retirement Fund	\$	192,559,200	\$	165,510,500	136450
7079	155909	Higher Education Bond Retirement Fund	\$	85,317,700	\$	89,480,300	136451
7090	155912	Job Ready Site Development Bond Retirement Fund	\$	5,685,400	\$	10,601,900	136452
TOTAL DSF Debt Service Fund Group			\$	711,930,400	\$	724,663,300	136453
TOTAL ALL BUDGET FUND GROUPS			\$	711,930,400	\$	724,663,300	136454

ADDITIONAL APPROPRIATIONS				136455
Appropriation items in this section are for the purpose of				136456
paying debt service and financing costs on bonds or notes of the				136457
state issued under the Ohio Constitution and acts of the General				136458
Assembly. If it is determined that additional amounts are				136459
necessary for this purpose, such amounts are hereby appropriated.				136460
Section 393.10. SOA SOUTHERN OHIO AGRICULTURAL AND				136461
COMMUNITY				
DEVELOPMENT FOUNDATION				136462
Tobacco Master Settlement Agreement Fund Group				136463
5M90 945601	Operating Expenses	\$	450,000	\$ 450,000 136464
TOTAL TMF Tobacco Master		\$	450,000	\$ 450,000 136465
Settlement Agreement Fund Group				
TOTAL ALL BUDGET FUND		\$	450,000	\$ 450,000 136466
GROUPS				
Section 395.10. SPE BOARD OF SPEECH-LANGUAGE				136468
PATHOLOGY &				
AUDIOLOGY				136469
General Services Fund Group				136470
4K90 886609	Operating Expenses	\$	425,000	\$ 425,000 136471
TOTAL GSF General Services				136472
Fund Group		\$	425,000	\$ 425,000 136473
TOTAL ALL BUDGET FUND		\$	425,000	\$ 425,000 136474
GROUPS				
Section 397.10. BTA BOARD OF TAX APPEALS				136476

General Revenue Fund					136477

GRF 116321	Operating Expenses	\$	1,149,715	\$	1,149,715	136478
TOTAL GRF General Revenue Fund		\$	1,149,715	\$	1,149,715	136479
TOTAL ALL BUDGET FUND GROUPS		\$	1,149,715	\$	1,149,715	136480

Section 399.10. TAX DEPARTMENT OF TAXATION					136482

General Revenue Fund					136483

GRF 110321	Operating Expenses	\$	87,841,056	\$	89,941,055	136484
GRF 110404	Tobacco Settlement Enforcement	\$	265,708	\$	265,708	136485
GRF 110412	Child Support Administration	\$	17,561	\$	17,561	136486
GRF 110901	Property Tax Allocation - Taxation	\$	598,917,420	\$	577,463,014	136487
TOTAL GRF General Revenue Fund		\$	687,041,745	\$	667,687,338	136488

General Services Fund Group					136489

2280	110628	Tax Reform System Implementation	\$	13,600,000	\$	13,600,000	136490
4330	110602	Tape File Account	\$	125,000	\$	125,000	136491
5AP0	110632	Discovery Project	\$	2,000,000	\$	2,000,000	136492
5CZ0	110631	Vendor's License Application	\$	250,000	\$	250,000	136493
5N50	110605	Municipal Income Tax Administration	\$	600,000	\$	600,000	136494
5N60	110618	Kilowatt Hour Tax Administration	\$	100,000	\$	100,000	136495
5V80	110623	Property Tax Administration	\$	12,000,000	\$	12,000,000	136496

5W40	110625	Centralized Tax Filing and Payment	\$	200,000	\$	200,000	136497
5W70	110627	Exempt Facility Administration	\$	60,000	\$	60,000	136498
TOTAL GSF General Services							136499
Fund Group			\$	28,935,000	\$	28,935,000	136500
State Special Revenue Fund Group							136501

4350	110607	Local Tax Administration	\$	18,000,000	\$	18,000,000	136502
4360	110608	Motor Vehicle Audit	\$	1,000,000	\$	1,000,000	136503
4370	110606	Income Tax Contribution Administration	\$	200,000	\$	200,000	136504
4380	110609	School District Income Tax	\$	5,500,000	\$	5,500,000	136505
4C60	110616	International Registration Plan	\$	706,855	\$	706,855	136506
4R60	110610	Tire Tax Administration	\$	200,000	\$	200,000	136507
5V70	110622	Motor Fuel Tax Administration	\$	4,700,000	\$	4,700,000	136508
6390	110614	Cigarette Tax Enforcement	\$	1,900,000	\$	1,900,000	136509
6420	110613	Ohio Political Party Distributions	\$	500,000	\$	500,000	136510
6880	110615	Local Excise Tax Administration	\$	800,000	\$	800,000	136511
TOTAL SSR State Special Revenue							136512
Fund Group			\$	33,506,855	\$	33,506,855	136513
Agency Fund Group							136514

4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000	136515
7095	110995	Municipal Income Tax	\$	21,000,000	\$	21,000,000	136516
TOTAL AGY Agency Fund Group			\$	1,567,800,000	\$	1,567,800,000	136517

Holding Account Redistribution Fund Group	136518

R010 110611 Tax Distributions	\$ 50,000	\$ 50,000	136519

R011 110612 Miscellaneous Income Tax Receipts	\$ 50,000	\$ 50,000	136520

TOTAL 090 Holding Account			136521

Redistribution Fund Group	\$ 100,000	\$ 100,000	136522

TOTAL ALL BUDGET FUND GROUPS	\$ 2,317,383,600	\$ 2,298,029,193	136523

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX	136524

EXEMPTION	136525

The foregoing appropriation item 110901, Property Tax Allocation - Taxation, is hereby appropriated to pay for the state's costs incurred due to the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts, except for school districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.	136526 136527 136528 136529 136530 136531 136532 136533 136534 136535 136536 136537 136538

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.	136539 136540 136541 136542 136543 136544

Any sums, in addition to the amounts specifically	136545
appropriated in appropriation item 110901, Property Tax Allocation	136546
- Taxation, for the Homestead Exemption, the Manufactured Home	136547
Property Tax Rollback, and the Property Tax Rollback payments,	136548
which are determined to be necessary for these purposes, are	136549
hereby appropriated.	136550

MUNICIPAL INCOME TAX	136551

The foregoing appropriation item 110995, Municipal Income	136552
Tax, shall be used to make payments to municipal corporations	136553
under section 5745.05 of the Revised Code. If it is determined	136554
that additional appropriations are necessary to make such	136555
payments, such amounts are hereby appropriated.	136556

TAX REFUNDS	136557

The foregoing appropriation item 110635, Tax Refunds, shall	136558
be used to pay refunds under section 5703.052 of the Revised Code.	136559
If it is determined that additional appropriations are necessary	136560
for this purpose, such amounts are hereby appropriated.	136561

INTERNATIONAL REGISTRATION PLAN AUDIT	136562

The foregoing appropriation item 110616, International	136563
Registration Plan, shall be used under section 5703.12 of the	136564
Revised Code for audits of persons with vehicles registered under	136565
the International Registration Plan.	136566

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	136567

Of the foregoing appropriation item 110607, Local Tax	136568
Administration, the Tax Commissioner may disburse funds, if	136569
available, for the purposes of paying travel expenses incurred by	136570
members of Ohio's delegation to the Streamlined Sales Tax Project,	136571

as appointed under section 5740.02 of the Revised Code. Any travel 136572
expense reimbursement paid for by the Department of Taxation shall 136573
be done in accordance with applicable state laws and guidelines. 136574

CENTRALIZED TAX FILING AND PAYMENT FUND 136575

The Director of Budget and Management, under a plan submitted 136576
by the Tax Commissioner, or as otherwise determined by the 136577
Director of Budget and Management, shall set a schedule to 136578
transfer cash from the General Revenue Fund to the credit of the 136579
Centralized Tax Filing and Payment Fund (Fund 5W40). The transfers 136580
of cash shall not exceed \$400,000 in the biennium. 136581

TOBACCO SETTLEMENT ENFORCEMENT 136582

The foregoing appropriation item 110404, Tobacco Settlement 136583
Enforcement, shall be used by the Tax Commissioner to pay costs 136584
incurred in the enforcement of divisions (F) and (G) of section 136585
5743.03 of the Revised Code. 136586

LOCAL GOVERNMENT PROPERTY TAX REPLACEMENT - 136587
BUSINESS

Notwithstanding section 5751.22(A)(1)(b) of the Revised Code, 136588
payments to local taxing units by May 31, 2011, required by 136589
section 5751.22(C) of the Revised Code shall be in an amount equal 136590
to each of the losses determined under division (D) of section 136591
5751.20 of the Revised Code multiplied by one hundred per cent. 136592

Section 399.20. COMMERCIAL ACTIVITY TAX 136593

(A) Any term used in this section has the same meaning as in 136594
section 5751.01 of the Revised Code. 136595

(B)(1) A person is not required to pay the annual minimum 136596
commercial activity tax due for calendar year 2005 or 2006 under 136597
Chapter 5751. of the Revised Code if the person satisfies all of 136598

the following: 136599

(a) The person was not subject to the tax for those years 136600
because the person did not have nexus with this state or was an 136601
excluded person under division (E)(1) of section 5751.01 of the 136602
Revised Code; 136603

(b) The person erroneously registered for the tax and failed 136604
to cancel the registration before May 10, 2006; 136605

(c) The person canceled its commercial activity tax 136606
registration before February 10, 2007, and was not required to 136607
file the returns and pay the annual minimum tax due February 9, 136608
2007, February 9, 2008, or February 9, 2009. 136609

(2) Notwithstanding division (E) of section 5751.08 of the 136610
Revised Code, if a person satisfying divisions (B)(1)(a), (b), and 136611
(c) of this section paid the tax due for calendar year 2005 or 136612
2006 after being contacted by the Department of Taxation, the 136613
person may request a refund of the amount paid for that year under 136614
that section. 136615

(C) The Tax Commissioner shall cancel the registration of 136616
each such person for which the registration has not yet been 136617
canceled. 136618

Section 401.10. DOT DEPARTMENT OF TRANSPORTATION 136619

General Revenue Fund 136620

GRF 775451	Public Transportation - State	\$	10,870,642	\$	10,870,642	136621
GRF 776465	Ohio Rail Development Commission	\$	2,287,950	\$	2,287,950	136622
GRF 777471	Airport Improvements - State	\$	923,064	\$	923,064	136623

TOTAL GRF General Revenue Fund	\$	14,081,656	\$	14,081,656	136624
TOTAL ALL BUDGET FUND GROUPS	\$	14,081,656	\$	14,081,656	136625

Section 403.10. TOS TREASURER OF STATE 136627

General Revenue Fund 136628

GRF 090321	Operating Expenses	\$	8,281,875	\$	8,281,875	136629
GRF 090401	Office of the Sinking Fund	\$	537,223	\$	537,223	136630 136631
GRF 090402	Continuing Education	\$	403,959	\$	403,959	136632
GRF 090524	Police and Fire Disability Pension Fund	\$	8,000	\$	7,500	136633 136634
GRF 090534	Police and Fire Ad Hoc Cost of Living	\$	95,000	\$	90,000	136635 136636
GRF 090554	Police and Fire Survivor Benefits	\$	720,000	\$	680,000	136637 136638
GRF 090575	Police and Fire Death Benefits	\$	20,000,000	\$	20,000,000	136639 136640
TOTAL GRF General Revenue Fund		\$	30,046,057	\$	30,000,557	136641

General Services Fund Group 136642

4E90 090603	Securities Lending Income	\$	4,200,000	\$	4,200,000	136643
5770 090605	Investment Pool Reimbursement	\$	550,000	\$	550,000	136644 136645
5C50 090602	County Treasurer Education	\$	150,000	\$	150,000	136646
6050 090609	Treasurer of State Administrative Fund	\$	185,000	\$	185,000	136647 136648
TOTAL GSF General Services						136649

Fund Group	\$	5,085,000	\$	5,085,000	136650
Agency Fund Group					136651
4250 090635 Tax Refunds	\$	31,000,000	\$	31,000,000	136652
TOTAL Agency Fund Group	\$	31,000,000	\$	31,000,000	136653
TOTAL ALL BUDGET FUND GROUPS	\$	66,131,057	\$	66,085,557	136654

Section 403.20. OFFICE OF THE SINKING FUND 136656

The foregoing appropriation item 090401, Office of the 136657
Sinking Fund, shall be used for costs incurred by or on behalf of 136658
the Commissioners of the Sinking Fund and the Ohio Public 136659
Facilities Commission with respect to State of Ohio general 136660
obligation bonds or notes, and the Treasurer of State with respect 136661
to State of Ohio general obligation and special obligation bonds 136662
or notes, including, but not limited to, printing, advertising, 136663
delivery, rating fees and the procurement of ratings, professional 136664
publications, membership in professional organizations, and other 136665
services referred to in division (D) of section 151.01 of the 136666
Revised Code. The General Revenue Fund shall be reimbursed for 136667
such costs relating to the issuance and administration of Highway 136668
Capital Improvement bonds or notes authorized under Ohio 136669
Constitution, Article VIII, Section 2m and Chapter 151. of the 136670
Revised Code. That reimbursement shall be made from appropriation 136671
item 155902, Highway Capital Improvement Bond Retirement Fund, by 136672
intrastate transfer voucher pursuant to a certification by the 136673
Office of the Sinking Fund of the actual amounts used. The 136674
amounts necessary to make such a reimbursement are hereby 136675
appropriated from the Highway Capital Improvement Bond Retirement 136676
Fund created in section 151.06 of the Revised Code. 136677

POLICE AND FIRE DEATH BENEFIT FUND 136678

The foregoing appropriation item 090575, Police and Fire	136679
Death Benefits, shall be disbursed quarterly by the Treasurer of	136680
State at the beginning of each quarter of each fiscal year to the	136681
Board of Trustees of the Ohio Police and Fire Pension Fund. The	136682
Treasurer of State shall certify such amounts quarterly to the	136683
Director of Budget and Management. By the twentieth day of June of	136684
each fiscal year, the Board of Trustees of the Ohio Police and	136685
Fire Pension Fund shall certify to the Treasurer of State the	136686
amount disbursed in the current fiscal year to make the payments	136687
required by section 742.63 of the Revised Code and shall return to	136688
the Treasurer of State moneys received from this appropriation	136689
item but not disbursed.	136690

TAX REFUNDS	136691

The foregoing appropriation item 090635, Tax Refunds, shall	136692
be used to pay refunds under section 5703.052 of the Revised Code.	136693
If the Director of Budget and Management determines that	136694
additional amounts are necessary for this purpose, such amounts	136695
are hereby appropriated.	136696

Section 405.10. TTA OHIO TUITION TRUST	136697

State Special Revenue Fund Group	136698

5P30 095602 Variable Savings Plans	\$	6,175,707	\$	6,156,515	136699
6450 095601 Guaranteed Savings Plan	\$	842,959	\$	862,150	136700
TOTAL SSR State Special Revenue					136701
Fund Group	\$	7,018,666	\$	7,018,665	136702
TOTAL ALL BUDGET FUND GROUPS	\$	7,018,666	\$	7,018,665	136703

FUND ABOLITION	136704

On July 1, 2009, or as soon as possible thereafter, the	136705

Director of Budget and Management shall transfer the cash balance	136706
in the Index Savings Plan Fund (Fund 5AM0) to the Variable Savings	136707
Fund (Fund 5P30). The Director shall cancel any existing	136708
encumbrances against appropriation item 095603, Index Savings	136709
Plan, and re-establish them against appropriation item 095602,	136710
Variable Savings Plans. The re-established encumbrance amounts	136711
are hereby appropriated. Upon completion of these transfers, Fund	136712
5AM0 is hereby abolished.	136713

On July 1, 2009, or as soon as possible thereafter, the	136714
Director of Budget and Management shall transfer the cash balance	136715
in the Banking Products Fund (Fund 5DC0) to the Variable College	136716
Savings Fund (Fund 5P30). The Director shall cancel any existing	136717
encumbrances against appropriation item 095604, Banking Products,	136718
and re-establish them against appropriation item 095602, Variable	136719
Savings Plans. The re-established encumbrance amounts are hereby	136720
appropriated. Upon completion of these transfers, Fund 5DC0 is	136721
hereby abolished.	136722

Section 407.10. VTO VETERANS' ORGANIZATIONS	136723

General Revenue Fund	136724

VAP AMERICAN EX-PRISONERS OF WAR	136725

GRF 743501	State Support	\$	27,533	\$	27,533	136726

VAN ARMY AND NAVY UNION, USA, INC.	136727

GRF 746501	State Support	\$	60,513	\$	60,513	136728

VKW KOREAN WAR VETERANS	136729

GRF 747501	State Support	\$	54,398	\$	54,398	136730
VJW JEWISH WAR VETERANS						136731
GRF 748501	State Support	\$	32,687	\$	32,687	136732
VCW CATHOLIC WAR VETERANS						136733
GRF 749501	State Support	\$	63,789	\$	63,789	136734
VPH MILITARY ORDER OF THE PURPLE HEART						136735
GRF 750501	State Support	\$	62,015	\$	62,015	136736
VVV VIETNAM VETERANS OF AMERICA						136737
GRF 751501	State Support	\$	204,549	\$	204,549	136738
VAL AMERICAN LEGION OF OHIO						136739
GRF 752501	State Support	\$	332,561	\$	332,561	136740
VII AMVETS						136741
GRF 753501	State Support	\$	316,711	\$	316,711	136742
VAV DISABLED AMERICAN VETERANS						136743
GRF 754501	State Support	\$	237,939	\$	237,939	136744

VMC MARINE CORPS LEAGUE				136745
GRF 756501	State Support	\$ 127,569	\$ 127,569	136746
V37 37TH DIVISION AEF VETERANS' ASSOCIATION				136747
GRF 757501	State Support	\$ 6,541	\$ 6,541	136748
VFW VETERANS OF FOREIGN WARS				136749
GRF 758501	State Support	\$ 271,277	\$ 271,277	136750
TOTAL GRF General Revenue Fund		\$ 1,798,082	\$ 1,798,082	136751
TOTAL ALL BUDGET FUND GROUPS		\$ 1,798,082	\$ 1,798,082	136752
RELEASE OF FUNDS				136753
The Director of Budget and Management may release the				136754
foregoing appropriation items 743501, 746501, 747501, 748501,				136755
749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,				136756
and 758501, State Support.				136757
Section 409.10. DVS DEPARTMENT OF VETERANS SERVICES				136758
General Revenue Fund				136759
GRF 900100	Personal Services	\$ 25,219,282	\$ 25,219,282	136760
GRF 900200	Maintenance	\$ 4,427,264	\$ 4,427,264	136761
GRF 900402	Hall of Fame	\$ 118,750	\$ 118,750	136762
GRF 900403	Veteran Record Conversion	\$ 40,631	\$ 40,631	136763
GRF 900408	Department of Veterans	\$ 2,054,790	\$ 2,054,790	136764

Services				
TOTAL GRF General Revenue Fund	\$	31,860,717	\$	31,860,717 136765
General Services Fund Group				136766
4840 900603 Veterans Home Services	\$	770,000	\$	850,000 136767
TOTAL GSF General Services Fund Group	\$	770,000	\$	850,000 136768
Federal Special Revenue Fund Group				136769
3680 900614 Veterans Training	\$	745,892	\$	745,892 136770
3740 900606 Troops to Teachers	\$	100,000	\$	100,000 136771
3BX0 900609 Medicare Services	\$	2,000,000	\$	2,200,000 136772
3L20 900601 Veterans Home Operations - Federal	\$	16,979,245	\$	17,454,046 136773
TOTAL FED Federal Special Revenue Fund Group				136774
	\$	19,825,137	\$	20,499,938 136775
State Special Revenue Fund Group				136776
4E20 900602 Veterans Home Operating	\$	9,314,438	\$	9,780,751 136777
6040 900604 Veterans Home Improvement	\$	1,541,020	\$	1,700,000 136778
TOTAL SSR State Special Revenue Fund Group				136779
	\$	10,855,458	\$	11,480,751 136780
TOTAL ALL BUDGET FUND GROUPS	\$	63,311,312	\$	64,691,406 136781

Section 411.10. DVM STATE VETERINARY MEDICAL BOARD 136783

General Services Fund Group 136784

4K90 888609	Operating Expenses	\$	319,407	\$	319,407	136785
TOTAL GSF General Services						136786
Fund Group		\$	319,407	\$	319,407	136787
TOTAL ALL BUDGET FUND GROUPS						136788

Section 413.10. DYS DEPARTMENT OF YOUTH SERVICES 136790

General Revenue Fund 136791

GRF 470401	RECLAIM Ohio	\$	196,288,874	\$	184,026,374	136792
GRF 470412	Lease Rental Payments	\$	22,863,300	\$	26,043,900	136793
GRF 470510	Youth Services	\$	16,702,728	\$	16,702,728	136794
GRF 472321	Parole Operations	\$	11,400,020	\$	11,400,020	136795
GRF 477321	Administrative Operations	\$	13,342,557	\$	13,580,057	136796
TOTAL GRF General Revenue Fund						136797

General Services Fund Group 136798

1750 470613	Education Reimbursement	\$	11,000,000	\$	11,000,000	136799
4790 470609	Employee Food Service	\$	200,000	\$	150,000	136800
4A20 470602	Child Support	\$	450,000	\$	450,000	136801
4G60 470605	General Operational Funds	\$	250,000	\$	250,000	136802
5BN0 470629	E-Rate Program	\$	35,000	\$	35,000	136803
TOTAL GSF General Services						136804
Fund Group		\$	11,935,000	\$	11,885,000	136805

Federal Special Revenue Fund Group 136806

3210	470601	Education	\$	6,531,076	\$	5,455,413	136807
3210	470603	Juvenile Justice Prevention	\$	300,000	\$	300,000	136808
3210	470606	Nutrition	\$	2,750,000	\$	2,750,000	136809
3210	470610	Rehabilitation Programs	\$	36,000	\$	36,000	136810
3210	470614	Title IV-E Reimbursements	\$	6,000,000	\$	6,000,000	136811
3BH0	470630	Federal Juvenile Programs FFY 06	\$	50,000	\$	0	136812
3BT0	470634	Federal Juvenile Programs	\$	50,000	\$	0	136813
3BY0	470635	Federal Juvenile Programs FFY 07	\$	334,000	\$	335,000	136814
3BZ0	470636	Federal Juvenile Programs FFY 08	\$	653,350	\$	570,700	136815
3CP0	470638	Federal Juvenile Programs FFY 09	\$	500,000	\$	500,000	136816
3CR0	470639	Federal Juvenile Programs FFY 10	\$	0	\$	500,000	136817
3V50	470604	Juvenile Justice/Delinquency Prevention	\$	1,935,300	\$	2,361,000	136818
3Z80	470625	Federal Juvenile Programs FFY 04	\$	2,000	\$	0	136819
3Z90	470626	Federal Juvenile Programs FFY 05	\$	2,000	\$	0	136820
TOTAL FED Federal Special Revenue							136821
Fund Group			\$	19,143,726	\$	18,808,113	136822
State Special Revenue Fund Group							136823
1470	470612	Vocational Education	\$	2,166,296	\$	2,788,906	136824
5BH0	470628	Partnerships for Success	\$	1,500,000	\$	1,500,000	136825
TOTAL SSR State Special Revenue							136826
Fund Group			\$	3,666,296	\$	4,288,906	136827
TOTAL ALL BUDGET FUND GROUPS			\$	295,342,501	\$	286,735,098	136828

OHIO BUILDING AUTHORITY LEASE PAYMENTS 136829

The foregoing appropriation item 470412, Lease Rental 136830
Payments, shall be used to meet all payments to the Ohio Building 136831
Authority for the period from July 1, 2009, to June 30, 2011, 136832
under the leases and agreements for facilities made under Chapter 136833
152. of the Revised Code. This appropriation is the source of 136834
funds pledged for bond service charges on related obligations 136835
issued pursuant to Chapter 152. of the Revised Code. 136836

EDUCATION REIMBURSEMENT 136837

The foregoing appropriation item 470613, Education 136838
Reimbursement, shall be used to fund the operating expenses of 136839
providing educational services to youth supervised by the 136840
Department of Youth Services. Operating expenses include, but are 136841
not limited to, teachers' salaries, maintenance costs, and 136842
educational equipment. This appropriation item may be used for 136843
capital expenses related to the education program. 136844

EMPLOYEE FOOD SERVICE AND EQUIPMENT 136845

Notwithstanding section 125.14 of the Revised Code, the 136846
foregoing appropriation item 470609, Employee Food Service, may be 136847
used to purchase any food operational items with funds received 136848
into the fund from reimbursements for state surplus property. 136849

Section 503.10. PERSONAL SERVICE EXPENSES 136850

Unless otherwise prohibited by law, any appropriation from 136851
which personal service expenses are paid shall bear the employer's 136852
share of public employees' retirement, workers' compensation, 136853
disabled workers' relief, and all group insurance programs; the 136854
costs of centralized accounting, centralized payroll processing, 136855
and related personnel reports and services; the cost of the Office 136856
of Collective Bargaining; the cost of the Employee Assistance 136857

Program; the cost of the affirmative action and equal employment	136858
opportunity programs administered by the Department of	136859
Administrative Services; the costs of interagency information	136860
management infrastructure; and the cost of administering the state	136861
employee merit system as required by section 124.07 of the Revised	136862
Code. These costs shall be determined in conformity with the	136863
appropriate sections of law and paid in accordance with procedures	136864
specified by the Office of Budget and Management. Expenditures	136865
from appropriation item 070601, Public Audit Expense - Local	136866
Government, may be exempted from the requirements of this section.	136867

Section 503.20. SATISFACTION OF JUDGMENTS AND	136868
SETTLEMENTS	
AGAINST THE STATE	136869

Except as otherwise provided in this section, an	136870
appropriation in this act or any other act may be used for the	136871
purpose of satisfying judgments, settlements, or administrative	136872
awards ordered or approved by the Court of Claims or by any other	136873
court of competent jurisdiction in connection with civil actions	136874
against the state. This authorization does not apply to	136875
appropriations to be applied to or used for payment of guarantees	136876
by or on behalf of the state, or for payments under lease	136877
agreements relating to, or debt service on, bonds, notes, or other	136878
obligations of the state. Notwithstanding any other statute to the	136879
contrary, this authorization includes appropriations from funds	136880
into which proceeds of direct obligations of the state are	136881
deposited only to the extent that the judgment, settlement, or	136882
administrative award is for, or represents, capital costs for	136883
which the appropriation may otherwise be used and is consistent	136884
with the purpose for which any related obligations were issued or	136885
entered into. Nothing contained in this section is intended to	136886
subject the state to suit in any forum in which it is not	136887
otherwise subject to suit, and is not intended to waive or	136888
compromise any defense or right available to the state in any suit	136889

against it. 136890

Section 503.30. CAPITAL PROJECT SETTLEMENTS 136891

This section specifies an additional and supplemental 136892
procedure to provide for payments of judgments and settlements if 136893
the Director of Budget and Management determines, pursuant to 136894
division (C)(4) of section 2743.19 of the Revised Code, that 136895
sufficient unencumbered moneys do not exist in the fund to support 136896
a particular appropriation to pay the amount of a final judgment 136897
rendered against the state or a state agency, including the 136898
settlement of a claim approved by a court, in an action upon and 136899
arising out of a contractual obligation for the construction or 136900
improvement of a capital facility if the costs under the contract 136901
were payable in whole or in part from a state capital projects 136902
appropriation. In such a case, the Director may either proceed 136903
pursuant to division (C)(4) of section 2743.19 of the Revised Code 136904
or apply to the Controlling Board to increase an appropriation or 136905
create an appropriation out of any unencumbered moneys in the 136906
state treasury to the credit of the capital projects fund from 136907
which the initial state appropriation was made. The amount of an 136908
increase in appropriation or new appropriation approved by the 136909
Controlling Board is hereby appropriated from the applicable 136910
capital projects fund and made available for the payment of the 136911
judgment or settlement. 136912

If the Director does not make the application authorized by 136913
this section or the Controlling Board disapproves the application, 136914
and the Director does not make application under division (C)(4) 136915
of section 2743.19 of the Revised Code, the Director shall for the 136916
purpose of making that payment make a request to the General 136917
Assembly as provided for in division (C)(5) of that section. 136918

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 136919

In order to provide funds for the reissuance of voided 136920

warrants under section 126.37 of the Revised Code, there is hereby	136921
appropriated, out of moneys in the state treasury from the fund	136922
credited as provided in section 126.37 of the Revised Code, that	136923
amount sufficient to pay such warrants when approved by the Office	136924
of Budget and Management.	136925

Section 503.50. REAPPROPRIATION OF UNEXPENDED	
ENCUMBERED	136926

BALANCES OF OPERATING APPROPRIATIONS	136927

(A) An unexpended balance of an operating appropriation or	136928
reappropriation that a state agency lawfully encumbered prior to	136929
the close of a fiscal year is hereby reappropriated on the first	136930
day of July of the following fiscal year from the fund from which	136931
it was originally appropriated or reappropriated for the	136932
following period and shall remain available only for the	136933
purpose of discharging the encumbrance:	136934

(1) For an encumbrance for personal services, maintenance,	136935
equipment, or items for resale, other than an encumbrance for an	136936
item of special order manufacture not available on term contract	136937
or in the open market or for reclamation of land or oil and gas	136938
wells, for a period of not more than five months from the end of	136939
the fiscal year;	136940

(2) For an encumbrance for an item of special order	136941
manufacture not available on term contract or in the open market,	136942
for a period of not more than five months from the end of the	136943
fiscal year or, with the written approval of the Director of	136944
Budget and Management, for a period of not more than twelve months	136945
from the end of the fiscal year;	136946

(3) For an encumbrance for reclamation of land or oil and gas	136947
wells, for a period ending when the encumbered appropriation is	136948
expended or for a period of two years, whichever is less;	136949

(4) For an encumbrance for any other expense, for such period as the Director approves, provided such period does not exceed two years.

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(B) Any operating appropriations for which unexpended balances are reappropriated beyond a five-month period from the end of the fiscal year by division (A)(2) of this section shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report on each such item shall include the item, the cost of the item, and the name of the vendor. The report shall be updated on a quarterly basis for encumbrances remaining open.

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(C) Upon the expiration of the reappropriation period set out in division (A) of this section, a reappropriation made by this section lapses, and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation not later than the end of the weekend following the expiration of the reappropriation period.

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(D) Notwithstanding division(C) of this section, with the approval of the Director of Budget and Management, an unexpended balance of an encumbrance that was reappropriated on the first day of July by this section for a period specified in division (A)(3) or (4) of this section and that remains encumbered at the close of the fiscal biennium is hereby reappropriated on the first day of July of the following fiscal biennium from the fund from which it was originally appropriated or reappropriated for the applicable period specified in division (A)(3) or (4) of this section and shall remain available only for the purpose of discharging the encumbrance.

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(E) The Director of Budget and Management may correct accounting errors committed by the staff of the Office of Budget and Management, such as re-establishing encumbrances or appropriations cancelled in error, during the cancellation of

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operating encumbrances in November and of nonoperating	136982
encumbrances in December.	136983

(F) If the Controlling Board approved a purchase, that	136984
approval remains in effect so long as the appropriation used to	136985
make that purchase remains encumbered.	136986

Section 503.60. APPROPRIATIONS RELATED TO CASH	136987
TRANSFERS AND	
RE-ESTABLISHMENT OF ENCUMBRANCES	136988

Any cash transferred by the Director of Budget and Management	136989
under section 126.15 of the Revised Code is hereby appropriated.	136990
Any amounts necessary to re-establish appropriations or	136991
encumbrances under section 126.15 of the Revised Code are hereby	136992
appropriated.	136993

Section 503.70. INCOME TAX DISTRIBUTION TO COUNTIES	136994

There are hereby appropriated out of any moneys in the state	136995
treasury to the credit of the General Revenue Fund, which are not	136996
otherwise appropriated, funds sufficient to make any payment	136997
required by division (B)(2) of section 5747.03 of the Revised	136998
Code.	136999

Section 503.80. EXPENDITURES AND APPROPRIATION	137000
INCREASES	
APPROVED BY THE CONTROLLING BOARD	137001

Any money that the Controlling Board approves for expenditure	137002
or any increase in appropriation that the Controlling Board	137003
approves under sections 127.14, 131.35, and 131.39 of the Revised	137004
Code or any other provision of law is hereby appropriated for the	137005
period ending June 30, 2011.	137006

Section 503.90. FUNDS RECEIVED FOR USE OF GOVERNOR'S	137007
RESIDENCE	137008

If the Governor's Residence Fund (Fund 4H20) receives payment	137009
for use of the residence pursuant to section 107.40 of the Revised	137010
Code, the amounts so received are hereby appropriated to	137011
appropriation item 100604, Governor's Residence Gift.	137012

Section 503.95. The Director of Transportation shall permit	137013
the construction of a curb cut on State Route 91, near Vine	137014
Street, in Lake County.	137015

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS	137016

Unless the agency and nuclear electric utility mutually agree	137017
to a higher amount by contract, the maximum amounts that may be	137018
assessed against nuclear electric utilities under division (B)(2)	137019
of section 4937.05 of the Revised Code and deposited into the	137020
specified funds are as follows:	137021

<u>Fund</u>	<u>User</u>	<u>FY 2010</u>	<u>FY 2011</u>	
Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$ 134,631	\$ 134,631	137022
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 887,445	\$ 920,372	137023
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 286,114	\$ 286,114	137024
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$ 1,413,889	\$ 1,415,945	137025
				137026

Section 506.20. On July 1, 2009, and on the first day of the	137027
month for each month thereafter, the Treasurer of State, before	137028
making any of the distributions specified in sections 5735.23,	137029
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit	137030
the first 2 per cent of the amount of motor fuel tax received for	137031
the preceding calendar month to the credit of the Highway	137032
Operating Fund (Fund 7002). Upon the written request of the	137033

Director of Public Safety, the Director of Budget and Management 137034
may make periodic transfers of cash totaling \$16,220,000 in each 137035
fiscal year from the Highway Operating Fund (Fund 7002) to the 137036
State Highway Safety Fund (Fund 7036). 137037

Section 509.10. (A) There is hereby created the Budget 137038
Planning and Management Commission, consisting of six members. The 137039
Speaker of the House of Representatives shall appoint three 137040
members of the House of Representatives, not more than two of whom 137041
shall be members of the same political party, and the President of 137042
the Senate shall appoint three members of the Senate, not more 137043
than two of whom shall be members of the same political party. The 137044
initial appointments shall be made not later than ninety days 137045
after the effective date of this section. Vacancies shall be 137046
filled in the manner provided for original appointments. 137047

(B) The commission shall complete a study and make 137048
recommendations that are designed to provide relief to the state 137049
during the current difficult fiscal and economic period. In 137050
developing the recommendations, the commission shall develop a 137051
strategy for balancing the state budget for fiscal years 2012 and 137052
2013. 137053

(C) The commission shall appoint two of its members to serve 137054
as co-chairpersons for the commission. One co-chairperson shall be 137055
a member of the majority party of the House of Representatives, 137056
and one co-chairperson shall be a member of the majority party of 137057
the Senate. Commission meetings shall take place at the call of 137058
the co-chairpersons of the commission. The commission shall 137059
conduct meetings during the period of July 1, 2009, through 137060
November 30, 2010. 137061

(D) Not later than November 30, 2010, the commission shall 137062
submit a written report of its recommendations to the Speaker of 137063
the House of Representatives, the President of the Senate, and 137064
the Governor. The commission ceases to exist upon submission of 137065

its report.	137066
(E) The Legislative Service Commission shall provide	137067
technical, professional, and clerical support necessary for the	137068
Budget Planning and Management Commission to perform its duties.	137069
Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND	137070
OF	
INTEREST EARNED	137071
Notwithstanding any provision of law to the contrary, the	137072
Director of Budget and Management, through June 30, 2011, may	137073
transfer interest earned by any state fund to the General Revenue	137074
Fund. This section does not apply to funds whose source of	137075
revenue is restricted or protected by the Ohio Constitution,	137076
federal tax law, or the "Cash Management Improvement Act of	137077
1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended.	137078
Section 512.30. GRF TRANSFER TO THE OAKS PROJECT	137079
IMPLEMENTATION FUND	137080
On July 1 of each fiscal year, or as soon as possible	137081
thereafter, the Director of Budget and Management shall transfer	137082
an amount not to exceed \$2,100,000 cash from the General Revenue	137083
Fund to the OAKS Project Implementation Fund (Fund 5N40).	137084
Section 512.40. TRANSFERS FROM THE BUDGET	
STABILIZATION FUND	137085
Notwithstanding any provision of law to the contrary, the	137086
Director of Budget and Management, in either year of the biennium,	137087
may transfer cash from the Budget Stabilization Fund to the	137088
General Revenue Fund in order to balance General Revenue Fund	137089
revenues with General Revenue Fund expenditures. Before any such	137090
transfer, the Director shall notify the Governor, the Speaker of	137091
the House of Representatives, the President of the Senate, and	137092
the Minority Leaders of the House of Representatives and the	137093

Senate of the date and amount of the transfer and the cash	137094
balance remaining in the Budget Stabilization Fund.	137095

Section 512.50. TRANSFERS FROM EDUCATION FACILITIES TRUST AND	137096

PUBLIC SCHOOL BUILDING FUNDS TO GRF	137097

Notwithstanding any provision of law to the contrary, the	137098
Director of Budget and Management shall transfer a total of	137099
\$250,000,000 cash in either fiscal year 2010 or fiscal year 2011	137100
from the Education Facilities Trust Fund (Fund N087) and the	137101
Public School Building Fund (Fund 7021), which are used by the	137102
School Facilities Commission, to the General Revenue Fund. Not	137103
later than June 30, 2013, \$250,000,000 cash shall be deposited	137104
into a fund of the Commission, for the purpose of constructing	137105
or renovating school facilities pursuant to Chapter 3318. of the	137106
Revised Code.	137107

Section 512.60. CASH TRANSFERS TO THE GENERAL REVENUE FUND	137108

FROM NON-GRF FUNDS	137109

Notwithstanding any provision of law to the contrary, during	137110
fiscal years 2010 and 2011, the Director of Budget and Management	137111
may transfer cash from non-General Revenue Funds that are not	137112
constitutionally restricted to the General Revenue Fund in order	137113
to ensure that available General Revenue Fund receipts and	137114
balances are sufficient to support General Revenue Fund	137115
appropriations in each fiscal year.	137116

Before September 1 of each fiscal year, the Director of	137117
Budget and Management shall prepare quarterly estimates	137118
identifying funds in the state treasury from which cash transfers	137119
are to be made and the anticipated amount of these cash transfers.	137120
Beginning with the quarter ending September 30, 2009, and on a	137121
quarterly basis thereafter, the Director of Budget and Management	137122

shall prepare a summary comparing the estimated and actual amounts 137123
of these cash transfers by fund. This quarterly summary shall be 137124
included in the report required under section 126.05 of the 137125
Revised Code. 137126

Section 512.80. GRF TRANSFER TO THE PUBLIC AUDIT EXPENSE 137127
INTRA-STATE FUND 137128

On July 1, 2009, or as soon as possible thereafter, the 137129
Director of Budget and Management shall transfer \$400,900 cash 137130
from the General Revenue Fund to the Public Audit Expense 137131
Intra-State Fund (Fund 1090). The amounts transferred are hereby 137132
appropriated to help pay for expenses incurred in the Auditor of 137133
State's role relating to fiscal caution, fiscal watch, and fiscal 137134
emergency activities as defined in Chapter 3316. of the Revised 137135
Code and for performance audits for school districts in fiscal 137136
distress. 137137

Section 512.85. TRANSFER AND ADJUSTMENT OF ARRA STATE 137138
FISCAL
STABILIZATION FUND APPROPRIATIONS 137139

The Director of Budget and Management, with the approval of 137140
Controlling Board, may transfer appropriation between GRF 137141
appropriation items within the budgets and between the budgets of 137142
agencies receiving funding from the State Fiscal Stabilization 137143
Fund – Government Services in each fiscal year upon the written 137144
request of the relevant agency, including transferring 137145
appropriation between fiscal year 2010 and fiscal year 2011, if 137146
necessary to meet the maintenance of effort and use of funds 137147
provisions in the American Recovery and Reinvestment Act. 137148

Section 512.90. CASH TRANSFERS FROM THE TOBACCO USE 137149
PREVENTION AND CONTROL FOUNDATION ENDOWMENT FUND 137150

The Director of Budget and Management may request the 137151

Treasurer of State to transfer \$258,622,890 cash from moneys in the custody of the Treasurer of State that were formerly to the credit of the Tobacco Use Prevention and Control Foundation Endowment Fund, to the General Health and Human Service Pass-Through Fund (Fund 5HC0). If any cash is transferred to the General Health and Human Service Pass-Through Fund (Fund 5HC0) the Director of Budget and Management shall transfer the cash as follows:

(A) Up to \$46,000,000 cash in each fiscal year to the Child and Adult Protective Services Fund (Fund 5GV0), used by the Department of Job and Family Services, to support child and adult protective services under Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. The amount transferred is hereby appropriated.

(B) Up to \$31,808,863 cash in fiscal year 2010 to the Health Care Services – Other Fund (Fund 5HA0), used by the Department of Job and Family Services and up to \$129,814,027 cash in fiscal year 2011 to Fund 5HA0, to support health care services under the state Medicaid plan. The amount transferred is hereby appropriated.

(C) Up to \$2,500,000 cash in each fiscal year to the Breast and Cervical Cancer Fund (Fund 5HB0), used by the Department of Health, to support breast and cervical cancer screenings. The amount transferred is hereby appropriated.

Section 515.10. On and after the effective date of section 3354.24 of the Revised Code as enacted by Sub. H.B. 1 of the 128th General Assembly:

(A) The board of trustees of the Eastern Gateway Community College District (the District) shall have the powers and duties formerly prescribed as powers and duties of the board of trustees of the Jefferson County Community College District and any additional powers and duties granted or imposed by law.

(B) The board of trustees of the District assumes the	137183
obligations of, and is the successor to and continuation of, the	137184
board of trustees of the Jefferson County Community College	137185
District.	137186
(C) Any business commenced but not completed by the board of	137187
trustees of the Jefferson County Community College District shall	137188
be completed by the board of trustees of the District in the same	137189
manner, and with the same effect, as if completed by the board of	137190
trustees of the Jefferson County Community College District. No	137191
validation, cure, right, privilege, remedy, obligation, or	137192
liability is lost or impaired by reason of the enactment by this	137193
act of this section and section 3354.24 of the Revised Code.	137194
(D) Rules of the board of trustees of the Jefferson County	137195
Community College District shall continue as rules for the board	137196
of trustees of the District until amended or rescinded by the	137197
board of trustees of the District.	137198
(E) Any reference in statute, rule, contract, grant, or other	137199
document to the board of trustees of the Jefferson County	137200
Community College District shall be construed to refer to the	137201
board of trustees of the District.	137202
(F) No judicial, administrative, or other proceeding to which	137203
the board of trustees of the Jefferson County Community College	137204
District is a party and that is pending on the effective date of	137205
this section shall be affected by the enactment by this act of	137206
this section and section 3354.24 of the Revised Code. Upon	137207
application to the court or other tribunal, the board of trustees	137208
of the District shall be substituted for the board of trustees of	137209
the Jefferson County Community College District as a party to the	137210
action or proceeding, and the action shall be prosecuted or	137211
defended in the name of the board of trustees of the District.	137212

(G) All books, records, documents, files, transcripts, 137213
equipment, furniture, supplies, and other materials assigned to or 137214
possessed by the board of trustees of the Jefferson County 137215
Community College District shall be transferred to the board of 137216
trustees of the District. 137217

(H) The employees of the board of trustees of the Jefferson 137218
County Community College District shall be employees of the board 137219
of trustees of the District. 137220

Section 515.20. On the effective date of this section, the 137221
duties, responsibilities, and functions of the Ohio Board of 137222
Regents under sections 4741.41, 4741.44, 4741.45, and 4741.46 of 137223
the Revised Code and its assets and liabilities under those 137224
sections are transferred to the State Veterinary Medical Licensing 137225
Board. The State Veterinary Medical Licensing Board assumes the 137226
obligations and authority of the Ohio Board of Regents with regard 137227
to sections 4741.41, 4741.44, 4741.45, and 4741.46 of the Revised 137228
Code. No right, privilege, or remedy, and no duty, liability, or 137229
obligation, accrued by the Ohio Board of Regents under sections 137230
4741.41, 4741.44, 4741.45, and 4741.46 of the Revised Code is 137231
impaired or lost by reason of the transfer and shall be 137232
recognized, administered, performed, or enforced by the State 137233
Veterinary Medical Licensing Board. 137234

Business commenced but not completed by the Ohio Board of 137235
Regents with regard to sections 4741.41, 4741.44, 4741.45, and 137236
4741.46 of the Revised Code shall be completed by the State 137237
Veterinary Medical Licensing Board in the same manner, and with 137238
the same effect, as if completed by the Ohio Board of Regents. 137239

All determinations of the Ohio Board of Regents that are made 137240
pursuant to sections 4741.41, 4741.44, 4741.45, and 4741.46 of the 137241
Revised Code continue in effect as determinations of the State 137242
Veterinary Medical Licensing Board until modified or rescinded by 137243

the State Veterinary Medical Licensing Board. 137244

Whenever the Ohio Board of Regents is referred to in statute, 137245
contract, or other instrument for the purposes of sections 137246
4741.41, 4741.44, 4741.45, and 4741.46 of the Revised Code, the 137247
reference is deemed to refer to the State Veterinary Medical 137248
Licensing Board. 137249

No pending action or proceeding being prosecuted or defended 137250
in court or before any agency by the Ohio Board of Regents for the 137251
purposes of sections 4741.41, 4741.44, 4741.45, and 4741.46 of the 137252
Revised Code is affected by the transfer and shall be prosecuted 137253
or defended in the name of the State Veterinary Medical Licensing 137254
Board. Upon application to the court or agency, the State 137255
Veterinary Medical Licensing Board shall be substituted as a 137256
party. 137257

Section 515.30. On the effective date of this section, the 137258
Division of Soil and Water Conservation in the Department of 137259
Natural Resources is renamed the Division of Soil and Water 137260
Resources. The Division of Soil and Water Conservation's 137261
functions, and its assets and liabilities, are transferred to the 137262
Division of Soil and Water Resources. The Division of Soil and 137263
Water Resources is successor to, assumes the obligations and 137264
authority of, and otherwise continues the Division of Soil and 137265
Water Conservation. No right, privilege, or remedy, and no duty, 137266
liability, or obligation, accrued under the Division of Soil and 137267
Water Conservation is impaired or lost by reason of the renaming 137268
and shall be recognized, administered, performed, or enforced by 137269
the Division of Soil and Water Resources. 137270

Business commenced but not completed by the Division of Soil 137271
and Water Conservation or by the Chief of the Division of Soil and 137272
Water Conservation shall be completed by the Division of Soil and 137273
Water Resources or the Chief of the Division of Soil and Water 137274
Resources in the same manner, and with the same effect, as if 137275

completed by the Division of Soil and Water Conservation or the Chief of the Division of Soil and Water Conservation. 137276
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All of the Division of Soil and Water Conservation's rules, 137278
orders, and determinations continue in effect as rules, orders, 137279
and determinations of the Division of Soil and Water Resources 137280
until modified or rescinded by the Division of Soil and Water 137281
Resources. 137282

Subject to the layoff provisions of sections 124.321 to 137283
124.382 of the Revised Code, all employees of the Division of Soil 137284
and Water Conservation continue with the Division of Soil and 137285
Water Resources and retain their positions and all benefits 137286
accruing thereto. 137287

The Director of Budget and Management shall determine the 137288
amount of unexpended balances in the appropriation accounts that 137289
pertain to the Division of Soil and Water Conservation and shall 137290
recommend to the Controlling Board their transfer to the 137291
appropriation accounts that pertain to the Division of Soil and 137292
Water Resources. The Chief of the Division of Soil and Water 137293
Conservation shall provide full and timely information to the 137294
Controlling Board to facilitate the transfer. 137295

Whenever the Division of Soil and Water Conservation or the 137296
Chief of the Division of Soil and Water Conservation is referred 137297
to in a statute, contract, or other instrument, the reference is 137298
deemed to refer to the Division of Soil and Water Resources or to 137299
the Chief of the Division of Soil and Water Resources, whichever 137300
is appropriate in context. 137301

No pending action or proceeding being prosecuted or defended 137302
in court or before an agency by the Division of Soil and Water 137303
Conservation or the Chief of the Division of Soil and Water 137304
Conservation is affected by the renaming and shall be prosecuted 137305
or defended in the name of the Division of Soil and Water 137306

Resources or the Chief of the Division of Soil and Water 137307
Resources, whichever is appropriate. Upon application to the court 137308
or agency, the Division of Soil and Water Resources or the Chief 137309
of the Division of Soil and Water Resources shall be substituted. 137310

Section 515.40. On the effective date of this section, the 137311
Division of Water in the Department of Natural Resources is 137312
abolished and its functions, and its assets and liabilities, are 137313
transferred to the Division of Soil and Water Resources and the 137314
Division of Parks and Recreation, as applicable, in the Department 137315
of Natural Resources. The Division of Soil and Water Resources and 137316
the Division of Parks and Recreation, as applicable, are 137317
successors to, assume the obligations and authority of, and 137318
otherwise continue the Division of Water. No right, privilege, or 137319
remedy, and no duty, liability, or obligation, accrued under the 137320
Division of Water is impaired or lost by reason of the abolishment 137321
and shall be recognized, administered, performed, or enforced by 137322
the Division of Soil and Water Resources or the Division of Parks 137323
and Recreation, whichever is applicable. 137324

Business commenced but not completed by the Division of Water 137325
or by the Chief of the Division of Water shall be completed by the 137326
Division of Soil and Water Resources or the Chief of the Division 137327
of Soil and Water Resources or by the Division of Parks and 137328
Recreation or the Chief of the Division of Parks and Recreation, 137329
whichever is applicable, in the same manner, and with the same 137330
effect, as if completed by the Division of Water or the Chief of 137331
the Division of Water. 137332

All of the Division of Water's rules, orders, and 137333
determinations continue in effect as rules, orders, and 137334
determinations of the Division of Soil and Water Resources or the 137335
Division of Parks and Recreation, whichever is applicable, until 137336
modified or rescinded by the Division of Soil and Water Resources 137337
or the Division of Parks and Recreation, as applicable. If 137338

necessary to ensure the integrity of the numbering of the 137339
Administrative Code, the Director of the Legislative Service 137340
Commission shall renumber the Division of Water's rules to 137341
reflect their transfer to the Division of Soil and Water Resources 137342
or to the Division of Parks and Recreation, as applicable. 137343

Subject to the layoff provisions of sections 124.321 to 137344
124.382 of the Revised Code, all employees of the Division of 137345
Water are transferred to the Division of Soil and Water Resources 137346
or to the Division of Parks and Recreation, as applicable, and 137347
retain their positions and all benefits accruing thereto. 137348

The Director of Budget and Management shall determine the 137349
amount of unexpended balances in the appropriation accounts that 137350
pertain to the Division of Water and shall recommend to the 137351
Controlling Board their transfer to the appropriation accounts 137352
that pertain to the Division of Soil and Water Resources or the 137353
Division of Parks and Recreation, as applicable. The Chief of the 137354
Division of Water shall provide full and timely information to the 137355
Controlling Board to facilitate the transfer. 137356

Whenever the Division of Water or the Chief of the Division 137357
of Water is referred to in a statute, contract, or other 137358
instrument, the reference is deemed to refer to the Division of 137359
Soil and Water Resources or to the Chief of the Division of Soil 137360
and Water Resources or to the Division of Parks and Recreation or 137361
to the Chief of the Division of Parks and Recreation, whichever is 137362
appropriate in context. 137363

No pending action or proceeding being prosecuted or defended 137364
in court or before an agency by the Division of Water or the Chief 137365
of the Division of Water is affected by the abolishment and shall 137366
be prosecuted or defended in the name of the Division of Soil and 137367
Water Resources or the Chief of the Division of Soil and Water 137368
Resources or of the Division of Parks and Recreation or the Chief 137369
of the Division of Parks and Recreation, whichever is appropriate. 137370

Upon application to the court or agency, the Division of Soil and
Water Resources or the Chief of the Division of Soil and Water
Resources or the Division of Parks and Recreation or the Chief of
the Division of Parks and Recreation, whichever is applicable,
shall be substituted.

Section 515.50. On the effective date of this section, the
Division of Real Estate and Land Management in the Department of
Natural Resources is abolished and its functions, and its assets
and liabilities, are transferred to the Director of Natural
Resources, to the Division of Engineering, and to the Division of
Parks and Recreation, as applicable, in the Department of Natural
Resources. The Director of Natural Resources, the Division of
Engineering, and the Division of Parks and Recreation are
successors to, assume the obligations and authority of, and
otherwise continue the Division of Real Estate and Land
Management. No right, privilege, or remedy, and no duty,
liability, or obligation, accrued under the Division of Real
Estate and Land Management is impaired or lost by reason of the
abolishment and shall be recognized, administered, performed, or
enforced by the Director of Natural Resources, the Division of
Engineering, and the Division of Parks and Recreation, whichever
is applicable.

Business commenced but not completed by the Division of Real
Estate and Land Management or by the Chief of the Division of Real
Estate and Land Management shall be completed by the Director of
Natural Resources, by the Division of Engineering or the Chief
Engineer, or by the Division of Parks and Recreation or the Chief
of the Division of Parks and Recreation, whichever is applicable,
in the same manner, and with the same effect, as if completed by
the Division of Real Estate and Land Management or the Chief of
the Division of Real Estate and Land Management.

All of the Division of Real Estate and Land Management's

rules, orders, and determinations continue in effect as rules, 137403
orders, and determinations of the Director of Natural Resources, 137404
the Division of Engineering, or the Division of Parks and 137405
Recreation, whichever is applicable, until modified or rescinded 137406
by the Director of Natural Resources, the Division of Engineering, 137407
or the Division of Parks and Recreation, as applicable. If 137408
necessary to ensure the integrity of the numbering of the 137409
Administrative Code, the Director of the Legislative Service 137410
Commission shall renumber the Division of Real Estate and Land 137411
Management's rules to reflect their transfer to the Director of 137412
Natural Resources, to the Division of Engineering, or to the 137413
Division of Parks and Recreation, as applicable. 137414

Subject to the layoff provisions of sections 124.321 to 137415
124.382 of the Revised Code, all employees of the Division of Real 137416
Estate and Land Management are transferred to the office of the 137417
Director of Natural Resources, the Division of Engineering, or 137418
the Division of Parks and Recreation, as applicable, and retain 137419
their positions and all benefits accruing thereto. 137420

The Director of Budget and Management shall determine the 137421
amount of unexpended balances in the appropriation accounts that 137422
pertain to the Division of Real Estate and Land Management and 137423
shall recommend to the Controlling Board their transfer to the 137424
appropriation accounts that pertain to the Director of Natural 137425
Resources, the Division of Engineering, or the Division of Parks 137426
and Recreation, as applicable. The Chief of the Division of Real 137427
Estate and Land Management shall provide full and timely 137428
information to the Controlling Board to facilitate the transfer. 137429

Whenever the Division of Real Estate and Land Management or 137430
the Chief of the Division of Real Estate and Land Management is 137431
referred to in a statute, contract, or other instrument, the 137432
reference is deemed to refer to the Director of Natural Resources, 137433
to the Division of Engineering or the Chief Engineer, or to the 137434

Division of Parks and Recreation or the Chief of the Division of
Parks and Recreation, whichever is appropriate in context.

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No pending action or proceeding being prosecuted or defended
in court or before an agency by the Division of Real Estate and
Land Management or the Chief of the Division of Real Estate and
Land Management is affected by the abolishment and shall be
prosecuted or defended in the name of the Department of Natural
Resources or the Director of Natural Resources, of the Division
of Engineering or the Chief Engineer, or of the Division of Parks
and Recreation or the Chief of the Division of Parks and
Recreation, whichever is appropriate. Upon application to the
court or agency, the Department of Natural Resources or the
Director of Natural Resources, the Division of Engineering or the
Chief Engineer, or the Division of Parks and Recreation or the
Chief of the Division of Parks and Recreation, whichever is
applicable, shall be substituted.

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Section 515.70. The Division of Labor and Worker Safety in
the Department of Commerce and the Division of Industrial
Compliance in the Department of Commerce are hereby abolished on
the effective date of section 121.04 of the Revised Code, as
amended by this act. The Division of Labor shall supersede the
Division of Labor and Worker Safety and Division of Industrial
Compliance, and the Superintendent of Labor shall supersede the
Superintendent of Labor and Worker Safety and the Superintendent
of Industrial Compliance. The Superintendent of Labor or Division
of Labor, as applicable, shall succeed to and have and perform
all the duties, powers, and obligations pertaining to the duties,
powers, and obligations of the Superintendent and Division of
Labor and Worker Safety and the Superintendent and Division of
Industrial Compliance. For the purpose of the institution,
conduct, and completion of matters relating to its succession,
the Superintendent of Labor or the Division of Labor, as
applicable, is deemed to be the continuation of and successor

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under law to the Superintendent and Division of Labor and Worker Safety or the Superintendent and Division of Industrial Compliance, as applicable. All rules, actions, determinations, commitments, resolutions, decisions, and agreements pertaining to those duties, powers, obligations, functions, and rights in force or in effect on the effective date of section 121.04 of the Revised Code, as amended by this act, shall continue in force and effect subject to any further lawful action thereon by the Superintendent or Division of Labor. Wherever the Superintendent of Labor and Worker Safety, Division of Labor and Worker Safety, Superintendent of Industrial Compliance, or Division of Industrial Compliance are referred to in any provision of law, or in any agreement or document that pertains to those duties, powers, obligations, functions, and rights, the reference is to the Superintendent of Labor or Division of Labor, as appropriate.

All authorized obligations and supplements thereto of the Superintendent and Division of Labor and Worker Safety and the Superintendent and Division of Industrial Compliance pertaining to the duties, powers, and obligations transferred are binding on the Superintendent or Division of Labor, as applicable, and nothing in this act impairs the obligations or rights thereunder or under any contract. The abolition of the Division of Labor and Worker Safety and the Division of Industrial Compliance and the transfer of the duties, powers, and obligations of the Superintendent and Division of Labor and Worker Safety and the Superintendent and Division of Industrial Compliance do not affect the validity of agreements or obligations made by those superintendents or divisions pursuant to Chapters 121., 3703., 3781., 3791., 4104., 4105., and 4740. of the Revised Code or any other provisions of law.

In connection with the transfer of duties, powers, obligations, functions, and rights and abolition of the Division of Labor and Worker Safety and the Division of Industrial Compliance, all real property and interest therein, documents,

books, money, papers, records, machinery, furnishings, office	137501
equipment, furniture, and all other property over which the	137502
Superintendent and Division of Labor and Worker Safety or the	137503
Superintendent and Division of Industrial Compliance has control	137504
pertaining to the duties, powers, and obligations transferred and	137505
the rights of the Superintendent and Division of Labor and Worker	137506
Safety and the Superintendent and Division of Industrial	137507
Compliance to enforce or receive any of the aforesaid is	137508
automatically transferred to the Superintendent and Division of	137509
Labor without necessity for further action on the part of the	137510
Superintendent, Division of Labor, or the Director of Commerce.	137511
Additionally, all appropriations or reappropriations made to the	137512
Superintendent and Division of Labor and Worker Safety and the	137513
Superintendent and Division of Industrial Compliance for the	137514
purposes of the performance of their duties, powers, and	137515
obligations, are transferred to the Superintendent and Division of	137516
Labor to the extent of the remaining unexpended or unencumbered	137517
balance thereof, whether allocated or unallocated, and whether	137518
obligated or unobligated.	137519

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS	137520

Certain appropriations are in this act for the purpose of	137521
paying debt service and financing costs on general obligation	137522
bonds or notes of the state issued pursuant to the Ohio	137523
Constitution and acts of the General Assembly. If it is determined	137524
that additional appropriations are necessary for this purpose,	137525
such amounts are hereby appropriated.	137526

Section 518.20. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF STATE	137527
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Certain appropriations are in this act for the purpose of	137529
making lease rental payments pursuant to leases and agreements	137530

relating to bonds or notes issued by the Ohio Building Authority	137531
or the Treasurer of State or, previously, by the Ohio Public	137532
Facilities Commission, pursuant to the Ohio Constitution and acts	137533
of the General Assembly. If it is determined that additional	137534
appropriations are necessary for this purpose, such amounts are	137535
hereby appropriated.	137536

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM	137537
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS	137538

The Office of Budget and Management shall process payments	137539
from general obligation and lease rental payment appropriation	137540
items during the period from July 1, 2009, to June 30, 2011,	137541
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m,	137542
2n, 2o, 2p, 2q, and 15 of Article VIII, Ohio Constitution, and	137543
Chapters 151. and 154. of the Revised Code. Payments shall be	137544
made upon certification by the Treasurer of State, Office of the	137545
Sinking Fund, of the dates and the amounts due on those dates.	137546

Section 518.40. AUTHORIZATION FOR OHIO BUILDING AUTHORITY	137547
AND OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS	137548

The Office of Budget and Management shall process payments	137549
from lease rental payment appropriation items during the period	137550
from July 1, 2009, to June 30, 2011, pursuant to the lease	137551
agreements entered into relating to bonds or notes issued under	137552
Section 2i of Article VIII, Ohio Constitution, and Chapter 152. of	137553
the Revised Code. Payments shall be made upon certification by the	137554
Ohio Building Authority of the dates and the amounts due on those	137555
dates.	137556

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION	137557

There is hereby appropriated, from those funds designated by	137558

or pursuant to the applicable proceedings authorizing the issuance 137559
of state obligations, amounts computed at the time to represent 137560
the portion of investment income to be rebated or amounts in lieu 137561
of or in addition to any rebate amount to be paid to the federal 137562
government in order to maintain the exclusion from gross income 137563
for federal income tax purposes of interest on those state 137564
obligations under section 148(f) of the Internal Revenue Code. 137565

Rebate payments shall be approved and vouchered by the Office 137566
of Budget and Management. 137567

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 137568

Whenever the Director of Budget and Management determines 137569
that an appropriation made to a state agency from a fund of the 137570
state is insufficient to provide for the recovery of statewide 137571
indirect costs under section 126.12 of the Revised Code, the 137572
amount required for such purpose is hereby appropriated from the 137573
available receipts of such fund. 137574

Section 521.30. GRF TRANSFERS ON BEHALF OF THE 137575
STATEWIDE
INDIRECT COST ALLOCATION PLAN 137576

The total transfers made from the General Revenue Fund by the 137577
Director of Budget and Management under this section shall not 137578
exceed the amounts transferred into the General Revenue Fund under 137579
section 126.12 of the Revised Code. 137580

The director of an agency may certify to the Director of 137581
Budget and Management the amount of expenses not allowed to be 137582
included in the Statewide Indirect Cost Allocation Plan under 137583
federal regulations, from any fund included in the Statewide 137584
Indirect Cost Allocation Plan, prepared as required by section 137585
126.12 of the Revised Code. 137586

Upon determining that no alternative source of funding is	137587
available to pay for such expenses, the Director of Budget and	137588
Management may transfer from the General Revenue Fund into the	137589
fund for which the certification is made, up to the amount of the	137590
certification. The director of the agency receiving such funds	137591
shall include, as part of the next budget submission prepared	137592
under section 126.02 of the Revised Code, a request for funding	137593
for such activities from an alternative source such that further	137594
federal disallowances would not be required.	137595

Section 521.40. FISCAL YEAR 2009 GENERAL REVENUE FUND	
ENDING	137596
BALANCE	137597

Notwithstanding divisions (B) and (C) of section 131.44 of	137598
the Revised Code, all fiscal year 2009 surplus revenue in excess	137599
of the amount required under division (A)(3) of section 131.44 of	137600
the Revised Code shall remain in the General Revenue Fund.	137601

Section 521.50. FEDERAL GOVERNMENT INTEREST	
REQUIREMENTS	137602

Notwithstanding any provision of law to the contrary, on or	137603
before the first day of September of each fiscal year, the	137604
Director of Budget and Management, in order to reduce the payment	137605
of adjustments to the federal government, as determined by the	137606
plan prepared under division (A) of section 126.12 of the Revised	137607
Code, may designate such funds as the Director considers necessary	137608
to retain their own interest earnings.	137609

Section 521.60. FEDERAL CASH MANAGEMENT IMPROVEMENT	
ACT	137610

Pursuant to the plan for compliance with the Federal Cash	137611
Management Improvement Act required by section 131.36 of the	137612
Revised Code, the Director of Budget and Management may cancel and	137613
re-establish all or part of encumbrances in like amounts within	137614

the funds identified by the plan. The amounts necessary to 137615
re-establish all or part of encumbrances are hereby appropriated. 137616

Section 521.70. FISCAL STABILIZATION AND RECOVERY 137617

(A) To ensure the level of accountability and transparency 137618
required by federal law, the Director of Budget and Management 137619
may issue guidelines to any agency applying for federal money 137620
made available to this state for fiscal stabilization and 137621
recovery purposes, and may prescribe the process by which 137622
agencies are to comply with any reporting requirements 137623
established by the federal government. 137624

(B) Notwithstanding any provision of law to the contrary, 137625
federal money received by or on behalf of this state for fiscal 137626
stabilization in support of elementary, secondary, and higher 137627
education, public safety, and any other government service shall 137628
be deposited into the state treasury to the credit of the General 137629
Revenue Fund. The federal money shall not be used as a match for 137630
the state's share of Medicaid. 137631

(C) Federal money received by or on behalf of the state for 137632
fiscal stabilization and recovery purposes in fiscal years 2010 137633
and 2011 shall not be used for purposes of the computation of debt 137634
service under division (D) of Section 17 of Article VIII, Ohio 137635
Constitution, and division (E) of section 126.16 of the Revised 137636
Code. 137637

Section 521.80. OVERSIGHT OF FEDERAL STIMULUS FUNDS 137638

(A) The Office of Internal Auditing within the Office of 137639
Budget and Management shall, in connection with its duties under 137640
sections 126.45 to 126.48 of the Revised Code, monitor and measure 137641
the effectiveness of funds allocated to the state as part of the 137642
federal American Recovery and Reinvestment Act of 2009. As such, 137643
the Office of Internal Auditing shall review how funds allocated 137644

to each state agency are spent. For purposes of this section, 137645
"state agency" has the same meaning as in division (A) of section 137646
126.45 of the Revised Code. 137647

In addition to the reports required under section 126.47 of 137648
the Revised Code, the Office of Internal Auditing shall submit a 137649
report of its findings to the President of the Senate, Minority 137650
Leader of the Senate, Speaker of the House of Representatives, 137651
Minority Leader of the House of Representatives, and the Chairs 137652
of the committees in the Senate and House of Representatives 137653
handling finance and appropriations. The report shall be 137654
submitted every six months at the following intervals: 137655

(1) For the six-month period ending December 31, 2009, not 137656
later than February 1, 2010; 137657

(2) For the six-month period ending June 30, 2010, not later 137658
than August 1, 2010; 137659

(3) For the six-month period ending December 31, 2010, not 137660
later than February 1, 2011; 137661

(4) For the six-month period ending June 30, 2011, not later 137662
than August 1, 2011. 137663

(B) When, as part of its compliance with the federal 137664
American Recovery and Reinvestment Act of 2009 requirements to 137665
monitor and measure the effectiveness of funds for which the state 137666
of Ohio is the prime recipient, and for which reporting authority 137667
has not been delegated to a sub-recipient, the Office of Budget 137668
and Management submits quarterly reports to the federal 137669
government, the Office of Budget and Management shall also submit 137670
those reports to the President of the Senate, Minority Leader of 137671
the Senate, Speaker of the House of Representatives, Minority 137672
Leader of the House of Representatives, and Chairs and ranking 137673
members of the committees in the Senate and House of 137674

Representatives handling finance and appropriations. The Office of	137675
Budget and Management shall continue to submit quarterly reports	137676
to the legislature for the duration of the period in which the	137677
state of Ohio is required to make reports to the federal	137678
government concerning Ohio's use of the federal American Recovery	137679
and Reinvestment Act of 2009 funds.	137680

Section 521.90. FEDERAL FUNDS FOR HISTORIC PRESERVATION	137681
LOAN	
GUARANTEE	137682

(A) As used in this section:	137683

(1) "Approved historic rehabilitation project" means a	137684
rehabilitation of a historic building that the Director of	137685
Development has approved for a rehabilitation tax credit under	137686
section 149.311 of the Revised Code.	137687

(2) "Federal funds" means federal money available to states	137688
under the American Recovery and Reinvestment Act of 2009 or any	137689
other source of federal money available to the states, that may	137690
lawfully be used for the purposes of this section.	137691

(3) "Owner" and "qualified rehabilitation expenditures" have	137692
the same meanings as in section 149.311 of the Revised Code.	137693

(B) There is hereby created in the state treasury the Ohio	137694
Historic Preservation Tax Credit Fund. The fund shall consist of	137695
money obtained by the Director of Development under division (C)	137696
of this section. Money in the fund shall be used to secure and pay	137697
guarantees of loans for approved historic rehabilitation projects	137698
as provided in this section.	137699

(C) The Director of Development may undertake to secure	137700
\$75,000,000 of federal funds for crediting to the Ohio Historic	137701
Preservation Tax Credit Fund. If the Director secures such funds,	137702

the Director, for the purpose of creating new jobs or preserving 137703
existing jobs and employment opportunities and improving the 137704
economic welfare of the people of this state, shall enter into 137705
loan guarantee contracts under section 166.06 of the Revised Code 137706
in connection with approved historic rehabilitation projects, 137707
except that the guarantees shall be secured solely by and be 137708
payable solely from the Ohio Historic Preservation Tax Credit 137709
Fund. Money deposited into the Ohio Historic Preservation Tax 137710
Credit Fund shall be prioritized by providing loan guarantees for 137711
approved historic rehabilitation projects from the first funding 137712
round of the Ohio Historic Preservation Tax Credit Program before 137713
being used to provide loan guarantees for approved historic 137714
rehabilitation projects approved in subsequent funding rounds. The 137715
amount of a loan guarantee provided under this section shall not 137716
exceed the amount of the credit to be awarded for the approved 137717
historic rehabilitation project. References to the loan guarantee 137718
fund in divisions (C) and (F) of section 166.06 of the Revised 137719
Code shall be construed as references to the Ohio Historic 137720
Preservation Tax Credit Fund for the purposes of loan guarantees 137721
authorized by this section, except that no transfer shall be made 137722
to the Ohio Historic Preservation Tax Credit Fund from the 137723
facilities establishment fund as may otherwise be required by that 137724
section. 137725

(D) Nothing in this section is a determination by the General 137726
Assembly that federal funds are currently available for the 137727
purposes of this section. Rather, this section evidences a 137728
determination by the General Assembly that public purposes will be 137729
advanced by the use of current or future federal funds for the 137730
purposes of this section. 137731

Section 523.10. ADVANCED ENERGY RESEARCH AND 137732
DEVELOPMENT

(A) All items set forth in this division are hereby 137733
appropriated, for fiscal years 2011 and 2012, the biennium ending 137734

on June 30, 2012, out of any moneys in the state treasury to the	137735
credit of the Advanced Energy Research and Development Taxable	137736
Fund (Fund 7004) derived from the proceeds of obligations	137737
heretofore authorized under section 166.11 of the Revised Code:	137738

AIR AIR QUALITY DEVELOPMENT AUTHORITY	137739

C89800	Advanced Energy Research and Development Taxable	\$	9,000,000	137740
	TOTAL Advanced Energy Research and Development Taxable Fund	\$	9,000,000	137741
	TOTAL AIR QUALITY DEVELOPMENT AUTHORITY	\$	9,000,000	137742

(B) All items set forth in this division are hereby	137743
appropriated, for fiscal years 2011 and 2012, the biennium ending	137744
on June 30, 2012, out of any moneys in the state treasury to the	137745
credit of the Advanced Energy Research and Development Fund (Fund	137746
7005) derived from the proceeds of obligations heretofore	137747
authorized under section 166.11 of the Revised Code:	137748

AIR AIR QUALITY DEVELOPMENT AUTHORITY	137749

C89801	Advanced Energy Research and Development	\$	19,000,000	137750
	TOTAL Advanced Energy Research and Development Fund	\$	19,000,000	137751
	TOTAL AIR QUALITY DEVELOPMENT AUTHORITY	\$	19,000,000	137752

(C) The appropriation items C89800, Advanced Energy Research	137753
and Development Taxable, and C89801, Advanced Energy Research and	137754
Development, shall be used for advanced energy projects as	137755
provided in sections 3706.25 to 3706.30 of the Revised Code. The	137756
Executive Director of the Air Quality Development Authority may	137757
certify to the Director of Budget and Management that a need	137758

exists to fund additional advanced energy projects. If the 137759
Director of Budget and Management determines that investment 137760
earnings of the Advanced Energy Research and Development Taxable 137761
Fund (Fund 7004) and the Advanced Energy Research and Development 137762
Fund (Fund 7005) are available to fund additional projects, the 137763
Director may authorize additional expenditures from Fund 7004 or 137764
Fund 7005, subject to the approval of the Controlling Board. If 137765
approved by the Controlling Board, such amounts are hereby 137766
appropriated. 137767

(D) Notwithstanding any contrary provision of law, upon the 137768
request of the Executive Director of the Air Quality Development 137769
Authority, the Director of Budget and Management may transfer cash 137770
between Funds 7004 and 7005. Any such transfers shall be requested 137771
from and approved by the Controlling Board. Amounts transferred 137772
are hereby appropriated. 137773

(E) Expenditures from appropriations contained in this 137774
section may be accounted for as though made in the main capital 137775
appropriations act for the fiscal year 2011-2012 biennium enacted 137776
by the 128th General Assembly. The Air Quality Development 137777
Authority shall not expend any of the appropriations made in this 137778
section until after July 1, 2010. 137779

Section 525.10. INTERIM BUDGET RECONCILIATION 137780

All amounts expended or encumbered from interim budget 137781
appropriations made in Am. Sub. H.B. 16 of the 128th General 137782
Assembly, H.B. 245 of the 128th General Assembly, or any 137783
successive act providing such interim budget appropriations shall 137784
be deducted from the appropriate line item appropriations made in 137785
this act. The Director of Budget and Management shall make any 137786
necessary adjustments to the appropriate line item appropriations 137787
to carry out this section. 137788

Section 601.10. That Sections 205.10, 309.10, 317.10, 321.10, 137789

325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th General Assembly be amended to read as follows: 137790
137791

Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 137792

State Highway Safety Fund Group 137793

4W40	762321	Operating Expense - BMV	\$	85,145,103	\$	89,005,103	137794
4W40	762410	Registrations Supplement	\$	31,753,145	\$	32,480,610	137795
5V10	762682	License Plate Contributions	\$	2,100,000	\$	2,100,000	137796
7036	761321	Operating Expense - Information and Education	\$	8,819,954	\$	8,828,661	137797
7036	761401	Lease Rental Payments	\$	13,337,000	\$	11,836,200	137798
7036	764033	Minor Capital Projects	\$	1,250,000	\$	1,250,000	137799
7036	764321	Operating Expense - Highway Patrol	\$	269,887,828	\$	269,975,259	137800
7036	764605	Motor Carrier Enforcement Expenses	\$	3,340,468	\$	3,340,468	137801
8300	761603	Salvage and Exchange - Administration	\$	20,800	\$	21,632	137802
8310	761610	Information and Education - Federal	\$	468,982	\$	468,982	137803
8310	764610	Patrol - Federal	\$	2,455,484	\$	2,455,484	137804
8310	764659	Transportation Enforcement - Federal	\$	6,132,592	\$	6,132,592	137805
8310	765610	EMS - Federal	\$	582,007	\$	582,007	137806
8310	767610	Liquor Enforcement - Federal	\$	514,184	\$	514,184	137807
8310	769610	Food Stamp Trafficking Enforcement - Federal	\$	1,032,135	\$	1,032,135	137808
8310	769631	Homeland Security - Federal	\$	2,100,000	\$	2,184,000	137809
8320	761612	Traffic Safety - Federal	\$	16,577,565	\$	16,577,565	137810
8350	762616	Financial Responsibility	\$	6,063,600	\$	6,063,600	137811

		Compliance				
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959 137812
8380	764606	Patrol Reimbursement	\$	100,000	\$	100,000 137813
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894 137814
83F0	764657	Law Enforcement Automated Data System	\$	10,984,978	\$	9,053,266 137815
83G0	764633	OMVI Enforcement/Education	\$	650,000	\$	650,000 137816
83J0	764693	Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000 137817
83M0	765624	Operating Expense - Trauma and EMS	\$	2,915,113	\$	2,924,562 137818
83N0	761611	Elementary School Seat Belt Program	\$	390,000	\$	405,600 137819
83P0	765637	EMS Grants	\$	4,562,912	\$	4,562,912 137820
83R0	762639	Local Immobilization Reimbursement	\$	750,000	\$	750,000 137821
83T0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000 137822
8400	764607	State Fair Security	\$	1,396,283	\$	1,396,283 137823
8400	764617	Security and Investigations	\$	6,317,530	\$	6,432,686 137824
8400	764626	State Fairgrounds Police Force	\$	830,769	\$	849,883 137825
8400	769632	Homeland Security - Operating	\$	1,552,049	\$	1,614,131 137826
8410	764603	Salvage and Exchange - Highway Patrol	\$	1,339,399	\$	1,339,399 137827
8440	761613	Seat Belt Education Program	\$	400,000	\$	400,000 137828
8460	761625	Motorcycle Safety Education	\$	3,324,987	\$	3,538,903 137829
8490	762627	Automated Title Processing Board	\$	19,240,839	\$	19,240,839 137830
TOTAL HSF State Highway Safety Fund Group			\$	520,633,559	\$	522,404,799 137831
General Services Fund Group						137832

4P60	768601	Justice Program Services	\$	1,070,962	\$	1,109,004	137833
4S30	766661	Hilltop Utility Reimbursement	\$	520,000	\$	540,800	137834
5ET0	768625	Drug Law Enforcement	\$	4,200,000	\$	4,200,000	137835
		Highway Patrol					
5Y10	764695	Continuing Professional Training	\$	280,820	\$	280,820	137836
		Investigative Unit					
5Y10	767696	Continuing Professional Training	\$	15,000	\$	15,000	137837
TOTAL GSF General Services Fund Group			\$	6,086,782	\$	6,145,624	137838

Federal Special Revenue Fund Group							137839

3290	763645	Federal Mitigation Program	\$	10,801,636	\$	11,233,702	137840
3370	763609	Federal Disaster Relief	\$	27,707,636	\$	27,707,636	137841
3390	763647	Emergency Management Assistance and Training	\$	84,031,935	\$	84,072,023	137842
3AY0	768606	Federal Justice Grants	\$	1,020,000	\$	745,000	137843
3CB0	768691	Federal Justice Grants - FFY06	\$	920,000	\$	795,000	137844
3CC0	768609	Justice Assistance Grants - FFY07	\$	1,450,000	\$	1,215,000	137845
		Federal Stimulus -					
3DE0	768612	Justice Assistance Grants	\$	36,146,492	\$	1,902,447	137846
		Federal Stimulus -					
<u>3DH0</u>	<u>768613</u>	<u>Federal Stimulus - Justice Programs</u>	\$	<u>4,404,597</u>	\$	<u>200,000</u>	137847
3L50	768604	Justice Program	\$	12,056,300	\$	12,056,300	137848
3N50	763644	U.S. Department of Energy Agreement	\$	31,358	\$	31,672	137849
TOTAL FED Federal Special Revenue Fund Group			\$	~~174,165,357~~ <u>178,569,954</u>	\$	~~139,758,780~~ <u>139,958,780</u>	137850

State Special Revenue Fund Group	137851

4V30	763662	EMA Service and Reimbursement	\$	4,474,751	\$	4,653,743	137852
5390	762614	Motor Vehicle Dealers Board	\$	200,000	\$	200,000	137853
5B90	766632	Private Investigator and Security Guard Provider	\$	1,341,478	\$	1,395,137	137854
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	137855
5BK0	768689	Family Violence Shelter Programs	\$	750,000	\$	750,000	137856
5CM0	767691	Federal Investigative Seizure	\$	642,175	\$	642,175	137857
5DS0	769630	Homeland Security	\$	517,350	\$	538,044	137858
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	1,600,000	\$	2,750,000	137859
5FL0	769634	Investigations	\$	1,172,080	\$	1,195,522	137860
6220	767615	Investigative Contraband and Forfeiture	\$	375,000	\$	375,000	137861
6570	763652	Utility Radiological Safety	\$	1,413,889	\$	1,415,945	137862
6810	763653	SARA Title III HAZMAT Planning	\$	254,794	\$	262,438	137863
8500	767628	Investigative Unit Salvage	\$	100,000	\$	100,000	137864
TOTAL SSR State Special Revenue Fund Group			\$	13,241,517	\$	14,678,004	137865

Liquor Control Fund Group	137866

7043	767321	Liquor Enforcement - Operating	\$	12,007,894	\$	11,897,178	137867
TOTAL LCF Liquor Control Fund Group			\$	12,007,894	\$	11,897,178	137868

Agency Fund Group 137869

5J90 761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	137870
TOTAL AGY	Agency Fund Group	\$	1,500,000	\$	1,500,000	137871

Holding Account Redistribution Fund Group 137872

R024 762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	137873
R052 762623	Security Deposits	\$	350,000	\$	350,000	137874
TOTAL 090	Holding Account Redistribution Fund Group	\$	2,235,000	\$	2,235,000	137875
TOTAL ALL BUDGET FUND GROUPS		\$	~~729,870,109~~ <u>734,274,706</u>	\$	~~698,619,383~~ <u>698,819,383</u>	137876

MOTOR VEHICLE REGISTRATION 137877

The Registrar of Motor Vehicles may deposit revenues to meet 137878
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 137879
4W40) established in section 4501.25 of the Revised Code, obtained 137880
under sections 4503.02 and 4504.02 of the Revised Code, less all 137881
other available cash. Revenue deposited pursuant to this paragraph 137882
shall support, in part, appropriations for operating expenses and 137883
defray the cost of manufacturing and distributing license plates 137884
and license plate stickers and enforcing the law relative to the 137885
operation and registration of motor vehicles. Notwithstanding 137886
section 4501.03 of the Revised Code, the revenues shall be paid 137887
into Fund 4W40 before any revenues obtained pursuant to sections 137888
4503.02 and 4504.02 of the Revised Code are paid into any other 137889
fund. The deposit of revenues to meet the aforementioned cash 137890
needs shall be in approximately equal amounts on a monthly basis 137891
or as otherwise determined by the Director of Budget and 137892
Management pursuant to a plan submitted by the Registrar of 137893
Motor Vehicles. 137894

CASH TRANSFERS FROM THE STATE BUREAU OF MOTOR VEHICLES FUND 137895

Notwithstanding any provision of law to the contrary, on July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management may transfer, from the Bureau of Motor Vehicles Fund (Fund 4W40), cash in the amounts of up to \$635,293 to the Justice Program Services Fund (Fund 4P60), up to \$3,284,464 to the EMA Service and Reimbursement Fund (Fund 4V30), and up to \$879,060 to the Investigations Fund (Fund 5FL0). 137896
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Notwithstanding any provision to the contrary, the Director of Budget and Management may make additional cash transfers in fiscal years 2010 and 2011 from the Bureau of Motor Vehicles Fund (Fund 4W40) to any of the following five funds if the Director of Public Safety determines that the cash balance is insufficient in those funds and requests the Director to make the transfer: the Justice Program Services Fund (Fund 4P60), the EMA Service and Reimbursement Fund (Fund 4V30), the Investigations Fund (Fund 5FL0), the Homeland Security Fund (Fund 5DS0), and the Trauma and Emergency Medical Services Fund (Fund 83M0). 137903
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CAPITAL PROJECTS 137913

The Registrar of Motor Vehicles may transfer cash from the State Bureau of Motor Vehicles Fund (Fund 4W40) to the State Highway Safety Fund (Fund 7036) to meet its obligations for capital projects CIR-047, Department of Public Safety Office Building and CIR-049, Warehouse Facility. 137914
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OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 137919

The foregoing appropriation item 761401, Lease Rental Payments, shall be used for payments to the Ohio Building Authority for the period July 1, 2009, to June 30, 2011, under the primary leases and agreements for public safety related buildings 137920
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financed by obligations issued under Chapter 152. of the Revised
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio
Building Authority may, with approval of the Director of Budget
and Management, lease capital facilities to the Department of
Public Safety.

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HILLTOP TRANSFER

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The Director of Public Safety shall determine, per an
agreement with the Director of Transportation, the share of each
debt service payment made out of appropriation item 761401, Lease
Rental Payments, that relates to the Department of
Transportation's portion of the Hilltop Building Project, and
shall certify to the Director of Budget and Management the amounts
of this share. The Director of Budget and Management shall
transfer the amounts of such shares from the Highway Operating
Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036).

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CASH TRANSFERS OF SEAT BELT FINE REVENUES

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Notwithstanding any provision of law to the contrary, the
Controlling Board, upon request of the Director of Public Safety,
may approve the transfer of cash between the following four funds
that receive fine revenues from enforcement of the mandatory seat
belt law: the Trauma and Emergency Medical Services Fund (Fund
83M0), the Elementary School Program Fund (Fund 83N0), the Trauma
and Emergency Medical Services Grants Fund (Fund 83P0), and the
Seat Belt Education Fund (Fund 8440).

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STATE DISASTER RELIEF

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The State Disaster Relief Fund (Fund 5330) may accept
transfers of cash and appropriations from Controlling Board
appropriation items for Ohio Emergency Management Agency disaster
response costs and disaster program management costs, and may
also be used for the following purposes:

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(A) To accept transfers of cash and appropriations from	137954
Controlling Board appropriation items for Ohio Emergency	137955
Management Agency public assistance and mitigation program match	137956
costs to reimburse eligible local governments and private	137957
nonprofit organizations for costs related to disasters;	137958
(B) To accept and transfer cash to reimburse the costs	137959
associated with Emergency Management Assistance Compact (EMAC)	137960
deployments;	137961
(C) To accept disaster related reimbursement from federal,	137962
state, and local governments. The Director of Budget and	137963
Management may transfer cash from reimbursements received by this	137964
fund to other funds of the state from which transfers were	137965
originally approved by the Controlling Board.	137966
(D) To accept transfers of cash and appropriations from	137967
Controlling Board appropriation items to fund the State Disaster	137968
Relief Program, for disasters that have been declared by the	137969
Governor, and the State Individual Assistance Program for	137970
disasters that have been declared by the Governor and the federal	137971
Small Business Administration. The Ohio Emergency Management	137972
Agency shall publish and make available application packets	137973
outlining procedures for the State Disaster Relief Program and the	137974
State Individual Assistance Program.	137975
JUSTICE ASSISTANCE GRANT FUND	137976
The federal payments made to the state for the Byrne Justice	137977
Assistance Grants Program under Title II of Division A of the	137978
American Recovery and Reinvestment Act of 2009 shall be deposited	137979
to the credit of the Justice Assistance Grant Fund (Fund 3DE0),	137980
which is hereby created in the state treasury. All investment	137981
earnings of the fund shall be credited to the fund.	137982

JUSTICE ASSISTANCE GRANTS	137983
The foregoing appropriation ~~item~~ <u>items</u> 768612, Federal	137984
Stimulus - Justice Assistance Grants, <u>and 768613, Federal</u>	137985
<u>Stimulus - Justice Programs</u> , shall be used to support activities	137986
to prevent and control crime and to improve the criminal justice	137987
system.	137988
FAMILY VIOLENCE PREVENTION FUND	137989
Notwithstanding any provision of law to the contrary, in	137990
each of fiscal years 2010 and 2011, the first \$750,000 received	137991
to the credit of the Family Violence Prevention Fund (Fund 5BK0)	137992
in each of those fiscal years shall be appropriated to	137993
appropriation item 768689, Family Violence Shelter Programs, and	137994
the next \$400,000 received to the credit of Fund 5BK0 in each of	137995
those fiscal years shall be appropriated to appropriation item	137996
768687, Criminal Justice Services - Operating. Any moneys	137997
received to the credit of Fund 5BK0 in excess of the	137998
aforementioned appropriated amounts in each fiscal year shall,	137999
upon the approval of the Controlling Board, be used to provide	138000
grants to family violence shelters in Ohio.	138001
SARA TITLE III HAZMAT PLANNING	138002
The SARA Title III HAZMAT Planning Fund (Fund 6810) is	138003
entitled to receive grant funds from the Emergency Response	138004
Commission to implement the Emergency Management Agency's	138005
responsibilities under Chapter 3750. of the Revised Code.	138006
COLLECTIVE BARGAINING INCREASES	138007
Notwithstanding division (D) of section 127.14 and division	138008
(B) of section 131.35 of the Revised Code, except for the General	138009
Revenue Fund, the Controlling Board may, upon the request of	138010
either the Director of Budget and Management, or the Department of	138011

Public Safety with the approval of the Director of Budget and Management, increase appropriations for any fund, as necessary for the Department of Public Safety, to assist in paying the costs of increases in employee compensation that have occurred pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and, for exempt employees, under section 124.152 of the Revised Code.

CASH BALANCE FUND REVIEW

Not later than the first day of April in each fiscal year of the biennium, the Director of Budget and Management shall review the cash balances for each fund, except the State Highway Safety Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 4W40), in the State Highway Safety Fund Group, and shall recommend to the Controlling Board an amount to be transferred to the credit of Fund 7036 or Fund 4W40, as appropriate.

Sec. 309.10. The federal payments made to the state for the Weatherization Assistance Program and the State Energy Grant Program under Title IV of Division A of the American Recovery and Reinvestment Act of 2009, and for the Homelessness Prevention Fund under Title XII of Division A of the American Recovery and Reinvestment Act of 2009, shall be deposited to the credit of the Federal Special Revenue Fund (Fund 3080).

The federal payments made to the state for the Energy Star Rebate Program under the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Energy Star Rebate Program Fund (Fund 3DA0), which is hereby created in the state treasury.

The federal payments made to the state for the Energy Efficiency and Conservation Block Grants Program under Title IV of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Energy Efficiency and

Conservation Block Grants Fund (Fund 3DB0), which is hereby	138043
created in the state treasury.	138044

The federal payments made to the state for the Community	138045
Development Block Grant program under Title XII of Division A of	138046
the American Recovery and Reinvestment Act of 2009 shall be	138047
deposited to the credit of the Community Development Block Grant	138048
Fund (Fund 3K80).	138049

The federal payments made to the state for community	138050
services block grants under Title XII of Division A of the	138051
American Recovery and Reinvestment Act of 2009 shall be deposited	138052
to the credit of the Community Services Block Grant Fund (Fund	138053
3L00).	138054

The federal payments made to the state for the Home	138055
Investment Partnerships Program under Title XII of Division A of	138056
the American Recovery and Reinvestment Act of 2009 shall be	138057
deposited to the credit of the HOME Program Fund (Fund 3V10).	138058

The items in this division are appropriated as designated	138059
out of any moneys in the state treasury to the credit of their	138060
respective funds that are not otherwise appropriated.	138061

Appropriations

DEV DEPARTMENT OF DEVELOPMENT	138062

Federal Special Revenue Fund Group	138063

3080	195603	Housing and Urban Development	\$	0	\$	26,205,724	138064
3080	195605	Federal Projects	\$	0	\$	266,781,409	138065
3080	195618	Energy Federal Grants	\$	0	\$	96,083,000	138066

3DA0	195632	Federal Stimulus - Energy Star Rebate Program	\$	0	\$	11,000,000	138067
3DB0	195642	Federal Stimulus - Energy Efficiency and Conservation Block Grants	\$	0	\$	~~21,000,000~~ <u>24,979,600</u>	138068
3K80	195613	Community Development Block Grant	\$	0	\$	12,957,527	138069
3L00	195612	Community Services Block Grant	\$	0	\$	38,979,000	138070
3V10	195601	HOME Program	\$	0	\$	83,484,547	138071
TOTAL FED		Federal Special Revenue Fund Group	\$	0	\$	~~556,491,207~~ <u>560,470,807</u>	138072
TOTAL ALL BUDGET FUND GROUPS			\$	0	\$	~~556,491,207~~ <u>560,470,807</u>	138073

The foregoing appropriation item 195605, Federal Projects, 138074
shall be used to carry out the Home Weatherization Assistance 138075
Program, subject to any requirements of the American Recovery and 138076
Reinvestment Act of 2009 that apply to the money appropriated. 138077

The foregoing appropriation items 195603, Housing and Urban 138078
Development, 195618, Energy Federal Grants, 195613, Community 138079
Development Block Grant, 195612, Community Services Block Grant, 138080
195601, HOME Program, 195632, Federal Stimulus - Energy Star 138081
Rebate Program, and 195642, Federal Stimulus - Energy Efficiency 138082
and Conservation Block Grants, shall be used in accordance with 138083
the requirements of the American Recovery and Reinvestment Act of 138084
2009 that apply to the money appropriated. 138085

Sec. 317.10. (A) ~~The federal payments made to the state for~~ 138086
~~the Immunization Program under Title VIII of Division A of the~~ 138087
~~American Recovery and Reinvestment Act of 2009 shall be deposited~~ 138088
~~to the credit of the Preventive Health Block Grant Fund (Fund~~ 138089
~~3870).~~ 138090

~~(B)~~ The federal payments made to the state for the Special	138091
Supplemental Nutrition Program under Title VIII of Division A of	138092
the American Recovery and Reinvestment Act of 2009 shall be	138093
deposited to the credit of the Women, Infants, and Children Fund	138094
(Fund 3890).	138095

~~(C)~~ <u>(B)</u> The federal payments made to the state for the IDEA –	138096
Infants and Children Program under Title VIII of Division A of the	138097
American Recovery and Reinvestment Act of 2009 shall be deposited	138098
to the credit of the General Operations Fund (Fund 3920).	138099

~~(D)~~ <u>(C)</u> The items in this section are appropriated as	138100
designated out of any moneys in the state treasury to the credit	138101
of their respective funds that are not otherwise appropriated.	138102

Appropriations

DOH DEPARTMENT OF HEALTH	138103

Federal Special Revenue Fund Group	138104

3890 440604	Women, Infants, and Children	\$	0	\$	2,000,000	138105
3920 440618	Federal Public Health Programs	\$	0	\$	14,410,000	138106
TOTAL FED Federal Special Revenue Fund Group		\$	0	\$	16,410,000	138107
TOTAL ALL BUDGET FUND GROUPS		\$	0	\$	16,410,000	138108

The foregoing appropriation items 440604, Women, Infants,	138109
and Children, and 440618, Federal Public Health Programs, shall be	138110
used in accordance with the requirements of the American	138111
Recovery and Reinvestment Act of 2009 that apply to the money	138112
appropriated.	138113

Sec. 321.10. The federal payments made to the state for	138114
the Vocational Rehabilitation Program under Title VIII of	138115
Division A of the American Recovery and Reinvestment Act of 2009	138116
shall be deposited to the credit of the Consolidated Federal Fund	138117
(Fund 3790).	138118

The federal payments made to the state for the Independent	138119
Living Program under Title VIII of Division A of the American	138120
Recovery and Reinvestment Act of 2009 shall be deposited to the	138121
credit of the Independent Living/Vocational Rehabilitation Fund	138122
(Fund 3L40).	138123

The items in this section are appropriated as designated out	138124
of any moneys in the state treasury to the credit of their	138125
respective funds that are not otherwise appropriated.	138126

Appropriations

RSC REHABILITATION SERVICES COMMISSION	138127

Federal Special Revenue Fund Group	138128

3790 415616	Federal - Vocational Rehabilitation	\$	0	\$	21,590,000	138129
3L40 415612	Federal Independent Living Centers or Services	\$	0	\$	~~509,000~~ <u>509,170</u>	138130
3L40 415617	Independent Living/Vocational Rehabilitation Programs	\$	0	\$	1,392,958	138131
<u>4680 415618</u>	<u>Third Party Funding</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>245,816</u>	138132
TOTAL FED	Federal Special Revenue	\$	0	\$	~~23,491,958~~ <u>23,737,944</u>	138133
Fund Group						
TOTAL ALL BUDGET FUND		\$	0	\$	~~23,491,958~~ <u>23,737,944</u>	138134
GROUPS						

The foregoing appropriation items 415616, Federal –	138135
Vocational Rehabilitation, 415612, Federal Independent Living	138136
Centers or Services, and 415617, Independent Living/Vocational	138137
Rehabilitation Programs, shall be used in accordance with the	138138
requirements of the American Recovery and Reinvestment Act of 2009	138139
that apply to the money appropriated.	138140

Sec. 325.20. Expenditures from appropriations made in	138141
~~Sections 325.05 and~~ <u>Section 325.10</u> shall be accounted for as	138142
though made in Am. Sub. H.B. 67 of the 127th General Assembly.	138143
However, law contained in the relevant operating appropriations	138144
act that is generally applicable to the appropriations made in	138145
that act also is generally applicable to the appropriations made	138146
in ~~Sections 325.05 and~~ <u>Section 325.10 of this act</u> <u>Am. Sub. H.B.</u>	138147
<u>2 of the 128th General Assembly.</u>	138148

Sec. 327.10. The unexpended, unencumbered portions of the	138149
appropriation items made in Sections 303.10, 305.10, 307.10,	138150
309.10, 311.10, 313.10, 317.10, 318.10, 319.10, 321.10, ~~325.05,~~	138151
and 325.10 <u>of Am. Sub. H.B. 2 of the 128th General Assembly</u> at	138152
the end of fiscal year 2009 are hereby reappropriated for the	138153
same purposes for fiscal year 2010.	138154

Section 601.11. That existing Sections 205.10, 309.10,	138155
317.10, 321.10, 325.20, and 327.10 of Am. Sub. H.B. 2 of the	138156
128th General Assembly are hereby repealed.	138157

Section 610.10. That Sections 103.80.80, 103.80.90,	138158
301.10.50, and 301.30.30 of H.B. 496 of the 127th General	138159
Assembly be amended to read as follows:	138160

Reappropriations

Sec. 103.80.80. OSB SCHOOL FOR THE BLIND	138161

C22606	Glass Windows/East Wall of Natatorium	\$	63,726	138162
C22607	Renovation of Science Laboratory Greenhouse	\$	58,850	138163
C22608	Renovating Recreation Area	\$	213,900	138164
C22609	New Classrooms for Secondary MH Program	\$	996,164	138165
C22610	Renovation of Student Health Service Area	\$	144,375	138166
C22611	Replacement of Cottage Windows	\$	208,725	138167
C22612	Residential Renovations	\$	~~7,043~~ 41,649	138168
C22613	Food Preparation Area Air Conditioning	\$	67,250	138169
C22614	New School Lighting	\$	184,500	138170
C22616	Renovation and Repairs	\$	890,000	138171
C22617	Elevator Replacement	\$	110,000	138172
Total Ohio School for the Blind		\$	~~2,944,533~~ 2,979,139	138173

RESIDENTIAL RENOVATIONS 138174

The amount reappropriated for the foregoing appropriation 138175
item C22612, Residential Renovations, is the unencumbered and 138176
unallotted balance as of June 30, 2008, in appropriation item 138177
C22612, Residential Renovations, plus \$34,606. 138178

Reappropriations

Sec. 103.80.90. OSD SCHOOL FOR THE DEAF 138179

C22103	Dormitory Renovations	\$	2,833	138180
C22104	Boilers, Blowers, and Controls for the School Complex	\$	47,360	138181
C22105	Central Warehouse	\$	676,624	138182
C22106	Storage Barn	\$	~~330,850~~ 384,279	138183
C22107	Renovation and Repairs	\$	1,000,000	138184
Total Ohio School for the Deaf		\$	~~2,057,667~~ 2,111,096	138185
TOTAL Administrative Building Fund		\$	~~101,617,431~~ 101,705,466	138186

<u>STORAGE BARN</u>	138187
<u>The amount reappropriated for the foregoing appropriation</u>	138188
<u>item C22106, Storage Barn, is the unencumbered and unallotted</u>	138189
<u>balance as of June 30, 2008, in appropriation item C22106, Storage</u>	138190
<u>Barn, plus \$53,429.</u>	138191
Sec. 301.10.50. THIRD FRONTIER PROJECT	138192
The foregoing appropriation item C23506, Third Frontier	138193
Project, shall be used to acquire, renovate, or construct	138194
facilities and purchase equipment for research programs,	138195
technology development, product development, and	138196
commercialization programs at or involving state-supported and	138197
state-assisted institutions of higher education. The funds shall	138198
be used to make grants awarded on a competitive basis, and shall	138199
be administered by the Third Frontier Commission. Expenditure of	138200
these funds shall comply with Section 2n of Article VIII, Ohio	138201
Constitution, and sections 151.01 and 151.04 of the Revised Code	138202
for the period beginning July 1, 2008, and ending June 30, 2010.	138203
<u>Of the foregoing appropriation item C23506, Third Frontier</u>	138204
<u>Project, a portion of the unexpended, unencumbered portion at the</u>	138205
<u>end of fiscal year 2008 that was allocated for the implementation</u>	138206
<u>of the NextGen Network, and is necessary for the continuation of</u>	138207
<u>the implementation of the Connect Ohio contract, shall be used for</u>	138208
<u>the same purpose in fiscal year 2009 and fiscal year 2010.</u>	138209
The Third Frontier Commission shall develop guidelines	138210
relative to the application for and selection of projects funded	138211
from appropriation item C23506, Third Frontier Project. The	138212
commission may develop these guidelines in consultation with other	138213
interested parties. The Board of Regents and all state-assisted	138214
and state-supported institutions of higher education shall take	138215
all actions necessary to implement grants awarded by the Third	138216
Frontier Commission.	138217

The foregoing appropriation item C23506, Third Frontier	138218
Project, for which an appropriation is made from the Higher	138219
Education Improvement Fund (Fund 7034), is determined to consist	138220
of capital improvements and capital facilities for	138221
state-supported and state-assisted institutions of higher	138222
education, and is designated for the capital facilities to which	138223
proceeds of obligations in the Higher Education Improvement Fund	138224
(Fund 7034) are to be applied.	138225

Reappropriations

Sec. 301.30.30. WSU WRIGHT STATE UNIVERSITY	138226

C27500	Basic Renovations	\$	4,543,368	138227
C27501	Basic Renovations - Lake	\$	86,157	138228
C27504	Library Access Consolidation System	\$	5,551,183	138229
C27505	Information Technology Center	\$	23,860	138230
C27506	Specialized Communication	\$	7,798	138231
C27508	Environmental Technology Consortium	\$	6,298	138232
C27511	Electrical Infrastructure - Phase 1	\$	80,151	138233
C27513	Science Lab Renovations - Planning	\$	9,484,384	138234
C27514	Lake Campus University Center	\$	2,007,909	138235
C27517	Video Analysis Content Extraction	\$	56,641	138236
C27523	Advanced Data Manager	\$	186,309	138237
C27526	Lake Campus Rehabilitation	\$	478,906	138238
C27527	Advanced Technology Intelligence Center	\$	2,500,000	138239
~~C27529~~	~~Consolidated Community Project—Greene~~	~~\$~~	~~750,000~~	138240
C27531	Glenn Helen Preserve Eco Art Classroom	\$	15,000	138241
<u>C27541</u>	<u>WSU STEM School</u>	<u>\$</u>	<u>750,000</u>	138242
Total Wright State University		\$	25,777,964	138243

Section 610.11. That existing Sections 103.80.80, 103.80.90,	138245
301.10.50, and 301.30.30 of H.B. 496 of the 127th General	138246
Assembly are hereby repealed.	138247

Section 610.12. That Section 301.60.50 of H.B. 496 of the	138248
127th General Assembly, as amended by Am. Sub. H.B. 420 of the	138249
127th General Assembly, be amended to read as follows:	138250

Reappropriations

Sec. 301.60.50. STC STARK TECHNICAL COLLEGE	138251

C38900	Basic Renovations	\$	374,496	138252
C38901	Instructional and Data Processing Equipment	\$	22,356	138253
C38903	Timken Regional Campus Technology Project	\$	219,659	138254
C38912	Health and Science Building	\$	4,814,648	138255
Total Stark Technical College		\$	5,431,159	138256
TOTAL Higher Education Improvement Fund		\$	~~828,556,976~~ <u>832,056,976</u>	138257

Section 610.13. That existing Section 301.60.50 of H.B. 496	138259
of the 127th General Assembly, as amended by Am. Sub. H.B. 420 of	138260
the 127th General Assembly is hereby repealed.	138261

Section 610.14. That Section 301.20.20 of H.B. 496 of the	138262
127th General Assembly, as amended by Am. Sub. H.B. 562 of the	138263
127th General Assembly, be amended to read as follows:	138264

Reappropriations

Sec. 301.20.20. BGU BOWLING GREEN STATE UNIVERSITY	138265

C24000	Basic Renovations	\$	10,751,883	138266
C24001	Basic Renovations - Firelands	\$	811,360	138267
C24002	Instructional and Data Processing Equipment	\$	1,200,186	138268
C24004	ADA Modifications	\$	19,544	138269
C24005	Child Care Facility	\$	49,406	138270
C24007	Materials Network	\$	90,981	138271
C24008	Video Link	\$	10,644	138272

C24013	Hannah Hall Rehabilitation	\$	2,005,522	138273
C24014	Biology Lab Renovation	\$	12,533,708	138274
C24015	Campus-Wide Paving/Sidewalk Upgrade	\$	4,899	138275
C24016	Student Learning	\$	13,149	138276
C24017	Video Teaching Network	\$	5,436	138277
C24019	Kinetic Spectrometry Consortium	\$	77,671	138278
C24020	Admissions Visitor Center	\$	3,000,000	138279
C24021	Theatre/Performing Arts Complex	\$	8,750,000	138280
C24022	University Hall Rehabilitation	\$	1,174,981	138281
C24025	Administration Building Fire Alarm System	\$	83,986	138282
C24026	Campus-Wide Carpet Upgrade	\$	329,700	138283
C24027	Reroof East, West, and North Buildings	\$	173,999	138284
C24028	Instructional Laboratory - Phase 1	\$	960,000	138285
C24031	Health Center Addition	\$	9,750,000	138286
C24032	Student Services Building Replacement	\$	8,100,000	138287
C24033	BGU Aviation Improvements	\$	500,000	138288
C24034	Tunnel Upgrade-Phase II	\$	98,820	138289
C24035	Library Depository Northwest	\$	56,000	138290
~~C24036~~	~~Wood County Environmental Health Project~~	~~\$~~	~~700,000~~	138291
<u>C24041</u>	<u>BGSU Ice Arena</u>	<u>\$</u>	<u>300,000</u>	138292
<u>C24042</u>	<u>Water Quality Lab Equipment</u>	<u>\$</u>	<u>200,000</u>	138293
<u>C24043</u>	<u>Center for Microscopy and Microanalysis</u>	<u>\$</u>	<u>200,000</u>	138294
Total Bowling Green State University		\$	61,251,875	138295

Section 610.15. That existing Section 301.20.20 of H.B. 496 138297
of the 127th General Assembly, as amended by Am. Sub. H.B. 562 138298
of the 127th General Assembly is hereby repealed. 138299

Section 610.20. That Section 11 of Am. Sub. H.B. 554 of the 138300
127th General Assembly be amended to read as follows: 138301

Sec. 11. (A) All items set forth in this division are hereby 138302
appropriated out of any moneys in the state treasury, for the 138303
biennium ending on June 30, 2010, to the credit of the Advanced 138304
Energy Research and Development Taxable Fund (Fund 7004) that are 138305

not otherwise appropriated: 138306

AIR AIR QUALITY DEVELOPMENT AUTHORITY 138307

C89800	Advanced Energy ~~R&D~~ <u>Research and Development</u> Taxable	\$	~~9,000,000~~ <u>18,000,000</u>	138308

Total Air Quality Development Authority	\$	~~9,000,000~~ <u>18,000,000</u>	138309

TOTAL Advanced Energy Research and Development Taxable Fund	\$	~~9,000,000~~ <u>18,000,000</u>	138310

138311

(B) All items set forth in this division are hereby 138312
appropriated out of any moneys in the state treasury, for the 138313
biennium ending on June 30, 2010, to the credit of the Advanced 138314
Energy Research and Development Fund (Fund 7005) that are not 138315
otherwise appropriated: 138316

AIR AIR QUALITY DEVELOPMENT AUTHORITY 138317

C89801	Advanced Energy ~~R&D~~ <u>Research and Development</u>	\$	~~19,000,000~~ <u>38,000,000</u>	138318

Total Air Quality Development Authority	\$	~~19,000,000~~ <u>38,000,000</u>	138319

TOTAL Advanced Energy Research and Development Fund	\$	~~19,000,000~~ <u>38,000,000</u>	138320

138321

(C) The foregoing appropriation items C89800, Advanced Energy 138322
~~R&D~~Research and Development Taxable, and C89801, Advanced Energy 138323
~~R&D~~Research and Development, shall be used for advanced energy 138324
projects in the manner provided in sections 3706.25 to 3706.30 138325
of the Revised Code. The Executive Director of the Air Quality 138326
Development Authority may certify to the Director of Budget and 138327
Management that a need exists to appropriate investment 138328

earnings of funds 7004 and 7005 to be so used. If the Director	138329
of Budget and Management, pursuant to sections 3706.25 to	138330
3706.30 of the Revised Code, determines that investment	138331
earnings are available to support additional appropriations,	138332
such amounts are hereby appropriated.	138333

(D) Upon the request of the Executive Director of the Air	138334
Quality Development Authority, the Director of Budget and	138335
Management may transfer cash between funds 7004 and 7005. Amounts	138336
transferred are hereby appropriated.	138337

(E) Expenditures from appropriations contained in this	138338
section may be accounted as though made in the main capital	138339
appropriations act of the FY 2009-FY 2010 biennium of the 127th	138340
General Assembly. The appropriations made in this section are	138341
subject to all provisions of the FY 2009-FY 2010 biennial capital	138342
appropriations act of the 127th General Assembly that are	138343
generally applicable to such appropriations.	138344

Section 610.21. That existing Section 11 of Am. Sub. H.B. 554	138345
of the 127th General Assembly is hereby repealed.	138346

Section 610.30. That Sections 233.30.20, 233.30.50,	138347
233.40.30, 235.10, and 701.20 of Am. Sub. H.B. 562 of the 127th	138348
General Assembly be amended to read as follows:	138349

Appropriations

Sec. 233.30.20. BGU BOWLING GREEN STATE UNIVERSITY	138350
 C24000 Basic Renovations \$ 4,354,164	138351
C24001 Basic Renovations - Firelands \$ 298,536	138352
C24021 Fine Art and Theater Complex \$ 6,116,000	138353
C24037 Academic Buildings Rehabilitation \$ 6,857,801	138354
C24038 Health Sciences Building \$ 934,363	138355
~~C24039 Wood County Health District Facility~~ \$ ~~1,200,000~~	138356

C24040	James H. McBride Arboretum at BGSU Firelands	\$	378,000	138357
<u>C24041</u>	<u>BGSU Ice Arena</u>	<u>\$</u>	<u>1,200,000</u>	138358
Total Bowling Green University		\$	20,138,864	138359

Appropriations

Sec. 233.30.50. CLS CLEVELAND STATE UNIVERSITY 138361

C26000	Basic Renovations	\$	6,431,121	138362
<u>C26027</u>	<u>Cleveland Playhouse</u>	<u>\$</u>	<u>150,000</u>	138363
C26035	Cleveland Institute of Art	\$	500,000	138364
C26048	Rhodes Tower Renovation	\$	4,030,166	138365
C26049	Basic Science Building HVAC and Electrical Upgrade	\$	1,125,000	138366
C26050	Law Building Renovation	\$	3,500,000	138367
C26051	Cleveland Hearing and Speech Center	\$	125,000	138368
C26052	University Hospitals Ireland Cancer Center	\$	3,000,000	138369
C26053	Playhouse Square Center	\$	350,000	138370
Total Cleveland State University		\$	~~19,061,287~~ <u>19,211,287</u>	138371

Appropriations

Sec. 233.40.30. CTI COLUMBUS STATE COMMUNITY COLLEGE 138373

C38400	Basic Renovations	\$	1,691,834	138374
C38411	Columbus Hall Renovation	\$	5,470,913	138375
C38412	Painters Apprenticeship Council	\$	500,000	138376
C38413	Jewish Community Center NE Initiative	\$	575,000	138377
C38414	Somali Community Center	\$	100,000	138378
<u>C38415</u>	<u>Building E</u>	<u>\$</u>	<u>1,200,000</u>	138379
Total Columbus State Community College		\$	~~8,337,747~~ <u>9,537,747</u>	138380

Sec. 235.10. The items set forth in this section are hereby	138382
appropriated out of any moneys in the state treasury to the	138383
credit of the Parks and Recreation Improvement Fund (Fund 7035)	138384
that are not otherwise appropriated.	138385

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES	138386

C725A0	State Parks, Campgrounds, Cabins, & Lodges	\$	5,150,000	138387
C725A9	Park Boating Facilities - Shawnee Marina	\$	1,000,000	138388
C725B8	Upgrade Underground Fuel Storage Tanks - Statewide	\$	250,000	138389
C725E2	Local Parks Projects	\$	26,227,333	138390
C725E6	Project Planning	\$	500,000	138391
C725L8	Statewide Trails Program - Hocking Hills Trails Rehabilitation Phase II	\$	1,000,000	138392
C725M5	Middle Bass Island State Park - Marina	\$	4,000,000	138393
C725N0	Handicapped Accessibility - Statewide	\$	100,000	138394
C725N4	Hazardous Waste/Asbestos Abatement - Statewide	\$	150,000	138395
C725N6	Statewide Wastewater/Water Systems Upgrade	\$	3,000,000	138396
C725R3	State Park Renovations/Upgrading - Statewide Beach Bath House Replacement	\$	1,000,000	138397
Total Department of Natural Resources		\$	42,377,333	138398
TOTAL Parks and Recreation Improvement Fund		\$	42,377,333	138399

FEDERAL REIMBURSEMENT	138400

All reimbursements received from the federal government for	138401
any expenditures made pursuant to this section shall be deposited	138402
in the state treasury to the credit of the Parks and Recreation	138403
Improvement Fund (Fund 7035).	138404

LOCAL PARKS PROJECTS	138405

Of the foregoing appropriation item C725E2, Local Parks	138406
Projects, an amount equal to two per cent of the projects listed	138407
may be used by the Department of Natural Resources for the	138408
administration of local projects, \$3,050,000 shall be used for the	138409
Scioto Mile Development, \$2,000,000 shall be used for the	138410
Riverfront Park, \$2,000,000 shall be used for the Goodyear Park,	138411
\$1,090,000 shall be used for the Sterling Park, \$1,000,000 shall	138412
be used for the Little Miami Trail extension - Hamilton County	138413
Park District, \$675,000 shall be used for the Anthony Wayne Youth	138414
Foundation Recreation area, \$100,000 shall be used for the Euclid	138415
Beach Pier, \$500,000 shall be used for the Euclid Marina	138416
Breakwater Project, \$500,000 shall be used for the Columbus Crew	138417
Facility - Hilliard, \$500,000 shall be used for the Franklin Park	138418
Conservatory, \$500,000 shall be used for the Colerain Township	138419
Park, \$500,000 shall be used for the Green Township Legacy Place	138420
Park, \$475,000 shall be used for the Dublin Emerald Fields Special	138421
Needs Playground, \$450,000 shall be used for the Sippo Lake Park	138422
improvements, \$400,000 shall be used for the Mentor Beach Park or	138423
Mentor Lagoons Marina, \$400,000 shall be used for the Harrison	138424
Park - Wick District - Smoky, \$400,000 shall be used for the	138425
Wayne County Rails to Trails Project, \$350,000 shall be used by	138426
Franklin County Metro Parks for the Whittier Peninsula Park,	138427
\$350,000 shall be used for the Perry Township Park, \$733,333 shall	138428
be used for the East Bank of the Flats, \$175,000 shall be used for	138429
the New Richmond Park, \$300,000 shall be used for the Beaver creek	138430
Wildlife Education Center, \$300,000 shall be used for the	138431
Versailles Park Project, \$300,000 shall be used for the Madison	138432
Township Park, \$284,000 shall be used for the Bike and Pedestrian	138433
Path - SugarTree Corridor, \$275,000 shall be used for the	138434
Montville Township Park Project, \$250,000 shall be used for the	138435
Grand Lake St. Mary's Shoreline Rip Rap Project, \$250,000 shall be	138436
used for the West Chester Beckett Park Improvements, \$250,000	138437
shall be used for the City of Strongsville Family Aquatic Center,	138438
\$250,000 shall be used for the Reis Park improvements, \$250,000	138439
shall be used for the McIntyre Park Hiking and Biking Trails,	138440

\$250,000 shall be used for the Circleville Community Park Project,	138441
\$250,000 shall be used for the Fremont Area Foundation Park	138442
athletic facilities, \$250,000 shall be used for the Alliance Park,	138443
\$250,000 shall be used for the Audubon Ohio Nature Center,	138444
\$200,000 shall be used for the Maple Heights Pool/Park	138445
improvements, \$200,000 shall be used for the Lancaster Community	138446
Parks revitalization, \$200,000 shall be used for the Grandview	138447
Yard Public Park, \$200,000 shall be used for the Wyoming City	138448
Regional Park, \$200,000 shall be used for the Chagrin River	138449
Lakefront Park, \$200,000 shall be used for the Aullwood Audubon	138450
Center, \$400,000 shall be used for the Austin Pike Project - land	138451
acquisition, \$200,000 shall be used for the Mary Virginia Crites	138452
Hammum Community Park, \$500,000 shall be used for the Canton	138453
Water Facilities Park Project, \$150,000 shall be used for the Lima	138454
Historic Athletic Field, \$150,000 shall be used for the Myers	138455
Memorial Bandshell, \$150,000 shall be used for the City of Logan	138456
Park/Pool improvements, \$150,000 shall be used for the Houston	138457
Fisher Memorial Park improvements, \$150,000 shall be used for the	138458
Indian Lake State Park Campground Electrical Improvements,	138459
\$150,000 shall be used for the Avon Lake Veterans Park	138460
improvements, \$125,000 shall be used for the York Township Park	138461
land acquisition, \$124,500 shall be used for the Salt Fork	138462
Concession Stand, \$100,000 shall be used for the Monroe	138463
Veterans' Memorial Park, \$100,000 shall be used for the Rivers	138464
Edge Bikeway, \$100,000 shall be used for the Mayfield Heights	138465
Park Facility improvement, \$100,000 shall be used for the Auburn	138466
Township Community Park, \$100,000 shall be used for the Kidron	138467
Community Park Improvements, \$100,000 shall be used for the Lucas	138468
County Marina, \$100,000 shall be used for the Youngstown City	138469
Park, \$100,000 shall be used for the Salisbury Township Park	138470
improvements/land acquisition, \$100,000 shall be used for the	138471
Community Built Playground, \$100,000 shall be used for the Burkes	138472
Point Park, \$100,000 shall be used for the Barberton Newton Park,	138473
\$100,000 shall be used for the Crown Point Conservation Easement,	138474
\$100,000 shall be used for the Mudbrook Trail and Greenway	138475

Project, \$100,000 shall be used for the Waddell Park in the City	138476
of Niles, \$100,000 shall be used for the Moonville Rail Trail	138477
Project, \$100,000 shall be used for the Springboro Park	138478
improvements, \$75,000 shall be used for the Ault Park	138479
improvements, \$75,000 shall be used for the Willard Soccer and	138480
Football Park Project, \$75,000 shall be used for the Austintown	138481
Nature Rooms, \$75,000 shall be used for the Meigs Local	138482
Enrichment Project Multi-Purpose Complex, \$75,000 shall be used	138483
for the Miracle League facility - Muskingum County, \$70,000	138484
shall be used for the City of Nelsonville ~~Park/land acquisition~~	138485
<u>to acquire land, make park improvements, or purchase park-related</u>	138486
<u>equipment</u> , \$65,000 shall be used for the Village of Jacksonville	138487
Park improvements, \$58,500 shall be used by the Greene County	138488
Parks and Recreation Department to provide recreational	138489
opportunities, \$50,000 shall be used for the Ohio Wildlife	138490
Center, \$50,000 shall be used for the Kelley's Island Park	138491
Restroom PHASE II, \$50,000 shall be used for the Little League	138492
Challenger Field - Cambridge, \$50,000 shall be used for the Avon	138493
Isle Park improvements, \$50,000 shall be used for the Monroe	138494
Township, Clermont County Fair Oak Park, \$46,000 shall be used	138495
for the Huntington Township Park Projects, \$35,000 shall be	138496
used for the Village of Buchtel Park improvements, \$35,000	138497
shall be used for the Village of Syracuse Park improvements,	138498
\$30,000 shall be used for the Village of Albany Park	138499
improvements, \$30,000 shall be used for the Village of Aberdeen	138500
Boat Dock, \$30,000 shall be used for the Village of Hamler	138501
Parks improvement, \$25,000 shall be used for the Coshocton	138502
Children's Park, \$25,000 shall be used for the Alt Park	138503
improvements, \$25,000 shall be used for the Cambridge	138504
Handicapped Playground, \$25,000 shall be used for the Murray	138505
City Community Parks improvement, \$25,000 shall be used for the	138506
Marblehead Lighthouse State Park - Replica Life Boat Station,	138507
\$25,000 shall be used for the Village of Attica Park	138508
Maintenance, \$20,000 shall be used for the Village of Stockport	138509
Park improvements, \$15,000 shall be used for the Village of	138510

Salineville Baseball Field, \$15,000 shall be used for the City of 138511
Parma Heights Greenbriar Commons Park Walking Trail, \$10,000 138512
shall be used for the Village of Albany Bike Paths, \$10,000 138513
shall be used for the Salem Park Board, \$10,000 shall be used 138514
for the Village of Pomeroy Mini Park improvements, \$10,000 138515
shall be used for the Skyvue Outdoor Classroom, and \$6,000 138516
shall be used for the Wadsworth Skate Park. 138517

Sec. 701.20. (A) The Ohio Commission on Local Government 138518
Reform and Collaboration shall develop recommendations on ways 138519
to increase the efficiency and effectiveness of local government 138520
operations, to achieve cost savings for taxpayers, and to 138521
facilitate economic development in this state. In developing the 138522
recommendations, the commission shall consider, but is not 138523
limited to, the following: 138524

(1) Restructuring and streamlining local government offices 138525
to achieve efficiencies and cost savings for taxpayers and to 138526
facilitate local economic development; 138527

(2) Restructuring and streamlining special taxing districts 138528
and local government authorities authorized by the constitution 138529
or the laws of this state to levy a tax of any kind or to have a 138530
tax of any kind levied on its behalf, and of local government 138531
units, including schools and libraries, to reduce overhead and 138532
administrative expenses; 138533

(3) Restructuring, streamlining, and finding ways to 138534
collaborate on the delivery of services, functions, or 138535
authorities of local government to achieve cost savings for 138536
taxpayers; 138537

(4) Examining the relationship of services provided by the 138538
state to services provided by local government and the possible 138539
realignment of state and local services to increase efficiency and 138540
improve accountability; ~~and~~ 138541

(5) Ways of reforming or restructuring constitutional, statutory, and administrative laws to facilitate collaboration for local economic development, to increase the efficiency and effectiveness of local government operations, to identify duplication of services, and to achieve costs savings for taxpayers;

(6) Making annual financial reporting across local governments consistent for ease of comparison; and

(7) Aligning regional planning units across state agencies.

(B)(1) There is hereby created the Ohio Commission on Local Government Reform and Collaboration, consisting of fifteen voting members. The President of the Senate shall appoint three members, one of whom may be a person who is recommended by the Minority Leader of the Senate. The Speaker of the House of Representatives shall appoint three members, one of whom may be a person who is recommended by the Minority Leader of the House of Representatives. The Governor shall appoint three members. One member shall be appointed by, and shall represent, each of the following organizations: the Ohio Municipal League, the Ohio Township Association, the Ohio School Boards Association, the County Commissioners' Association of Ohio, the Ohio Library Council, and the Ohio Association of Regional Councils. The initial appointments shall be made not later than ninety days after the effective date of this section. Vacancies shall be filled in the manner provided for original appointments. Members are not entitled to compensation for their services.

(2) The initial meeting of the commission shall be called by the Governor within forty-five days after the initial appointments to the commission are complete. The commission shall elect two of its members to serve as co-chairpersons of the commission.

(C) The commission may create an advisory council consisting of interested parties representing taxing authorities and political subdivisions that are not taxing authorities. The appointment of members to the advisory council is a matter of the commission's discretion. The commission may direct the advisory council to provide relevant information to the commission. Advisory council members are not members of the commission, and may not vote on commission business.

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(D) The commission may consult with and obtain assistance from state institutions of higher education (as defined in section 3345.011 of the Revised Code) and from business organizations for research and data gathering related to its mission. State institutions of higher education and business organizations shall cooperate with the commission.

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(E) The commission shall issue a report of its findings and recommendations to the President of the Senate, the Speaker of the House of Representatives, and the Governor not later than July 1, 2010. The commission ceases to exist upon submitting its report.

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Section 610.31. That existing Sections 233.30.20, 233.30.50, 233.40.30, 235.10, and 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly are hereby repealed.

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Section 610.40. That Section 231.20.30 of Am. Sub. H.B. 562 of the 127th General Assembly, as amended by Am. Sub. H.B. 420 of the 127th General Assembly, be amended to read as follows:

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Appropriations

Sec. 231.20.30. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

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STATEWIDE AND CENTRAL OFFICE PROJECTS 138598

C59004	Community Assistance Projects	\$	13,551,537	138599
C59022	Razing of Buildings	\$	200,000	138600
C59024	Telecommunications	\$	400,000	138601
C59029	Generator Replacement	\$	1,000,000	138602
C59034	Statewide Developmental Centers	\$	4,294,237	138603
C59050	Emergency Improvements	\$	500,000	138604
C59051	Energy Conservation	\$	500,000	138605
C59052	Guernsey County MRDD Boiler Replacement	\$	275,000	138606
C59054	~~Recreation Unlimited Life Center~~ Ashley <u>Campus Support Company - Delaware</u>	\$	150,000	138607
C59055	Camp McKinley Improvements	\$	30,000	138608
C59056	The Hope Learning Center	\$	250,000	138609
Total Statewide and Central Office Projects		\$	21,150,774	138610
TOTAL Department of Mental Retardation and Developmental Disabilities		\$	21,150,774	138611
TOTAL Mental Health Facilities Improvement Fund		\$	127,630,774	138612

COMMUNITY ASSISTANCE PROJECTS 138613

The foregoing appropriation item C59004, Community Assistance 138614
Projects, may be used to provide community assistance funds for 138615
the development, purchase, construction, or renovation of 138616
facilities for day programs or residential programs that provide 138617
services to persons eligible for services from the Department of 138618
Mental Retardation and Developmental Disabilities or county boards 138619
of mental retardation and developmental disabilities. Any funds 138620
provided to nonprofit agencies for the construction or renovation 138621
of facilities for persons eligible for services from the 138622
Department of Mental Retardation and Developmental Disabilities 138623
and county boards of mental retardation and developmental 138624
disabilities shall be governed by the prevailing wage provisions 138625
in section 176.05 of the Revised Code. 138626

Of the foregoing appropriation item C59004, Community 138627

Assistance Projects, \$250,000 shall be used for North Olmsted	138628
Welcome House. Notwithstanding any provision of law to the	138629
contrary, North Olmsted Welcome House is not subject to the	138630
requirements of Chapter 153. of the Revised Code.	138631

Section 610.41. That existing Section 231.20.30 of Am. Sub.	138632
H.B. 562 of the 127th General Assembly, as amended by Am. Sub.	138633
H.B. 420 of the 127th General Assembly, is hereby repealed.	138634

Section 610.50. That Sections 227.10 and 233.50.80 of Am.	138635
Sub. H.B. 562 of the 127th General Assembly, as amended by Am.	138636
Sub. H.B. 420 of the 127th General Assembly, be amended to read	138637
as follows:	138638

Sec. 227.10. The items set forth in this section are hereby	138639
appropriated out of any moneys in the state treasury to the	138640
credit of the Cultural and Sports Facilities Building Fund (Fund	138641
7030) that are not otherwise appropriated.	138642

Appropriations

AFC CULTURAL FACILITIES COMMISSION	138643

C37118	Statewide Site Repairs	\$	650,000	138644
C37120	Cincinnati Museum Center	\$	2,500,000	138645
C37122	Akron Art Museum	\$	700,000	138646
C37123	Youngstown Symphony Orchestra	\$	675,000	138647
C37127	Cedar Bog	\$	50,000	138648
C37139	Stan Hywet Hall & Gardens	\$	1,050,000	138649
C37140	McKinley Museum Improvements	\$	200,000	138650
C37142	Midland Theatre Improvements	\$	300,000	138651
C37148	Hayes Presidential Center	\$	150,000	138652
C37152	Zoar Village Building Restoration	\$	90,000	138653
C37153	Basic Renovations and Emergency Repairs	\$	850,000	138654
C37158	Rankin House Restoration and Development	\$	242,000	138655

C37163	Harding Home and Tomb	\$	340,000	138656
C37165	Ohio Historical Center Rehabilitation	\$	514,000	138657
C37187	Renaissance Theatre	\$	900,000	138658
C37188	Trumpet in the Land Facility	\$	150,000	138659
C371A3	Voice of America Museum Facility	\$	500,000	138660
C371A9	Western Reserve Historical Society	\$	300,000	138661
C371C7	Music Hall Facility	\$	1,100,000	138662
C371E5	Pro Football Hall of Fame	\$	500,000	138663
C371F6	Colony Theater	\$	250,000	138664
C371G4	Collections Storage Facility and Learning Center	\$	1,240,000	138665
C371G6	Lockington Locks Stabilization	\$	462,000	138666
C371H2	National Underground Railroad Freedom Center	\$	850,000	138667
C371H5	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$	1,000,000	138668
C371H7	COSI - Columbus	\$	500,000	138669
C371H8	Columbus Museum of Art	\$	1,500,000	138670
C371J3	Davis-Shai Historical Facility	\$	725,000	138671
C371J4	Massillon Museum Improvements	\$	150,000	138672
C371J6	Peggy McConnell Arts Center - Worthington	\$	475,000	138673
C371J9	Stambaugh Auditorium	\$	675,000	138674
C371K3	Cincinnati Ballet	\$	250,000	138675
C371L3	Ukrainian Museum	\$	50,000	138676
C371L4	Gordon Square Arts District	\$	1,800,000	138677
C371M8	Hale Farm and Village	\$	200,000	138678
C371O9	Historic Site-Signage - Phase II	\$	50,000	138679
~~C371P4~~	~~Cleveland Playhouse~~	~~\$~~	~~450,000~~	138680
C371P9	Civil War Site Improvements	\$	475,000	138681
C371Q0	On-Line Portal to Ohio's Heritage	\$	427,000	138682
C371Q1	Lucas County Multi-purpose Sports Arena	\$	2,200,000	138683
C371Q2	Ballpark Village project	\$	2,000,000	138684
C371Q5	Cincinnati Zoo	\$	1,500,000	138685
C371Q6	Cincinnati Art Museum	\$	1,500,000	138686
C371R0	King Arts Complex	\$	861,000	138687
C371R3	Loudonville Opera House	\$	600,000	138688

C371R4	Eagles Palace Theater	\$	410,000	138689
C371R6	Historic McCook House	\$	500,000	138690
C371R7	Jeffrey Mansion in Bexley	\$	475,000	138691
C371R8	Columbus Zoo and Aquarium	\$	500,000	138692
C371S0	Towpath Trail	\$	500,000	138693
C371S1	Museum of Contemporary Art Cleveland	\$	450,000	138694
C371S2	Arts in Stark Cultural Center	\$	150,000	138695
C371S3	Ohio Genealogical Society	\$	350,000	138696
C371S5	The Fine Arts Association	\$	300,000	138697
C371S7	Maltz Museum of Jewish Heritage	\$	300,000	138698
C371S8	Allen County Historical Society Museum Renovation	\$	280,000	138699
C371S9	Portsmouth Mural	\$	250,000	138700
				138701
C371T2	Bucyrus Little Theater Restoration Project	\$	250,000	138702
C371T3	Boonshoft Museum of Discovery	\$	250,000	138703
C371T5	Cliffon Cultural Arts Center	\$	250,000	138704
C371T6	Baltimore Theatre	\$	50,000	138705
C371T7	Rock Mill Park Improvements	\$	150,000	138706
C371T9	Cozad-Bates House Historic Project	\$	100,000	138707
C371U3	Lake Erie Nature & Science Center	\$	200,000	138708
C371U4	Great Lakes Science Center	\$	300,000	138709
C371U5	Cleveland Zoological Society	\$	150,000	138710
C371U8	Kidron Historical Society - Sonnenberg Village project	\$	200,000	138711
C371V0	Chesterhill Union Hall Theatre	\$	25,000	138712
C371V1	Geauga County Historical Society - Maple Museum	\$	20,000	138713
C371V2	Hallsville Historical Society	\$	100,000	138714
C371V3	Fayette County Historical Society	\$	150,000	138715
C371V4	Covedale Theatre	\$	100,000	138716
C371V5	Mariemont City - Women's Cultural Arts Center	\$	220,000	138717
C371V6	Madeira Historical Society/Miller House	\$	60,000	138718
C371V7	Sylvania Historic Village restoration	\$	200,000	138719
C371V9	Henry County Historical Society museum	\$	59,000	138720

C371W0	Antwerp Railroad Depot historic building	\$	106,000	138721
C371W1	Village of Edinburg Veterans Memorial	\$	35,000	138722
C371W2	Lorain County Historical Society Horace Starr House	\$	200,000	138723
C371W3	North Ridgeville Historic Community Theater	\$	175,000	138724
C371W4	Redbrick Center for the Arts	\$	200,000	138725
C371W5	Irene Lawrence Fuller Historic House	\$	250,000	138726
C371W6	Preble County Historical Society Amphitheater	\$	250,000	138727
C371W7	BalletTech	\$	200,000	138728
C371W8	Cincinnati Museum Center - Eulett Center	\$	150,000	138729
C371W9	Rickenbacker Boyhood Home	\$	139,000	138730
C371X0	Rivers Edge Amphitheater project	\$	100,000	138731
C371X1	Variety Theater	\$	85,000	138732
C371X2	Morgan Township Historical Society	\$	80,000	138733
C371X3	Salem Community Theater	\$	53,000	138734
C371X4	Our House State Memorial	\$	50,000	138735
C371X5	Belle's Opera House Improvements	\$	50,000	138736
C371X6	Warren Veterans memorial	\$	50,000	138737
C371X7	Huntington Playhouse	\$	40,000	138738
C371X8	Cambridge Performing Arts Center	\$	37,500	138739
C371X9	Old Harvey Historic School Restoration	\$	25,000	138740
C371Y0	Dalton Community Historical Society	\$	10,000	138741
C371Y1	Mohawk Veterans' Memorial	\$	15,000	138742
C371Y2	Cleveland Museum of Natural History	\$	150,000	138743
C371Y3	Fire Museum	\$	83,334	138744
C371Y4	New Town Indian Artifact Museum	\$	300,000	138745
C371Y5	City of Perrysburg Fort Meigs	\$	200,000	138746
C371Y6	Historic League Park Restoration	\$	150,000	138747
C371Y8	Madisonville Arts Center of Hamilton County	\$	36,000	138748
C371Z0	Marietta Citizens Armory Cultural Center	\$	200,000	138749
C371Z1	Great Lakes Historical Museum	\$	200,000	138750
C371Z3	Port of Lorain Foundation - Lorain Lighthouse Restoration	\$	190,000	138751
Total Cultural Facilities Commission		\$	~~42,759,834~~ <u>42,609,834</u>	138752

TOTAL Cultural and Sports Facilities Building Fund	\$	~~42,759,834~~ <u>42,609,834</u>	138753

Of the foregoing appropriation item C371Q5, Cincinnati Zoo,			138754
\$750,000 shall be used for the Cat Canyon/Small Cat Reproduction			138755
Center project.			138756

Appropriations

Sec. 233.50.80. STC STARK TECHNICAL COLLEGE			138757

C38900 Basic Renovations	\$	786,333	138758
C38913 Business Technologies Building	\$	2,034,537	138759
C38914 Corporate and Community Services Facility	\$	500,000	138760
Total Stark Technical College	\$	3,320,870	138761
Total Board of Regents and			138762
Institutions of Higher Education	\$	~~598,559,802~~ <u>600,209,802</u>	138763
TOTAL Higher Education Improvement Fund	\$	~~609,109,802~~ <u>610,759,802</u>	138764

Section 610.51. That existing Sections 227.10 and 233.50.80			138766
of Am. Sub. H.B. 562 of the 127th General Assembly, as amended by			138767
Am. Sub. H.B. 420 of the 127th General Assembly are hereby			138768
repealed.			138769

Section 610.61. That Section 217.11 of Am. Sub. H.B. 562 of			138770
the 127th General Assembly, as amended by Am. Sub. H.B. 2 of the			138771
128th General Assembly, be amended to read as follows:			138772

Sec. 217.11. CLEAN OHIO REVITALIZATION			138773

The Treasurer of State is hereby authorized to issue and			138774
sell, in accordance with Section 2o and 2q of Article VIII, Ohio			138775
Constitution, and pursuant to sections 151.01 and 151.40 of the			138776
Revised Code, original obligations in an aggregate principal			138777

amount not to exceed \$100,000,000 in addition to the original
issuance of obligations heretofore authorized by prior acts of the
General Assembly. These authorized obligations shall be issued
and sold from time to time, subject to applicable constitutional
and statutory limitations, as needed to ensure sufficient moneys
to the credit of the Clean Ohio Revitalization Fund (Fund 7003) to
pay costs of revitalization projects.

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CLEAN OHIO PROJECT SAVINGS REALLOCATION

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Notwithstanding division (A) of section 122.658 of the
Revised Code, the Director of Development may reallocate moneys
for the purposes of section 122.653 or 122.656 of the Revised
Code if the Department of Development realizes Clean Ohio Fund
project savings attributable to any of the following instances:

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(A) The completion of any project for less than the amount of
grant funds awarded, subject to the local matching funds
participation requirement;

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(B) The cancellation of grant awards in which Clean Ohio Fund
moneys have been encumbered for a project but not disbursed,
including those for which a grantee has decided not to proceed
with a project or for which the project term has expired without
substantial project progress; or

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(C) Any recapture of Clean Ohio Fund moneys due to a
grantee's default or failure to perform the conditions of the
grant agreement.

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Section 610.62. That existing Section 217.11 of Am. Sub. H.B.
562 of the 127th General Assembly, as amended by Am. Sub. H.B. 2
of the 128th General Assembly, is hereby repealed.

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Section 620.10. That Section 831.06 of Am. Sub. H.B. 530 of
the 126th General Assembly be amended to read as follows:

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Sec. 831.06. The amendments by this act of the first	138807
paragraph of division (F) of section 5751.01, of division	138808
(F)(2)(w) of section 5751.01, of the first paragraph of section	138809
~~5751.032~~ <u>5751.53</u> , and of divisions (A)(7) and (A)(8)(c) of section	138810
5751.032 of the Revised Code are nonsubstantive corrections of	138811
errors in Chapter 5751. of the Revised Code.	138812

Section 620.11. That existing Section 831.06 of Am. Sub. H.B.	138813
530 of the 126th General Assembly is hereby repealed.	138814

Section 630.10. That Section 4 of Am. Sub. H.B. 516 of the	138815
125th General Assembly, as most recently amended by Am. Sub. H.B.	138816
100 of the 127th General Assembly, be amended to read as follows:	138817

Sec. 4. The following agencies shall be retained pursuant to	138818
division (D) of section 101.83 of the Revised Code and shall	138819
expire on December 31, 2010:	138820

	REVISED CODE OR	138821
	UNCODIFIED	138822
AGENCY NAME	SECTION	138823

Administrator, Interstate Compact on Mental Health	5119.50	138824
Administrator, Interstate Compact on	5103.20	138825
Placement of Children		138826
Advisory Board of Governor's Office of Faith-Based and		
Community Initiatives	107.12	138827
Advisory Boards to the EPA for Air Pollution	121.13	138828
Advisory Boards to the EPA for Water Pollution	121.13	138829
Advisory Committee of the State Veterinary Medical		
Licensing Board	4741.03(D)(3)	138830
Advisory Committee on Livestock Exhibitions	901.71	138831
Advisory Council on Amusement Ride Safety	1711.51	138832
Advisory Board of Directors for Prison Labor	5145.162	138833
Advisory Council for Each Wild, Scenic, or Recreational		
River Area	1517.18	138834

Advisory Councils or Boards for State Departments	107.18 or 121.13	138835
Advisory Group to the Ohio Water Resources Council	1521.19(C)	138836
Alzheimer's Disease Task Force	173.04(F)	138837
AMBER Alert Advisory Committee	5502.521	138838
Apprenticeship Council	4139.02	138839
Armory Board of Control	5911.09	138840
Automated Title Processing Board	4505.09(C)(1)	138841
Banking Commission	1123.01	138842
Board of Directors of the Ohio Health Reinsurance Program	3924.08	138843
Board of Voting Machine Examiners	3506.05(B)	138844
Brain Injury Advisory Committee	3304.231	138845
Capitol Square Review and Advisory Board	105.41	138846
Child Support Guideline Advisory Council	3119.024	138847
Children's Trust Fund Board	3109.15	138848
Citizens Advisory Committee (BMV)	4501.025	138849
Citizen's Advisory Councils (Dept. of Mental Retardation and Developmental Disabilities)	5123.092	138850
Clean Ohio Trail Advisory Board	1519.06	138851
Coastal Resources Advisory Council	1506.12	138852
Commission on African-American Males	4112.12	138853
Commission on Hispanic-Latino Affairs	121.31	138854
Commission on Minority Health	3701.78	138855
Committee on Prescriptive Governance	4723.49	138856
Commodity Advisory Commission	926.32	138857
~~Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council~~	~~5123.353~~	138858
Community Oversight Council	3311.77	138859
Compassionate Care Task Force	Section 3, H.B. 474, 124th GA	138860
Continuing Education Committee (for Sheriffs)	109.80	138861
Coordinating Committee, Agricultural Commodity Marketing Programs	924.14	138862
Council on Alcohol and Drug Addiction Services	3793.09	138863
Council on Unreclaimed Strip Mined Lands	1513.29	138864

~~Council to Advise on the Establishment and Implementation of the Birth Defects Information System~~	~~3705.34~~	138865
County Sheriffs' Standard Car-Marking and Uniform Commission	311.25	138866
Credit Union Council	1733.329	138867
Criminal Sentencing Advisory Committee	181.22	138868
Day-Care Advisory Council	5104.08	138869
Dentist Loan Repayment Advisory Board	3702.92	138870
Development Financing Advisory Council	122.40	138871
Education Commission of the States (Interstate Compact for Education)	3301.48	138872
Electrical Safety Inspector Advisory Committee	3783.08	138873
Emergency Response Commission	3750.02	138874
Engineering Experiment Station Advisory Committee	3335.27	138875
Environmental Education Council	3745.21	138876
EPA Advisory Boards or Councils	121.13	138877
Farmland Preservation Advisory Board	901.23	138878
Financial Planning & Supervision Commission for Municipal Corporation, County, or Township	118.05	138879
Financial Planning & Supervision Commission for School District	3316.05	138880
Forestry Advisory Council	1503.40	138881
Governance Authority for a State University or College	3345.75	138882
~~Governor's Advisory Council on Physical Fitness, Wellness, & Sports~~	~~3701.77~~	138883
Governor's Council on People with Disabilities	3303.41	138884
Governor's Residence Advisory Commission	107.40	138885
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	138886
Gubernatorial Transition Committee	107.29	138887
Head Start Partnership Study Council	Section 41.35, H.B. 95, 125th GA	138888
Hemophilia Advisory Subcommittee	3701.0210	138889
Housing Trust Fund Advisory Committee	~~475.25~~ <u>174.06</u>	138890
Industrial Commission Nominating Council	4121.04	138891
Industrial Technology and Enterprise Advisory Council	122.29	138892
Infant Hearing Screening Subcommittee	3701.507	138893

Insurance Agent Education Advisory Council	3905.483	138894
Interagency Council on Hispanic/Latino Affairs	121.32(J)	138895
Interstate Mining Commission (Interstate Mining Compact)	1514.30	138896
Interstate Rail Passenger Advisory Council (Interstate High Speed Intercity Rail Passenger Network Compact)	4981.35	138897
Joint Council on MR/DD	101.37	138898
Joint Select Committee on Volume Cap	133.021	138899
Labor-Management Government Advisory Council	4121.70	138900
Legal Rights Service Commission	5123.60	138901
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	138902
Maternal and Child Health Council	3701.025	138903
Medically Handicapped Children's Medical Advisory Council	3701.025	138904
Midwest Interstate Passenger Rail Compact Commission (Ohio members)	4981.361	138905
Military Activation Task Force	5902.15	138906
Milk Sanitation Board	917.03	138907
Mine Subsidence Insurance Governing Board	3929.51	138908
Minority Development Financing Board	122.72	138909
Multi-Agency Radio Communications Systems Steering Committee	Sec. 21, H.B. 790, 120th GA	138910
Multidisciplinary Council	3746.03	138911
Muskingum River Advisory Council	1501.25	138912
National Museum of Afro-American History and Culture Planning Committee	149.303	138913
Ohio Advisory Council for the Aging	173.03	138914
Ohio Aerospace & Defense Advisory Council	122.98	138915
Ohio Arts Council	3379.02	138916
Ohio Business Gateway Steering Committee	5703.57	138917
Ohio Cemetery Dispute Resolution Commission	4767.05	138918
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)	138919
Ohio Commercial Insurance Joint Underwriting Association Board Of Governors	3930.03	138920
Ohio Commercial Market Assistance Plan Executive	3930.02	138921

Committee

Ohio Commission on Dispute Resolution and Conflict Management	179.02	138922
Ohio Commission to Reform Medicaid	Section 59.29, H.B. 95, 125th GA	138923
Ohio Community Service Council	121.40	138924
Ohio Council for Interstate Adult Offender Supervision	5149.22	138925
Ohio Cultural Facilities Commission	3383.02	138926
Ohio Developmental Disabilities Council	5123.35	138927
Ohio Expositions Commission	991.02	138928
Ohio Family and Children First Cabinet Council	121.37	138929
Ohio Geology Advisory Council	1505.11	138930
Ohio Grape Industries Committee	924.51	138931
Ohio Hepatitis C Advisory Commission	3701.92	138932
Ohio Historic Site Preservation Advisory Board	149.301	138933
Ohio Historical Society Board of Trustees	149.30	138934
Ohio Judicial Conference	105.91	138935
Ohio Lake Erie Commission	1506.21	138936
Ohio Medical Malpractice Commission	Section 4, S.B. 281, 124th GA and Section 3, S.B. 86, 125th GA	138937
Ohio Medical Quality Foundation	3701.89	138938
Ohio Parks and Recreation Council	1541.40	138939
Ohio Peace Officer Training Commission	109.71	138940
Ohio Public Defender Commission	120.01	138941
Ohio Public Library Information Network Board	Sec. 69, H.B. 117, 121st GA, as amended by H.B. 284, 121st GA	138942
Ohio Quarter Horse Development Commission	3769.086	138943
Ohio Small Government Capital Improvements Commission	164.02	138944
Ohio Soil and Water Conservation Commission	1515.02	138945
Ohio Standardbred Development Commission	3769.085	138946

Ohio Steel Industry Advisory Council	122.97	138947
~~Ohio Teacher Education and Licensure Advisory Council~~	~~3319.28(D)~~	138948
Ohio Thoroughbred Racing Advisory Committee	3769.084	138949
Ohio Tuition Trust Authority	3334.03	138950
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10	138951
Ohio Vendors Representative Committee	3304.34	138952
Ohio War Orphans Scholarship Board	5910.02	138953
Ohio Water Advisory Council	1521.031	138954
Ohio Water Resources Council	1521.19	138955
Ohioana Library Association, Martha Kinney Cooper Memorial	3375.62	138956
Oil and Gas Commission	1509.35	138957
Operating Committee, Agricultural Commodity Marketing Programs	924.07	138958
Organized Crime Investigations Commission	177.01	138959
Pharmacy and Therapeutics Committee of the Dept. of Job and Family Services	~~5111.81~~ <u>5111.084</u>	138960
Physician Loan Repayment Advisory Board	3702.81	138961
Power Siting Board	4906.02	138962
Prequalification Review Board	5525.07	138963
Private Water Systems Advisory Council	3701.346	138964
Public Employment Risk Reduction Advisory Commission	4167.02	138965
Public Health Council	3701.33	138966
Public Utilities Commission Nominating Council	4901.021	138967
Public Utility Property Tax Study Committee	5727.85	138968
Radiation Advisory Council	3748.20	138969
Reclamation Commission	1513.05	138970
Recreation and Resources Commission	1501.04	138971
Recycling and Litter Prevention Advisory Council	1502.04	138972
Rehabilitation Services Commission Consumer Advisory Committee	3304.24	138973
Savings & Loans Associations & Savings Banks Board	1181.16	138974
Schools and Ministerial Lands Divestiture Committee	501.041	138975
Second Chance Trust Fund Advisory Committee	2108.17	138976

Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	138977
Solid Waste Management Advisory Council	3734.51	138978
State Agency Coordinating Group	1521.19	138979
State Board of Emergency Medical Services Subcommittees	4765.04	138980
State Council of Uniform State Laws	105.21	138981
State Committee for the Purchase of Products and Services Provided by Persons with Severe Disabilities	4115.32	138982
State Criminal Sentencing Commission	181.21	138983
State Fire Commission	3737.81	138984
State Racing Commission	3769.02	138985
State Victims Assistance Advisory Committee	109.91	138986
Student Tuition Recovery Authority	3332.081	138987
Tax Credit Authority	122.17	138988
Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office	1551.35	138989
Technical Advisory Council on Oil and Gas	1509.38	138990
Transportation Review Advisory Council	5512.07	138991
Unemployment Compensation Review Commission	4141.06	138992
Unemployment Compensation Advisory Council	4141.08	138993
Utility Radiological Safety Board	4937.02	138994
Vehicle Management Commission	125.833	138995
Veterans Advisory Committee	5902.02(K)	138996
Volunteer Fire Fighters' Dependents Fund Boards (Private and Public)	146.02	138997
Water and Sewer Commission	1525.11(C)	138998
Waterways Safety Council	1547.73	138999
Wildlife Council	1531.03	139000
Workers' Compensation Board of Directors Nominating Committee	4121.123	139001

Section 630.11. That existing Section 4 of Am. Sub. H.B. 516 of the 125th General Assembly, as most recently amended by Am. Sub. H.B. 100 of the 127th General Assembly, is hereby repealed.

Section 640.10. That Section 153 of Am. Sub. H.B. 117 of the

121st General Assembly, as most recently amended by Am. Sub. H.B. 139006
119 of the 127th General Assembly, be amended to read as follows: 139007

Sec. 153. (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 139008
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 139009
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 139010
repealed, effective October 16, ~~2009~~2011. 139011

(B) Any money remaining in the Legislative Budget Services 139012
Fund on October 16, ~~2009~~2011, the date that section 5112.19 of 139013
the Revised Code is repealed by division (A) of this section, 139014
shall be used solely for the purposes stated in then former 139015
section 5112.19 of the Revised Code. When all money in the 139016
Legislative Budget Services Fund has been spent after then former 139017
section 5112.19 of the Revised Code is repealed under division (A) 139018
of this section, the fund shall cease to exist. 139019

Section 640.11. That existing Section 153 of Am. Sub. H.B. 139020
117 of the 121st General Assembly, as most recently amended by 139021
Am. Sub. H.B. 119 of the 127th General Assembly, is hereby 139022
repealed. 139023

Section 640.20. That Sections 120.01 and 120.02 of Am. 139024
Sub. H.B. 119 of the 127th General Assembly be amended to read as 139025
follows: 139026

Sec. 120.01. During the period beginning July 1, 2007, and 139027
expiring ~~July~~January 1, ~~2009~~2010, the operation of sections 139028
3718.02, 3718.05, 3718.06, 3718.07, 3718.08, 3718.09, 3718.10, 139029
3718.99, and 6111.441 of the Revised Code is suspended. On ~~July~~ 139030
January 1, ~~2009~~2010, sections 3718.02, 3718.05, 3718.06, 139031
3718.07, 3718.08, 3718.09, 3718.10, 3718.99, and 6111.441 of 139032
the Revised Code, in either their present form or as they are 139033
later amended, again become operational. 139034

Sec. 120.02. (A)(1) Effective July 2, 2007, the rules 139035

adopted by the Public Health Council under section 3718.02 of the Revised Code that took effect on January 1, 2007, are not valid. Not later than July 2, 2007, the Director of Health shall adopt rules that are identical to the rules adopted by the Public Health Council that were in effect prior to January 1, 2007, and were codified in Chapter 3701-29 of the Administrative Code, except the rules in that chapter that established requirements for separation distances from a water table and soil absorption requirements.

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At the same time that the Public Health Council adopts the rules required under division (A)(2) of this section, the Director shall rescind the rules adopted under this division.

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The adoption and rescission of rules under this division are not subject to section 119.03 of the Revised Code. However, the Director shall file the adoption and rescission of the rules in accordance with section 119.04 of the Revised Code. Upon that filing, the adoption and rescission of the rules take immediate effect.

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(2) Not later than thirty days after the effective date of this section as enacted by Am. Sub. H.B. 119 of the 127th General Assembly and notwithstanding any provision of law to the contrary, the Public Health Council shall rescind rules adopted by the Council under section 3718.02 of the Revised Code, that took effect on January 1, 2007. At the same time as those rules are rescinded, the Council shall adopt rules that are identical to the rules adopted by the Council that were in effect prior to January 1, 2007, and were codified in Chapter 3701-29 of the Administrative Code, except the rules in that Chapter that established requirements for separation distances from a water table and soil absorption requirements. Instead, a board of health or the authority having the duties of a board of health shall adopt standards establishing requirements for separation distances from a water table and soil absorption requirements based on the

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water table and soils in the applicable health district for 139068
purposes of the installation and operation of household sewage 139069
treatment systems and small flow on-site sewage treatment systems 139070
in the applicable health district. 139071

The rescission and adoption of rules under this division are 139072
not subject to section 119.03 of the Revised Code. However, the 139073
Public Health Council shall file the rules in accordance with 139074
section 119.04 of the Revised Code. Upon that filing, the rules 139075
take immediate effect. 139076

(B) A local board of health or the authority having the 139077
duties of a board of health may adopt standards for use in the 139078
health district that are more stringent than the rules adopted 139079
under division (A)(1) or (2) of this section, provided that the 139080
board of health or authority having the duties of a board of 139081
health in adopting such standards considers the economic impact 139082
of those standards on property owners, the state of available 139083
technology, and the nature and economics of the available 139084
alternatives. If a board of health or authority having the duties 139085
of a board of health adopts standards that are more stringent 139086
than the rules adopted under division (A)(1) or (2) of this 139087
section, the board or authority shall send a copy of the 139088
standards to the Department of Health. 139089

(C)(1) A board of health or the authority having the duties 139090
of a board of health shall approve or deny the use of household 139091
sewage treatment systems and small flow on-site sewage treatment 139092
systems in the applicable health district. In approving or denying 139093
a household sewage treatment system or a small flow on-site sewage 139094
treatment system for use in the health district, the board or 139095
authority shall consider the economic impact of the system on 139096
property owners, the state of available technology, and the nature 139097
and economics of the available alternatives, ensure that a system 139098
will not create a public health nuisance, and require a system to 139099

comply with the requirements established in divisions (C)(2) and
(3) of this section.

(2) Notwithstanding any rule adopted by the Director of
Health or the Public Health Council or standard adopted by a
board of health or the authority having the duties of a board of
health governing the installation and operation of sewage
treatment systems, a board of health or the authority having the
duties of a board of health shall ensure that the design and
installation of a soil absorption system prevents public health
nuisances. To the extent determined necessary by a board of
health or the authority having the duties of a board of health, a
sewage treatment system that is installed after the effective
date of this section as enacted by Am. Sub. H.B. 119 of the 127th
General Assembly shall not discharge to a ditch, stream, pond,
lake, natural or artificial waterway, drain tile, other surface
water, or the surface of the ground unless authorized by a
national pollutant discharge elimination system (NPDES) permit
issued under Chapter 6111. of the Revised Code and rules adopted
under it. In addition, a sewage treatment system shall not
discharge to an abandoned well, a drainage well, a dry well or
cesspool, a sinkhole, or another connection to ground water. As a
condition to the issuance of a permit to operate a system, a
board of health or the authority having the duties of a board of
health shall require a service contract for any sewage treatment
system that is subject to an NPDES permit to the extent required
by the Environmental Protection Agency. If classified as a class
V injection well, a household sewage treatment system serving a
two- or three-family dwelling or a small flow on-site sewage
treatment system shall comply with 40 C.F.R. 144, as published in
the July 1, 2005, Code of Federal Regulations and with the
registration requirements established in rule 3745-34-13 of the
Administrative Code.

(3) Notwithstanding any rule adopted by the Director of

Health or the Public Health Council or standard adopted by a 139133
board of health or the authority having the duties of a board of 139134
health governing the installation and operation of household 139135
sewage treatment systems, all septic tanks, other disposal 139136
component tanks, dosing tanks, pump vaults, household sewage 139137
disposal system holding tanks and privy vaults, or other 139138
applicable sewage disposal system components manufactured after 139139
the effective date of this section as enacted by Am. Sub. H.B. 119 139140
of the 127th General Assembly and used in this state shall be 139141
watertight and structurally sound. 139142

(4) For purposes of division (C) of this section, "economic 139143
impact" means all of the following with respect to the approval or 139144
denial of a household sewage treatment system or small flow 139145
on-site sewage treatment system, as applicable: 139146

(a) The cost of a proposed system; 139147

(b) The cost of an alternative system that will not create a 139148
public health nuisance; 139149

(c) A comparison of the costs of repairing a system as 139150
opposed to replacing the system with a new system; 139151

(d) The value of the dwelling or facility, as applicable, 139152
that the system services as indicated in the most recent tax 139153
duplicate. 139154

(D)(1) Notwithstanding any rule adopted by the Director of 139155
Health or the Public Health Council governing the installation and 139156
operation of household sewage treatment systems, a board of 139157
health or the authority having the duties of a board of health 139158
may establish and collect fees for the purposes of this section. 139159

(2) In addition to the fees that are authorized to be 139160
established under division (D)(1) of this section, there is hereby 139161

levied an application fee of twenty-five dollars for a sewage treatment system installation permit. A board of health or the authority having the duties of a board of health shall collect the fee on behalf of the Department of Health and forward the fee to the Department to be deposited in the state treasury to the credit of the Sewage Treatment System Innovation Fund, which is hereby created. Not more than seventy-five per cent of the money in the Fund shall be used by the Department to administer the sewage treatment system program, and not less than twenty-five per cent of the money in the Fund shall be used to establish a grant program in cooperation with boards of health to fund the installation and evaluation of new technology pilot projects. In the selection of the pilot projects, the Director of Health shall consult with the Sewage Treatment System Technical Advisory Committee created in section 3718.03 of the Revised Code.

(E) Not later than one year after the installation of a household sewage treatment system, a board of health or the authority having the duties of a board of health shall inspect the system to ensure that it is not a public health nuisance.

(F) The Department of Health may file an injunctive action against a board of health or the authority having the duties of a board of health that allows a household sewage treatment system or small flow on-site sewage treatment system to cause a public health nuisance, provided that the Department provides reasonable notice to the board or authority and allows for the opportunity to abate the nuisance prior to the action.

(G) The Environmental Protection Agency shall not require a board of health or the authority having the duties of a board of health to enter into a memorandum of understanding or any other agreement with the Agency regarding the issuance of NPDES permits for off-lot sewage treatment systems. Instead, a representative of a board of health or the authority having the duties of a board of

health may meet with a person who intends to install such a system 139194
to determine the feasibility of the system and refer the person to 139195
the Agency to secure an NPDES permit for the system if needed. The 139196
Environmental Protection Agency, within ninety days or as quickly 139197
as possible after the effective date of this section as enacted by 139198
Am. Sub. H.B. 119 of the 127th General Assembly, shall seek a 139199
revision to the general NPDES permit, issued pursuant to the 139200
federal Water Pollution Control Act as defined in section 6111.01 139201
of the Revised Code, in order not to require a memorandum of 139202
understanding with a board of health or the authority having the 139203
duties of a board of health and that allows a property owner to 139204
seek coverage under the general NPDES permit for purposes of this 139205
division. A board of health or the authority having the duties of 139206
a board of health voluntarily may enter into a memorandum of 139207
understanding with the Environmental Protection Agency to 139208
implement the general NPDES permit. In the interim, the Agency 139209
shall work with boards of health or authorities having the duties 139210
of boards of health and with property owners in order to 139211
facilitate the owners' securing an NPDES permit in counties 139212
without a memorandum of understanding. 139213

(H) Notwithstanding any rule adopted by the Director of 139214
Health or the Public Health Council governing the installation and 139215
operation of household sewage treatment systems, a board of 139216
health or the authority having the duties of a board of health 139217
that, prior to the effective date of this section, has obtained 139218
authority from the Department of Health and the Environmental 139219
Protection Agency to regulate small flow on-site sewage treatment 139220
systems may continue to regulate such systems on and after the 139221
effective date of this section as enacted by Am. Sub. H.B. 119 of 139222
the 127th General Assembly. A board of health or the authority 139223
having the duties of a board of health that has not obtained 139224
such authority may request the authority from the Department of 139225
Health and the Environmental Protection Agency in the manner 139226
provided by law. 139227

(I) Because the rules adopted by the Public Health Council under section 3718.02 of the Revised Code that were effective on January 1, 2007, have been rescinded by operation of this section, the references to those rules in section 3718.021 of the Revised Code are not operable. Instead, notwithstanding any other provisions of this section, the Director of Health or the Public Health Council, as applicable, shall provide for the implementation of section 3718.021 of the Revised Code in the rules that are required to be adopted under division (A) of this section.

(J) The Department of Health in cooperation with a board of health or the authority having the duties of a board of health shall assess the familiarity of the board's or authority's staff with the best practices in the use of sewage treatment systems and conduct appropriate training to educate the board's or authority's staff in those best practices and in the use of any new sewage treatment system technology that is recommended for use by the Sewage Treatment System Technical Advisory Committee created in section 3718.03 of the Revised Code.

(K)(1) As used in this section, "household sewage treatment system," "small flow on-site sewage treatment system," and "sewage treatment system" have the same meanings as in section 3718.01 of the Revised Code.

(2) For the purposes of this section, "household sewage treatment system" is deemed to mean "household sewage disposal system" as necessary for the operation of this section.

(3) For purposes of this section, a public health nuisance shall be deemed to exist when an inspection conducted by a board of health documents odor, color, or other visual manifestations of raw or poorly treated sewage and either of the following applies:

(a) Water samples exceed five thousand fecal coliform counts per one hundred milliliters (either MPN or MF) in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are taken.	139258 139259 139260 139261 139262
(b) Water samples exceed five hundred seventy-six E. Coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are taken.	139263 139264 139265 139266
(L) Neither the Director of Health or the Public Health Council shall adopt rules prior to ~~July~~ <u>January 1, 2009</u> ~~2010~~ , that modify or change the requirements established by this section.	139267 139268 139269
(M) This section expires on the effective date of the rules that are to be adopted under section 3718.02 of the Revised Code when that section becomes operational on ~~July~~ <u>January 1, 2009</u> ~~2010~~ , pursuant to Section 120.01 of ~~this act~~ <u>Am. Sub. H.B. 119 of the 127th General Assembly</u> .	139270 139271 139272 139273 139274
Section 640.21. That existing Sections 120.01 and 120.02 of Am. Sub. H.B. 119 of the 127th General Assembly are hereby repealed.	139275 139276 139277
Section 640.22. That sections 711.001, 711.05, 711.10, 711.131, 4736.01, 6111.04, and 6111.44 of the Revised Code be amended to read as follows:	139278 139279 139280
Sec. 711.001. As used in this chapter:	139281
(A) "Plat" means a map of a tract or parcel of land.	139282
(B) "Subdivision" means either of the following:	139283
(1) The division of any parcel of land shown as a unit or as	139284

contiguous units on the last preceding general tax list and	139285
duplicate of real and public utility property, into two or more	139286
parcels, sites, or lots, any one of which is less than five acres	139287
for the purpose, whether immediate or future, of transfer of	139288
ownership, provided, however, that the following are exempt:	139289
(a) A division or partition of land into parcels of more than	139290
five acres not involving any new streets or easements of access;	139291
(b) The sale or exchange of parcels between adjoining lot	139292
owners, where that sale or exchange does not create additional	139293
building sites;	139294
(c) If the planning authority adopts a rule in accordance	139295
with section 711.133 of the Revised Code that exempts from	139296
division (B)(1) of this section any parcel of land that is four	139297
acres or more, parcels in the size range delineated in that rule.	139298
(2) The improvement of one or more parcels of land for	139299
residential, commercial, or industrial structures or groups of	139300
structures involving the division or allocation of land for the	139301
opening, widening, or extension of any public or private street or	139302
streets, except private streets serving industrial structures, or	139303
involving the division or allocation of land as open spaces for	139304
common use by owners, occupants, or leaseholders or as easements	139305
for the extension and maintenance of public or private sewer,	139306
water, storm drainage, or other similar facilities.	139307
~~(C) "Household sewage treatment system" has the same meaning~~	139308
~~as in section 3709.091 of the Revised Code.~~	139309
Sec. 711.05. (A) Upon the submission of a plat for approval,	139310
in accordance with section 711.041 of the Revised Code, the board	139311
of county commissioners shall certify on it the date of the	139312
submission. Within five days of submission of the plat, the board	139313
shall schedule a meeting to consider the plat and send a written	139314

notice by regular mail to the fiscal officer of the board of 139315
township trustees of the township in which the plat is located and 139316
the board of health of the health district in which the plat is 139317
located. The notice shall inform the trustees and the board of 139318
health of the submission of the plat and of the date, time, and 139319
location of any meeting at which the board of county commissioners 139320
will consider or act upon the proposed plat. The meeting shall 139321
take place within thirty days of submission of the plat, and no 139322
meeting shall be held until at least seven days have passed from 139323
the date the notice was sent by the board of county commissioners. 139324
The approval of the board required by section 711.041 of the 139325
Revised Code or the refusal to approve shall take place within 139326
thirty days from the date of submission or such further time as 139327
the applying party may agree to in writing; otherwise, the plat is 139328
deemed approved and may be recorded as if bearing such approval. 139329

(B) The board may adopt general rules governing plats and 139330
subdivisions of land falling within its jurisdiction, to secure 139331
and provide for the coordination of the streets within the 139332
subdivision with existing streets and roads or with existing 139333
county highways, for the proper amount of open spaces for traffic, 139334
circulation, and utilities, and for the avoidance of future 139335
congestion of population detrimental to the public health, safety, 139336
or welfare, but shall not impose a greater minimum lot area than 139337
forty-eight hundred square feet. Before the board may amend or 139338
adopt rules, it shall notify all the townships in the county of 139339
the proposed amendments or rules by regular mail at least thirty 139340
days before the public meeting at which the proposed amendments or 139341
rules are to be considered. 139342

The rules may require the board of health to review and 139343
comment on a plat before the board of county commissioners acts 139344
upon it and may also require proof of compliance with any 139345
applicable zoning resolutions, and with ~~rules governing~~ household 139346
sewage treatment ~~systems~~ rules adopted under section 3718.02 of 139347

the Revised Code, as a basis for approval of a plat. Where under
section 711.101 of the Revised Code the board of county
commissioners has set up standards and specifications for the
construction of streets, utilities, and other improvements for
common use, the general rules may require the submission of
appropriate plans and specifications for approval. The board
shall not require the person submitting the plat to alter the
plat or any part of it as a condition for approval, as long as
the plat is in accordance with general rules governing plats and
subdivisions of land, adopted by the board as provided in this
section, in effect at the time the plat was submitted and the
plat is in accordance with any standards and specifications set
up under section 711.101 of the Revised Code, in effect at the
time the plat was submitted.

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(C) The ground of refusal to approve any plat, submitted in
accordance with section 711.041 of the Revised Code, shall be
stated upon the record of the board, and, within sixty days
thereafter, the person submitting any plat that the board refuses
to approve may file a petition in the court of common pleas of the
county in which the land described in the plat is situated to
review the action of the board. A board of township trustees is
not entitled to appeal a decision of the board of county
commissioners under this section.

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Sec. 711.10. (A) Whenever a county planning commission or a
regional planning commission adopts a plan for the major streets
or highways of the county or region, no plat of a subdivision of
land within the county or region, other than land within a
municipal corporation or land within three miles of a city or one
and one-half miles of a village as provided in section 711.09 of
the Revised Code, shall be recorded until it is approved by the
county or regional planning commission under division (C) of this
section and the approval is endorsed in writing on the plat.

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(B) A county or regional planning commission may require the submission of a preliminary plan for each plat sought to be recorded. If the commission requires this submission, it shall provide for a review process for the preliminary plan. Under this review process, the planning commission shall give its approval, its approval with conditions, or its disapproval of each preliminary plan. The commission's decision shall be in writing, shall be under the signature of the secretary of the commission, and shall be issued within thirty-five business days after the submission of the preliminary plan to the commission. The disapproval of a preliminary plan shall state the reasons for the disapproval. A decision of the commission under this division is preliminary to and separate from the commission's decision to approve, conditionally approve, or refuse to approve a plat under division (C) of this section.

(C) Within five calendar days after the submission of a plat for approval under this division, the county or regional planning commission shall schedule a meeting to consider the plat and send a notice by regular mail or by electronic mail to the fiscal officer of the board of township trustees of the township in which the plat is located and the board of health of the health district in which the plat is located. The notice shall inform the trustees and the board of health of the submission of the plat and of the date, time, and location of any meeting at which the county or regional planning commission will consider or act upon the plat. The meeting shall take place within thirty calendar days after submission of the plat, and no meeting shall be held until at least seven calendar days have passed from the date the planning commission sent the notice.

The approval of the county or regional planning commission, the commission's conditional approval as described in this division, or the refusal of the commission to approve shall be endorsed on the plat within thirty calendar days after the

submission of the plat for approval under this division or within 139413
such further time as the applying party may agree to in writing; 139414
otherwise that plat is deemed approved, and the certificate of the 139415
commission as to the date of the submission of the plat for 139416
approval under this division and the failure to take action on it 139417
within that time shall be sufficient in lieu of the written 139418
endorsement or evidence of approval required by this division. 139419

A county or regional planning commission may grant 139420
conditional approval under this division to a plat by requiring a 139421
person submitting the plat to alter the plat or any part of it, 139422
within a specified period after the end of the thirty calendar 139423
days, as a condition for final approval under this division. Once 139424
all the conditions have been met within the specified period, the 139425
commission shall cause its final approval under this division to 139426
be endorsed on the plat. No plat shall be recorded until it is 139427
endorsed with the commission's final or unconditional approval 139428
under this division. 139429

The ground of refusal of approval of any plat submitted under 139430
this division, including citation of or reference to the rule 139431
violated by the plat, shall be stated upon the record of the 139432
county or regional planning commission. Within sixty calendar days 139433
after the refusal under this division, the person submitting any 139434
plat that the commission refuses to approve under this division 139435
may file a petition in the court of common pleas of the proper 139436
county, and the proceedings on the petition shall be governed by 139437
section 711.09 of the Revised Code as in the case of the refusal 139438
of a planning authority to approve a plat. A board of township 139439
trustees is not entitled to appeal a decision of the commission 139440
under this division. 139441

A county or regional planning commission shall adopt general 139442
rules, of uniform application, governing plats and subdivisions of 139443
land falling within its jurisdiction, to secure and provide for 139444

the proper arrangement of streets or other highways in relation to 139445
existing or planned streets or highways or to the county or 139446
regional plan, for adequate and convenient open spaces for 139447
traffic, utilities, access of firefighting apparatus, recreation, 139448
light, and air, and for the avoidance of congestion of population. 139449
The rules may provide for their modification by the commission in 139450
specific cases where unusual topographical and other exceptional 139451
conditions require the modification. The rules may require the 139452
board of health to review and comment on a plat before the 139453
commission acts upon it and also may require proof of compliance 139454
with any applicable zoning resolutions, and with ~~rules governing~~ 139455
household sewage treatment ~~systems~~ rules adopted under section 139456
3718.02 of the Revised Code, as a basis for approval of a plat. 139457

Before adoption of its rules or amendment of its rules, the 139458
commission shall hold a public hearing on the adoption or 139459
amendment. Notice of the public hearing shall be sent to all 139460
townships in the county or region by regular mail or electronic 139461
mail at least thirty business days before the hearing. No county 139462
or regional planning commission shall adopt any rules requiring 139463
actual construction of streets or other improvements or facilities 139464
or assurance of that construction as a condition precedent to the 139465
approval of a plat of a subdivision unless the requirements have 139466
first been adopted by the board of county commissioners after a 139467
public hearing. A copy of the rules shall be certified by the 139468
planning commission to the county recorders of the appropriate 139469
counties. 139470

After a county or regional street or highway plan has been 139471
adopted as provided in this section, the approval of plats and 139472
subdivisions provided for in this section shall be in lieu of any 139473
approvals provided for in other sections of the Revised Code, 139474
insofar as the territory within the approving jurisdiction of the 139475
county or regional planning commission, as provided in this 139476
section, is concerned. Approval of a plat shall not be an 139477

acceptance by the public of the dedication of any street, highway,
or other way or open space shown upon the plat.

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No county or regional planning commission shall require a
person submitting a plat to alter the plat or any part of it as
long as the plat is in accordance with the general rules governing
plats and subdivisions of land, adopted by the commission as
provided in this section, in effect at the time the plat is
submitted.

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A county or regional planning commission and a city or
village planning commission, or platting commissioner or
legislative authority of a village, with subdivision regulation
jurisdiction over unincorporated territory within the county or
region may cooperate and agree by written agreement that the
approval of a plat by the city or village planning commission, or
platting commissioner or legislative authority of a village, as
provided in section 711.09 of the Revised Code, shall be
conditioned upon receiving advice from or approval by the county
or regional planning commission.

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(D) As used in this section, "business day" means a day of
the week excluding Saturday, Sunday, or a legal holiday as defined
in section 1.14 of the Revised Code.

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Sec. 711.131. (A) Notwithstanding sections 711.001 to 711.13
of the Revised Code and except as provided in division (C) of this
section, unless the rules adopted under section 711.05, 711.09, or
711.10 of the Revised Code are amended pursuant to division (B) of
this section, a proposed division of a parcel of land along an
existing public street, not involving the opening, widening, or
extension of any street or road, and involving no more than five
lots after the original tract has been completely subdivided, may
be submitted to the planning authority having approving
jurisdiction of plats under section 711.05, 711.09, or 711.10 of
the Revised Code for approval without plat. If the authority

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acting through a properly designated representative finds that a 139510
proposed division is not contrary to applicable platting, 139511
subdividing, zoning, health, sanitary, or access management 139512
regulations ~~or~~, regulations adopted under division (B)(3) of 139513
section 307.37 of the Revised Code regarding existing surface or 139514
subsurface drainage, or ~~rules governing~~ household sewage treatment 139515
~~systems~~rules adopted under section 3718.02 of the Revised Code, 139516
it shall approve the proposed division within seven business days 139517
after its submission and, on presentation of a conveyance of the 139518
parcel, shall stamp the conveyance "approved by (planning 139519
authority); no plat required" and have it signed by its clerk, 139520
secretary, or other official as may be designated by it. The 139521
planning authority may require the submission of a sketch and 139522
other information that is pertinent to its determination under 139523
this division. 139524

(B) For a period of up to two years after ~~April 15, 2005~~the 139525
effective date of this amendment, the rules adopted under section 139526
711.05, 711.09, or 711.10 of the Revised Code may be amended 139527
within that period to authorize the planning authority involved to 139528
approve proposed divisions of parcels of land without plat under 139529
this division. If an authority so amends its rules, it may approve 139530
no more than five lots without a plat from an original tract as 139531
that original tract exists on the effective date of the amendment 139532
to the rules. The authority shall make the findings and approve a 139533
proposed division in the time and manner specified in division (A) 139534
of this section. 139535

(C) This section does not apply to parcels subject to section 139536
711.133 of the Revised Code. 139537

(D) As used in this section, "business day" means a day of 139538
the week excluding Saturday, Sunday, or a legal holiday as defined 139539
in section 1.14 of the Revised Code. 139540

Sec. 4736.01. As used in this chapter: 139541

(A) "Environmental health science" means the aspect of public health science that includes, but is not limited to, the following bodies of knowledge: air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation, and rabies control.	139542 139543 139544 139545 139546 139547 139548 139549
(B) "Sanitarian" means a person who performs for compensation educational, investigational, technical, or administrative duties requiring specialized knowledge and skills in the field of environmental health science.	139550 139551 139552 139553
(C) "Registered sanitarian" means a person who is registered as a sanitarian in accordance with this chapter.	139554 139555
(D) "Sanitarian-in-training" means a person who is registered as a sanitarian-in-training in accordance with this chapter.	139556 139557
(E) "Practice of environmental health" means consultation, instruction, investigation, inspection, or evaluation by an employee of a city health district, a general health district, the environmental protection agency, the department of health, or the department of agriculture requiring specialized knowledge, training, and experience in the field of environmental health science, with the primary purpose of improving or conducting administration or enforcement under any of the following:	139558 139559 139560 139561 139562 139563 139564 139565
(1) Chapter 911., 913., 917., 3717., <u>3718.</u> , 3721., 3729., or 3733. of the Revised Code;	139566 139567
(2) Chapter 3734. of the Revised Code as it pertains to solid waste;	139568 139569

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 3707.38 to 3707.99, or section 3715.21 of the Revised Code;	139570 139571
(4) Rules adopted under section 3701.34 of the Revised Code pertaining to ~~home-sewage~~ , rabies control; or swimming pools;	139572 139573
(5) Rules adopted under section 3701.935 of the Revised Code for school health and safety network inspections and rules adopted under section 3707.26 of the Revised Code for sanitary inspections.	139574 139575 139576 139577
"Practice of environmental health" does not include sampling, testing, controlling of vectors, reporting of observations, or other duties that do not require application of specialized knowledge and skills in environmental health science performed under the supervision of a registered sanitarian.	139578 139579 139580 139581 139582
The state board of sanitarian registration may further define environmental health science in relation to specific functions in the practice of environmental health through rules adopted by the board under Chapter 119. of the Revised Code.	139583 139584 139585 139586
Sec. 6111.04. (A) Both of the following apply except as otherwise provided in division (A) or (F) of this section:	139587 139588
(1) No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state.	139589 139590 139591 139592
(2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance.	139593 139594
Divisions (A)(1) and (2) of this section do not apply if the person causing pollution or placing or causing to be placed wastes in a location in which they cause pollution of any waters of the	139595 139596 139597

state holds a valid, unexpired permit, or renewal of a permit,	139598
governing the causing or placement as provided in sections 6111.01	139599
to 6111.08 of the Revised Code or if the person's application for	139600
renewal of such a permit is pending.	139601
 (B) If the director of environmental protection administers a	139602
sludge management program pursuant to division (S) of section	139603
6111.03 of the Revised Code, both of the following apply except as	139604
otherwise provided in division (B) or (F) of this section:	139605
 (1) No person, in the course of sludge management, shall	139606
place on land located in the state or release into the air of the	139607
state any sludge or sludge materials.	139608
 (2) An action prohibited under division (B)(1) of this	139609
section is hereby declared to be a public nuisance.	139610
 Divisions (B)(1) and (2) of this section do not apply if the	139611
person placing or releasing the sludge or sludge materials holds a	139612
valid, unexpired permit, or renewal of a permit, governing the	139613
placement or release as provided in sections 6111.01 to 6111.08 of	139614
the Revised Code or if the person's application for renewal of	139615
such a permit is pending.	139616
 (C) No person to whom a permit has been issued shall place or	139617
discharge, or cause to be placed or discharged, in any waters of	139618
the state any sewage, sludge, sludge materials, industrial waste,	139619
or other wastes in excess of the permissive discharges specified	139620
under an existing permit without first receiving a permit from the	139621
director to do so.	139622
 (D) No person to whom a sludge management permit has been	139623
issued shall place on the land or release into the air of the	139624
state any sludge or sludge materials in excess of the permissive	139625
amounts specified under the existing sludge management permit	139626
without first receiving a modification of the existing sludge	139627

management permit or a new sludge management permit to do so from 139628
the director. 139629

(E) The director may require the submission of plans, 139630
specifications, and other information that the director considers 139631
relevant in connection with the issuance of permits. 139632

(F) This section does not apply to any of the following: 139633

(1) Waters used in washing sand, gravel, other aggregates, or 139634
mineral products when the washing and the ultimate disposal of the 139635
water used in the washing, including any sewage, industrial waste, 139636
or other wastes contained in the waters, are entirely confined to 139637
the land under the control of the person engaged in the recovery 139638
and processing of the sand, gravel, other aggregates, or mineral 139639
products and do not result in the pollution of waters of the 139640
state; 139641

(2) Water, gas, or other material injected into a well to 139642
facilitate, or that is incidental to, the production of oil, gas, 139643
artificial brine, or water derived in association with oil or gas 139644
production and disposed of in a well, in compliance with a permit 139645
issued under Chapter 1509. of the Revised Code, or sewage, 139646
industrial waste, or other wastes injected into a well in 139647
compliance with an injection well operating permit. Division 139648
(F)(2) of this section does not authorize, without a permit, any 139649
discharge that is prohibited by, or for which a permit is required 139650
by, regulation of the United States environmental protection 139651
agency. 139652

(3) Application of any materials to land for agricultural 139653
purposes or runoff of the materials from that application or 139654
pollution by animal waste or soil sediment, including attached 139655
substances, resulting from farming, silvicultural, or earthmoving 139656
activities regulated by Chapter 307. or 1511. of the Revised Code. 139657
Division (F)(3) of this section does not authorize, without a 139658

permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it.	139659 139660 139661
(4) The excrement of domestic and farm animals defecated on land or runoff therefrom into any waters of the state. Division (F)(4) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it.	139662 139663 139664 139665 139666 139667
(5) On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, any discharge that is within the scope of the approved NPDES program submitted by the director of agriculture;	139668 139669 139670 139671 139672
(6) The discharge of sewage, industrial waste, or other wastes into a sewerage system tributary to a treatment works. Division (F)(6) of this section does not authorize any discharge into a publicly owned treatment works in violation of a pretreatment program applicable to the publicly owned treatment works.	139673 139674 139675 139676 139677 139678
~~(7) Septic tanks or other disposal systems for the disposal or treatment of sewage from single-family, two-family, or three-family dwellings~~ <u>A household sewage treatment system or a small flow on-site sewage treatment system, as applicable, as defined in section 3718.01 of the Revised Code that is installed in compliance with the sanitary code and section 3707.01 Chapter 3718. of the Revised Code and rules adopted under it.</u> Division (F)(7) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, regulation of the United States environmental protection agency.	139679 139680 139681 139682 139683 139684 139685 139686 139687 139688 139689

(8) Exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity. As used in division (F)(8) of this section, "exceptional quality sludge" has the same meaning as in division (Y) of section 3745.11 of the Revised Code.

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(G) The holder of a permit issued under section 402 (a) of the Federal Water Pollution Control Act need not obtain a permit for a discharge authorized by the permit until its expiration date. Except as otherwise provided in this division, the director of environmental protection shall administer and enforce those permits within this state and may modify their terms and conditions in accordance with division (J) of section 6111.03 of the Revised Code. On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, the director of agriculture shall administer and enforce those permits within this state that are issued for any discharge that is within the scope of the approved NPDES program submitted by the director of agriculture.

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Sec. 6111.44. (A) Except as otherwise provided in division (B) of this section, in section 6111.14 of the Revised Code, or in rules adopted under division (G) of section 6111.03 of the Revised Code, no municipal corporation, county, public institution, corporation, or officer or employee thereof or other person shall provide or install sewerage or treatment works for sewage, sludge, or sludge materials disposal or treatment or make a change in any sewerage or treatment works until the plans therefor have been submitted to and approved by the director of environmental protection. Sections 6111.44 to 6111.46 of the Revised Code apply to sewerage and treatment works of a municipal corporation or part thereof, an unincorporated community, a county sewer district, or other land outside of a municipal corporation or any publicly or privately owned building or group of buildings or place, used for

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the assemblage, entertainment, recreation, education, correction, 139723
hospitalization, housing, or employment of persons. 139724

In granting an approval, the director may stipulate 139725
modifications, conditions, and rules that the public health and 139726
prevention of pollution may require. Any action taken by the 139727
director shall be a matter of public record and shall be entered 139728
in the director's journal. Each period of thirty days that a 139729
violation of this section continues, after a conviction for the 139730
violation, constitutes a separate offense. 139731

(B) Sections 6111.45 and 6111.46 of the Revised Code and 139732
division (A) of this section do not apply to any of the following: 139733

(1) Sewerage or treatment works for sewage installed or to be 139734
installed for the use of a private residence or dwelling; 139735

(2) Sewerage systems, treatment works, or disposal systems 139736
for storm water from an animal feeding facility or manure, as 139737
"animal feeding facility" and "manure" are defined in section 139738
903.01 of the Revised Code; 139739

(3) Animal waste treatment or disposal works and related 139740
management and conservation practices that are subject to rules 139741
adopted under division (E)(2) of section 1511.02 of the Revised 139742
Code; 139743

(4) Sewerage or treatment works for the on-lot disposal or 139744
treatment of sewage from a small flow on-site sewage treatment 139745
system, as defined in section 3718.01 of the Revised Code, if the 139746
board of health of a city or general health district has notified 139747
the director of health and the director of environmental 139748
protection under section 3718.021 of the Revised Code that the 139749
board has chosen to regulate the system, provided that the board 139750
remains in compliance with the rules adopted under division 139751
(A)(13) of section 3718.02 of the Revised Code. 139752

The exclusions established in divisions (B)(2) and (3) of this section do not apply to the construction or installation of disposal systems, as defined in section 6111.01 of the Revised Code, that are located at an animal feeding facility and that store, treat, or discharge wastewaters that do not include storm water or manure or that discharge to a publicly owned treatment works.

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Section 640.23. That existing sections 711.001, 711.05, 711.10, 711.131, 4736.01, 6111.04, and 6111.44 of the Revised Code are hereby repealed.

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Section 640.24. Sections 640.22 and 640.23 take effect on January 1, 2010.

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Section 690.10. That Section 3 of Am. Sub. H.B. 203 of the 126th General Assembly and Section 325.05 of Am. Sub. H.B. 2 of the 128th General Assembly are hereby repealed.

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Section 701.05. (A) There is hereby created the Ohio Legislative Commission on the Education and Preservation of State History consisting of the following members:

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(1) Three members of the Senate appointed by the President of the Senate, one of whom shall be from the minority party and be recommended by the Minority Leader of the Senate;

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(2) Three members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be from the minority party and be recommended by the Minority Leader of the House of Representatives;

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(3) Three members appointed by the Governor who shall have specific knowledge regarding museum or archive management.

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The Commission may appoint nonvoting members to the Commission who represent state agencies, educational institutions, or private organizations and who have expertise in museum or archive management.

(B)(1) Appointments shall be made to the Commission not later than thirty days after the effective date of this section. A member of the Senate appointed by and so designated by the President of the Senate shall be the chairperson of the Commission. A member of the House of Representatives appointed by and so designated by the Speaker of the House of Representatives shall be the vice-chairperson of the Commission. The Commission shall meet as often as necessary to carry out its duties and responsibilities. Members of the Commission shall serve without compensation.

(2) The Legislative Service Commission shall provide professional and technical support that is necessary for the Ohio Legislative Commission on the Education and Preservation of State History to perform its duties.

(C) The Ohio Legislative Commission on the Education and Preservation of State History shall do all of the following:

(1) Review the overall delivery of services and instruction on Ohio's history by organizations that have individually received in the previous two bienniums a total of at least one million dollars in funding through legislative appropriation for their operations. The review shall include a needs assessment with regard to each organization for all of the following:

(a) Historic sites owned or managed by the organization;

(b) Archives owned or maintained by the organization;

(c) Programs offered by the organization;

(d) The governance structure of the organization;	139809
(e) A comparison of the organization's operations with the operations of organizations that are located inside and outside the state and that have similar functions.	139810 139811 139812
(2) Following the review, make recommendations on all of the following:	139813 139814
(a) Improving the efficiency of the organizations;	139815
(b) Alternative methods for the performance or discharge of state-mandated functions and other functions by the organizations;	139816 139817
(c) Best practices regarding governance structures for the organizations;	139818 139819
(d) Any other recommendations that the Commission determines to be necessary.	139820 139821
(3) Identify alternative public and private funding sources to support the organizations.	139822 139823
(D) The Commission shall issue a report of its findings and recommendations to the President of the Senate, the Speaker of the House of Representatives, and the Governor not later than July 1, 2010. Upon submission of the report, the Commission shall cease to exist.	139824 139825 139826 139827 139828
Section 701.10. EXEMPT EMPLOYEE CONSENT TO CERTAIN DUTIES	139829
(A) As used in this section, "appointing authority" has the same meaning as in section 124.01 of the Revised Code, and "exempt employee" has the same meaning as in section 124.152 of the Revised Code.	139830 139831 139832 139833

(B) Notwithstanding section 124.181 of the Revised Code, both 139834
of the following apply: 139835

(1) In cases where no vacancy exists, an appointing authority 139836
may, with the written consent of an exempt employee, assign duties 139837
of a higher classification to that exempt employee for a period of 139838
time not to exceed two years, and that exempt employee shall 139839
receive compensation at a rate commensurate with the duties of the 139840
higher classification. 139841

(2) If necessary, exempt employees who are assigned to duties 139842
within their agency to maintain operations during the Ohio 139843
Administrative Knowledge System (OAKS) implementation may agree to 139844
a temporary assignment that exceeds the two-year limit. 139845

Section 701.20. FINANCIAL PLANNING AND SUPERVISION 139846
COMMISSIONS 139847

For any Financial Planning and Supervision Commission 139848
established prior to the effective date of the amendment of 139849
section 118.05 of the Revised Code by the Main Operating 139850
Appropriations Act of the 128th General Assembly, four members 139851
constitute a quorum and the affirmative vote of a majority of the 139852
members is necessary for any action taken by vote of the 139853
commission. 139854

Section 701.30. SCIENCE AND TECHNOLOGY COLLABORATION 139855

The Department of Development, the Board of Regents, the Air 139856
Quality Development Authority, the Department of Agriculture, and 139857
the Third Frontier Commission shall collaborate in relation to 139858
appropriation items and programs referred to as Technology-based 139859
Economic Development Programs in this section, and other 139860
technology-related appropriations and programs in the Department 139861
of Development, Air Quality Development Authority, Department of 139862

Agriculture, and the Board of Regents as these agencies may
designate, to ensure implementation of a coherent state science
and technology strategy.

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To the extent permitted by law, the Air Quality Development
Authority shall assure that coal research and development
programs, proposals, and projects consider or incorporate
collaborations with Third Frontier Project programs and grantees
and with Technology-based Economic Development Programs and
grantees.

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"Technology-based Economic Development Programs" means
appropriation items 195401, Thomas Edison Program; 898402, Coal
Development Office; 898604, Coal Research and Development Fund;
235508, Air Force Institute of Technology; 235510, Ohio
Supercomputer Center; 235535, Ohio Agricultural Research and
Development Center; 235556, Ohio Academic Resources Network;
195435, Biomedical Research and Technology Transfer; 195687,
Third Frontier Research & Development Projects; C23506, Third
Frontier Project; 195692, Research & Development Taxable Bond
Projects; 195694, Jobs Fund Bioproducts; 195695, Jobs Fund
Biomedical; Technology Action grants provided in 195615,
Facilities Establishment; and tax credits supporting the Ohio
Venture Capital Authority and Technology Investment Tax Credit
programs.

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Technology-based Economic Development Programs shall be
managed and administered in accordance with the following
objectives: (1) to build on existing competitive research
strengths; (2) to encourage new and emerging discoveries and
commercialization of products and ideas that will benefit the Ohio
economy; and (3) to assure improved collaboration among programs
administered by the Third Frontier Commission and with other
state programs that are intended to improve economic growth and
job creation. As directed by the Third Frontier Commission,

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Technology-based Economic Development Program managers shall 139895
report to the Commission or the Third Frontier Advisory Board 139896
regarding the contributions of their programs to achieving these 139897
objectives. 139898

Each Technology-based Economic Development Program shall be 139899
reviewed annually by the Third Frontier Commission with respect 139900
to its development of complementary relationships within a 139901
combined state science and technology investment portfolio, and 139902
with respect to its overall contribution to the state's science 139903
and technology strategy, including the adoption of appropriately 139904
consistent criteria for: (1) the scientific and technical merit 139905
and relationship to Ohio's research strengths of activities 139906
supported by the program; (2) the relevance of the program's 139907
activities to commercial opportunities in the private sector; (3) 139908
the private sector's involvement in a process that continually 139909
evaluates commercial opportunities to use the work supported by 139910
the program; and (4) the ability of the program and recipients of 139911
grant funding from the program to engage in activities that are 139912
collaborative, complementary, and efficient in the expenditure of 139913
state funds. Each Technology-based Economic Development Program 139914
shall provide an annual report to the Third Frontier Commission 139915
that discusses existing, planned, or possible collaborations 139916
between programs and between recipients of grant funding related 139917
to technology, development, commercialization, and the support of 139918
Ohio's economic development. The annual review conducted by the 139919
Third Frontier Commission shall be a comprehensive review of the 139920
entire state science and technology program portfolio rather than 139921
a review of individual programs. 139922

Applicants for Third Frontier and Technology-based Economic 139923
Development Programs funding shall identify their requirements 139924
for high-performance computing facilities and services, including 139925
both hardware and software, in all proposals. If an applicant's 139926
requirements exceed approximately \$100,000 for a proposal, the 139927

Ohio Supercomputer Center shall convene a panel of experts. The 139928
panel shall review the proposal to determine whether the 139929
proposal's requirements can be met through Ohio Supercomputer 139930
Center facilities or through other means and report such 139931
information to the Third Frontier Commission. 139932

To ensure that the state receives the maximum benefit from 139933
its investment in the Third Frontier Project and the NextGen 139934
Network, organizations receiving Third Frontier awards and 139935
Technology-based Economic Development Programs awards shall, as 139936
appropriate, be expected to have a connection to the NextGen 139937
Network that enables them and their collaborators to achieve 139938
award objectives through the NextGen Network. 139939

Section 701.40. The General Assembly intends that all funds 139940
appropriated or otherwise made available by the state for fiscal 139941
stabilization or recovery purposes, or by the American Recovery 139942
and Reinvestment Act of 2009, shall be used, to the extent 139943
possible, in accordance with the preferences established in 139944
section 125.09 of the Revised Code to purchase products made and 139945
services performed in the United States and in this state. The 139946
General Assembly further recognizes that a preference for buying 139947
goods and materials that are produced, and services that are 139948
performed, in the United States for projects is important for 139949
maximizing the creation of American jobs and restoring economic 139950
growth and opportunity. 139951

If any person requests or obtains a waiver of the preferences 139952
referred to in the first paragraph of this section, the Director 139953
of Administrative Services shall publish information identifying 139954
the person and the product or service with regard to which the 139955
waiver was requested or obtained. The purpose of publishing this 139956
identifying information is to enhance opportunities for producers, 139957
service providers, and workers to identify and provide products 139958
made and services performed in the United States and this state, 139959

and thereby to maximize the success of the fiscal stabilization
and economic recovery program. The director shall publish the
identifying information on an internet web site maintained by the
Department of Administrative Services.

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Section 701.50. (A) Each state agency shall appoint an
Equal Employment Opportunity Officer who shall be responsible for
monitoring the agency's compliance with sections 123.151, 123.152,
and 125.081 of the Revised Code and for reporting the level of the
agency's compliance to the Deputy Director of the Equal
Opportunity Division of the Department of Administrative Services.
The Equal Employment Opportunity Officer for each state agency
shall also do all of the following:

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(1) Analyze spending on goods, services, and construction
projects for the officer's agency and determine any missed
opportunities for the inclusion of certified minority business
enterprise and EDGE business vendors;

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(2) Analyze the spending of the officer's agency with EDGE
business enterprise vendors, as well as EDGE business enterprise
vendor availability by regions of this state, and communicate the
analysis to the Department of Administrative Services so that the
department may determine the appropriate EDGE business enterprise
goal for each contract;

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(3) Report minority business enterprise or EDGE business
enterprise enrollment for all contracts issued by the officer's
agency to the Deputy Director of the Equal Opportunity Division;

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(4) Implement a scorecard system that tracks compliance with
minority business enterprise and EDGE business enterprise program
requirements for the officer's agency;

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(5) Implement the outreach and training plan to ensure
compliance by the officer's agency with minority business

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enterprise and EDGE business enterprise requirements;	139990
(6) Attend the semiannual training conducted by the Deputy Director of the Equal Opportunity Division on minority business enterprise and EDGE business enterprise requirements; and	139991 139992 139993
(7) Participate in the annual compliance review conducted by the Deputy Director of the Equal Employment Opportunity Division and implement recommendations made by the Deputy Director as a result of the review process.	139994 139995 139996 139997
The Deputy Director of the Equal Opportunity Division shall develop the scorecard system and the outreach and training plan, shall conduct semiannual training on minority business enterprise and EDGE business enterprise requirements for Equal Employment Opportunity Officers, shall conduct an annual review of each state agency's compliance with minority business enterprise and EDGE business enterprise requirements, and shall make recommendations for improved compliance as a result of each review.	139998 139999 140000 140001 140002 140003 140004 140005
(B) Each state agency shall ensure that all contracts the agency enters into for the purchase of goods and services contain provisions that do all of the following:	140006 140007 140008
(1) Prohibit contractors and subcontractors from engaging in discriminatory employment practices;	140009 140010
(2) Certify that contractors and subcontractors are in compliance with all applicable federal and state laws and rules that govern fair labor and employment practices; and	140011 140012 140013
(3) Encourage contractors and subcontractors to purchase goods and services from certified minority business enterprise and EDGE business enterprise vendors.	140014 140015 140016
(C)(1) A state agency shall not issue an EDGE business	140017

enterprise waiver without doing all of the following:	140018
(a) Having all waivers reviewed by the agency's Procurement Officer, in collaboration with the agency's Equal Employment Opportunity Officer, who shall certify that each waiver the agency issues complies with criteria for granting the waiver;	140019 140020 140021 140022
(b) Submitting quarterly reports to the Equal Opportunity Division that lists each waiver the agency grants;	140023 140024
(c) Permitting the Equal Opportunity Division to complete its review of the agency's quarterly report and to conduct periodic audits of the agency's administration of the waiver process.	140025 140026 140027
The Deputy Director of the Equal Opportunity Division shall review each quarterly report of EDGE business enterprise waivers and shall conduct periodic audits of each agency's administration of the waiver process.	140028 140029 140030 140031
(2) If the Deputy Director of the Equal Opportunity Division determines that a state agency has not properly administered the issuance of EDGE business enterprise waivers, subsequent waivers shall not be issued by that state agency without the authorization and approval of the Deputy Director. The Deputy Director may release a state agency from the approval process when the Deputy Director has determined that the agency has the ability to consistently administer the waiver process.	140032 140033 140034 140035 140036 140037 140038 140039
(D) On the first day of October of each year, the Deputy Director of the Equal Opportunity Division shall submit a written report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Minority Leaders of the House of Representatives and Senate that describe the progress of state agencies in advancing the minority business enterprise and EDGE business enterprise programs, as well as any initiatives that have been implemented to increase the number of	140040 140041 140042 140043 140044 140045 140046 140047

certified minority business enterprise and EDGE business 140048
enterprise vendors doing business with this state. 140049

Section 701.51. (A) The Ohio Housing Finance Agency, the 140050
Third Frontier Commission, and the Clean Ohio Council shall comply 140051
with agency procurement for contracting with EDGE business 140052
enterprises established under section 123.152 of the Revised Code. 140053

(B) To the extent that a state university as defined in 140054
section 3345.011 of the Revised Code, the Ohio Housing Finance 140055
Agency, the Third Frontier Commission, the Clean Ohio Council, or 140056
the Ohio School Facilities Commission is authorized to make 140057
purchases, it shall comply with the minority business set aside 140058
requirements in division (B) of section 125.081 of the Revised 140059
Code. 140060

Section 701.52. If a state agency, including a state 140061
university as defined in section 3345.011 of the Revised Code and 140062
the Ohio Housing Finance Agency, the Third Frontier Commission, 140063
the Clean Ohio Council, and the Ohio School Facilities 140064
Commission, has failed to comply with the set-aside requirement 140065
in division (B) of section 125.081 of the Revised Code, or to 140066
comply with the procurement goals specified under division (B)(2) 140067
or (14) of section 123.152 of the Revised Code, the state agency 140068
shall establish, not later than December 31, 2009, a long-term 140069
plan for complying with those provisions. 140070

Section 701.70. The Department of Administrative Services 140071
shall conduct a pilot project involving propane-powered state 140072
vehicles. During the period commencing October 1, 2009, and ending 140073
September 30, 2010, the Department of Administrative Services 140074
shall convert or cause to be converted to a propane fuel system 140075
five per cent of the gasoline-powered passenger cars, sport 140076
utility vehicles, and light-duty pickup trucks that are owned by 140077
the state and are used by the Department of Natural Resources, 140078
five per cent of such vehicles that are used by the Department of 140079

Public Safety, and five per cent of such vehicles that are used 140080
by the Department of Transportation. During the period commencing 140081
October 1, 2010, and ending December 31, 2010, the Department 140082
shall convert or cause to be converted to a propane fuel system 140083
an additional five per cent of the gasoline-powered motor 140084
vehicles that are described in this section and are used by the 140085
Department of Natural Resources, an additional five per cent of 140086
such vehicles that are used by the Department of Public Safety, 140087
and an additional five per cent of such vehicles that are used by 140088
the Department of Transportation. Only propane fuel systems that 140089
have been approved by the United States Environmental Protection 140090
Agency shall be installed in state vehicles pursuant to this 140091
section. 140092

During the period commencing October 1, 2009, and ending 140093
September 30, 2011, the Department shall keep detailed records of 140094
the propane-powered vehicles, including fuel mileage and 140095
maintenance costs. After September 30, 2011, the Department shall 140096
conduct a study of the pilot project to assess all aspects of the 140097
use by the state of the propane-powered vehicles during the pilot 140098
project. The study shall include all relevant findings and 140099
recommendations, if any, regarding future use of propane gas in 140100
state vehicles, and shall be compiled into a final report. 140101

Not later than December 31, 2011, the Department shall submit 140102
copies of the final report to the Governor, the President of the 140103
Senate, the Minority Leader of the Senate, the Speaker of the 140104
House of Representatives, and the Minority Leader of the House of 140105
Representatives. 140106

Section 701.80. The Director of Budget and Management shall 140107
prepare, beginning on October 1, 2009, and on the first day of 140108
each calendar quarter thereafter, a list of all employees paid by 140109
warrant of the Director who work primarily for one state agency 140110
while being paid from appropriations made to another state agency. 140111

The Director shall provide a copy of the list to the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and House of Representatives.

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Section 701.90. (A) To facilitate the implementation of the motion picture production tax credit authorized in section 122.85 of the Revised Code, the Director of Development may develop, publish, accept, and review applications for certification of motion pictures as tax credit-eligible productions and may indicate preliminary certification before the effective date of that section. A motion picture for which the director has issued a preliminary certification becomes a motion picture certified as a tax credit-eligible production on the effective date of section 122.85 of the Revised Code.

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(B) In adopting the rules required under division (K) of section 122.85 of the Revised Code, as enacted by this act, the Director of Development shall file the notice and text of the proposed rules as required by division (B) of section 119.03 of the Revised Code not later than two hundred five days after the effective date of this section.

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(C) Not later than eighty days after the effective date of this section, the Director of Development shall adopt initial rules to effect the same purposes of the rules required under division (K) of section 122.85 of the Revised Code, as enacted by this act. The initial rules shall be adopted pursuant to section 111.15 of the Revised Code, but division (D) of that section does not apply to the adoption of the initial rules. The initial rules shall be effective until the final rules adopted pursuant to division (B) of this section and Chapter 119. of the Revised Code take effect.

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Section 703.10. (A) The board of county commissioners of a county with a population of not less than 800,000 and not more than 900,000 as determined by the most recent federal decennial

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census shall conduct a pilot project authorizing commercial 140144
advertising on county web sites in accordance with this section. 140145

(B) The board of county commissioners, by resolution adopted 140146
by a majority of the board's members, shall authorize commercial 140147
advertising on a county web site under this section. The 140148
resolution shall include all of the following: 140149

(1) A statement authorizing county officials to place 140150
commercial advertisements on web sites of county offices under 140151
those county officials; 140152

(2) Requirements and procedures for making requests for 140153
proposals under this section; 140154

(3) Any other requirements or limitations necessary to 140155
authorize under this section commercial advertising on county web 140156
sites. 140157

(C) The board of county commissioners shall send a copy of 140158
the resolution to each county official. After receiving the 140159
resolution, the county official shall determine if the official 140160
intends to implement the resolution. The county official may make 140161
requests for proposals in the manner specified by the resolution 140162
for the purpose of identifying advertisers who, and whose 140163
advertisements will, meet any criteria specified in the request 140164
for proposals and any requirements and limitations specified in 140165
the resolution. The county official may enter into a contract 140166
with such an advertiser whereby the advertiser places an 140167
advertisement on the office's web site and pays a fee in 140168
consideration to the county general fund. Any contract entered 140169
into under this section shall be concluded not later than December 140170
31, 2011. 140171

(D) A county web site on which commercial advertising is 140172
placed under this section shall be used exclusively to provide 140173

information from a county office to the public, and shall not be
used as a public forum.

(E) The pilot project conducted under this section shall
conclude on December 31, 2011. Not later than 30 days after the
conclusion of the pilot project, the board of county commissioners
shall submit a report to the Governor, the Speaker and Minority
Leader of the House of Representatives, and the President and
Minority Leader of the Senate regarding the operation of the pilot
project. The report shall include the board's recommendations on
whether commercial advertising on county web sites should be
continued and expanded to other counties.

(F) As used in this section:

(1) "Advertising" means internet advertising, including
banners and icons that may contain links to commercial internet
web sites. "Advertising" does not include "spyware," "malware," or
any viruses or programs considered to be malicious.

(2) "County official" includes the county auditor, county
treasurer, county engineer, county recorder, county prosecuting
attorney, county sheriff, county coroner, board of county
commissioners, clerk of the probate court, clerk of the juvenile
court, clerk of court for all divisions of the court of common
pleas, clerk of a county-operated municipal court, and clerk of a
county court.

(3) "County web site" means any web site, internet page, or
web page of a county office, with respective internet addresses or
subdomains, that are intended to provide to the public information
about services offered by the county office, including relevant
forms and searchable data.

Section 709.10. (A) There is hereby created in the
Department of Agriculture the Ohio Beekeepers Task Force

consisting of the following members:	140204
(1) Two members of the standing committee of the House of Representatives that is primarily responsible for considering agricultural matters appointed by the Governor, each from a different political party;	140205 140206 140207 140208
(2) Two members of the standing committee of the Senate that is primarily responsible for considering agricultural matters appointed by the Governor, each from a different political party;	140209 140210 140211
(3) The Chief of the Division of Plant Industry in the Department of Agriculture or the Chief's designee;	140212 140213
(4) The Director of Natural Resources or the Director's designee;	140214 140215
(5) Two representatives of the Ohio State Beekeepers Association appointed by the Association;	140216 140217
(6) The Director of The Ohio State University Extension or the Director's designee;	140218 140219
(7) An apiculture specialist of The Ohio State University Extension appointed by the Director of The Ohio State University Extension;	140220 140221 140222
(8) The Chair of The Ohio State University Department of Entomology or the Chair's designee;	140223 140224
(9) A representative of the Ohio Produce Growers and Marketing Association appointed by the Association;	140225 140226
(10) A representative of the Ohio Farm Bureau Federation Bee and Honey Committee appointed by the Federation;	140227 140228
(11) A representative of the Ohio Farmers Union appointed by	140229

the Union;	140230
(12) A representative of the County Commissioners Association of Ohio appointed by the Association.	140231 140232
(B) The members shall be appointed not later than sixty days after the effective date of this section. The Task Force shall hold its first meeting not later than ninety days after the effective date of this section.	140233 140234 140235 140236
(C) The Governor shall select a chairperson and vice-chairperson from among the members of the Task Force. The chairperson may appoint a secretary.	140237 140238 140239
(D) The members of the Task Force shall receive no compensation for their services.	140240 140241
(E) Not later than ten months after the effective date of this section, the Ohio Beekeepers Task Force shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Ohio State Beekeepers Association. The report shall do all of the following:	140242 140243 140244 140245 140246
(1) Provide an overview of the characteristics of the honeybee crisis in Ohio;	140247 140248
(2) Examine and provide an overview of and conclusions regarding whether pollinator shortages are affecting crop pollination in Ohio;	140249 140250 140251
(3) Review and provide an overview of the Ohio Honeybee Emergency Action Plan;	140252 140253
(4) Review and provide a summary of the federal initiatives regarding Ohio's bee population and of all of the Department of Agriculture's and the Ohio State Beekeepers Association's	140254 140255 140256

programs concerning Ohio's bee population;	140257
(5) Provide an overview of the five-year goals of the Department of Agriculture concerning honeybees, including recommendations for the restoration of Ohio's bee population;	140258 140259 140260
(6) Examine and describe the funding that is available for honeybee programs and issues affecting honeybees;	140261 140262
(7) Any other issues that the Task Force considers appropriate.	140263 140264
(F) Not later than ninety days following the submission of the report, the Task Force shall meet and respond to any question from a person who received the report. The Task Force shall cease to exist upon submitting its response to all questions from persons who received the report.	140265 140266 140267 140268 140269
Section 715.10. A wild, scenic, or recreational river area that was declared as such by the Director of Natural Resources under Chapter 1517. of the Revised Code prior to the effective date of this section shall retain its declaration as a wild, scenic, or recreational river area for purposes of sections 1547.81 to 1547.87 of the Revised Code, as amended or enacted by this act. In addition, an advisory council for a wild, scenic, or recreational river area that was appointed by the Director under Chapter 1517. of the Revised Code prior to the effective date of this section shall continue to be the advisory council for the applicable wild, scenic, or recreational river area for purposes of sections 1547.81 to 1547.87 of the Revised Code, as amended or enacted by this act.	140270 140271 140272 140273 140274 140275 140276 140277 140278 140279 140280 140281 140282
Section 721.10. (A) In Lorain County, all proceedings that are within the jurisdiction of the Probate Court under Chapter 2101. and other provisions of the Revised Code that are pending before a judge of the Domestic Relations Division of the Lorain	140283 140284 140285 140286

County Court of Common Pleas on the effective date of this act 140287
shall remain with that judge of the Domestic Relations Division 140288
of the Lorain County Court of Common Pleas. All proceedings that 140289
are within the jurisdiction of the Domestic Relations Division of 140290
the Lorain County Court of Common Pleas under Chapter 2301. and 140291
other provisions of the Revised Code that are pending before the 140292
probate judge of the Lorain County Probate Court on September 29, 140293
2009, shall remain with that probate judge of the Lorain County 140294
Probate Court. 140295

(B) The successors to the judge of the Lorain County Court of 140296
Common Pleas who was elected pursuant to section 2301.02 of the 140297
Revised Code in 2008 for a term that began on February 9, 2009, 140298
shall be elected in 2014 and thereafter pursuant to section 140299
2101.02 of the Revised Code as judges of the probate division of 140300
the Lorain County Court of Common Pleas. 140301

Section 733.10. A member of the Ohio Tuition Trust Authority 140302
created in section 3334.03 of the Revised Code as it existed 140303
prior to the amendment of that section by this act continues to 140304
serve as a member of the Ohio Tuition Trust Authority Board 140305
created in that section as amended by this act until the member's 140306
term expires as provided in that section. 140307

Section 733.20. If a board of education acquired or acquires 140308
a parcel of real property between January 1, 2008, and December 140309
31, 2010, and if the board, by vote of a majority of its members, 140310
determines that a portion of the parcel, or a portion of the 140311
improvements located on or to be constructed on the parcel, is not 140312
required for school use, the board may convey a leasehold interest 140313
in that excess property for a term not to exceed ninety-nine 140314
years, without reserving any right to cancel or terminate the 140315
lease other than breach of the lease by the lessee. The board may 140316
convey the leasehold interest as a single leasehold interest 140317
pursuant to one lease or as separate leasehold interests pursuant 140318

to two or more leases. 140319

The board shall convey the leasehold interest at public 140320
auction or by sealed bid to the highest bidder. If the board 140321
proceeds by sealed bid, the board shall prescribe the form of the 140322
bid, and shall require that each bid contain the name of the 140323
person submitting the bid. 140324

The board shall publish notice of the time and place of the 140325
auction or bid opening in a newspaper of general circulation in 140326
the school district or by posting notices in five of the most 140327
public places in the school district. The notice shall state that 140328
the terms and conditions of the lease are available in the office 140329
of the treasurer of the school district for review by prospective 140330
bidders. If the board proceeds by sealed bid, the notice shall 140331
include instructions for making a bid. 140332

The board, from and after the day the notice is published, 140333
shall make all the terms and conditions of the lease available in 140334
the office of the treasurer of the school district for review by 140335
prospective bidders. 140336

The base rent payable under the lease shall not be part of 140337
the terms and conditions of the lease. Rather, the highest bid 140338
shall establish the base rent payable under the lease. The base 140339
rent may be in addition to other payments and nonmonetary 140340
obligations of the lessee under the lease. 140341

If the board proceeds by auction, the board shall conduct the 140342
auction at the time and place stated in the notice. If the board 140343
proceeds by sealed bid, the board shall open and tabulate bids at 140344
the time and place stated in the notice. The board may reject all 140345
bids, but only if the rejection occurs within sixty days following 140346
the auction or the opening of bids. Upon rejection of all bids, 140347
the board may again proceed by public auction or sealed bid to 140348
convey the leasehold interest in the manner prescribed by this 140349

section. 140350

The president and treasurer of the board of education shall 140351
execute and deliver the lease agreement and any other agreements, 140352
documents, or instruments that are necessary to complete 140353
conveyance of the leasehold interest. 140354

Section 735.10. It is the intent of the General Assembly to 140355
address political contribution issues by the end of the 128th 140356
General Assembly. 140357

Section 737.10. Notwithstanding any other provision to the 140358
contrary in Chapter 3769. of the Revised Code, for a period of 140359
two years after the effective date of this section, any person 140360
holding a permit under the provisions of that chapter to conduct 140361
live horse-racing meetings at a facility owned by a political 140362
subdivision may apply for, and the State Racing Commission may 140363
grant, a permit to conduct horse-racing meetings at a location at 140364
which such meetings have not previously been conducted, if the 140365
permit application is accompanied by a resolution adopted by the 140366
board of county commissioners of the county of the proposed 140367
location, and of the local legislative authority, whether a 140368
municipal corporation or township, of the proposed location, 140369
requesting that the Commission grant the permit. The Commission 140370
may only grant such an application if the proposed location is in 140371
the same or a contiguous county and is within fifty miles of the 140372
current location associated with the permit, but is not in the 140373
same county as another location at which live horse-racing 140374
meetings are conducted. 140375

Section 739.10. The Department of Insurance shall not 140376
designate any entities, which have not been designated prior to 140377
the effective date of this section, to provide investment options 140378
under alternative retirement plans established by public 140379
institutions of higher education in accordance with Chapter 3305. 140380
of the Revised Code pursuant to section 3305.03 of the Revised 140381

Code until July 1, 2010. However the Superintendent may approve
additions, deletions, substitutions, or other changes to one or
more of the investment options offered by an entity already
designated by the Superintendent to provide investment options
under alternative retirement plans prior to the effective date of
this section.

Section 741.01. For purposes of Sections 741.01, 741.02,
741.03, 741.04, 741.05, 741.06, and 741.07 of this act:

(A) "Appropriate unit" means independent child care providers
or independent home care providers, whichever is the subject of
the bargaining activity.

(B) "Independent child care provider" means a child care
provider categorized under the Revised Code as either a Type A
licensed provider who does not meet the definition of employee
under the National Labor Relations Act, or a Type B certified or
licensed provider or an in-home aide who is not a county or state
employee. The terms in this division have the same meanings as the
terms defined in Chapter 5104. of the Revised Code.

(C)(1) "Independent home care provider" means any person who
meets either of the following criteria:

(a) The person provides home services under a medicaid waiver
component as described in section 5111.851 or 5111.87 of the
Revised Code.

(b) The person provides home services through a state
medicaid plan amendment as described in 42 U.S.C. 1396n(i).

(2) "Independent home care provider" does not include any
person employed by a private agency for purposes of performing the
activities described in division (C)(1) of this section.

(D) "Provider" means an independent child care provider or an independent home care provider.	140410 140411
(E) "Recipient" means any person receiving the services of an independent child care provider or an independent home care provider, or that person's parent or legal guardian.	140412 140413 140414
(F) "Representative organization" means any employee organization as defined in division (D) of section 4117.01 of the Revised Code or any labor or bona fide organization in which providers participate and that exists for the purpose, in whole or in part, of dealing with the state concerning grievances, wages, hours, terms, and other conditions of employment of providers that are within the control of the state.	140415 140416 140417 140418 140419 140420 140421
Section 741.02. Providers may do all of the following:	140422
(A) Form, join, assist, or participate in, or refrain from forming, joining, assisting, or participating in, except as otherwise provided in sections 741.01 to 741.06 of this act, any representative organization of their own choosing;	140423 140424 140425 140426
(B) Engage in concerted activities, other than those described in division (A) of this section, for the purpose of collective bargaining or other mutual aid and protection;	140427 140428 140429
(C) Be represented by a representative organization;	140430
(D) Bargain collectively with the state to determine wages, hours, terms, other conditions of employment that are within the control of the state, the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, and enter into a collective bargaining agreement.	140431 140432 140433 140434 140435
(E) Present grievances and have them adjusted, without the intervention of the representative organization, so long as the	140436 140437

adjustment is not inconsistent with the terms of any collective bargaining agreement then in effect and the representative organization has the opportunity to be present at the adjustment.

Section 741.03. (A) A representative organization shall become the exclusive representative of all the providers in an appropriate unit for the purpose of collective bargaining by satisfying either of the following criteria:

(1) Being certified by an impartial election monitor as described in the governor's executive order 2008-02S for independent child care providers or the governor's executive order 2007-23S for independent home care providers;

(2) Filing a request with the state for recognition as an exclusive representative, as described in division (B) of this section, a copy of which shall be sent to the state employment relations board.

(B)(1) In the request for recognition, the representative organization shall do all of the following:

(a) Describe the bargaining unit;

(b) Allege that a majority of the providers in the bargaining unit wish to be represented by the representative organization;

(c) Support the request with substantial evidence based on, and in accordance with, rules prescribed by the state employment relations board demonstrating that a majority of the providers in the bargaining unit wish to be represented by the representative organization.

(2) Immediately upon receipt of the request described in divisions (A)(2) and (B)(1) of this section, the state shall request an election in accordance with the same requirements as

provided in division (A)(2) of section 4117.07 of the Revised Code. 140466
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(C) Nothing in this section shall be construed to permit the 140468
state to recognize, or the state employment relations board to 140469
certify, a representative organization as an exclusive 140470
representative if there is in effect a lawful written agreement, 140471
contract, or memorandum of understanding between the state and 140472
another representative organization that, on the effective date of 140473
this section, has been recognized by the state as the exclusive 140474
representative of the providers in an appropriate unit or that by 140475
tradition, custom, practice, election, or negotiation has been the 140476
only representative organization representing all providers in the 140477
unit. This division does not apply to any agreement that has been 140478
in effect in excess of three years. For purposes of this section, 140479
extensions of an agreement do not affect the expiration of the 140480
original agreement. 140481

Section 741.04. (A) All matters pertaining to wages, hours, 140482
terms and other conditions of employment that are within the 140483
control of the state, the continuation, modification, or deletion 140484
of an existing provision of a collective bargaining agreement 140485
shall be subject to collective bargaining between the state and 140486
the exclusive representative as described in Section 741.03 of 140487
this act, except as otherwise specified in this section. 140488

(B) This section shall not alter the unique relations between 140489
providers and recipients of care. The recipient retains the 140490
absolute right to choose providers and to control the hiring, 140491
termination, and supervision of providers. 140492

(C) This section shall not affect the ability of the state to 140493
take appropriate action when a provider is no longer eligible to 140494
provide care under state or federal law, or any rules or 140495
regulations adopted thereunder. 140496

Section 741.05. The parties to any collective bargaining agreement entered into pursuant to sections 741.01, 741.02, 741.03, and 741.04 of this act shall record that agreement in writing, which is to be executed by all of the parties to the agreement. The agreement shall contain the same provisions as described in divisions (B), (C), and (E) of section 4117.09 of the Revised Code. Such provisions shall apply to the state, its agents or representatives, any representative organization, its agents or representatives, and to providers in the same manner as the same provisions apply to public employers, public employees, and employee organizations as described in Chapter 4117. of the Revised Code.

Section 741.06. The state employment relations board has the same authority as described in sections 4117.12 and 4117.13 of the Revised Code to investigate, hold hearings, make determinations, and issue complaints regarding unfair labor practices, insofar as that authority does not conflict with sections 741.01, 741.02, 741.03, 741.04, 741.05, and 741.06 of this act. For purposes of this section, "unfair labor practice" has the same meaning as in section 4117.11 of the Revised Code, except any provisions applying to public employers shall apply to the state, any provisions applying to employee organizations shall apply to representative organizations, and any provisions applying to public employees shall apply to providers.

Section 741.07. Sections 741.01 to 741.06 of this act shall remain in effect until the end of the current governor's time in office as governor.

Section 741.10. PAYROLL REDUCTION STRATEGIES

Notwithstanding any other provision of law to the contrary, the Office of Collective Bargaining of the Department of Administrative Services is authorized to negotiate with the respective state collective bargaining units various payroll

reduction strategies through the collective bargaining process 140529
prior to July 1, 2009, including, but not limited to, reductions 140530
in pay for fiscal years 2010 and 2011 and an increase in each 140531
state employee's share of dental, vision, and life insurance 140532
benefits for those fiscal years. If the Office successfully 140533
negotiates or reaches alternative payroll reduction strategies 140534
through the collective bargaining process, those payroll 140535
reduction strategies shall be implemented. The total amount of 140536
state employee payroll reduction strategy savings to be 140537
negotiated or implemented for each of those fiscal years shall be 140538
between \$170,000,000 and \$200,000,000, unless otherwise agreed to 140539
by the Office of Collective Bargaining and the Director of Budget 140540
and Management. The Director of Budget and Management is 140541
authorized to transfer cash from non-General Revenue Fund funds 140542
to the General Revenue Fund to carry out this section. 140543

Section 743.10. If a petition seeks the holding of an 140544
election on Sunday liquor sales on or after the effective date of 140545
this section under question (B)(1), (2), or (3) of section 140546
4301.351 or 4301.354 of the Revised Code, under question (B)(2) of 140547
section 4301.355 of the Revised Code, or under section 4301.356 of 140548
the Revised Code and the petition contains signatures that were 140549
placed on it before the effective date of this section, the 140550
petition is not invalid merely because the question or questions 140551
sought to be submitted to the electors and contained in the 140552
petition state that Sunday liquor sales may commence beginning at 140553
1 p.m. rather than 11 a.m. 140554

Section 743.11. (A) Notwithstanding division (A)(3) of 140555
section 4303.182 of the Revised Code, as amended by this act, the 140556
electors in a precinct in which the first hour of sale on Sunday 140557
was changed from one p.m. to eleven a.m. by operation of that 140558
division may petition to hold an election to revert that first 140559
hour of sale to one p.m. That election shall be held under the 140560
following conditions: 140561

(1) At the first general election that occurs after the effective date of this section unless that general election will be held less than one hundred thirty-five days after that date, in which case the election shall be held at the immediately following general election;

(2) Under division (B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under division (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code, as applicable, except that the starting time for sales under the question shall be one p.m. rather than eleven a.m.;

(3) In accordance with the applicable requirements and provisions governing elections that are held under those divisions or that section and that are established under Chapter 4301. of the Revised Code.

(B) Not later than forty-five days after the effective date of this section, the Superintendent of Liquor Control shall publish notice of the provisions of division (A) of this section in a newspaper of general circulation in each county of the state.

Section 745.10. For the time period beginning on the effective date of this section and ending June 30, 2010:

(A) For purposes of Chapter 4505. of the Revised Code, "manufactured housing broker" includes a manufactured home broker.

(B) Notwithstanding division (N) of section 4517.01 of the Revised Code, "salesperson" shall include any person employed by a manufactured home broker to sell, display, and offer for sale, or deal in manufactured homes or mobile homes for a commission, compensation, or other valuable consideration, but does not

include any public officer performing official duties.	140591
(C)(1) For purposes of section 4517.03 of the Revised Code,	140592
if a licensed new or used motor vehicle dealer also is a licensed	140593
manufactured home park operator, all of the following apply:	140594
(a) An established place of business that is located in the	140595
operator's manufactured home park and that is used for selling,	140596
leasing, and renting manufactured homes and mobile homes in that	140597
manufactured home park shall be considered as used exclusively for	140598
that purpose even though rent and other activities related to the	140599
operation of the manufactured home park take place at the same	140600
location or office.	140601
(b) The dealer's established place of business in the	140602
manufactured home park shall be staffed by someone licensed and	140603
regulated under Chapter 4517. of the Revised Code who could	140604
reasonably assist any retail customer with or without an	140605
appointment, but such established place of business shall not be	140606
required to satisfy office size, display lot size, and physical	140607
barrier requirements applicable to other used motor vehicle	140608
dealers.	140609
(c) The manufactured and mobile homes being offered for sale,	140610
lease, or rental by the dealer may be located on individual rental	140611
lots inside the operator's manufactured home park.	140612
(2) For purposes of section 4517.03 of the Revised Code, a	140613
place of business used for the brokering or sale of manufactured	140614
homes or mobile homes shall be considered as used exclusively for	140615
brokering, selling, displaying, offering for sale, or dealing in	140616
motor vehicles even though industrialized units, as defined by	140617
section 3781.06 of the Revised Code, are brokered, sold,	140618
displayed, offered for sale, or dealt at the same place of	140619
business.	140620

(D) Notwithstanding division (B) of section 4517.22 of the Revised Code, contracts may be signed, deposits taken, and sales consummated at a motor vehicle show at which the motor vehicles being displayed are new manufactured homes, as defined in division (C)(4) of section 3781.06 of the Revised Code.

Section 745.20. Notwithstanding section 4781.16 of the Revised Code, any person licensed as a new motor vehicle dealer, used motor vehicle dealer, manufactured homes broker, or salesperson under Chapter 4517. of the Revised Code on June 30, 2010, may continue to engage in the business of displaying, selling at retail, or brokering manufactured homes or mobile homes under the authority of such license until the license expires or until the manufactured homes commission issues or denies the person a manufactured housing dealer's license, manufactured housing broker's license, or manufactured housing salesperson's license under Chapter 4781. of the Revised Code, whichever occurs earlier.

Section 745.30. Effective July 1, 2010, the manufactured homes commission may suspend or revoke any existing new motor vehicle dealer, used motor vehicle dealer, manufactured homes broker, or salesperson license issued to a person engaged in the business of displaying, selling at retail, or brokering manufactured homes or mobile homes, and such action may be appealed under section 4781.25 of the Revised Code.

Section 745.40. Effective July 1, 2010, nothing in sections 4517.01 to 4517.99 of the Revised Code shall be construed to apply to any of the following:

(A) Manufactured homes as defined in division (C)(4) of section 3781.06 of the Revised Code;

(B) Mobile homes as defined in division (O) of section 4501.01 of the Revised Code; or

(C) Dealers, brokers or salespersons of manufactured homes or mobile homes. 140652
140653

Section 745.50. The amendment of sections 4582.07, 4582.08, 140654
4582.32, and 4582.33 of the Revised Code is intended to eliminate 140655
certain unintended effects that resulted from the enactment of 140656
those sections, in that, as enacted, those sections 140657
unintentionally burdened the process by which Ohio port 140658
authorities promote their authorized purposes, including 140659
activities that enhance, foster, aid, provide, or promote 140660
transportation, economic development, housing, recreation, 140661
education, governmental operation, culture, or research, and the 140662
creation and preservation of jobs and employment opportunities, 140663
within this state, and therefore the amendments apply to work 140664
commenced or to be commenced, as well as proceedings occurring, 140665
after the effective date of the amendments, and insofar as the 140666
provisions of the amendments are applicable to, support, or 140667
facilitate any financing proceedings that are pending, in 140668
progress, or completed on such effective date, also apply to those 140669
financing proceedings and to any securities authorized or issued 140670
pursuant to those financing proceedings, and any such financing 140671
proceedings pending, in progress, or completed and any securities 140672
authorized, sold, issued, delivered, or validated pursuant to 140673
those financing proceedings, shall be deemed to have been taken, 140674
and authorized, sold, issued, delivered, and validated in 140675
conformity herewith and with sections 4582.07, 4582.08, 4582.32, 140676
and 4582.33 of the Revised Code, if and as applicable. 140677

Section 745.60. (A) Sections 1321.20, 1321.51, 1321.52, 140678
1321.521, 1321.522, 1321.53, 1321.531, 1321.532, 1321.533, 140679
1321.534, 1321.535, 1321.536, 1321.54, 1321.55, 1321.551, 140680
1321.552, 1321.57, 1321.59, 1321.591, 1321.592, 1321.593, 140681
1321.594, 1321.60, 1321.99, 1322.01, 1322.02, 1322.022, 1322.023, 140682
1322.024, 1322.025, 1322.03, 1322.031, 1322.04, 1322.041, 1322.05, 140683

1322.051, 1322.052, 1322.06, 1322.061, 1322.062, 1322.063,
1322.064, 1322.065, 1322.07, 1322.071, 1322.072, 1322.074,
1322.075, 1322.08, 1322.081, 1322.09, 1322.10, 1322.11, 1322.99,
1343.011, 1345.01, 1345.05, 1345.09, 1349.31, 1349.43, 1733.252,
and 1733.26 of the Revised Code, as amended or enacted by this
act, shall apply on and after January 1, 2010.

(B) The Division of Financial Institutions shall begin
accepting applications for a mortgage loan originator license, and
applications for an exemption from registration under sections
1321.51 to 1321.60 or 1322.01 to 1322.12 of the Revised Code, on
the effective date of this section.

(C) Individuals holding a valid mortgage lender certificate
of registration, mortgage broker certificate of registration, or
loan officer license as of January 1, 2010, shall not be required
to be in compliance with the sections described in division (A) of
this section until the first renewal of that certificate or
license after that date.

Section 747.10. The Governor shall appoint the members,
who are general contractors who have recognized ability and
experience in the construction of residential buildings and
persons with recognized ability and experience in the use of
advanced and renewable energy and the use of energy conservation
in the construction of commercial and residential buildings,
added to the Board of Building Standards by section 3781.07 of
the Revised Code, as amended by this act, within sixty days
after the effective date of section 3781.07 of the Revised Code
as amended by this act. The terms of the members who are general
contractors who have recognized ability and experience in the
construction of residential buildings appointed pursuant to this
section shall expire on October 13, 2012. The term of the
member who has recognized ability and experience in the use of
advanced and renewable energy in the construction of commercial

and residential buildings appointed pursuant to this section	140716
shall expire on October 13, 2011. The term of the member who has	140717
recognized ability and experience in the use of energy	140718
conservation in the construction of commercial and residential	140719
buildings appointed pursuant to this section shall expire on	140720
October 13, 2010. Upon the expiration of the appointments to the	140721
Board made by this section, all successive appointments shall be	140722
made as provided in section 3781.07 of the Revised Code, as	140723
amended by this act, and all successive terms shall last for the	140724
period of time provided in that section.	140725

Section 751.13. STUDY REGARDING AMOUNT, DURATION, AND	140726
SCOPE	
OF COMMUNITY BEHAVIORAL HEALTH SERVICES	140727

(A) The Directors of Alcohol and Drug Addiction Services,	140728
Mental Health, and Job and Family Services shall convene a group	140729
consisting of representatives of all of the following:	140730

(1) Their departments;	140731

(2) Boards of alcohol, drug addiction, and mental health	140732
services; community mental health boards; and alcohol and drug	140733
addiction services boards;	140734

(3) Providers of community behavioral health services;	140735

(4) Consumers of community behavioral health services and	140736
advocates of such consumers.	140737

(B) Members of the group convened under this section shall	140738
serve without compensation, except to the extent that serving on	140739
the group is considered part of their regular employment duties.	140740

The group shall develop recommendations regarding the amount,	140741
duration, and scope of publicly funded community behavioral health	140742

services that should be available through Ohio's community 140743
behavioral health system, including recommendations regarding the 140744
conditions under which the services should be available. The group 140745
shall prepare a report with its recommendations. The group shall 140746
submit the report to the Governor and, in accordance with section 140747
101.68 of the Revised Code, the General Assembly not later than 140748
June 30, 2011. The group shall cease to exist on submission of the 140749
report. 140750

Section 751.20. SERVICE COORDINATION WORKGROUP 140751

(A) There is hereby created the Service Coordination 140752
Workgroup. The Workgroup shall consist of a representative of each 140753
of the following: 140754

(1) The Office of the Governor, appointed by the Governor; 140755

(2) The Department of Alcohol and Drug Addiction Services, 140756
appointed by the Director of Alcohol and Drug Addiction Services; 140757

(3) The Department of Education, appointed by the 140758
Superintendent of Public Instruction; 140759

(4) The Department of Health, appointed by the Director of 140760
Health; 140761

(5) The Department of Job and Family Services, appointed by 140762
the Director of Job and Family Services; 140763

(6) The Department of Mental Health, appointed by the 140764
Director of Mental Health; 140765

(7) The Department of Developmental Disabilities, appointed 140766
by the Director of Developmental Disabilities; 140767

(8) The Department of Youth Services, appointed by the 140768
Director of Youth Services; 140769

(9) The Office of Budget and Management, appointed by the Director of Budget and Management;	140770 140771
(10) The Family and Children First Cabinet Council, appointed by the chairperson of the Council.	140772 140773
(B) The representative of the Office of the Governor shall serve as chairperson of the Workgroup.	140774 140775
(C) Members of the Workgroup shall serve without compensation, except to the extent that serving on the Workgroup is considered part of their regular employment duties.	140776 140777 140778
(D) The Workgroup shall develop procedures for coordinating services that the entities represented on the Workgroup provide to individuals under age twenty-one and the families of those individuals. In developing the procedures, the Workgroup shall focus on maximizing resources, reducing unnecessary costs, removing barriers to effective and efficient service coordination, eliminating duplicate services, prioritizing high risk populations, and any other matters the Workgroup considers relevant to service coordination. Not later than July 31, 2009, the Workgroup shall submit a report to the Governor with recommendations for implementing the procedures.	140779 140780 140781 140782 140783 140784 140785 140786 140787 140788 140789
(E) The Workgroup shall cease to exist June 30, 2011.	140790
Section 751.30. PROMPT PAYMENT POLICY WORKGROUP	140791
(A) There is hereby created the Prompt Payment Policy Workgroup. The Workgroup shall consist of the following members:	140792 140793
(1) One representative of the Office of Budget and Management, appointed by the Director of Budget and Management;	140794 140795
(2) Three representatives of the Department of Insurance,	140796

appointed by the Superintendent of Insurance;	140797
(3) Four representatives of the Office of Ohio Health Plans	140798
in the Department of Job and Family Services, appointed by the	140799
Director of Job and Family Services;	140800
(4) Two representatives of Ohio's Medicaid managed care	140801
plans, appointed by the Executive Director of Ohio's Care	140802
Coordination Plans;	140803
(5) Two representatives from the community of provider	140804
associations, one appointed by the Speaker of the House of	140805
Representatives and one appointed by the President of the Senate;	140806
(6) Two members of the Ohio House of Representatives, one	140807
appointed by the Speaker of the House of Representatives and one	140808
appointed by the Minority Leader;	140809
(7) Two members of the Ohio Senate, one appointed by the	140810
President of the Senate and one appointed by the Minority Leader.	140811
(B) The Director of the Department of Job and Family	140812
Services, or the Director's designee, shall serve as chairperson	140813
of the Workgroup.	140814
(C) Members of the Workgroup shall serve without	140815
compensation, except to the extent that serving on the Workgroup	140816
is considered part of the members' regular employment duties.	140817
(D) The Workgroup shall do all of the following:	140818
(1) Recommend one set of regulations to govern prompt payment	140819
policies for Medicaid managed care plans;	140820
(2) Research and analyze prompt payment policies related to	140821
aged medical claims within the health insurance industry and the	140822
Medicaid program;	140823

(3) Review general payment rules, payment policies related to electronic and paper claims, definitions of clean and unclean claims, late payment penalties, auditing requirements, and any other issues related to Medicaid prompt payment policy identified by the Workgroup;

(4) Review statistical data on the compliance rates of current policies.

(E) Not later than February 1, 2010, the Workgroup shall submit a report to the Governor and the majority and minority leadership in both Houses of the Ohio General Assembly. The report shall contain prompt payment policy recommendations for Ohio's Medicaid program.

(F) The Workgroup shall cease to exist February 28, 2010.

Section 751.40. The Director of Natural Resources shall enter into a memorandum of understanding with Farmers and Hunters Feeding the Hungry. The memorandum shall prescribe a method by which, during the period from July 1, 2009, through June 30, 2011, Farmers and Hunters Feeding the Hungry may donate venison to Ohio's food banks. The memorandum also shall prescribe methods that encourage private persons to make matching donations in money or food to Ohio's food banks that are equal or greater in value to the venison that is donated by the Farmers and Hunters Feeding the Hungry.

Section 753.10. (A) The Director of Natural Resources shall enter into a memorandum of understanding with the Southeastern Ohio Port Authority to develop the future use of the property that formerly comprised the Marietta State Nursery. The memorandum shall provide for all of the following:

(1) Sale of the property for highest and best use;

(2) Sale and usage of the property that is compatible with neighboring properties;	140853 140854
(3) Maximum financial return for the Department of Natural Resources;	140855 140856
(4) Expeditious sale of parcels of the property.	140857
(B) The memorandum shall require contracted professional engineering services to provide both of the following:	140858 140859
(1) A phase 1 environmental site assessment;	140860
(2) A master plan for property development, including all of the following:	140861 140862
(a) An inventory of site features and assets;	140863
(b) Collection of public input through a meeting and comment period;	140864 140865
(c) Identification of site usage areas such as commercial, light industrial, residential, recreational use, or green space use;	140866 140867 140868
(d) Lot lines and parcel sizes in concept;	140869
(e) Means of ingress and egress from State Route 7 and interior site access that are delineated in concept, including possible eastern access to the site with a rough calculation of cut and fill required for the construction of roads;	140870 140871 140872 140873
(f) Identification of utility services, locations, and capacities;	140874 140875
(g) Plans for compliance with subdivision regulations;	140876

(h) Recommendations for possible deed restrictions;	140877
(i) An evaluation of permits that must be obtained and other regulatory requirements that must be satisfied for purposes of the development of the property;	140878 140879 140880
(j) Any necessary maps.	140881
(C) The memorandum shall require the Southeastern Ohio Port Authority to do all of the following:	140882 140883
(1) Manage the formulation of the master plan;	140884
(2) Create a master plan brochure and sales brochures;	140885
(3) Market the property by mail, signage, and the web sites <i>www.pioneerspirit.us</i> and <i>www.Ohiosites.com</i> ;	140886 140887
(4) Respond to sales leads;	140888
(5) Screen inquiries regarding the property;	140889
(6) Negotiate sales based on pricing guidelines established by the Department of Natural Resources;	140890 140891
(7) Present qualified purchase offers to the Department.	140892
(D) The memorandum shall specify that the Department of Natural Resources owns the property, that it may sell the property in lots to the Port Authority, and that the Port Authority then may sell the lots to individual private buyers.	140893 140894 140895 140896
(E) The memorandum shall specify that the Department of Natural Resources is responsible for paying for the environmental, engineering, graphic design, signage, and printing costs as invoices for those costs are received. The Department and the Port	140897 140898 140899 140900

Authority shall agree to a cap for each of those invoices. In 140901
addition, the memorandum shall specify that as parcels of the 140902
property are transferred to private buyers, the Port Authority 140903
retains five per cent of the sale price of each parcel as a fee 140904
for services provided by the Port Authority. 140905

Section 753.40. (A) The Governor is hereby authorized to 140906
execute a deed in the name of the state conveying to Fairfield 140907
Village Realty, LLC, ("grantee"), an Ohio limited liability 140908
company, and its successors and assigns, all of the state's right, 140909
title, and interest in the following described real estate: 140910

Situated in Section 20, Township 2, Range 2, City of 140911
Fairfield, County of Butler, State of Ohio, being part of 140912
Fairfield City Lot No. 483, and being all of that real estate 140913
conveyed to The Butler County Board of Mental Retardation and 140914
Developmental Disabilities by deeds recorded in Deed Book 1553, 140915
Page 549 and Deed Book 1602, Page 538, and part of that real 140916
estate recorded in Deed Book 1451, Page 248 (all references to 140917
deeds, microfiche, plats, surveys, etc. refer to the records of 140918
the Butler County Recorder's Office, unless noted otherwise) and 140919
being more particularly bounded and described as follows: 140920

Commencing at the southwest corner of said Section 20; 140921

Thence North 4°00'00" East, along the west line of said 140922
Section 20 for a distance of 1138.50 feet to the south line of a 140923
tract of land conveyed to Cincinnati Financial Corporation by deed 140924
recorded in Official Record Volume 6544, Page 199; 140925

Thence North 80°01'34" East, leaving the west line of said 140926
Section 20 along the south line of said Cincinnati Financial 140927
Corporation for a distance of 1476.72 feet to the northwest corner 140928
of a tract of land conveyed to The Butler County Board of Mental 140929
Retardation and Developmental Disabilities by deed recorded in 140930
Deed Book 1451, Page 248, also being the TRUE PLACE OF BEGINNING 140931

for the land herein described;	140932
Thence North 80°01'34" East, continuing along the south line	140933
of said Cincinnati Financial Corporation tract for a distance of	140934
1215.00 feet to the west line of a tract of land conveyed to	140935
Cincinnati Financial Corporation by deed recorded in Official	140936
Record Volume 7039, Page 97;	140937
Thence South 3°59'06" West, leaving the south line of said	140938
Cincinnati Financial Corporation tract along the west line of said	140939
Cincinnati Financial Corporation tract for a distance of 1140.76	140940
feet to the northerly line of a tract of land conveyed to	140941
Cincinnati Mills, LLC by deeds recorded in Official Record Volume	140942
9048, Page 5078, Official Record Volume 9494, Page 5461, and	140943
Official Record Volume 9494, page 5496 (Hamilton County, Ohio	140944
Recorder's Office), also being in the south line of said Section	140945
20 and the corporation line between the City of Fairfield (Butler	140946
County) and the City of Forest Park (Hamilton County);	140947
Thence South 80°04'24" West, leaving the west line of said	140948
Cincinnati Financial Corporation tract along the south line of	140949
said Section 20 for a distance of 521.77 feet to the easterly line	140950
of said Cincinnati Mills, LLC tract;	140951
Thence leaving the south line of said Section 20 along the	140952
easterly line of said Cincinnati Mills, LLC tract the following	140953
three (3) courses:	140954
1) Along the arc of a curve to the right having a radius of	140955
225.00 feet for an arc distance of 260.16 feet, the chord of said	140956
arc being subtended by a central angle of 66°15'00" and a long	140957
chord bearing North 66°48'06" West for a distance of 245.91 feet;	140958
2) North 33°40'36" West for a distance of 519.55 feet;	140959
3) Along the arc of a curve to the left having a radius of	140960

250.00 feet for an arc distance of 65.00 feet, the chord of said
arc being subtended by a central angle of 14°53'52" and a long
chord bearing North 41 °07'32" West for a distance of 64.82 feet
to the existing south right-of-way of Kolb Drive;

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Thence leaving the easterly line of said Cincinnati Mills,
LLC tract along the existing south right-of-way of Kolb Drive the
following two (2) courses:

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1) Along the arc of a curve to the left having a radius of
50.00 feet for an arc distance of 34.31 feet, the chord of said
arc being subtended by a central angle of 39°19'01" and a long
chord bearing North 45°31'41" East for a distance of 33.64 feet;

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2) North 79°00'00" East for a distance of 10.00 feet to the
east terminus of Kolb Drive also being in the west line of said
Butler County Board of Mental Retardation and Developmental
Disabilities (Deed Book 1451, Page 248).

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Thence North 11 °00'00" West, leaving the existing south
right-of-way of Kolb Drive along the west of said Butler County
Board of Mental Retardation and Developmental Disabilities (Deed
Book 1451, Page 248) for a distance of 421.73 feet to the place of
beginning and containing 25.349 acres, subject however to all
covenants, conditions, reservations or easements of record
contained in any instrument of record to the above described tract
of land.

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Being all of that real estate conveyed to The Butler County
Board of Mental Retardation and Developmental Disabilities by
deeds recorded in Deed Book 1553, Page 549 and Deed Book 1602,
Page 538, and part of that real estate recorded in Deed Book 1451,
Page 248 of the Butler County, Ohio Recorder's Office.

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This description was prepared from deeds and plats of record
with bearings based upon deed recorded in Deed Book 1451, Page 248

140989
140990

of the Butler County, Ohio Recorder's Office. 140991

WOOLPERT, INC., Paul W. Feie, Ohio Registered Surveyor No. 140992
6723 140993

This legal description may be modified to a final form if 140994
modifications are needed to meet recordation standards in Butler 140995
County, Ohio. 140996

(B)(1) Consideration for conveyance of the real estate 140997
described in division (A) of this section is \$450,000. The 140998
consideration shall be paid by the grantee to the state at the 140999
closing according to an executed offer to purchase real estate 141000
agreement reached between the state, through the Department of 141001
Administrative Services, and the grantee. 141002

(2) As additional consideration for conveyance of the real 141003
estate described in division (A) of this section, grantee and 141004
Empowering People, Inc., ("EPI"), an Ohio corporation and the 141005
licensed operator of the facility on the real estate, have 141006
executed and delivered to the Department of Mental Retardation and 141007
Developmental Disabilities (now the Department of Developmental 141008
Disabilities), a "Cognovit Promissory Purchase Note," dated June 141009
30, 2008, for \$5,000,000. The grantee and EPI shall be entitled 141010
to credits against the "Cognovit Promissory Purchase Note" for 141011
certain completed improvements and development obligations 141012
defined as the "Improvement Plan" in the "Definitive Agreement" 141013
dated June 30, 2008, and signed by the grantee and EPI. The 141014
balance of the "Cognovit Promissory Purchase Note" shall be 141015
forgiven if the grantee and EPI complete all development 141016
obligations set forth in the "Definitive Agreement," the 141017
"Improvement Plan," and the "Cognovit Promissory Purchase Note." 141018

(C) The real estate described in division (A) of this section 141019
shall be sold as an entire tract and not in parcels through a 141020
Governor's Deed. Any personal property or chattels located on the 141021

real estate shall be transferred to the grantee through a bill of sale. 141022
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(D) The Governor's Deed shall contain deed restrictions that 141024
prohibit, within five years from the date of closing, the grantee 141025
from transferring the real estate described in division (A) of 141026
this section to a third party or assigning its interest in the 141027
real estate to a third party without the prior written approval of 141028
the Department of Developmental Disabilities. Prior written 141029
approval shall not be required if the transfer or assignment is 141030
due to the death or disability of the grantee's owner. If a 141031
transfer or assignment of the real estate involves the 141032
termination or reduction in the level of services provided to 141033
individuals with mental retardation and developmental 141034
disabilities, the Department shall not approve the transfer or 141035
assignment unless the termination or reduction is otherwise 141036
required by law, including a judicial proceeding that is not 141037
caused by any act or omission of the grantee. 141038

(E) Before the execution of the Governor's Deed as described 141039
in division (F) of this section, possession of the real estate 141040
described in division (A) of this section shall be governed by an 141041
existing interim lease between the Department of Administrative 141042
Services and the grantee, an operating license between the 141043
Department of Mental Retardation and Developmental Disabilities 141044
and EPI, and the "Definitive Agreement" between the grantee, EPI, 141045
and the Department of Mental Retardation and Developmental 141046
Disabilities. 141047

(F) The Auditor of State, with the assistance of the Attorney 141048
General, shall prepare a Governor's Deed to the real estate 141049
described in division (A) of this section. The Governor's Deed 141050
shall state the consideration and the deed restrictions contained 141051
in division (D) of this section. The deed shall be executed by the 141052
Governor in the name of the State, countersigned by the Secretary 141053

of State, sealed with the Great Seal of the State, presented in 141054
the Office of the Auditor of State for recording, and delivered to 141055
the grantee. The grantee shall present the Governor's Deed for 141056
recording in the Office of the Butler County Recorder. 141057

(G) The grantee shall pay the costs of the conveyance of the 141058
real estate described in division (A) of this section, including 141059
recordation costs of the Governor's Deed. 141060

(H) This section expires two years after its effective date. 141061

Section 753.50. (A) The Governor is hereby authorized to 141062
execute a deed in the name of the state conveying to the Jackson 141063
City Schools Board of Education ("grantee"), its successors and 141064
assigns, all of the state's right, title, and interest in the 141065
following described real estate: 141066

Parcel 1 141067

The following described tract is located in part of the Scioto 141068
Salt Reserve (SSR) Lots 4 and 5, Township 6 North, Range 18 West, 141069
Franklin Township, Jackson County Ohio. Being part of the State of 141070
Ohio, Ohio Agricultural Research and Development Center's tract 141071
two and tract three, as recorded in Volume 209, at Page 648, of 141072
the Deed Records, Recorder's Office, Jackson County, Ohio and 141073
being more accurately described as follows: 141074

Beginning at the intersection of the centerline of the Portsmouth 141075
Branch of the B&O SW Railroad (Jackson Short Line) and the 141076
township line between Franklin and Lick Townships, thence South 141077
82°18'53" East, along the township line, a distance of 1398.90 141078
feet to an iron pin set, said pin being the **TRUE POINT OF** 141079
BEGINNING for the herein described tract; 141080

Thence South 82°18'53" East, continuing along the township line,	141081
passing an iron pin previously set at the southeast corner of Lick	141082
Township, SSR Lot 116 at a distance of 41.07 feet, a total	141083
distance of 215.54 feet to an iron pin set on the west	141084
right-of-way line of County Home Road (Township Road 707, 40'	141085
right-of-way), also being a tract of the Board of County	141086
Commissioners of Jackson County, as recorded in Deed Volume 76, at	141087
Page 267;	141088

Thence South 07°11'24" West, along the west right-of-way line of	141089
County Home road and said Commissioner's tract, a distance of	141090
637.87 feet to an iron pin set;	141091

Thence South 25°23'58" West, through the tract of which this	141092
description is a part, a distance of 677.82 feet to an iron pin	141093
set on the north right-of-way line of State Route 93 (right-of-way	141094
varies) and being the south line of the tract of which this	141095
description is a part;	141096

Thence North 64°30'00" West, along the north right-of-way line of	141097
State Route 93, a distance of 223.70 feet to an iron pin set on	141098
the east line of the Ohio Department of Transportation's tract as	141099
recorded in Deed Volume 270, at Page 49;	141100

Thence along said Ohio Department of Transportation's tract and	141101
the right-of-way line for state Route 93, the following two (2)	141102
courses;	141103

North 25°30'00" East, a distance of 20.00 feet to an iron pin	141104
set;	141105

North 61°03'58" West, a distance of 136.45 feet to an iron pin set;	141106 141107
Thence North 23°14'34" East, through the tract of which this description is a part, a distance of 1190.21 feet to the point of beginning. Containing a total of 9.665 acres, 9.648 acres are within Scioto Salt Reserve Lot 4, and 0.017 acres within Scioto Salt Reserve Lot 5. All being part of Auditor's Parcel # 0050010004500;	141108 141109 141110 141111 141112 141113
Being subject to all legal right-of-ways and easements.	141114
All iron pins set for this survey are 5/8" rebar (30" long) with i.d. cap stamped "Dana Exline 7060."	141115 141116
A plat of survey is attached hereto and made a part hereof. This description is valid only if the plat is attached and recorded with it.	141117 141118 141119
Bearings for this survey are rotated to ODOT plans JAC 93-13.95 recorded in Jackson County Record of Centerline Plats Book 1, Page 83.	141120 141121 141122
The above description was prepared from an actual field survey completed on March 08, 2001, by Dana A. Exline, Ohio Professional Surveyor #7060.	141123 141124 141125
Easement	141126

The following described easement is located in part of the Scioto
Salt Reserve (SSR) Lots 4 and 5, Township 6 North, Range 18 West,
Franklin Township, Jackson County Ohio, and being part of the
State of Ohio, Ohio Agricultural Research and Development Center's
tract two and three, as recorded in Volume 209, at Page 648, of
the Deed Records, Recorder's Office, Jackson County, Ohio. Being a
sixty (60) foot wide easement, with thirty (30) feet on each side
of the following described centerline:

Beginning at the intersection of the Portsmouth Branch of the B&O
SW Railroad (Jackson Short Line) and the township line between
Franklin and Lick Townships, thence South 82°18'53" East, along
the township line, a distance of 1398.90 feet to an iron pin set
for the northwest corner of the 9.665 acre tract this easement
will serve; thence South 23°14'34" West, along the west line of
said 9.665 acre tract, a distance of 1048.27 feet to a point, said
point being the **TRUE POINT OF BEGINNING** for this easement
description;

Thence North 64°30'00" West, through the tract of which this
description is a part, a distance of 739.98 feet to a point on the
easterly right-of-way line of the Jackson Short Line Railroad,
formerly known as the Portsmouth Branch of the B&O SW Railroad,
said point being the terminus of this easement description.

All iron pins set for this survey are 5/8" rebar (30" long) with
i.d. cap stamped "Dana Exline 7060."

A plat of survey is attached hereto and made a part hereof. This
description is valid only if the plat is attached and recorded

with it. 141153

Bearings for this survey are rotated to ODOT plans JAC 93-13.95 141154
recorded in Jackson County Record of Centerline Plats Book 1, Page 141155
83. 141156

The above description was prepared from an actual field survey 141157
completed on March 08, 2001, by Dana A. Exline, Ohio Professional 141158
Surveyor #7060. 141159

Parcel 2 141160

The following described tract is located in part of the Scioto 141161
Salt Reserve (SSR) Lot 4, Township 6 North, Range 18 West, 141162
Franklin Township, Jackson County Ohio. Being part of the State of 141163
Ohio, Ohio Agricultural Research and Development Center's tract 141164
two as recorded in Volume 209, at Page 648, of the Deed Records, 141165
Recorder's Office, Jackson County, Ohio and being more accurately 141166
described as follows: 141167

Beginning at the intersection of the centerline of the Portsmouth 141168
Branch of the B&O SW Railroad (Jackson Short Line) and the 141169
township line between Franklin and Lick townships, thence South 141170
82°18'53" East, along the township line, a distance of 1654.44 141171
feet to an iron pin set on the east right-of-way line of County 141172
Home Road (Township Road 707, 40' right-of-way) also being a tract 141173
of the Board of County Commissioners of Jackson County, as 141174
recorded in Deed Volume 76, at page 267, said pin being the **TRUE** 141175
POINT OF BEGINNING for the herein described tract; 141176

Thence South 82°18'53" East, continuing along the township line, a distance of 353.70 feet to an iron pin set;	141177
	141178
Thence South 38°54'57" West, through the tract of which this description is a part, a distance of 672.60 feet to an iron pin set on the east right-of-way line of County Home Road and said Commissioner's tract;	141179
	141180
	141181
	141182
Thence North 07°11'24" East, along the east right-of-way line of County Home Road, a distance of 575.15 feet to the point of beginning. Containing a total of 2.335 acres. Being part of Auditor's Parcel # 0050010004500;	141183
	141184
	141185
	141186
Being subject to all legal right-of-ways and easements.	141187
All iron pins set for this survey are 5/8" rebar (30" long) with i.d. cap stamped "Dana Exline 7060."	141188
	141189
A plat of survey is attached hereto and made a part hereof. This description is valid only if the plat is attached and recorded with it.	141190
	141191
	141192
Bearings for this survey are rotated to ODOT plans JAC 93-13.95 recorded in Jackson County Record of Centerline Plats Book 1, Page 83.	141193
	141194
	141195

The above description was prepared from an actual field survey	141196
completed on March 08, 2001, by Dana A. Exline, Ohio Professional	141197
Surveyor #7060.	141198

(B) Consideration for conveyance of the real estate is the	141199
conveyance from the grantee to the state, its successors and	141200
assigns, of the following described real estate:	141201

The following described tract is located in part of the Scioto	141202
Salt Reserve (SSR) Lots 117 and 118, Township 7 North, Range 18	141203
West, Lick Township, Jackson County Ohio, and being part of the	141204
Jackson City Schools, Board of Education's 24.118 acre tract, as	141205
recorded in Volume 330, at Page 333, of the Deed Records,	141206
Recorder's Office, Jackson County, Ohio and being more accurately	141207
described as follows:	141208

Beginning at the intersection of the centerline of the Portsmouth	141209
Branch of the B&O SW Railroad (Jackson Short Line) and the	141210
township line between Lick and Franklin Townships, thence South	141211
82°18'53" East, along the township line, passing an iron pin set	141212
at the southwest corner of SSR Lot 117 at 1439.97 feet, a total	141213
distance of 2112.86 feet to an iron pin set and being the TRUE	141214
POINT OF BEGINNING for the herein described tract;	141215

Thence North 05°33'28" East, through the tract of which this	141216
description is a part, a distance of 735.22 feet to an iron pin	141217
set on the north line of the 24.118 acre tract;	141218

Thence South 82°15'00" East, along the north line of the tract of	141219
which this description is a part, a distance of 659.26 feet to an	141220
iron pin previously set on the west line of a twenty foot wide	141221
ingress-egress easement for the Jackson County Home Cemetery;	141222
Thence South 07°08'47" West, along an easterly line of the tract	141223
of which this description is a part, a distance of 308.00 feet to	141224
an iron pin previously set;	141225
Thence South 82°18'53" East, along a boundary line of the tract of	141226
which this description is a part passing into SSR Lot 118 at 20.00	141227
ft, a total distance of 108.20 feet to an iron pin previously set;	141228
Thence South 07°08'47" West, along an easterly line of the tract	141229
of which this description is a part, a distance of 426.00 feet to	141230
an iron pin previously set on the township line between Lick and	141231
Franklin Townships;	141232
Thence North 82°18'53" West, along the township line passing an	141233
iron pin previously set for the southeast corner of SSR Lot 117 at	141234
88.20 feet, a total distance of 747.07 feet to the point of	141235
beginning. Containing a total of 12.000 acres. 11.137 acres are	141236
within Scioto Salt Reserve Lot 117, and 0.863 acres are within	141237
Scioto Salt Reserve Lot 118. All being part of Auditor's Parcel #	141238
H120060025401;	141239
Being subject to all legal right-of-ways and easements.	141240

All iron pins set for this survey are 5/8" rebar (30" long) with
i.d. cap stamped "Dana Exline 7060."

141241
141242

A plat of survey is attached hereto and made a part hereof. This
description is valid only if the plat is attached and recorded
with it.

141243
141244
141245

Bearings for this survey are rotated to ODOT plans JAC 93-13.95
recorded in Jackson County Record of Centerline Plats Book 1, Page
83.

141246
141247
141248

The above description was prepared from an actual field survey
completed on March 08, 2001 by Dana A. Exline, Ohio Professional
Surveyor #7060.

141249
141250
141251

(C) The grantee shall pay the costs of the conveyance.

141252

(D) Upon the conveyance to the state of the real estate
described in division (B) of this Section, the Auditor of State,
with the assistance of the Attorney General, shall prepare a deed
to the real estate described in division (A) of this Section. The
deed shall state the consideration. The deed shall be executed by
the Governor in the name of the state, countersigned by the
Secretary of State, sealed with the Great Seal of the State,
presented in the Office of the Auditor of State for recording,
and delivered to the grantee. The grantee shall present the deed
for recording in the Office of the Jackson County Recorder.

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(E) This Section expires one year after its effective date.

141263

Section 753.60. (A) The Governor is authorized to execute a Governor's Deed in the name of the state conveying to the Dayton Public School District/Dayton Board of Education, ("grantee"), and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

STATE OF OHIO TO BOARD OF EDUCATION 45.3599 Acres

Situated in Section 26, Township 2, Range 7 of the Miami River Survey, the City of Dayton, the County of Montgomery, the State of Ohio, being a 2.2361 acre portion of a 15 acres 30 rods tract conveyed to the State of Ohio as recorded in Deed Book U-2, Page 40, and being a 22.5673 acre portion of a 24.36 acre tract of land conveyed to the Trustees of the Southern Ohio Lunatic Asylum as recorded in Deed Book N-3, Page 233, being an 4.6813 acre portion of a 21.25 acre tract of land conveyed to the State of Ohio as recorded in Deed Book 169, Page 583, and being an 8.6742 acre portion of a 33.5 acre tract as conveyed to the State of Ohio as recorded in Deed Book 169, Page 585, being an 7.2010 acre portion of a 10.544 acre tract of land as conveyed to the State of Ohio as recorded in Deed Book 138, Page 125 and being a portion of City of Dayton Lot Number 61376 and all of Lot Number 61377 of the revised and consecutive numbers of lots on the plat of the City of Dayton and more particularly bounded and described as follows:

Beginning at a capped 5/8" Iron Pin found stamped "Woolpert" at the Southeast corner of a 2.881 acre tract being Parcel 2 of the Wilmington Woods Plat as recorded in Plat Book 134, Page 3A, said point also being the northeast corner of an 8.338 acre tract of land conveyed to the Barry K. Humphries as recorded in Microfiche 01-O590A04 and the TRUE POINT OF BEGINNING;

Thence with the east line of said 2.881 acre tract being Parcel 2 and the West line of a 24.36 acre tract of land conveyed to the Trustees of the Southern Ohio Lunatic Asylum as recorded in Deed Book N-3, Page 233, North 00°32' 15" East a distance of

459.39 feet to a RR Spike set in the centerline of Wayne Avenue,	141296
passing a 5/8 inch iron pin set at the northeast corner of said	141297
2.881 acre tract and the south right of way of Wayne Avenue at	141298
429.39 feet;	141299

Thence with the centerline of Wayne Ave and the north lines	141300
of said 24.36 acre tract and said 21.25 acre tract, South	141301
89°18'28" East a distance of 790.80 feet to a RR spike set at the	141302
northwest corner of a 1.056 acre tract of land conveyed to the City	141303
of Dayton as recorded in M.F. No. 90-424 EO9;	141304

Thence with the west line of said 1.056 acre tract and the	141305
east line of said 21.25 acre tract, South 01°17'05" West a	141306
distance of 230.89 feet to a 5/8 inch iron pin stamped "Riancho",	141307
passing a 5/8 inch iron set at the south right of way of Wayne	141308
Avenue at 30.00 feet;	141309

Thence with the south line of said 1.056 acre tract and the	141310
south line of a 1.056 acre tract of land conveyed to the City of	141311
Dayton as recorded in M.F. No. 78-725 B08, South 89°27' 55" East a	141312
distance of 400.00 feet to a found 5/8" iron pin and passing a 5/8	141313
inch iron pin found stamped "Riancho" at 200.00 feet;	141314

Thence with the east line of said 1.056 acre tract and the	141315
west line of said 33.5 acre tract as conveyed to the State of Ohio	141316
as recorded in Deed Book 169 Page 585, North 1°17'05" East a	141317
distance of 229.79 feet to a RR spike set, passing a 5/8 inch iron	141318
pin set at the south right of way of Wayne Avenue at 199.79 feet;	141319

Thence with the centerline of Wayne Avenue and the north line	141320
of said 33.5 acre tract, South 89°18'28" East a distance of 270.78	141321
feet to a RR spike set at the Intersection of the centerlines of	141322
Watervliet Avenue and Wayne Avenue;	141323

Thence with the centerline of Watervliet Avenue and with the	141324
northerly line of said 33.5 acre tract, South 55°21'16" East a	141325

distance of 231.10 feet to a RR spike set;	141326
Thence with the east line of said 33.5 acre tract and the	141327
west line of a 13.00 acre tract conveyed to the Board of Education	141328
of the Dayton City School District as recorded in Deed Book 1522,	141329
Page 341, South 00°48' 28" West a distance of 709.51 feet to a 5/8	141330
inch iron pin set;	141331
Thence with a new division line, North 89°11'12" West, a	141332
distance of 468.08 feet to a 5/8 inch iron pin set, in the west	141333
line of said 33.5 acre tract and the east line of said 21.25 acre	141334
tract, to a 5/8 inch iron pin set;	141335
Thence with the west line of said 33.5 acre tract and the	141336
east line of said 21.25 acre tract, North 01°07'55" East a	141337
distance of 141.74 feet to a 5/8 inch iron pin set;	141338
Thence with a new division line, North 89°15'53" West,	141339
passing the west line of said 21.25 acre tract and the east line	141340
of said 24.36 acre tract conveyed to The Trustees of the Southern	141341
Ohio Lunatic Asylum as recorded in Deed Book N~3, Page 233 at a	141342
distance of 425.35 feet, for a total distance of 507.35 feet to a	141343
5/8 inch iron pin set;	141344
Thence with a new division line South 01°07'00" West passing	141345
the south line of 24.36 acre tract conveyed to The Trustees of the	141346
Southern Ohio Lunatic Asylum as recorded in Deed Book N-3, Page	141347
233 and the north line of said 10.544 acre tract at a distance of	141348
627.92 feet, for a total distance of 1,013.05 feet to a 5/8 inch	141349
iron pin set in the south line of said 10.544 acre tract;	141350
Thence with the south line of said 10.544 acre tract and the	141351
north line a 20.3 acre tract conveyed to the State of Ohio	141352
Department of Public Works for the use of the Department of Public	141353
Welfare, Dayton State Hospital as recorded in Deed Book 1326, Page	141354
247, North 88°52'07" West a distance of 808.89 feet to a 5/8 inch	141355

iron pin set in the east line of a 11.579 acre tract of land	141356
conveyed to the Hospice of Dayton as recorded in Microfiche	141357
94-0448C08;	141358
Thence with the east line of said 11.579 acre tract of land,	141359
the east line of said 8.338 acre tract as conveyed to Barry K.	141360
Humphries as recorded in M.F. number 01-0590 A04, the west line of	141361
said 10.544 acre tract, and the west line of said 2.36 acre tract,	141362
North 03°24 '08" West a distance of 956.68 feet to a 5/8 inch iron	141363
pin set;	141364
Thence with an easterly line of said 8.338 acre tract, the	141365
westerly line of said 24.36 acre tract, and the north line of said	141366
2.36 acre tract, North 49°49'38" East a distance of 275.99 feet to	141367
a capped 5/8 inch Iron Pin found stamped "LJB";	141368
Thence with the east line of said 8.338 acre tract and the	141369
west line of a 24.36 acre tract, North 00°32'15" East a distance	141370
of 108.09 feet to a capped 5/8" Iron Pin stamped "Woolpert" and	141371
the TRUE POINT OF BEGINNING, containing 45.3599 acres more or	141372
less. Subject to all easements, agreements and right of ways of	141373
record.	141374
The basis of bearings for this description is the easterly	141375
line of Parcel 2, South 00°32'15 West, as recorded in the	141376
Wilmington Woods Plat as recorded in Plat Book 134, Page 3A;	141377
All iron pins set in the above boundary description are 5/8"	141378
(O.D.) 30" long with a plastic cap stamped "LJB"	141379
(B)(1) Consideration for conveyance of the real estate	141380
described in division (A) of this section is the transfer to the	141381
state at no cost of 8.9874 acres adjacent to the remaining Twin	141382
Valley Behavioral Healthcare/Dayton Campus, subject to the	141383
following conditions:	141384

(a) Within one hundred eighty days after conveyance of the real estate described in division (A) of this section, grantee at its own cost shall complete construction of a new western extension off of Mapleview Avenue to provide a new entrance roadway to the remaining Twin Valley Behavioral Healthcare/Dayton Campus and provide an easement to the state for full utilization of the roadway for the benefit of the remaining Twin Valley Behavioral Healthcare/Dayton Campus until the property described in division (B)(1) of this section is transferred to the state.	141385 141386 141387 141388 141389 141390 141391 141392 141393
(b) Within three hundred forty days after the occupancy of the New Belmont High School, grantee shall demolish and environmentally restore the 8.9874 acres being transferred to the state.	141394 141395 141396 141397
(2) In lieu of the transfer of the 8.9874 acres, if the Director of Mental Health determines that the grantee has insufficiently performed its construction, demolition, and environmental restoration obligations specified in division (B)(1) of this section, the grantee, as consideration, shall pay a purchase price of \$1,175,000.00 to the state, which is the appraised value of the 45.3599 acres described in division (A) of the section less the cost of demolition, site, and utility work.	141398 141399 141400 141401 141402 141403 141404 141405
(C) The real estate described in division (A) of this section shall be conveyed as an entire tract and not in parcels.	141406 141407
(D) Upon transfer of the 8.9874 acres to the state or payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in the Office of the	141408 141409 141410 141411 141412 141413 141414 141415 141416

Montgomery County Recorder.	141417
(E) The grantee shall pay all costs associated with conveyance of the real estate described in division (A) of this section, including recordation costs of the deed.	141418 141419 141420
(F) If the payment of \$1,175,000.00 is made in lieu of the transfer of the 8.9874 acres to the state, the proceeds of the conveyance of the real estate described in division (A) of this section shall be deposited into the state treasury to the credit of the Department of Mental Health Trust Fund created by section 5119.18 of the Revised Code and the easement described in division (B)(1)(a) of this section shall become a permanent easement.	141421 141422 141423 141424 141425 141426 141427
(G) The grantee shall not, during any period that any bonds issued by the state to finance or refinance all or a portion of the real estate described in division (A) of this section are outstanding, use any portion of the real estate for a private business use without the prior written consent of the state.	141428 141429 141430 141431 141432
As used in this division:	141433
"Private business use" means use, directly or indirectly, in a trade or business carried on by any private person other than use as a member of, and on the same basis as, the general public. Any activity carried on by a private person who is not a natural person shall be presumed to be a trade or business.	141434 141435 141436 141437 141438
"Private person" means any natural person or any artificial person, including a corporation, partnership, limited liability company, trust, or other entity and including the United States or any agency or instrumentality of the United States, but excluding any state, territory, or possession of the United States, the District of Columbia, or any political subdivision thereof that is referred to as a "State or local governmental unit" in Treasury Regulation § 1.103-1(a) and any person that is acting solely and	141439 141440 141441 141442 141443 141444 141445 141446

directly as an officer or employee of or on behalf of any such
governmental unit.

141447
141448

(H) This section expires two years after its effective date.

141449

Section 753.70. The Governor is hereby authorized to execute
a deed in the name of the state conveying to the City of
Cincinnati ("grantee"), its successors and assigns, all of the
state's right, title, and interest in the following described real
estate:

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141451
141452
141453
141454

Situated in Section 6, Town 3 Fractional Range 2, of the
Miami Purchase, Mill Creek Township in the City of Cincinnati,
Hamilton County, State of Ohio, being more particularly described
as follows:

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141456
141457
141458

Commencing in the center of Seymour Avenue at the southeast
corner to Lot 1 of the Hannah A. Sandburn's subdivision recorded
in Plat Book, Page 263 at the Hamilton County Records records in
Cincinnati, Ohio:

141459
141460
141461
141462

Thence along centerline of Seymour Avenue 88°41'02" West a
distance of 60.00 feet;

141463
141464

Thence along a line parallel to Lot 1 and Lot 2 of Hannah A.
Sandburn's Subdivision North 01°06'58" East a distance of 42.01
feet at a set cross-notch in the north right of way line of
Seymour Avenue at the common corner to Domicile, Inc. (OR 6940, PG
1715) and being the true POINT OF BEGINNING to this description;

141465
141466
141467
141468
141469

Thence along the right of way line of Seymour Avenue the
following three (3) courses:

141470
141471

North .86°49'13" West a distance of 151.95 feet to a point;

141472

North 88°57'41" West a distance of 197.14 feet to a point;

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Along a curve to the right having a radius of 1633.20 feet,	141474
an arc distance of 254.86 feet and whose chord bears North	141475
84°29'29" West a distance of 254.60 feet to a set cross-notch,	141476
common corner to the Ohio Department of Transportation;	141477
 Thence leaving said right of way and along the line of the	141478
Ohio Department of Transportation the following three (3) courses:	141479
 North 03°21'39" West a distance of 468.28 feet to a set 5/8"	141480
steel rebar with plastic cap stamped "J.G.K. S-8227";	141481
 North 03°47'08" East a distance of 313.70 feet to a set 5/8"	141482
steel rebar with plastic cap stamped "J.G.K. S-8227";	141483
 North 04°59'33" East a distance of 153.84 feet to a set 5/8"	141484
steel rebar with plastic cap stamped "J.G.K. S-8227";	141485
 Thence leaving said common line and with a new division line	141486
through the lands of State of Ohio and along a curve to the left	141487
having a radius of 598.66 feet, an arc distance of 798.59 feet and	141488
whose chord bears South 72°43'03" East a distance of 740.68 feet	141489
to a set 5/8" steel rebar with plastic cap stamped "J.G.K.	141490
S-8227";	141491
 Thence South 03°00'59" West, passing a recovered 5/8" steel	141492
rebar (PLS #6670) at 10.3 feet, corner to the United States of	141493
America (OR 6308, PG 3023), a total distance of 637.68 feet to a	141494
set 5/8" steel rebar with plastic cap stamped "J.G.K. S-8227"	141495
corner to the same;	141496
 Thence along the line of the United States of America the	141497
following two (2) calls	141498
 North 87°35'48" West a distance of 33.54 feet to a set 5/8"	141499
steel rebar with plastic cap stamped "J.G.K. S-8227";	141500

South 01°06'58" West a distance of 33.30 feet to a set 5/8"	141501
steel rebar with plastic cap stamped "J.G.K. S-8227" at a corner	141502
to Domicile, Inc.;	141503
Thence with the line of Domicile, Inc. the following two (2)	141504
calls;	141505
North 88°53'02" West a distance of 60.00 feet to a set 5/8"	141506
steel rebar with plastic cap stamped "J.G.K. S-8227";	141507
South 01°06'58" West a distance of 157.78 feet to the POINT	141508
OF BEGINNING.	141509
Containing 12.956 acres and being subject to all easements	141510
and restrictions of record.	141511
Being a part of the property conveyed to the State of Ohio in	141512
Official Record Book 2279, Page 583 of the Hamilton County Clerks	141513
records in Cincinnati, Ohio.	141514
Said herein description being the result of a survey	141515
performed by Cardinal Engineering Corporation in September, 2008	141516
under the direct supervision of Joseph G. Kramer, P.L.S. #S-8227.	141517
The bearings of this description are based on a survey performed	141518
by the Army Corps of Engineers dated 1957.	141519
Consideration for conveyance of the real estate described in	141520
this section is \$1,230,000.	141521
The grantee shall not use, develop, or sell the real estate	141522
described in this section such that it will interfere with the	141523
quiet enjoyment of the adjacent state-owned land.	141524
The real estate described in this section shall be sold as an	141525
entire tract and not in parcels.	141526
Upon payment of the purchase price, the Auditor of State,	141527

with the assistance of the Attorney General, shall prepare a 141528
Governor's Deed to the real estate described in this section. The 141529
Governor's Deed shall state the consideration and the condition. 141530
The deed shall be executed by the Governor in the name of the 141531
State, countersigned by the Secretary of State, sealed with the 141532
Great Seal of the State, presented in the Office of the Auditor of 141533
State for recording, and delivered to the grantee. The grantee 141534
shall present the deed for recording in the Office of the Hamilton 141535
County Recorder. 141536

The grantee shall pay all costs associated with the purchase 141537
and conveyance of the real estate described in this section, 141538
including deed recordation costs. 141539

The net proceeds of the sale of the real estate described in 141540
this section shall be deposited in the State Treasury to the 141541
credit of the Department of Mental Health Trust Fund under section 141542
5119.18 of the Revised Code. 141543

This section expires two years after its effective date. 141544

Section 757.10. (A) This section is intended as remedial 141545
legislation authorizing the exemption of airport property for 141546
which a port authority applied for tax exemption, but was denied 141547
because the applicant was a lessee and not the owner of the 141548
property, as required under section 5715.27 of the Revised Code as 141549
that section existed before its amendment by Sub. H.B. 160 of the 141550
127th General Assembly. 141551

(B) As used in this section: 141552

(1) "Eligible year" means any year for which taxes, 141553
penalties, and interest could have been remitted or abated, and 141554
the property placed on the exempt tax list, under a previous 141555
application for exemption if the application had not been 141556
dismissed as provided under division (A) of this section. 141557

(2) "Qualified property" means real property owned by a subdivision of this state, leased to a port authority created under Chapter 4582. of the Revised Code, and used as an airport, and that currently qualifies for exemption from taxation under any section of the Revised Code, but for which the application for exemption for an eligible year was dismissed by the Tax Commissioner as provided in division (A) of this section.

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(3) "Subdivision," "taxing authority," and "taxing unit" have the same meanings as in section 5705.01 of the Revised Code.

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(C) Notwithstanding section 5713.081 of the Revised Code, if an application for exemption from and abatement or remission of property taxes for qualified property was dismissed because of failure to comply with Chapter 5713., or section 5715.27 of the Revised Code as that section existed before its amendment by Sub. H.B. 160 of the 127th General Assembly, the current owner of qualified property, on or before January 1, 2010, may file with the Tax Commissioner an application requesting that the property be placed on the exempt tax list and that all paid or unpaid taxes, penalties, and interest on the property be abated or remitted, as appropriate, for each eligible year. The application shall be filed on the form prescribed by the Commissioner under section 5715.27 of the Revised Code. The owner shall include with the application a copy of the Commissioner's final determination dismissing the previous application and the certificate issued by the county treasurer under division (F) of this section. Failure to include the Commissioner's final determination that dismissed the previous application for exemption or the treasurer's certificate shall result in dismissal of the application filed under this section.

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(D) Upon receiving an application under this section, the Tax Commissioner shall determine if the applicant and the applicant's property satisfy the requirements for exemption, abatement, and

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remission under this section. If the requirements are satisfied, 141590
the Commissioner shall issue an order directing the auditor to 141591
place the property on the exempt tax list of the county and 141592
ordering that all paid or unpaid taxes, penalties, and interest be 141593
abated or remitted for every eligible year the property was 141594
qualified property. If the Commissioner determines that the 141595
property does not satisfy the requirements for exemption for one 141596
or more years, the Commissioner shall deny the application for 141597
those years and certify the finding to the county treasurer of the 141598
county in which the property is located for collection of all 141599
taxes, penalties, and interest and distribution thereof to the 141600
appropriate subdivisions. Tax payments for eligible years shall 141601
not be considered unpaid taxes for purposes of establishing 141602
jurisdiction to consider an application under this section. 141603

(E) The county auditor shall notify the county treasurer that 141604
any tax payments for eligible years that have not been distributed 141605
shall be held in a special fund pending a decision by the Tax 141606
Commissioner on an application filed under this section. No 141607
subdivision or other taxing unit is entitled to advance payment of 141608
such amounts under section 321.34 of the Revised Code. After the 141609
Commissioner issues a decision, the county auditor shall either 141610
remit the taxes, penalties, and interest to the applicant if the 141611
application is approved or distribute the taxes, penalties, and 141612
interest to the proper taxing authorities if the application for 141613
exemption is denied. 141614

(F) Upon request by the applicant, the county treasurer shall 141615
determine whether all taxes, penalties, and interest that were 141616
levied for all tax years that are not eligible years and whether 141617
all special assessments charged against the property have been 141618
paid in full. If so, the treasurer shall issue a certificate to 141619
the applicant stating that all such amounts have been paid, or, if 141620
not, the certificate shall list the tax years for which such 141621
taxes, penalties, interest, and special assessments remain unpaid. 141622

Section 759.10. Notwithstanding division (B)(1) of section 141623
5919.34 of the Revised Code, the number of participants in the 141624
Ohio National Guard Scholarship Program for the summer term 141625
occurring in the year 2009 shall be limited to the equivalent of 141626
one thousand two hundred full-time participants. 141627

Section 801.10. As used in the uncodified law of this act, 141628
"American Recovery and Reinvestment Act of 2009" means the 141629
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 141630
111-5, 123 Stat. 115. 141631

Section 803.10. Section 1751.14 of the Revised Code, as 141632
amended by this act, shall apply only to policies, contracts, 141633
and agreements that are delivered, issued for delivery, or 141634
renewed in this state on or after July 1, 2010; section 3923.24 141635
of the Revised Code, as amended by this act, shall apply only to 141636
policies of sickness and accident insurance and plans of health 141637
coverage that are established or modified in this state on or 141638
after July 1, 2010; and section 3923.241, as enacted by this 141639
act, shall apply only to public employee health plans 141640
established or modified in this state on or after July 1, 2010. 141641

Section 803.20. Sections 718.04 and 5747.01 of the Revised 141642
Code, as amended by this act, first apply to taxable years 141643
beginning on or after January 1, 2010. 141644

The amendment by this act of sections 5733.47 and 5747.76 of 141645
the Revised Code applies to credits claimed with respect to 141646
certificates issued in taxable years ending on or after the 141647
effective date of this amendment. 141648

Section 803.30. In anticipation of the amendments to section 141649
124.134 of the Revised Code taking effect on August 30, 2009, the 141650
Director of Administrative Services shall determine an additional, 141651
prorated amount of vacation leave for employees who are in their 141652

fourth, ninth, fourteenth, nineteenth, or twenty-fourth year of service to receive as a result of the transition occurring on that date. The additional, prorated amount shall be such that the affected employees are not harmed as a result of the transition, and shall be added to the vacation leave balances of the affected employees on August 30, 2009.

Section 803.50. The amendment by this act of section 5727.811 of the Revised Code applies to the measurement period that includes the effective date of that section and ensuing measurement periods.

Section 803.60. The amendment of section 105.41 of the Revised Code by this act does not abrogate any collective bargaining agreement, for the duration of the agreement, that applies to employees of the Capitol Square Review and Advisory Board and that was entered into under Chapter 4117. of the Revised Code before the effective date of that amendment.

Section 803.70. The amendment by this act of division (B) of section 5751.02 of the Revised Code is to clarify the General Assembly's intent of that section when it was enacted by Am. Sub. H.B. 66 of the 126th General Assembly.

Section 806.10. The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application.

Section 809.10. An item of law, other than an amending, enacting, or repealing clause, that composes the whole or part of an uncodified section contained in this act has no effect after June 30, 2011, unless its context clearly indicates otherwise.

Section 812.10. Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section is subject to the referendum under Ohio Constitution, Article II, Section 1c and therefore takes effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified below, on that date.

The amendments by this act to section 3901.381 of the Revised Code take effect twelve months after the effective date specified in the first paragraph of this section.

The amendments by this act to sections 3733.02 and 4781.06 of the Revised Code take effect January 1, 2010.

The amendment, enactment, or repeal by this act of sections 4505.20, 4517.01, 4517.02, 4517.03, 4517.052, 4517.27, 4517.30, 4517.33, 4517.43, 4781.02, 4781.04, 4781.05, 4781.16, 4781.17, 4781.18, 4781.19, 4781.20, 4781.21, 4781.22, 4781.23, 4781.24, 4781.25, and 4781.99 of the Revised Code takes effect July 1, 2010.

The amendment of sections 1739.05, 1751.14, 3923.24, 3923.241, 5743.15, 5743.61, and 5747.01 of the Revised Code takes effect January 1, 2010.

The enactment of section 3903.77 of the Revised Code takes effect one year after the effective date specified in the first paragraph of this section.

The enactment of sections 153.013 and 5525.26 of the Revised Code takes effect January 1, 2010.

Sections 803.10 and 803.20 of this act take effect January 1, 2010.

The amendments by this act to sections 3319.391 and 3327.10	141711
of the Revised Code take effect January 1, 2010.	141712

Section 812.20. The amendment, enactment, or repeal by this	141713
act of the sections listed below is exempt from the referendum	141714
because it is or relates to an appropriation for current expenses	141715
within the meaning of Ohio Constitution, Article II, Section 1d	141716
and section 1.471 of the Revised Code, or defines a tax levy	141717
within the meaning of Ohio Constitution, Article II, Section 1d,	141718
and therefore takes effect immediately when this act becomes law	141719
or, if a later effective date is specified below, on that date.	141720

Sections 103.24, 121.40, 121.401, 121.402, 122.011, 124.03,	141721
124.152, 124.181, 124.183, 124.27, 124.34, 124.381, 124.382,	141722
124.385, 124.386, 124.392, 124.393, 124.821, 124.822, 124.86,	141723
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5727.84, 5729.03, 5739.01, 5739.03, 5739.033, 5739.051, and 141788
6111.044 of the Revised Code. 141789

The amendment by this act of sections 711.001, 711.05, 141790
711.10, 711.131, 4736.01, 6111.04, and 6111.044 of the Revised 141791
Code as amended by Sections 101.01 and 101.02 takes effect 141792
immediately when this act becomes law. 141793

The repeal and reenactment of section 5112.371 of the 141794
Revised Code. 141795

The amendment by this act to division (A) of section 124.134 141796
of the Revised Code takes effect on August 30, 2009, and the 141797
remainder of that section takes effect immediately when this act 141798
becomes law. 141799

The amendment, enactment, or repeal of sections 122.85, 141800
3721.02, 3721.50, 3721.51, 3721.511, 3721.512, 3721.513, 3721.53, 141801
3721.55, 3721.56, 4301.43, 4503.182, 4507.23, 5111.20, 5111.231, 141802
5111.24, 5111.243, 5111.25, 5111.262, and 5111.263 of the 141803
Revised Code takes effect July 1, 2009. 141804

The repeal of sections 5112.40, 5112.41, 5112.42, 5112.43, 141805
5112.44, 5112.45, 5112.46, 5112.47, and 5112.48 of the Revised 141806
Code takes effect October 1, 2011. 141807

Sections of this act prefixed with section numbers in the 141808

200's, 300's, 400's, 500's, 700's, and 800's, except for Sections	141809
265.60.60, 265.70.20, 265.80.10, 309.40.20, 309.50.30, 313.20,	141810
371.60.20, 399.20, 523.10, 701.20, 745.60, and 751.10 of this	141811
act.	141812
 The amendment of Sections 120.01 and 120.02 of Am. Sub. H.B.	141813
119 of the 127th General Assembly takes effect immediately when	141814
this act becomes law.	141815
 The amendment of Section 153 of Am. Sub. H.B. 117 of the	141816
121st General Assembly.	141817
 Sections 309.30.20, 309.30.30, 309.30.40, 309.30.50,	141818
309.30.60, and 309.30.70 of this act take effect July 1, 2009.	141819
 Section 812.30. The sections that are listed in the	141820
left-hand column of the following table combine amendments by this	141821
act that are and that are not exempt from the referendum under	141822
Ohio Constitution, Article II, Sections 1c and 1d and section	141823
1.471 of the Revised Code.	141824
 The middle column identifies the amendments to the listed	141825
sections that are subject to the referendum under Ohio	141826
Constitution, Article II, Section 1c and therefore take effect on	141827
the ninety-first day after this act is filed with the Secretary of	141828
State or, if a later effective date is specified, on that date.	141829
 The right-hand column identifies the amendments to the listed	141830
sections that are exempt from the referendum because they are or	141831
relate to an appropriation for current expenses within the meaning	141832
of Ohio Constitution, Article II, Section 1d and section 1.471 of	141833
the Revised Code, or define a tax levy within the meaning of Ohio	141834
Constitution, Article II, Section 1d, and therefore take effect	141835
immediately when this act becomes law or, if a later effective	141836
date is specified, on that date.	141837

Section of law	Amendments subject to referendum	Amendments exempt from referendum	141838
121.04	All amendments except those described in the right-hand column	The amendment striking "Water;" the amendment replacing "conservation" with " <u>resources</u> "; and the amendment striking "Real estate and land management;"	141839
127.16	The amendment to divisions (D)(2) and (34)	All other amendments	141840
1521.05	All amendments except those described in the right-hand column	The amendments to division (B)	141841
1521.063	All amendments except those described in the right-hand column	The amendments to divisions (A) and (A)(1) replacing "division of water" with "division of soil and water resources"	141842
3301.07	The amendment that strikes through original division (N)	All amendments except the amendment described in the middle column	141843
3302.031	All amendments except those described in the right-hand column	The amendments to division (A)	141844
3313.6410	Division (A)	Division (B)	141845
3314.03	All amendments except the amendments described in the right-hand column	The amendments to division (A)(8)	141846
3315.37	All amendments except the amendment described in the right-hand column	The amendment to the fourth paragraph that strikes through "3333.27,"	141847
3317.01	The amendments to division (B)	All other amendments	141848
3319.088	The amendments to the second paragraph of division (C)	All other amendments	141849
3734.57	The amendment to division (A) authorizing electronic payment of solid waste disposal fees	All other amendments to division (A)	141850

4117.01	All amendments except those described in the right-hand column	The amendment to division (C)(5), the amendment striking the language from division (C)(15), and the amendments adjusting the division numbering in divisions (C)(16) and (17)	141851
5751.20	All amendments except those described in the right-hand column	The amendments to division (B), effective July 1, 2009	141852

Section 812.50. (A) The amendments by this act to sections 141853
109.57, 109.572, and 3319.291 of the Revised Code are subject to 141854
the referendum. Except as otherwise provided in division (B) of 141855
this section, the amendments take effect on the ninety-first day 141856
after this act is filed with the Secretary of State. 141857

(B) The following amendments take effect January 1, 2010: 141858

(1) The amendment creating division (F)(2)(c) of section 141859
109.57 of the Revised Code and the amendment to division (F)(4) of 141860
that section; 141861

(2) The amendment to division (B)(2) of section 109.572 of 141862
the Revised Code; 141863

(3) All of the amendments to section 3319.291 of the Revised 141864
Code except the amendments to divisions (A)(3) and (4) of that 141865
section. 141866

Section 815.10. The General Assembly, applying the principle 141867
stated in division (B) of section 1.52 of the Revised Code that 141868
amendments are to be harmonized if reasonably capable of 141869
simultaneous operation, finds that the following sections, 141870
presented in this act as composites of the sections as amended by 141871
the acts indicated, are the resulting versions of the sections in 141872
effect prior to the effective date of the sections as presented in 141873
this act: 141874

Section 9.314 of the Revised Code as amended by Am. Sub.	141875
H.B. 106 and Sub. H.B. 204, both of the 125th General Assembly.	141876
Section 109.57 of the Revised Code as amended by both Sub.	141877
H.B. 428 and Sub. S.B. 163 of the 127th General Assembly.	141878
Section 109.572 of the Revised Code as amended by Sub. H.B.	141879
195, Sub. H.B. 545, and Sub. S.B. 247, all of the 127th General	141880
Assembly.	141881
Section 109.77 of the Revised Code as amended by Am. Sub.	141882
H.B. 490, Sub. H.B. 545, and H.B. 675, all of the 124th General	141883
Assembly.	141884
Section 121.37 of the Revised Code as amended by both Sub.	141885
H.B. 289 and Am. Sub. H.B. 530 of the 126th General Assembly.	141886
Section 122.075 of the Revised Code as amended by Sub. H.B.	141887
245 and Sub. H.B. 251, both of the 126th General Assembly.	141888
Section 149.43 of the Revised Code as amended by Am. Sub.	141889
H.B. 214 and Am. Sub. S.B. 248, both of the 127th General	141890
Assembly.	141891
Section 1511.01 of the Revised Code as amended by Am. Sub.	141892
S.B. 73 and Am. Sub. S.B. 182, both of the 120th General Assembly.	141893
Section 1520.02 of the Revised Code as amended by Sub. H.B.	141894
443 and Am. Sub. H.B. 699, both of the 126th General Assembly.	141895
Section 1547.99 of the Revised Code as amended by Am. Sub.	141896
S.B. 17 and Am. Sub. S.B. 271, both of the 127th General	141897
Assembly.	141898
Section 2913.46 of the Revised Code as amended by Am. Sub.	141899
S.B. 107, Am. Sub. S.B. 269, and Am. Sub. S.B. 293, all of the	141900

121st General Assembly.	141901
Section 2921.51 of the Revised Code as amended by Sub. H.B. 259 and Sub. S.B. 281, both of the 126th General Assembly.	141902 141903
Section 2923.16 of the Revised Code as amended by Sub. S.B. 184 and Sub. S.B. 209, both of the 127th General Assembly.	141904 141905
Section 3313.614 of the Revised Code as amended by Am. Sub. H.B. 276 and Am. Sub. S.B. 311, both of the 126th General Assembly.	141906 141907 141908
Section 3313.64 of the Revised Code as amended by Am. Sub. H.B. 119 and Am. Sub. H.B. 214, both of the 127th General Assembly.	141909 141910 141911
Section 3319.291 of the Revised Code as amended by Sub. H.B. 428 and Am. Sub. H.B. 562, both of the 127th General Assembly.	141912 141913
Section 3733.02 of the Revised Code as amended by Am. Sub. H.B. 368 and Sub. S.B. 102, both of the 125th General Assembly.	141914 141915
Section 4301.355 of the Revised Code as amended by Am. Sub. H.B. 562 and Sub. S.B. 150, both of the 127th General Assembly.	141916 141917
Section 4169.02 of the Revised Code as amended by both Am. Sub. S.B. 293 and Sub. H.B. 535 of the 121st General Assembly.	141918 141919
Section 4169.04 of the Revised Code as amended by both Am. Sub. S.B. 293 and Sub. H.B. 535 of the 121st General Assembly.	141920 141921
Section 4303.182 of the Revised Code as amended by Am. Sub. H.B. 562 and Sub. S.B. 150, both of the 127th General Assembly.	141922 141923
Section 4507.03 of the Revised Code as amended by Sub. S.B. 96 of the 120th General Assembly and Sub. H.B. 9 of the 127th General Assembly.	141924 141925 141926

Section 4763.05 of the Revised Code as amended by Am. Sub.	141927
H.B. 699 and Am. Sub. S.B. 223, both of the 126th General	141928
Assembly.	141929
Section 4767.08 of the Revised Code as amended by Am. Sub.	141930
H.B. 138 and Sub. H.B. 531, both of the 123rd General Assembly.	141931
Section 815.20. The amendment of sections 5112.03 and	141932
5112.08 of the Revised Code is not intended to supersede the	141933
earlier repeal, with delayed effective date, of that section.	141934